

**TOWN OF OCEAN RIDGE  
PLANNING & ZONING REGULAR MEETING  
AGENDA**



**November 19, 2024 at 9:00 AM  
Town Hall - Meeting Chambers**

---

**COMMISSIONERS**

Chair P. Shields Ferber  
Vice Chair Kenneth Kaleel  
Member Marc de Baptiste  
Member Fady Khairallah  
Member Neal Sigety  
Alt. Member Polly Joa  
Alt. Member Jason Sutherland

**ADMINISTRATION**

Town Manager Lynne Ladner  
Town Attorney Christy Goddeau  
Town Clerk Kelly Avery  
Building Official Mike Crisafulle  
Town Planner Corey O'Gorman  
Town Engineer Tara Bamber  
Town Zoning Official Manual Palacios

---

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENT** – (3-minute individual limit for items not on the agenda)

**APPROVAL OF MINUTES**

1. Adopt Minutes of the October 15, 2024 Regular Meeting.

**DISCUSSION / ACTION ITEMS**

2. Approval of the 2025 Meeting Dates
3. Review Updates to Chapters 66 and 67 Regarding Flood Damage Prevention And The Technical Codes And Other Construction Standards

**WORKSHOP DISCUSSION ITEM**

4. Required Comp Plan Updates

**COMMISSIONER COMMENTS**

This item is reserved for any Commissioner Comments that are not related to any item printed on the agenda.

**ADJOURNMENT**

**1. THE NEXT MEETING OF THE PLANNING & ZONING BOARD WILL BE**

**HELD ON TUESDAY, DECEMBER 17, 2024, AT 9:00 AM AT TOWN HALL.**

The Town of Ocean Ridge is holding all meetings in-person, with an additional option of listening to the audio live. Any person wishing to listen to the audio live can access the feed on the date and time of the meeting by dialing +1 (571) 317-3122 and using 471-955-997 as the access code. You can join from your computer, tablet or smartphone. <https://meet.goto.com/471955997>

If a person decides to appeal any decision made by the Planning & Zoning Commission with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Persons who need an accomodation in order to attend or participate in this meeting should contact the Town Clerk at 561-732-2635 at least 5 days prior to the meeting in order to request such assistance. Please take notice that one or more Town Commissioners may be present at any board or commission meeting of the Town of Ocean Ridge.

**Notice: The public may view the hard copy of the meeting materials at Town Hall before the meeting.**

PLANNING & ZONING COMMISSION MEETING MINUTES  
OCTOBER 15, 2024

Meeting Minutes of the Planning and Zoning Commission of the Town of Ocean Ridge held on Tuesday, October 15, 2024, in the Town Hall Meeting Chambers.

**CALL TO ORDER**

The meeting was called to order at 9:03 a.m. by Vice Chair Kaleel.

**ROLL CALL**

Town Clerk Avery led the roll call, which was answered by the following:

Chair Shields Ferber	Absent
Vice Chair Kenneth Kaleel	Present
Member Marc de Baptiste	Absent
Member Fady Khairallah	Present
Member Neal Sigety	Present

Chair Ferber and Member de Baptiste were absent with notice.

**PLEDGE OF ALLEGIANCE**

Vice Chair Kaleel led the Pledge of Allegiance.

**PUBLIC COMMENT**

Vice Chair Kaleel called for public comment.

The following spoke: Terry Brown

Vice Chair Kaleel closed public comment.

**APPROVAL OF MINUTES**

- 1. Adopt Minutes of the September 17, 2024, September 19, 2023, and July 18, 2023 meetings.**

**Member Sigety moved to adopt the minutes of September 17, 2024, September 19, 2023, and July 18, 2023; seconded by Member Khairallah. Motion carried 3-0.**

**DISCUSSION/ ACTION ITEMS**

- 2. Quasi-Judicial Hearing: Development Plan Review for 6726 N Ocean Blvd.**

Vice Chair Kaleel opened the quasi-judicial hearing. Town Clerk Avery asked if any of the board members had any ex-parte communications. All Commissioners stated that they had none. Town Clerk Avery swore in those who wished to give testimony.

Town Planner O’Gorman introduced the project and recommended approval with conditions outlined in the staff report by the Town Engineer and the Planning and Zoning Board in accordance with the Development Plan Review of Sections 63-56(3).

Richard Bremer, RWB Architecture, presented the proposed project. He discussed the property's location, elevations, renderings, and site plans.

Vice Chair Kaleel called for public comment, and there was none.

**Member Khairallah moved to approve the Development Plan Review Application for 6726 N Ocean Blvd subject to all conditions submitted by staff; seconded by Member Sigety. Motion carried 3-0.**

### **3. Quasi-Judicial Hearing: Development Plan Review for 113 Island Dr. S**

Town Planner O’Gorman introduced the project and stated that the plan was previously approved, but the permit was never issued and the DPR expired. He recommended approval of the revisions subject to review by the Planning and Zoning Board, with conditions noted.

Town Clerk Avery swore in those who wished to give testimony.

Richard Brummer, the Architect, described the project and noted that the project would comply with zoning codes and adhere to staff comments.

Charlie Dahlem, owner 113 Island Dr. S, introduced himself to the Commission and provided his background information.

Vice Chair Kaleel felt the drawing's renderings were a little misleading and asked if the left wall could be softened. Discussion followed regarding the conditions for the project.

Vice Chair Kaleel called for public comment, and there was none. He asked if any of the board members had any ex-parte communications. He stated that he only walked the neighborhood, and all the Planning & Zoning Commissioners informed him that they had none.

Vice Chair Kaleel called for public comment, and there was none.

**Member Sigety moved to approve the Development Plan Review Application for 113 Island Dr. S with staff conditions.; seconded by Member Khairallah. Motion carried 3-0.**

### **4. Review of Proposed Flood Management Program Ordinances**

Town Attorney Goddeau explained the item. She informed the Commissioners that the Commission made a consensus the previous week regarding substantial improvements. She discussed the definition of “sustainable improvement”.

There was a discussion regarding the technical changes. Vice Chair Kaleel suggested that substantial improvement should be discussed separately.

Vice Chair Kaleel called for public comment, and there was none.

There was a consensus to bring back the Flood Management Program Ordinances with all of FEMA's suggested changes.

There was a discussion regarding the time frame and the use of FEMA standards to revise the language for substantial improvements.

There was consensus for staff to research and modify the lookback period and bring the item back before the Planning and Zoning Commission.

Vice Chair Kaleel opened the floor for public comment.

The following spoke: Terry Brown

Vice Chair Kaleel closed the floor for public comment.

#### **5. Review of Proposed Seawall Ordinance**

Town Attorney Goddeau explained the item.

The Board discussed incorporating the Army Corps of Engineer allowance of 18' on the side of the existing seawall. More discussion followed regarding properties with a 5ft seawall and where the 5ft begins.

Town Attorney Goddeau will clarify the language and bring the item back for review.

#### **6. Review of Proposed "Clean up/clarification" of Sec. 64-44 – Fences, walls, and hedges**

Town Attorney Goddeau explained the item.

The Commission all agreed to move forward with the proposed ordinance and reexamined it at some point in the future.

**Member Sigety moved to approve the ordinance "Clean up/clarification" of Sec. 64-44; seconded by Member Khairallah. Motion carried 3-0.**

#### **7. Intro to the Required Comp Plan Updates**

Town Planner O'Gorman introduced the item and handed out the plans to the Commission.

Jim Fleischmann, Land Research Management Inc., provided a brief overview of the Comp Plan.

There was a discussion about providing a memo reflecting all updated language changes to the Comp Plan

Town Attorney Goddeau explained the Comp Plan provides a higher level of requirements and sets the general parameters.

PLANNING & ZONING COMMISSION MEETING MINUTES  
OCTOBER 15, 2024

Carolyn Cassidy – asked a question about the future land use map regarding RMM & RHM zoning districts.

**Vice Chair Kaleel moved to adjourn the meeting; seconded by Member Khairallah. Motion carried 3-0.**

**COMMISSIONER COMMENTS**

No comments.

**ADJOURNMENT**

Meeting adjourned at 10:56 a.m.

Minutes prepared by Deputy Town Clerk Pinder and adopted by the Planning & Zoning Commission on November 19, 2024.

\_\_\_\_\_  
Kenneth Kaleel, Vice Chair

Attest:

\_\_\_\_\_  
Kelly Avery, Town Clerk

DRAFT

**Agenda: Tuesday, November 19, 2024**  
**Memo: Item #2.**

**Town of Ocean Ridge, Florida**  
**Planning & Zoning Commission Agenda Memorandum**  
**Kelly Avery, Town Clerk**

**Subject: Approval of the 2025 Meeting Dates**

---

The Planning and Zoning Board meets on the 3rd Tuesday of every month on an as-needed basis, except for August where there is no meeting. The Board meets at 9 a.m. in the Chambers and the dates are listed below:

**Meeting schedule for 2025**

January 21, 2025	July 15, 2025
February 18, 2025	August – No Meeting
March 18, 2025	September 16, 2025
April 15, 2025	October 21, 2025
May 20, 2025	November 18, 2025
June 17, 2025	December 16, 2025

Staff recommends approval of proposed 2025 meeting dates.

**Suggested Motion: I move to approve 2025 meeting dates.**

Respectfully,  
Kelly Avery, Town Clerk

**Town of Ocean Ridge, Florida**

**Planning & Zoning Commission Agenda Memorandum**

**Christy Goddeau, Town Attorney**

**Subject: Review Updates to Chapters 66 and 67 Regarding Flood Damage  
Prevention And The Technical Codes And Other Construction  
Standards**

---

On June 20, 2024, FEMA issued a letter of final determination (LFD) to affected Florida municipalities to establish a 6-month deadline to demonstrate that their municipal regulations conform to the minimum requirements of the National Flood Insurance Program (NFIP) and remain eligible for participation in the NFIP. In addition, the Town participates in the NFIP Community Rating System (CRS) and has CRS Class Rating of 6.

The Town's outside consultants reviewed the Town's floodplain management provisions and determined that some amendments must be adopted concurrently to create consistency. As a result both Chapter 66 and Chapter 67 are proposed to be amended to:

1. Update the date of the flood insurance study and flood insurance rate map in Chapter 66;
2. To specify elevation of manufactured homes in flood hazard areas in Chapter 66;
3. To update the definition of substantial improvement (reduction from 5 year look-back to 2 year look-back) and exempt storm hardening measures from the calculation thereof in Chapter 66;
4. To address enclosures below required elevations in Chapter 66;
5. To establish resolution-based local amendments to the Florida Building Code as having the force and effect of an ordinance;
6. To clarify the requirement to use "best available data";
7. To remove duplicative provisions in Chapter 67;

During its October meeting, the Planning and Zoning Commission reviewed the ordinances and requested a further review of the "substantial improvement" definition.

If you have any questions, please let me know.

**Suggested Motion:**

Respectfully,  
Christy Goddeau, Town Attorney

**ORDINANCE NO. 2024-\_\_**

**AN ORDINANCE OF THE TOWN OF OCEAN RIDGE, FLORIDA, AMENDING ITS LAND DEVELOPMENT CODE AT CHAPTER 67, “BUILDING AND BUILDING REGULATIONS,” ARTICLE III, “TECHNICAL CODES AND OTHER CONSTRUCTION STANDARDS,” DIVISION 1, “GENERALLY,” SECTION 67-31, “ADOPTION OF THE FLORIDA BUILDING CODE AMENDMENTS,” TO CLARIFY THAT THE TOWN’S ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE ADOPTED BY RESOLUTION SHALL HAVE THE SAME FORCE AND EFFECT AS AN ORDINANCE WITHIN THE TOWN; AMENDING SECTION 67-32 TO CLARIFY THE REQUIREMENT FOR USE OF BEST AVAILABLE DATA; AMENDING SECTION 67-39, “TECHNICAL AMENDMENTS,” TO UPDATE AND REMOVE PROVISIONS DUPLICATED IN CHAPTER 66 RELATED TO ELEVATION REQUIREMENTS AND WALLS BELOW DESIGN FLOOR ELEVATION; AMENDING CHAPTER 67, “BUILDING AND BUILDING REGULATIONS,” ARTICLE III, “TECHNICAL CODES AND OTHER CONSTRUCTION STANDARDS,” DIVISION 2, “ADMINISTRATION AND ENFORCEMENT,” SECTION 67-55, “CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS,” TO CLARIFY WHO MAY HEAR VARIANCE REQUESTS FROM THE BUILDING CODE; AND DELETING CHAPTER 67, “BUILDING AND BUILDING REGULATIONS,” ARTICLE III, “TECHNICAL CODES AND OTHER CONSTRUCTION STANDARDS,” DIVISION 3, “AMENDMENTS TO THE FLORIDA BUILDING CODE,” TO AVOID ANY CONFUSION WITH THE APPLICATION OF SECTION 67-31; AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE**

**WHEREAS**, the Town of Ocean Ridge, Florida (“Town”) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, pursuant to subsection 67-31(a), the Florida Building Code as adopted by the state legislature, and as amended from time to time, is incorporated by reference and adopted as the building code for the town; and

**WHEREAS**, pursuant to subsection 67-31(b), administrative amendments to the Florida Building Code shall be adopted by resolution of the Town Commission and shall be effective

within the Town; and

**WHEREAS**, the Town Commission desires to clarify that administrative amendments to the Florida Building Code adopted by resolution shall have the same force and effect as a duly adopted ordinance; and

**WHEREAS**, section 67-60, which adopts administrative amendments to the Florida Building Code 6<sup>th</sup> Edition (2017) pursuant to resolution, is duplicative of section 67-31; and

**WHEREAS**, the Town Commission desires to delete section 67-60 to avoid any potential confusion between the applications of sections 67-31 and 67-60; and

**WHEREAS**, the Town Commission desires to clarify that “best available data” should only be used if not preempted by state or federal law; and

**WHEREAS**, the Town Commission desires to clarify that in the event the Town Commission has not appointed members to the construction board of adjustment and appeals the board of adjustment shall hear all variance requests from the Building Code; and

**WHEREAS**, this Ordinance has been reviewed by the Town’s Planning and Zoning Commission, which recommended approval of the same; and

**WHEREAS**, nothing in this Ordinance is inconsistent with the goals and objectives of the Town’s Comprehensive Plan; and

**WHEREAS**, the Town Commission for the Town of Ocean Ridge finds that this Ordinance serves a valid public purpose and is in the best interests of the Town of Ocean Ridge.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA, AS FOLLOWS:**

**SECTION 1 – Findings of Fact:** The **WHEREAS** clauses set forth above are adopted and incorporated herein as true findings of fact of the Town Commission and as an exercise of the Town’s home-rule police power.

**SECTION 2 – Amendment:** Chapter 67, entitled “Building and Building Regulations,” Article III, entitled “Technical Codes and Other Construction Standards,” Division 1, entitled “Generally,” Section 67-31, entitled “Adoption of the Florida Building Code and amendments,” is hereby amended to read as follows (underline denotes added language; ~~strike through~~ denotes deleted language):

**Chapter 67 – BUILDING AND BUILDING REGULATIONS**

**Article III. – TECHNICAL CODES AND OTHER CONSTRUCTION STANDARDS**

**Division 1 – GENERALLY**

## **Sec. 67-31 Adoption of the Florida Building Code and amendments**

- (a) The Florida Building Code as adopted by the state legislature, and as amended from time to time, is hereby incorporated by reference and adopted as the building code for the town.
  - (1) As required by paragraph 1609.3, of the Florida Building Code, wind speed lines in the area of jurisdiction of the town are hereby established as set forth on the basic wind speed map, which is hereby adopted and incorporated as if fully set forth herein, of which copies have been and are now filed in the office of the clerk of the town.
  - (2) Pursuant to table 1604.5 of the Florida Building Code, entitled Risk Category of Buildings and Other Structures, figures 1609A, 1609B and 1609C, establishing ultimate design wind speeds respectively of 170 mph, 190 mph and 160 mph in the town, are hereby adopted and incorporated as if fully set forth herein, copies of which have been and are now filed in the office of the clerk of the town.
  
- (b) Administrative amendments to the Florida Building Code ~~may shall~~ be adopted by resolution of this town commission, ~~and shall~~ have the same force and effect as an ordinance within the Town, ~~be effective within the town~~ and will be on file with the town clerk.

**SECTION 3 Amendment:** Chapter 67, entitled “Building and Building Regulations,” Article III, entitled “Technical Codes and Other Construction Standards,” Division 1, entitled “Generally,” Section 67-32, entitled “Floor Elevations,” is hereby amended to read as follows (underline denotes added language; ~~strike through~~ denotes deleted language):

### **Chapter 67 – BUILDING AND BUILDING REGULATIONS**

#### **Article III. – TECHNICAL CODES AND OTHER CONSTRUCTION STANDARDS**

##### **Division 1 – GENERALLY**

##### **Sec. 67-32. – Floor elevations.**

- (a) *Minimum finished floor elevations.* Minimum finished floor elevations, also referred to as the lowest floor permitted in flood hazard areas, shall be the highest of the following:
  - (1) The minimum elevation required by the Florida Building Code and all other applicable governmental agencies.
  - (2) At the elevation of 7.00 feet (NAVD-88), where the highest crown of the road abutting such property is at, or below an elevation of 5.10 feet (NAVD-88).
  - (3) At the elevation of 18 inches above the average crown of the road abutting such property, where the elevation of the highest crown of the road abutting such property is above 5.10 feet (NAVD-88), but not lower than 7.00 feet (NAVD-88).
  
- (b) *Other finished floor elevations.*

(1) The maximum finished floor elevation of the structure shall be established as the average floor elevation of all areas (by square foot area) of the first floor, which average shall be no higher than one foot above the established minimum floor elevation.

(2) At the outside perimeter of a building, the grade shall not have a gradation drop of more than two inches per foot to the edge of the property.

(3) Nothing in subsection (a) and (b) shall be construed to prohibit the construction of basements, garages, or porches, provided however, that all basements shall have a minimum finished floor elevation of not lower than 7.00 feet (NAVD-88), and except as otherwise provided in subsection (d)(2) of this section, a maximum finished floor elevation as required by subsection (b)(1) of this section. The artificial filling of land to create a basement is expressly prohibited. Notwithstanding the foregoing, all garages or other enclosed areas used solely for parking vehicles, building access or storage below the designed elevation can be constructed at elevations lower than 7.00 feet (NAVD-88), provided that the enclosed area provides for entry and exit of flood waters through: (i) two openings having a total net area of not less than one square inch per one square foot of enclosed area or (ii) engineered openings that are certified as having been designed to provide automatic equalization of hydrostatic flood forces. The bottom of any opening or engineered opening must be at least one foot above adjacent grade. All enclosed areas in special flood hazard areas must be constructed in accordance with the provisions of the Florida Building Code, Building Section 1612.4 or Florida Building Code Residential Section R322, as applicable.

(c) *Finished grade of slab.* The minimum finished grade of the first floor or slab for residential structures located within the town shall be not less than 7.00 feet (NAVD-88), and such grade level shall not be higher than 8.00 feet (NAVD-88) except for enclosed areas which can be constructed at elevations lower than 7.00 feet (NAVD-88) in accordance with subsection 67-32(b)(3).

(d) *Maximum elevation.*

(1) Where the natural elevation of a lot, prior to the placement of any fill, is higher than 8.00 feet (NAVD-88), the maximum elevation of the first floor or slab shall be established at not more than 1.00 foot above the average natural elevation of the lot. However, if the maximum finished floor elevation in this section is lower than the required minimum elevation set forth in paragraph (a) of this section, then the elevation in paragraph (a) of this section would prevail as the maximum finished floor elevation.

(2) Where the natural grade differential of a lot is sufficient to build a basement or garage with a minimum of a ten-foot grade differential, then the height of the structure is determined from the first floor living elevation.

(e) In the event a flood insurance study has been proposed for Palm Beach County as well as a proposed flood insurance rate map this will be considered "best available data" provided certain requirements, as set forth by FEMA have been met. If not prohibited by county, state, or federal law, the town shall require the use of the elevations set forth in the "best available data" provided that the property owner meets all other requirements of the Code.

**SECTION 4 – Amendment:** Chapter 67, entitled “Building and Building Regulations”, Article III, entitled “Technical Codes and Other Construction Standards”, Division 1, entitled “Generally”, Section 67-39, entitled “Technical Amendments”, is hereby amended to read as follows (underline denotes added language; ~~strike through~~ denotes deleted language):

## Chapter 67 – BUILDING AND BUILDING REGULATIONS

### Article III. – TECHNICAL CODES AND OTHER CONSTRUCTION STANDARDS

#### Division I. – GENERALLY

##### Section 67-39 – Reserved. ~~Technical amendments.~~

(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.~~

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

- ~~1. Be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code. The limitation on partitions does not apply to load bearing walls interior to perimeter wall (crawl space) foundations. Access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the building (stairway or elevator).~~

**R322.3.4 Walls below design flood elevation.** Walls are permitted below the elevated floor, provided that such walls are not part of the structural support of the building or structure and:

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

and

- ~~2. Are constructed with insect screening or open lattice; or~~
- ~~3. Are designed to break away or collapse without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Such walls, framing and connections shall have a design safe loading resistance of not less than 10 (470 Pa) and no more than 20 pounds per square foot (958 Pa); or~~
- ~~4. Where wind loading values of this code exceed 20 pounds per square foot (958 Pa), the construction documents shall include documentation prepared and sealed by a registered design professional that:
  - ~~4.1. The walls below the design flood elevation have been designed to collapse from a water load less than that which would occur during the design flood.~~
  - ~~4.2. The elevated portion of the building and supporting foundation system have been designed to withstand the effects of wind and flood loads acting simultaneously on all building components (structural and nonstructural). Water loading values used shall be those associated with the design flood. Wind loading values used shall be those required by this code.~~~~

~~**R322.3.5 Enclosed areas below design flood elevation.** Enclosed areas below the design flood elevation are not permitted.~~

~~**Exception:** Areas enclosed by insect screening or open lattice.~~

~~(b) Technical amendments to the Florida Building Code, building.~~

~~**1612.4.2 Additional requirements for enclosed areas.** In addition to the requirements of ASCE 24, enclosed areas below the design flood elevation shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators.~~

~~Change a definition as follows:~~

~~**SUBSTANTIAL IMPROVEMENT.** Any combination of repair, reconstruction, rehabilitation, alteration, addition or improvement of a building or structure taking place during a 5-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. The period of accumulation begins when the first improvement or repair of each building is permitted subsequent to July 10, 2017. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:~~

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

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

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

~~(c) Technical amendments to the Florida Building Code, existing building.~~

~~**SUBSTANTIAL IMPROVEMENT.** Any combination of repair, reconstruction, rehabilitation, alteration, addition or improvement of a building or structure taking place during a 5-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. The period of accumulation begins when the first improvement or repair of each building is permitted subsequent to July 10, 2017. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:~~

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

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

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

**SECTION 5 - Amendment:** Chapter 67, entitled “Building and Building Regulations”, Article III, entitled “Technical Codes and Other Construction Standards”, Division 2, entitled “Administration and Enforcement”, Section 67-55, entitled “Construction board of adjustment and appeals”, is hereby amended to read as follows (underline denotes added language; ~~strike through~~ denotes deleted language):

## **Chapter 67 – BUILDING AND BUILDING REGULATIONS**

### **Article III. – TECHNICAL CODES AND OTHER CONSTRUCTION STANDARDS**

#### **Division 2 – CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS**

##### **Sec. 67-55 Construction board of adjustments and appeals**

There is hereby established a board, to be called the construction board of adjustments and appeals, which shall consist of five members. Such board, whenever possible, shall be composed of an architect, a general contractor or engineer, an electrical contractor, a plumbing contractor, and a member at large from the building industry. Such board shall be appointed by the town commission to hold such appointment at its pleasure. The board shall have the power

and duty prescribed in the standards and countywide amendments adopted in section 67-31. In lieu of the board established herein, during the term of any agreement between the town and the county wherein the county reviews and issues building permits in the town, the town commission may forward an appeal to be heard before the county construction board of adjustments and appeals, or similar duly authorized appellate body. Application fees and costs shall be as approved by the town commission by resolution. In the event this town commission has not appointed members to the construction board of adjustments and appeals, this town's board of adjustment shall hear all appeals and variance requests that would normally be heard by the construction board of adjustments and appeals.

**SECTION 6 – Amendment:** Chapter 67, entitled “Building and Building Regulations”, Article III, entitled “Technical Codes and Other Construction Standards”, Division 3, entitled “Amendments to the Florida Building Code”, is amended as follows: underline denotes added language; ~~strike through~~ denotes deleted language):

**DIVISION 3. – Reserved. AMENDMENTS TO THE FLORIDA BUILDING CODE**

Sec. 67-60. – Reserved. ~~Amendments adopted.~~

~~The amendments to the Florida Building Code, 2017 6<sup>th</sup> Edition, are hereby adopted by the town through a resolution adopted by the town commission.~~

**SECTION 7 - Codification:** This Ordinance shall be codified in the Code of Ordinances of the Town of Ocean Ridge, Florida.

**SECTION 8 - Repeal of Conflicting Ordinances:** All ordinances, resolutions or parts of ordinances and resolutions in conflict herewith are hereby repealed.

**SECTION 9 - Severability:** If any word, clause, sentence, paragraph, section, or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void, or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

**SECTION 10 - Effective Date:** This Ordinance shall become effective immediately upon adoption.

FIRST READING this \_\_\_ day of \_\_\_\_\_, 2024.

SECOND AND FINAL READING this \_\_\_ day of \_\_\_\_\_, 2024.

Commissioner \_\_\_\_\_ offered the foregoing Ordinance and moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

GEOFF PUGH, Mayor

AYE    NAY  
\_\_\_\_\_

STEVE COZ, Vice Mayor  
CAROLYN CASSIDY, Commissioner  
DAVID HUTCHINS, Commissioner  
AINAR AIJALA JR., Commissioner

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Mayor thereupon declared this Ordinance approved and adopted by the Town Commission of the Town of Ocean Ridge, Florida, on second reading, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

TOWN OF OCEAN RIDGE, FLORIDA

BY: \_\_\_\_\_  
Geoff Pugh, Mayor

ATTEST:

BY: \_\_\_\_\_  
Kelly Avery, Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

BY: \_\_\_\_\_  
Christy Goddeau, Town Attorney

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE OF THE TOWN OF OCEAN RIDGE, FLORIDA, AMENDING CHAPTER 66, “ENVIRONMENTAL REGULATIONS,” ARTICLE II, “FLOOD DAMAGE PREVENTION,” DIVISION 1, “ADMINISTRATION,” TO UPDATE THE DATE OF THE FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS; TO SPECIFY ELEVATION OF MANUFACTURED HOMES IN FLOOD HAZARD AREAS; AND FOR OTHER PURPOSES; AND PROVIDING FOR APPLICABILITY, CODIFICATION, REPEAL OF CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.**

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

**WHEREAS**, the Federal Emergency Management Agency has revised and reissued the Flood Insurance Study for Palm Beach County, Florida and Incorporated Areas, with an effective date of December 20, 2024; and

**WHEREAS**, the Town Commission for the Town of Ocean Ridge has determined that it is in the public interest to amend Chapter 66 of the Town’s code of ordinances to identify the effective date of the revised Flood Insurance Study and Flood Insurance Rate Maps; and

**WHEREAS**, the Town of Ocean Ridge participates in the National Flood Insurance Program and participates in the NFIP’s Community Rating System, a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements and achieved a CRS rating of Class 6, making citizens who purchase NFIP flood insurance policies eligible for premium discounts; and

**WHEREAS**, in 2020, the NFIP Community Rating System established certain minimum prerequisites for communities to qualify for or maintain class ratings of Class 8 or better; and

**WHEREAS**, to satisfy the prerequisite and for the Town of Ocean Ridge to maintain the current CRS rating, all manufactured homes installed or replaced in special flood hazard areas must be elevated to or above at least the base flood elevation plus 1 foot, which necessitates modification of the existing requirements; and

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

**WHEREAS**, Chapter 553, Florida Statutes, allows for local administrative and technical amendments to the *Florida Building Code* that provide for more stringent

requirements than those specified in the Code and allows adoption of local administrative and local technical amendments to the Florida Building Code to implement the National Flood Insurance Program and incentives; and

**WHEREAS**, the Town Commission of the Town of Ocean Ridge previously adopted local amendments to the Florida Building Code and is reformatting those amendments as part of the floodplain management regulations; and,

**WHEREAS** the Town Commission of the Town of Ocean Ridge finds that the adoption of this Ordinance serves a valid public purpose.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA, AS FOLLOWS:**

**SECTION 1 – Findings of Fact:** The **WHEREAS** clauses set forth above are adopted and incorporated herein as true findings of fact of the Town Commission and as an exercise of the Town’s home-rule police power.

**SECTION 2 – Amendments to Chapter 66:** Chapter 66, entitled “Environmental Regulations,” Article II, entitled “Flood Damage Prevention,” Division 1, Entitled “Administration,” is hereby amended as follows (underline denotes added language; ~~strike through~~ denotes deleted language):

**Chapter 66 – ENVIRONMENTAL REGULATIONS**

**Article II. - Flood Damage Prevention**

**Division 1. – Administration**

**Sec. 66-16. General.**

- (a) *Title.* These regulations shall be known as the Floodplain Management Ordinance of the Town of Ocean Ridge, hereinafter referred to as "this article."
- (b) *Scope.* The provisions of this article shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.
- (c) *Intent.* The purposes of this article 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:
  - (1) Minimize unnecessary disruption of commerce, access and public service during times of flooding;
  - (2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;

- (3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
  - (4) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
  - (5) Minimize damage to public and private facilities and utilities;
  - (6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
  - (7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
  - (8) Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.
- (d) *Coordination with the Florida Building Code.* This article is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.
- (e) *Warning.* The degree of flood protection required by this article and the Florida Building Code, as amended by the town, 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 article 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 town 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 article.
- (f) *Disclaimer of liability.* This article shall not create liability on the part of this town commission of Ocean Ridge or by any officer or employee thereof for any flood damage that results from reliance on this article or any administrative decision lawfully made thereunder.

### **Sec. 66-17. Applicability.**

- (a) *General.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- (b) *Areas to which this article applies.* This article shall apply to all flood hazard areas within this town of Ocean Ridge, as established in section 66-17(c) below.
- (c) *Basis for establishing flood hazard areas.* The Flood Insurance Study for Palm Beach County, Florida and Incorporated Areas dated ~~October 5, 2017~~ December 20, 2024, 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 article 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 town clerk's office at 6450 N. Ocean Blvd., Ocean Ridge, Florida 33435.

- (1) Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, pursuant to section 66-20 of this article 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 town 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 article and, as applicable, the requirements of the Florida Building Code.
  - b. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a letter of map change that removes the area from the special flood hazard area.
- (d) *Other laws.* The provisions of this article shall not be deemed to nullify any provisions of local, state or federal law except as otherwise specifically provided.
- (e) *Abrogation and greater restrictions.* This ~~article ordinance~~ article supersedes any ordinances or regulations in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances or regulations 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 article and any other ordinances or regulations, the more restrictive shall govern. This ~~article ordinance~~ article shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this article.
- (f) *Interpretation.* In the interpretation and application of this article, all provisions shall be:
  - (1) Considered as minimum requirements;
  - (2) Liberally construed in favor of the governing body; and
  - (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

#### **Sec. 66-18. Duties and powers of the floodplain administrator.**

- (a) *Designation.* The town manager is designated as the floodplain administrator. The floodplain administrator may delegate performance of certain duties to other employees.
- (b) *General.* The floodplain administrator is authorized and directed to administer and enforce the provisions of this article. The floodplain administrator shall have the authority to render interpretations of this article consistent with the intent and purpose of this article 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 article without the granting of a variance pursuant to section 66-22 of this article
- (c) *Applications and permits.* The floodplain administrator, in coordination with other pertinent offices of the community, shall:

- (1) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
  - (2) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this article;
  - (3) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
  - (4) Provide available flood elevation and flood hazard information;
  - (5) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
  - (6) Review applications to determine whether proposed development will be reasonably safe from flooding;
  - (7) Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this article is demonstrated, or disapprove the same in the event of noncompliance; and
  - (8) Coordinate with and provide comments to the building official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this article.
- (d) *Substantial improvement and substantial damage determinations.* For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the floodplain administrator, in coordination with the building official, shall:
- (1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
  - (2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
  - (3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement"; for proposed work to repair damage caused by flooding, the determination requires evaluation of previous permits issued to repair flood-related damage as specified in the definition of "substantial damage"; and

- (4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this article is required.
- (e) *Modifications of the strict application of the requirements of the Florida Building Code.* The floodplain administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to section 66-22 of this article.
- (f) *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 article.
- (g) *Inspections.* The floodplain administrator shall make the required inspections as specified in section 66-21 of this article 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.
- (h) *Other duties of the floodplain administrator.* The floodplain administrator shall have other duties, including but not limited to:
  - (1) Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to section 66-18(d) above;
  - (2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
  - (3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the flood insurance rate 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;
  - (4) Review required design certifications and documentation of elevations specified by this article and the Florida Building Code and this article to determine that such certifications and documentations are complete;
  - (5) Notify the Federal Emergency Management Agency when the corporate boundaries of this town of Ocean Ridge are modified; and
  - (6) Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on flood

insurance rate maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."

- (i) *Floodplain management records.* Regardless of any limitation on the period required for retention of public records, the floodplain administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this article 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 article; 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 article and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at the town clerk's office at 6450 N. Ocean Blvd. Ocean Ridge, Florida 33435.

#### **Sec. 66-19. Permits.**

- (a) *Permits required.* Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this article, 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 article and all other applicable codes and regulations has been satisfied.
- (b) *Floodplain development permits or approvals.* Floodplain development permits or approvals shall be issued pursuant to this article 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.
  - (1) Buildings, structures and facilities exempt from the Florida Building Code. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this article:
    - a. Railroads and ancillary facilities associated with the railroad.
    - b. Nonresidential farm buildings on farms, as provided in F.S. § 604.50.
    - c. Temporary buildings or sheds used exclusively for construction purposes.
    - d. Mobile or modular structures used as temporary offices.

- e. Those structures or facilities of electric utilities, as defined in section F.S. § 366.02, which are directly involved in the generation, transmission, or distribution of electricity.
  - f. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
  - g. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
  - h. Temporary housing provided by the department of corrections to any prisoner in the state correctional system.
  - i. Structures identified in F.S. § 553.73(10)(k), are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on flood insurance rate maps
- (c) *Application for a permit or approval.* To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the town. The information provided shall:
- (1) Identify and describe the development to be covered by the permit or approval.
  - (2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
  - (3) Indicate the use and occupancy for which the proposed development is intended.
  - (4) Be accompanied by a site plan or construction documents as specified in section 66-20 of this article.
  - (5) State the valuation of the proposed work.
  - (6) Be signed by the applicant or the applicant's authorized agent.
  - (7) Give such other data and information as required by the floodplain administrator.
- (d) *Validity of permit or approval.* The issuance of a floodplain development permit or approval pursuant to this article shall not be construed to be a permit for, or approval of, any violation of this article, the Florida Building Codes, or any other ordinances or regulations of the town. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the floodplain administrator from requiring the correction of errors and omissions.
- (e) *Expiration.* A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

- (f) *Suspension or revocation.* The floodplain administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this article or any other ordinance, regulation or requirement of this town.
- (g) *Other permits required.* Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:
  - (1) The South Florida Water Management District; section 373.036, F.S.
  - (2) Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
  - (3) Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; section 161.141, F.S.
  - (4) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; F.S. § 161.055.
  - (5) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
  - (6) Federal permits and approvals.

**Sec. 66-20. Site plans and construction documents.**

- (a) *Information for development in flood hazard areas.* The site plan or construction documents for any development subject to the requirements of this article shall be drawn to scale and shall include, as applicable to the proposed development:
  - (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
  - (2) Where base flood elevations or floodway data are not included on the FIRM or in the flood insurance study, they shall be established in accordance with section 66-20(b)(2) or (3) below.
  - (3) 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 section 66-20(b)(1) below.
  - (4) 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.
  - (5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
  - (6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and

evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.

- (7) Delineation of the coastal construction control line or notation that the site is seaward of the coastal construction control line, if applicable.
- (8) Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.
- (9) Existing and proposed alignment of any proposed alteration of a watercourse.

The floodplain administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this article 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 article.

(b) *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:

- (1) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
- (2) Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
- (3) Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the floodplain administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
  - a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
  - b. 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.
- (4) Where the base flood elevation data are to be used to support a letter of map change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

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

- (1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant

proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in section 66-20(d) below and shall submit the conditional letter of map revision, if issued by FEMA, with the site plan and construction documents.

- (2) For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the 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 this town. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as zone AO or zone AH.
  - (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in section 66-20(d) below.
  - (4) For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.
- (d) *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. 66-21. Inspections.**

- (a) *General.* Development for which a floodplain development permit or approval is required shall be subject to inspection.
- (b) *Development other than buildings and structures.* The floodplain administrator shall inspect all development to determine compliance with the requirements of this article and the conditions of issued floodplain development permits or approvals.
- (c) *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 article and the conditions of issued floodplain development permits or approvals.
- (d) *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:

- (1) If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
  - (2) If the elevation used to determine the required elevation of the lowest floor was determined in accordance with section 66-20(b)(3)b. of this article, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.
- (e) *Buildings, structures and facilities exempt from the Florida Building Code, final inspection.* As part of the final inspection, the owner or owner's authorized agent shall submit to the floodplain administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in section 66-21(d)
  - (f) *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 article 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. 66-22. Variances and appeals.**

- (a) *General.* The board of adjustment shall hear and decide on requests for appeals and requests for variances from the strict application of this article. Pursuant to section F.S. § 553.73(5) the board of adjustment shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code. This section does not apply to Section 3109 of the Florida Building Code, Building.
- (b) *Appeals.* The board of adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the administration and enforcement of this article. Any person aggrieved by the decision of the board of adjustment may appeal such decision to the circuit court, as provided by Florida Statutes.
- (c) *Limitations on authority to grant variances.* The board of adjustment shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in section 66-22(g) below, the conditions of issuance set forth in section 66-22(h) below, and the comments and recommendations of the floodplain administrator and the Building Official. The board of adjustment has the right to attach such conditions as it deems necessary to further the purposes and objectives of this article.
- (d) *Restrictions in floodways.* A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in section 66-20(c) above.
- (e) *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 ~~44~~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.

- (f) *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 article, provided the variance meets the requirements of section 66-22(d) above, 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.
- (g) *Considerations for issuance of variances.* In reviewing requests for variances, the board of adjustment shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this article, and the following:
  - (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
  - (2) The danger to life and property due to flooding or erosion damage;
  - (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
  - (4) The importance of the services provided by the proposed development to the community;
  - (5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
  - (6) The compatibility of the proposed development with existing and anticipated development;
  - (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
  - (8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;
  - (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
  - (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.
- (h) *Conditions for issuance of variances.* Variances shall be issued only upon:
  - (1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this article or the required elevation standards;

- (2) Determination by the board of adjustment that:
  - a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
  - b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and regulations; and
  - c. The variance is the minimum necessary, considering the flood hazard, to afford relief;
- (3) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the office of the clerk of the court in such a manner that it appears in the chain of title of the affected parcel of land; and
- (4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the 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. 66-23. Violations.**

- (a) *Violations.* Any development that is not within the scope of the Florida Building Code but that is regulated by this article that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this article, shall be deemed a violation of this article. 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 article or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.
- (b) *Authority.* For development that is not within the scope of the Florida Building Code but that is regulated by this article and that is determined to be a violation, the floodplain administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.
- (c) *Unlawful continuance.* Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as provided by law.

## **Division 2. - Definitions**

### **Sec. 66-24. General.**

- (a) *Scope.* Unless otherwise expressly stated, the following words and terms shall, for the purposes of this article, have the meanings shown in division 2.
- (b) *Terms defined in the Florida Building Code.* Where terms are not defined in division 2 and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.
- (c) *Terms not defined.* Where terms are not defined in this article or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

(Ord. No. 623, § 3, 7-10-2017)

### **Sec. 66-25. Definitions.**

*Alteration of a watercourse* means 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* means request for a review of the floodplain administrator's interpretation of any provision of this article.

*ASCE 24* means 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* means a flood having a one percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

*Base flood elevation* mean the elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD1929), North American Vertical Datum (NAVD-88) or other datum specified on the flood insurance rate map (FIRM). [Also defined in FBC, B, Section 1612.2.]

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

*Coastal construction control line* means the line established by the State of Florida pursuant to F.S. § 161.053, and recorded in the official records of the town, 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* means 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.

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

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

*Design flood elevation* means the elevation of the "design flood," including wave height, relative to the datum specified on the town'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 1612.2.]

*Development* means 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* means 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* means any buildings and structures for which the "start of construction" commenced before April 9, 1971. [Also defined in FBC, B, Section 1612.2.]

~~*Existing manufactured home park or subdivision* means 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 April 9, 1971.~~

~~*Expansion to an existing manufactured home park or subdivision* means 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)* means the federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

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

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

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

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

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

*Flood insurance rate map (FIRM)* means the official map of this town on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to this town. [Also defined in FBC, B, Section 1612.2.]

*Flood insurance study (FIS)* means the official report provided by the Federal Emergency Management Agency that contains the flood insurance rate map, the flood boundary and floodway map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]

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

*Floodplain development permit or approval* means an official document or certificate issued by the town, 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 article.

*Floodway* means 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 1612.2.]

*Floodway encroachment analysis* means 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* means 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* means 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* means the highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

*Historic structure* means any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter ~~11~~ 12 Historic Buildings.

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

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

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

(3) *Letter of map revision based on fill (LOMR-F)* means 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 this town's floodplain management regulations.

(4) *Conditional letter of map revision (CLOMR)* means 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 twelve persons; or
- (3) Available with special features enabling off-street or off-highway operation and use.

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

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

*Market value* means 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 article, 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, is the actual cash value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value adjusted to approximate market value by a factor provided by the county property appraiser.

*New construction* means for the purposes of administration of this article and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after April 9, 1971 and includes any subsequent improvements to such structures.

*New manufactured home park or subdivision* means 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 April 9, 1971.

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

*Recreational vehicle* means a vehicle, including a park trailer, which is: [See F.S. § 320.01]

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

*Sand dunes* means a naturally occurring accumulations of sand in ridges or mounds landward of the beach.

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

*Start of construction* means 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 1612.2.]

*Substantial damage* means 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. The term also includes flood-related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

*Substantial improvement* means any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a five-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. The period of accumulation begins when the first improvement or repair of each building is permitted subsequent to July 10, 2017. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 1612.2.]

- (1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions including but not limited to, storm hardening measures (e.g., replacing non-impact doors and windows).
- (2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

*Variance* means a grant of relief from the requirements of this article, 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 article or the Florida Building Code.

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

### **DIVISION 3. - FLOOD RESISTANT DEVELOPMENT**

#### **Sec. 66-26. Buildings and structures.**

- (a) Design and construction of buildings, structures and facilities exempt from the Florida Building Code. Pursuant to section 66-19(b)(1) of this article, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of section 66-31 of this article.
- (b) 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:

- (1) Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, Building Section 3109 and Section 1612 or Florida Building Code, Residential Section R322.
- (2) Minor structures and non-habitable major structures as defined in F.S. 161.54, shall be designed and constructed to comply with the intent and applicable provisions of this article and ASCE 24.
- (3) Shall be subject to the requirements provided in article II of chapter 67.

(c) Florida Building Code, technical amendments.

(1) Cumulative substantial improvement. In the Florida Building Code, Building, and Florida Building Code, Existing Building, definitions for the term "Substantial Improvement" shall be as defined in Section 66-25.

(2) Repetitive flood damage. In the Florida Building Code, Building, and Florida Building Code, Existing Building, definitions for the term "Substantial Damage" shall be as defined in Section 66-25.

(3) Enclosures below required elevations.

a. Enclosed areas below elevated dwellings in coastal high hazard areas (Zone V) and Coastal A Zones are not permitted, except where enclosed by insect screening or open lattice.

b. Enclosed areas below elevated dwellings in flood hazard areas other than coastal high hazard areas (Zone V) and Coastal A Zones shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code. Where perimeter walls are permitted, the limitation on partitions does not apply to load bearing walls interior to perimeter wall (crawl space) foundations. Access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the building (stairway or elevator).

c. Enclosed areas below elevated buildings other than dwellings shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code.

**Sec. 66-27. Subdivisions.**

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

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

- (b) *Subdivision plats.* Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:
  - (1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
  - (2) 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 section 66-20(b)(1) of this article; and
  - (3) Compliance with the site improvement and utilities requirements of section 66-28 of this article.

**Sec. 66-28. Site improvements, utilities and limitations.**

- (a) *Minimum requirements.* All proposed new development shall be reviewed to determine that:
  - (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
  - (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
  - (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
- (b) *Sanitary sewage facilities.* All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for 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.
- (c) *Water supply facilities.* All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.
- (d) *Limitations on sites in regulatory floodways.* No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in section 66-20(c)(1) of this article demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.
- (e) *Limitations on placement of fill.* Subject to the limitations of this article, 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.
- (f) *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 section 66-20(c)(4) of this article demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with section 66-31(h)(3) of this article

**Sec. 66-29. Recreational vehicles and park trailers.**

- (a) *Temporary placement.* Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:
  - (1) Be on the site for fewer than 180 consecutive days; or
  - (2) Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

**Sec. 66-30. Tanks.**

- (a) *Underground tanks.* Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.
- (b) *Above-ground tanks, not elevated.* Above-ground tanks that do not meet the elevation requirements of section 66-30(c) below shall:
  - (1) Be permitted in flood hazard areas (zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
  - (2) Not be permitted in coastal high hazard areas (zone V).
- (c) *Above-ground tanks, elevated.* Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.
- (d) *Tank inlets and vents.* Tank inlets, fill openings, outlets and vents shall be:
  - (1) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
  - (2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

## Sec. 66-31. Other development.

- (a) *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 article or the Florida Building Code, shall:
- (1) Be located and constructed to minimize flood damage;
  - (2) Meet the limitations of section 66-28(d) of this article if located in a regulated floodway;
  - (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
  - (4) Be constructed of flood damage-resistant materials; and
  - (5) Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.
- (b) *Fences in regulated floodways.* Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of section 66-28(d) of this article.
- (c) *Retaining walls, sidewalks and driveways in regulated floodways.* Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of section 66-28(d) of this article.
- (d) *Roads and watercourse crossings in regulated floodways.* Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of section 66-28(d) of this article. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of section 66-20(c)(3) of this article.
- (e) *Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V).* In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:
- (1) Structurally independent of the foundation system of the building or structure;
  - (2) Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
  - (3) Have a maximum slab thickness of not more than four inches.
- (f) *Decks and patios in coastal high hazard areas (zone V).* In addition to the requirements of the Florida Building Code, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:

- (1) A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
  - (2) A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
  - (3) A deck or patio that has a vertical thickness of more than 12 inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.
  - (4) A deck or patio that has a vertical thickness of 12 inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.
- (g) *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:
- (1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
  - (2) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
  - (3) On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.
- (h) *Nonstructural fill in coastal high hazard areas (zone V).* In coastal high hazard areas:
- (1) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
  - (2) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered

design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.

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

### **Sec. 66-32. Manufactured homes.**

- (a) *General.* All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section F.S. § 320.8249, and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this article. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.
- (b) *Foundations.* All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:
  - (1) In flood hazard areas (zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.2 and this article. ~~Foundations for manufactured homes subject to section 66-32(d)(2) are permitted to be reinforced piers or other foundation elements of at least equivalent strength.~~
  - (2) In coastal high hazard areas (zone V), are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3 and this article.
- (c) *Anchoring.* All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.
- (d) *Elevation.* ~~Manufactured homes that are placed, replaced, or substantially improved shall comply with subsections (1) or (2) of this subsection (d), as applicable. 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 R3222.2 (Zone A) or Section R322.3 (Zone V and Coastal A Zone).*
  - ~~(1) General elevation requirement. Unless subject to the requirements of section 66-32(d)(2) of this article, 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).

(2) ~~Elevation requirement for certain existing manufactured home parks and subdivisions.~~ Manufactured homes that are not subject to section 66-32(d)(1) of this article, 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.~~

(e) *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.

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

**SECTION 3 – Applicability:** For the purposes of jurisdictional applicability, this Ordinance shall apply in the Town of Ocean Ridge, Florida. Unless otherwise required by law, this Ordinance shall apply to all applications for development in flood hazard areas submitted on or after the effective date of this Ordinance.

**SECTION 4 - Codification:** This Ordinance shall be codified in the Code of Ordinances of the Town of Ocean Ridge, Florida.

**SECTION 5 - Repeal of Conflicting Ordinances:** All ordinances, resolutions or parts of ordinances and resolutions in conflict herewith are hereby repealed.

**SECTION 6 - Severability:** If any word, clause, sentence, paragraph, section, or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void, or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

**SECTION 7 - Effective Date:** This Ordinance shall become effective immediately upon adoption.

FIRST READING this \_\_\_ day of \_\_\_\_\_, 2024.

SECOND AND FINAL READING this \_\_\_ day of \_\_\_\_\_, 2024.

Commissioner \_\_\_\_\_ offered the foregoing Ordinance and moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

	AYE	NAY
GEOFF PUGH, Mayor	_____	_____
STEVE COZ, Vice Mayor	_____	_____
CAROLYN CASSIDY, Commissioner	_____	_____
DAVID HUTCHINS, Commissioner	_____	_____
AINAR AIJALA JR., Commissioner	_____	_____

The Mayor thereupon declared this Ordinance approved and adopted by the Town Commission of the Town of Ocean Ridge, Florida, on second reading, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

TOWN OF OCEAN RIDGE, FLORIDA

BY: \_\_\_\_\_  
Geoff Pugh, Mayor

ATTEST:

BY: \_\_\_\_\_  
Kelly Avery, Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

BY: \_\_\_\_\_  
Christy Goddeau, Town Attorney

**Town of Ocean Ridge, Florida**  
**Planning & Zoning Board Agenda Memorandum**

---

**To:** Planning & Zoning Board Members  
**From:** Corey O’Gorman, Town Planner  
**Meeting Date:** November 19, 2024  
**Subject:** Town of Ocean Ridge Comprehensive Plan

---

**1. BACKGROUND**

At the Planning & Zoning Board meeting on October 15, 2024, copies of the DRAFT update of the Town of Ocean Ridge Comprehensive Plan were distributed. It was discussed that the update has been prepared as required by the State of Florida for revisions to be done every seven (7) years.

The DRAFT is based on review of the current plan text with Town Staff in several meetings and includes revised language that is struck through (for language to be deleted) and underlined (for language to be added), with all changes highlighted in yellow.

The current DRAFT update includes edits to reflect changes to population projections, clarifications, revisions to and inclusion of additional maps, and updates to reflect current conditions, and as such are primarily housekeeping in nature. The Board members were asked to review the document and be prepared to discuss it in detail at the next meeting, and as appropriate provide any comments, input and potential changes.

The Planning & Zoning Board is the designated Local Planning Agency (LPA) for the Town of Ocean Ridge, and as such has the responsibility to make a recommendation to the Town Commission on amendments to the Comprehensive Plan. However, to give the Board members an opportunity to discuss the plan and draft amendments, provide input to staff and consider other potential amendments, this is on the agenda as a workshop item and no recommendation is requested.

**2. STAFF RECOMMENDATION**

Hear a presentation from Town Staff and Planning Consultants, discuss and provide input on the proposed amendments and consider other potential amendments.