



**MEETING AGENDA  
PLANNING AND ZONING BOARD CITY  
OF RIVIERA BEACH, FL**

**LOCAL PLANNING AGENCY**

Development Services Department: (561)845-4060, [www.rivierabch.com](http://www.rivierabch.com)

Commencement – 6:30 PM  
Thursday, July 22, 2021

Riviera Beach – Event Center  
190 E 13<sup>th</sup> Street, Riviera Beach, FL 33404

**Due to COVID-19, attendees must adhere to the City of Riviera Beach guidelines.**

*If you wish to speak on any item(s) on this agenda, please complete a public comment card and provide it to Planning and Zoning Staff. Cards must be submitted prior to Board discussion of an item.*

*Thank you.*

**I. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE**

**II. ROLL CALL**

Evelyn Harris Clark,  
Chairperson

Anthony Brown, Board Member

William Wyly, Board Member

Vacancy, Board Member

Moeti Ncube, 1<sup>st</sup> Alternate

Rena Burgess, Vice-Chair

Margaret Shepherd, Board Member

James Gallon, Board Member

Vacant, 2<sup>nd</sup> Alternate

**III. ACKNOWLEDGEMENT OF BOARD MEMBER ABSENCE NOTIFICATION**

**IV. ADDITIONS AND DELETIONS TO THE AGENDA**

**V. DISCLOSURE BY BOARD MEMBERS AND ADOPTION OF THE AGENDA**

**VI. APPROVAL OF MINUTES**

**VII. UNFINISHED BUSINESS**

**VIII. NEW BUSINESS**

- A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31 OF THE CITY'S CODE OF ORDINANCES ENTITLED, "ZONING", ARTICLE 1, "IN GENERAL", SECTION 31-1, "DEFINITIONS", BY AMENDING THE DEFINITION OF "HEIGHT OF BUILDING" TO READ "*HEIGHT OF BUILDING* MEANS THE VERTICAL DISTANCE MEASURED FROM THE MINIMUM REQUIRED FLOOR OR 18 INCHES ABOVE THE CROWN OF THE ROAD TO (A) THE HIGHEST POINT OF A FLAT ROOF; (B) THE DECK LINE OF A MANSARD ROOF; (C) THE AVERAGE HEIGHT BETWEEN EAVES AND RIDGE FOR GABLE, HIP, AND GAMBREL ROOFS; OR (D) THE AVERAGE HEIGHT BETWEEN HIGH AND LOW POINTS FOR A SHED ROOF. PARAPET WALLS INTENDED TO PROVIDE SCREENING FOR ROOFTOP MECHANICALS MAY EXTEND NOT MORE THAN 5 FEET**

**ABOVE THE ALLOWABLE HEIGHT OF A BUILDING.”; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

- B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 25 OF THE CITY’S CODE OF ORDINANCES ENTITLED “FLOODPLAIN MANAGEMENT”, IN ORDER TO SPECIFY ELEVATION OF MANUFACTURED HOMES IN FLOOD HAZARD AREAS; TO PROVIDE CRITERIA FOR ACCESSORY STRUCTURES IN FLOOD HAZARD AREAS; TO REPEAL CHAPTER 25 EXHIBIT A; PROVIDING FOR APPLICABILITY, CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**IX. WORKSHOP ITEMS – None.**

**X. GENERAL DISCUSSION**

- A. PUBLIC COMMENTS
- B. CORRESPONDENCE
- C. PLANNING AND ZONING BOARD COMMENTS
  - A. Upcoming P&Z Board Meetings – August 26, 2021

**XI. ADJOURNMENT**

NOTICE: In accordance with the Americans with Disabilities Act, persons in need of a special accommodation to participate in this proceeding shall, within a reasonable time prior to any proceeding, contact the City of Riviera Beach, 600 West Blue Heron Boulevard, Riviera Beach, Florida 33404, Telephone 561-845-4000 or TDD 561-840-3350, [www.rivierabch.com](http://www.rivierabch.com).

CITY OF RIVIERA BEACH  
PLANNING AND ZONING BOARD

- - -

Thursday, June 24, 2021

Marina Village Event Center  
190 East 13th Street  
Riviera Beach, Florida

6:34 p.m. - 7:53 p.m.

- - -

IN ATTENDANCE:

Evelyn Harris Clark, Chair  
Rena Burgess, Vice Chair  
Anthony Brown, Board Member  
Margaret Shepherd, Board Member  
William Wyly, Board Member  
Moeti Ncube, First Alternate  
Clarence Sirmons, Director, Development Services  
Mary Savage-Dunham, Assistant Director,  
Development Services  
Lina F. Busby, Assistant City Attorney  
Josue Leger, Principal Planner,  
Comprehensive Planning  
Simone Davidson, Planner

<p style="text-align: right;">Page 2</p> <p>1 BE IT REMEMBERED that the following Planning 2 and Zoning Board meeting was had at the Marina Event 3 Center, 190 East 13th Street, Riviera Beach, Florida, 4 on Thursday, June 24, 2021, beginning at 6:34 p.m., 5 with attendees as hereinabove noted, to wit: 6 - - - 7 CHAIR CLARK: All right, welcome to the 8 Planning and Zoning Board meeting of Rivera Beach, 9 Florida. The meeting is going to start at 6:34 p.m., 10 Thursday, June 24, 2021. And at this moment I would 11 like to welcome staff, our Board members, guests and 12 our viewing audience. 13 I would like to share that due to COVID-19, 14 attendees must adhere to the City of Riviera Beach 15 guidelines. 16 Next, if you wish to speak on any item on 17 this agenda, please complete a public comment card and 18 provide it to the Planning and Zoning staff. Cards 19 must be submitted prior to Board discussion of an item. 20 Thank you very much. 21 We're going to have a moment of silence and 22 the Pledge of Allegiance, led by Board Member 23 Ms. Margaret Shepherd. 24 (Moment of silence observed. Pledge of 25 Allegiance recited.)</p>	<p style="text-align: right;">Page 4</p> <p>1 would like to see that public comments are moved up 2 earlier to where they would go after each final 3 presentation versus at the total end, everything is 4 said and finished. So for tonight, let's begin that 5 public comments will commence after each applicant's 6 presentation, if that's fine with the Board. 7 Do we need a vote on that particular change? 8 No? 9 MS. DAVIDSON: No, Madam Chair. 10 CHAIR CLARK: Okay, good, thank you. 11 Item number V, disclosure by Board members 12 and -- disclosure by Board members first. Any? 13 Okay, and adoption of the agenda. May I have 14 a motion to adopt the agenda? 15 VICE CHAIR BURGESS: So moved. 16 MS. SHEPHERD: Second. 17 CHAIR CLARK: Thank you. 18 Okay, item number V, we've all received the 19 minutes -- 20 MS. DAVIDSON: Madam Chair. 21 CHAIR CLARK: Yes. 22 MS. DAVIDSON: Can we have a vote for the 23 adoption of the agenda? 24 CHAIR CLARK: Oh, sure. I'm sorry. Let's 25 have a vote.</p>
<p style="text-align: right;">Page 3</p> <p>1 CHAIR CLARK: Item number II on the agenda, 2 we're going to have roll call. Madam Clerk, if you 3 could give us a roll call of attendance. 4 MS. DAVIDSON: Anthony Brown. 5 MR. BROWN: Present. 6 MS. DAVIDSON: William Wyly. 7 MR. WYLY: Present. 8 MS. DAVIDSON: Margaret Shepherd. 9 MS. SHEPHERD: Here. 10 MS. DAVIDSON: James Gallon. 11 (No response.) 12 MS. DAVIDSON: Moeti Ncube. 13 MR. NCUBE: Present. 14 MS. DAVIDSON: Rena Burgess. 15 VICE CHAIR BURGESS: Present. 16 MS. DAVIDSON: Evelyn Harris Clark. 17 CHAIR CLARK: Present. 18 MS. DAVIDSON: Madam Chair, you have a 19 quorum, with the alternate, Mr. Ncube, having voting 20 rights. 21 CHAIR CLARK: Thank you very much. 22 Acknowledgment of Board -- that's Board 23 Member James Gallon. 24 Okay, item number IV, additions and deletions 25 to the agenda. I do have a change to the agenda. I</p>	<p style="text-align: right;">Page 5</p> <p>1 MS. DAVIDSON: Anthony Brown. 2 MR. BROWN: Yes. 3 MS. DAVIDSON: William Wyly. 4 MR. WYLY: Yes. 5 MS. DAVIDSON: Moeti Ncube. 6 MR. NCUBE: Present. Yes. 7 MS. DAVIDSON: Rena Burgess. 8 VICE CHAIR BURGESS: Yes. 9 MS. DAVIDSON: Evelyn Harris Clark. 10 CHAIR CLARK: Yes. 11 MS. DAVIDSON: Unanimous vote. 12 CHAIR CLARK: Thank you. 13 MS. SHEPHERD: You didn't call my name. 14 MS. DAVIDSON: I'm sorry. Margaret Shepherd. 15 My apologies, Ms. Shepherd. 16 MS. SHEPHERD: No problem. What is it, yes? 17 MR. WYLY: Yes. 18 MS. SHEPHERD: Okay. 19 CHAIR CLARK: Okay, thank you. 20 All right, we've received approval of the 21 minutes. If anyone did not receive the minutes, you 22 can share that information with the staff. And if we 23 all have received minutes, let's have a motion to 24 approve minutes that were presented at the last P &amp; Z 25 meeting.</p>

<p>Page 6</p> <p>1 VICE CHAIR BURGESS: So moved.</p> <p>2 MS. SHEPHERD: Second.</p> <p>3 CHAIR CLARK: Thank you. May we have a vote,</p> <p>4 please?</p> <p>5 MS. DAVIDSON: Anthony Brown.</p> <p>6 MR. BROWN: Yes.</p> <p>7 MS. DAVIDSON: William Wyly.</p> <p>8 MR. WYLY: Yes.</p> <p>9 MS. DAVIDSON: Moeti Ncube.</p> <p>10 MR. NCUBE: Yes.</p> <p>11 MS. DAVIDSON: Margaret Shepherd.</p> <p>12 MS. SHEPHERD: Yes.</p> <p>13 MS. DAVIDSON: Rena Burgess.</p> <p>14 VICE CHAIR BURGESS: Yes.</p> <p>15 MS. DAVIDSON: Evelyn Harris Clark.</p> <p>16 CHAIR CLARK: Yes.</p> <p>17 MS. DAVIDSON: Unanimous vote.</p> <p>18 CHAIR CLARK: Okay. Now item number VII for</p> <p>19 staff. Is there any unfinished business?</p> <p>20 ASSISTANT DIRECTOR SAVAGE-DUNHAM: No, ma'am.</p> <p>21 CHAIR CLARK: Okay. All right, so we're</p> <p>22 going to go into item number VIII, new business. Let</p> <p>23 me give the order of the meeting tonight. The order is</p> <p>24 business presentation by the staff, by the applicant,</p> <p>25 public comments if there are -- I'm sorry.</p>	<p>Page 8</p> <p>1 for the real property located at 200 West Blue Heron</p> <p>2 Boulevard, northwest of and adjacent to the</p> <p>3 intersection of West Blue Heron Boulevard and Avenue F,</p> <p>4 identified by parcel control number</p> <p>5 56-43-42-28-04-006-0220, having a downtown mixed use</p> <p>6 future land use designation and a downtown general, DG,</p> <p>7 zoning designation, providing for conditions of</p> <p>8 approval, and providing for an effective date.</p> <p>9 And Madam Chair, I'm going to turn the podium</p> <p>10 over to Mr. Leger to present the application.</p> <p>11 MR. LEGER: Good evening, Madam Chair; good</p> <p>12 evening, Board. Josue Leger, Development Services.</p> <p>13 This application before you is to replat the</p> <p>14 property. You may be familiar with property that was</p> <p>15 the Blue Lagoon project site plan that the Board</p> <p>16 recommended approval to the City Council, which was</p> <p>17 approved by City Council. Staff did have conditions of</p> <p>18 approval within that application for the applicant to</p> <p>19 replat the property.</p> <p>20 Just to refresh your memory, the area shows</p> <p>21 the location of the property. It's at the northwest</p> <p>22 corner of Blue Heron Boulevard and Avenue F. The</p> <p>23 existing lots, as mentioned earlier, currently is three</p> <p>24 contiguous lots, lot 22, 23 and 24, and the applicant</p> <p>25 is proposing to replat it into one single lot in order</p>
<p>Page 7</p> <p>1 Presentation, Board members' discussion, public</p> <p>2 comments if there are any. And we will have questions</p> <p>3 by Board members.</p> <p>4 We're going to start first with Mr. Brown,</p> <p>5 then we'll move straight on down the line. And after</p> <p>6 everyone has had an opportunity to answer their</p> <p>7 question -- or give their questions and get their</p> <p>8 answers, if there's any further discussion needed after</p> <p>9 that, respectfully, please, Board members, just let me</p> <p>10 recognize you. My head is on a swivel so I can see</p> <p>11 when someone has a question, and sometimes one or two</p> <p>12 people, three people have a question at the same time,</p> <p>13 so give me a chance to recognize you and let everyone</p> <p>14 jump right on in, okay.</p> <p>15 So we're going to turn the first phase of our</p> <p>16 meeting over to Ms. Savage, and the microphone is</p> <p>17 yours.</p> <p>18 ASSISTANT DIRECTOR SAVAGE-DUNHAM: Thank you,</p> <p>19 ma'am. For the record, Mary Savage-Dunham.</p> <p>20 The first item of new business is a</p> <p>21 resolution of the City Council of the City of Riviera</p> <p>22 Beach, Palm Beach County, Florida, approving plat</p> <p>23 application PA-20-02 from Blue Lagoon Plaza, LLC to</p> <p>24 combine three contiguous lots of record into one lot,</p> <p>25 totaling approximately a .41 acre parcel in land area,</p>	<p>Page 9</p> <p>1 for the site plan that they got approved to take place.</p> <p>2 This is the first page of the proposed plat.</p> <p>3 We have to have it on the record for the meeting.</p> <p>4 And this is the second page, which shows the</p> <p>5 combined three lots into one single lot,</p> <p>6 approximately -- it's going to be .4 acre.</p> <p>7 Staff does recommend approval of the plat</p> <p>8 application PA-20-02 from Blue Lagoon Plaza, LLC, to</p> <p>9 combine three contiguous lots of record into one lot,</p> <p>10 totaling approximately .41 acre parcel and land area.</p> <p>11 This concludes my presentation. If the Board</p> <p>12 has any questions, I'm available to answer, or I can</p> <p>13 turn it over to the applicant for their input.</p> <p>14 CHAIR CLARK: Okay, so I am going to open the</p> <p>15 discussion up amongst the Board members, and we are</p> <p>16 going to start with Board Member Brown first and move</p> <p>17 straight on down the line.</p> <p>18 MR. BROWN: No questions, Madam Chair.</p> <p>19 VICE CHAIR BURGESS: No comments as well,</p> <p>20 Madam Chair.</p> <p>21 CHAIR CLARK: And just one short question.</p> <p>22 Who was the property owner before?</p> <p>23 MR. LEGER: I do have the applicant here.</p> <p>24 The CRA owns the property, and I believe that would be</p> <p>25 turned over to the tenant, to the potential tenant.</p>

<p>Page 10</p> <p>1 CHAIR CLARK: Sure. Could you discuss that</p> <p>2 just for the audience who wouldn't know that the CRA</p> <p>3 had the property. The property was not a part of the</p> <p>4 first approval process. We just approved the plaza and</p> <p>5 the build-out, and that was approved by City Council.</p> <p>6 And now we're consolidating three plats into one. But</p> <p>7 at the time, I don't think, at least I didn't know that</p> <p>8 it was property to the -- with the CRA, I believe. So</p> <p>9 could you just go into a little bit of detail?</p> <p>10 MR. LEGER: The CRA owns the property. Our</p> <p>11 division doesn't have much detail as it relates to the</p> <p>12 real estate transaction that's taken place. We do have</p> <p>13 the applicant here, who can actually go into the</p> <p>14 details of that transaction for the Board.</p> <p>15 CHAIR CLARK: Okay, thank you.</p> <p>16 Let's welcome the applicant.</p> <p>17 MR. SKYERS: Good afternoon, Board members.</p> <p>18 I'm Paul Skyers, 2001 Broadway, Suite 210, Rivera</p> <p>19 Beach, Florida.</p> <p>20 I am the representative for Blue Lagoon</p> <p>21 Plaza, which is a project that's going to be building a</p> <p>22 three bay plaza on this location that the three lots</p> <p>23 are being unified on. That project is projected to</p> <p>24 start somewhere towards the end of this year, hopefully</p> <p>25 earlier, all depending on construction prices.</p>	<p>Page 12</p> <p>1 The original idea of what we want to do with that plot,</p> <p>2 is that still in play? Same situation, same --</p> <p>3 MR. SKYERS: Right, the site plan that you</p> <p>4 approved, yes, that's still the plan.</p> <p>5 MR. WYLY: The same. So all you're doing now</p> <p>6 with the property, making sure the property is, like he</p> <p>7 said, is accessible to you to be able to do it the</p> <p>8 right way --</p> <p>9 MR. SKYERS: Correct.</p> <p>10 MR. WYLY: -- and then we're going to do</p> <p>11 everything as normal?</p> <p>12 MR. SKYERS: Yes. We have one challenge, in</p> <p>13 that construction prices have shot up since you</p> <p>14 approved it.</p> <p>15 MR. WYLY: Right.</p> <p>16 MR. SKYERS: So we're working through some</p> <p>17 dynamics to bridge that gap. We're in discussions with</p> <p>18 the CRA and also with the City with regards to that.</p> <p>19 MR. WYLY: Okay, thank you.</p> <p>20 CHAIR CLARK: Ms. Shepherd.</p> <p>21 MS. SHEPHERD: Welcome back, Mr. Skyers.</p> <p>22 MR. SKYERS: Hi, Ms. Shepherd. How you</p> <p>23 doing?</p> <p>24 MS. SHEPHERD: I'm glad to see you.</p> <p>25 MR. SKYERS: So wonderful.</p>
<p>Page 11</p> <p>1 This is an essential component of getting</p> <p>2 that site ready. If we don't unify the three lots that</p> <p>3 are on that parcel, ultimately the City will have</p> <p>4 problems with determining if there are any clouds on</p> <p>5 the title and any subsequent issues that may evolve</p> <p>6 from that. So with your blessing, we would appreciate</p> <p>7 your approval to unify the three lots that are on that</p> <p>8 parcel.</p> <p>9 CHAIR CLARK: And then after the</p> <p>10 consolidation, for example, of the three parcels, is</p> <p>11 there a process of acquisition or --</p> <p>12 MR. SKYERS: Subsequent to the unification of</p> <p>13 the three lots, yes, there's going to be an acquisition</p> <p>14 arrangement. That's already been agreed to, you know,</p> <p>15 upon with the CRA for the acquisition of that lot.</p> <p>16 CHAIR CLARK: Okay. All right, those are my</p> <p>17 questions. Let me go straight down the line.</p> <p>18 MR. WYLY: How you doing, sir, and thank you.</p> <p>19 I wanted to ask once if this is completed,</p> <p>20 the same thing we agreed on as a Board, as we talked to</p> <p>21 what was going to be there, is that still in the</p> <p>22 process? I'm sorry, I got a tooth pulled this morning,</p> <p>23 so I'm trying to --</p> <p>24 MR. SKYERS: That's okay.</p> <p>25 MR. WYLY: -- talk as best as I possibly can.</p>	<p>Page 13</p> <p>1 MS. SHEPHERD: I've been waiting for that</p> <p>2 plot to start being built. I think that's Tony's Subs.</p> <p>3 MR. SKYERS: That's correct. They'll be the</p> <p>4 anchor.</p> <p>5 MS. SHEPHERD: That's Tony's Subs, okay,</p> <p>6 okay.</p> <p>7 MR. SKYERS: Yes, ma'am.</p> <p>8 MS. SHEPHERD: I've been waiting for that</p> <p>9 spot to start opening up. Every day I pass back and</p> <p>10 forth wondering when the project will be moving</p> <p>11 forward. So I'm very happy that you're here again --</p> <p>12 MR. SKYERS: Thank you.</p> <p>13 MS. SHEPHERD: -- pleading your case before</p> <p>14 Planning and Zoning and then going on to Council. Yes,</p> <p>15 I think it's going to be lovely. I do, I do, I do.</p> <p>16 MR. SKYERS: We're getting a lot of</p> <p>17 encouragement.</p> <p>18 MS. SHEPHERD: Yes, it's going to look good.</p> <p>19 Especially you've got Tony, I know it's going to be</p> <p>20 great. So once again, welcome back to the --</p> <p>21 MR. SKYERS: Thank you.</p> <p>22 MS. SHEPHERD: -- well, to the Planning and</p> <p>23 Zoning to start the project over again. Thank you,</p> <p>24 sir.</p> <p>25 MR. SKYERS: Thank you.</p>

<p>Page 14</p> <p>1 CHAIR CLARK: Mr. Ncube.</p> <p>2 MR. NCUBE: No comment.</p> <p>3 MR. SKYERS: Thank you, sir.</p> <p>4 CHAIR CLARK: All right.</p> <p>5 MR. SKYERS: Appreciate it. Thank you so</p> <p>6 much.</p> <p>7 CHAIR CLARK: You're welcome. Thank you,</p> <p>8 Mr. Skyers.</p> <p>9 At this point I would ask for a motion to</p> <p>10 accept the consolidation of the plats into one. So I'm</p> <p>11 asking for a motion, so would someone state the motion</p> <p>12 and a second.</p> <p>13 MR. WYLY: I'd like to make a motion to</p> <p>14 consolidate the plats into one for consolidation.</p> <p>15 MR. BROWN: Second.</p> <p>16 MS. SHEPHERD: Second.</p> <p>17 MS. DAVIDSON: I'm sorry, was that second</p> <p>18 Mr. Brown or Ms. Shepherd?</p> <p>19 MS. SHEPHERD: Mr. Brown.</p> <p>20 MS. DAVIDSON: I think it was Mr. Brown</p> <p>21 first. Okay, thank you.</p> <p>22 MS. SHEPHERD: I didn't hear him. I'm sorry.</p> <p>23 MS. DAVIDSON: Anthony Brown.</p> <p>24 MR. BROWN: Yes.</p> <p>25 MS. DAVIDSON: William Wyly.</p>	<p>Page 16</p> <p>1 Capital &amp; Development, Incorporated to subdivide an</p> <p>2 existing lot of record, approximately .81 acre vacant</p> <p>3 land area, into six contiguous lots for the real</p> <p>4 property located at the northwest corner of West 26th</p> <p>5 Court and R.J. Hendley Avenue, identified by parcel</p> <p>6 control number 56-43-42-29-01-000-0552, providing for</p> <p>7 conditions of approval, and providing for an effective</p> <p>8 date.</p> <p>9 And I will once again turn over the podium to</p> <p>10 Mr. Leger.</p> <p>11 MR. LEGER: Thank you.</p> <p>12 This is also a plat application from Elite</p> <p>13 Capital &amp; Development, Inc. proposing to subdivide one</p> <p>14 currently existing lot into six contiguous lots. And</p> <p>15 we'll go into a little bit more details for the reason</p> <p>16 why they're replatting the property currently later in</p> <p>17 the presentation.</p> <p>18 Just for reference, this area identifies the</p> <p>19 location of the property. For those of you who are</p> <p>20 familiar with the city, this is Atkins Day Care, just a</p> <p>21 point of reference. It's immediately south of Atkins</p> <p>22 Day Care. It's located, as mentioned earlier, between</p> <p>23 West 26th Court and R.J. Hendley Avenue. Currently the</p> <p>24 property has a land use designation of multifamily</p> <p>25 residential MF-15, and a zoning designation of</p>
<p>Page 15</p> <p>1 MR. WYLY: Yes.</p> <p>2 MS. DAVIDSON: Moeti Ncube.</p> <p>3 MR. NCUBE: Yes.</p> <p>4 MS. DAVIDSON: Margaret Shepherd.</p> <p>5 MS. SHEPHERD: Yes.</p> <p>6 MS. DAVIDSON: Rena Burgess.</p> <p>7 VICE CHAIR BURGESS: Yes.</p> <p>8 MS. DAVIDSON: Evelyn Harris Clark.</p> <p>9 CHAIR CLARK: Yes.</p> <p>10 MS. DAVIDSON: Unanimous vote.</p> <p>11 CHAIR CLARK: And just for the record, I</p> <p>12 think I should have asked for public comments on that,</p> <p>13 but I don't think we have any.</p> <p>14 MS. DAVIDSON: None, Madam Chair.</p> <p>15 CHAIR CLARK: Okay, all right. Let me not</p> <p>16 miss that with the second applicant, that before we</p> <p>17 vote, I want to make sure that there are or are not</p> <p>18 public comments. Just a short reminder for me.</p> <p>19 All right, item (b). Agenda point VIII, item</p> <p>20 (b).</p> <p>21 ASSISTANT DIRECTOR SAVAGE-DUNHAM: Yes,</p> <p>22 ma'am, thank you.</p> <p>23 This item is a resolution of the City Council</p> <p>24 of the City of Riviera Beach, Palm Beach County,</p> <p>25 Florida, approving plat application PA-20-05 from Elite</p>	<p>Page 17</p> <p>1 multifamily dwelling district, RM-15 zoning district.</p> <p>2 This is the existing conditions of the lot.</p> <p>3 This is the survey identified as one single</p> <p>4 lot, approximately .81 acre.</p> <p>5 This is the first page of the plat, for the</p> <p>6 record. And the applicant is proposing to subdivide</p> <p>7 the property into six different lots of record.</p> <p>8 And the applicant can go into further details</p> <p>9 as it relates to the proposed plans they have for the</p> <p>10 lots. But staff does have site plan applications that</p> <p>11 we're currently reviewing, and that application,</p> <p>12 they're proposing multifamily residential, specifically</p> <p>13 duplexes. And that application will be coming in front</p> <p>14 of you for approval, but currently it's within the</p> <p>15 review stage. Staff is currently reviewing that</p> <p>16 application.</p> <p>17 Staff do recommend approval of this</p> <p>18 application, PA-20-05, from Elite Capital &amp;</p> <p>19 Development, Inc. to subdivide an existing lot of</p> <p>20 record, approximately .81 acre vacant land area, into</p> <p>21 six contiguous lots.</p> <p>22 This concludes my presentation. If you have</p> <p>23 any questions, I'm here to answer or we can turn it</p> <p>24 over to the applicant for their presentation.</p> <p>25 CHAIR CLARK: Okay. Thank you, Mr. Leger.</p>

<p>Page 18</p> <p>1 Let's have the applicant come forward if they</p> <p>2 have a presentation.</p> <p>3 Welcome, and if you can state your name and</p> <p>4 the name of your company.</p> <p>5 MR. O'GORMAN: Yes, ma'am. Good evening. My</p> <p>6 name's Corey O'Gorman, PLACE Planning &amp; Design, 700</p> <p>7 U.S. Highway 1, North Palm Beach. I'm here on behalf</p> <p>8 of the applicant, Elite Capital &amp; Development.</p> <p>9 Also here with me this evening is Philippe</p> <p>10 Boucher, the owner of Elite Capital &amp; Development.</p> <p>11 We appreciate the staff's presentation. It</p> <p>12 was a thorough presentation touching on all of the</p> <p>13 relevant points for the plat approval. And as was</p> <p>14 mentioned and is in the staff report, the project is</p> <p>15 currently being considered in site plan review, and</p> <p>16 once the site plan review is concluded, that will come</p> <p>17 before you as well for consideration. And of course,</p> <p>18 the plat review enables the site plan to continue</p> <p>19 through processing and come before you for</p> <p>20 consideration at a future date.</p> <p>21 We appreciate your consideration this evening</p> <p>22 and are just here to answer any questions that we can.</p> <p>23 CHAIR CLARK: Okay, great. May we have the</p> <p>24 owner of the firm just stand up and introduce himself</p> <p>25 as well?</p>	<p>Page 20</p> <p>1 sure that we have a visual. As each of us ask</p> <p>2 questions, I think it would be helpful. Okay, thank</p> <p>3 you.</p> <p>4 MR. BROWN: On the first page of the plat,</p> <p>5 Mr. Bailey's name, the engineer's name is incorrectly</p> <p>6 spelled. It's got Terrance Bailey on my sheet. And</p> <p>7 also on the signature section, the "C" section.</p> <p>8 ASSISTANT DIRECTOR SAVAGE-DUNHAM: Did you</p> <p>9 want to see the plat up there?</p> <p>10 MR. BOUCHER: Sure.</p> <p>11 ASSISTANT DIRECTOR SAVAGE-DUNHAM: Is that</p> <p>12 what you're asking for?</p> <p>13 MR. BOUCHER: Yes, I think there were</p> <p>14 revisions made to the plat, sir, so that might not be</p> <p>15 the latest version, to be honest with you.</p> <p>16 MR. BROWN: Yes, his name is spelled</p> <p>17 incorrectly, so I just want to make sure it doesn't --</p> <p>18 MR. LEGER: So our peer review, they made</p> <p>19 comments, and I do believe we do have the latest</p> <p>20 version. There were some comments that will carry over</p> <p>21 that they must be done prior to the plat being approved</p> <p>22 in terms of sealed, all the City sealed and the County</p> <p>23 sealed. So they do have those comments that's moving</p> <p>24 along with it, so that will address -- and Mr. Bailey</p> <p>25 was one of our reviewers --</p>
<p>Page 19</p> <p>1 MR. BOUCHER: Good evening. My name is</p> <p>2 Philippe Boucher. I'm the owner of Elite Capital &amp;</p> <p>3 Development. I appreciate the opportunity tonight to</p> <p>4 present. And if you guys have any questions about our</p> <p>5 project or what we plan on doing there, be happy to</p> <p>6 share with you folks.</p> <p>7 CHAIR CLARK: Sure. Would you mind sharing</p> <p>8 the podium with your representative so you can tag</p> <p>9 team?</p> <p>10 MR. BOUCHER: Absolutely.</p> <p>11 MR. O'GORMAN: I beg your pardon? I'm sorry?</p> <p>12 MR. BOUCHER: Share the podium.</p> <p>13 MR. O'GORMAN: Oh, yes.</p> <p>14 CHAIR CLARK: All right, so we're going to</p> <p>15 open up your presentation with questions from our</p> <p>16 Board, starting with Mr. Brown.</p> <p>17 MR. BROWN: Good evening. I have one</p> <p>18 question. I'm sure you probably can answer it or</p> <p>19 comment anyway. On the plats I notice --</p> <p>20 CHAIR CLARK: One moment, Mr. Brown.</p> <p>21 May we have the picture of the land up so</p> <p>22 that if each of us is speaking, there's a reference</p> <p>23 point? Yes, if we could have a picture of that plat</p> <p>24 up.</p> <p>25 Thank you, Mr. Brown. I just want to make</p>	<p>Page 21</p> <p>1 MR. BROWN: So I'm sure he --</p> <p>2 MR. LEGER: Correct.</p> <p>3 MR. BROWN: I think that was it for me.</p> <p>4 Thank you.</p> <p>5 VICE CHAIR BURGESS: Can you go back to the</p> <p>6 visual? I'd like to know how many duplex buildings do</p> <p>7 you plan to build on that space.</p> <p>8 MR. BOUCHER: Sure. So basically each lot</p> <p>9 will have a duplex. There will be six duplexes that</p> <p>10 we're going to be building.</p> <p>11 VICE CHAIR BURGESS: And that's right behind</p> <p>12 the day care?</p> <p>13 MS. SHEPHERD: Can you talk into the</p> <p>14 microphone?</p> <p>15 MR. BOUCHER: Sure, sure. Sorry about that.</p> <p>16 Yes, so each lot will have a duplex on it, so</p> <p>17 six duplexes. And what we plan on doing -- and by the</p> <p>18 way, just south of where it says 26th Court on the map,</p> <p>19 there's also a duplex that was recently built.</p> <p>20 We specialize in affordable housing in the</p> <p>21 West Palm Beach area. We're a small builder. So what</p> <p>22 we would like to do on this parcel is sell a duplex to</p> <p>23 an owner/occupant where they can rent the other side.</p> <p>24 So that way, they will live on one side and then they</p> <p>25 can rent the other side, and that helps them to cover</p>



<p>1 the mortgage. So that's kind of what we plan on doing</p> <p>2 with those dwellings there.</p> <p>3 VICE CHAIR BURGESS: And you purchased this</p> <p>4 property in January of 2020?</p> <p>5 MR. BOUCHER: Correct.</p> <p>6 VICE CHAIR BURGESS: That's all my questions</p> <p>7 for now.</p> <p>8 CHAIR CLARK: Okay.</p> <p>9 VICE CHAIR BURGESS: Oh, one more question,</p> <p>10 I'm sorry. Did you say you also built the two story, I</p> <p>11 believe, duplex that bumps up against that next area,</p> <p>12 the one you were just talking about as well?</p> <p>13 MR. BOUCHER: No. On the corner of --</p> <p>14 VICE CHAIR BURGESS: S Avenue.</p> <p>15 MR. BOUCHER: No, I did not; we did not build</p> <p>16 that, no. No, that was a triplex. A nice dwelling, by</p> <p>17 the way though.</p> <p>18 VICE CHAIR BURGESS: Okay.</p> <p>19 MR. BOUCHER: That was not us. We're a</p> <p>20 different group.</p> <p>21 VICE CHAIR BURGESS: Okay. I just think it's</p> <p>22 really close to the day care. But those are my</p> <p>23 comments, Madam Chair.</p> <p>24 CHAIR CLARK: Okay, thank you.</p> <p>25 You did say that you are building these</p>	<p>Page 22</p> <p>1 CHAIR CLARK: So your goal is not to be a</p> <p>2 landlord?</p> <p>3 MR. BOUCHER: If we have to, we will. But we</p> <p>4 would like to market them to owner/occupants.</p> <p>5 CHAIR CLARK: Okay.</p> <p>6 MR. BOUCHER: Yes.</p> <p>7 CHAIR CLARK: Then in that view, if you are a</p> <p>8 landlord, I get that. Not single family homes. There</p> <p>9 isn't a backyard. The setback from the front is, you</p> <p>10 know, very short. Hopefully you're going to have some</p> <p>11 pavers there.</p> <p>12 MR. BOUCHER: Absolutely.</p> <p>13 CHAIR CLARK: And I understand a certain</p> <p>14 amount of greenery. You have in that neighborhood a</p> <p>15 lot of multilevel units around you. It's a very nice</p> <p>16 street. The day care is just lovely. They've done a</p> <p>17 very good job. They have a fence that is dividing your</p> <p>18 property and their property, and right now that fence</p> <p>19 is very low.</p> <p>20 Your units are going to be two levels. Is</p> <p>21 that correct?</p> <p>22 MR. BOUCHER: No. They will be side by side.</p> <p>23 CHAIR CLARK: So side by side --</p> <p>24 MR. BOUCHER: Single stories.</p> <p>25 CHAIR CLARK: But not two stories?</p>
<p>1 duplexes with the anticipation that someone will come,</p> <p>2 buy both sides of it, with the ability to rent each</p> <p>3 side out, or are you having it open where two different</p> <p>4 people can buy either side?</p> <p>5 MR. BOUCHER: No, it will be one owner for a</p> <p>6 duplex lot. And in a perfect world they will live in</p> <p>7 one half and rent out the other half so that they can</p> <p>8 cover the mortgage with the rent and live for a lower</p> <p>9 cost.</p> <p>10 CHAIR CLARK: So it's not your intent to be a</p> <p>11 landlord?</p> <p>12 MR. BOUCHER: I mean we would like to have</p> <p>13 the people own them and self-suffice them with living</p> <p>14 on one side and renting the other. That would be our</p> <p>15 ultimate goal.</p> <p>16 CHAIR CLARK: I mean your ultimate goal, but</p> <p>17 I really want to get at the intent. Is it to sell it,</p> <p>18 each building, so someone can live in it and they can</p> <p>19 rent it out if they like, or are you going to be a</p> <p>20 landlord of all six? I'm trying to understand what --</p> <p>21 how are you pushing yourself? What is your intent?</p> <p>22 You're either going to be a landlord or you're going to</p> <p>23 sell.</p> <p>24 MR. BOUCHER: No, we want to sell them to</p> <p>25 owner/occupants. This is our wish.</p>	<p>Page 23</p> <p>1 MR. BOUCHER: No. Single story.</p> <p>2 CHAIR CLARK: So it's not going to have a</p> <p>3 situation where someone on the second level is peering</p> <p>4 down on the children and the --</p> <p>5 MR. BOUCHER: Absolutely not. That's a</p> <p>6 single story. They will be single story dwellings,</p> <p>7 yes.</p> <p>8 CHAIR CLARK: Okay. Now, because the fence</p> <p>9 there is just a metal fence, it's not totally secure, I</p> <p>10 would suggest that when you get to the point of</p> <p>11 building, that there is a good soundproof barrier and a</p> <p>12 security barrier to protect the children. I think that</p> <p>13 would be a big concern of the parents, because sure</p> <p>14 enough, you could have people who rent or people who</p> <p>15 own, but the day care wouldn't know who their guests</p> <p>16 are. And we just don't want any sort of irregularity</p> <p>17 to happen because the barrier that separates your land</p> <p>18 and their land is just a small fence. So I would like</p> <p>19 for you to take that into consideration.</p> <p>20 MR. BOUCHER: Absolutely.</p> <p>21 CHAIR CLARK: Also too, at the far end here</p> <p>22 is the children's --</p> <p>23 VICE CHAIR BURGESS: Playground.</p> <p>24 CHAIR CLARK: -- playground right there. Can</p> <p>25 you describe what's going to be in front of the</p>
	<p>Page 24</p> <p>1 MR. BOUCHER: No. Single story.</p> <p>2 CHAIR CLARK: So it's not going to have a</p> <p>3 situation where someone on the second level is peering</p> <p>4 down on the children and the --</p> <p>5 MR. BOUCHER: Absolutely not. That's a</p> <p>6 single story. They will be single story dwellings,</p> <p>7 yes.</p> <p>8 CHAIR CLARK: Okay. Now, because the fence</p> <p>9 there is just a metal fence, it's not totally secure, I</p> <p>10 would suggest that when you get to the point of</p> <p>11 building, that there is a good soundproof barrier and a</p> <p>12 security barrier to protect the children. I think that</p> <p>13 would be a big concern of the parents, because sure</p> <p>14 enough, you could have people who rent or people who</p> <p>15 own, but the day care wouldn't know who their guests</p> <p>16 are. And we just don't want any sort of irregularity</p> <p>17 to happen because the barrier that separates your land</p> <p>18 and their land is just a small fence. So I would like</p> <p>19 for you to take that into consideration.</p> <p>20 MR. BOUCHER: Absolutely.</p> <p>21 CHAIR CLARK: Also too, at the far end here</p> <p>22 is the children's --</p> <p>23 VICE CHAIR BURGESS: Playground.</p> <p>24 CHAIR CLARK: -- playground right there. Can</p> <p>25 you describe what's going to be in front of the</p>

<p style="text-align: right;">Page 26</p> <p>1 children's playground as your building is concerned?</p> <p>2 MR. LEGER: The most eastern portion along</p> <p>3 R.J. Hendley.</p> <p>4 MR. BOUCHER: Right, I mean --</p> <p>5 CHAIR CLARK: There's the children's</p> <p>6 playground with the blue right there.</p> <p>7 MR. BOUCHER: Right.</p> <p>8 CHAIR CLARK: What's going to be in front of</p> <p>9 their playground?</p> <p>10 MR. O'GORMAN: Yes, ma'am, it would be the</p> <p>11 rear yard --</p> <p>12 CHAIR CLARK: Use the mic so --</p> <p>13 MR. O'GORMAN: I'm sorry. Yes, ma'am, it</p> <p>14 would be the rear yard of one of the duplex units.</p> <p>15 CHAIR CLARK: So there's going to be a</p> <p>16 physical building in the front of the children's</p> <p>17 playground?</p> <p>18 MR. O'GORMAN: Yes, ma'am.</p> <p>19 CHAIR CLARK: So that goes back to my point</p> <p>20 about security. But most importantly, let me ask:</p> <p>21 Have you had any discussions with the day care owner</p> <p>22 and what kind of approval have they given you?</p> <p>23 MR. BOUCHER: I mean they know who we are.</p> <p>24 We introduced ourselves to them. But I think one of</p> <p>25 our staff members, Erica, she went and spoke with</p>	<p style="text-align: right;">Page 28</p> <p>1 Because it's so close to this day care, what sort of</p> <p>2 fire precautions or approval is in place because of the</p> <p>3 separation between the day care and the townhomes</p> <p>4 eventually is extremely narrow?</p> <p>5 ASSISTANT DIRECTOR SAVAGE-DUNHAM: Madam</p> <p>6 Chair, I know that it looks like the buildings will be</p> <p>7 right on top of the day care, but it's not as close as</p> <p>8 it does appear.</p> <p>9 Do you have a measurement between the back</p> <p>10 face of your building and the day care? It's at least</p> <p>11 20 feet.</p> <p>12 MR. BOUCHER: (Inaudible.)</p> <p>13 CHAIR CLARK: I mean I physically,</p> <p>14 Ms. Savage, walked it, and either the townhouses are</p> <p>15 going to be very small, because they want to at least</p> <p>16 give a good, decent footage in the front and have some</p> <p>17 sort of footage in the back, but it's hard to visualize</p> <p>18 because we're not, I guess, at that point.</p> <p>19 So this is a general question. Either it is</p> <p>20 something for consideration for when they come back and</p> <p>21 have an explanation for us, because again, it's a</p> <p>22 narrow plat, and both of these, the buildings will be</p> <p>23 on top of the day care. And what happens if a fire</p> <p>24 breaks out? That's just --</p> <p>25 ASSISTANT DIRECTOR SAVAGE-DUNHAM: Yes,</p>
<p style="text-align: right;">Page 27</p> <p>1 Mr. Atkins, and they're aware that we plan on</p> <p>2 developing the parcel, so --</p> <p>3 CHAIR CLARK: I'd like to get a sign-off on</p> <p>4 them. I want them to clearly understand what is going</p> <p>5 up, how short the backyard is of the townhomes, that</p> <p>6 there is going to be a physical building in front of</p> <p>7 their only space on the day care.</p> <p>8 And I'd like to get written consensus brought</p> <p>9 back to this Board, because you're not at the point of</p> <p>10 presenting the actual project and getting it approved,</p> <p>11 this is just a plat right now. So I'm just giving you</p> <p>12 a heads-up for this Board to get sign-off of your</p> <p>13 neighbor.</p> <p>14 MR. BOUCHER: Okay.</p> <p>15 CHAIR CLARK: And because I would anticipate</p> <p>16 if there's a concern, your neighbor would come here and</p> <p>17 express it, do yourself a favor and kind of iron it out</p> <p>18 before you get here and have it written for staff.</p> <p>19 MR. BOUCHER: Okay, that's no problem.</p> <p>20 CHAIR CLARK: All right. Let's see, I do</p> <p>21 have another question. My next question is, again, the</p> <p>22 property is narrow, there isn't a big front. There</p> <p>23 certainly isn't anything in the back in terms of a</p> <p>24 backyard. And maybe staff can jump in on this too.</p> <p>25 What happens if a fire breaks out at one of the units?</p>	<p style="text-align: right;">Page 29</p> <p>1 ma'am, that's a very good question. And I do</p> <p>2 appreciate it. I do want to remind the Board that what</p> <p>3 is in front of you tonight is the subdivision of the</p> <p>4 property.</p> <p>5 The site plan will be in front of you soon,</p> <p>6 and you'll be able to have all of these questions</p> <p>7 answered and look at it in greater detail. But the</p> <p>8 plat and your consideration of it should not be tied to</p> <p>9 any future site plan. This is simply about breaking up</p> <p>10 the property. But those questions, I'm sure the</p> <p>11 applicant is making note of them, and we'll be sure to</p> <p>12 have that reflected in the record, because they are</p> <p>13 important points.</p> <p>14 CHAIR CLARK: Granted, and I understand that,</p> <p>15 but I still like to proceed just to give the applicant</p> <p>16 just a heads-up.</p> <p>17 Also too, I don't know if you're going to</p> <p>18 have sidewalks. You'll probably present that.</p> <p>19 Guest parking. You're going to have two per</p> <p>20 unit. I guess that's four altogether. But what if</p> <p>21 they have outside guests for a birthday party, for</p> <p>22 Christmas, et cetera? Just something to think about.</p> <p>23 And when it's subdivided, the plat, what is</p> <p>24 the width again and the depth?</p> <p>25 MR. BOUCHER: Each lot is -- each proposed</p>

<p>1 lot is 80 feet front, by the lot depth of 72 and a 2 half.</p> <p>3 CHAIR CLARK: 80 by 72.</p> <p>4 MR. BOUCHER: 80 by 72 and a half, correct.</p> <p>5 And then the corner lot is a little wider to comply 6 with the code, so --</p> <p>7 CHAIR CLARK: You said 80, and with both 8 buildings together?</p> <p>9 MR. BOUCHER: 80 is the lot --</p> <p>10 CHAIR CLARK: But both duplexes together, for 11 example?</p> <p>12 MR. BOUCHER: Yes, yes.</p> <p>13 CHAIR CLARK: So I should say really the plat 14 is going to be --</p> <p>15 MR. BOUCHER: The lot.</p> <p>16 CHAIR CLARK: -- is going to be 80. Okay.</p> <p>17 MR. BOUCHER: Correct.</p> <p>18 CHAIR CLARK: Got it. 80, and 72 in the 19 back.</p> <p>20 MR. BOUCHER: And then each building, just 21 because we're kind of glancing on buildings, each 22 building will be 60 by 40. So it will be 60 wide by 40 23 deep. And we've designed everything to meet you guys' 24 PDRs and the codes. So we really tried to maximize and 25 make everything as useful as possible with this parcel</p>	<p>1 corner. Someone did a very nice job. Some are rented. 2 One is empty. But they've done a really good job. I 3 see that they're trying to make that a really nice 4 street, and the surrounding houses of homeowners are 5 doing their best to keep their neighborhood together.</p> <p>6 MR. BOUCHER: Correct.</p> <p>7 CHAIR CLARK: The surrounding multilevel 8 units, well, that's a whole different story. They're 9 problematic. But your street is nice, and we can talk 10 about, when you come forward, some of the things to 11 keep it that way.</p> <p>12 But I would like for you to consider when you 13 do come back, in terms of building and being a good 14 neighbor, that if you happen to become landlords, what 15 are you going to do to keep your investment safe, keep 16 the property up in terms of code issues, and if there's 17 a property manager, and keep that particular 18 neighborhood -- and your street, rather, I should say, 19 an investment --</p> <p>20 MR. BOUCHER: Sure.</p> <p>21 CHAIR CLARK: Those are all the questions and 22 comments that I have.</p> <p>23 MR. BOUCHER: Absolutely. And we plan to 24 build just as nice as what they did on the corner. I 25 mean even before we purchased our parcel, we were very</p>
<p>1 of land, because obviously, it's a very narrow parcel 2 of land in terms of the depth. We would have much 3 rather have a deeper parcel, obviously, but we still 4 purchased it and try to make the best out of it.</p> <p>5 That's why we're --</p> <p>6 CHAIR CLARK: I think you're making the best 7 out of it --</p> <p>8 MR. BOUCHER: Yes, we're trying to do that.</p> <p>9 I mean that's what we do. Whenever we buy land, Corey 10 is on board with all of our projects, and we always try 11 to make the best out of what we got, you know.</p> <p>12 CHAIR CLARK: Sure. No, I get it. I walked 13 it. It's something very similar taking place in 14 another area of our city, and it's very similar --</p> <p>15 MR. BOUCHER: Yes, yes.</p> <p>16 CHAIR CLARK: -- and the same subdividing --</p> <p>17 MR. BOUCHER: Right.</p> <p>18 CHAIR CLARK: -- is taking place. So no, I 19 understand that.</p> <p>20 MR. BOUCHER: Yes.</p> <p>21 CHAIR CLARK: And just my last thing, even 22 though we're talking about subdividing the plot, but 23 when you come back and present for the final project, 24 it's a nice street. The day care has done a really 25 good job, and some new duplexes are on the other side</p>	<p>1 pleased with that dwelling, and I told Mr. Leger about 2 it.</p> <p>3 And we also contacted the townhomes on the 4 other corner, and we even offered to paint them for 5 them. And since then it looks like they took some 6 initiative to clean them up a little bit, so we're very 7 pleased about that.</p> <p>8 So wherever we go, I always talk to the 9 community, the people around. I know a lot of people 10 in Riviera Beach. Our landscaper, Mr. Bobby Leonard, 11 is from here. And we really work with the community.</p> <p>12 Really that's what we do. And Corey knows that. We're 13 building in Westgate right now 26 homes. We already 14 built six. We're building 20 this year. So we really 15 put a lot of pride in what we do.</p> <p>16 CHAIR CLARK: Thank you.</p> <p>17 MR. WYLY: All right, good afternoon, sir, 18 again. Like the Chair said about the day care and the 19 safety of the kids and make sure the kids can't see 20 something they shouldn't see or people can't see, look 21 at the kids, a good idea, again, like she said, would 22 be able to go over and talk to the people at the day 23 care, and they maybe can give you some ideas on what 24 you can do there for the safety of the kids, for them 25 also and to protect yourself at the same time.</p>

<p>Page 34</p> <p>1 So again, I know you're going to take care of 2 that when you come back to the Board with some of that 3 stuff. But not only going to protect the kids on that 4 side, how about on that road, 26th Court. You also 5 going to protect kids on that end also.</p> <p>6 And what I'm predicting is that once you do 7 that, and we're expecting other developments to be 8 developed on the other side, that road is going to get 9 a little more populated, correct? And I was wondering 10 at that point where we're going to have, you know, 11 kids, they're going to be hanging out in the front 12 possibly, and this is an idea: Possibly put speed 13 bumps on that road also to protect the people, because 14 like I say, you know, if you want to have more people 15 coming in and out of that road because you're building 16 your nice development, you want to make sure that 17 people are abiding by the safety rules and everything 18 also.</p> <p>19 So that would probably be something that our 20 engineering department can probably look into to see if 21 you can put two speed bumps there, just to make sure 22 you keep traffic to a minimum, just for safety reasons. 23 And are you expecting about maybe 30 to 45 people in 24 your six developments if it's at full capacity? That's 25 correct?</p>	<p>Page 36</p> <p>1 that's the case, with the population that's coming in 2 that area, with the increased population, there's going 3 to be a lot of vehicles going up and down that area. 4 Is it feasible for a traffic light to be put on that 5 corner --</p> <p>6 MR. LEGER: Typically --</p> <p>7 MR. WYLY: -- or a stop light, or will the 8 stop sign suffice?</p> <p>9 MR. LEGER: Our engineering department is 10 part of the reviewing process. They do look at all the 11 potential impact as it relates to intensity coming in. 12 So those are deemed being taken into consideration as 13 part of the review that is taking place right now for 14 the site plan that is in review currently.</p> <p>15 So they're great questions, and we are, as 16 part of the review we're doing right now, different 17 divisions, disciplines are looking at different things. 18 So I am sure that our engineering division is looking 19 into that, and if there is any potential recommendation 20 as it relates to signalizations or any traffic calming 21 devices, they will make that recommendation to the 22 applicant prior to bringing the project before you.</p> <p>23 MR. WYLY: Right. I know you're on top of 24 it. I just wanted to make sure that the people can 25 hear that question and then, you know, see what your</p>
<p>Page 35</p> <p>1 MR. BOUCHER: It's six times two, so that 2 will be 12.</p> <p>3 MR. O'GORMAN: They're three bedroom, two 4 bath units.</p> <p>5 MR. BOUCHER: Yes, so yes.</p> <p>6 MR. WYLY: So parking, so you're predicting 7 for parking two per duplex and then two guests, or just 8 one guest? How are you --</p> <p>9 MR. LEGER: Thank you for the comment. Staff 10 is reviewing the site plan right now. The code does 11 have required parking spaces per unit, so that's 12 something we are taking under consideration through the 13 site plan review. That's why we don't have any 14 information as it relates to the site plan in this 15 meeting to just make sure, you know.</p> <p>16 MR. WYLY: Right.</p> <p>17 MR. LEGER: But that will be coming forth, 18 and the code does require two parking spaces per unit. 19 So if you have a duplex, you're looking at four, a 20 minimum of four parking spaces.</p> <p>21 MR. WYLY: Okay. And that's another reason 22 why, if you're going to have that much traffic there 23 for those, the speed bumps will be able to control that 24 area.</p> <p>25 Now, another question for you also. If</p>	<p>Page 37</p> <p>1 response is going to be to it just so they can 2 understand what's going on in the future. So I know 3 you're on top of the job, and thank you.</p> <p>4 MR. LEGER: Thank you.</p> <p>5 MS. SHEPHERD: Well, those were some good 6 questions. And my mind really is on the day care. It 7 is a large day care, and when they come and pick up the 8 children, quite a few children come out of Atkins. 9 Also, they take a lot of trips, the buses come in and 10 out.</p> <p>11 But I'm more concerned with going, I guess, 12 to the north, to Lindsey Davis where we have a lot of 13 seniors, about 160 seniors there. And we go on a lot 14 of trips, and some of them walk to that facility. 15 Also, of course, we have R.J. Hendley.</p> <p>16 And my concern is the parking. You're saying 17 two per person. I haven't heard anything about the 18 handicapped spots. And it's just going to be busy 19 right in that area.</p> <p>20 I would just like to see the rendition of 21 what they look like. If you're saying three per 22 person, you've got to understand you've got children 23 that's growing up, and everybody got a car. In my 24 house, four cars in one little house when they come to 25 visit me. Thank God they live up north. But it's</p>

<p>Page 38</p> <p>1 busy, you know, when they're there. I just know it's a 2 lot of traffic. And I really have some concerns. I 3 really do; I really do. You're going to have 12 units, 4 is that it?</p> <p>5 MR. O'GORMAN: Yes, ma'am. There will be six 6 duplexes and a total of 12 units.</p> <p>7 MS. SHEPHERD: And you're going to have 8 three --</p> <p>9 MR. O'GORMAN: Three bedrooms and two baths, 10 yes, ma'am.</p> <p>11 MS. SHEPHERD: That's going to be a nice 12 size; that's going to be a nice size.</p> <p>13 MR. BOUCHER: 1,200 square feet.</p> <p>14 MS. SHEPHERD: Yes, that's going to be a nice 15 size. And I think it's going to generate a lot of 16 traffic in that area, and I'm kind of like with my 17 counterpart, you all have to start -- another city was 18 trying to figure out traffic like and the common spots, 19 whatever, because I just, I don't know, I just feel for 20 the day care.</p> <p>21 You said you had a conversation with the day 22 care?</p> <p>23 MR. BOUCHER: One of our team members went 24 and spoke with Mr. Atkins and made him aware that we 25 were going to divide up the parcel and what our plans</p>	<p>Page 40</p> <p>1 listening to us to well -- get it together and well 2 planned out so we can get a clear picture, because 3 right now I really don't have a clear picture.</p> <p>4 MR. BOUCHER: Sure.</p> <p>5 MS. SHEPHERD: I mean I can visualize it, but 6 really seeing the buildings, how you going to put a 7 wall up or whatever you're going to do, how are you 8 going to maintain it? When people come in, they buy, 9 sometimes they don't keep the property up, you know, 10 and I'm just concerned with that little area with 11 Wells -- not Wells -- Mr. Atkins and R.J. Hendley and 12 all those little places in there. So those are just my 13 concerns.</p> <p>14 MR. BOUCHER: Absolutely. Thank you.</p> <p>15 MS. SHEPHERD: Have you built anything here 16 in Rivera Beach?</p> <p>17 MR. BOUCHER: No. That will be the first 18 time.</p> <p>19 MS. SHEPHERD: This will be the first. I've 20 seen you somewhere, I just can't -- West Palm Beach 21 you've --</p> <p>22 MR. BOUCHER: West Palm Beach, yes.</p> <p>23 MS. SHEPHERD: West Palm Beach.</p> <p>24 MR. BOUCHER: Westgate's CRA, we're pretty 25 involved with them.</p>
<p>Page 39</p> <p>1 were. So, but we'll go back, and we'll make sure that 2 that's crystal clear. And if we need to get a letter 3 from him, you know, hopefully they'll comply. And you 4 know, we're -- it's no problem.</p> <p>5 We're not here to do anything to unplease 6 anyone. We're just complying with the code PDRs and 7 subdividing the parcel by what's allowed in the 8 language and going to comply with the parking. We're 9 just doing our best, you know.</p> <p>10 CHAIR CLARK: Sure. We're just here to 11 uncomplicate the process.</p> <p>12 MS. SHEPHERD: I just want to --</p> <p>13 MR. BOUCHER: No, no. I know, I know, I 14 know.</p> <p>15 MS. SHEPHERD: I just want to get a clear 16 picture, because I know Mr. Atkins well, and I know 17 they are prestigious in whatever they do. That's why 18 they built that building. They came from Australia and 19 all the way over here, and then now we -- and I'm not 20 making a fuss about it, because I think we need to 21 start building something, I really do --</p> <p>22 MR. BOUCHER: Appreciate it.</p> <p>23 MS. SHEPHERD: -- (inaudible) or whatever we 24 need to do. But I want to make sure that as the City 25 plan it out, that it's well -- and I hope they're</p>	<p>Page 41</p> <p>1 MS. SHEPHERD: That's where I seen you, over 2 there.</p> <p>3 MR. BOUCHER: Yes.</p> <p>4 MS. SHEPHERD: For two years.</p> <p>5 MR. BOUCHER: And also I attended a Housing 6 Authority Leadership Council a couple weeks ago.</p> <p>7 MS. SHEPHERD: Okay.</p> <p>8 MR. BOUCHER: So yes, yes.</p> <p>9 MS. SHEPHERD: Okay. I know I saw you 10 before. I just can't place you.</p> <p>11 MR. BOUCHER: Great.</p> <p>12 MS. SHEPHERD: Okay, thank you.</p> <p>13 MR. BOUCHER: No, no, we're -- and honestly, 14 I wish we had the site plan application in conjunction 15 right now so we could all have more visual about the 16 dwellings and the elevations and all that. So 17 unfortunately, that's not the case. We're kind of just 18 looking at vacant parcels, so it's hard to visualize 19 things. But hopefully when we have the opportunity 20 with the site plan, we have a lot of visual and we'll 21 be able to see everything.</p> <p>22 MS. SHEPHERD: Okay, well, welcome to the 23 city.</p> <p>24 MR. BOUCHER: Thank you.</p> <p>25 MS. SHEPHERD: Thank you.</p>

<p>Page 42</p> <p>1 CHAIR CLARK: Yes.</p> <p>2 MR. NCUBE: Okay, so a couple -- well, first</p> <p>3 comment, I know that about a year ago we had the</p> <p>4 developer do like a survey, as Chairperson Ms. Clark</p> <p>5 was saying. I believe, staff, is there -- do we still</p> <p>6 have the template for that? I believe they had like a</p> <p>7 template where they surveyed the local community and</p> <p>8 then they brought it back in. Do we have that</p> <p>9 template?</p> <p>10 MR. LEGER: I apologize, I'm not aware of --</p> <p>11 I'm not sure what you're referring to.</p> <p>12 MR. NCUBE: Okay, does anybody on the Board</p> <p>13 remember this?</p> <p>14 CHAIR CLARK: Yes, I do remember another</p> <p>15 applicant, and they put together a survey and went door</p> <p>16 to door. And it was part of the recommendation from</p> <p>17 the Board. I think it might have been their first</p> <p>18 come-around. And it came back a second time, and it</p> <p>19 came back with the survey of the neighbors and what</p> <p>20 their feedback so we could evaluate our decision</p> <p>21 further. And you're correct. So if you would like to</p> <p>22 give them a heads-up.</p> <p>23 MR. NCUBE: Yes, if we could find that. I</p> <p>24 don't know if we have any records of it, but really</p> <p>25 that's -- you know, we can pretty much -- there's no</p>	<p>Page 44</p> <p>1 And hopefully you will not be a landlord,</p> <p>2 that you will sell those units. But in case that you</p> <p>3 do, that you have a good management system in place</p> <p>4 versus what surrounds you right now -- your</p> <p>5 investment -- is really gnarly and willy-nilly and it's</p> <p>6 just challenging. I'm speaking outside of the new</p> <p>7 build that's there that's great and the day care is</p> <p>8 great. But it's those outlier multilevel buildings</p> <p>9 that are falling apart and they're just really kind of</p> <p>10 slum stuff.</p> <p>11 MS. SHEPHERD: May I make one more</p> <p>12 suggestion? Have you thought about putting -- I'm</p> <p>13 sorry, I can't think of your right name.</p> <p>14 CHAIR CLARK: Mr. Leger.</p> <p>15 MS. SHEPHERD: Mr. Leger, you know who I'm</p> <p>16 talking about. Have you ever thought about putting</p> <p>17 door knockers around that property, kind of notify</p> <p>18 people that, you know, this is about to take place?</p> <p>19 You're not doing it now, but I'm thinking as you get up</p> <p>20 to that -- I don't want people to be surprised.</p> <p>21 MR. LEGER: Correct.</p> <p>22 MS. SHEPHERD: I think because you have</p> <p>23 houses right in that area, it's going to affect</p> <p>24 everybody in that area, because I assume it's going to</p> <p>25 be nice and they're going to bring their families</p>
<p>Page 43</p> <p>1 point in recreating the wheel. If you use the same</p> <p>2 template, I mean would that be sufficient for the</p> <p>3 Board? I'm not sure.</p> <p>4 VICE CHAIR BURGESS: Madam Chair, that was</p> <p>5 for the project off of Blue Heron.</p> <p>6 MR. WYLY: Right, I was just going to say</p> <p>7 that.</p> <p>8 MS. SHEPHERD: Yes, that's --</p> <p>9 VICE CHAIR BURGESS: That was for the</p> <p>10 project. It was also right off before Avenue R, across</p> <p>11 from -- between R and O, right off Blue Heron, that</p> <p>12 very thin strip of land that they wanted to build the</p> <p>13 plaza on.</p> <p>14 CHAIR CLARK: Yes, yes, yes, absolutely.</p> <p>15 MR. LEGER: Madam Chair.</p> <p>16 CHAIR CLARK: I don't know that we created</p> <p>17 the template, the staff did, or the property owner --</p> <p>18 MR. LEGER: Madam Chair.</p> <p>19 CHAIR CLARK: -- went and created and got</p> <p>20 feedback. So we would welcome that. Our objective is</p> <p>21 just to get sign-off from the community, because the</p> <p>22 homeowners, if you will, have a lot at stake in what</p> <p>23 you do, and you know, either their property value goes</p> <p>24 up or their property value goes down. That just</p> <p>25 depends upon the quality of townhouse that you build.</p>	<p>Page 45</p> <p>1 there, and of course, you're going to have parties</p> <p>2 there. So I think you just need to allow them to know</p> <p>3 that you have an applicant here in the city.</p> <p>4 MR. LEGER: Correct. The Board is actually</p> <p>5 touching on a very essential aspect of the planning</p> <p>6 process. One of the things that staff does, and it is</p> <p>7 within our code as well, that we not only did</p> <p>8 notification postcards to properties within 300 feet of</p> <p>9 that property for this meeting tonight --</p> <p>10 MS. SHEPHERD: You have done it already?</p> <p>11 MR. LEGER: Correct. So we sent out</p> <p>12 postcards to all properties that are within 300 feet of</p> <p>13 that property. Through the planning process, we also</p> <p>14 encouraged the applicant to actually speak and get</p> <p>15 consent, some sort of conversation with neighboring --</p> <p>16 with their neighbors or future neighbors.</p> <p>17 So all those points are very good and very</p> <p>18 essential, and as part of the site plan review, we</p> <p>19 strive to ensure that we are touching on those, because</p> <p>20 we do know once a project comes in front of you, these</p> <p>21 are the typical questions that the applicant and staff</p> <p>22 may have to answer.</p> <p>23 So just for the purpose of the plat, the</p> <p>24 application that is before you tonight, those</p> <p>25 informations are not in front of you, although it will</p>

<p style="text-align: right;">Page 46</p> <p>1 come very soon. The site plan is in its review process</p> <p>2 right now, and you will have the opportunity to either</p> <p>3 take a look into whether the applicant took heed to the</p> <p>4 recommendations, you know, the heads-up that's provided</p> <p>5 tonight, and staff as well. We're taking notes and</p> <p>6 making sure that some of the concerns are addressed</p> <p>7 within the site plan as we review it currently.</p> <p>8 CHAIR CLARK: Okay, Mr. Leger, we're going to</p> <p>9 vote on this in --</p> <p>10 MR. NCUBE: Madam Chair.</p> <p>11 MR. BROWN: Madam Chair.</p> <p>12 CHAIR CLARK: I'm sorry, go ahead.</p> <p>13 MR. NCUBE: I'm sorry, I just have one other</p> <p>14 comment.</p> <p>15 CHAIR CLARK: Go ahead, Mr. Ncube. The</p> <p>16 floor's yours.</p> <p>17 MR. NCUBE: Thank you.</p> <p>18 The other comment was just an idea. I'm not</p> <p>19 sure if there's any way to do this, but I know there's</p> <p>20 been talk in the city about workforce housing for the</p> <p>21 City employees. And is there a way to potentially</p> <p>22 create some type of synergy with this project? I mean</p> <p>23 if we're doing new development, and you know, we</p> <p>24 already have the workforce housing desire, then maybe</p> <p>25 that might be a way to, you know, create a little bit</p>	<p style="text-align: right;">Page 48</p> <p>1 ownership of something and then have the right to be</p> <p>2 able to have -- to assist someone else and then be able</p> <p>3 to make money off it so they learn the profit part of</p> <p>4 business and everything. And I think that's a great</p> <p>5 idea if it's used correctly.</p> <p>6 One question, and I hope the citizens of</p> <p>7 Riviera Beach are listening to what we are talking</p> <p>8 about right now, and I hope they take advantage of what</p> <p>9 you just stated by doing so, by purchasing some</p> <p>10 property and having some proper ownership and then be</p> <p>11 able to lease something out. So I hope the people who</p> <p>12 are listening can do so, because there's nothing like</p> <p>13 owning your own property, because once they do, they'll</p> <p>14 start to take care of the community a lot better,</p> <p>15 they'll want to make sure they maintain the property</p> <p>16 value, and they're going to take care of the</p> <p>17 neighborhood.</p> <p>18 And especially those kids that are behind</p> <p>19 them inside the day care, also to be able to do -- to</p> <p>20 help, you know, to make sure the kids are safe. So</p> <p>21 giving them ownership, giving people ownership will</p> <p>22 give them the proper incentive to be able to take care</p> <p>23 of that property and that --</p> <p>24 MR. BOUCHER: I think so; I think so too. I</p> <p>25 mean and that's why we're here. Like I said, if we</p>
<p style="text-align: right;">Page 47</p> <p>1 more public support. Or even if there's like a first</p> <p>2 right to rent to some of the local public employees.</p> <p>3 That was just a question.</p> <p>4 MR. O'GORMAN: Madam Chair, yes, we can</p> <p>5 certainly market to the City and first responders, the</p> <p>6 Police Department. That's sort of a normal part of the</p> <p>7 workforce and affordable housing process, which is one</p> <p>8 of the things that Elite Capital does. So that's a</p> <p>9 great suggestion, and we would be happy to market in</p> <p>10 that way.</p> <p>11 MR. NCUBE: Okay, thank you.</p> <p>12 CHAIR CLARK: Sure, you're recognized.</p> <p>13 MR. WYLY: Thank you. I'm just going to</p> <p>14 speak for myself because, like again, I'm a school --</p> <p>15 I'm a business economics major and an algebra teacher.</p> <p>16 And one thing I wanted to get into in the school system</p> <p>17 with kids was to be able to teach them how to make</p> <p>18 money, how to get a job, how to keep a job, how to get</p> <p>19 promoted on a job, how to do a résumé, how to spend</p> <p>20 money, how to invest money, how to save money.</p> <p>21 And I think that this is a great idea of your</p> <p>22 intention for what you stated earlier, is teaching</p> <p>23 people how to own and then be able to lease and then be</p> <p>24 able to, you know, make money and then -- how the</p> <p>25 proper say to say it -- to be able to have proper</p>	<p style="text-align: right;">Page 49</p> <p>1 don't sell them to an occupant, we'll keep them in our</p> <p>2 portfolio and maintain them. So, but we want to</p> <p>3 promote exactly what you said, because people can</p> <p>4 have -- how many people want to be a homeowner? How is</p> <p>5 the affordability rate now in the nation? It's not</p> <p>6 where it should be. So that was the whole, our whole</p> <p>7 idea, yes.</p> <p>8 MR. WYLY: And I commend you for that. Thank</p> <p>9 you, sir.</p> <p>10 MR. BOUCHER: Thank you.</p> <p>11 CHAIR CLARK: And thank you. I'm pretty sure</p> <p>12 you're following Reimagine Rivera Beach and the great</p> <p>13 things that we have on the horizon.</p> <p>14 But I do have a question for staff.</p> <p>15 Mr. Leger, the notifications that the City sent out,</p> <p>16 did it go to the actual property owners? Now, there's</p> <p>17 a small number of residential homes, and they're</p> <p>18 probably homeowners, which is good. But the multilevel</p> <p>19 buildings around there, did those notifications go to</p> <p>20 those homeowners -- or those property owners of those</p> <p>21 multilevel buildings, because really, we can rest</p> <p>22 assured the way that those properties look over there,</p> <p>23 that they have absentee homeowners, or property owners</p> <p>24 that can give less than a darn about that neighborhood</p> <p>25 over there and probably wouldn't get any feedback.</p>

<p style="text-align: right;">Page 50</p> <p>1 That's why I'm suggesting, or Mr. Ncube</p> <p>2 suggested that you guys, you gentlemen really survey</p> <p>3 it, because you get really more honest feedback for us</p> <p>4 from people who really do care and who really would get</p> <p>5 approval versus an absentee owner who's probably living</p> <p>6 in Texas somewhere. So that was just my comment.</p> <p>7 And do we have any further comments from the</p> <p>8 Board before we move on to the vote?</p> <p>9 MS. SHEPHERD: No, I just want to say to them</p> <p>10 welcome to the city.</p> <p>11 VICE CHAIR BURGESS: Madam Chair.</p> <p>12 MS. SHEPHERD: We're open.</p> <p>13 MR. BOUCHER: We're ready. We're very</p> <p>14 excited. I mean Mr. Leger knows. We've been on this</p> <p>15 for a year and a half, so we're eager to get going.</p> <p>16 CHAIR CLARK: We have one more question.</p> <p>17 Ms. Burgess.</p> <p>18 VICE CHAIR BURGESS: I just wanted to make a</p> <p>19 comment. Yes, I will check with my father, because he</p> <p>20 owns a home in that cul-de-sac right there in that</p> <p>21 area. And I own a home down the street, so that is in</p> <p>22 my neighborhood. I travel that road every day,</p> <p>23 R Avenue. I'm right off R.J. Hendley.</p> <p>24 And yes, those properties across the street,</p> <p>25 I mean you can build it, even if it's nice, I'm not</p>	<p style="text-align: right;">Page 52</p> <p>1 The motion is to accept the applicant's</p> <p>2 application from Elite Capital Development to subdivide</p> <p>3 an existing lot of record into six contiguous lots for</p> <p>4 the real property located at the northwest corner of</p> <p>5 West 26th Court and R.J. Hendley Avenue, identified by</p> <p>6 parcel control number 56-43-42-29-01-000-0552.</p> <p>7 MR. WYLY: Second.</p> <p>8 CHAIR CLARK: Okay, may we have a vote?</p> <p>9 MS. DAVIDSON: Anthony Brown.</p> <p>10 MR. BROWN: Yes.</p> <p>11 MS. DAVIDSON: William Wyly.</p> <p>12 MR. WYLY: Yes.</p> <p>13 MS. DAVIDSON: Moeti Ncube.</p> <p>14 MR. NCUBE: Yes.</p> <p>15 MS. DAVIDSON: Margaret Shepherd.</p> <p>16 MS. SHEPHERD: Yes.</p> <p>17 MS. DAVIDSON: Rena Burgess.</p> <p>18 VICE CHAIR BURGESS: No.</p> <p>19 MS. DAVIDSON: Evelyn Harris Clark.</p> <p>20 CHAIR CLARK: Yes.</p> <p>21 MS. DAVIDSON: That vote passed, with Vice</p> <p>22 Chair Rena Burgess dissenting.</p> <p>23 CHAIR CLARK: Okay. May I -- and I did it</p> <p>24 again --</p> <p>25 MS. SHEPHERD: Madam Chair.</p>
<p style="text-align: right;">Page 51</p> <p>1 sure how -- I'm sure I would not want to purchase it</p> <p>2 because of that one side. So I would kind of suggest</p> <p>3 you kind of do some homework. I don't know if you</p> <p>4 know, if you've done any research to see who those</p> <p>5 property owners are, but I know since the storm, since</p> <p>6 a couple years ago, the hurricanes, those properties</p> <p>7 look really bad.</p> <p>8 And I've been through there, I go through</p> <p>9 there every day at night, and I know the elements that</p> <p>10 hang out there. So even with you building on this</p> <p>11 small strip of land, and it's -- I wouldn't purchase it</p> <p>12 because of the location. It's too close to the day</p> <p>13 care for one, and the surrounding area.</p> <p>14 I don't know, it just seems like we're taking</p> <p>15 every piece of vacant land we can find in Riviera Beach</p> <p>16 and throwing something on top of it. So I would just</p> <p>17 say consider that. But I'm ready to cast my vote.</p> <p>18 CHAIR CLARK: Okay. All right, if there are</p> <p>19 no further questions, then I will ask a Board member to</p> <p>20 make a motion to accept the applicant's request to</p> <p>21 subdivide the property of lots. So I'm not going to</p> <p>22 really make the motion. I'm just asking someone to</p> <p>23 make the motion.</p> <p>24 Did you need for me to make the motion? I'll</p> <p>25 make the motion. Okay, all right.</p>	<p style="text-align: right;">Page 53</p> <p>1 CHAIR CLARK: We didn't have -- I'm sorry,</p> <p>2 Ms. Shepherd.</p> <p>3 MS. SHEPHERD: I'm sorry.</p> <p>4 CHAIR CLARK: I did it again. I didn't</p> <p>5 mention public comments before the vote, but I'm going</p> <p>6 to ascertain there were not any public comments.</p> <p>7 MS. DAVIDSON: No, ma'am, none.</p> <p>8 CHAIR CLARK: Okay, thank you. All right.</p> <p>9 MS. SHEPHERD: I just want to ask now is this</p> <p>10 coming back to Planning and Zoning again?</p> <p>11 ASSISTANT DIRECTOR SAVAGE-DUNHAM: At a</p> <p>12 future meeting you will have the site plan in front of</p> <p>13 you for consideration for the actual physical</p> <p>14 construction of the buildings. Tonight's conversation</p> <p>15 was simply about dividing the land up into individual</p> <p>16 parcels. You will have the site plan before you again.</p> <p>17 MS. SHEPHERD: Okay, thank you.</p> <p>18 ASSISTANT DIRECTOR SAVAGE-DUNHAM: Thank you.</p> <p>19 CHAIR CLARK: Okay, let's go on to the next</p> <p>20 agenda item, and that is our item number, what's that,</p> <p>21 X? No, number IX, workshop items. None?</p> <p>22 ASSISTANT DIRECTOR SAVAGE-DUNHAM: We have</p> <p>23 none.</p> <p>24 CHAIR CLARK: Okay, great. We can go on to</p> <p>25 item number X, general discussion. There aren't any</p>



<p>Page 54</p> <p>1 public comments. Is there any correspondence?</p> <p>2 ASSISTANT DIRECTOR SAVAGE-DUNHAM: No, ma'am.</p> <p>3 CHAIR CLARK: Okay, let's go to item number</p> <p>4 C. We're going to start with Planning and Zoning Board</p> <p>5 comments, but first let's talk about item A. Any</p> <p>6 project updates, upcoming projects?</p> <p>7 ASSISTANT DIRECTOR SAVAGE-DUNHAM: So we have</p> <p>8 our current projects spreadsheet up on the web page.</p> <p>9 So as we get new projects in, we are posting the</p> <p>10 information there. I do encourage the Board to look at</p> <p>11 that. That's our Applications Under Review page, and</p> <p>12 you can see, you know, what comes in and what's moving</p> <p>13 along on there.</p> <p>14 CHAIR CLARK: Okay, great. I'm going to call</p> <p>15 you. I haven't been able to find that spreadsheet on</p> <p>16 the website, so offline I'll give you a telephone call.</p> <p>17 ASSISTANT DIRECTOR SAVAGE-DUNHAM: Sounds</p> <p>18 good. And perhaps I'll send out a direct link to you</p> <p>19 all too, if that would be helpful.</p> <p>20 CHAIR CLARK: I think that would be terrific.</p> <p>21 ASSISTANT DIRECTOR SAVAGE-DUNHAM: Perfect.</p> <p>22 CHAIR CLARK: Okay, great. All right, and</p> <p>23 let's go to item B, upcoming Board meetings, July 22nd.</p> <p>24 So we're all set with that. That's still intact, the</p> <p>25 next meeting?</p>	<p>Page 56</p> <p>1 a policy or procedure, and that's in the works. But in</p> <p>2 your last packet, we did send you the applications that</p> <p>3 we have currently. It was included in the last packet.</p> <p>4 We can send them again. There's a candidate who --</p> <p>5 CHAIR CLARK: One moment, Ms. Savage. I</p> <p>6 missed any applications. Did anyone get any</p> <p>7 applications?</p> <p>8 MS. SHEPHERD: They were the last packet.</p> <p>9 MR. BROWN: Yes, I did.</p> <p>10 CHAIR CLARK: The last package?</p> <p>11 MR. BROWN: Yes.</p> <p>12 MS. SHEPHERD: They were.</p> <p>13 CHAIR CLARK: Okay, I must have missed that.</p> <p>14 MR. BROWN: In the back.</p> <p>15 CHAIR CLARK: Okay, all right. So I must</p> <p>16 have missed that. Let me go back and see the</p> <p>17 applications. So I stand corrected on that. I missed</p> <p>18 mine.</p> <p>19 ASSISTANT DIRECTOR SAVAGE-DUNHAM: That's</p> <p>20 fine, ma'am. That's no worries. And I'm happy to talk</p> <p>21 to you more about it when you give me a call. We did</p> <p>22 put the applications that we had in the packet. We</p> <p>23 haven't drafted a procedure yet, but we will do that</p> <p>24 shortly and send that out to you by e-mail before the</p> <p>25 next meeting.</p>
<p>Page 55</p> <p>1 ASSISTANT DIRECTOR SAVAGE-DUNHAM: Yes,</p> <p>2 ma'am.</p> <p>3 CHAIR CLARK: Okay, great. And last we're</p> <p>4 going to go on to Board comments, and we're going to</p> <p>5 start all the way again with Mr. Brown.</p> <p>6 MR. BROWN: No comments, Madam Chair.</p> <p>7 VICE CHAIR BURGESS: Madam Chair, I just want</p> <p>8 it noted for the record tonight that I will not be at</p> <p>9 the July 22nd meeting. I will be out of town.</p> <p>10 CHAIR CLARK: Okay, thank you.</p> <p>11 And my Board comments is that pretty soon</p> <p>12 there is a request out amongst our residents for</p> <p>13 members -- people interested in the Planning and Zoning</p> <p>14 Board meeting to submit their applications. And I want</p> <p>15 to go back to the request that I had initiated a few</p> <p>16 months ago that I would like this Board, this body to</p> <p>17 have an opportunity to review the applications, then</p> <p>18 have an opportunity to meet and interview the</p> <p>19 candidates, understanding that the final decision does</p> <p>20 reside with our City Council. But I am asking for</p> <p>21 courtesy for this Board prior to that. Not looking for</p> <p>22 an answer tonight, but I do want to stay on top of that</p> <p>23 request.</p> <p>24 ASSISTANT DIRECTOR SAVAGE-DUNHAM: Yes,</p> <p>25 ma'am, duly noted. And we told you that we would draft</p>	<p>Page 57</p> <p>1 CHAIR CLARK: Okay, great. I'm keeping all</p> <p>2 of my packets, so I'll look through it again, okay.</p> <p>3 And also too, we have applicants come</p> <p>4 forward. Some have been very terrific and had a lot of</p> <p>5 foresight that they bring value to the city, whatever</p> <p>6 that may be, that's hiring people, hiring our</p> <p>7 contractors, providing some sort of -- if they can't</p> <p>8 use the landscaping package, they found a very useful</p> <p>9 way to provide it and still give it to our city.</p> <p>10 I don't expect all applicants to understand</p> <p>11 negotiations and win/win and how to bring value to the</p> <p>12 city as they present their presentation, so it would be</p> <p>13 helpful if the staff could give recommendations to</p> <p>14 applicants if they have not done so on their own to</p> <p>15 bring value to our city.</p> <p>16 It would be as simple as if it's an area that</p> <p>17 is a broken window syndrome type of area, that they</p> <p>18 would work in concert with the Police Department to</p> <p>19 improve that area of the condition. Just to bring us</p> <p>20 some idea that they are thinking about bringing value</p> <p>21 and being a good neighbor. It doesn't always have to</p> <p>22 be monetary, but they should be thinking along those</p> <p>23 lines. If they're not, I'm asking staff to guide them</p> <p>24 towards useful valueness to our city, value add to our</p> <p>25 city.</p>

<p>Page 58</p> <p>1 ASSISTANT DIRECTOR SAVAGE-DUNHAM: Very good.</p> <p>2 CHAIR CLARK: And those are my comments.</p> <p>3 Mr. Wyly.</p> <p>4 MR. WYLY: I'd just like to just let the</p> <p>5 public know again about the Reimagine Rivera Beach, the</p> <p>6 last meeting that we're going to have on Tuesday, June</p> <p>7 29th, and that please come out to Wells gym and</p> <p>8 participate in that meeting.</p> <p>9 For the people here who are concerned about</p> <p>10 what's going on in our city, what our future plans are</p> <p>11 and want to be a part of that decision, please come out</p> <p>12 and voice your opinion and let it be known. It's just</p> <p>13 as important as voting in any election.</p> <p>14 So we would like for everyone to come out and</p> <p>15 be able to talk and discuss any ideas that they have.</p> <p>16 They're very receptive to ideas and different things</p> <p>17 that are going on with Reimagine Rivera Beach. And</p> <p>18 hopefully we can get more people to come out, because</p> <p>19 this is our city and we should want to be a part of</p> <p>20 that.</p> <p>21 CHAIR CLARK: Yes, Ms. Shepherd, you're next.</p> <p>22 MS. SHEPHERD: Mrs. Clark saw my jacket.</p> <p>23 CHAIR CLARK: Oh, yes, let's have you stand</p> <p>24 up and model. I certainly did want you to model.</p> <p>25 MS. SHEPHERD: I don't know if I can get up,</p>	<p>Page 60</p> <p>1 very essential that we have them.</p> <p>2 And one other thing, because I was out for a</p> <p>3 while, people did not know I was still in Planning and</p> <p>4 Zoning. And I did give out some of the papers that you</p> <p>5 all had. And I think that you should think about it,</p> <p>6 just a suggestion, the next time the paper go out,</p> <p>7 allow us as a Board to have a picture in that</p> <p>8 particular paper so people know we're still here.</p> <p>9 I think we're doing a good job. Everybody</p> <p>10 says this is the most beautiful Board that they have</p> <p>11 ever seen. We're -- we talk. We have good</p> <p>12 conversation. And so for that, I think we should be</p> <p>13 rewarded with that picture to let people know that</p> <p>14 we're volunteering and serving our city.</p> <p>15 It's a very important job. It's a job that</p> <p>16 you have to recognize that you are giving back to your</p> <p>17 city. And with Reimagine Riviera Beach, I understand</p> <p>18 that some of it is coming back to Planning and Zoning.</p> <p>19 Stop me if I'm wrong, Mr. Evans. So I think it's very</p> <p>20 important that we become unified and kind of wearing</p> <p>21 the shirts -- sometimes I see you all in your</p> <p>22 jackets -- to make people understand we are volunteers</p> <p>23 and we're out here recognizing our city. And with</p> <p>24 that, I thank you.</p> <p>25 CHAIR CLARK: And our picture with our shirts</p>
<p>Page 59</p> <p>1 but they can take a good look, I'm sure. I'm sure</p> <p>2 Walter got the camera on me. He has the camera on me.</p> <p>3 But they are shirts with our engraved name</p> <p>4 from Mr. Gagnon. Unfortunately, Mr. Julius Whigham was</p> <p>5 the one that kept at it and at it and at it until</p> <p>6 Mr. Gagnon conceded and got the shirts. We have the</p> <p>7 collar shirt, and then we have the regular shirt, which</p> <p>8 I think is very nice in this breeze.</p> <p>9 And I think it's very proper when you go out</p> <p>10 and you're meeting people or whatever that you should</p> <p>11 have something that represents the City. I would not</p> <p>12 dare go out without putting on my shirt or this</p> <p>13 particular collar I wear, because believe it or not,</p> <p>14 people look at you and they feel comfortable. A couple</p> <p>15 times I did go out and they said: And where are you</p> <p>16 from? I said: I'm part of the City Planning and</p> <p>17 Zoning.</p> <p>18 So this is our key that when we walk up there</p> <p>19 looking, and I suggest that when you get your package,</p> <p>20 to go and look and familiarize yourself with the city</p> <p>21 and just be cordial, kind of talking, get the feel of</p> <p>22 what they feel.</p> <p>23 So I think the Chair got a little jealous,</p> <p>24 "And where did you get it?" So maybe in the budget you</p> <p>25 all could kind of think about it, because I think it's</p>	<p>Page 61</p> <p>1 on, Mr. Sirmons.</p> <p>2 MR. WYLY: I'm a large; large shirt, and</p> <p>3 black.</p> <p>4 CHAIR CLARK: Okay, Mr. Ncube.</p> <p>5 MR. NCUBE: All right, so I do have a</p> <p>6 suggestion. And this is a little bit, I'll say</p> <p>7 radical, okay, so just be forewarned.</p> <p>8 So basically, with the survey that we've been</p> <p>9 talking about, the developers -- and I think it's a</p> <p>10 great first step. But it has me thinking that, you</p> <p>11 know, if it's possible, you know, to maybe have some</p> <p>12 vision, we might be able to knock out two birds in one</p> <p>13 stone. Because they're surveying the community about</p> <p>14 their project, you know, why couldn't we add on a rider</p> <p>15 on there: What do you think about crime in your local</p> <p>16 area?</p> <p>17 And then, you know, just surveying 20 or 30</p> <p>18 people, and then every developer that's coming in we're</p> <p>19 getting -- that's valuable data. And then we're able,</p> <p>20 you know, and this Board could actually bring in real</p> <p>21 data that, you know, would cost thousands of dollars to</p> <p>22 do outside of that. And they're already incentivized</p> <p>23 to do it. And I think that would actually be a great</p> <p>24 value added to the community. So I think that's</p> <p>25 something, you know, that personally came to me today,</p>

<p style="text-align: right;">Page 62</p> <p>1 but you know, I thought it might be something you might 2 want to think about.</p> <p>3 CHAIR CLARK: I don't think it's radical at 4 all, because it's tying something that I had mentioned 5 at the last meeting as well as this meeting where some 6 of the areas are blighted and people are trying to do 7 some things, but they are doing it around some 8 edginess. And I think it is get some good feedback and 9 knock two birds out at the same time.</p> <p>10 And based upon that, perhaps I'm going to ask 11 you to take on, if you could, those sort questions of 12 polling the residents about the area of crime. Maybe 13 if there's a template or the staff can put the other 14 questions for the applicant together as to what they 15 should poll their potential neighbors on, in addition 16 to what my colleague at the other end has said.</p> <p>17 So I think that is terrific. It's not 18 radical. And that's why I love this Board. I like the 19 energy and thinking outside of the box and pushing the 20 envelope and making our city and our process better. 21 So I commend you on that. And would you take the lead 22 on the latter?</p> <p>23 And if the staff could look at questions that 24 would help the applicant out so that they're not 25 struggling, trying to put questions together to poll</p>	<p style="text-align: right;">Page 64</p> <p>1 staff to maybe send the -- am I able to look it up? Is 2 it something that I could look up or --</p> <p>3 CHAIR CLARK: Yes, absolutely, because if you 4 just on go onto our website, our City website, and I 5 believe you go up under government --</p> <p>6 MR. NCUBE: Okay.</p> <p>7 CHAIR CLARK: -- and you look Planning and 8 Zoning. And there is a link that I believe it just 9 says meetings or meeting minutes. And it gives you the 10 year. As a matter of fact, I was looking at that 11 particular project for tonight, and it was right around 12 when you and I first started. So it was that very 13 early on.</p> <p>14 MR. NCUBE: Okay, and that was what, 20 -- 15 CHAIR CLARK: '19. I want to say -- 16 MR. NCUBE: 2019. 17 CHAIR CLARK: -- it was around August. 18 MR. NCUBE: Okay, I can look into it, and 19 I'll -- 20 CHAIR CLARK: Yes, start looking around 21 August 2019. 22 MR. NCUBE: Okay, thank you. 23 CHAIR CLARK: All right. Any other Board 24 comments? Are we good for this evening? 25 MS. SHEPHERD: We're good.</p>
<p style="text-align: right;">Page 63</p> <p>1 the residents, because this sort of scenario comes 2 before us quite often. So let's be proactive and have 3 a way to automate this process.</p> <p>4 MR. NCUBE: So just to be clear, do you want 5 me to come up with the wording for the question maybe 6 for the first survey?</p> <p>7 CHAIR CLARK: Did you want to take on the 8 whole survey or part of it?</p> <p>9 MR. NCUBE: Oh, the whole -- well, I guess I 10 could. I would like to look at the template that we 11 had. So if staff has the prior template, I'll probably 12 just do it off of the one that we had.</p> <p>13 CHAIR CLARK: I'm not sure we had a template, 14 if someone remembers, because I think we pretty much 15 have left it up to the applicant to do it, so --</p> <p>16 VICE CHAIR BURGESS: Madam Chair, we provided 17 all of the recommendations that we wanted the applicant 18 to do. So it would just be a matter of going back to 19 those meeting minutes and pulling that information that 20 we requested them to do and pulling that together for 21 our future projects.</p> <p>22 CHAIR CLARK: Okay. And I think that's easy 23 enough, that the minutes from that particular project 24 is online.</p> <p>25 MR. NCUBE: Okay, so would it be possible for</p>	<p style="text-align: right;">Page 65</p> <p>1 CHAIR CLARK: Okay, if so, I am going to 2 adjourn the meeting. I'm going to thank each and every 3 one of you and our guests.</p> <p>4 And may I have a motion to adjourn tonight's 5 meeting?</p> <p>6 MS. SHEPHERD: Second.</p> <p>7 CHAIR CLARK: Okay, we're adjourned.</p> <p>8 (Whereupon, at 7:53 p.m., the proceedings 9 were concluded.)</p>

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Susan S. Kruger



**CITY OF RIVIERA BEACH STAFF REPORT  
APPLICATION: ZA-21-06**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31 OF THE CITY'S CODE OF ORDINANCES ENTITLED, "ZONING", ARTICLE 1, "IN GENERAL", SECTION 31-1, "DEFINITIONS", BY AMENDING THE DEFINITION OF "HEIGHT OF BUILDING" TO READ "*HEIGHT OF BUILDING* MEANS THE VERTICAL DISTANCE MEASURED FROM THE MINIMUM REQUIRED FLOOR OR 18 INCHES ABOVE THE CROWN OF THE ROAD TO (A) THE HIGHEST POINT OF A FLAT ROOF; (B) THE DECK LINE OF A MANSARD ROOF; (C) THE AVERAGE HEIGHT BETWEEN EAVES AND RIDGE FOR GABLE, HIP, AND GAMBREL ROOFS; OR (D) THE AVERAGE HEIGHT BETWEEN HIGH AND LOW POINTS FOR A SHED ROOF. PARAPET WALLS INTENDED TO PROVIDE SCREENING FOR ROOFTOP MECHANICALS MAY EXTEND NOT MORE THAN 5 FEET ABOVE THE ALLOWABLE HEIGHT OF A BUILDING."; PROVIDING FOR CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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- A. Applicant:** City of Riviera Beach
- B. Request:** The application seeks to amend the definition for "Height of Buildings" in the Land Development Code of Ordinances Article I Section 31-1'
- C. Location:** N/A
- D. Property Description and Uses:** N/A
- E. Adjacent Property Description and Uses:** N/A
- F. Background:**

The City of Riviera Beach has been reviewing several documents which relate to flooding and development over the past several months. The Development Services Department (Department) is in the process of updating the Coastal Element of the Comprehensive Plan, relative to perils of flooding most specifically. The Department also just submitted documentation for the recertification of our participation in the Community Rating System (CRS) program which also relates to flooding and resiliency.



The Federal Emergency Management Agency (FEMA) also recently released updated flood risk maps for the community. These maps are not yet adopted. The Department also continues to process building permit applications for new construction as well as redevelopment throughout the City. During the routine evaluation of permits staff realized that the existing definition for height of buildings was actually resulting in a restriction on development disproportionately affecting areas with a specified base flood elevation (BFE) higher than 18 inches above the crown of the road, and was not responsive to current construction best practices. The reason is that the starting point to measure the height of a building, per the existing code is “the vertical distance measured from the minimum required floor or base flood elevation or 18 inches above the crown of the road, whichever is less, to (a) the highest point of a flat roof; (b) the deck line of a mansard roof; (c) the average height between eaves and ridge for gable, hip, and gambrel roofs; or (d) the average height between high and low points for a shed roof.” In areas with a base flood elevation that is at an elevation higher than 18 inches above the crown of the road the height of a building would be measured starting at 18 inches above the crown of a road but the actual elevation of the first floor would be a minimum of one foot above the base flood elevation. The phrase “whichever is less” may result in a restriction on the developable building height for areas with an established BFE. This proposed amendment also exempts parapet walls intended to screen rooftop mechanical units from the calculation of building height. It is more desirable to have this equipment shielded from view and the presence of walls can muffle any noise generated by the equipment and direct it vertically instead of laterally, and in flood zones putting mechanical units on the rooftops is a best practice. This regulation revision is intended to guide development in a consistent and fair manner and be responsive to the changing conditions of sea level rise, climate change and regulations for development in flood zones.

#### **G. Staff Analysis:**

The Code of Ordinances is intended to guide development in the community. It is also intended to be a document that changes and is amended over time as deemed necessary by the City’s leaders. Development Services staff have advanced this proposed amendment to the Land Development Code Chapter 31, Article 1, Section 31-1. Definitions, Building Height for several reasons. First and foremost, the existing definition is outdated. It was adopted 2-2-83 by Ordinance 2179. The definition is not responsive to the perils of flooding faced by the community today. There is a new State Building Code and Flood Map which require a higher minimum floor height for structures at risk of flooding. The Building Code also requires 1’ freeboard above the Base Flood Elevation for the minimum finished floor elevation. These additional elevation requirements are in place to help development be more resilient by requiring the minimum floor elevation to be at least one foot above the base flood elevation, but when combined with the maximum building height requirements in the code the result is a constraint on the development potential of those parcels. In commercial development in general, and particularly in flood prone areas, the mechanicals are being located on rooftops. More and more frequently single family dwellings in flood prone areas are doing the same. Land development codes and best practices typically require those mechanicals to be screened from view to mitigate impacts on abutters and also result in a more pleasing appearance for the structure. For



this reason the proposed language specifically excludes parapet walls of not more than five feet in height from the overall building height calculation when they are installed specifically for the screening of rooftop mechanicals. As the City experiences continued growth and redevelopment the built form will be more aesthetically pleasing.

#### **H. Recommendation:**

Staff recommends approval of the Application ZA-21-06 from the City of Riviera Beach which is “An Ordinance of the City Council of the City of Riviera Beach, Palm Beach County, Florida, Amending Chapter 31 of the City’s Code of Ordinances entitled, “Zoning”, Article 1, “In General”, Section 31-1, “Definitions”, by amending the definition of “height of building” to read “*height of building* means the vertical distance measured from the minimum required floor or 18 inches above the crown of the road to (a) the highest point of a flat roof; (b) the deck line of a mansard roof; (c) the average height between eaves and ridge for gable, hip, and gambrel roofs; or (d) the average height between high and low points for a shed roof. parapet walls intended to provide screening for rooftop mechanicals may extend not more than 5 feet above the allowable height of a building.”; providing for conflicts, severability and codification; and providing for an effective date.



## **ZA-21-06 - LDC Amendment**

### **Chapter 31, Article 1, Section 31-1. Definitions, Building Height**

#### Justification Statement:

Development Services staff have advanced this proposed amendment to the Land Development Code Chapter 31, Article 1, Section 31-1. Definitions, Building Height for several reasons. First and foremost, the existing definition is outdated. It was adopted 2-2-83 by Ordinance 2179. The definition is not responsive to the perils of flooding faced by the community today. There is a new State Building Code and Flood Map which require a higher minimum floor height for structures at risk of flooding. The Building Code also requires 1' freeboard above the Base Flood Elevation for the minimum finished floor elevation. These additional elevation requirements are in place to help development be more resilient by requiring the minimum floor elevation to be at least one foot above the base flood elevation, but when combined with the maximum building height requirements in the code the result is a constraint on the development potential of those parcels. In commercial development in general, and particularly in flood prone areas, the mechanicals are being located on rooftops. More and more frequently single family dwellings in flood prone areas are doing the same. Land development codes and best practices typically require those mechanicals to be screened from view to mitigate impacts on abutters and also result in a more pleasing appearance for the structure. For this reason the proposed language specifically excludes parapet walls of not more than five feet in height from the overall building height calculation when they are installed specifically for the screening of rooftop mechanicals. As the City experiences continued growth and redevelopment the built form will be more aesthetically pleasing.



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*Dwelling unit (DU)* means a room or suite of two or more rooms suitable and designated for residential use and not occupied by more than one family doing its own cooking therein and having only one kitchen facility, located within a building.

*Easement* means a grant to the general public, a corporation or a certain person for use of a strip or parcel of land for a specific purpose.

*Expression line* means a continuous line on a building façade expressed by a variation in material or by a cornice or molding.

*Family* means one or more persons related by blood, adoption or marriage, living and cooking together as a single housekeeping unit exclusive of household servants.

*Family day care home* means an accessory use conducted in an occupied residence in which custodial care is regularly provided to one to six children, inclusive, and for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operating for profit.

*Ferrous metal* means any metals containing significant quantities of iron or steel.

*Filling (service) stations* means any building or plot of land used or designed to be used for the storage and retail sale of automotive fuels and lubricants and which may include facilities for washing, polishing, greasing, waxing, tire repairing and other minor repairs. No major vulcanizing, tire recapping or other major mechanical repairs shall be included in the operation of a filling station.

*Floor area ratio (F.A.R.)* means the total floor area built on a zoning lot, divided by the total lot area of that zoning lot.

*Floor area, total* means the sum of the areas of the several floors of the structure, as measured by the exterior faces of the walls, including fully enclosed porches and the like as measured by the exterior limits thereof, but excluding garage space which is in the basement or lower floors of a building. Carports, garages, breezeways and porches shall be excluded from the computation of floor area when a minimum floor area is specified in these provisions.

*Floor footprint* means the total indoor and outdoor footprint of a building at any given story. The 100-percent floor footprint is calculated by multiplying the maximum lot coverage by the overall size of the parcel. Some districts may limit the floor footprint by percentage at certain stories.

*Garage, private* means an accessory building or a portion of a main building designed or used for the storage of automobiles of the occupants of the main building. A carport would be considered a private garage.

*Garage, public* means a building or portion thereof, other than a private or storage garage, designed or used for the storage, servicing, repairing and equipping of motor vehicles.

*Garage, storage* means a building or portion thereof designed or used exclusively for the storage or parking of automobiles. Services, other than storage, shall be limited to refueling, lubrication, washing, waxing and polishing.

*Height of building* means the vertical distance measured from the minimum required floor ~~or base flood elevation~~ or 18 inches above the crown of the road, ~~whichever is less~~, to (a) the highest point of a flat roof; (b) the deck line of a mansard roof; (c) the average height between eaves and ridge for gable, hip, and gambrel roofs; or (d) the average height between high and low points for a shed roof. Parapet walls intended to provide screening for rooftop mechanicals may extend not more than 5 feet above the allowable height of a building.

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## Sec. 31-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accessory building or structure* means a subordinate building, the use of which is clearly incidental and related to that of the principal building or use of the land, and which is located on the same lot as that of the principal building or use.

*Accessory use* means a use that is customarily incidental to the principal use and so necessary or commonly to be expected that it cannot be supposed that the Code intended to prevent it. Accessory uses, unless otherwise provided, shall be located on the same premises as the principal use.

*Advertisement* means a form of communication used to persuade potential customers to purchase or consume a particular brand, product or service. Common methods used for advertising may include, but are not limited to: banners, billboards, business cards, brochures, electronic communication, fliers, the internet, letter head, magazines, mailings, newspapers, phone books, prints, publications, radio, signage, stamps, and television.

*Affordable housing* means an owner-occupied or rental dwelling unit with a purchase cost, value, or monthly rental, as applicable, equal to or less than the amounts established by the applicable standards for those individuals whose income is at or below 60 percent of area median income as published by the United States Department of Housing and Urban Development and certified by the department of community and economic development.

*Alley* means a right-of-way which affords only a secondary means of access to property abutting thereon and is not intended or used for general traffic circulation, and is not over 20 feet in width.

*Alterations, building* means any change in the structure which will increase the number of dwelling units, the floor area or the height of the structure, or change the occupancy of the structure as established in the city's building code.

*Apartment* means a room or a suite of rooms occupied, or which is intended or designed to be occupied, as the home or residence of one individual, family or household, for housekeeping purposes.

*Baling* means to tightly compress and secure into bales by wires, hoops, cords, or the like.

*Bars, saloons, taverns, cocktail lounges, or nightclubs* means any premises used primarily for the sale or dispensing of liquor by the drink for on-site consumption and where food may be available for consumption and where food may be available for consumption on the premises as accessory to the primary use.

*Boardinghouse or lodging house* means a building other than a hotel, where lodging or meals or both are served for compensation.

*Building* means any structure having a roof impervious to weather designated and suitable for the habitation or shelter of human beings or animals and the shelter or storage of properties or for use in any occupation for some purpose of trade and manufacture.

*Building façade* means an exterior building wall facing a street, path, or park.

*Building frontage* means the percentage of the total width of a lot which is required to be building façade(s).

*Building, principal* means a building for which the main or principal use of the lot on which the building is situated is contracted.

*Briquetting* means a molded block of any material.

*CDD* means the community development department.

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*Child care facility* means an establishment, including any child care center or child care arrangement, other than a family day care home or large family child care home, which provides care to any number of children, which receives a payment, fee, or grant for any of the children receiving care, whether or not operating for profit.

*Church* means an enclosed structure for public or semipublic religious worship, irrespective of denomination. For the purposes of this code, churches include synagogues, mosques, temples, etc.

*Coastal construction setback control line* means a line established by the state department of environmental protection to prevent or reduce beach erosion and damage to coastal life and property pursuant to F.S. ch. 161.

*Community garden* means a defined area of land utilized collectively by a group of people to grow plant material including flowers or produce for profit or not-for-profit, including supplementary uses and structures associated with gardening and community gathering spaces.

*Community residential home* means a dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Family Services or licensed by the Agency for Health Care Administration which provides a living environment for seven to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

*Construction demolition debris recycling* means the separation of reusable commodities (e.g. rebar) from those construction waste materials (concrete rubble, wood scraps, pieces of drywall, etc.) that remain after demolition and must be disposed of at a sanitary landfill.

*Contiguous* means lands which abut each other, or if separated by streets, ways, easements, pipelines, power lines, conduits and rights-of-way, are under one ownership.

*Density* means the total number of residential dwelling units per acre of land as specified within and limited by this chapter.

*Development order* means any order granting, denying or granting with conditions an application for a development permit.

*Development permit* means and includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

*Drive-up, drive-through facility* means any place of business or premises which serves, sells, or otherwise makes available its goods or services directly to customers situated in motor vehicles.

*Driveway* means the standard means of ingress and egress from private properties to public rights-of-way.

*Dune* means a ridge, mound or hill of sand which extends parallel to the shoreline along sandy coasts formed by wind and waves.

*Dune, crest of* means the highest point of a dune, or a line formed by such points.

*Dwelling* means a building or portion thereof, designed or used exclusively for residential occupancy, but not including trailers, mobile homes, hotels, motels, motor lodges, boardinghouses and lodging houses, tourist courts or tourist homes.

*Dwelling, duplex* means a building designed for two-family occupancy.

*Dwelling, multiple family* means a building designed for three or more families.

*Dwelling, single-family* means a building designed exclusively for one-family occupancy.

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*Dwelling unit (DU)* means a room or suite of two or more rooms suitable and designated for residential use and not occupied by more than one family doing its own cooking therein and having only one kitchen facility, located within a building.

*Easement* means a grant to the general public, a corporation or a certain person for use of a strip or parcel of land for a specific purpose.

*Expression line* means a continuous line on a building façade expressed by a variation in material or by a cornice or molding.

*Family* means one or more persons related by blood, adoption or marriage, living and cooking together as a single housekeeping unit exclusive of household servants.

*Family day care home* means an accessory use conducted in an occupied residence in which custodial care is regularly provided to one to six children, inclusive, and for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operating for profit.

*Ferrous metal* means any metals containing significant quantities of iron or steel.

*Filling (service) stations* means any building or plot of land used or designed to be used for the storage and retail sale of automotive fuels and lubricants and which may include facilities for washing, polishing, greasing, waxing, tire repairing and other minor repairs. No major vulcanizing, tire recapping or other major mechanical repairs shall be included in the operation of a filling station.

*Floor area ratio (F.A.R.)* means the total floor area built on a zoning lot, divided by the total lot area of that zoning lot.

*Floor area, total* means the sum of the areas of the several floors of the structure, as measured by the exterior faces of the walls, including fully enclosed porches and the like as measured by the exterior limits thereof, but excluding garage space which is in the basement or lower floors of a building. Carports, garages, breezeways and porches shall be excluded from the computation of floor area when a minimum floor area is specified in these provisions.

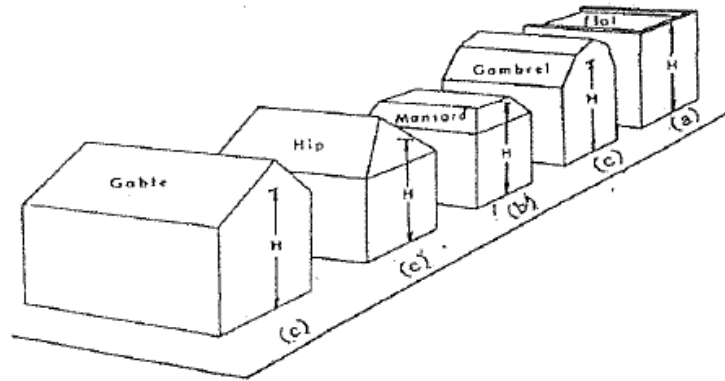
*Floor footprint* means the total indoor and outdoor footprint of a building at any given story. The 100-percent floor footprint is calculated by multiplying the maximum lot coverage by the overall size of the parcel. Some districts may limit the floor footprint by percentage at certain stories.

*Garage, private* means an accessory building or a portion of a main building designed or used for the storage of automobiles of the occupants of the main building. A carport would be considered a private garage.

*Garage, public* means a building or portion thereof, other than a private or storage garage, designed or used for the storage, servicing, repairing and equipping of motor vehicles.

*Garage, storage* means a building or portion thereof designed or used exclusively for the storage or parking of automobiles. Services, other than storage, shall be limited to refueling, lubrication, washing, waxing and polishing.

*Height of building* means the vertical distance measured from the minimum required floor or base flood elevation or 18 inches above the crown of the road, whichever is less, to (a) the highest point of a flat roof; (b) the deck line of a mansard roof; (c) the average height between eaves and ridge for gable, hip, and gambrel roofs; or (d) the average height between high and low points for a shed roof.



*Home occupation* means a business activity which:

- (1) Has its primary location in a residential dwelling unit;
- (2) Is conducted entirely within the dwelling by the occupants;
- (3) Is clearly incidental and secondary to the use of the dwelling for residential purposes; and
- (4) Does not change the residential character of the dwelling.

*Hotel* means any building containing principally sleeping rooms in which transient guests are lodged with or without meals, with no provision made for cooking in any individual room or suites. Such building would, structurally and for purposes of safety, be obliged to conform to the laws of the state regulating hotels.

*Industrial equipment* means farm tractors and implements, bulldozers, drag lines, cranes, derricks, heavy earth moving equipment normally used in farming, excavation and/or heavy construction activities.

*Large family child care home* means an occupied residence in which custodial care is regularly provided for up to 12 children, and for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and which has at least two full-time child care personnel on the premises during the hours of operation.

*Laundry, self-service* means a business rendering a retail service by renting to the individual customer equipment for the washing, drying and otherwise processing of laundry, with such equipment to be serviced and its use and operation supervised by the management.

*Liner building* means a building or part of a building constructed to shield parking, manufacturing, or industrial uses from the street that contains active uses with doors and windows opening onto the sidewalk to create an attractive, pedestrian-friendly, safe environment.

*Lot* means a parcel of land occupied or intended to be occupied by one main building and its accessory building with such openings and parking spaces as are required by the provisions of this chapter and having its principal frontage upon a street.

*Lot area* means the total horizontal area within the boundary lines of the lot.

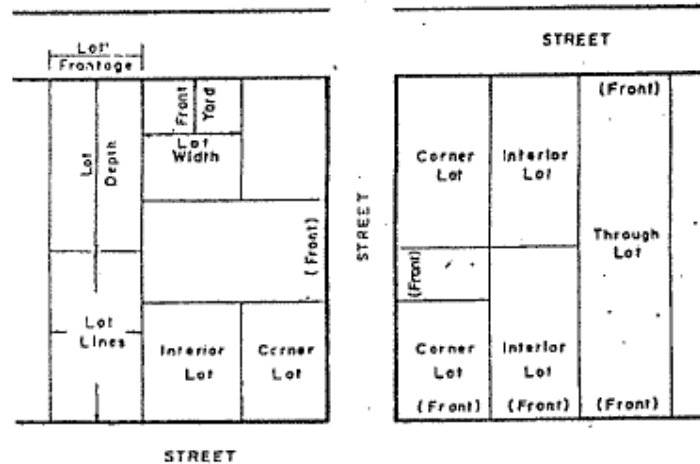
*Lot, corner* means a lot abutting upon two or more streets at their intersection.

*Lot coverage* means the percentage of the total area of a lot covered by all principal and accessory buildings, or portions thereof, unless otherwise specified in this Code. The method of measuring lot coverage shall be by measurements to the outside face of exterior walls and shall include carports, garages, breezeways and porches unless otherwise specified.

*Lot depth* means the mean horizontal distance between the front and rear lot lines.

*Lot front* means and shall be construed to be the portion nearest the streets. For corner lots, the lot front shall be the narrowest portion abutting the street unless determined otherwise by the director of the CDEC.

*Lot width* means the horizontal distance between the side lot lines measured at the required front yard line and parallel to the front street line.



*Low-THC cannabis* means a plant of the genus Cannabis, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed from a medical marijuana treatment center as defined in F.S. § 381.986.

*Major recreational vehicle* means any travel trailer, pickup camper or coach designed to be mounted on motorized vehicles, motorized dwelling or motor home, tent trailer, popout camper, case or box used for transporting recreational equipment, whether occupied by such equipment or not, any boat and boat trailer.

*Marijuana* means all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including low-THC Cannabis, which are dispensed from a medical marijuana treatment center for medical use by a qualified patient as defined in F.S. § 381.986.

*Marina* means a facility or structure which provides mooring, docking, anchorage, fueling, repairs or other services for watercraft.

*Mean high water* means the average height of the high waters over a 19-year period. For shorter periods of observation, mean high water means the average height of the high waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of a mean 19-year value.

*Mean high water line* means the intersection of the tidal plane of mean high water with the shore.

*Medical cannabis* has the same meaning provided at F.S. § 381.986(1)(f), titled "Marijuana".

*Medical marijuana cultivation facility* has the same meaning as "cultivation facility" as provided at Rule 64-4.001(11)(a), Florida Administrative Code, and includes any area approved by the state department of health for the cultivation of medical Cannabis.

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*Medical marijuana dispensary* has the same meaning as "dispensing facility" as provided at Rule 64-4.001(11)(c), Florida Administrative Code, and includes any area approved by the state department of health for the dispensation of medical Cannabis.

*Medical marijuana processing facility* has the same meaning as "processing facility" as provided at Rule 64-4.001(11)(b), Florida Administrative Code, and includes any area approved by the state department of health for the processing of medical Cannabis.

*Medical marijuana treatment center (MMTC) and/or medical marijuana treatment center dispensing facility (MMTC-DF)* means a retail establishment, licensed by the state department of health as a "medical marijuana treatment facility," facility established by a licensed "medical marijuana treatment center," "dispensing organization," "dispensing organization facility," or similar use, that sells and dispenses marijuana, products containing marijuana, or related supplies, but does not engage in any other activity related to preparation, wholesale storage, distribution, transfer, cultivation, or processing of any form of marijuana, marijuana products, or related supplies, and does not allow on-site consumption of marijuana or marijuana products.

*Mezzanine* means an open and unobstructed floor level (except for railings for low walls not more than 42 inches tall) within a story, not exceeding one-third of the floor area of space in which it is located.

*Mobile home, house or coach* means a manufactured detached, transportable, single-family dwelling unit designed for long-term occupancy and arriving at the site where it is to be occupied as a complete dwelling unit, containing all conveniences and facilities, with plumbing and electrical connections provided for attachment to approved utility systems. To retain mobility, under-carriage and axles must remain attached to the unit.

*Mobile home park or camp* means any area where one or more mobile homes can be parked, designed or intended to be used as living quarters of one or more families. The site plan and all sanitary facilities of a mobile home park must conform to the requirements of the state and county health authorities.

*Motel, tourist court or automobile court* means a group of two or more attached, detached or semi-detached buildings, containing guest rooms or apartments with automobile storage or parking space provided in connection therewith, designed for use primarily by automobile transients.

*Nonconforming building or structure* means a building or structure or portion thereof existing at the effective date of this chapter, or any amendment thereto, which was designed, erected or structurally altered in such a manner that characteristics of the building or structure, other than use regulations, do not meet the provisions of this chapter.

*Nonconforming use* means the lawful use of land which use does not conform with the use regulations of the district in which it is located because the use existed prior to March 17, 1982.

*Nonferrous metals* means metals not containing significant quantities of iron or steel, including, without limitation, copper, brass, aluminum, bronze, lead, zinc, nickel, and alloys thereof.

*Open space* means that part of a lot, including courts and yards, which:

- (1) Is open and unobstructed from its lowest level upward;
- (2) Is accessible to all residents on the lot without restrictions except as may be required for safety; and
- (3) Shall, in general, be available for entry and use by the occupants of the building or buildings on the premises;

but may include space located and treated to enhance the amenity of the development by providing landscaping, screening for the benefit of the occupants or neighboring area, or a general appearance of openness.

*Outdoor storage area* means an area permitted by the City of Riviera Beach, utilized for the permanent storage of goods, wares, merchandise, commodities, supplies or materials as an accessory use to an enclosed primary building.

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*Overlay zoning* means a zoning district which is superimposed over another zoning district. The provisions of the overlay district are controlling if there is a conflict between the underlying zoning district and the overlay zoning district.

*Parking lot* means a durably surfaced area or plot of ground used for the storage or parking of more than four motor vehicles, either for compensation or as an accessory service to a business, industrial or residential use.

*Patio home* means a single-family dwelling unit designed with one windowless zero lot lined exterior site wall site planned to accommodate cluster development creating a sheltered, private outdoor living area for each dwelling unit.

*Pawn shop* means an establishment that is regularly engaged in the business of loaning money with products being used as collateral for a loan, but does not include financial institutions or any person who regularly loans money or any other thing of value on stocks, bonds, or other securities.

*Place of worship* means a special purpose building such as a church, synagogue, temple, or mosque that is used for religious observance by persons of similar beliefs, and that is architecturally designed and particularly adapted for the primary use of conducting, on a regular basis, formal religious services by a religious congregation.

*Planned unit development (PUD)* means a land area under unified control designed and planned to be developed in a single operation or by a series of prescheduled development phases according to an officially approved final master land use and site plan which does not necessarily correspond to the property development and use regulations of the zoning district in which the development is located.

*Platted lot size* means the minimum size of a buildable lot. For single family residential, see minimum property size per zoning classification, and for fee-simple town home (or similar type) multifamily residential the minimum platted lot size is 15 feet × 50 feet. For other multifamily residential, see minimum property size per zoning classification. Properties developed according to these standards shall be required to establish a property owners association for the continued maintenance of common areas. Note: Applicable density and setback regulations are regulated per specific zoning classification.

*Private passenger vehicles* means that type of vehicle primarily used to transport not more than nine persons. The term does not include such vehicles as campers, recreation vehicles, motor homes, or any other type of vehicle other than private passenger vehicles.

*Professional office* means a place used for conducting a business, profession, service, or government. Such facilities may include, but are not limited to, offices of attorneys, engineers, architects, physicians, dentists, accountants, banks, financial institutions, real estate companies, insurance companies, financial planners, or corporate offices, and exclude manufacturing activities.

*Property line* means the boundary line surrounding a lot.

*Recess line* means a continuous building setback occurring at a prescribed height.

*Recycling* means to treat or process used or waste materials so as to make suitable for reuse.

*Recycling center* means a facility solely for the collection and sorting and/or separating of recyclable materials from the general public. On-site storage containers and bins used solely for the recycling of material such as aluminum, food and beverage containers, glass, paper, and plastic generated by residential property and business offices may be placed on the site.

*Recycling facility* means a facility for the collection and/or processing of recyclable materials with on-site storage containers or processing facilities used solely for the recycling of materials. These materials include aluminum, glass, paper, plastic, and excluding toxic and heavy metals such as but not limited to lead, cadmium, mercury, chromium, nickel, copper, arsenic, ferrous metals other than food and beverage containers generated by residential property, business or light manufacturing and are not recycling centers for the purposes of this section.



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*Restaurant (excluding drive-through)* means an establishment where the principal business is the sale of food in a ready-to-consume state to persons who are seated within the principal building, seated outside on the premises, or for carryout.

*Restaurant, drive-through, drive-in*, means an establishment where the principal business is the sale of food in a ready-to-consume state to customers within the establishment and directly to customers on premises situated in motor vehicles.

*Retail establishment* means a place of business providing the sale and display of goods and/or sale of services directly to customers, with goods available for immediate purchase and removal from the premises by the customer. Retail goods include, but are not limited to, clothing, food, furniture, pharmaceuticals, books, art objects and the like. Retail services include, but are not limited to, barber shops, beauty salons, travel agencies, dry cleaning, health clubs, photo studios, funeral homes (no embalming on premises), pet care, repair establishments, and employment offices. For the purposes of this definition, retail establishments exclude adult entertainment, weapons sales, and the sale and servicing of vehicles or watercraft with engines larger than 50 horsepower.

*School* means any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge.

*Scrap metal processing* means a process by which metal materials ferrous or nonferrous, which would otherwise become solid waste, are collected, separated or processed, and reused or returned to use in the form of raw materials for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning or remanufacturing of products.

*Self-service storage (self storage)* means a place of business providing individual self-contained units which are available for short-term or long-term lease to the general public for the storage of goods and belongings. As a customary secondary use, designated areas may also be utilized for the storage of automobiles, trailers, recreational vehicles and similar rolling stock, as provided by an approved site plan. Outdoor storage must be shielded from view of adjacent property owners and public right-of-way.

*Setback* means the minimum distance required between buildings or buildings and property lines, to provide for the required open space. All setbacks shall be measured at a right angle from the property lines or building lines as the case may be.

*Setback line* means a line marking the minimum horizontal distance between the property line and the beginning point of the required setback or the buildable area, as this chapter may require in each particular case. All setback lines shall run parallel to the relevant property lines.

*Shredding* is a process by which metal is smashed, split, ripped, ground and cut into smaller pieces.

*Site plan* means a presentation drawing drawn to scale illustrating a proposed development and prepared in accordance with this chapter. Specific requirements for site plan approval submission are included in appropriate districts.

*Smelting* is a metallurgical thermal processing operation in which the metal or matte is separated in fused form from nonmetallic materials or other undesired metals with which it is associated.

*Special exception* means a use, structure or PUD that would not be appropriate generally or without restriction throughout a particular zoning district, but would, if controlled as to number, area, location, or relocation to neighborhood, be appropriate.

*Storefront church* means the temporary or permanent use of space in a multi-tenant commercial building for public or semipublic religious worship.

*Story* means that portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then space between the floor and the ceiling is a story.

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*Street* means a public or private thoroughfare which affords the principal means of access to abutting property.

*Street line* means the dividing line between a lot, tract or parcel of land and the contiguous street right-of-way.

*Streetwall* means a low wall or hedge used to screen surface parking lots from view.

*Structure* means anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground, including, but without limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts, fences and pergolas.

*Structure alterations* means any change, except for repair or replacement, in the supporting members of a building such as bearing walls, columns, beams or girders, floor joists or roof joists. See also *Building alterations*.

*Temporary labor employment office* means an establishment engaged in providing temporary labor for the construction or industrial trades.

*Timesharing* means a form of ownership of property where use of the property is limited to certain time periods for varied individuals; also known as "interval ownership."

*Toxic and heavy metals* are metals that are poisonous, such as lead or mercury also metals that form poisonous soluble compounds and are not essential minerals, or are in a form that can negatively impact persons health.

*Trailer* means any portable structure or vehicle designed so as to be used as a conveyance upon the public streets and highways, containing a self-contained plumbing system which is not connected to an external sewerage and constructed in such a manner so as to permit occupancy thereof for dwelling or sleeping purposes.

*Trailer coach* means all types of mobile homes, self-propelled trucks or buses which have been converted or equipped with living and/or sleeping quarters, such as pickup trucks with living quarters installed, and converted buses. However, this excludes suburbans and other similar types of automobiles for private use which have been equipped with camping equipment and relocated materials.

*Trailer court, camp or park* means an area where one or more automobile trailers can be parked, designed or intended to be used as temporary living quarters of one or more families and intended primarily for automobile transients. The site plan and all sanitary facilities of a trailer camp must conform to the requirements of the state and county health authorities.

*Use* means any purpose for which buildings or other structures or land may be arranged, designed, intended, maintained or occupied; or any occupation, business, activity or operation carried on or intended to be carried on in a building or other structure or on land in accordance with this chapter.

*Variance* means a relaxation of certain regulations contained in this chapter where such variance shall not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant or owner, a literal enforcement of this chapter would result in unnecessary and undue hardship.

*Vegetation line* means a line, as identified by the state department of environmental protection, of the first appearance of permanent vegetation west of the Atlantic Ocean.

*Warehouse* means a structure, or part of a structure, for storing goods, wares and merchandise, whether for the owner or for others; and whether it is a public or private warehouse.

*Yard* means a required open space clear from the ground upward, unoccupied and unobstructed by any structure, except for fences, walls and vegetation as provided herein.

*Yard, front* means a yard across the full width of the lot extending between the front line of the lot and the main building.

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*Yard, ocean* means any yard abutting the Atlantic Ocean.

*Yard, rear* means a yard across the full width of the lot extending between the rear line of the lot and the main building.

*Yard, side* means a yard extending between the side line of the lot and the main building and between the front yard setback line or the lot lines in absence of setback requirements.

(Ord. No. 2152, § 2(23.AA-1), 3-17-82; Ord. No. 2179, § 1, 2-2-83; Ord. No. 2314, § 1, 9-3-86; Ord. No. 2624, § 1, 2-16-94; Ord. No. 2772, § 1, 1-21-98; Ord. No. 2814, § 1, 4-21-99; Ord. No. 2863, § 1, 1-3-01; Ord. No. 3021, § 1, 11-15-06; Ord. No. 3070, § 2, 10-7-09; Ord. No. 3071, § 2, 10-7-09; Ord. No. 3072, § 2, 10-7-09; Ord. No. 3092, § 1, 5-18-11; Ord. No. 4026, § 2, 9-4-13; Ord. No. 4038, 2(Exh. A), 12-18-13, Ord. No. 4109, § 2, 5-2-18; Ord. No. 4114, § 2, 9-5-18; Ord. No. 4143, § 2, 9-16-20; Ord. No. 4149, § 2, 9-16-20)

Cross reference(s)—Definitions and rules of construction generally, § 1-2.

**For Staff Use Only**

<b>City of Riviera Beach</b>  Community Development Department 600 W. Blue Heron Boulevard Riviera Beach, Florida 33404  Phone: (561) 845-4060 Fax : (561) 845-4038	Date:	Case Number:
	Project Title:	
	Fee Paid:	Notices Mailed:
	1 <sup>st</sup> Hearing:	2 <sup>nd</sup> Hearing:
	Publication Dates (if required)	

**UNIFORM LAND USE APPLICATION**

*(Please attach separate sheet of paper for required additional information)*

**Complete appropriate sections of Application and sign.**

<b>APPLICANT</b>	Name of Property Owner(s):	n/a		
	Mailing Address:			
	Property Address:			
	Name of Applicant (if other than owner):	Development Services Department		
	Home: (    )	Work: (    )	Fax: (    )	
	E-mail Address:			

**PLEASE ATTACH LEGAL DESCRIPTION**

<b>PROPERTY</b>	Future Land Use Map Designation:	Current Zoning Classification:
	Square footage of site:	Property Control Number (PCN):
	Type and gross area of any existing non residential uses on site:	
	Gross area of any proposed structure:	
	Is there a current or recent use of the property that is/was in violation of City Ordinance? [    ] Yes    [    ] No	
	If yes, please describe:	
	Have there been any land use applications concerning all or part of this property in the last 18 months? [    ] Yes    [    ] No	
	If yes, indicate date, nature and applicant's name:	
	Briefly describe use of adjoining property: North:	
	South:	
	East:	
West:		

<b>REZONE</b>	Requested Zoning Classification:
	Is the requested zoning classification contiguous with existing?
	Is a Special Exception necessary for your intended use? [    ] Yes    [    ] No
	Is a Variance necessary for your intended use? [    ] Yes    [    ] No


<b>FUTURE LAND USE</b>	Existing Use:	Proposed Use:
	Land Use Designation:	Requested Land Use:
	Adjacent Land Uses: North:	South:
	East:	West:
	Size of Property Requesting Land Use Change:	

<b>SPECIAL EXCEPTION</b>	Describe the intended use requiring a Special Exception:
	Provide specific LDR ordinance section number and page number:
	How does intended use meet the standards in the Land Development Code?
	Demonstrate that proposed location and site is appropriate for requested use:
	Demonstrate how site and proposed building(s) have been designed so they are compatible with adjacent uses and neighborhoods:
	Demonstrate any landscaping techniques to visually screen use from adjacent uses:
	Demonstrate what is proposed to reduce the impact of any potential hazards, problems, public nuisances generated by use:
	Demonstrate how utilities and other service requirements of the use can be met:
	Demonstrate how the impact of traffic generated will be handled:
	On-site:
Off-Site:	
Other:	

<b>VARIANCE</b>	Describe the Variance sought:
	Demonstrate that the Variance is needed to overcome a hardship caused by the unique physical conditions of the site:
	Specify the minimum Variance requirements including: height, lot area, size of structure, size of yard, setback, buffer or open space:
	Other:

<b>SITE PLAN</b>	Describe proposed development:
	Demonstrate that proposed use is appropriate to site:
	Demonstrate how drainage and paving requirement will be met:
	Demonstrate any landscaping techniques to visually screen use from adjacent uses:
	Demonstrate what is proposed to reduce the impact of any potential hazards, problems, public nuisances generated by use:
	Demonstrate how utilities and other service requirements of the use can be met:
	Demonstrate how the impact of traffic generated will be handled:
	On-site:
	Off-site:

<b>OTHER</b>	<b><u>COMMUNICATION TOWER CO-LOCATION REQUIREMENTS:</u></b>
	<ul style="list-style-type: none"> <li>• Three sets of signed and sealed Construction documents, elevations and all equipment shelters, cabinets, Coax, telephone and power conduits identified. These plans will then be used to obtain the Building Permit.</li> <li>• Antenna manufacture cut sheets including antenna size and shape.</li> <li>• Zoning map of area with site clearly marked.</li> <li>• Photos of existing building or tower and surrounding uses.</li> <li>• Letter of non-interference and FCC compliance from applicant's Radio Frequency Professional.</li> <li>• Map of surrounding carrier existing locations in all directions with type i.e. Guyed, Self-Support, Monopole, Rooftop.</li> <li>• Letter of structural capacity and building code compliance.</li> <li>• Notes on plan or letter demonstrating floor area coverage not in excess of restrictions</li> <li>• Provide Photo Enhancements of proposal.</li> <li>• Statement that proposal is in compliance with Environmental Regulations prior to permit issue.</li> </ul>

<b>Confirmation of Information Accuracy</b>	
<p>I hereby certify that the information on this application is correct. The information included in this application is for use by the City of Riviera Beach in processing my request. False or misleading information may be punishable by a fine of up to five hundred dollars (\$500.00) and imprisonment of up to thirty (30) days and may result in the summary denial of this application.</p>	
 Signature	7/6/21 Date



**CITY OF RIVIERA BEACH STAFF REPORT  
APPLICATION: ORDINANCE 4175  
FLOODPLAIN MANAGEMENT**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 25 OF THE CITY'S CODE OF ORDINANCES ENTITLED "FLOODPLAIN MANAGEMENT", IN ORDER TO SPECIFY ELEVATION OF MANUFACTURED HOMES IN FLOOD HAZARD AREAS; TO PROVIDE CRITERIA FOR ACCESSORY STRUCTURES IN FLOOD HAZARD AREAS; TO REPEAL CHAPTER 25 EXHIBIT A; PROVIDING FOR APPLICABILITY, CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**A. Applicant:** City of Riviera Beach

**B. Request:** The application is a proposed Ordinance to revise Chapter 25, Floodplain Management to update definitions, reduce redundant language, add requirements for the elevation of manufactured homes.

**C. Location:** N/A

**D. Property Description and Uses:** N/A

**E. Adjacent Property Description and Uses:** N/A

**F. Background:**

The City of Riviera Beach has been reviewing several documents which relate to flooding and development over the past several months. The Development Services Department (Department) is in the process of updating the Coastal Element of the Comprehensive Plan, relative to perils of flooding most specifically. The Federal Emergency Management Agency (FEMA) recently released updated flood risk maps for the community. These maps are not yet adopted.

Most homeowner insurance policies do not cover flood damage. The National Flood Insurance Program (NFIP) is managed by the Federal Emergency Management Agency (FEMA) to provide flood insurance to property owners, renters and businesses. Flood insurance is only available to properties located within NFIP participating communities.

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NFIP participating communities are required to adopt and enforce floodplain management regulations that help mitigate the effects of flooding. The City of Riviera Beach participates in the NFIP and also participates in the NFIP's Community Rating System (CRS).

The CRS program is a voluntary program that provides discounts on flood insurance rates to property owners based upon the community's CRS rating. CRS communities are rated from 1 to 10 based upon floodplain management activities in the community that exceed the NFIP minimums. A 5% discount is given for each point a community is rated below a 10. The City of Riviera Beach has a current CRS rating of 9 which relates to a 5% discount for properties within the city. There are currently 5,038 flood insurance policies within the city with \$1,547,766 in total annual premiums.

The NFIP has recently established new minimum requirements for communities to qualify for a CRS rating of 8 or better. Amending a community's floodplain management regulations requiring all manufactured homes installed or replaced in a special flood hazard area must be elevated so that the lowest floor is above the base flood elevation plus 1 foot.

The City of Riviera Beach is currently in the CRS recertification process through the Insurance Services Organization (ISO) and needs to revise our floodplain management regulations in order to improve our CRS rating which will provide greater discounts for property owners within the city. Each point improvement in the city's CRS rating translates to approximately \$66,000.00 in flood insurance premium savings for property owners within the city.

Other minor amendments to the floodplain management regulations include; amending some definitions and repealing Exhibit A. "Technical Amendments to the Florida Building Code". The repeal of Exhibit A. is necessary because amendments within the exhibit have become redundant as they are now contained within the new edition of the Florida Building Code.

#### **G. Staff Analysis:**

The Code of Ordinances is intended to guide development in the community. It is also intended to be a document that changes and is amended over time as deemed necessary by the City's leaders. Development Services staff have advanced this proposed amendment to the Land Development Code Chapter 25, Floodplain Management to incorporate the amendments being suggested by the NFIP as part of the CRS ISO process, and also to build in elevation requirements for manufactured homes, eliminate redundant language, and update definitions. The amendment is beneficial to the community as it improves our floodplain management regulations and will help the City earn a lower rating in the CRS program which will result in reduced flood insurance premiums for residents.

#### **H. Recommendation:**

Staff recommends approval of the Ordinance of the City Council of the City of Riviera Beach, Palm Beach County, Florida, amending Chapter 25 of the city's Code





of Ordinances entitled “Floodplain Management”, in order to specify elevation of manufactured homes in flood hazard areas; to provide criteria for accessory structures in flood hazard areas; to repeal Chapter 25 Exhibit A; providing for applicability, conflicts, severability and codification; and providing for an effective date.





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**CITY OF RIVIERA BEACH – MEMORANDUM**

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**TO:** HON. MAYOR, CHAIRPERSON AND CITY COUNCIL

**THROUGH:** JONATHON EVANS, CITY MANAGER, MPA, MBA. ICMA-CM

**FROM:** MICHAEL GRIMM, BUILDING OFFICIAL

**SUBJECT:** **ORDINANCE 4175, AMENDING THE CITY OF RIVIERA BEACH MUNICIPAL CODE, CHAPTER 25, “FLOODPLAIN MANAGEMENT”**

**DATE:** JULY 14, 2021

**CC:** PLANNING AND ZONING BOARD  
GENERAL PUBLIC

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**Background:**

Most homeowner insurance policies do not cover flood damage. The National Flood Insurance Program (NFIP) is managed by the Federal Emergency Management Agency (FEMA) to provide flood insurance to property owners, renters and businesses. Flood insurance is only available to properties located within NFIP participating communities. NFIP participating communities are required to adopt and enforce floodplain management regulations that help mitigate the effects of flooding. The City of Riviera Beach participates in the NFIP and also participates in the NFIP's Community Rating System (CRS).

The CRS program is a voluntary program that provides discounts on flood insurance rates to property owners based upon the communities CRS rating. CRS communities are rated from 1 to 10 based upon floodplain management activities in the community that exceed the NFIP minimums. A 5% discount is given for each point a community is rated below a 10. The City of Riviera Beach has a current CRS rating of 9 which relates to a 5% discount for properties within the city. There are currently 5,038 flood insurance policies within the city with \$1,547,766 in total annual premiums.

The NFIP has recently established new minimum requirements for communities to qualify for a CRS rating of 8 or better. Amending a community's floodplain management regulations requiring



all manufactured homes installed or replaced in a special flood hazard area must be elevated so that the lowest floor is above the base flood elevation plus 1 foot.

The City of Riviera Beach is currently in the CRS recertification process through the Insurance Services Organization (ISO) and needs to revise our floodplain management regulations in order to improve our CRS rating which will provide greater discounts for property owners within the city. Each point improvement in the city's CRS rating translates to approximately \$66,000.00 in flood insurance premium savings for property owners within the city.

Other minor amendments to the floodplain management regulations include; amending some definitions and repealing Exhibit A. "Technical Amendments to the Florida Building Code". The repeal of Exhibit A. is necessary because amendments within the exhibit have become redundant as they are now contained within the new edition of the Florida Building Code.

**Citywide Goal:**

To promote public safety, to provide a sustainable and liveable community for future generations.

**Budget/ Fiscal Impact:**

N/A

**Recommendation(s):**

City staff recommends City Council's approval of the attached Ordinance.

**Attachment(s):**

1. Ordinance 4175



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## CHAPTER 25 – FLOODPLAIN MANAGEMENT

### ARTICLE I. ADMINISTRATION

#### Sec. 25-1. General.

- (1) *Title.* These regulations shall be known as the Floodplain Management Ordinance of City of Riviera Beach hereinafter referred to as "this ordinance."
- (2) *Scope.* The provisions of this ordinance 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.
- (3) *Intent.* The purposes of this ordinance 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:
  - a. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
  - b. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
  - c. 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;
  - d. 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;
  - e. Minimize damage to public and private facilities and utilities;
  - f. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
  - g. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
  - h. 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.
- (4) *Coordination with the Florida Building Code.* This ordinance 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.

- (5) *Warning.* The degree of flood protection required by this ordinance 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 man-made or natural causes. This ordinance 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 ordinance.
- (6) *Disclaimer of Liability.* This ordinance shall not create liability on the part of City Council of Riviera Beach or by any officer or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

## **Sec. 25-2. Applicability.**

- (1) *General.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- (2) *Areas to which this ordinance applies.* This ordinance shall apply to all flood hazard areas within the Riviera Beach as established in subsection 25-2(3).
- (3) *Basis for establishing flood hazard areas.* The Flood Insurance Study for Palm Beach County, Florida and Incorporated Areas dated October 5, 2017, 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 ordinance 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 Building Department at 600 W Blue Heron Blvd, Riviera Beach, FL 33404.
- (4) *Submission of additional data to establish flood hazard areas.* To establish flood hazard areas and base flood elevations, pursuant to subsection 25-5 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:
  - a. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ordinance and, as applicable, the requirements of the Florida Building Code.
  - b. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a letter of map change that removes the area from the special flood hazard area.
- (5) *Other laws.* The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

- (6) *Abrogation and greater restrictions.* This ordinance supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this ordinance and any other ordinance, the more restrictive shall govern. This ordinance shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this ordinance.
- (7) *Interpretation.* In the interpretation and application of this ordinance, all provisions shall be:
  - a. Considered as minimum requirements;
  - b. Liberally construed in favor of the governing body; and
  - c. Deemed neither to limit nor repeal any other powers granted under state statutes.

**Sec. 25-3. Duties and powers of the floodplain administrator.**

- (1) *Designation.* The city manager or designee is designated as the floodplain administrator. The floodplain administrator may delegate performance of certain duties to other employees.
- (2) *General.* The floodplain administrator is authorized and directed to administer and enforce the provisions of this ordinance. The floodplain administrator shall have the authority to render interpretations of this ordinance consistent with the intent and purpose of this ordinance and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this ordinance without the granting of a variance pursuant to subsection 25-7.
- (3) *Applications and permits.* The floodplain administrator, in coordination with other pertinent offices of the community, shall:
  - a. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
  - b. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this ordinance;
  - c. 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;
  - d. Provide available flood elevation and flood hazard information;
  - e. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
  - f. Review applications to determine whether proposed development will be reasonably safe from flooding;
  - g. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this ordinance is demonstrated, or disapprove the same in the event of noncompliance; and

- h. 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 ordinance.
- (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:
- a. 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;
  - b. 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;
  - c. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
  - d. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this ordinance is required.
- (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 subsection 25-7.
- (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 ordinance.
- (7) *Inspections.* The floodplain administrator shall make the required inspections as specified in subsection 25-6 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.
- (8) *Other duties of the floodplain administrator.* The floodplain administrator shall have other duties, including but not limited to:
- a. Establish, in coordination with the building official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to subsection 25-3(4);
  - b. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain

- Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
- c. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the flood insurance rate maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;
  - d. Review required design certifications and documentation of elevations specified by this ordinance and the Florida Building Code to determine that such certifications and documentations are complete;
  - e. Notify the Federal Emergency Management Agency when the corporate boundaries of Riviera Beach are modified; and
  - f. 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."
- (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 ordinance and the flood resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at Building Department.

#### **Sec. 25-4. Permits.**

- (1) *Permits required.* Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this ordinance, 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 ordinance and all other applicable codes and regulations has been satisfied.
- (2) *Floodplain development permits or approvals.* Floodplain development permits or approvals shall be issued pursuant to this ordinance 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.

- (3) *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 ordinance:
- a. Railroads and ancillary facilities associated with the railroad.
  - b. Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
  - c. Temporary buildings or sheds used exclusively for construction purposes.
  - d. Mobile or modular structures used as temporary offices.
  - e. Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
  - f. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
  - g. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
  - h. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
  - i. Structures identified in 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.
- (4) *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:
- a. Identify and describe the development to be covered by the permit or approval.
  - b. 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.
  - c. Indicate the use and occupancy for which the proposed development is intended.
  - d. Be accompanied by a site plan or construction documents as specified in subsection 25-5.

- e. State the valuation of the proposed work.
  - f. Be signed by the applicant or the applicant's authorized agent.
  - g. Give such other data and information as required by the floodplain administrator.
- (5) *Validity of permit or approval.* The issuance of a floodplain development permit or approval pursuant to this ordinance shall not be construed to be a permit for, or approval of, any violation of this ordinance, the Florida Building Codes, or any other ordinance 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.
- (6) *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.
- (7) *Suspension or revocation.* The floodplain administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this ordinance or any other ordinance, regulation or requirement of this community.
- (8) *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:
- a. The South Florida Water Management District; section 373.036, F.S.
  - b. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
  - c. 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.
  - d. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
  - e. 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.
  - f. Federal permits and approvals.

## **Sec. 25-5. Site plans and construction documents.**

- (1) *Information for development in flood hazard areas.* The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:
- a. 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.

- b. 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 subsection 25-5(2)b or c.
- c. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than five acres and the base flood elevations are not included on the FIRM or in the flood insurance study, such elevations shall be established in accordance with subsection 25-5(2)a.
- d. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.
- e. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- f. 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.
- g. Delineation of the Coastal Construction Control Line or notation that the site is seaward of the coastal construction control line, if applicable.
- h. Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.
- i. 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 ordinance but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this ordinance.

(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:

- a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
- b. 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.
- c. 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:
  - i. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or

- ii. Specify that the base flood elevation is two feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two feet.
  - d. 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.
- (3) *Additional analyses and certifications.* As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:
- a. 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 subsection 25-5(4) and shall submit the conditional letter of map revision, if issued by FEMA, with the site plan and construction documents.
  - b. 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 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.
  - c. 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 subsection 25-5(4).
  - d. 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.
- (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.

## **Sec. 25-6. Inspections.**

- (1) *General.* Development for which a floodplain development permit or approval is required shall be subject to inspection.
- (2) *Development other than buildings and structures.* The floodplain administrator shall inspect all development to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.
- (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 ordinance and the conditions of issued floodplain development permits or approvals.
- (4) *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:
  - a. 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
  - b. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with subsection 25-(5)2.b, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.
- (5) *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 subsection 25-6(4).
- (6) *Manufactured homes.* The floodplain administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ordinance 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 floodplain administrator.

## **Sec. 25-7. Variances and appeals.**

- (1) *General.* The development special magistrate shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to section 553.73(5), F.S., the development special magistrate 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.
- (2) *Appeals.* The development special magistrate 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 ordinance. Any person aggrieved by the decision may appeal such decision to the circuit court, as provided by Florida Statutes.

- (3) *Limitations on authority to grant variances.* The development special magistrate shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in subsection 25-7(7), the conditions of issuance set forth in subsection 25-7(8), and the comments and recommendations of the floodplain administrator and the building official. The development special magistrate has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.
- (4) *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 subsection 25-5(3).
- (5) *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 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.
- (6) *Functionally dependent uses.* A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this ordinance, provided the variance meets the requirements of subsection 25-107(4), 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.
- (7) *Considerations for issuance of variances.* In reviewing requests for variances, the Development Special Magistrate shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this ordinance, and the following:
  - a. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
  - b. The danger to life and property due to flooding or erosion damage;
  - c. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
  - d. The importance of the services provided by the proposed development to the community;
  - e. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
  - f. The compatibility of the proposed development with existing and anticipated development;

- g. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
  - h. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
  - i. 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
  - j. 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.
- (8) *Conditions for issuance of variances.* Variances shall be issued only upon:
- a. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards;
  - b. Determination by the development special magistrate that:
    - i. 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;
    - ii. 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 ordinances; and
    - iii. The variance is the minimum necessary, considering the flood hazard, to afford relief;
  - c. 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
  - d. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25.00 for \$100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

## **Sec. 25-8. Violations.**

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

by this ordinance or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.

- (2) *Authority.* For development that is not within the scope of the Florida Building Code but that is regulated by this ordinance 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.
- (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 by Chapter 22 of the Code of Ordinances.

**Secs. 25-9—25-20. Reserved.**

## **ARTICLE II. DEFINITIONS**

### **Sec. 25-21. General.**

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

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

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

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

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

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



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

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

*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.

*Critical facility.* A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste. The term includes facilities that are assigned Risk Category III and Risk Category IV pursuant to the Florida Building Code, Building.

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

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

*Design flood elevation.* The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two feet. [Also defined in FBC, B, Section 202.]

*Development.* Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land 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 September 22, 1972. Also defined in FBC, B, Section 202.]

~~*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 September 22, 1972.~~

~~*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.

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

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

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

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

- (1) The area within a floodplain subject to a 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 202.]

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

*Floodplain administrator.* The office or position designated and charged with the administration and enforcement of this ordinance (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 foot. [Also defined in FBC, B, Section 202.]

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

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

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

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

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

*Letter of map change (LOMC).* An official determination issued by FEMA that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include: *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 202.]

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

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

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

*New construction.* For the purposes of administration of this ordinance and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after September 22, 1972 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 September 22, 1972.~~

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

*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 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and

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

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

*Special flood hazard area.* An area in the floodplain subject to a 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 202.]

*Start of construction.* The date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns. Permanent construction ~~Permanent construction~~ does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 202.]

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

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

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

*Variance.* A grant of relief from the requirements of this 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 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.

**Secs. 25-22—25-30. Reserved.**

## **ARTICLE III. FLOOD RESISTANT DEVELOPMENT**

### **Sec. 25-31. Buildings and structures.**

- (1) *Design and construction of buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to subsection 25-4(3), 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 subsection 25-37.
- (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:
  - a. 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.
  - b. 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 ordinance and ASCE 24.
- (3) *Critical facilities.* New critical facilities shall, to the extent feasible, be located outside of the special flood hazard area and outside of the 0.2% annual chance flood hazard area (500-year floodplain). If documentation is provided that feasible sites outside of the special flood hazard are not available that satisfy the objectives of a proposed critical facility, then the critical facility shall have the lowest floor elevated to the base flood elevation plus 3 feet. Floodproofing and sealing measures shall ensure that toxic substances will not be displaced or released into floodwater. Access routes that are elevated to or above the base flood elevation shall be provided to the extent feasible ~~feasible~~.
- (4) *Accessory structures.* Accessory structures are permitted below the base flood elevation provided the accessory structures are used only for parking or storage and:
  - (1) If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas, are one-story and not larger than 600 sq. ft. and have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential.
  - (2) If located in coastal high hazard areas (Zone V/VE), are not located below elevated buildings and are not larger than 100 sq. ft.
  - (3) Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.
  - (4) Have flood damage-resistant materials used below the base flood elevation plus one (1) foot.

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

**Sec. 25-32. Subdivisions.**

- (1) *Minimum requirements.* Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:
  - a. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
  - b. 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
  - c. 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.
- (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:
  - a. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
  - b. Where the subdivision has more than 50 lots or is larger than five acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with subsection 25-5(2)a; and
  - c. Compliance with the site improvement and utilities requirements of subsection 25-33.

**Sec. 25-33. Site improvements, utilities and limitations.**

- (1) *Minimum requirements.* All proposed new development shall be reviewed to determine that:
  - a. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
  - b. 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
  - c. 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.
- (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.
- (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.

- (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 subsection 25-5(3)a demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.
- (5) *Limitations on placement of fill.* Subject to the limitations of this ordinance, 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.
- (6) *Limitations on sites in coastal high hazard areas (zone V).* In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by subsection 25-5(3)d 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 subsection 25-37(8)c.

#### **Sec. 25-34. Manufactured homes.**

- (1) *General.* All manufactured homes 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 ordinance. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.
- (2) *Foundations.* All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:
  - a. In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.2 and this ordinance. ~~Foundations for manufactured homes subject to subsection 25-34(6) are permitted to be reinforced piers or other foundation elements of at least equivalent strength.~~
  - b. In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3 and this ordinance.
- (3) *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.
- (4) *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 Section R322.3 (Zone V). ~~Manufactured homes that~~



are placed, replaced, or substantially improved shall comply with subsection 25-34(5) or (6), as applicable.

- ~~(5) *General elevation requirement.* Unless subject to the requirements of subsection 25-34(6), all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V).~~
- ~~(6) *Elevation requirement for certain existing manufactured home parks and subdivisions.* Manufactured homes that are not subject to subsection 25-34(5), including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:~~
- ~~a. Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V); or~~
  - ~~b. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.~~
- ~~(5) (7) *Enclosures.* Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322.2 or R322.3 for such enclosed areas, as applicable to the flood hazard area.~~
- ~~(6) (8) *Utility equipment.* Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322, as applicable to the flood hazard area.~~

## **Sec. 25-35. Recreational vehicles and park trailers.**

- (1) *Temporary placement.* Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:
- a. Be on the site for fewer than 180 consecutive days; or
  - b. 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.
- (2) *Permanent placement.* Recreational vehicles and park trailers that do not meet the limitations in subsection 25-35(1) for temporary placement shall meet the requirements of subsection 25-34 for manufactured homes.

## **Sec. 25-36. Tanks.**

- (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.
- (2) *Above-ground tanks, not elevated.* Above-ground tanks that do not meet the elevation requirements of subsection 25-36(3) shall:
  - a. Be permitted in flood hazard areas (zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
  - b. Not be permitted in coastal high hazard areas (zone V).
- (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.
- (4) *Tank inlets and vents.* Tank inlets, fill openings, outlets and vents shall be:
  - a. 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
  - b. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

## **Sec. 25-37. Other development.**

- (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:
  - a. Be located and constructed to minimize flood damage;
  - b. Meet the limitations of subsection 25-33(4) if located in a regulated floodway;
  - c. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
  - d. Be constructed of flood damage-resistant materials; and
  - e. 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.

- (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 subsection 25-33(4).
- (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 subsection 25-33(4).
- (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 subsection 25-33(4). Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of subsection 25-5(3)c.
- (5) *Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (zone V).* In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:
  - a. Structurally independent of the foundation system of the building or structure;
  - b. Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
  - c. Have a maximum slab thickness of not more than four inches.
- (6) *Decks and patios in coastal high hazard areas (zone V).* In addition to the requirements of the Florida Building Code, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:
  - a. 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.
  - b. A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
  - c. A deck or patio that has a vertical thickness of more than 12 inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.

- d. A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.
- (7) *Other development in coastal high hazard areas (zone V).* In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:
- a. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
  - b. 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
  - c. On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.
- (8) *Nonstructural fill in coastal high hazard areas (Zone V).* In coastal high hazard areas:
- a. Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
  - b. 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.
  - c. 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.

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#### **SECTION 4. Repeal Exhibit A, Technical Amendments to the Florida Building Code “Residential”**

\* \* \*

~~EXHIBIT A. TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE,  
"RESIDENTIAL"~~

### **~~R322.2.1 Elevation requirements.~~**

- ~~1. Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.~~
- ~~2. Buildings and structures in flood hazard areas designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot (305 mm), or to the design flood elevation, whichever is higher.~~
- ~~3. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM plus 1 foot, or at least 3 feet if a depth number is not specified.~~
- ~~4. Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus 1 foot or the design flood elevation, 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.~~

### **~~R322.3.2 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 piling, pile caps, columns, grade beams and bracing, is elevated to or above the base flood elevation plus 1 foot 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.~~

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

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## Chapter 25 FLOODPLAIN MANAGEMENT<sup>1</sup>

### ARTICLE I. ADMINISTRATION

#### Sec. 25-1. General.

- (1) *Title.* These regulations shall be known as the Floodplain Management Ordinance of City of Riviera Beach hereinafter referred to as "this ordinance."
- (2) *Scope.* The provisions of this ordinance 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.
- (3) *Intent.* The purposes of this ordinance 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:
  - a. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
  - b. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
  - c. 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;
  - d. 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;
  - e. Minimize damage to public and private facilities and utilities;
  - f. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
  - g. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and

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<sup>1</sup>Editor's note(s)—Ord. No. 4088, § 2, adopted Dec. 21, 2016, amended former Ch. 25, arts. I—VII, in its entirety to read as herein set out. Former Ch. 25 pertained to similar subject matter and derived from Ord. No. 2929, § 3, adopted Sept. 18, 2002.

Cross reference(s)—Code enforcement, § 2-311 et seq.; buildings and building regulations, ch. 22; coastal construction, ch. 23; planning, ch. 27; signs, ch. 28; streets and sidewalks, ch. 29; subdivisions, ch. 30; zoning, ch. 31.

State law reference(s)—Authority to promulgate flood prevention regulations, F.S. ch. 166.

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- h. 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.
- (4) *Coordination with the Florida Building Code.* This ordinance 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.
- (5) *Warning.* The degree of flood protection required by this ordinance 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 man-made or natural causes. This ordinance 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 ordinance.
- (6) *Disclaimer of Liability.* This ordinance shall not create liability on the part of City Council of Riviera Beach or by any officer or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

(Ord. No. 4088, § 2, 12-21-16)

## **Sec. 25-2. Applicability.**

- (1) *General.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- (2) *Areas to which this ordinance applies.* This ordinance shall apply to all flood hazard areas within the Riviera Beach as established in subsection 25-2(3).
- (3) *Basis for establishing flood hazard areas.* The Flood Insurance Study for Palm Beach County, Florida and Incorporated Areas dated October 5, 2017, 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 ordinance 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 Building Department at 600 W Blue Heron Blvd, Riviera Beach, FL 33404.
- (4) *Submission of additional data to establish flood hazard areas.* To establish flood hazard areas and base flood elevations, pursuant to subsection 25-5 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:
- a. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ordinance and, as applicable, the requirements of the Florida Building Code.
  - b. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a letter of map change that removes the area from the special flood hazard area.
- (5) *Other laws.* The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

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- (6) *Abrogation and greater restrictions.* This ordinance supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this ordinance and any other ordinance, the more restrictive shall govern. This ordinance shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this ordinance.
- (7) *Interpretation.* In the interpretation and application of this ordinance, all provisions shall be:
- a. Considered as minimum requirements;
  - b. Liberally construed in favor of the governing body; and
  - c. Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 4088, § 2, 12-21-16; Ord. No. 4099, § 2, 9-20-17)

### **Sec. 25-3. Duties and powers of the floodplain administrator.**

- (1) *Designation.* The city manager or designee is designated as the floodplain administrator. The floodplain administrator may delegate performance of certain duties to other employees.
- (2) *General.* The floodplain administrator is authorized and directed to administer and enforce the provisions of this ordinance. The floodplain administrator shall have the authority to render interpretations of this ordinance consistent with the intent and purpose of this ordinance and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this ordinance without the granting of a variance pursuant to subsection 25-7.
- (3) *Applications and permits.* The floodplain administrator, in coordination with other pertinent offices of the community, shall:
  - a. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
  - b. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this ordinance;
  - c. 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;
  - d. Provide available flood elevation and flood hazard information;
  - e. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
  - f. Review applications to determine whether proposed development will be reasonably safe from flooding;
  - g. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this ordinance is demonstrated, or disapprove the same in the event of noncompliance; and
  - h. 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 ordinance.



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- (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:
- a. 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;
  - b. 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;
  - c. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
  - d. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this ordinance is required.
- (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 subsection 25-7.
- (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 ordinance.
- (7) *Inspections.* The floodplain administrator shall make the required inspections as specified in subsection 25-6 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.
- (8) *Other duties of the floodplain administrator.* The floodplain administrator shall have other duties, including but not limited to:
- a. Establish, in coordination with the building official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to subsection 25-3(4);
  - b. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
  - c. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the flood insurance rate maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;
  - d. Review required design certifications and documentation of elevations specified by this ordinance and the Florida Building Code to determine that such certifications and documentations are complete;
  - e. Notify the Federal Emergency Management Agency when the corporate boundaries of Riviera Beach are modified; and

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- f. 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."
- (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 ordinance and the flood resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at Building Department.

(Ord. No. 4088, § 2, 12-21-16)

#### **Sec. 25-4. Permits.**

- (1) *Permits required.* Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this ordinance, 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 ordinance and all other applicable codes and regulations has been satisfied.
- (2) *Floodplain development permits or approvals.* Floodplain development permits or approvals shall be issued pursuant to this ordinance 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.
- (3) *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 ordinance:
- a. Railroads and ancillary facilities associated with the railroad.
  - b. Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
  - c. Temporary buildings or sheds used exclusively for construction purposes.
  - d. Mobile or modular structures used as temporary offices.
  - e. Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.

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- f. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
  - g. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
  - h. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
  - i. Structures identified in 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.
- (4) *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:
- a. Identify and describe the development to be covered by the permit or approval.
  - b. 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.
  - c. Indicate the use and occupancy for which the proposed development is intended.
  - d. Be accompanied by a site plan or construction documents as specified in subsection 25-5.
  - e. State the valuation of the proposed work.
  - f. Be signed by the applicant or the applicant's authorized agent.
  - g. Give such other data and information as required by the floodplain administrator.
- (5) *Validity of permit or approval.* The issuance of a floodplain development permit or approval pursuant to this ordinance shall not be construed to be a permit for, or approval of, any violation of this ordinance, the Florida Building Codes, or any other ordinance 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.
- (6) *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.
- (7) *Suspension or revocation.* The floodplain administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this ordinance or any other ordinance, regulation or requirement of this community.
- (8) *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:
- a. The South Florida Water Management District; section 373.036, F.S.
  - b. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.

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- c. 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.
  - d. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
  - e. 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.
  - f. Federal permits and approvals.

(Ord. No. 4088, § 2, 12-21-16)

## **Sec. 25-5. Site plans and construction documents.**

- (1) *Information for development in flood hazard areas.* The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:
- a. 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.
  - b. 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 subsection 25-5(2)b or c.
  - c. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than five acres and the base flood elevations are not included on the FIRM or in the flood insurance study, such elevations shall be established in accordance with subsection 25-5(2)a.
  - d. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.
  - e. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
  - f. 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.
  - g. Delineation of the Coastal Construction Control Line or notation that the site is seaward of the coastal construction control line, if applicable.
  - h. Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.
  - i. 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 ordinance but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this ordinance.

- (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:

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- a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
  - b. 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.
  - c. 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:
    - i. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
    - ii. Specify that the base flood elevation is two feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two feet.
  - d. 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.
- (3) *Additional analyses and certifications.* As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:
- a. 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 subsection 25-5(4) and shall submit the conditional letter of map revision, if issued by FEMA, with the site plan and construction documents.
  - b. 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 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.
  - c. 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 subsection 25-5(4).
  - d. 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.
- (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

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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.

(Ord. No. 4088, § 2, 12-21-16)

## **Sec. 25-6. Inspections.**

- (1) *General.* Development for which a floodplain development permit or approval is required shall be subject to inspection.
- (2) *Development other than buildings and structures.* The floodplain administrator shall inspect all development to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.
- (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 ordinance and the conditions of issued floodplain development permits or approvals.
- (4) *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:
  - a. 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
  - b. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with subsection 25-(5)2.b, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.
- (5) *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 subsection 25-6(4).
- (6) *Manufactured homes.* The floodplain administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ordinance 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 floodplain administrator.

(Ord. No. 4088, § 2, 12-21-16)

## **Sec. 25-7. Variances and appeals.**

- (1) *General.* The development special magistrate shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to section 553.73(5), F.S., the development special magistrate 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.

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- (2) *Appeals.* The development special magistrate 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 ordinance. Any person aggrieved by the decision may appeal such decision to the circuit court, as provided by Florida Statutes.
- (3) *Limitations on authority to grant variances.* The development special magistrate shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in subsection 25-7(7), the conditions of issuance set forth in subsection 25-7(8), and the comments and recommendations of the floodplain administrator and the building official. The development special magistrate has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.
- (4) *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 subsection 25-5(3).
- (5) *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 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.
- (6) *Functionally dependent uses.* A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this ordinance, provided the variance meets the requirements of subsection 25-107(4), 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.
- (7) *Considerations for issuance of variances.* In reviewing requests for variances, the Development Special Magistrate shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this ordinance, and the following:
- a. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
  - b. The danger to life and property due to flooding or erosion damage;
  - c. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
  - d. The importance of the services provided by the proposed development to the community;
  - e. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
  - f. The compatibility of the proposed development with existing and anticipated development;
  - g. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
  - h. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
  - i. 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

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- j. 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.
- (8) *Conditions for issuance of variances.* Variances shall be issued only upon:
- a. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards;
  - b. Determination by the development special magistrate that:
    - i. 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;
    - ii. 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 ordinances; and
    - iii. The variance is the minimum necessary, considering the flood hazard, to afford relief;
  - c. 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
  - d. 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.

(Ord. No. 4088, § 2, 12-21-16)

## **Sec. 25-8. Violations.**

- (1) *Violations.* Any development that is not within the scope of the Florida Building Code but that is regulated by this ordinance that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this ordinance, shall be deemed a violation of this ordinance. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this ordinance or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.
- (2) *Authority.* For development that is not within the scope of the Florida Building Code but that is regulated by this ordinance 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.
- (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 by Chapter 22 of the Code of Ordinances.

(Ord. No. 4088, § 2, 12-21-16; Ord. No. 4099, §2, 9-20-17)



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**Secs. 25-9—25-20. Reserved.**

## ***ARTICLE II. DEFINITIONS***

### **Sec. 25-21. General.**

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

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

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

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

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

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

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

*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.

*Critical facility.* A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste. The term includes facilities that are assigned Risk Category III and Risk Category IV pursuant to the Florida Building Code, Building.

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

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

*Design flood elevation.* The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two feet. [Also defined in FBC, B, Section 202.]

*Development.* Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land 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 September 22, 1972. Also defined in FBC, B, Section 202.]

*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 September 22, 1972.

*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.

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

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

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

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

- (1) The area within a floodplain subject to a 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 202.]

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

*Floodplain administrator.* The office or position designated and charged with the administration and enforcement of this ordinance (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 foot. [Also defined in FBC, B, Section 202.]

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

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

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

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

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

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

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

- (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (3) Available with special features enabling off-street or off-highway operation and use.

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

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

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

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

*New construction.* For the purposes of administration of this ordinance and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after September 22, 1972 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 September 22, 1972.

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

*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 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

*Special flood hazard area.* An area in the floodplain subject to a 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 202.]

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

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

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

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

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

*Variance.* A grant of relief from the requirements of this 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 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.

(Ord. No. 4088, § 2, 12-21-16)

**Secs. 25-22—25-30. Reserved.**

### ***ARTICLE III. FLOOD RESISTANT DEVELOPMENT***

#### **Sec. 25-31. Buildings and structures.**

- (1) *Design and construction of buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to subsection 25-4(3), 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 subsection 25-37.

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- (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:
- a. 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.
  - b. 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 ordinance and ASCE 24.
- (3) *Critical facilities.* New critical facilities shall, to the extent feasible, be located outside of the special flood hazard area and outside of the 0.2% annual chance flood hazard area (500-year floodplain). If documentation is provided that feasible sites outside of the special flood hazard are not available that satisfy the objectives of a proposed critical facility, then the critical facility shall have the lowest floor elevated to the base flood elevation plus 3 feet. Floodproofing and sealing measures shall ensure that toxic substances will not be displaced or released into floodwater. Access routes that are elevated to or above the base flood elevation shall be provided to the extent feasible.

(Ord. No. 4088, § 2, 12-21-16)

#### **Sec. 25-32. Subdivisions.**

- (1) *Minimum requirements.* Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:
- a. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
  - b. 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
  - c. 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.
- (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:
- a. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
  - b. Where the subdivision has more than 50 lots or is larger than five acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with subsection 25-5(2)a; and
  - c. Compliance with the site improvement and utilities requirements of subsection 25-33.

(Ord. No. 4088, § 2, 12-21-16)

#### **Sec. 25-33. Site improvements, utilities and limitations.**

- (1) *Minimum requirements.* All proposed new development shall be reviewed to determine that:
- a. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

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- b. 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
  - c. 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.
- (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.
  - (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.
  - (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 subsection 25-5(3)a demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.
  - (5) *Limitations on placement of fill.* Subject to the limitations of this ordinance, 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.
  - (6) *Limitations on sites in coastal high hazard areas (zone V).* In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by subsection 25-5(3)d 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 subsection 25-37(8)c.
- (Ord. No. 4088, § 2, 12-21-16)

## **Sec. 25-34. Manufactured homes.**

- (1) *General.* All manufactured homes 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 ordinance. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.
- (2) *Foundations.* All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:
  - a. In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.2 and this ordinance. Foundations for manufactured homes subject to subsection 25-34(6) are permitted to be reinforced piers or other foundation elements of at least equivalent strength.
  - b. In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3 and this ordinance.

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- (3) *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.
- (4) *Elevation.* Manufactured homes that are placed, replaced, or substantially improved shall comply with subsection 25-34(5) or (6), as applicable.
- (5) *General elevation requirement.* Unless subject to the requirements of subsection 25-34(6), all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V).
- (6) *Elevation requirement for certain existing manufactured home parks and subdivisions.* Manufactured homes that are not subject to subsection 25-34(5), including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:
- a. Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V); or
  - b. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.
- (7) *Enclosures.* Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322.2 or R322.3 for such enclosed areas, as applicable to the flood hazard area.
- (8) *Utility equipment.* Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322, as applicable to the flood hazard area.

(Ord. No. 4088, § 2, 12-21-16; Ord. No. 4099, § 2, 9-20-17)

## **Sec. 25-35. Recreational vehicles and park trailers.**

- (1) *Temporary placement.* Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:
- a. Be on the site for fewer than 180 consecutive days; or
  - b. 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.
- (2) *Permanent placement.* Recreational vehicles and park trailers that do not meet the limitations in subsection 25-35(1) for temporary placement shall meet the requirements of subsection 25-34 for manufactured homes.

(Ord. No. 4088, § 2, 12-21-16)



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## Sec. 25-36. Tanks.

- (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.
- (2) *Above-ground tanks, not elevated.* Above-ground tanks that do not meet the elevation requirements of subsection 25-36(3) shall:
  - a. Be permitted in flood hazard areas (zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
  - b. Not be permitted in coastal high hazard areas (zone V).
- (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.
- (4) *Tank inlets and vents.* Tank inlets, fill openings, outlets and vents shall be:
  - a. 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
  - b. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(Ord. No. 4088, § 2, 12-21-16)

## Sec. 25-37. Other development.

- (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:
  - a. Be located and constructed to minimize flood damage;
  - b. Meet the limitations of subsection 25-33(4) if located in a regulated floodway;
  - c. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
  - d. Be constructed of flood damage-resistant materials; and
  - e. 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.
- (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 subsection 25-33(4).

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- (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 subsection 25-33(4).
- (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 subsection 25-33(4). Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of subsection 25-5(3)c.
- (5) *Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (zone V).* In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:
- a. Structurally independent of the foundation system of the building or structure;
  - b. Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
  - c. Have a maximum slab thickness of not more than four inches.
- (6) *Decks and patios in coastal high hazard areas (zone V).* In addition to the requirements of the Florida Building Code, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:
- a. 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.
  - b. A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
  - c. A deck or patio that has a vertical thickness of more than 12 inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.
  - d. A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.
- (7) *Other development in coastal high hazard areas (zone V).* In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

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- a. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
  - b. 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
  - c. On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.
- (8) *Nonstructural fill in coastal high hazard areas (Zone V).* In coastal high hazard areas:
- a. Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
  - b. 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.
  - c. 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.
- (Ord. No. 4088, § 2, 12-21-16)

## ***EXHIBIT A. TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE, "RESIDENTIAL"***

### **R322.2.1 Elevation requirements.**

1. Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.
2. Buildings and structures in flood hazard areas designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot (305 mm), or to the design flood elevation, whichever is higher.
3. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM plus 1 foot, or at least 3 feet if a depth number is not specified.
4. Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus 1 foot or the design flood elevation, 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.

### **R322.3.2 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 piling, pile caps,

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columns, grade beams and bracing, is elevated to or above the base flood elevation plus 1 foot 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.

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

(Ord. No. 4088, § 2, 12-21-16)