



CITY COMMISSION REGULAR MEETING AGENDA

Thursday, March 13, 2025 at 5:30 PM

City Commission Chambers – 105 S. 2ND Street, Flagler Beach, FL 32136

ALL MEETING ITEMS WILL BE CONTINUED UNTIL MEETING IS COMPLETE.

1. Call the meeting to order
2. Pledge of Allegiance followed by a moment of silence to honor our Veterans, members of the Armed Forces and First Responders
3. Proclamations and Awards

[a.](#) Proclamation Development Disabilities Awareness Month

4. Deletions and changes to the agenda
5. Public comments regarding items not on the agenda

Citizens are encouraged to speak. However, comments should be limited to three minutes. A thirty-minute allocation of time for public comment on items not on the agenda. Each speaker has up to three-minutes to address the Chair, and one opportunity to speak, no time can be allotted to another speaker.

6. Consent Agenda

- [a.](#) Approve the meeting minutes of February 27, 2025.
- [b.](#) Authorize East Flagler Mosquito Control District and their subcontractors to perform low-level flights "500 feet or below" to apply insecticides approved and labeled for mosquito control use over congested areas.
- [c.](#) Appointments to fill vacancies for the Primary Representative to the River to Sea Transportation Planning Organization Bicycle and Pedestrian Advisory Committee (BPAC) and the Citizens Advisory Committee (CAC).

7. General Business

- [a.](#) Application OE-25-03-01 Request for an Annual Outdoor Entertainment Permit – The Cajun Beach – 1112 S. Ocean Shore Blvd. -Applicant – Patrick McKinney.
- [b.](#) Presentation from Stantec on the Sanitation Fund.
- [c.](#) Presentation regarding the Wastewater Treatment System.
- [d.](#) Resolution 2025-21. A Resolution of the City Commission of the City of Flagler Beach, Florida, authorizing a Highway Maintenance Memorandum of Agreement between the City of Flagler Beach and the Florida Department of Transportation for the maintenance of state road rights-of-way by the City (Project #594); providing for conflict and an effective date.
- [e.](#) Resolution 2025-22. A Resolution by the City Commission of the City of Flagler Beach, Florida, authorizing the purchase of manhole rings/covers from Ferguson Waterworks (Project #616) for the City of Flagler Beach, in an amount not to exceed \$ 44,945; providing for conflict and an effective date.
- [f.](#) Resolution 2025-23. A Resolution by the City Commission of the City of Flagler Beach, Florida, approving a construction contract from Engineered Spray Solutions in an amount not to exceed \$66,081.00 for the

services summarized in Exhibit A at Lift Station #11 (Project # 592); providing for conflict and an effective date.

8. Public Hearings

- a.** Ordinance 2025-01. An Ordinance of the City of Flagler Beach, Florida, amending the Flagler Beach Code of Ordinances, Appendix "A," Land Development Regulations, to specify elevation of manufactured homes in flood hazard areas; to adopt and reformat local amendments to the Florida Building Code; providing for applicability, severability, and an effective date (Final Reading).
- b.** Ordinance 2024-02. An Ordinance of the City of Flagler Beach, Florida, related to annexation procedures; readopting amendments to Chapter 2, Section 2-2, included in Ordinance 2024-01 which removed the requirement for a referendum conducted within existing city limits for certain annexations; or, alternatively, repealing Ordinance 2024-01 and reinstituting the requirement for a referendum conducted within existing city limits for certain annexations; providing for inclusion in the code of ordinances; providing for conflict; providing an effective date hereof - first reading.

9. Staff Reports

- a.** City Attorney:
- b.** City Manager:
- c.** City Clerk:

10. Commission Comments

- a.** Commission comments, including reports from meetings attended.
- b.** Public comments regarding items not on the agenda. Citizens are encouraged to speak. However, comments should be limited to three minutes. *A thirty-minute allocation of time for public comment on items not on the agenda. Each speaker has up to three-minutes to address the Chair, and one opportunity to speak, no time can be allotted to another speaker.*

11. Adjournment

RECORD REQUIRED TO APPEAL: In accordance with Florida Statute 286.0105 if you should decide to appeal any decision the Commission makes about any matter at this meeting, you will need a record of the proceedings. You are responsible for providing this record. You may hire a court reporter to make a verbatim transcript. The City is not responsible for any mechanical failure of the recording equipment. In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk at (386) 517-2000 ext 233 at least 72 hours prior to the meeting. The City Commission reserves the right to request that all written material be on file with the City Clerk when the agenda item is submitted.

Developmental Disabilities Awareness Month Proclamation

WHEREAS, developmental disabilities are a diverse group of chronic conditions caused by physical, learning, language, or behavioral impairments that manifest before the age of 22 and impact a person's ability to perform everyday activities and live independently; and

WHEREAS, developmental disabilities affect approximately 1 in 6 children in the United States, and millions of adults, including conditions such as autism spectrum disorder, Down syndrome, cerebral palsy, intellectual disabilities, and other neurological and genetic disorders; and

WHEREAS, individuals with developmental disabilities possess unique strengths, talents, and perspectives, enriching our communities and contributing to the vibrancy of our society; and

WHEREAS, despite their contributions, individuals with developmental disabilities face significant challenges, including access to education, employment opportunities, healthcare, housing and independent living resources, underscoring the need for increased advocacy and public awareness; and

WHEREAS, Developmental Disabilities Awareness Month, celebrated in March, is an opportunity to raise awareness of these challenges, highlight the achievements of individuals with developmental disabilities, and promote respect, and equitable opportunities for all; and

WHEREAS, Cedar Bridge Foundation, a nonprofit organization, is committed to empowering individuals with developmental disabilities and their families through advocacy, education, life skills training, and social programming designed to enhance independence and promote a sense of belonging; and

WHEREAS, we recognize that fostering understanding and inclusion is a shared responsibility that requires collaboration among families, caregivers, educators, employers, community leaders, and organizations to break down barriers and build pathways to opportunity; and

WHEREAS, the City of Flagler Beach reaffirms its commitment to creating a welcoming, equitable, and inclusive community where individuals with developmental disabilities are celebrated, supported, and provided with opportunities to thrive.

NOW, THEREFORE, I, (Name), Mayor of the City of Flagler Beach, do hereby proclaim March as **Developmental Disabilities Awareness Month** in Flagler Beach. I encourage all citizens to celebrate the abilities and achievements of individuals with developmental disabilities, support local organizations and initiatives that advocate for and empower this community, and promote understanding, inclusion, and equity in all aspects of our community life.



CITY COMMISSION REGULAR MEETING MINUTES

Thursday, February 27, 2025, at 5:30 PM

City Commission Chambers – 105 S. 2ND Street, Flagler Beach, FL 32136

Present: Mayor Patti King, Chair Scott Spradley, Vice-Chair James Sherman, Commissioners Rick Belhumeur, Eric Cooley and Jane Mealy, City Attorney D. Andrew Smith, III, City Manager Dale L. Martin, and City Clerk Penny Overstreet.

1. **Call the meeting to order.** Commissioner Spradley called the meeting to order at 5:30 p.m.
2. **Pledge of Allegiance followed by a moment of silence to honor our Veterans, members of the Armed Forces and First Responders.** Commissioner Sherman led the pledge to the flag.
3. **Proclamations and Awards.** Mr. Martin introduced Casey Ryan, who has been hired for the position of Community Redevelopment Director.
4. **Deletions and changes to the agenda.** There were no changes to the agenda.
5. **Public comments regarding items not on the agenda.** John Tanner speaking on behalf of the Preserve Bulow Creek Group, asked the ordinance regarding annexation procedures to be amended. Attorney Smith responded the change that was made to the ordinance a year ago and reviewed protocol for ordinances and the necessary advertisements.
6. **Consent Agenda**
 - a. Approve the Minutes of February 13, 2025.
 - b. Approve a List of Qualified Engineers Architects and Surveyors procured through a Request for Qualifications.

Motion by Commissioner Belhumeur, seconded by Commissioner Sherman, to approve the consent agenda. Public comment was opened. No comments were received. Public comment closed. The motion carried unanimously.
7. **General Business**
 - a. Presentation- Flagler County Staff. County Administrator Hiedi Petito, Deputy County Administrator Jorge Salinas, Engineer Hamid Tabassian, and Coastal Engineer Dr. Wren-Key were present to assist Ms. Petito with her presentation. She reviewed the history of the barrier island and reported the economic impact from tourism funds, 23% of the workforce in Flagler County, and over half of those tourists came to the beach. Ms. Petito advised the County needs to adopt a funding plan in order to end adopting emergency declarations every week. The projects are identified as "Reaches. Reach II starts where the Army Corps of Engineers (ACOE) renourishment ended. She felt the County is more vulnerable now than it was during Hurricane Matthew. She reviewed the 18 miles of county coastline. The County acknowledged they will go back to the South end of town and renourish where Florida Department of Transportation (FDOT) is installing the secant wall and then continue down to Painters Hill. Commissioner Belhumeur asked why would you cover the seawalls when FDOT has committed to keeping the sand on the secant wall. Ms. Petito explained they are in communication with FDOT, and they are part of the funding plan to renourish the entire beach, including areas with a seawall. The estimated cost is \$35 million, and they are hoping to start this summer. Reach III is north of Varn Park and they still need to modify permitting and they will have to perform an environmental assessment because of the "hard bottom" (coquina rock). Recently the County requested a 4 x 4 study (4 x 4

meaning four years and 4 million dollars) from ACOE to identify areas and add or strengthen public access. There are critically eroded areas there. Rock mitigation might be pursued but is very expensive. The construction won't start until 2027.

Completing the entire 18 miles of coastline will cost \$120,000,000, there is a short fall of \$42,440,625. The costs reflect only construction costs. Other funding available lowers the shortfall to \$22,400,000. Periodic maintenance and nourishment the local cost is projected as \$12+ million every six years.

The need for 12 million per year is based upon assumption of maintenance every six years at a cost of \$72.1 million. Ms. Petito reviewed the possibility of an additional ½ cent sales tax. TDC bed tax, one-half cent sales tax, one cent sales tax, ad valorem property tax to dedicate a portion from our existing mileage for our beach, all sources were reviewed as possible funding. She looked at other models including an additional \$160.00 per parcel. Should the County fund the beach, they will be taking over the care of the beach.

The idea is for equitable Sales Tax distribution from the additional ½ cent sales tax. This will be discussed at the next Joint workshop on March 12th. The county is developing their budget and are looking for responses soon. If there is no agreement, they will move forward with the unincorporated areas only. They are looking to implement a comprehensive funding plan.

Commissioner Sherman inquired about the equitable sales tax distribution, what if Palm Coast chooses to not participate in the Sales Tax distribution, and all other municipalities agree to participate. Ms. Petito personally believes they would not be able to move forward if full participation from all the municipalities were not in place.

Commissioner Cooley asked what assurances could be word smithed into an interlocal agreement to reflect further assurances the City of Flagler Beach would receive direct benefits for the beach. Ms. Petito responded the City would put forth that language to be considered in the agreement that would outline the responsibilities. She explained, in the end, the City of Flagler Beach would give up the management of the beach which resides in the city limits. The shoreline of the county would be managed the shoreline within the county as one entity. Without having the management of the beach, the County could not go out after Federal dollars for the portion of the beach within the City's boundaries. Should the City not participate, it would be up to the city to come up with 2.5 million dollars a year for the maintenance of the beach. Commissioner Cooley needed clarification regarding the current ½ cent sales tax. Ms. Petito reported those dollars were put toward infrastructure projects.

Ms. Petito suggested that if anyone has any questions send them to Mr. Martin, they will work on those responses before the Workshop on March 12. Discussion included a workshop among the Commission before the meeting on the 12th; Mr. Martin clarified the Jt. Workshop is for discussion. It was the consensus of the Commission to schedule a workshop on March 6 to come together with one message before attending the Jt. Workshop.

Public comment was opened. Brian Ford, where does the management of the beach end what is the boundary, the walkovers, parking, etc. Kim Carney, spoke of the development of the Flagler Beach's Beach Management Plan. She suggested looking at the City's current beach management plan. She was not sure the City can manage and come up with 2.5 million dollars a year for maintenance. Public comment was closed.

- b. Presentation- Roadbotics: Bill Freeman, City Engineer demonstrated the Roadbotics program, now called Michelin, and its benefits. He is better able to view the roads and prioritize where to start. Mayor King asked if the program provides cost estimates. Mr. Freeman responded no. Commissioner Sherman inquired about unpaved roads. Mr. Freeman responded the dirt roads were not accessed. Commissioner Mealy asked if the potholes are filled, does it update in the system. He reported, it is not automatic. It is an annual subscription. The program will serve the City for a few years. Once a five-year plan is implemented and in five years, he could get another subscription and have another assessment prepared. Commissioner Spradley asked if this map would be available to be viewed by the

public. Mr. Freeman indicated he will share updates with the public. Commissioner Belhumeur spoke of areas that had been micro-surfaced a couple of years ago that now indicate damage on the map. He thought the city should consider milling and resurfacing next time.

- c. Consider appointments to the Planning & Architectural Review Board for three Terms expiring February 25, 2025. Chair Spradley opened the item. There were six applicants for three seats on the board.

Sayre Berman reviewed her desire to serve. She reviewed her qualifications and her work history.

Scott Chappuis reviewed his desire and qualifications. His desire was to remain on the Board. He recommended Barbara Revels.

Suzie Johnston reviewed her desire to remain on the board.

Paul Mykytka reviewed his desire and qualifications to serve on the board. Served on a Land Use Committee back in Fountain Square, Indiana.

Barbara Revels was not present, after reporting a previous engagement to the Clerk.

Ralph Santore reviewed his desire to serve on the board.

Commissioner Belhumeur asked if there was a conflict if Paul Mykytka did business with the City. Attorney Smith counseled; you cannot do business with your agency.

Chair Spradley thanked the candidates for applying and hoped if they did not get the seat, they would reapply. He was impressed with their qualifications.

Chair Spradley recessed the meeting at 7:14 p.m. The meeting was reconvened at 7:26 p.m.

- d. Consider a request for a Special Event that requires waivers for Section 6-5 (b) & (d) of the Flagler Beach Code of Ordinance to allow a Dog Surfing Contest within the banned area for dogs to be on the beach - Applicant Suzie Johnston. Commissioner Cooley recused himself and filed a Form 8b Conflict of Voting with the City Clerk. Commissioner Cooley and Suzie Johnston came before the Commission about the Hang 8 Event. Suzie Johnston and Eric Cooley reviewed the request. This is their 4th annual event. Motion by Commissioner Belhumeur, seconded by Commissioner Sherman, to allow for the exception to have the dogs on the section of beach. Open to the public. There were no comments received. Public comment was closed. The motion carried unanimously.

Chair Spradley announced the appointments to the PAR board are Suzie Johnston, Scott Chappuis and Barbra Revels.

- e. Resolution 2025-16. A Resolution by the City Commission of the City of Flagler Beach authorizing the City Manager to extend the Wickline Center Facility Use Agreement with the Salty Church on a month-to-month basis, but no later than August 31, 2025, providing for conflict and an effective date. Attorney Smith read the title of the resolution into the record. Motion by Commissioner Sherman, seconded by Commissioner Mealy, to approve Resolution 2025-16. Public comment was opened. No comments were received. Public comment was closed. The motion carried unanimously, after a roll call vote.
- f. Resolution 2025-17. A Resolution by the City Commission of the City of Flagler Beach, Florida, approving a conceptual design for the Moody Boulevard Reconfiguration for submission to the River To Sea Transportation Planning Organization for application to the Prioritized Projects Grant List; providing for conflict and an effective date. Attorney Smith read the title of the resolution into the record. Commissioner Sherman thanked Commissioner Belhumeur for his efforts. Commissioner Cooley needed clarification regarding the alternatives. Paul Mykytka reviewed the conceptual design that is needed for the feasibility study request for the TPO Priority Project List application. Discussion included placement of parking spaces, the bike lane being close to the pedestrian path, timing of the lights and using the Charrette as a reference. Motion by Commissioner Belhumeur, seconded by Commissioner Sherman, to go through with Resolution 2025-17. Public comment was opened. Ed Fendley was pleased to see the

proposal and felt it was long overdue. Public comment was closed. The motion carried unanimously, after roll call vote.

- g. Resolution 2025-18. A Resolution by the City Commission of the City of Flagler Beach to award Project #591, Water Supply and Treatment Facilities Plan, to Mead & Hunt in an amount not to exceed \$59,348; providing for conflict and an effective date. Attorney Smith read the title of the resolution into the record. Commissioner Mealy asked Mr. Martin to explain why the city needs to have this done. Mr. Martin explained that the City has a permit that has a threshold of how much water we can draw from our wells. when you meet a threshold of a percentage of your allowed amount, the state requires you to start planning for need or demand for water. We are rapidly approaching the threshold. This is only for the City's current situation and not for any potential or future growth. Motion by Commissioner Mealy, seconded by Commissioner Belhumeur, to approve 2025-18. Public comment was opened. No comments were received. Public comment was closed. The motion carried unanimously, after a roll call vote.
- h. Resolution 2025-19. A Resolution of the City of Flagler Beach, Florida, authorizing a sole source contract with Odyssey Manufacturing Co. to furnish and install replacement sulfuric acid tanks for the City of Flagler Beach Water Treatment Plant, providing for conflict and an effective date. Attorney Smith read the title of the resolution onto the record. Motion by Commissioner Sherman, seconded by Commissioner Mealy, to approve Resolution 2025-19. Public comment was opened. No comments were received. Public comment was closed. The motion carried unanimously, after a roll call vote.
- i. Resolution 2025-20. A Resolution by the City Commission of the City of Flagler Beach, Florida declaring certain items as surplus; providing for conflict and an effective date. Attorney Smith read the title of the resolution onto the record. Commissioner Mealy inquired if the funds received from the auction could be allocated for Police Cars and/or police car gear. Mr. Martin indicated yes, it could be put in reserve. Motion by Commissioner Mealy, seconded by Commissioner Sherman to approve Resolution 2025-20. Public comment was opened. No comments were received. Public comment was closed. The motion carried unanimously, after a roll call vote.

8. Staff Reports

- a. City Attorney: Attorney Smith referred to the affidavit from the News Journal regarding the ordinance about annexation procedures. It was the consensus of the Commission to have Attorney Smith draft the ordinance for the March 13th meeting.

Attorney Smith gave an update on the Magistrate. The Magistrate authorized foreclosure. He will research if there are existing liens on the property. It was the consensus of the Commission for Attorney Smith to move forward.

There is a Senate bill being introduced during this session regarding terminating CRAs.

- b. City Manager: Mr. Martin reported there are four preliminary candidates for the Fire Chief position. He anticipates having someone on board by late April.

He has kicked off the budget at staff level.

He reported two workshops scheduled. March 13th regarding the Wastewater Treatment Plant operations, and April 10th re: Paid Parking Workshop.

- c. City Clerk: City Clerk Overstreet reported on her attendance at the canvassing board meeting. The workshops discussed by the City Manager will start at 5:00 pm.

9. Commission Comments

- a. Commission comments, including reports from meetings attended.

Commissioner Belhumeur purchased a government standard flag for the Police Station.

Commissioner Cooley thanked the Commission for their support of the Hang 8 Event.

Mayor King reported there will be a beach clean-up on Saturday at 8:00 am. She distributed a tentative centennial event calendar: April 16 is the kick-off street party on S. Central with a Birthday Cake.

Commissioner Mealy attended the FB3 Meeting. She reported on Citizens Academy.

Commissioner Sherman thanked Chief Doughney for the four-way stop at S. 4th and S. Central.

Chair Spradley attended the FB 3 meeting, candidate forum. Chair Spradley has his town hall meeting at his office on Saturday. His guest is County Commissioner Andy Dance.

- b. Public comments regarding items not on the agenda. Citizens are encouraged to speak. However, comments should be limited to three minutes. No comments were received.

10. Adjournment

Motion by Commissioner Sherman to adjourn the meeting at 8:18 p.m.

**Board of Commissioners**

Mike Martin
Lance Alred
Julius Kwiatkowski

Chairman
Secretary
Treasurer

February 27, 2025

Re: Aerial Mosquito Control Operations

To: Flagler County Local Governments:

Each year we request, in compliance with Federal Aviation Administration Regulation 137.51, authorization to fly over congested areas. As you are aware, the citizens you represent pay for mosquito control services via property taxes to the District and part of those services are operations done by helicopter since 1990. To provide services in a timely fashion, we request signed authorization to extend for one year.

This authorization provided by each local government allows the District to carry out low-level flights, 500 feet and below, over congested areas within their boundaries. The helicopter is the main treatment vehicle of the District and most flights are done to prevent the emergence of saltmarsh mosquitoes, survey breeding areas, and apply adulticides at night when necessary.

The enclosed public notice will be published monthly beginning in March and ending in October and serves to provide ongoing public awareness about aerial operations and further provides contact information.

Please execute both accompanying authorizations (Mayor, Manager, etc.) for both the District and, additionally, on letterhead use the sample letter for the back-up contractor and return to our office no later than April 1, 2025.

Thank you for your prompt attention to this matter.

Sincerely,

Mark Positano

Mark Positano, Director

East Flagler Mosquito Control District

210 FIN WAY
Palm Coast, Florida 32164

Phone: 386-437-0002
Fax: 386-437-0200

flaglermosquito.gov

Public Notice Aerial Spraying

In compliance with regulations of the Federal Aviation Administration (FAA), public notice is hereby given that the East Flagler Mosquito Control District may apply control products by helicopter over or adjacent to congested areas of Flagler County and its municipalities. The purpose of these flights is for surveillance of mosquito breeding sites and the suppression of mosquito populations. Should the need arise, we may also contract with Clarke and Dynamic Aviation, Inc. and Ag Air Services for the same purposes. Flights will normally be performed at an altitude of 500 feet or below.

Control of mosquitoes by helicopter is a common practice in populated areas of Florida. The District has conducted aerial mosquito control operations since 1990. All flights will be in the public interest and maximize public safety and mosquito control effectiveness. All control products are approved for control purposes by the Florida Department of Agriculture and U.S. Environment Protection Agency.

For additional information visit the District website at flaglermosquito.gov, following us on Facebook, or by calling 386-437-0002. The website will map areas to be sprayed by truck or by air and notifications are posted on our Facebook page.

Congested Areas Authorization

This authorization recognizes that the East Flagler Mosquito Control District, in the exercise of its public health and safety responsibilities, may fly at low levels (500 feet) over congested areas in connection with its operations. This authorization extends from April 15, 2025 through April 15, 2026.

Signature: _____ Date: _____

Print/type name: _____

Title: _____

Name of local government: _____

Return to:

**East Flagler Mosquito Control District
210 Fin Way
Palm Coast, FL 32164**

Please return no later than April 1, 2025.



STAFF REPORT UPDATED

City Commission Regular Meeting

March 13, 2025



To: Elected Officials

From: Dale L. Martin, City Manager

Date: March 13, 2025

Item Name: Appointments to fill vacancies for the Primary Representative to the River to Sea Transportation Planning Organization Bicycle and Pedestrian Advisory Committee (BPAC) and the Citizens Advisory Committee (CAC).

Background: Currently there are three vacancies for Flagler Beach Citizen Representatives on the River to Sea Transportation Planning Organization (R2CTPO). 1 Alternate position on the Citizens Advisory Committee (CAC) and 1 Primary and 1 Alternate position on the Bicycle and Pedestrian Advisory Committee (BPAC). Mr. Ed Fendley is the current Primary Citizen Representative to the CAC.

Mr. Paul Mykytka has applied for one of the positions. Mr. Mykytka and Mr. Fendley discussed the roles on the Committees and are suggesting Mr. Mykytka be appointed to the Primary CAC position since his background is in Traffic Engineering, and Mr. Fendley be appointed to the Primary position on the BPAC since his background is with pedestrian and bicycle safety.

Neither Mr. Mykytka nor Mr. Fendley regrettably are able to attend tonight's meeting, Both request the Commission appoint them as requested.

Fiscal Impact:

Staff Recommendation: Appoint Mr. Mykytka as the Primary Representative on the CAC and change Mr. Fendley's appointment to the Primary Representative to the BPAC.

Attachment: Application from Mr. Mykytka.



External - Online Form Submittal: Advisory Board and Committee Application Form

From noreply@civicplus.com <noreply@civicplus.com>
Date Mon 3/3/2025 3:52 PM
To Kate Settle <KSettle@cityofflaglerbeach.com>; Penny Overstreet <POverstreet@CityofFlaglerBeach.com>

Caution: This email originated from outside the organization. Do not click or open attachments unless you recognize the sender and know the content is safe.

Advisory Board and Committee Application Form

First Name	Paul
Last Name	Mykytka
Street Number	351 Palm Cir
Street Name	Field not completed.
Street Type	Field not completed.
P.O. Box	Field not completed.
City	Flagler Beach
State	FL
Zip	32136
Phone Number	9376726567
Cell Phone	Field not completed.
Email Address	paul.mykytka@gmail.com

Occupation	<i>Field not completed.</i>
Number of Years as a Resident	<i>Field not completed.</i>
How many Commission Meetings have you attended?	Many
Are you registered to vote in Flagler County	Yes
Please describe your professional and/or volunteer experience which best qualifies you for your selection to the board(s) or committee(s).	I am qualified for the TPO Citizens Advisory Committee as I am an expert in the field of transportation engineering. I am a professional civil engineer with 17 years of experience specializing in complete streets, urban geometrics, accessibility, roadway design, and pavements.
Please check all boxes of the Committees you would like to serve.	
Boards and Committees	<i>Field not completed.</i>
Have you served on a City Board or Committee in the past?	No

Email not displaying correctly? [View it in your browser.](#)



STAFF REPORT

Regular City Commission Meeting

March 13, 2025

To: Elected Officials

From: Penny Overstreet, City Clerk

Date: February 3, 2025 **Updated March 10, 2025**

Item Name: Application OE-25-03-01 Request for an Annual Outdoor Entertainment Permit – The Cajun Beach – 1112 S. Ocean Shore Blvd. -Applicant – Patrick McKinney.

Background: Applicant: Cajun Beach/Flojun, LLC., 1112 S. Ocean Shore Blvd., Flagler Beach, Florida 32136. The Planning Board and City Commission denied the applicants request at the January 09, 2025, meeting. After reviewing the application and conducting a public hearing, the Officials urged the applicant to table his request and address the noise abatement concerns. The Applicant and his Attorney declined and requested a decision be made that evening. The City Commission voted to deny the requested outdoor entertainment permit. Specifically, the City Commission found that there was not competent substantial evidence to support a finding that element number 7 of the required considerations has been satisfied. For the City Commission to grant an outdoor entertainment permit it must find that the proposed outdoor entertainment would not have an adverse effect on or unreasonably infringe upon the rights of property owners within 200 feet of the subject property. As the City Commission has found that said element was not supported by competent substantial evidence, Application OE-25-01-01 has been denied.

The applicant has returned a new application and submitted proposed stage performance solutions he wishes to be considered.

The applicant contacted me to provide an update stating he was agreeable to restrictions on his permit to include: No live music after 9:30 p.m., No drums, and No Karaoke.

The Planning & Architectural Review Board will hear the request at their March 11, 2025, meeting. An update will be provided to you with their recommendation.

The subject property is zoned General Commercial G.C. The applicant is seeking approval of an Annual Outdoor Entertainment Permit to allow amplified and non-amplified events consisting of music, spoken word and/or other forms of entertainment. Section 4-167, Review of Permit Application states, the City Commission, after receiving recommendation from the Planning and Architectural Review Board (PARB), shall approve, approve with conditions, or deny a permit for outdoor entertainment activity based on any of the following grounds:

- (1) The activity would present an adverse impact on the health, safety or welfare of the applicant, participants, public employees or members of the public and/or fail to protect the city's environment.
- (2) The activity would unreasonably inconvenience the general public.
- (3) The proposed activity is prohibited by or inconsistent with the Flagler Beach Code of Ordinances or the Flagler Beach Comprehensive Plan.
- (4) The applicant cannot meet, or is unwilling to meet, all the requirements of this article.
- (5) The activity is proposed for a site that does not have adequate parking to accommodate the activity.

- (6) The activity is proposed for a site that is inherently hazardous to the participants or the public.
- (7) The event would have an adverse effect, and would unreasonably infringe upon, the rights of property owners within two hundred (200) feet of the property line of the subject property.
- (8) The event would conflict with another proximate event or interfere with construction or maintenance work.
- (9) The information furnished in the application is not materially complete and accurate.
- (10) The applicant has violated a provision, restriction or condition of this article or an outdoor entertainment activity permit issued to the applicant within the past and has not presented competent substantial evidence that measures to prevent future violations will be implemented at the property.
- (11) The requirements identified by the city staff to ensure public health, safety and welfare have not been met.
- (12) The comments and/or recommendations of the planning and architectural review board have not been addressed.
- (13) The proposed event or activity is prohibited by federal, state, or local regulations.
- (14) Other issues in the public's interest as identified by the city commission.
- (a) In deciding to approve a permit the city commission may limit the type and number of temporary structures and the duration of the activity, including the hours and the number of days of the activity conducted to minimize any adverse impact caused by the activity.

The applicant has 17 on-site parking spaces, and approximately 17 off-site for a total of 34.

Staff Recommendation: Staff recommends the application be considered based upon the fourteen criteria, and the applicants' installation of the noise abatement material.

Attachments:

- Application
- Map of surrounding property owners

OFFICE USE ONLY:

DATE REC'D _____

FEE REC'D \$ _____

INITIALS: _____

APPROVED ☐

DISAPPROVED ☐

PERMIT PARB ☒ *March 11 & 13th*

PERMIT ISSUED _____

INSTRUCTIONS:

Please print or type all information. The application must be filled out accurately and completely. Answer all questions. Do not leave an item blank. If an item does not apply, write N/A (not applicable). Incomplete applications may delay your request. All statements made on the application are subject to verification.

City of Flagler Beach

APPLICATION FOR
OUTDOOR ENTERTAINMENT



105 South 2nd Street,
Post Office Box 70
Flagler Beach, Florida 32136
Phone (386) 517-2000 Fax (386) 517-2008

Please type or print legibly

Required Information

Business Name: Cajun Beach / Flo Juan LLC

Contact Person: Patrick McKinney

Address: 1112 S Ocean Shore Blvd

City: Flagler Beach State: FL Zip: 32136

Work Phone: 386-338-3430 Home Phone: 386-344-2983

Fax: _____ Mobile Phone: 386-344-2983

E-Mail Address: Patrick@CajunBeach.com

What type of permit are you applying for? (check one)

☒ Annual Permit (permit fee = \$150.00)

☐ Per event that occurs fewer than 12 times a year (permit fee = \$75.00)
(Please list dates and times for the events on the bottom of page 2)

☐ One day event on Date _____ (permit fee = \$50.00)
Start time _____ am/pm End time _____ am/pm

Will you utilize temporary structures at your event? ☒ No ☐ Yes

If yes, attach a sketch of the site showing the location of these structure and see note below
(Indicate number of each)

_____ Stages _____ Scaffolding _____ Fences _____ Other


_____ Tents Do any of the tents exceed 200 square feet? ☐ No ☐ Yes

Note: Special Permits are required for tents exceeding 200 square feet. Special Building permits are required for temporary structures 700 or more square feet in area and those that are four feet above grade.

PLEASE ATTACH A SITE PLAN REGARDING THE SET UP OF THE OUTDOOR ENTERTAINMENT. PLEASE ATTACH A CURRENT COPY OF YOUR LIABILITY INSURANCE TO THIS APPLICATION.

By signing below I understand:

- This is an application only and does not obligate the City in any fashion to issuing a permit or approve an event.
- I have included my application fee and understand that my application will not be processed without the application fee.
- In no case shall the City’s Noise Ordinance be violated.
- The City Manager may reasonably limit the type and number of temporary structures and the duration of the activity including the hours and the number of days of the activity conducted.
- The event(s) may not be held until a permit is received.

Signature of Applicant  Date 1-17-25
12-2-24

Title of Applicant Managing Pastor

Affiliation _____

1. Date _____	Start time _____ am\pm	End time _____ am\pm
2. Date _____	Start time _____ am\pm	End time _____ am\pm
3. Date _____	Start time _____ am\pm	End time _____ am\pm
4. Date _____	Start time _____ am\pm	End time _____ am\pm
5. Date _____	Start time _____ am\pm	End time _____ am\pm
6. Date _____	Start time _____ am\pm	End time _____ am\pm
7. Date _____	Start time _____ am\pm	End time _____ am\pm
8. Date _____	Start time _____ am\pm	End time _____ am\pm
9. Date _____	Start time _____ am\pm	End time _____ am\pm
10. Date _____	Start time _____ am\pm	End time _____ am\pm
11. Date _____	Start time _____ am\pm	End time _____ am\pm
12. Date _____	Start time _____ am\pm	End time _____ am\pm

qPublic.net™ Flagler County, FL Property Appraisers Office



Overview

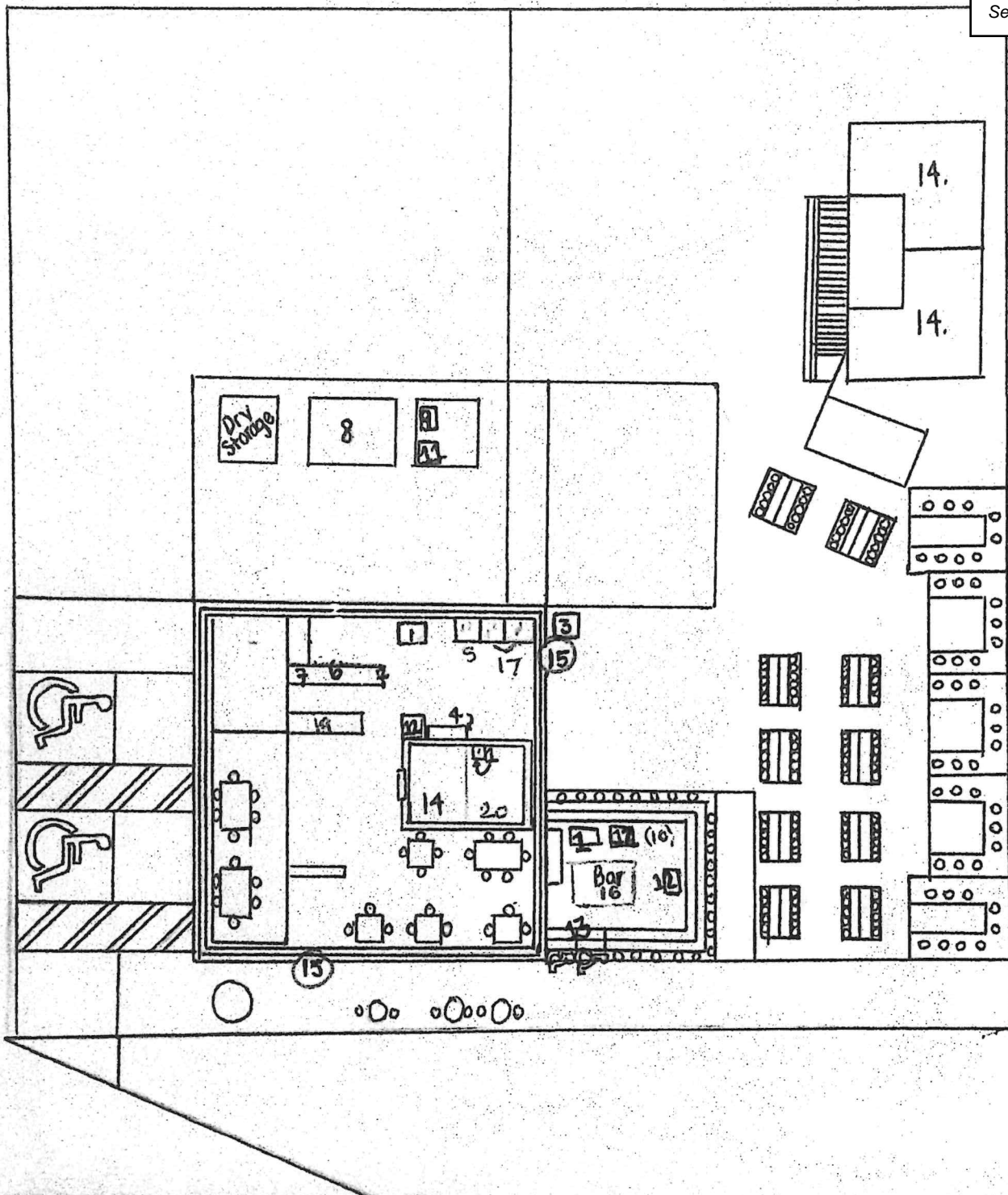


Legend

- Parcels
- Roads
- Streams and River

cel ID	12-12-31-4500-00180-0090	Owner	BCC PROPERTIES LLC	Land Value	\$560,000	Last 2 Sales		
p ID	78663		PO BOX 418	Ag Land	\$0	Date	Price	Reason
is Code	RESTAURANT/CAFE		FLAGLER BEACH, FL	Value		11/10/2014	\$220000	I U
ing	21		32136	Building	\$45,386	4/20/2012	\$255000	I Q
riect		Physical	1112 S OCEAN SHORE	Value				
sqft	11,799.080	Address	BLVD	Misc Value	\$5,402			
				Just Value	\$610,788			
				Assessed	\$505,755			
				Value				
				Exempt	\$0			
				Value				
				Taxable	\$505,755			
				Value				

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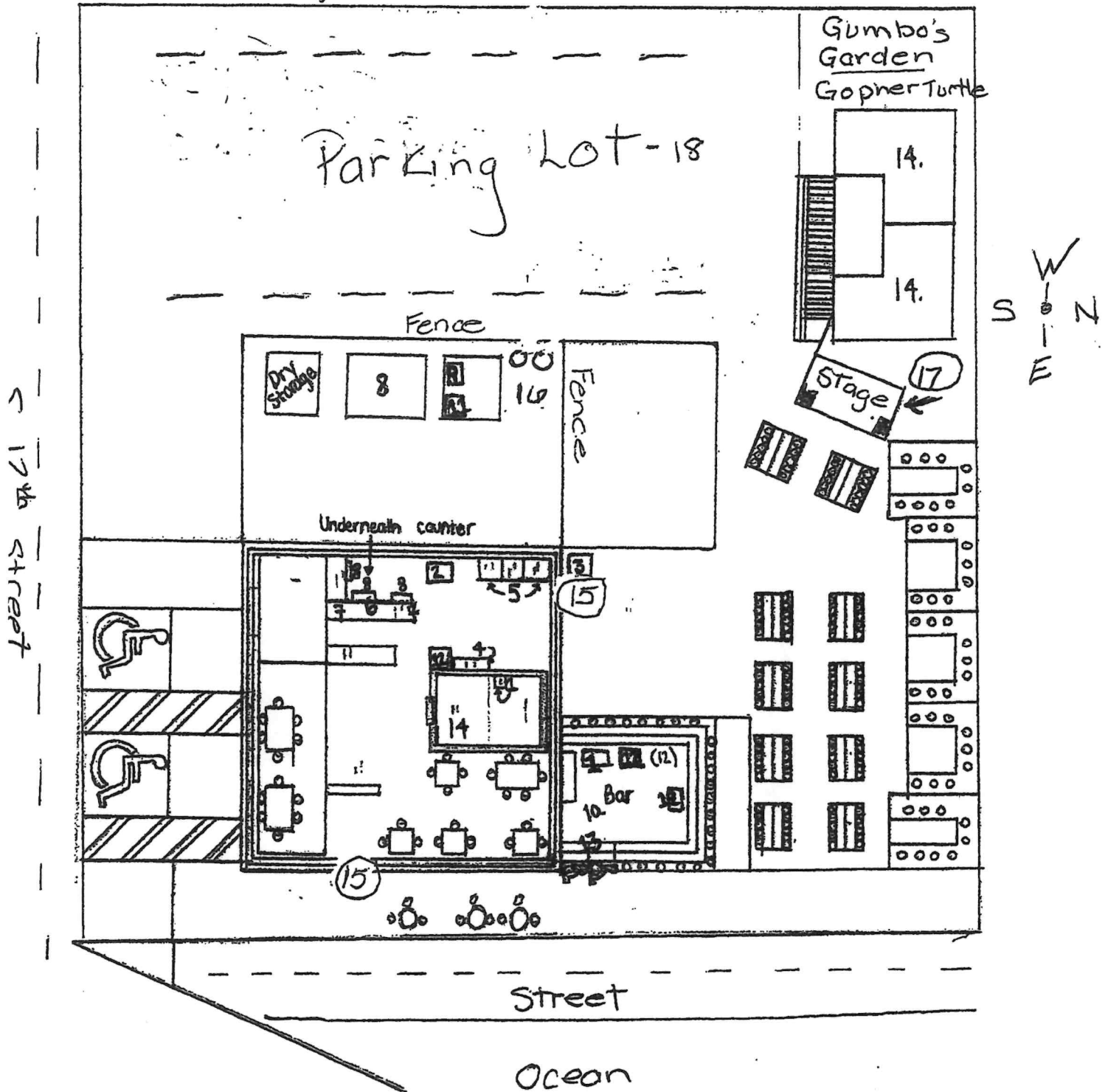


- Hand sinks
- Food preparation Sinks
- Mop Sink
- Warewashing Sink
- gas range oven
- refrigeration
- Preparation tables
- Walk-in refrigerator
- Freezers
- Soda dispenser

- 11. Ice machine
- 12. Ice Bins
- 13. Wait service Station
- 14. Bathrooms
- 15. Exits
- 16. Locking Bar
- 17. Gas Fryers
- 18.
- 19.
- 20.

Lajon Beach Boil & Sushi

Section 7, Item a.



1. Hand sinks
2. Food preparation sinks
3. Mops sinks
4. Warewashing equipment
5. Cooking equipment
6. Food preparation equipment
7. Preparation tables
8. Refrigerators

9. Freezers
10. Bar equipment
11. Ice machines
12. Ice bins
13. Wait service stations
14. Bathrooms
15. Entry
16. Boil (2)
17. Stage - Speakers

Addendum to my permit application.

- 1) We have 3inch soundproofing in the entire stage.
- 2) We have no speakers on the stage, each performing artist brings their own. We do have two small speakers in the bar ceiling.
- 3) We have been sharing parking with the hotel and spa since we opened. There is no formal agreement but when they have weddings or events we allow their customers to use our parking lot. They have done the same. The ownership and management of both hotels on either side of us have dined at our restaurant. They've invited me to tour their restaurant and asked for my assistance since their restaurant is not currently open.
- 4) The police reports to the property have all been by the same hand full of people and no citations were given. At no time was the noise ordinance violated. There have been many false reports made for many reasons.
- 5) The guest from both hotels and all of the surrounding hotels dine at our restaurant frequently.

Thank you!

Patrick McKinney
The Cajun Beach

Included plans for sound proofing and stage per request



City of Flagler Beach

P.O. Box 70 • 105 South 2nd Street
Flagler Beach, Florida 32126

Phone (386) 517-2000 • Fax (386) 517-2008

February 3, 2025

Patrick McKinney
5 Red Top Lane
Palm Coast, Florida 32164

RE: Outdoor Entertainment Application

Dear Mr. McKinney

This letter is to advise you that the Planning and Architectural Review Board will hear your request for an Outdoor Entertainment Permit on March 11, 2025, at 5:30 p.m. The City Commission will hear the Planning Board's recommendation, and the final decision will be made at their March 13, 2025, meeting, which begins at 5:30 p.m. I have enclosed a copy of the letter that has been mailed to businesses and residents within 200 feet of your location. Should you have concerns or questions please contact me at poverstreet@cityofflaglerbeach.com or 386-517-2000 ext. 233.

Sincerely,

Penny Overstreet
City Clerk

CC: Lupita McClenning, Planner
Planning & Architectural Review Board
Elected Officials
Dale L. Martin, City Manager



City of Flagler Beach

P.O. Box 70 • 105 South 2nd Street
Flagler Beach, Florida 32126

Phone (386) 517-2000 • Fax (386) 517-2008

February 03, 2025

RE: Outdoor Entertainment Permit Application Review

Dear Sir or Madam:

The purpose of this letter is to advise you, the City is in receipt of a request from "The Cajun Beach FloJun, LLC", located at 1112 S. Ocean Shore Blvd., requesting an Annual Outdoor Entertainment Permit. Per Ordinance 2010-02 the office of the City Clerk is required to notify property owners in a two-hundred-foot radius of the subject property of the meeting dates and times the request will be reviewed by the Planning & Architectural Review Board and the date the City Commission will have final review. The Planning & Architectural Review Board will review the request on March 11, 2025; the meeting begins at 5:30 p.m. The request will be before the City Commission for consideration on March 13, 2025; the meeting begins at 5:30 p.m. The purpose of this notice is to provide to you the opportunity to appear at the meeting(s) to voice your concerns or approval of the requested activity. Should you have any questions please contact the Planning & Zoning Office at 386-517-2000 ext. 231 or the City Clerk's Office at 386-517-2000 ext. 233 if you wish to view the application.

Sincerely,

Penny Overstreet
City Clerk

CC: Dale L. Martin, City Manager
Lupita McClenning, Planner
Elected Officials
PARB Members
Patrick McKinney, Applicant

A1A OCEANSHORE LLC
5 ST ANDREW COURT
PALM COAST, FL 32164

ANNIS BETTY H
2826 MONDAUI DR
ROCKLEDGE, FL 32955

BACK SHARON M
TRUSTEE
PO BOX 1375
FLAGLER BEACH, FL 32136

BCC PROPERTIES LLC
PO BOX 418
FLAGLER BEACH, FL 32136

BURBRINK LYNDA BAND
JOSEPH R BURBRINK JTWROS
PO BOX 695
FLAGLER BEACH, FL 32136

CITY OF FLAGLER BEACH
P O BOX 70
FLAGLER BEACH, FL 32136

CITY OF FLAGLER BEACH
PO BOX 70
FLAGLER BEACH, FL 32136

EGGERT IRIS CLAXTON
LIFE ESTATE C/O LIZ RUBEIS
2563 SW 87TH DR STE 10
GAINESVILLE, FL 32608

EZRIN ALVIN & DENISE ANNE CORNWA
1203 S CENTRAL AVENUE
FLAGLER BEACH, FL 32136

GOLDEN MAGNOLIA MARINE INC
1 HARGROVE GRADE STE 2
PALM COAST, FL 32137

HALL LONNIE C JR
TRUSTEE
1100 S CENTRAL AVE
FLAGLER BEACH, FL 32136

HARRELL MICHELLE & REBECCA
LYNNE JUSTICE & KRISTINA FOSTER TI
106 BARRINGTON COURT
FLETCHER, NC 28732

HODOVANCE DEREK
& HEATHER RAE H&W
112 S 11TH STREET
FLAGLER BEACH, FL 32136

JAI HANUMAAN LLC
1224 S OCEANSHORE BLVD
FLAGLER BEACH, FL 32136

LAROCHELLE ERIK J
68 HIGH STREET
STRATHAM, NH 03885

LITTLE TYLER F & EVELYN O
1204 S CENTRAL AVE
FLAGLER BEACH, FL 32136

MARTIN DALE L
1016 S CENTRAL AVE
FLAGLER BEACH, FL 32136

MONTGOMERY CALVIN & BRENDA K
LIFE ESTATE
12499 OLIVE TRAIL
PLYMOUTH, IN 46563

OCEANSIDE COTTAGES LLC
1204 S OCEANSHORE BLVD
FLAGLER BEACH, FL 32136

SEAGROVE BEACH INVESTMENTS LLC
2574 S OCEAN SHORE BLVD
FLAGLER BEACH, FL 32136

STEIMLE MARCIA
1200 S CENTRAL AVE
FLAGLER BEACH, FL 32136

WADSWORTH GAIL TRUSTEE
PO BOX 838
FLAGLER BEACH, FL 32136

WOTHERSPOON THOMAS Y &
BRENDA K H&W
1102 S CENTRAL AVE
FLAGLER BEACH, FL 32136

YORK GENEROSO S & SANDRA L H
EDMUNDS JTWROS
1110 S CENTRAL AVENUE
FLAGLER BEACH, FL 32136



City of Flagler Beach, FL

Sanitation FY 2026 Financial Planning

3/13/2025



Agenda

Section 7, Item b.

- 1) Overview
- 2) Assumptions
- 3) Financial Plan Scenarios
- 4) Benchmarking
- 5) Summary



Expense Forecast

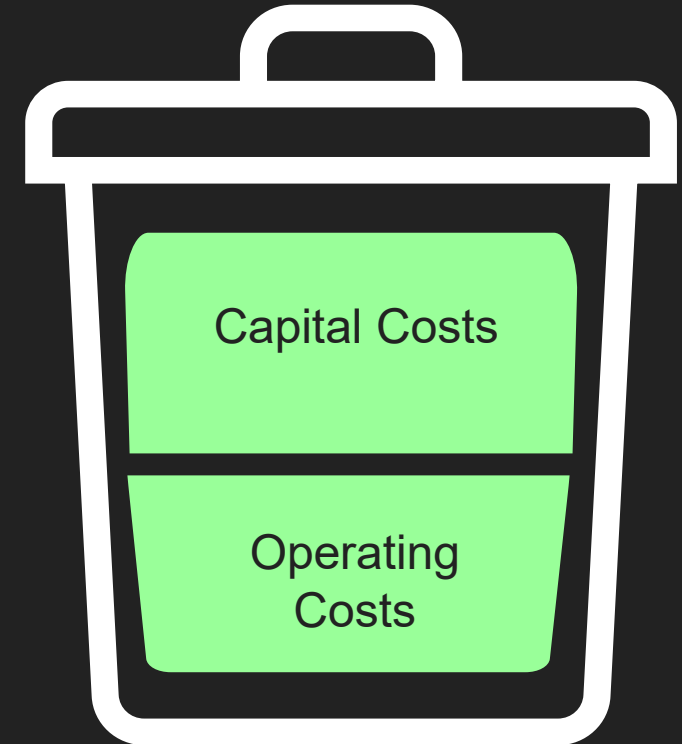
- Forecast of system operating expenditures
- Forecast of capital investments

Revenue Forecast

- Forecast of system demands and customer counts
- Development of revenue forecast

Evaluate Key Metrics

- Sufficiency of revenue to meet revenue requirements
- Ability to fall within range of reserve targets



Financial Planning Assumptions

Section 7, Item b.

- **Undesignated Fund balance as of 10/1/2024: \$640,000**
 - 3-4 months of operating expenses
 - Estimated
- **FY25 expense budget, \$1.7M**
 - Inflation on a line-item level (average annual 5.83%)
 - Excludes Non-Cash Items (Bad Debt, Depreciation, Contingency Reserve)
- **FY 25 revenues, \$1.9M**
 - Garbage (\$1.6M)
 - Recycling (\$133k)
 - Other (\$178k)
- **10-Year capital spending, \$1.0M**
 - Replacing a sanitation truck every three years (approximately 250k each)
 - Other minor equipment replacement costs

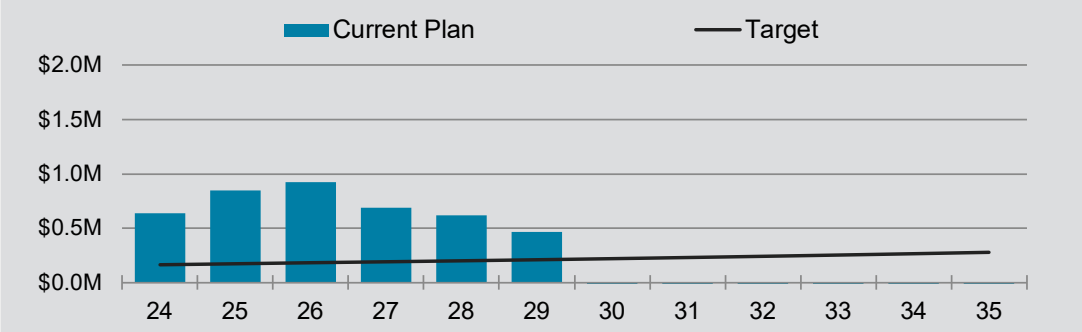


Financial Plan Scenarios

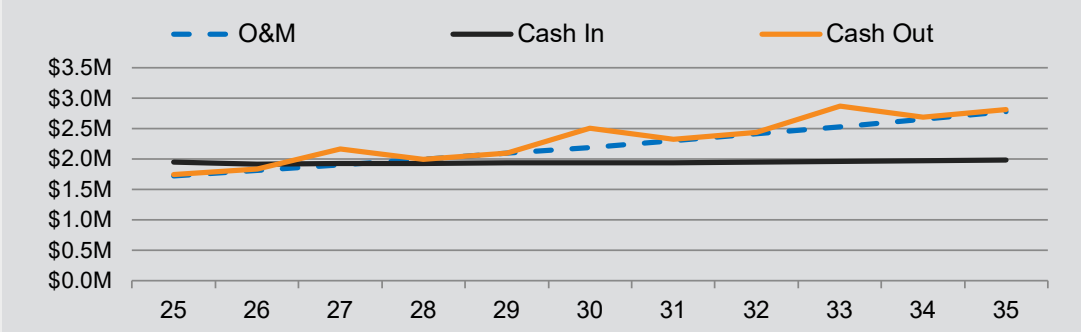
No Rate Increase

	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031	FY 2032	FY 2033	FY 2034	FY 2035
Garbage Fees Rate Plan	3.50%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Recycling Fees Rate Plan	3.50%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Monthly Garbage Bill	\$24.61	\$24.61	\$24.61	\$24.61	\$24.61	\$24.61	\$24.61	\$24.61	\$24.61	\$24.61	\$24.61
Monthly Recycling Bill	\$2.41	\$2.41	\$2.41	\$2.41	\$2.41	\$2.41	\$2.41	\$2.41	\$2.41	\$2.41	\$2.41
Total Single Family Bill	\$27.02	\$27.02	\$27.02	\$27.02	\$27.02	\$27.02	\$27.02	\$27.02	\$27.02	\$27.02	\$27.02

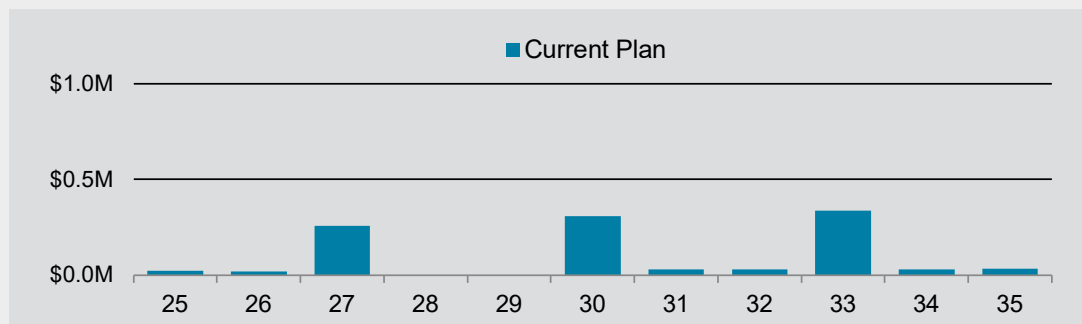
Operating Fund



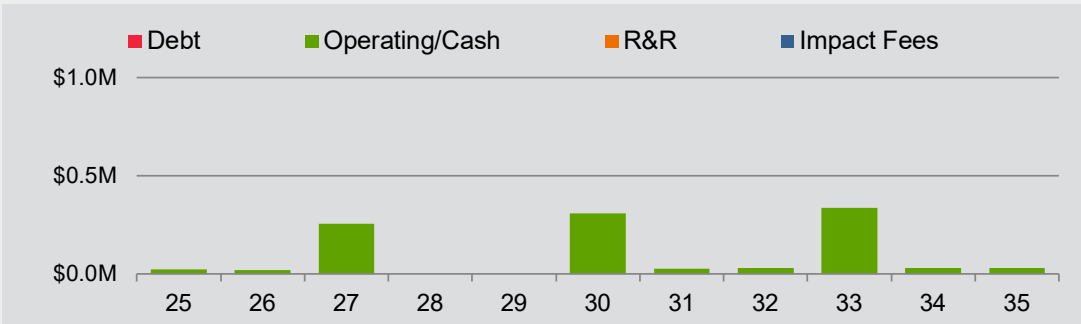
Revenues vs. Expenses



CIP Spending



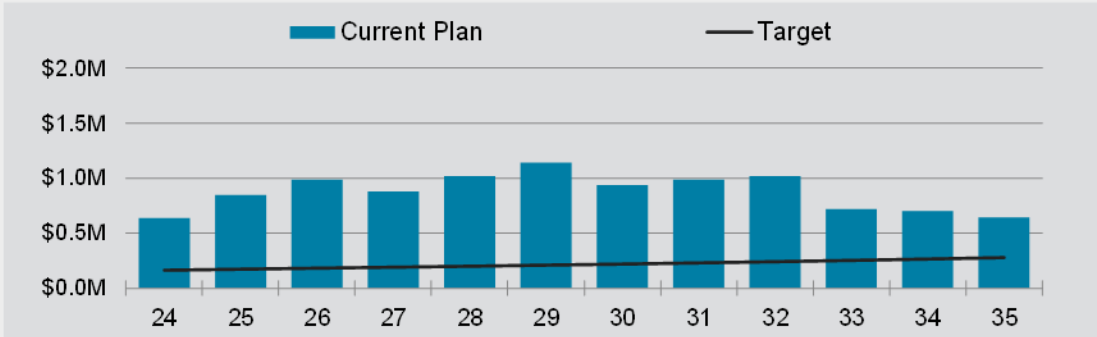
CIP Funding



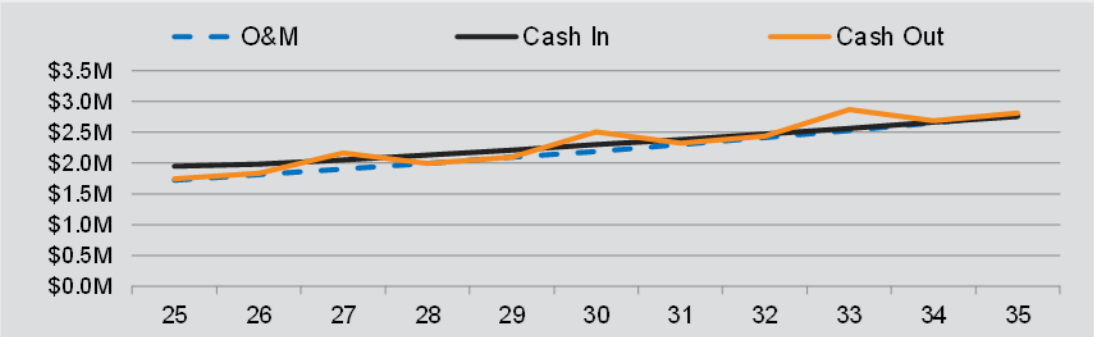
3.5% Rate Increase

	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031	FY 2032	FY 2033	FY 2034	FY 2035
Garbage Fees Rate Plan	3.50%	3.50%	3.50%	3.50%	3.50%	3.50%	3.50%	3.50%	3.50%	3.50%	3.50%
Recycling Fees Rate Plan	3.50%	3.50%	3.50%	3.50%	3.50%	3.50%	3.50%	3.50%	3.50%	3.50%	3.50%
Monthly Garbage Bill	\$24.61	\$25.47	\$26.36	\$27.28	\$28.23	\$29.22	\$30.24	\$31.30	\$32.40	\$33.53	\$34.70
Monthly Recycling Bill	\$2.41	\$2.49	\$2.58	\$2.67	\$2.76	\$2.86	\$2.96	\$3.06	\$3.17	\$3.28	\$3.39
Total Single Family Bill	\$27.02	\$27.96	\$28.94	\$29.95	\$30.99	\$32.08	\$33.20	\$34.36	\$35.57	\$36.81	\$38.09

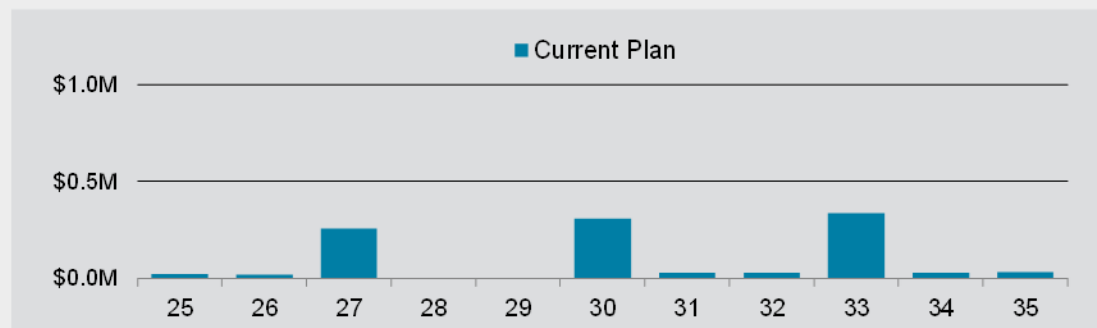
Operating Fund



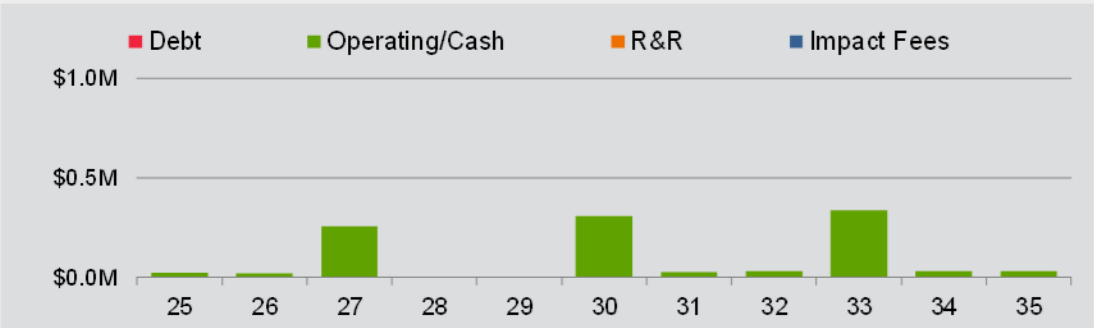
Revenues vs. Expenses



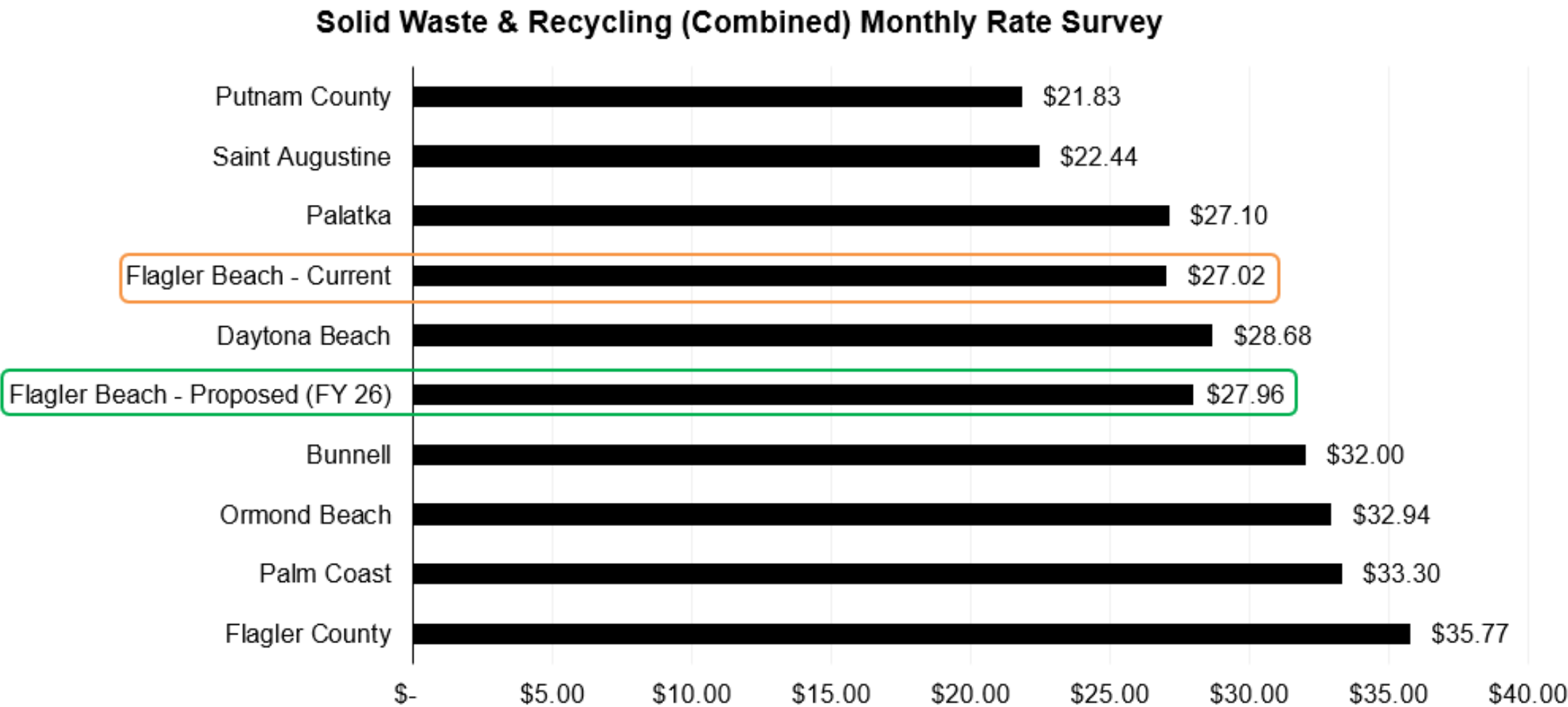
CIP Spending

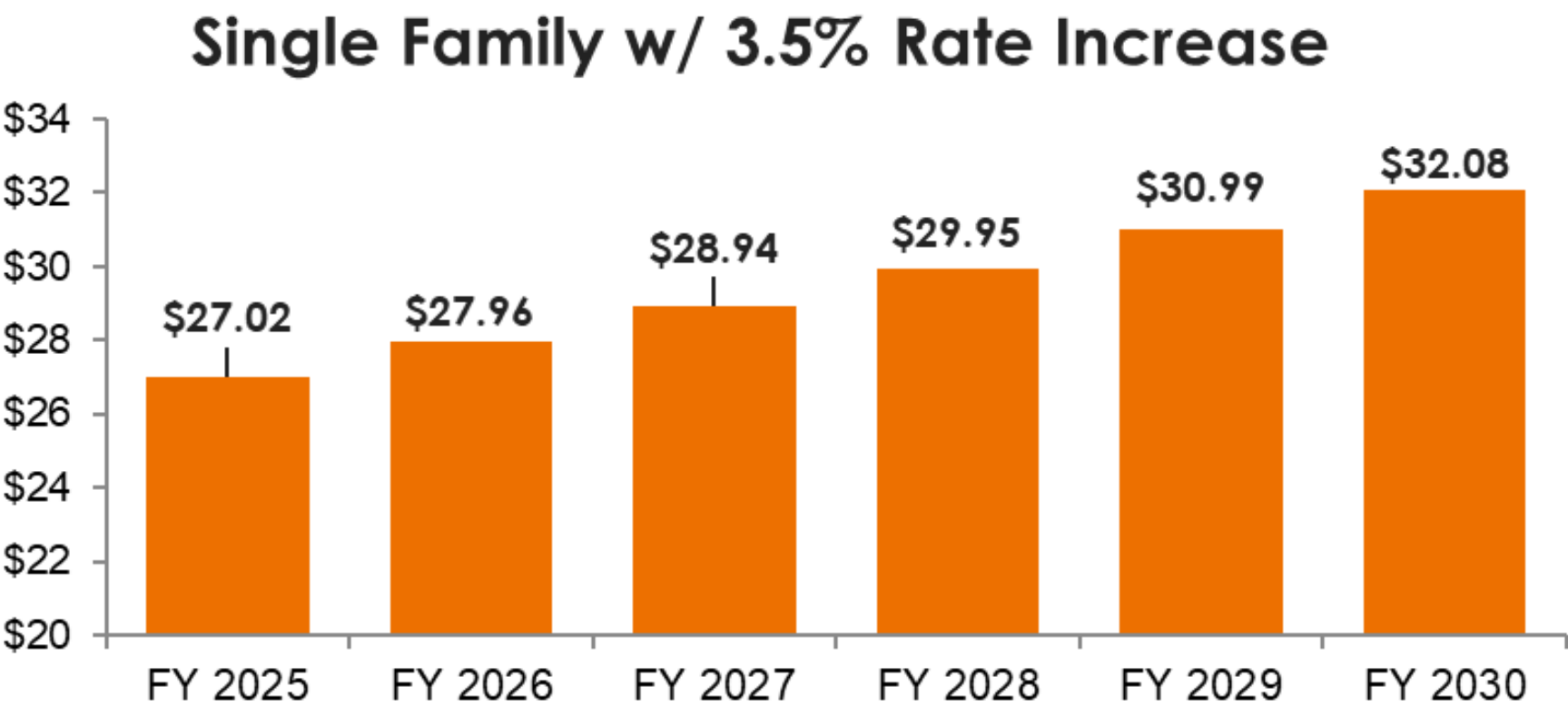


CIP Funding



Residential Garbage & Recycling Bill





Summary of Findings

- **3.5%** annual rate increases beginning in **FY 2025** are sufficient to cover operations & capital requirements
- Benefits of regular rate review and adjustments:
 - Secure funding for the capital projects
 - Fund the ongoing operational costs of the system
 - Eliminates significant one-time rate increases
- Level of future rate adjusts are dependent on project timing and costs



Peter Napoli

Senior Manager

(904) 671-0117

Peter.Napoli@Stantec.com

Additional Questions/Discussion



STAFF REPORT

City Commission Regular Meeting

March 13, 2025



To: Elected Officials

From: Dale L. Martin, City Manager

Date: March 7, 2025

Item Name: Resolution 2025-21. A Resolution of the City Commission of the City of Flagler Beach, Florida, authorizing a Highway Maintenance Memorandum of Agreement between the City of Flagler Beach and the Florida Department of Transportation for the maintenance of state road rights-of-way by the City (Project #594); providing for conflict and an effective date.

Background: The City of Flagler Beach has an existing three-year, right-of-way maintenance agreement contract with the Florida Department of Transportation (FDOT). The current agreement expires May 19, 2025, for an amount of \$45,460.00 annually. The City of Flagler Beach proposes entering into a new three-year agreement with FDOT, for the amount of \$50,374 annually, to maintain the FDOT right-of-way. The attached document, Contract No. AT239 establishes the project limits and scope of work.

Fiscal Impact: \$50,374 will be paid annually to the City of Flagler Beach for State highway right-of-way maintenance (General Fund, Intergovernmental Revenues).

Staff Recommendation: Staff recommends approval of Resolution 2025-21.

Attachment:
Resolution 2025-21

RESOLUTION 2025-21

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, AUTHORIZING A HIGHWAY MAINTENANCE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF FLAGLER BEACH AND THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE MAINTENANCE OF STATE ROAD RIGHTS-OF-WAY BY THE CITY (PROJECT #594); PROVIDING FOR CONFLICT AND AN EFFECTIVE DATE.

WHEREAS, the City of Flagler Beach (the “City”) has a Memorandum of Agreement with the Florida Department of Transport (FDOT); and,

WHEREAS, the Memorandum of Agreement establishes the City to provide highway maintenance for state road rights-of-way; and,

WHEREAS, the Memorandum of Agreement will expire on May 19, 2025; and,

WHEREAS, the City and FDOT are interested in entering a new Memorandum of Agreement for the City to provide continued service; and,

NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, AS FOLLOWS:

SECTION 1. That the City of Flagler Beach hereby approves the State of Florida Department of Transportation Highway Maintenance Agreement Contract No. AT239 attached hereto as Exhibit "A".

SECTION 2. All resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed.

SECTION 4. This Resolution shall become effective immediately upon passage as provided by law.

PASSED AND ADOPTED THIS 13th DAY OF MARCH, 2025.

CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

ATTEST:

Patti King, Mayor

Penny Overstreet, City Clerk

Attachment:
Exhibit A (Contract No. AT239)

FLORIDA DEPARTMENT OF TRANSPORTATION
HIGHWAY MAINTENANCE MEMORANDUM OF AGREEMENT

CONTRACT NO.: AT239

FINANCIAL PROJECT NO.: 414979-1-78-04

This AGREEMENT, entered this _____ day of _____, 20____, by and between the Florida Department of Transportation, a component agency of the State of Florida, hereinafter called the **DEPARTMENT** and City of Flagler Beach, a municipal corporation duly enacted under the laws of the State of Florida, hereinafter called the **LOCAL GOVERNMENT**.

RECITALS

WHEREAS, as part of the continual updating of the State of Florida Highway System, the **DEPARTMENT**, for the purpose of safety and functionality, has constructed roadway, roadside areas, and medians on that part of the State Highway system within the limits of the **LOCAL GOVERNMENT** or adjacent to;

WHEREAS, the **LOCAL GOVERNMENT** acknowledges that there is mutual benefit in effectively maintaining these areas and the **LOCAL GOVERNMENT** is of the opinion that said roadway, roadside areas and median strips shall be attractively maintained;

WHEREAS, the parties hereto mutually recognize the need for entering into an Agreement designating and setting forth the responsibilities of each party;

WHEREAS, the **LOCAL GOVERNMENT**, by Resolution _____ dated the _____ day of _____, 20____ attached hereto as **EXHIBIT "A"**, which by reference hereto shall become a part hereof, desires to enter into this Agreement and authorizes its officers to do so.

NOW THEREFORE, for and in consideration of mutual benefits to flow each to each other, the parties covenant and agree as follows:

PROVISIONS

- 1) The **LOCAL GOVERNMENT** shall be responsible for routine maintenance activities of all roadway features within the **DEPARTMENT's** right of way having limits described in **EXHIBIT "B"**, or subsequent amended limits mutually agreed upon in writing by both parties. For the purpose of this Agreement, the maintenance activities to be performed by the **LOCAL GOVERNMENT** are defined in **EXHIBIT "C"**, or as defined by amended definitions agreed upon in writing by both parties.
- 2) The **LOCAL GOVERNMENT** shall perform the maintenance activities as described in **EXHIBIT "C"** in accordance with **DEPARTMENT** publications:
 - a) Maintenance Rating Program (MRP) Handbook, latest edition, which by reference hereto shall become a part hereof. The activities shall be performed in a manner that results in a minimum MRP score of 80.

- b) Standard Plans, current edition, which by reference hereto shall become a part hereof
- 3) The **LOCAL GOVERNMENT** shall be responsible for monitoring maintenance operations and the maintenance of traffic (“MOT”) throughout the term of the Agreement in accordance with the latest edition of FDOT Standard Specifications, Section 102. The **LOCAL GOVERNMENT** is responsible for the development of a MOT plan and making any changes to that plan as necessary. The MOT plan shall be in accordance with the latest version of FDOT Standard Plans, Index 102-600 series.
 - 4) The **DEPARTMENT** may, at its discretion, perform periodic inspections of any or all locations. If it is determined that any of the roadway features defined in **EXHIBIT “C”** are not being maintained as required by this Agreement, the **DEPARTMENT** will issue a notice of such deficiency to the **LOCAL GOVERNMENT’s** point of contact by email or certified mail. The **LOCAL GOVERNMENT** shall have thirty (30) days to correct the deficiency (ies) and to notify the **DEPARTMENT** by email or certified mail, that the deficiency (ies) has been corrected. If said deficiency or deficiencies are not corrected within this time period the **DEPARTMENT** may at its option, proceed as follows:
 - a) Maintain the roadway features declared deficient with the **DEPARTMENT** or **DEPARTMENT** Contractor's material, equipment and personnel. The actual cost for such work will be deducted from payment to the **LOCAL GOVERNMENT**; or
 - b) Terminate this Agreement in accordance with the provisions of this Agreement.
 - 5) In the event of a Governor Declared Emergency, a natural disaster or significant occurrence (hurricane, tornado, vehicle accident, hazardous waste spills, etc.) the **LOCAL GOVERNMENT** and the **DEPARTMENT** will cooperate and coordinate the use of their respective resources to provide for clean up, removal, and disposal of debris or other substances from the **DEPARTMENT’s** right of way described in **EXHIBIT “B”** or any amended limits mutually agreed upon in writing by both parties hereto. The **DEPARTMENT** will not deduct any payment to the **LOCAL GOVERNMENT**, costs for impairment of performance of any activity or part thereof defined in **EXHIBIT “C”**, as a result of such event and the redirection of **LOCAL GOVERNMENT** forces towards fulfillment of the responsibility under this article. This paragraph shall not be interpreted to reduce the **LOCAL GOVERNMENT’s** right to compensation or reimbursement from any other sources (i.e.: FEMA) for the debris removal or other activities of the **LOCAL GOVERNMENT** subsequent to a natural disaster or accident.
 - 6) During the term of this Agreement, the **DEPARTMENT** may from time to time engage in transportation projects on the roads covered by this Agreement. Some of these projects may involve the **DEPARTMENT’s** construction contractor temporarily assuming maintenance responsibility for the limits of the project. In that event, the **DEPARTMENT** will notify the **LOCAL GOVERNMENT** of the limits of the project and the time frame for that project. During that time and for those limits, the **LOCAL GOVERNMENT** may be released from its obligation to perform maintenance on those roads and the compensation to be paid under this Agreement may be reduced for the duration of the construction project. The reduction in compensation shall be based on the formula used to initially compute the amount of compensation under this Agreement. The **LOCAL GOVERNMENT** will be notified of the amount of the reduction as part of the aforementioned notice.

TERM

- 1) After this Agreement has been executed by the parties, the **DEPARTMENT** will issue a Notice to Proceed to the **LOCAL GOVERNMENT** which may be sent by electronic mail at the **DEPARTMENT's discretion**. The term of this Agreement commences on the effective date of the Notice to Proceed and will continue for a period of three (3) years from the effective date on the Notice to Proceed. This Agreement may be renewed for a period that may not exceed one three (3) year term.
- 2) A renewal may be made at the discretion of the **DEPARTMENT** and will be subject to the same terms and conditions set forth in this Agreement. A renewal shall be contingent upon satisfactory performance evaluations by the **DEPARTMENT** and subject to the availability of funds. Renewals must be mutually agreed upon by both parties and in writing and must be executed prior to the expiration date of its preceding term.
- 3) In the event this Agreement extends beyond the **DEPARTMENT's** current Fiscal year that begins July 1 of each year and ends June 30 of each succeeding year, the **LOCAL GOVERNMENT** and the **DEPARTMENT** mutually agree that the State of Florida's performance and obligation to pay under this contract is contingent upon and annual appropriation by the Legislature. In addition, Section 339.135(6)(a), Florida Statutes, is incorporated by reference, and is set forth herein below as follows:

F.S. "339.135(6)(a)"- The Department, during any Fiscal Year, shall not expend money, incur any liability, or enter into any Contract which, by its terms, involves any expenditure of money in excess of the amounts budgeted as available for expenditure during such Fiscal Year. Any Contract, verbal or written, made in violation of this subsection is null and void, and no money may be paid under such contract. The Department shall require a statement from the Comptroller of the Department that funds are available prior to entering into any such Contract or any other binding commitment of funds. Nothing herein shall prevent the making of Contracts for periods exceeding one (1) year, but any Contract so made shall be executory only for the value of services to be rendered or agreed to be paid for in succeeding fiscal years; and this paragraph shall be incorporated verbatim in all Contracts of the Department which are for an amount in excess of \$25,000 and having a term for a period of more than one year.

COMPENSATION

- 1) The **DEPARTMENT** agrees to pay the **LOCAL GOVERNMENT**, following a Notice to Proceed, compensation for the cost of maintenance as described in the Provisions Section of this Agreement. The payment will be for the amount of \$12,593.50 per quarter, equating to \$50,374.00 per year for the duration of the term.
- 2) Payment shall be made only after receipt of goods and services as provided in Section 215.422, Florida Statutes. Detailed quarterly invoices and any associated documents, including Maintenance Management Systems (MMS) breakdown of all activities, shall be submitted to the **DEPARTMENT's** Project Administrator: Lorien Scarlett. Delivery shall be effective upon receipt of a proper quarterly invoice and any required associated documents.
 - a) Upon receipt, the **DEPARTMENT** has seven (7) working days to inspect and approve the goods and services, unless otherwise specified herein. The **DEPARTMENT** has twenty (20) days to

deliver a request for payment (voucher) to the Department of Finance. The twenty measured from the latter of the date the invoice is received, at the location stated herein, or the goods and services are received, inspected and approved.

- b) Any penalty for delay in payment shall be in accordance with Section 215.422, Florida Statutes. Section 215.422(5), Florida Statutes, provides that all purchasing Agreements between a State agency and a vendor, applicable to this section, shall include a statement of the vendor's rights and the State's responsibilities under this section. The vendor's rights shall include being provided with the name and telephone number of the Vendor Ombudsman within the Department of Financial Services.
- c) If payment is not available within forty (40) days, a separate interest penalty as established pursuant to Section 215.422, Florida Statutes, will be due and payable, in addition to the invoice amount, to the **LOCAL GOVERNMENT**. Interest penalties of less than one (\$1.00) dollar shall not be enforced unless the **LOCAL GOVERNMENT** requests payment. Invoices, which have been returned to the **LOCAL GOVERNMENT** because of **LOCAL GOVERNMENT** preparation errors, will result in a delay in the payment. The invoice payment requirements do not start until a properly completed invoice is received by the **DEPARTMENT**.
- d) A Vendor Ombudsman has been established within the Department of Financial Services. The duties of this individual include acting as an advocate for vendors who may be experiencing problems in obtaining timely payment(s) from the **DEPARTMENT**. The Vendor Ombudsman may be contacted at (850) 413-5516 or by calling the Department of Financial Services Consumer Hotline, 1-800-342-2762.

- 3) Bills for fees or other compensation for services or expenses shall be submitted in detail sufficient for a proper preaudit and postaudit thereof.
- 4) Records of costs incurred under the terms of this Agreement shall be maintained and made available upon request of the **DEPARTMENT** at all times during the period of this Agreement and for three (3) years after final payment is made. Copies of these documents and records shall be furnished to the **DEPARTMENT** upon request. Records of costs incurred include the **LOCAL GOVERNMENT's** general accounting records and project records, together with supporting documents and records of the **LOCAL GOVERNMENT**, all subcontractors performing work, and all other records of the **LOCAL GOVERNMENT** and subcontractors considered necessary by the **DEPARTMENT** for a proper audit of costs.

CONDITIONS FOR TERMINATION

- 1) This Agreement or any part thereof is subject to termination at the discretion of the **DEPARTMENT** under any of the following conditions:
 - a) In the event the Legislature fails to make an annual appropriation to pay for the **LOCAL GOVERNMENT's** services to be performed hereunder.
 - b) The **LOCAL GOVERNMENT** has not complied with the provisions of this Agreement as described herein, or has demonstrated a pattern of repeated non-compliance.
 - c) The **DEPARTMENT** determines that the Agreement is no longer feasible.
- 2) Either party may terminate this Agreement in writing with thirty (30) days' notice.

NOTICES AND POINTS OF CONTACT

Section 7, Item d.

All correspondence regarding this Agreement shall be directed to the following points of contact:

a) For the **DEPARTMENT**:

Title: Maintenance Manager

Name: Heidi Trivett

Address: 1450 North Kepler Road DeLand, FL 32724

Telephone: 386-740-3482

Email: Heidi.Trivett@dot.state.fl.us

b) For the **LOCAL GOVERNMENT**:

Title: City Engineer

Name: Bill Freeman

Address: 800 S. Daytona Ave Flagler Beach, FL 32136

Telephone: 386-517-2000 Ext 230

Email: bfreeman@cityofflaglerbeach.com

ADDITIONAL PROVISIONS AND LEGAL REQUIREMENTS

- 1) **LEGAL REQUIREMENTS.** This Agreement is executed and entered into in the State of Florida and will be construed, performed, and enforced in all respects in strict conformity with local, state, and federal laws, rules, and regulations.
 - a) If any term or provision of the Agreement is found to be illegal or unenforceable, the remainder of the Agreement will remain in full force and effect and such term or provision will be deemed stricken.
 - b) The **LOCAL GOVERNMENT** shall allow public access to all documents, papers, letters, or other material subject to the provisions of Chapter 119, Florida Statutes, and made or received by the **LOCAL GOVERNMENT** in conjunction with this Agreement. Failure by the **LOCAL GOVERNMENT** to grant such public access shall be grounds for immediate unilateral cancellation of this Agreement by the **DEPARTMENT**.
 - c) The **LOCAL GOVERNMENT** and the **DEPARTMENT** agree that the **LOCAL GOVERNMENT**, its employees, contractors, subcontractors, consultants, and sub consultants are not agents of the **DEPARTMENT** as a result of this Agreement.
 - d) The **LOCAL GOVERNMENT** shall not cause any liens or encumbrances to attach to any portion of the **DEPARTMENT**'s right-of-way.
 - e) Nothing herein shall be construed as a waiver of either party's sovereign immunity.
- 2) **PUBLIC ENTITY CRIME.** The **LOCAL GOVERNMENT** affirms that it is aware of the provisions of Section 287.133(2)(a), Florida Statutes. A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or

consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, Florida Statutes, for CATEGORY TWO for a period of thirty six (36) months from the date of being placed on the convicted vendor list. The **LOCAL GOVERNMENT** agrees that it shall not violate Section 287.133(2)(a), Florida Statutes, and further acknowledges and agrees that any conviction during the term of this Agreement may result in the termination of this Agreement.

- 3) **UNAUTHORIZED ALIENS.** The **DEPARTMENT** will consider the employment of unauthorized aliens, by any contractor or subcontractor, as described by Section 274A(e) of the Immigration and Nationalization Act, cause for termination of this Agreement.
- 4) **NON-DISCRIMINATION.** The **LOCAL GOVERNMENT** will not discriminate against any employee employed in the performance of this Agreement, or against any applicant for employment because of age, ethnicity, race, religious belief, disability, national origin, or sex. The **LOCAL GOVERNMENT** shall provide a harassment-free workplace, with any allegation of harassment given priority attention and action by management. The **LOCAL GOVERNMENT** shall insert similar provisions in all contracts and subcontracts for services by this Agreement.
- 5) **DISCRIMINATORY VENDOR LIST.** The **LOCAL GOVERNMENT** affirms that it is aware of the provisions of Section 287.134(2)(a), Florida Statutes. An entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity. The **LOCAL GOVERNMENT** further agrees that it shall not violate Section 287.134(2)(a), Florida Statutes, and acknowledges and agrees that placement on the list during the term of this Agreement may result in the termination of this Agreement.
- 6) **ATTORNEY FEES.** Each Party shall bear its own attorney's fees and costs.
- 7) **TRAVEL.** There shall be no reimbursement for travel expenses under this Agreement.
- 8) **PRESERVATION OF REMEDIES.** No delay or omission to exercise any right, power, or remedy accruing to either Party upon breach or default by either Party under this Agreement, will impair any such right, power or remedy of either party; nor will such delay or omission be construed as a waiver of any breach or default or any similar breach or default.
- 9) **MODIFICATION.** This Agreement may not be modified unless done so in a writing executed by both Parties to this Agreement.
- 10) **NON-ASSIGNMENT.** The **LOCAL GOVERNMENT** may not assign, sublicense, or otherwise transfer its rights, duties, or obligations under this Agreement without the prior written consent of the **DEPARTMENT**. Any assignment, sublicense, or transfer occurring without the required prior written approval of the **DEPARTMENT** will be null and void. The **DEPARTMENT** will at all times be entitled to assign or transfer its rights, duties, or obligations under this Agreement to another governmental entity in the State of Florida, upon giving prior written notice to the **LOCAL GOVERNMENT**. In the event

that the **DEPARTMENT** approves transfer of the **LOCAL GOVERNMENT's** obligations. **GOVERNMENT** remains responsible for all work performed and all expenses incurred in connection with this Agreement.

- 11) The **LOCAL GOVERNMENT** agrees to include the following indemnification in all contracts with contractors, subcontractors, consultants, and subconsultants, who perform work in connection with this Agreement:

“The contractor / subcontractor / consultant / subconsultant shall indemnify, defend, save and hold harmless the State of Florida, Department of Transportation and all of its officers, agents or employees from all suits, actions, claims, demands, liability of any nature whatsoever arising out of, because of, or due to any negligent act or occurrence of omission or commission of the contractor / subcontractor / consultant / subconsultant, its officers, agents or employees.”

- 12) **BINDING AGREEMENT.** This Agreement is binding upon and inures to the benefit of the Parties and their respective successors and assigns. Nothing in this Agreement is intended to confer any rights, privileges, benefits, obligations, or remedies upon any other person or entity except as expressly provided for in this Agreement.

- 13) **INTERPRETATION.** No term or provision of this Agreement shall be interpreted for or against any party because that party or that party's legal representative drafted the provision.

- 14) **ENTIRE AGREEMENT.** This Agreement, together with the attached exhibits and documents made a part by reference, embodies the entire agreement of the Parties. There are no provisions, terms, conditions, or obligations other than those contained in this Agreement. This Agreement supersedes all previous communication, representation, or agreement, either verbal or written, between the Parties. No amendment will be effective unless reduced to writing and signed by an authorized officer of the **LOCAL GOVERNMENT** and the authorized officer of the **DEPARTMENT** or his/her delegate.

- 15) **DUPLICATE ORIGINALS.** This Agreement may be executed in duplicate originals.

- 16) **E-VERIFY – the LOCAL GOVERNMENT shall:**

- a) utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the **LOCAL GOVERNMENT** during the term of the contract; and
- b) expressly require any subcontractors performing work or providing services pursuant to the state contract to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the contract term.

The remainder of this page is intentionally left blank

17) The Parties agree to comply with s.20.055(5), Florida Statutes, and to incorporate in all subsequent amendments the obligation to comply with s.20.055(5), Florida Statutes.

EXECUTION

IN WITNESS WHEREOF, the parties have caused these presents to be executed the day and year first above written.

LOCAL GOVERNMENT:

By: _____

Printed Name & Title

Attest: _____

Printed Name & Title

Legal Approval: _____

DEPARTMENT:

By: _____

Ron J. Meade, P.E., District Maintenance Engineer

Printed Name & Title

Attest: _____

Victor A. LoPiccolo, Maintenance Project Manager

Printed Name & Title

Legal Approval: _____

EXHIBIT A

Section 7, Item d.

Resolution, following on next page.

EXHIBIT B

Section 7, Item d.

PROJECT LIMITS:

<u>SECTION</u>	<u>S.R.</u>	<u>LOCATION</u>	<u>LENGTH</u>
73020	100E	From Colbert Lane to SR A1A Includes ponds listed below	1.651
73020001	100E	From Flagler Ave to Moody Ln.	0.045
73020002	100E	From Moody Ln. to Boat Ramp Park	0.395
73020003		Service Road A from Conneticut Ave to the Intracoastal waterway & 8ft sidewalk from Lambert Ave to Wadsworth Park; includes ponds listed below	
73030	A1A	Orean Shore Blvd from Flagler County line to MP: 1.900 Ocean	1.900
73030	A1A	Shore Blvd from MP: 3.700 to Beverly Beach Limits MP: 6.131	2.431

PONDS

Under East Bridge #730059 SR-100 over Intracoastal waterway 73020000

Retention Pond #4 @ MP: 6.684

Retention Pond #8 @ MP: 0.080 (dry pond, not fenced) 73020002

Retention Pond #9 @ MP: 0.138 (dry pond, not fenced) 73020002

**Under West Bridge #730058 SR-100 over Intracoastal waterway 73020003
includes retention ponds MP:2-0.027 - 0.470**

EXHIBIT C**MAINTENANCE ACTIVITIES:****(Maintenance Activities to be included and part of this Agreement will be checked in the INC. column)**

<u>INC.</u>	<u>ACTIVITY</u>	<u>DESCRIPTION</u>
<input type="checkbox"/>	433	Sodding: Cutting and placing sod in areas along the roadside associated with reworking non-paved shoulders, slopes, ditches, median islands, utility strips and repairing washouts.
<input type="checkbox"/>	435	Seeding, Fertilizing and Mulching: Seeding, fertilizing, and mulching of the roadside.
<input type="checkbox"/>	436	Reworking Non-Paved Shoulders, Front Slopes, and Roadside Ditches (Mechanical): Reworking non-paved shoulders, front slopes, roadside ditches and turnouts either by the addition of suitable material and reshaping, or by cutting down built-up areas.
<input type="checkbox"/>	451	Clean Drainage Structures: Cleaning storm drains, French drains, manholes, side drains, cross drains, inlets, piped outfalls, box culverts, and other miscellaneous drain structures.
<input type="checkbox"/>	459	Concrete Sidewalk Repair: Repair or replacement of existing sections of concrete sidewalk.
<input type="checkbox"/>	461	Roadside Ditches – Clean and Reshape: Cleaning and reshaping of ditches other than outfalls.
<input checked="" type="checkbox"/>	471	Large Machine Mowing: Mowing of roadside areas with large mowers where conditions accommodate the efficient use of 7 foot and larger mowers, alone or in combination.
<input type="checkbox"/>	482	Slope Mowing: Grass, brush, and weed cutting along slopes too steep to safely mow or are inaccessible for conventional mowing tractors.
<input type="checkbox"/>	485	Small Machine Mowing: Mowing the roadside with small hand or riding mowers have a cutting width of 40 inches or less.
<input type="checkbox"/>	487	Manual Weed Control: Brush, weed, and grass cutting 100 mm (4”) or less in diameter performed with hand tools.
<input checked="" type="checkbox"/>	490	Fertilizing: Fertilizing to provide required nutrients to establish and maintain an acceptable roadside turf.
<input checked="" type="checkbox"/>	492	Tree Trimming & Removal: The trimming of the height and sides of trees and removal of undesirable trees (over 4 inches in diameter or trimming that cannot be done under Activity 487 Weed Control - Manual). To include the chipping and/or removal of all debris from work site.
<input type="checkbox"/>	493	Landscaped Area Maintenance: All efforts required for proper maintenance of landscaped areas, including litter removal, mowing, edging, fertilizing, weeding, mulching, etc.
<input checked="" type="checkbox"/>	494	Chemical Grass and Weed Control: The application (handgun, basal or cut stump) of herbicides to slopes, ditches, fence, guardrail, barrier wall, reinforced earthen walls, sidewalks, bridges, curb and gutter, obstructions, shoulders, and other areas not assessable to mowers. Not to include chemical applications within landscape or mitigation areas.

<input type="checkbox"/>	498	Storm Water Management: To maintain, to the maximum extent practicable, all surface/storm water management systems to a functioning state as designed and in compliance with the permit conditions and/or applicable rules and regulations.
<input type="checkbox"/>	527	Fence Repair: To provide highway safety and deter unauthorized and unrestrained access to highway facilities.
<input checked="" type="checkbox"/>	541	Roadside Litter Removal: Cleaning roadways and roadsides of debris, such as cans, bottles, paper, Adopt-A-Highway litter. Includes the hauling and disposal of litter. Does not include wayside parks, rest areas and service plaza barrels.
<input type="checkbox"/>	542	Road Sweeping (Manual): To remove debris from the roadway where mechanical means are not feasible before a drainage or safety problem is created or before it becomes unsightly.
<input type="checkbox"/>	543	Road Sweeping (mechanical): Machine sweeping of roadway to protect the facility from excessive accumulation of debris.
<input type="checkbox"/>	545	Edging & Sweeping: Removal of vegetation and debris from the curb, gutter and sidewalk.
<input checked="" type="checkbox"/>	497	Chemical Weed & Grass Control (wiping)
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		



STAFF REPORT

City Commission Regular Meeting

March 13, 2025



To: Elected Officials

From: Dale L. Martin, City Manager

Date: March 7, 2025

Item Name: Resolution 2025-22. A Resolution by the City Commission of the City of Flagler Beach, Florida, authorizing the purchase of manhole rings/covers from Ferguson Waterworks (Project #616) for the City of Flagler Beach, in an amount not to exceed \$ 44,945; providing for conflict and an effective date.

Background: The City is currently under a Consent Order with the State of Florida Department of Environmental Protection (OGC File No. 23-0409). The Consent Order was primarily the result of sanitary sewer overflows associated with the heavy rainfall of Hurricanes Ian and Nicole. A key component of the Consent Order is to reduce inflow and infiltration into the collection system. A leading cause of inflow into the collection system is inadequately sealed manholes.

City staff solicited proposals to acquire manhole rings and covers for the City. The proposals received are incorporated into Resolution 2025-22. Once acquired, a contractor will be retained to install the rings and covers (as has been the past practice).

Fiscal Impact: Funding for this project (\$44,975) is included in the current budget (part of Utility Maintenance, Capital Improvements; \$2,900,000 unencumbered).

Staff Recommendation: Staff recommends approval of Resolution 2025-22.

Attachment:
Resolution 2025-22

RESOLUTION 2025-22

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, AUTHORIZING THE PURCHASE OF MANHOLE RINGS/COVERS FROM FERGUSON WATERWORKS (PROJECT #616) FOR THE CITY OF FLAGLER BEACH, IN AN AMOUNT NOT TO EXCEED \$ 44,945; PROVIDING FOR CONFLICT AND AN EFFECTIVE DATE.

WHEREAS, the City of Flagler Beach is under a Consent Order with the State of Florida Department of Environmental Protection due to challenges associated with the City’s wastewater collection and treatment systems; and,

WHEREAS, a key challenge, and specifically referenced as a required corrective action in the Consent Order, is reducing the excessive water entering the collection system through inflow and infiltration; and,

WHEREAS, properly installing and improving manholes throughout the City can reduce inflow water into the collection system;

WHEREAS, the City solicited proposals for the acquisition of manhole rings and covers, receiving three proposals as indicated in Exhibit A;

NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, AS FOLLOWS:

SECTION 1. That the City of Flagler Beach hereby approves the purchase of manhole rings/covers from Ferguson Waterworks (Project #616) in an amount not to exceed \$44,945.

SECTION 2. All resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed.

SECTION 3. This Resolution shall become effective immediately upon passage as provided by law.

PASSED AND ADOPTED THIS 13th DAY OF MARCH 2025.

CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

ATTEST:

Patti King, Mayor

Penny Overstreet, City Clerk

Attachment:
Exhibit A



FEL-SANFORD WATERWORKS #1113
1470 BOBBY LEE POINT
SANFORD, FL 32771-8077

Phone: 407-859-7473
Fax: 407-302-3327

EXHIBIT A

Deliver To:

From: Kenneth Russell
kenneth.russell@ferguson.com

Section 7, Item e.

Comments:

06:56:20 FEB 07 2025

Page 1 of 1

FEL-SANFORD WATERWORKS #1113

Price Quotation

Phone: 407-859-7473

Fax: 407-302-3327

Project: 616

MANHOLE RINGS/COVERS -

GL - 401.5354.604300.616
CAPITAL PLAN.

Bid No: B633580
Bid Date: 02/07/25
Quoted By: KJR

Cust Phone: 386-517-2000
Terms: NET 10TH PROX

Customer: CITY OF FLAGLER BEACH
105 S SECOND STREET
FLAGLER BEACH, FL 32136

Ship To: CITY OF FLAGLER BEACH
500 S FLAGLER AVE
MAINTENANCE FACILITY
FLAGLER BEACH, FL 32136

Cust PO#:

Job Name: 24" CAPONE RNG/CVR

Item	Description	Quantity	Net Price	UM	Total
SP-A1BK24S4C01MDSS	24" CAPONE MANHOLE RING & COVER	50	899.500	EA	44975.00
---	IN STOCK- ORLANDO				
---	5-10 DAY LEAD TIME				

Net Total: \$44975.00
Tax: \$0.00
Freight: \$0.00
Total: \$44975.00

Quoted prices are based upon receipt of the total quantity for immediate shipment (48 hours). SHIPMENTS BEYOND 48 HOURS SHALL BE AT THE PRICE IN EFFECT AT TIME OF SHIPMENT UNLESS NOTED OTHERWISE. QUOTES FOR PRODUCTS SHIPPED FOR RESALE ARE NOT FIRM UNLESS NOTED OTHERWISE.

CONTRACTOR CUSTOMERS: IF YOU HAVE DBE/MBE/WBE/VBE/SDVBE/SBE GOOD FAITH EFFORTS DIVERSITY GOALS/ REQUIREMENTS ON A FEDERAL, STATE, LOCAL GOVERNMENT, PRIVATE SECTOR PROJECT, PLEASE CONTACT YOUR BRANCH SALES REPRESENTATIVE IMMEDIATELY PRIOR TO RECEIVING A QUOTE/ORDER.

Seller not responsible for delays, lack of product or increase of pricing due to causes beyond our control, and/or based upon Local, State and Federal laws governing type of products that can be sold or put into commerce. This Quote is offered contingent upon the Buyer's acceptance of Seller's terms and conditions, which are incorporated by reference and found either following this document, or on the web at <https://www.ferguson.com/content/website-info/terms-of-sale>
Govt Buyers: All items are open market unless noted otherwise.

LEAD LAW WARNING: It is illegal to install products that are not "lead free" in accordance with US Federal or other applicable law in potable water systems anticipated for human consumption. Products with *NP in the description are NOT lead free and can only be installed in non-potable applications. Buyer is solely responsible for product selection.



HOW ARE WE DOING? WE WANT YOUR FEEDBACK!

Scan the QR code or use the link below to
complete a survey about your bids:

<https://survey.medallia.com/?bidsorder&fc=149&on=54870>



BID PROPOSAL
CAP 1 24" MANHOLE

Section 7, Item e.

BID NUMBER: 5029376

PREPARED FOR: 070535

BRANCH LOCATION: 006

Valid Until
Monday, March 31, 2025

City of Flagler Beach
500 South Flagler Ave.
Flagler Beach, FL 32136

EMPIRE PIPE AND SUPPLY CO
PO BOX 130399
BIRMINGHAM, AL 35213
Telephone: 407-295-2400

LINE	QUANTITY	DESCRIPTION	NET UNIT PRICE	EXTENDED PRICE
10	50 EA	000000 CAPONE -24" COMPOSITE MANHOLE RING AND COVER 4 BOLT SEWER	960.5600	48,028.00

Subtotal:	48,028.00
Tax:	.00
Bid Total:	48,028.00

Please refer to our website at <https://empirepipe.com/terms-conditions/> for our terms and conditions.



CUSTOMER NO	QUOTING BRANCH	QUOTE NO	QUOTE DATE	PAGE
214362	FORTILINE DAYTONA BEACH	6604173	2/03/25	1

CUSTOMER	PROJECT INFORMATION
CITY OF FLAGLER BEACH PO BOX 70 FLAGLER BEACH, FL 32136	24" CAPONE RING&COVER

LINE	QTY	UOM	DESCRIPTION	UNIT PRICE	TOTAL PRICE
20	50	EA	24" COMP R&C 4BOLT CAPONE	905.0000	45,250.00
				Subtotal:	45,250.00
				Tax:	.00
				Bid Total:	45,250.00

ALL STOCK DELIVERIES ARE SUBJECT TO SHIPPING CHARGES

All PVC and HDPE material is quoted for shipment within 7 days of quote/bid date. All other material is quoted for shipment within 30 days of quote/bid date.
After 7 days for PVC and HDPE or 30 days for all other material, ALL quoted prices are subject to review based on current market conditions.

Ent By LCC 2/03/25 15:47:12



STAFF REPORT

Regular City Commission Meeting

March 13, 2025

To: Elected Officials

From: Dale L. Martin, City Manager

Date: March 7, 2025

Item Name: Resolution 2025-23. A Resolution by the City Commission of the City of Flagler Beach, Florida, approving a construction contract from Engineered Spray Solutions in an amount not to exceed \$66,081.00 for the services summarized in Exhibit A at Lift Station #11 (Project # 592); providing for conflict and an effective date.

Background: Flagler Beach operates and maintains twenty-eight lift stations throughout the City. Since May, 2024, Lift Station # 11, located at S. Flagler Avenue and S. 25th Street, has been out of service due to a pump failure and needs to be rehabilitated. The current wet well, a component of the lift station, is temporarily being served by a diesel-powered bypass pump. This pump must be refilled twice a day for continuous operation. The first step in rehabilitation is for the wet well to receive a spray solution seal on the entire surface, which renders the wet well watertight following an appropriate curing period. Following the application of the spray solution, City staff will continue with the rehabilitation effort by installing new pumps and associated equipment.

This rehabilitation effort is part of the City's effort to reduce ground water infiltration (as required by the current Consent Order with the Department of Environmental Protection). The infiltrating water at this location also contributes to high salinity levels in the City's wastewater collection and treatment streams due to the proximity to the intracoastal waterway. The salinity levels must be adequately reduced for the City's wastewater to be compliant with re-use water regulations.

Fiscal Impact: Funding for the Project will be drawn from the City's Utility Maintenance Fund. The fee for the proposed service is \$66,081.00

Staff Recommendation: Staff recommends approval of Resolution 2025-23.

Attachment:

Resolution 2025-23

RESOLUTION 2025-23

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, APPROVING A CONSTRUCTION CONTRACT FROM ENGINEERED SPRAY SOLUTIONS IN AN AMOUNT NOT TO EXCEED \$66,081.00 FOR THE SERVICES SUMMARIZED IN EXHIBIT A AT LIFT STATION #11 (PROJECT #592); PROVIDING FOR CONFLICT AND AN EFFECTIVE DATE.

WHEREAS, the City operates and maintains twenty-eight lift stations, providing safe collection of wastewater and subsequent transmission to the Wastewater Treatment Plant; and

WHEREAS, as required in the Consent Order between the City of Flagler Beach and the Department of Environmental Protection and in order to reduce saltwater infiltration/intrusion into the City's wastewater collection system, City staff reviewed a prior proposal from Engineered Spray Solutions provided to the City of St. Augustine for spray-lining wet wells (a component of lift stations that are integral to the wastewater collection system; Exhibit A); and,

WHEREAS, Engineered Spray Solutions agreed to honor the provisions and conditions of the St. Augustine proposal to provide identical work for the City of Flagler Beach at Lift Station #11 (Project #592);

NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, AS FOLLOWS:

SECTION 1. The City of Flagler Beach City Commission approves the proposal submitted by Engineered Spray Solution in an amount not to exceed \$66,081.00 (Exhibit B) for the spray-applied rehabilitation of an existing wet well at lift station #11.

SECTION 2. The City Commission authorizes City Staff to issue a Notice to Proceed.

SECTION 3. All resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed.

SECTION 4. This Resolution shall become effective immediately upon passage as provided by law.

PASSED AND ADOPTED THIS 13th DAY OF MARCH, 2025.

CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

ATTEST:

Patti King, Mayor

Penny Overstreet, City Clerk

Attachments:

Exhibit A- St. Augustine/Engineered Spray Solutions Contract/Renewals (portion)
Exhibit B- Engineered Spray Solutions Proposal

Contract #PW2020-05
Renewal #2

**SECOND RENEWAL OF THE AGREEMENT BETWEEN
THE CITY OF ST. AUGUSTINE
AND ENGINEERED SPRAY SOLUTIONS LLC FOR SANITARY SEWER MANHOLE
INSPECTIONS AND REHABILITATION PROJECT**

THIS RENEWAL AGREEMENT is entered into by and between the CITY OF ST. AUGUSTINE (the "City"), whose mailing address is P. O. Box 210, St. Augustine, Florida 32085, and ENGINEERED SPRAY SOLUTIONS LLC, ("Contractor"), whose address is 1306 Banana Road, Lakeland, Florida 33810.

The City entered into an Agreement with Contractor on October 9, 2020 for Sanitary Sewer Manhole Inspections and Rehabilitation Project for a term ending on September 30, 2021. The Agreement included the option to renew up to four (4) consecutive years. On August 11, 2021, the Agreement was renewed for an additional two (2) year term, October 01, 2021 through September 30, 2023. The City and Contractor now desire to renew the Agreement for an additional two (2) year term, October 1, 2023 through September 30, 2025 (Renewal #2).

In consideration of the mutual covenants contained herein and for other good and valuable consideration, the parties agree to the following:

1. The Agreement, Contract No. PW2020-05, is renewed for an additional two (2) year term beginning October 1, 2023 and ending September 30, 2025. For satisfactory performance of the Work outlined in the Contract during this additional term period, the City agrees to pay Contractor in accordance with the Agreement's Cost Schedule.

All other terms and conditions of the Agreement are hereby ratified and continue in full force and effect.

SIGNATURES APPEAR ON THE FOLLOWING PAGE

**FIRST RENEWAL OF THE AGREEMENT BETWEEN
THE CITY OF ST. AUGUSTINE
AND ENGINEERED SPRAY SOLUTIONS LLC FOR SANITARY SEWER MANHOLE
INSPECTIONS AND REHABILITATION PROJECT**

THIS RENEWAL AGREEMENT is entered into by and between the CITY OF ST. AUGUSTINE (the "City"), whose mailing address is P. O. Box 210, St. Augustine, Florida 32085, and ENGINEERED SPRAY SOLUTIONS LLC, ("Contractor"), whose address is 1306 Banana Road, Lakeland, Florida 33810.

The City entered into an Agreement with Contractor on October 9, 2020 for Sanitary Sewer Manhole Inspections and Rehabilitation Project for a term ending on September 30, 2021. The Agreement included the option to renew up to four (4) consecutive years. The City and Contractor now desire to renew the Agreement for an additional two (2) year term, October 1, 2021 through September 30, 2023 (Renewal #1).

In consideration of the mutual covenants contained herein and for other good and valuable consideration, the parties agree to the following:

1. The Agreement, Contract No. PW2020-05, is renewed for an additional two (2) year term beginning October 1, 2021 and ending September 30, 2023. For satisfactory performance of the Work outlined in the Contract during this additional term period, the City agrees to pay Contractor in accordance with the Agreement's Cost Schedule.

2. **EMPLOYMENT ELIGIBILITY.** Contractor must comply with F.S. 448.095 and use the United States Department of Homeland Security's E-Verify system ("E-Verify") to verify the employment eligibility of all persons hired by Contractor during the term of this Agreement to work in Florida. Additionally, if Contractor uses subcontractors to perform any portion of the Work (under this Agreement), Contractor must include a requirement in the subcontractor's contract that the subcontractor use E-Verify to verify the employment eligibility of all persons hired by subcontractor to perform any such portion of the Work. Contractor must include a requirement in the subcontractor's contract that the subcontractor use E-Verify to verify the employment eligibility of all persons hired by subcontractor to perform any such portion of the work. Answers to questions regarding E-Verify as well as instructions on enrollment may be found at the E-Verify website: www.uscis.gov/e-verify.

All other terms and conditions of the Agreement are hereby ratified and continue in full force and effect.

SIGNATURES APPEAR ON THE FOLLOWING PAGE



CITY OF
ST AUGUSTINE
 EST. 1565
 NATION'S OLDEST CITY

RECEIVED

OCT 18 2020

BY: _____

October 15, 2020

Engineered Spray Solutions, LLC
 Attn: Mr. James Collier
 1306 Banana Road
 Lakeland, FL 33810

RE: Agreement for RFP #PW2020-05 for Sanitary Sewer Manhole Inspections and Rehabilitation

Dear Mr. Collier:

Accompanying this cover letter for your firm's records is the completely executed Agreement between the City of St. Augustine and Engineered Spray Solutions, LLC for Sanitary Sewer Manhole Inspections and Rehabilitation. We look forward to an excellent working relationship.

Please feel free to contact me at my office (904) 209-4305 or, via email, at swhitener@citystaug.com if you have any questions.

Sincerely,

Sharon F. Whitener, CPPO
 Procurement Manager

SPW

Enclosure

cc: John P. Regan, City Manager
 Meredith L. Breidenstein, Assistant City Manager
 Reuben C. Franklin, Jr., Public Works Director
 Todd J. Grant, Utilities Director
 James C. Piggott, General Services Director
 File



1306 Banana Road, Lakeland, Florida 33810

Local Phone • 863-859-3889

Toll Free • 800-329-3889

February 24, 2025

To: City of Flagler Beach

From: Engineered Spray Solutions, LLC

Memo: Honor of Fees, Scopes, and Terms for the City of Flagler Beach

This memo serves to confirm that Engineered Spray solutions will honor the fees, scope, and terms outlined in the City of St. Augustine Annual Contract PW202-05 Sanitary and Storm Manhole & Structures Rehabilitation for services to be provided to the City of Flagler Beach.

We are committed to maintaining the same standards of service, quality, and pricing that have been established under the unit pricing agreement with the City of St. Augustine, ensuring a continued partnership with the City of Flagler Beach.

Please do not hesitate to reach out should you require any further clarification or documentation.

Respectfully Submitted,



James Collier

President

Engineered Spray Solutions, LLC



Flat Wall Calculations (Partially Deteriorated Condition): For calculating SprayWall thickness.

Deflection-based criteria for two-way slab design method:

$$t = 1.84 L \{ [h_w (0.109) N] / E_L \}^{(1/3)}$$

t = design thickness of applied resin material (mils)

L = groove spacing on centerline; horizontal and vertical (in)

N = Factor of Safety (always 2)

E_L = long term modulus of elasticity; short-term reduced to allow for long term effects (psi)

h_w = height of water table above the invert (ft)

Input Parameters

L	24 in
h _w	15 ft

Other values associated with calculations.

N 2

E_L 529,200 psi

Determined by the predetermined factor of results from creep testing (983 DMA). For SprayWall, it was determined to be 72% of the short term flexural modulus. This was all determined by an independent, certified, third party testing laboratory.

Output

Maximum SprayWall Thickness	815 mils	SprayWall Thickness, Tapered
Note: Gradual thickness transitions are recommended to help reduce thermal stresses.		36' - 40' 0 mils
		32' - 36' 0 mils
		28' - 32' 0 mils
		24' - 28' 250 mils
		20' - 24' 250 mils
		16' - 20' 250 mils

*Blue indicates water table height



1306 Banana Road, Lakeland, Florida 33810

Local Phone • 863-859-3889

Toll Free • 800-329-3889

April 11, 2023

To: City of Flagler Beach
2000 Ave A
Flagler Beach, FL, 32136

Project: City of Flagler Beach – PS 11 located in Flagler Beach, FL. One (1) Pump Station for repair and lining using SprayWall Polyurethane Protective Lining System.

Scope of Work:

- PS 11 Rehab Project – 1 pump station located in, Flagler Beach, FL, with dimension as measured is an estimated 864 square feet including ceiling, walls, and floor area.
- Mobilize competent crew of four (4) and capable equipment to the Flagler Beach, FL project site.
- 5,000 psi high pressure water cleaning of the concrete surface within host manhole.
- Inspect the manhole surface area for defects. Utilize Euclid V100 high strength profile cement for proper surface rebuilding.
- Make suitable repairs to concrete surface area to prepare surface for the SprayWall Protective Lining System.
- Abrading the existing epoxy coating to provide proper surface profile.
- Per manufacturer requirements, keyways will be cut in the structure at ¼" deep x ¼" wide at a 45-degree angle.
- Repair floor area to bring up flush with base plates
- Spray apply Sprayroq Engineered Designed thickness. Please see Sprayroq Design for thickness chart.
- Visually inspect and electronic holiday inspection on SprayWall Polyurethane protective lining on chimney, walls, and bench area of the structure to insure a pinhole free monolithic lining
- Bypassing is not accounted for in this proposal. Bypassing to be coordinated by city.
- Five to Seven (5-7) days is required to complete the work, additional days may be necessary, any additional days will be accounted for at invoicing as noted below.

Included: ESS professional crew and equipment.

Exclusions: By-passing of any wastewater, dewatering, bonding.

It is mutually understood that in undertaking to correct/repair conditions present, other conditions that were hidden may become known. Such consequences will be beyond ESS's control, and ESS assumes no responsibility for such consequences. ESS will, however, use its best skills and experience to avoid or minimize them. The owner assumes responsibility for any hazardous waste uncovered at this site.

1. The *buyer* has furnished pre-bid information used in planning the work covered in this proposal to ESS, and ESS assumes no responsibility for its accuracy. If the conditions are not in accordance with the information furnished to ESS by the *buyer* or others, the recommended procedures and scope of work in this proposal may not apply. The *buyer* will reimburse any additional expenses incurred by ESS as a result of this difference to ESS.
2. Any items of work not specifically included in this proposal shall not be the responsibility of ESS. Any alteration or deviation from the attached or referenced specifications, involving extra costs will be executed only upon written orders, and will become an extra charge over and above this proposal. All agreements are contingent upon strikes, accidents, or delays beyond our control.
3. It is mutually agreed that ESS shall retain all rights conferred upon it by the lien statutes of any State, Federal, or Territorial Government and will exercise lien rights if necessary. If ESS is not paid when required by this contract, interest of 1.5% will be charged per month. If the delinquent amount is referred to an attorney for collection, the buyer will pay all costs of collection including reasonable attorney fees and court costs. Should any legal action be required as a result of this contract, venue for such action shall be Polk County, Florida.
4. Our proposal is based on carrying out the work in a continuous manner during regular working hours. Should our work be delayed or interrupted for any reason beyond our control we will be compensated for standby of the crew and equipment.
5. If conditions beyond ESS's control make it impossible for us to render performance as specified, and buyer elects to terminate the contract, ESS will be entitled to a cancellation charge for any job set-up, in addition to reimbursement in full for all of ESS's costs (including labor, materials, and overhead), plus reasonable profit for all work performed to date of written notification by the buyer.
6. By executing this contract, owner agrees that all vendor requirements, including but not limited to pre-qualification, insurance, W-9, etc., have been adequately met.

FINAL BID FORM 1 - COATING METHOD - POLYURETHANE					
UNIT PRICE SCHEDULE FOR SANITARY AND STORM MANHOLE & STRUCTURES REHABILITATION BID RFP#PW2020-05					
Bidders must provide prices for each line item for their bid to be considered responsive, Flagler Beach PS 11					
Item No.	Description	Unit	Qty	Unit Price(\$)	Amount (\$)
A - MANHOLE & STRUCTURES COATING - POLYURETHANE					
1	Manhole Protective Resin Based Lining 48" Diameter 1/8" Minimum Thickness	VF	0	\$ 328.00	\$ -
2	Manhole Structural Resin Based Lining 48" Diameter 1/4" Minimum Thickness	VF	0	\$ 376.00	\$ -
3	Manhole Structural Resin Based Lining 48" Diameter 1/2" Minimum Thickness	VF	0	\$ 521.00	\$ -
4	Manhole Structural Resin Based Lining 48" Diameter 1" Minimum Thickness	VF	0	\$ 811.00	\$ -
5	Manhole Protective Resin Based Lining 60" Diameter 1/8" Minimum Thickness	VF	0	\$ 410.00	\$ -
6	Manhole Structural Resin Based Lining 60" Diameter 1/4" Minimum Thickness	VF	0	\$ 470.00	\$ -
7	Manhole Structural Resin Based Lining 60" Diameter 1/2" Minimum Thickness	VF	0	\$ 651.25	\$ -
8	Manhole Structural Resin Based Lining 60" Diameter 1" Minimum Thickness	VF	0	\$ 1,013.75	\$ -
9	Structure / Manhole Protective Resin Based Lining 1/8" Minimum Thickness	SF	0	\$ 26.50	\$ -
10	Structure / Manhole Structural Resin Based Lining 1/4" Minimum Thickness	SF	0	\$ 31.00	\$ -
11	Structure / Manhole Structural Resin Based Lining 1/2" Minimum Thickness	SF	864	\$ 42.00	\$ 36,288.00
12	Structure / Manhole Structural Resin Based Lining 1" Minimum Thickness	SF	0	\$ 65.00	\$ -
SUBTOTAL A - MANHOLE & STRUCTURES LINING - POLYURETHANE					\$ 36,288.00
B - MANHOLE & STRUCTURES REPAIR					
13	Removal of Existing Manhole or Wetwell Lining System (Excluding T-Lock Epoxy or Polyurea Liners)	SF	0	\$ 9.00	\$ -
14	Removal of Existing Manhole or Wetwell T-Lock, Epoxy or Polyurea Liners	SF	0	\$ 22.00	\$ -
15	Patching & Profiling - Cementitious GROUT Only	SF	864	\$ 12.00	\$ 10,368.00
16	Infiltration Control - Chemical GROUT	GAL	12	\$ 125.00	\$ 1,500.00
17	Surface Preparation - Sand Blasting	SF	0	\$ 10.00	\$ -
18	Bench and Invert Channel Repair	LF	0	\$ 225.00	\$ -
19	Chimney Repairs	VF	0	\$ 225.00	\$ -
20	Chimney Replacement	VF	0	\$ 675.00	\$ -
21	Chimney sealing (Construction Joint at Ring and Cover)	EA	0	\$ 285.00	\$ -
22	Manhole Rim & Cover Replacement (STD 24" Diameter) - Paved Areas	EA	0	\$ 1,150.00	\$ -
23	Manhole Rim & Cover Replacement (STD 24" Diameter) - Grassed Areas	EA	0	\$ 950.00	\$ -
24	Manhole Rim & Cover Replacement (3PC COSA DETAIL SS1) - Paved Areas	EA	0	\$ 1,550.00	\$ -
25	Manhole Rim & Cover Replacement (3PC COSA DETAIL SS1) - Grassed Areas	EA	0	\$ 1,250.00	\$ -
26	Raise / Re-Level Existing Frame and Cover for Street Adjustment (up to 4")	EA	0	\$ 600.00	\$ -
27	Provide and Install Manhole Cover lid & Pick Hole seals	EA	0	\$ 275.00	\$ -
28	Install Rain Water Protector STD 24" Stainless	EA	0	\$ 365.00	\$ -
29	Install Rain Water Protector Large 31.5" Stainless	EA	0	\$ 485.00	\$ -
30	Install Rain Water Protector STD 24" HDPE	EA	0	\$ 135.00	\$ -
31	Install Rain Water Protector Large 31.5" HDPE	EA	0	\$ 190.00	\$ -
SUBTOTAL B - MANHOLE & STRUCTURES REPAIR					\$ 11,868.00

C - CLEANING, TELEVISIONING AND ASSESSMENT					
32	Cleaning Manholes for Rehabilitation	EA	0	\$ 150.00	\$ -
33	Cleaning Structures for Rehabilitation	EA	1	\$ 1,000.00	\$ 1,000.00
34	Pre and Post Photographs(USB) Manholes for Rehabilitation	EA	0	\$ 150.00	\$ -
35	Pre and Post Photographs(USB) Structures for Rehabilitation	EA	1	\$ 300.00	\$ 300.00
36	Mobilization (Inspection only)	WK	0	\$ 1,500.00	\$ -
37	Manhole Inspection Level 1	EA	0	\$ 125.00	\$ -
38	Manhole Inspection Level 2	EA	0	\$ 185.00	\$ -
39	Structure (Wet Well) Inspection Level 1	EA	0	\$ 1,300.00	\$ -
40	Structure (Wet Well) Inspection Level 2 (Includes scan)	EA	0	\$ 1,750.00	\$ -
41	Cleaning Sewer Manholes (CCTV purposes only)	EA	0	\$ 45.00	\$ -
42	Cleaning Stormwater Structures (CCTV purposes only)	EA	0	\$ 65.00	\$ -
43	Cleaning Wetwells (CCTV / Inspection purposes only)	EA	0	\$ 600.00	\$ -
44	Light Storm Drain Cleaning From ROW (Right of way) 8"-10"	LF	0	\$ 4.75	\$ -
45	Light Storm Drain Cleaning From ROW (Right of way) 12"-15"	LF	0	\$ 8.25	\$ -
46	Light Storm Drain Cleaning From ROW (Right of way) 16"-24"	LF	0	\$ 12.25	\$ -
47	Light Storm Drain Cleaning From ROW (Right of way) 30"-36"	LF	0	\$ 29.00	\$ -
48	Light Storm Drain Cleaning From Side and Rear Easements 8"-10"	LF	0	\$ 9.40	\$ -
49	Light Storm Drain Cleaning From Side and Rear Easements 12"-15"	LF	0	\$ 16.40	\$ -
50	Light Storm Drain Cleaning From Side and Rear Easements 16"-24"	LF	0	\$ 24.75	\$ -
51	Light Storm Drain Cleaning From Side and Rear Easements 30"-36"	LF	0	\$ 58.50	\$ -
52	Increase for "Medium" cleaning of storm drain to above line items 44-51	LF	0	\$ 1.75	\$ -
53	Increase for "Heavy" cleaning of storm drain to above line items 44-51	LF	0	\$ 3.50	\$ -
54	Storm Drain CCTV 8" - 10"	LF	0	\$ 3.75	\$ -
55	Storm Drain CCTV 12" - 18"	LF	0	\$ 3.75	\$ -
56	Storm Drain CCTV 18" - 24"	LF	0	\$ 3.75	\$ -
57	Storm Drain CCTV 24" - 30"	LF	0	\$ 3.75	\$ -
58	Storm Drain CCTV 30" - 42"	LF	0	\$ 3.75	\$ -
59	Storm Drain CCTV 42" - 54"	LF	0	\$ 3.75	\$ -
60	Storm Drain CCTV 54" - 66"	LF	0	\$ 3.75	\$ -
61	Box Culvert Top Scan	LF	0	\$ 10.50	\$ -
62	Box Culvert Bottom Debris Mapping scan	LF	0	\$ 5.50	\$ -
63	CCTV Sanitary pipe inspection - includes light cleaning 8"-10" Diameter	LF	0	\$ 3.00	\$ -
64	CCTV Sanitary pipe inspection - includes light cleaning 12"-15" Diameter	LF	0	\$ 3.25	\$ -
65	CCTV Sanitary pipe inspection - includes light cleaning 16"-24" Diameter	LF	0	\$ 6.50	\$ -
66	Dye Testing of Sewer	EA	0.00	\$ 850.00	\$ -
67	Dye Flooding of Sewer	EA	0.00	\$ 1,250.00	\$ -
68	Wastewater Flow Monitoring Equipment Rental and Installation in existing Structures	EA	0.00	\$ 2,750.00	\$ -
69	Wastewater Flow Monitoring Monitoring and Maintenance	EA / Month	0.00	\$ 650.00	\$ -
70	Rainfall Monitoring Equipment Rental and Installation in existing Structures	EA	0.00	\$ 850.00	\$ -
71	Rainfall Monitoring Monitoring and Maintenance	EA / Month	0.00	\$ 300.00	\$ -
72	Line cleaning / Jetting for Sanitary	LF	0	\$ 3.25	\$ -
73	Increase for "Medium" cleaning of sanitary sewer line, ADD to above line item 72	LF	0	\$ 1.25	\$ -
74	Increase for "Heavy" cleaning of sanitary sewer line, ADD to above line item 72	LF	0	\$ 2.50	\$ -
75	GPS Mapping of Requested Manholes	EA	0	\$ 150.00	\$ -
SUBTOTAL C - CLEANING, TELEVISIONING AND ASSESSMENT					\$ 1,300.00

D - ANCILLARY SERVICES					
76	Plug Rental 6" - 10"	DAY	0	\$ 125.00	\$ -
77	Plug Rental 10" - 16"	DAY	0	\$ 150.00	\$ -
78	Plug Rental 16" - 24"	DAY	0	\$ 200.00	\$ -
79	Plug Rental 24" - 36"	DAY	0	\$ 250.00	\$ -
80	Bypass Pumper Truck	HOURL	0	\$ 325.00	\$ -
81	Bypass Vac-Truck	HOURL	0	\$ 325.00	\$ -
82	Maintenance of Traffic (MOT) - Arterial (single lane closure)	EA	7	\$ 1,250.00	\$ 8,750.00
83	Maintenance of Traffic (MOT) - FDOT (single lane closure)	EA	0	\$ 1,500.00	\$ -
84	Maintenance of Traffic (MOT) - Neighborhood (Simple MOT including Flagmen)	EA	0	\$ 600.00	\$ -
85	Mobilization Standard (per Crew)	WK	1.50	\$ 2,450.00	\$ 3,675.00
86	Mobilization Emergency (per crew)	EA	0	\$ 3,750.00	\$ -
87	Meals/Hotel/Lodging (per crew)	DAY	7	\$ 600.00	\$ 4,200.00
SUBTOTAL D - ANCILLARY SERVICES					\$ 16,625.00
E - COST OF INVOICE PLUS OH/P ON MISCELLANEOUS SERVICES			BUDGET		
88	Bypass Pumping Services		\$ -	15% OH/P	\$ -
89	Maintenance of Traffic CUSTOM INDEX		\$ -	15% OH/P	\$ -
90	Bypassing Plug (HAVE TO ORDER)		\$ -	15% OH/P	\$ -
91	Miscellaneous / Unexpected Materials or Services		\$ -	15% OH/P	\$ -
92	Extra / Miscellaneous		\$ -	15% OH/P	\$ -
93	Extra / Miscellaneous		\$ -	15% OH/P	\$ -
SUBTOTAL E - COST PLUS ON MISCELLANEOUS SERVICES					\$ -
SUMMARY OF BID FORM 1 - LINING METHOD - POLYURETHANE					
SUBTOTAL BID PRICE (A) MANHOLE AND STRUCTURES COATING - POLYURETHANE (SUM ITEMS 1 -12)					\$ 36,288.00
SUBTOTAL BID PRICE (B) MANHOLE AND STRUCTURES REPAIR (SUM ITEMS 13 - 31)					\$ 11,868.00
SUBTOTAL BID PRICE (C) CLEANING, TELEVISIONING AND ASSESSMENT (SUM ITEMS 32-75)					\$ 1,300.00
SUBTOTAL BID PRICE (D) ANCILLARY SERVICES (SUM ITEMS 76-87)					\$ 16,625.00
SUBTOTAL BID PRICE (E) COST PLUS ON MISCELLANEOUS SERVICES (SUM ITEMS 88-93)					\$ -
TOTAL BID PRICE 1-LINING METHOD - POLYURETHANE					\$66,081.00
Bond amount calculated at 3% of total bid Price 1			3%		\$ -
Bond Amount	Multiplier 3% (for use on projects over \$100,000.00)			Total project	\$ 66,081.00

ORDINANCE NO. 2025-01

AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING THE FLAGLER BEACH CODE OF ORDINANCES, APPENDIX "A," LAND DEVELOPMENT REGULATIONS, TO SPECIFY ELEVATION OF MANUFACTURED HOMES IN FLOOD HAZARD AREAS; TO ADOPT AND REFORMAT LOCAL AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR APPLICABILITY, SEVERABILITY, AND AN EFFECTIVE DATE.

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

WHEREAS, the **City of Flagler Beach** participates in the National Flood Insurance Program and participates in the NFIP's Community Rating System, a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements 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 **City of Flagler Beach** 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 4 feet, two (2) feet which necessitates modification of the existing requirements; and

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

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 **City of Flagler Beach** previously adopted local amendments to the Florida Building Code and is reformatting those amendments; and

WHEREAS, the **City Commission** previously adopted local amendments to the Florida Building Code to (1) limit enclosures below elevated buildings in coastal high hazard areas and Coastal A Zones, (2) increase the minimum elevation requirements for nonresidential buildings and dwellings in coastal high hazard areas, and (3) require construction documents for dwellings to be prepared and sealed by registered design professionals, for buildings and structures in flood hazard areas for the purpose of participating in the National Flood Insurance Program's Community Rating System and, pursuant to section 553.73(5), F.S., and is reformatting those requirements to coordinate with the *Florida Building Code*; and

WHEREAS, the **City Commission** is adopting a requirement to increase the minimum elevation requirement for dwellings in all flood hazard areas for the purpose of participating in the National Flood Insurance Program's Community Rating System and, pursuant to section 553.73(5), F.S., is formatting that requirement to coordinate with the *Florida Building Code*; and

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

NOW, THEREFORE, BE IT ORDAINED by the **City Commission** of the **City of Flagler Beach** that the **Code of Ordinances, Appendix" A," Land Development Regulations**, is amended as set forth in the following amendments.

SECTION 1. AMENDMENTS

Appendix "A," LAND DEVELOPMENT REGULATIONS OF THE CITY OF FLAGLER BEACH CODE OF ORDINANCES is hereby amended as follows (Note: additions are shown as underline text, deletions are shown as ~~striketrough~~, and portions of the Code that remain unchanged and which are not reprinted here are show as ellipses (***)).

ARTICLE IV. ENVIRONMENTAL AND CULTURAL RESOURCE PROTECTION¹

Sec. 4.07.00. Floodplain management.

Sec. 4.07.01. General.

- (A) *Title.* These regulations shall be known as the "Floodplain Management Ordinance" of the city, hereinafter referred to as "this article section."
- (B) *Scope.* The provisions of this article section 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 section 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;

¹Editor's note(s)—Ord. No. 2017-02, § 2, adopted May 11, 2017, amended the title of art. IV, to read as set out herein. Previously art. IV was titled "Resource Protection Standards."

- (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~~ section 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~~ section and the Florida Building Code, as amended by the city, 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~~ section does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the flood insurance study and shown on flood insurance rate maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this ~~article~~ section.
- (F) *Disclaimer of liability.* This ~~article~~ section shall not create liability on the part of the city commission or by any officer or employee thereof for any flood damage that results from reliance on this ~~article~~ section or any administrative decision lawfully made there under.

Sec. 4.07.02. 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~~ section applies.* This ~~article~~ section shall apply to all flood hazard areas within the city, as established in subsection (C).
- (C) *Basis for establishing flood hazard areas.* The flood insurance study for Flagler County, Florida and Incorporated Areas dated ~~July 17, 2006~~ June 6, 2018, and for Volusia County, Florida and Incorporated Areas dated ~~February 19, 2014~~ September 29, 2017, and all subsequent amendments and revisions, and the accompanying flood insurance rate maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ~~article~~ section and shall serve as the minimum basis for

establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at Flagler Beach City Hall, located at 105 S. 2nd Street, Flagler Beach, FL, 32136.

- (D) *Submission of additional data to establish flood hazard areas.* To establish flood hazard areas and base flood elevations, pursuant to Section 4.07 4.07.05 the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a state licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

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

(2) Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a letter of map change that removes the area from the special flood hazard area.

- (E) *Other laws.* The provisions of this ~~article~~ section shall not be deemed to nullify any provisions of local, state or federal law.

- (F) *Abrogation and greater restrictions.* This ~~article~~ section supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this ~~article~~ section and any other ordinance, the more restrictive shall govern. This ~~article~~ section 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~~ section.

- (G) *Interpretation.* In the interpretation and application of this ~~article~~ section, 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. 4.07.03. Duties and powers of the floodplain administrator.

- (A) *Designation.* The city engineer, or his designee 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~~ section. The floodplain administrator shall have the authority to render interpretations of this ~~article~~ section consistent with the intent and purpose of this ~~article~~ section 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~~ section without the granting of a variance pursuant to Section ~~4.05-07-8.04.16(b)~~.

- (C) *Applications and permits.* The floodplain administrator, in coordination with other pertinent offices of the city, shall:

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

- 169 (2) Review applications for modification of any existing development in flood hazard areas
170 for compliance with the requirements of this article section;
- 171 (3) Interpret flood hazard area boundaries where such interpretation is necessary to
172 determine the exact location of boundaries; a person contesting the determination shall
173 have the opportunity to appeal the interpretation;
- 174 (4) Provide available flood elevation and flood hazard information;
- 175 (5) Determine whether additional flood hazard data shall be obtained from other sources or
176 shall be developed by an applicant;
- 177 (6) Review applications to determine whether proposed development will be reasonably
178 safe from flooding;
- 179 (7) Issue floodplain development permits or approvals for development other than buildings
180 and structures that are subject to the Florida Building Code, including buildings,
181 structures and facilities exempt from the Florida Building Code, when compliance with
182 this article section is demonstrated, or disapprove the same in the event of
183 noncompliance; and
- 184 (8) Coordinate with and provide comments to the building official to assure that
185 applications, plan reviews, and inspections for buildings and structures in flood hazard
186 areas comply with the applicable provisions of this article section.
- 187 (D) *Substantial improvement and substantial damage determinations.* For applications for
188 building permits to improve buildings and structures, including alterations, movement,
189 enlargement, replacement, repair, change of occupancy, additions, rehabilitations,
190 renovations, substantial improvements, repairs of substantial damage, and any other
191 improvement of or work on such buildings and structures, the floodplain administrator, in
192 coordination with the building official, shall:
- 193 (1) Estimate the market value, or require the applicant to obtain an appraisal of the market
194 value prepared by a qualified independent appraiser, of the building or structure before
195 the start of construction of the proposed work; in the case of repair, the market value of
196 the building or structure shall be the market value before the damage occurred and
197 before any repairs are made;
- 198 (2) Compare the cost to perform the improvement, the cost to repair a damaged building to
199 its pre-damaged condition, or the combined costs of improvements and repairs, if
200 applicable, to the market value of the building or structure;
- 201 (3) Determine and document whether the proposed work constitutes substantial
202 improvement or repair of substantial damage; and
- 203 (4) Notify the applicant if it is determined that the work constitutes substantial improvement
204 or repair of substantial damage and that compliance with the flood resistant construction
205 requirements of the Florida Building Code and this article section is required.
- 206 (E) *Modifications of the strict application of the requirements of the Florida Building Code.* The
207 floodplain administrator shall review requests submitted to the building official that seek
208 approval to modify the strict application of the flood load and flood resistant construction
209 requirements of the Florida Building Code to determine whether such requests require the
210 granting of a variance pursuant to Section 4-05-07 8.04.16(b).
- 211 (F) *Notices and orders.* The floodplain administrator shall coordinate with appropriate local
212 agencies for the issuance of all necessary notices or orders to ensure compliance with this
213 article section.

- (G) *Inspections.* The floodplain administrator shall make the required inspections as specified in Section ~~4.05.06~~ 4.07.06 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 ~~4.05.03(D)~~ 4.07.03(D);
 - (2) 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, or flood hazard area boundaries; such submissions shall be made within six (6) months of such data becoming available;
 - (3) Review required design certifications and documentation of elevations specified by this ~~article~~ section and the Florida Building Code and this ~~article~~ section to determine that such certifications and documentations are complete;
 - (4) Notify the Federal Emergency Management Agency when the corporate boundaries of the city are modified; and
 - (5) Advise applicants for new buildings and structures, including substantial improvements, which 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~~ section 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~~ section; 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~~ section and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at Flagler Beach City Hall, located at 105 S. 2nd Street, Flagler Beach, FL, 32136.

Sec. 4.07.04. 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~~ section, 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~~ section 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~~ section 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.

- (C) *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~~ section:

- (1) Railroads and ancillary facilities associated with the railroad.
- (2) Nonresidential farm buildings on farms, as provided in F.S. § 604.50.
- (3) Temporary buildings or sheds used exclusively for construction purposes.
- (4) Mobile or modular structures used as temporary offices.
- (5) Those structures or facilities of electric utilities, as defined in F.S. § 366.02, which are directly involved in the generation, transmission, or distribution of electricity.
- (6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this subsection, 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.
- (7) Family mausoleums not exceeding two hundred fifty (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.
- (8) Temporary housing provided by the department of corrections to any prisoner in the state correctional system.
- (9) 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.

- (D) *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 city. 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 4.07.05.

(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.

(E) *Validity of permit or approval.* The issuance of a floodplain development permit or approval pursuant to this ~~article~~ section shall not be construed to be a permit for, or approval of, any violation of this ~~article~~ section, the Florida Building Codes, or any other ordinance adopted by the city commission. 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.

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

(G) *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~~ section or any other ordinance, regulation or requirement adopted by the city commission.

(H) *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 St. Johns River Water Management District; F.S. § 373.036.

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

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

(4) Florida Department of Environmental Protection for activities subject to the joint coastal permit; F.S. § 161.055.

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

(6) Federal permits and approvals.

Sec. 4.07.05. 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~~ section shall be drawn to scale and shall include, as applicable to the proposed development:

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

(2) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.

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

(4) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose; and documentation that compensatory storage is provided if required by Section 4.07.12(D)(3).

(5) Delineation of the coastal construction control line or notation that the site is seaward of the coastal construction control line, if applicable.

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

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

(B) *Additional analyses and certifications.* For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (zone V), the applicant shall provide an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage signed and sealed by a state licensed engineer for submission with the site plan and construction documents.

(C) *Submission of additional data.* When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a letter of map change from FEMA to change the base flood elevations 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 state licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

Sec. 4.07.06. 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~~ section 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~~ section 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

the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a state licensed professional surveyor.

- (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 4.07.06(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~~ section and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the bottom of the frame and lowest floor shall be submitted to the floodplain administrator.

Sec. 4.07.07. Variances and appeals.

Requests for variances from the strict application of this section and the strict application of the flood resistant construction requirements of the Florida Building Code are subject to the requirements of Section 8.04.16(b). Appeals of decisions or determinations made by the floodplain administrator are subject to Section 8.04.17(b).

- ~~(A) *General.* The city commission, after review and recommendation from the planning and architectural review board as established by the city, shall hear and decide on requests for appeals and requests for variances from the strict application of this article. Pursuant to F.S. § 553.73(5), the city commission shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code. This section does not apply to Section 3109 of the Florida Building Code, Building.~~
- ~~(B) *Appeals.* The city commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the administration and enforcement of this article. Any person aggrieved by the decision of the city commission may appeal such decision to the circuit court, as provided by state statutes.~~
- ~~(C) *Limitations on authority to grant variances.* The city commission shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in subsection (F), the conditions of issuance set forth in subsection (G), and the comments and recommendations of the floodplain administrator and the building official. The city commission has the right to attach such conditions as it deems necessary to further the purposes and objectives of this article.~~
- ~~(D) *Historic buildings.* A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 11 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.~~
- ~~(E) *Functionally dependent uses.* A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as~~

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

~~(F) Considerations for issuance of variances. In reviewing requests for variances, the city commission 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.~~

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

~~(1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this article or the required elevation standards;~~

~~(2) Determination by the city commission 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 ordinances; 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 twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.~~

Sec. 4.07.08. Violations.

(A) *Violations.* Any development that is not within the scope of the Florida Building Code but that is regulated by this article section that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this article section, shall be deemed a violation of this article section. 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 section 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 section 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 upon conviction thereof, be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than sixty (60) days, of both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

Sec. 4.07.09. Definitions.

Unless otherwise expressly stated, the following words and terms shall, for the purposes of this article section, have the meanings shown in this section. Where terms are not defined in this article section and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code. Where terms are not defined in this article section or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

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

Appeal. A request for a review of the floodplain administrator's interpretation of any provision of this article section ~~or a request for a variance.~~

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

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

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

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

Coastal A zone. Flood hazard areas that have been delineated as subject to wave heights between one and one-half (1½) feet and three (3) feet. Such areas are seaward of the limit of moderate wave action shown on the flood insurance rate map.

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

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

Compensatory storage. Excavation within or directly contiguous to a flood hazard area, above the normal high groundwater table elevation and below the base flood elevation, of a volume equivalent to the volume of proposed fill (one (1) to one (1) ratio), provided to balance the effects of proposed fill on the flood hazard area (no net loss of floodplain storage volume).

Design flood. The flood associated with the greater of the following two (2) areas: [Also defined in FBC, B, Section 1612.2.]

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

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

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

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

Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before January 10, 1985. [Also defined in FBC, B, Section 1612.2.]

~~*Existing manufactured home park or subdivision.* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before January 10, 1985.~~

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

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

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

(1) The overflow of inland or tidal waters.

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

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

Flood hazard area. The greater of the following two (2) areas: [Also defined in FBC, B, Section 1612.2.]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at eight thousand five hundred (8,500) pounds gross vehicular weight rating or less which has a vehicular curb weight of six thousand (6,000) pounds or less and which has a basic vehicle frontal area of forty-five (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 (12) persons; or
- (3) Available with special features enabling off-street or off-highway operation and use.

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

Manufactured home. A structure, transportable in one (1) or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

~~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 section, 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 (like-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value adjusted to approximate market value by a factor provided by the county property appraiser.

New construction. For the purposes of administration of this article section and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after January 10, 1985, and includes any subsequent improvements to such structures.

~~*New manufactured home park or subdivision.* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after January 10, 1985.~~

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

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

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

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

Start of construction. The date of issuance of permits for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within one hundred eighty (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

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

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the building or structure before the damage occurred.

Substantial improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds fifty (50) percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include 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.

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

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

Sec. 4.07.10. Buildings and structures.

(A) *Design and construction of buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to Section 4.07.04(C), 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 4.07.16.

(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~~ section and ASCE 24.

(C) Florida Building Code technical amendments.

Technical amendments to the Florida Building Code that address design requirements for buildings in flood hazard areas are adopted in Section 5.00.10.

Sec. 4.07.11. 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, flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
- (2) Compliance with the site improvement and utilities requirements of Section 4.07.12.

Sec. 4.07.12. Site improvement, 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 placement of fill.* Subject to the limitations of this ~~article~~ section:

- (1) 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.
- (2) If intended to support buildings and structures (zone A only), fill shall comply with the requirements of the Florida Building Code.
- (3) In special flood hazard areas (other than coastal high hazard areas and coastal A zones) and in the Mirror Lake Overlay District, if the placement of fill is proposed, compensatory storage shall be provided at a one (1) to one (1) ratio to minimize increases in flood levels. Activities exempt from this requirement include: seawalls, accessory structures, shoreline hardening, pool/patio construction, sidewalks and driveways, filled stemwall foundations, restoration earthwork due to erosion and scour, and other minor activities not exceeding a volume of fifty (50) cubic yards.
- (4) In coastal high hazard areas (zone V) and coastal A zones, non-compacted fill may be used around buildings for landscaping, drainage and aesthetic purposes provided the fill will wash out during storm surge to minimize obstruction to the passage of waves and to minimize ramping effects or wave deflection. Applications for placement of non-compacted fill shall include an analysis by an engineer, architect, or soil scientist demonstrating that the following have been considered:
- (a) Particle composition of the fill does not have a tendency for excessive natural compaction;
 - (b) Volume and distribution of fill will not cause wave deflection to adjacent properties; and
 - (c) The slope of fill will not cause wave run-up or ramping.
- (E) *Limitations on sites in coastal high hazard areas (zone V).* In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the state department of environmental protection and only if the engineering analysis required by Section 4.07.05(B)(4) 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 4.07.16(E)(3).

Sec. 4.07.13. Manufactured homes.

- (A) *General.* All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to F.S. § 320.8249, and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ~~article~~ section. New manufactured homes and replacement manufactured homes shall not be installed in coastal high hazard areas except in an existing manufactured home parks or subdivisions. 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 and coastal A zones, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.2 and this ~~article~~ section.
 - (2) In coastal high hazard areas (zone V) and coastal A zones, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3 and this ~~article~~ section.

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

(D) *Elevation.* All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the base flood elevation plus two (2) feet. Manufactured homes that are placed, replaced, or substantially improved shall comply with subsection (E) or (F), as applicable.

~~(E) *General elevation requirement.* Unless subject to the requirements of subsection (F), 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).~~

~~(F) *Elevation requirement for certain existing manufactured home parks and subdivisions.* Manufactured homes that are not subject to subsection (E), 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:~~

~~(1) 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~~

~~(2) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.~~

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

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

Sec. 4.07.14. 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 one hundred eighty (180) consecutive days; or

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

- (B) *Permanent placement.* Recreational vehicles and park trailers that do not meet the limitations in subsection (A) for temporary placement shall meet the requirements of Section 4.07.13 for manufactured homes.

Sec. 4.07.15. 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 subsection (C) 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. 4.07.16. 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~~ section or the Florida Building Code, shall:

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

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

enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

- (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 (4) inches.

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

- (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 twelve (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 twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

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

- (1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
- (2) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and

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

(E) *Nonstructural fill in coastal high hazard areas (zone V) and coastal A zones.* In coastal high hazard areas and coastal A zones:

- (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 (1) unit vertical to five (5) 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 state department of environmental protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

ARTICLE V. DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS

Sec. 5.00.00. General.

* * *

~~Sec. 5.00.09. Reserved. Administrative amendments to the Florida Building Code, Building.~~

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

117 VARIANCES IN FLOOD HAZARD AREAS

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

Sec. 5.00.10 Technical amendments to the Florida Building Code, Building.

(1) Minimum building elevations in flood hazard areas:

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

(b) The minimum elevation for one- and two-family dwellings and townhouses in flood hazard areas that are within the scope of the Florida Building Code, Residential, shall be the base flood elevation plus two (2) feet or the design flood elevation, whichever is higher.

(2) Enclosures below elevated buildings in coastal high hazard areas and Coastal A Zones. In coastal high hazard areas and Coastal A Zones, enclosed areas below the elevation required in the building code shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators and the 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).

(3) Construction documents for dwellings in flood hazard areas. Construction documents for dwellings in flood hazard areas shall include documentation that is prepared and sealed by a registered design professional that the foundation design accounts for flood loads.

The previously adopted definitions of "Substantial Damage" and "Substantial Improvement" provided in Sec. 202, Florida Building Code, Building, are hereby amended as follows:

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

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

- ~~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 and the alteration is approved by variance issued pursuant to Section 117.~~

Section 1612 of the Florida Building Code, Building, is hereby amended by the following:

~~1612.4.1 Additional requirements for enclosed areas. In addition to the requirements of ASCE 24, in coastal high hazard areas (Zone V) enclosed areas below the design flood elevation shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators and the 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).~~

~~1612.4.2 Elevation requirements. The minimum elevation requirements applicable in coastal high hazard areas and Coastal A Zones shall be as specified ASCE 24 or the base flood elevation plus 2 feet (610 mm), whichever is higher.~~

Sec. 5.00.11. Reserved. Technical amendments to the Florida Building Code, Existing Building.

The previously adopted definitions of "Substantial Damage" and "Substantial Improvement" provided in Sec. 202, Florida Building Code, Existing Building, are hereby amended as follows:

~~Substantial Damage.~~ Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

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

- 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 and the alteration is approved by variance issued pursuant to Section 117.*

Sec. 5.00.12. Reserved. Technical amendments to the Florida Building Code, Residential.

~~R322.2 Flood hazard areas (including A Zones).~~ All areas that have been determined to be prone to flooding but not subject to high-velocity wave action shall be designated as flood hazard areas. Flood hazard areas that have been delineated as subject to wave heights between 1.5 feet and 3 feet or otherwise designated by the jurisdiction shall be designated as Coastal A Zones and are subject to the requirements in Section R322.3. All buildings and structures constructed in whole or in part in flood hazard areas shall be designed and constructed in accordance with Sections R322.2.1 through R322.2.3.

~~R322.2.1 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.*
- 2. Reserved.*
- 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, 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.*

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

~~R322.2.3 Foundation design and construction.~~ Foundations for all buildings and structures erected in flood hazard areas shall meet the requirements of Chapter 4 and the construction documents shall include documentation that is prepared and sealed by a registered design professional that the foundation design accounts for flood loads.

~~R322.3 Coastal high-hazard areas (including V Zones and Coastal A Zones, where designated). Areas that have been determined to be subject to wave heights in excess of 3 feet (914 mm) or subject to high-velocity wave action or wave-induced erosion shall be designated as coastal high-hazard areas. Flood hazard areas that have been delineated as subject to wave heights between 1.5 feet and 3 feet or otherwise designated by the jurisdiction shall be designated as Coastal A Zones. All buildings and structures constructed in whole or in part in coastal high-hazard areas and in Coastal A Zones, where designated, shall be designed and constructed in accordance with Sections R322.3.1 through R322.3.6.~~

~~R322.3.2 Elevation requirements.~~

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

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

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

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

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

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

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

~~R322.3.3 Foundations. All buildings and structures erected in coastal high-hazard areas and Coastal A Zones, shall be supported on pilings or columns and shall be adequately anchored to such pilings or columns. The space below the elevated building shall be either free of obstruction or, if enclosed with walls, the walls shall meet the requirements of Section R322.3.4. Piling shall have adequate soil penetrations to resist the combined wave and wind loads (lateral and uplift). Water loading values used shall be those associated with the design flood. Wind loading values shall be those required by this code. Pile embedment shall include consideration of decreased resistance capacity caused by scour of soil strata surrounding the piling. Pile systems design and installation shall be certified in accordance with Section R322.3.6. Spread footing, mat, raft or other foundations that support columns shall not be permitted where soil investigations that are required in accordance with Section R401.4 indicate that soil material under the spread footing, mat, raft or other foundation is subject to scour or erosion from wave-velocity flow conditions. If permitted, spread footing, mat, raft or other foundations that support columns shall be designed in accordance with ASCE 24. Slabs, pools, pool decks and walkways shall be located and constructed to be structurally independent of buildings and structures and their foundations to prevent transfer of flood loads to the buildings and structures during conditions of flooding, scour or erosion from wave-velocity flow conditions, unless the buildings and structures and their foundation are designed to resist the additional flood load.~~

1131 ~~Exception: In Coastal A Zones, stem wall foundations supporting a floor system above and~~
1132 ~~backfilled with soil or gravel to the underside of the floor system shall be permitted provided~~
1133 ~~the foundations are designed to account for wave action, debris impact, erosion, and local~~
1134 ~~scour. Where soils are susceptible to erosion and local scour, stem wall foundations shall~~
1135 ~~have deep footings to account for the loss of soil.~~

1136 ~~R322.3.4 Walls below design flood elevation. Walls are not permitted below the elevated~~
1137 ~~floor unless permitted in Section R322.3.4. Areas below the elevated floor are permitted to~~
1138 ~~be surrounded with insect screening, open lattice, or decorative screening for aesthetic~~
1139 ~~purposes, provided such materials are designed to break away under flood loads. Electrical,~~
1140 ~~mechanical, and plumbing system components are not to be mounted on or penetrate~~
1141 ~~through materials designed to break away under flood loads.~~

1142 ~~R322.3.5 Enclosed areas below the design flood elevation. Enclosed areas below the design~~
1143 ~~flood elevation shall be used solely for parking of vehicles, building access or storage.~~
1144 ~~Elevators are permitted below the design flood elevation provided flood loads acting on~~
1145 ~~elevator shafts are accounted for in the foundation design.~~

1146

1147 * * *

1148 **ARTICLE VI. SUBDIVISIONS**

1149 **Sec. 6.00.00. General.**

* * *

Sec. 6.00.05. Reserved. Minimum elevation.

~~The minimum average elevation of any building site in any subdivision in the city shall be in accordance with the requirements of Sections 05.00 Flood Damage Prevention through Section 06.05, Standards for areas of shallow flooding. The owner is hereby required to see that this minimum elevation is attained before any construction is commenced.~~

* * *

ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT

Sec. 8.00.00. General procedure.

* * *

Sec. 8.04.16. Variances

(a) General. The planning and architectural review board shall recommend such variance from the terms of this ordinance as will not be contrary to the public interest and where, owing to special conditions a literal enforcement of the provisions of this ordinance will result in unnecessary and undue hardships. In order to recommend any variance from the terms of this ordinance the planning and architectural review board must and shall find each of the following criteria are met by the applicant, and the board's written findings shall be sent to the Commission:

1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district;
2. That the special conditions and circumstances do not result from the action of the applicant;
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, buildings or structures in the same zoning district;
4. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant;
5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
6. That the grant of the variance will be in harmony with the general intent and purpose of this ordinance, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

In recommending any variance, the planning and architectural review board may recommend appropriate conditions and safeguards in conformity with this ordinance. If adopted by the Commission, any violation of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of this ordinance. The planning and architectural review board may recommend a reasonable time limit within which the action

for which the variance is required shall be begun or completed or both. Under no circumstances except as permitted above shall the planning and architectural review board recommend a variance to permit use not generally or by special exception permitted in the zoning district involved or any use expressly or by implication prohibited by the terms of this ordinance in the zoning district. No nonconforming use of neighboring lands, structures or buildings in the same zoning district and no permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the granting of a variance. The City Commission shall apply the criteria set forth herein in making its quasi-judicial decision to grant or deny a variance and shall consider the recommendation made by the planning and architectural review board.

(b) Flood hazard areas

(1) The city commission, after review and recommendation from the planning and architectural review board as established by the city, shall hear and decide on requests for variances from the strict application of Article 4.07.00. Pursuant to F.S. § 553.73(5), the city commission shall hear and decide on requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code. This section does not apply to Section 3109 of the Florida Building Code, Building.

(2) The city commission shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in paragraph (5), the conditions of issuance set forth in paragraph (6) of this section, and the comments and recommendations of the floodplain administrator and the building official. The city commission has the right to attach such conditions as it deems necessary to further the purposes and objectives of this article.

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

(4) 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, 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.

(5) In reviewing requests for variances, the city commission shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this article, and the following considerations:

(a) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;

(b) The danger to life and property due to flooding or erosion damage;

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

(d) The importance of the services provided by the proposed development to the community;

- 1237 (e) The availability of alternate locations for the proposed development that are subject to
 1238 lower risk of flooding or erosion;
- 1239 (f) The compatibility of the proposed development with existing and anticipated
 1240 development;
- 1241 (g) The relationship of the proposed development to the comprehensive plan and floodplain
 1242 management program for the area;
- 1243 (h) The safety of access to the property in times of flooding for ordinary and emergency
 1244 vehicles;
- 1245 (i) The expected heights, velocity, duration, rate of rise and debris and sediment transport
 1246 of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- 1247 (j) The costs of providing governmental services during and after flood conditions including
 1248 maintenance and repair of public utilities and facilities such as sewer, gas, electrical and
 1249 water systems, streets and bridges.
- 1250 (6) Variances shall be issued only upon the following conditions:
- 1251 (a) Submission by the applicant, of a showing of good and sufficient cause that the unique
 1252 characteristics of the size, configuration, or topography of the site limit compliance with
 1253 any provision of this article or the required elevation standards;
- 1254 (b) Determination by the city commission that:
- 1255 (i) Failure to grant the variance would result in exceptional hardship due to the
 1256 physical characteristics of the land that render the lot undevelopable; increased
 1257 costs to satisfy the requirements or inconvenience do not constitute hardship;
- 1258 (ii) The granting of a variance will not result in increased flood heights, additional
 1259 threats to public safety, extraordinary public expense, nor create nuisances, cause
 1260 fraud on or victimization of the public or conflict with existing local laws and
 1261 ordinances; and
- 1262 (iii) The variance is the minimum necessary, considering the flood hazard, to afford
 1263 relief;
- 1264 (c) Receipt of a signed statement by the applicant that the variance, if granted, shall be
 1265 recorded in the office of the clerk of the court in such a manner that it appears in the
 1266 chain of title of the affected parcel of land; and
- 1267 (d) If the request is for a variance to allow construction of the lowest floor of a new building,
 1268 or substantial improvement of a building, below the required elevation, a copy in the
 1269 record of a written notice from the floodplain administrator to the applicant for the
 1270 variance, specifying the difference between the base flood elevation and the proposed
 1271 elevation of the lowest floor, stating that the cost of federal flood insurance will be
 1272 commensurate with the increased risk resulting from the reduced floor elevation (up to
 1273 amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of
 1274 insurance coverage), and stating that construction below the base flood elevation
 1275 increases risks to life and property.

1276

1277 **Sec. 8.04.17. Appeals.**

1278 (a) General. Any adverse decision made by the planning and architectural review board may
 1279 be appealed by any person aggrieved or by any officer, board or commission of the City of Flagler
 1280 Beach affected by such decision to the Flagler Beach City Commission.

1281 1. Staying of work on premises: An appeal to the city commission stays all work on the
 1282 premises and all proceedings in furtherance of the action appealed for, unless the
 1283 official from whom the appeal was taken shall certify to the city commission, by reason
 1284 of facts stated in the certificate, a stay would cause imminent peril to life or property. In
 1285 such case, proceedings or work shall not be stayed except by a restraining order which
 1286 may be granted to the city commission by a court of record on application, on notice to
 1287 the officer from whom the appeal is taken and on due cause shown.

1288 2. Procedure: Any person appealing any decision of an administrative official shall make
 1289 such appeal within thirty (30) days after rendition of the order, requirement, decision or
 1290 determination appealed from in writing to the city commission and file the same, and
 1291 ten (10) copies thereof, with supporting facts and data with the city clerk. This does not,
 1292 however, restrict the filing of a request for a special exception or variance by any person
 1293 at any time as provided for elsewhere in this article.

1294 Upon receipt of said appeal, the building official shall forthwith examine such appeal or
 1295 request application and endorse his or her recommendation thereon together with all documents,
 1296 plans, papers or other materials constituting the record upon which the action appealed was taken
 1297 and transmit same to the city commission. At the hearing, any party may appear in person, or by
 1298 agent or by attorney.

1299 (b) Flood hazard areas. The city commission shall hear and decide appeals when it is
 1300 alleged there is an error in any requirement, decision, or determination made by the floodplain
 1301 administrator in the administration and enforcement of this Article 4.07.00. Any person aggrieved
 1302 by the decision of the city commission may appeal such decision to the circuit court, as provided
 1303 by state statutes.

1304

1305 **ARTICLE IX. ENGINEERING DESIGN AND DEVELOPMENT**1306 **Sec. 9.01.00. General provisions.**1307 **Sec. 9.01.01. Purpose and intent.**

1308 The purpose of this section is to set forth engineering design regulations for residential and
 1309 nonresidential uses as required in this Land Development Code. This section sets forth uniform
 1310 regulations, requirements, and procedures to protect the health, safety, and welfare of the citizens
 1311 and to assure quality of life to the citizens of the city. The floodplains manager may adopt technical
 1312 manuals that relate to technical requirements pertaining to the city's water, wastewater, reclaimed
 1313 water, drainage, street, and other systems.

1314 **Sec. 9.01.02. Applicability.**

1315 The design and construction requirements shall apply to:

1316 (a) Nonresidential and residential subdivision projects (applies to subdivisions with private
 1317 or public roadway dedications);

1318 (b) Nonresidential and residential construction projects; and

1319 (c) City and other public agency owned projects.

1320 **Sec. 9.01.03. General requirements.**

1321 (a) *Utility lines.*

1322 (1) Utility lines for all new development projects shall be installed underground. Switchgear,
1323 pumps, transformers, and other appurtenances shall be allowed aboveground, but shall
1324 be shielded with landscaping as required in this Land Development Code. Connections
1325 from distribution lines, mains, and collectors in the public or utility rights-of-way or
1326 easements shall be placed underground.

1327 (2) All redevelopment projects shall relocate existing on-site overhead utility lines
1328 underground, within project limits. The floodplains manager may allow exceptions to
1329 this requirement if it is determined that such relocation is not feasible based upon the
1330 unique configuration of the real property.

1331 (3) For all new private and public development projects, underground communications
1332 conduit(s) shall be installed in accordance with city standards.

1333 (b) *Traffic control devices.* All traffic control devices shall meet the more stringent requirements
1334 of all of the following: 1) the latest edition of the Manual of Uniform Traffic Control Devices,
1335 2) Florida Department of Transportation Design Standards Road and Bridge Technical
1336 Specifications, 3) Florida Highway Administration Standard Highway Signs, and 4) Florida
1337 Department of Transportation Traffic Engineering and Operations Manuals.

1338 **Sec. 9.01.04. Construction plans submittal requirements.**

1339 (a) Construction plans and calculations shall be prepared, signed, and sealed by a Florida
1340 Licensed Professional Engineer or other Licensed Professional qualified in the appropriate
1341 field for which the construction plans and calculations are prepared. Plans and calculations
1342 shall be submitted for review in accordance with the city's development review process.

1343 (b) The city shall establish submittal checklists relating to the required contents of all
1344 development review submittals. The checklists shall establish minimum requirements for the
1345 contents of construction plan and design document submittals. Additional information may
1346 be requested if the city believes the information is reasonably necessary in support of
1347 drainage analysis; including maps, charts, tables, graphs, photographs, narrative
1348 descriptions, additional calculations, explanations, and citations to support references as
1349 deemed appropriate to communicate the required information for reasonable evaluation of
1350 the site.

1351 (c) Grading and drainage plans shall include existing and proposed contours at one-foot (min.)
1352 intervals with spot elevations as needed for clarity and to adequately depict drainage
1353 patterns.

1354 (d) Topographic survey for half of right-of-way adjacent to project for full length of frontage,
1355 including existing driveways and right-of-way intersections within one hundred (100) feet of
1356 site, showing drainage structures, signage, and utilities.

1357 (e) Section views of all proposed retention/detention ponds, swales, berms, etc. showing twenty-
1358 five-year stormwater elevation and top of bank elevation.

1359 (f) Construction details for all proposed manholes, inlets, and other stormwater control
1360 structures.

- (g) Location, size, length, and elevations of all proposed piping systems and related control structures.
- (h) Erosion control plans shall be on a separate sheet with existing and proposed contours.
- (i) Legends shown with all abbreviations and symbols identified.
- (j) Copies of permits from all regulatory agencies having jurisdiction over the project (prior to commencement of construction).
- (k) Phasing of development. The phasing of development is allowed as part of approval of a site plan or a subdivision preliminary plat in accordance with the following standards:
 - (1) Phasing of approved development shall be in keeping with an approved phasing plat that shows phase boundaries and describes included development and improvements.
 - (2) Each phase shall be designed and constructed to include all improvements and other aspects of development necessary to meet all requirements of the Code and all other applicable regulations.

Sec. 9.02.00. Platting requirements.

Sec. 9.02.01. Purpose.

The purpose of this section is to establish requirements for the subdivision of land in the city and to ensure compliance with F.S. Ch. 177.

Sec. 9.02.02. Subdivision design standards.

In addition to the requirements stated in other sections of this Code, subdivisions shall be designed according to the following:

- (a) *Lots.* All lots shall conform to the dimensional, yard, and building setback requirements of the applicable zoning district development standards. In addition, the following requirements shall apply:
 - (1) *Width.* All lots shall have a minimum street frontage of twenty (20) feet, and those fronting on a curve shall meet the minimum lot width measured at the front setback line.
 - (2) *Depth.*
 - a. Lots along arterial streets shall be deep enough to accommodate the two required front yard setbacks.
 - b. Flag lots are prohibited unless approved as part of a Master Planned Development.
 - (3) *Orientation.* Residential lots shall be designed so vehicular ingress and egress to/from those individual lots is not provided from abutting limited access roadways or arterials.
- (b) *Permanent reference markers.* A registered land surveyor shall install permanent reference monuments, permanent control points, and state plane coordinates in accordance with state laws and professional standards. These must be inspected by the second party surveyor to certify they have been set in the field prior to final plat approval or recording of the mylar.

Sec. 9.02.03. Easements.

- (a) *Drainage easements.*

- 1401 (1) Drainage easements of a width required for conveying and maintaining an adequate
 1402 storm drainage system shall be provided. Minimum width for piped systems shall be
 1403 fifteen (15) feet plus the pipe diameter, and fifteen (15) feet for open channels plus
 1404 channel width, measured from top of bank to top of bank. Where deemed necessary by
 1405 the floodplains manager, additional easements and increased width may be required
 1406 along waterways, natural watercourses, canals, and drainage ways.
- 1407 (2) Whenever a subdivision lies wholly or partly in any area for which the city has adopted
 1408 a drainage plan, and is traversed by a natural or designed watercourse for which such
 1409 plan requires a drainage easement or right-of-way, such easement or right-of-way shall
 1410 be set forth on the preliminary and final plat and shall be dedicated to the city for public
 1411 use.
- 1412 (b) *[Stormwater storage facilities.]* Stormwater storage facilities shall be constructed to provide
 1413 adequate access for maintenance. An access and maintenance easement of ten feet around
 1414 the perimeter of wet ponds and five feet around the perimeter of dry ponds, measured from
 1415 top of bank, shall be provided for detention facilities. Maximum grade for maintenance
 1416 easement shall be ten percent.
- 1417 (c) *[Stormwater management systems.]* Stormwater management systems must be designed to
 1418 accommodate maintenance equipment access and to facilitate regular operational
 1419 maintenance (such as underdrain replacement, unclogging filters, sediment removal,
 1420 mowing, and vegetation control).
- 1421 (d) *Utility easements.* Utility easements for both underground and aboveground facilities shall
 1422 be provided where required by the city manager or designee. Such easements shall have a
 1423 minimum width of ten feet and shall normally be laid out on property lines. In all cases, such
 1424 easements shall be dedicated to the perpetual use of the public. Where lots abut along a
 1425 common property line, the easement may be centered along said common property line.
- 1426 (e) *Pedestrian paths and sidewalk easements.* Pedestrian easements or walkways shall be
 1427 provided through the interior of lots where such easements are required by the city manager
 1428 or designee. Pedestrian easements shall be at least eight (8) feet wide, or walkway width
 1429 plus two feet, whichever is greater, and shall be laid out along the side or rear property lines.
 1430 In all cases, such easements shall be dedicated to the perpetual use of the public.
- 1431 (f) *Private easements.* Private easements (or spite strips) between the road and the subdivision
 1432 boundary or between subdivision boundaries shall not be permitted unless conditions are
 1433 established under which the adjacent parcel can be connected to the road or adjacent
 1434 property.
- 1435 (g) *Easements and right-of-way maintenance.* The city will maintain only those easements,
 1436 rights-of-way, and public sites which it accepts for maintenance.
- 1437 (h) *Vacation of easements.* An easement may be vacated by a replat of the plat in which the
 1438 easement was dedicated, or via a resolution of the city commission, based on the best
 1439 interests of the public. The only easements eligible for vacation by resolution are easements
 1440 which have been previously dedicated and accepted, such as with the approval of a plat.
 1441 The applicant must submit recommendation letters from utility companies; and a survey and
 1442 legal description of the area to be vacated; and must show that the easement should be
 1443 vacated due to utility reroute, non-use of the easement, or that the easement is no longer
 1444 needed for public purposes. The city can vacate only "public" easements located within the
 1445 city which are dedicated to the city or to the public. Upon receipt of a vacation request, the
 1446 city clerk will publish a notice of public hearing, and shall notify property owners within the
 1447 block where the easement is located of the public hearing by certified mail, return receipt

requested. In addition, the applicant must post the notice at each end of the easement to be vacated, not less than thirty (30) days prior to the public hearing. An affidavit of proof of posting must be submitted to the city clerk not less than seven (7) days prior to the hearing.

Sec. 9.02.04. Plat approval.

Prior to the city commission hearing for approval of a plat, the developer must submit all required documents, recording costs and fees, and:

- (a) If infrastructure improvements have not been commenced, a surety bond guaranteeing funds to construct all subdivision public improvements must be provided for city commission. After approval, the mylar can be processed for recording; or
- (b) If infrastructure improvements have commenced and are continuing in good faith, the final plat can go to city commission without a bond but the mylar will not be processed for recording until all infrastructure is complete, based on city approval of all final inspections in the site development permit, and the submittal of a maintenance bond.

Sec. 9.02.05. Performance surety for subdivisions and site plan construction projects.

At such time as the city agrees to accept the dedication of any public improvements, a performance guarantee in accordance with the standards in this section shall be required. To ensure completion of public infrastructure improvements that are required as part of an approved site plan or final plat (E.g., streets, sidewalks, stormwater management facilities, potable water facilities, wastewater facilities, and streetlights), the developer shall execute performance and maintenance sureties that guarantee the required improvements against all defects in workmanship and materials, including failure to construct or to continue to construct in accordance with approved plans and specifications.

(a) *Performance surety.*

- (1) *Plat and site plan performance surety amount.* A plat or site plan surety must be in the form of a cash bond, performance bond, or letter of credit. The cost estimate amount of the surety shall be based on 120 percent of the sum of the following costs, as certified under seal by the project engineer of record:
 - a. Required subdivision public infrastructure improvements costs.
 - b. Costs of all required improvements relating to public road right-of-way.
 - c. Costs of all required off-site public infrastructure improvements.

The amount of surety is subject to approval by the floodplains manager.

- (2) *Performance surety release.* Upon completion of all performance surety guaranteed improvements, applicable inspections, and acceptance by the city, performance sureties shall be released by the floodplains manager.

(b) *Maintenance surety.*

- (1) *Plats and site plans with public improvements maintenance surety.* A maintenance surety for public improvements shall be submitted upon release of the performance surety. The maintenance surety provides a guarantee that the required improvements were completed without defects in workmanship and materials. The term of this guarantee shall be one year from the date of acceptance, unless the floodplains manager specifies a longer time frame.
- (2) *Maintenance surety amount.* The amount of the maintenance surety shall be based on twenty (20) percent of the entire actual/present day costs of construction,

1491 including the costs of materials and labor for installing the required public
 1492 infrastructure improvements. Actual costs for installing required public
 1493 infrastructure improvements shall be itemized by improvement type as certified
 1494 under seal by the project engineer of record, and subject to approval by the
 1495 floodplains manager.

1496 (3) *Maintenance surety release.* The maintenance surety may be released no earlier
 1497 than one year from the date of acceptance of the required improvements by the
 1498 floodplains manager. This action must be initiated, in writing, by the developer.

1499 **Sec. 9.02.06. Compliance with design requirements.**

1500 All land development improvements shall comply with all the requirements of this Land
 1501 Development Code, including those which contain design and construction information for the
 1502 following:

- 1503 (a) Horizontal and vertical dimensional design requirements.
- 1504 (b) Roadway, parking, and vehicle access ways.
- 1505 (c) Pedestrian pathways, sidewalks, and recreational trails.
- 1506 (d) Storm drainage, potable water, reclaimed water, and sanitary sewer infrastructure
 1507 improvements.
- 1508 (e) Clearing, earthwork, and grading.

1509 **Sec. 9.03.00. Construction and inspection requirements.**

1510 **Sec. 9.03.01. Purpose.**

- 1511 (a) The purpose of this section is to establish requirements for the inspection of the construction
 1512 of all site development improvements on both residential and non-residential projects. The
 1513 construction inspection procedures set forth in this chapter and in the City Technical
 1514 Standards Manual ensure conformity of construction with approved development orders, this
 1515 Land Development Code, and any conditions of approval.
- 1516 (b) Separate construction inspection requirements for water and sewer improvements are
 1517 established in part II of this chapter. Inspections shall be performed as required by the
 1518 floodplains manager.

1519 **Sec. 9.03.02. Commencement of construction.**

1520 Commencement of construction or disturbance of land of any type is prohibited unless:

- 1521 (a) A final development order is issued in conjunction with a site development permit or
 1522 applicable building permits;
- 1523 (b) All requisite federal, state, county, and city site work permits for the project are obtained.
 1524 Certification by the engineer of record, along with copies of all required permits, may be
 1525 required by the floodplains manager.
- 1526 (c) A preconstruction meeting for the project is scheduled and held with the city, unless
 1527 deemed unnecessary by the floodplains manager.

1528 **Sec. 9.03.03. Types of inspections.**

- 1529 (a) The following construction inspections shall be held during the course of the construction of
 1530 the project infrastructure:

- 1531 (1) Scheduled mandatory key checkpoint inspections.
- 1532 (2) Scheduled or requested minor inspections and field conferences.
- 1533 (3) Unscheduled site visits and inspections.
- 1534 (4) Stormwater Pollution Prevention Plan (SWPPP) Inspections.
- 1535 (5) All other inspections required by the governing contract for a specific project.
- 1536 (6) Scheduled final inspection for punch list work.
- 1537 (7) Scheduled re-inspection of punch list work.
- 1538 (8) Scheduled final inspection walkthrough, as required prior to the developer submitting a
- 1539 request for the following:
- 1540 a. Release of surety and acceptance by city of a maintenance bond.
- 1541 b. Acknowledgement of completion of required subdivision improvements to allow
- 1542 final plat recordation.
- 1543 c. Acceptance of roadways dedicated to the city.

1544 **Sec. 9.03.04. Privately owned bridges.**

1545 Privately owned bridges shall meet the design, construction, inspection, maintenance, and

1546 reporting criteria in accordance with the Florida Department of Transportation and federal

1547 standards.

1548 **Sec. 9.04.00. Stormwater management requirements.**

1549 **Sec. 9.04.01. Purpose and intent.**

1550 The purpose of this section is to manage stormwater drainage within the City of Flagler

1551 Beach in order to maintain and enhance the public health, safety, and welfare through the control

1552 of runoff volume and treatment of stormwater runoff for the protection of surface water and

1553 groundwater quality, and the control and prevention of erosion, sedimentation, and flooding by

1554 providing standards for the design, construction, and operation of stormwater management

1555 systems in conformance with best overall management practices. This section is intended to

1556 enforce the goals, objectives, and policies of the comprehensive plan, and to be consistent with

1557 the applicable policies and regulations of regional, state and federal agencies regarding

1558 stormwater management.

1559 The City of Flagler Beach will always consider reasonable alternatives to the design

1560 parameters specified in this chapter and as implemented by the city engineering office so long as

1561 it utilizes good engineering judgement, best practices, and is put forth by a licensed professional

1562 engineer licensed in the State of Florida.

1563 **Sec. 9.04.02. Stormwater design criteria.**

1564 The design concepts of a drainage system shall be consistent with sound engineering

1565 principles and practices and shall be consistent with applicable rules, regulations and policies of

1566 the St. Johns River Water Management District (SJRWMD) and the Florida Department of

1567 Environmental Protection (FDEP). In all instances, the drainage design calculations shall be

1568 submitted along with the engineering plans, preferably overlain on the Site Survey submitted at

1569 the permit application step. These drainage calculations shall consider all relevant information

1570 that would affect the stormwater management system including, but not limited to, the following:

1571 drainage basin characteristics, system hydraulics, operating conditions and other external

influences upstream and downstream from the stormwater system that may impact or be impacted by the proposed system.

The design and construction of detention facilities shall be in accordance with the criteria set forth herein. Detention is the concept of capturing stormwater and/or to slow the intensity of runoff so as to mitigate flooding. Water should be allowed to percolate into the ground so that all standing water is fully absorbed within a seventy-two-hour period after the rain event. Detention, in combination with appropriate grading, also helps to control runoff water from any one property flowing onto any adjacent property.

Sec. 9.04.03. Detention.

- (a) Detention is defined as a constructed or natural structure, either raised or depressed, used to deter or slow down runoff water so that percolation into the ground is enhanced. Detention is required on all lots as is practical especially for single family and duplex residential uses lying within the special flood hazard area (SFHA). Good judgement and standard professional engineering best practices shall be used to determine what is or is not practical.
- (b) Within applicable areas, residential single-family and two-family residences are required to detain stormwater over the entire portion of the property area. This includes protected areas such as wetlands, wetland buffer zones, utility easements, city rights-of-way, etc. This may be accomplished by natural or artificial drainage systems including but not limited to, swales, berms, pipes, French drains, other approved structures, or any combination of the above.
- (c) Where practical, all development is required to have retention swales constructed within the rights-of-way (R-O-W) along the property lines adjoining paved roadways. These swales shall be 0.75 feet (nine (9) inches) deep with the center line of the swale located approximately seven (7) feet from the edge of pavement (EOP). They shall be finished with a suitable, one hundred (100) percent pervious material.

Sec. 9.04.04. Fill.

- (a) Proposed fill shall be limited to the minimum amount of fill necessary to provide positive drainage flow and to abide by any applicable floodplain protection or building code regulations. Positive drainage shall be established on the grading plan. The city shall consider a thirty-three (33) percent maximum grade (1:3) or elevation of six (6) inches above side lot or front swale as the standards for positive drainage unless the existing grades dictate otherwise. At no point shall a lot or parcel be filled higher than the final average grade of any adjacent developed properties if original natural grade was not already higher than the adjacent developed properties. No fill shall be permitted on right-of-way areas except as required for driveway and culvert installation. Fill shall be defined as imported soil or material used to raise the grade of existing lands, excluding sod, gravel and other permeable materials used as ground cover.
- (b) *AE SFHA flood zone.*
 - (1) Fill is limited to the compacted amount needed inside the perimeter of a stem wall foundation in order to achieve a solid subsurface to pour a concrete slab to the elevation required by the Florida Building Code as modified by the City of the approved FFE.
 - (2) Additional fill is permissible to bring driveways and/or sidewalks to the approved elevations proposed on the site plan.
 - (3) Any additional fill is then limited to 50 cubic yards outside the building, driveway and sidewalk footprints, generally, not to exceed six (6) inches in overall grade change and with slopes constructed no greater than 3:1 slopes to meet adjacent property grades.

1617 (4) Detention is required to keep runoff due to the development contained on the property.

1618 (c) *X flood zone.*

1619 (1) Fill is limited to the compacted amount needed inside the perimeter of a stem wall
1620 foundation in order to achieve a solid subsurface to pour a concrete slab to the elevation
1621 of the approved FFE.

1622 (2) Fill is permitted, not necessarily limited to fifty (50) cubic yards, outside the building
1623 footprint, under the driveway(s), walkways, and other flatwork, sufficient to provide
1624 proper drainage away from structures and into onsite detention areas and R-O-W
1625 swales.

1626 (3) Final grades generally shall not exceed six (6) inches in overall elevation change and
1627 constructed at no greater than 3:1 slopes to meet adjacent property grades.

1628 **Sec. 9.04.05. Illicit discharge, detection and elimination.**

1629 (a) *[Purpose.]* The purpose of this section is to provide for the health, safety, and general welfare
1630 of the citizens of Flagler Beach through the regulation of non-stormwater discharges to the
1631 storm drainage system to the maximum extent practicable as required by federal and state
1632 law. This section establishes minimum standards and methods for controlling the introduction
1633 of pollutants into the municipal separate storm sewer system (MS4) in order to comply with
1634 requirements of the National Pollutant Discharge Elimination System (NPDES) permit
1635 process.

1636 (b) *Prohibition of illegal discharges.* No commercial business, resident or any other person shall
1637 discharge or cause to be discharged into the municipal storm drain system or watercourses
1638 any materials, including but not limited to pollutants or waters containing any pollutants that
1639 cause or contribute to a violation of applicable water quality standards, other than
1640 stormwater. The commencement, conduct or continuance of any illicit discharge to the storm
1641 drain system is prohibited except as described as follows:

1642 (1) Discharges specified in writing by the city as being necessary to protect public health
1643 and safety.

1644 (2) Dye testing is an allowable discharge, but requires a written notification to the city forty-
1645 eight (48) hours prior to the time of the test.

1646 (3) The prohibition shall not apply to any non-stormwater discharge permitted under an
1647 NPDES permit, waiver, or waste discharge order issued to the discharger and
1648 administered under the authority of the Federal Environmental Protection Agency
1649 (EPA), provided that the discharger is in full compliance with all requirements of the
1650 permit, waiver, or order and other applicable laws and regulations, and provided that
1651 written approval has been granted for any discharge to the storm drain system.

1652 (c) *Prohibition of illicit connections.* This prohibition expressly includes, without limitation, illicit
1653 connections made in the past, regardless of whether the connection was permissible under
1654 law or practices applicable or prevailing at the time of connection.

1655 (1) The construction, use, maintenance or continued existence of illicit connections to the
1656 storm drain system is prohibited.

1657 (2) A commercial business, resident or any other person is considered to be in violation of
1658 this section if the entity connects a line conveying sewage to the MS4, or allows such a
1659 connection to continue.

- 1660 (3) A commercial business, resident or any other person commits an offense if that person
 1661 reinstates MS4 access to premises terminated pursuant to this section without the prior
 1662 approval by the city.
- 1663 (d) *Suspension of access to a municipal storm sewer system.* The city may suspend access to
 1664 the municipal storm sewer system if either one of the following situations occurs:
- 1665 (1) *Suspension due to illicit discharges in emergency situations.* The city, without prior
 1666 notice, may suspend MS4 discharge access to a person when such suspension is
 1667 necessary to stop an actual or threatened discharge which presents or may present
 1668 imminent and substantial danger to the environment, or to the health or welfare of
 1669 persons, or to the MS4 or Waters of the United States. If the violator fails to comply with
 1670 a suspension order issued in an emergency, the city may enter the property and take
 1671 such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters
 1672 of the United States, or to minimize danger to persons. The person/violator shall be
 1673 responsible to reimburse the city of their agent for all costs incurred from the corrective
 1674 action.
- 1675 (2) *Suspension due to the detection of illicit discharge.* Any commercial business, resident
 1676 or any other person discharging to the MS4 in violation of this section may have their
 1677 MS4 access terminated if such termination would abate or reduce an illicit discharge.
- 1678 (e) *Industrial or construction activity discharges.* Any person subject to an industrial or
 1679 construction activity NPDES stormwater discharge permit shall comply with all provisions of
 1680 such permit. Proof of compliance with said permit may be required in a form acceptable to
 1681 the City of Flagler Beach prior to the allowing of discharges to the MS4.
- 1682 (f) *Monitoring of discharges.* The following regulations apply to all facilities that have stormwater
 1683 discharges associated with industrial activity, including construction activity:
- 1684 (1) The city shall be permitted to enter and inspect facilities subject to regulation under this
 1685 section as often as may be necessary to determine compliance with this section. If a
 1686 discharger has security measure in force which requires proper identification and
 1687 clearance before entry into its premises, the discharger shall make the necessary
 1688 arrangements to allow access to representatives of the city.
- 1689 (2) Facility operators shall allow the city access to all parts of the premises for the purposes
 1690 of inspection, sampling, examination and copying of records that must be kept under
 1691 the conditions of an NPDES permit to discharge stormwater, and the performance of
 1692 any additional duties as defined by state and federal law.
- 1693 (3) The city has the right to require the discharger to install monitoring equipment as
 1694 necessary. The facility's sampling and monitoring equipment shall be maintained at all
 1695 times in a safe and proper operating condition by the discharger at its own expense. All
 1696 devices used to measure stormwater flow and quality shall be calibrated to ensure their
 1697 accuracy.
- 1698 (4) The city shall have the right to set up on any permitted facility such devices as are
 1699 necessary in the opinion of the city to conduct monitoring and/or sampling of the facility's
 1700 stormwater discharge.
- 1701 (5) Any temporary or permanent obstruction to safe and easy access to the facility to be
 1702 inspected and/or sampled shall be promptly removed by the operator at the written or
 1703 oral request of the city and shall not be replaced. The costs of clearing such access
 1704 shall be borne by the operator.

(6) Unreasonable delays in allowing the city access to a permitted facility is a violation of a stormwater discharge permit and of this section. An operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the operator denies the city reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this section.

(7) If the city has been refused access to any part of the premises from which stormwater is discharged, and the city is able to demonstrate probable cause to believe that there may be a violation of this section, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this section or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the city may seek issuance of a search warrant from any court of competent jurisdiction.

(g) *Requirement to prevent, control, and reduce stormwater pollutants by the use of best management practices (BMP's).* The City of Flagler Beach has adopted requirements identifying BMP's for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 or watercourses through the use of these structural and non-structural BMP's. Further, any person responsible for a property or premise, which is, or may be the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMP's to prevent the further discharge of pollutants into the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMP's shall be part of a Stormwater Pollution Prevention Plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

(h) *Watercourse protection.* Persons owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly reduce the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

(i) *Notification of spills.* Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or water of the Florida, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the city in person or by phone or facsimile no later than the next business day. Notifications in person or by phone all be confirmed by written notice addressed and mailed to the city within three (3) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least five years.

(j) *Enforcement.* Whenever the city finds that an owner/operator has violated a prohibition or failed to meet a requirement of this section, the city may order compliance by written notice of violation to the responsible owner/operator. Such notice may require without limitation:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of illicit connections or discharges;
- (3) That violating discharges, practices, or operations shall cease and desist;
- (4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- (5) Payment of a fine to cover administrative and remediation costs; and
- (6) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the city or the city's designee and the expense thereof shall be charged to the violator.

(k) *Appeal of notice of violation.* Any person receiving a Notice of Violation may appeal the determination of the city. Any person aggrieved by such notice of violation shall file an appeal application in accordance with the regulations stated in the Land Development Code.

(l) *Enforcement measures after appeal.* In the event of an appeal where the notice of violation has been upheld, the affected person has thirty (30) calendar days from the date the notice of violation was upheld to correct the violation as stated under the terms of the notice of violation. Failure to correct the violation as stated under the terms of the notice of violation within the previously state thirty (30) calendar days shall cause the city or representatives of the city to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the city or representatives of the city to enter upon the premises for the purposes set forth above.

(m) *Cost of abatement of the violation.* Within fourteen (14) calendar days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within fourteen (14) calendar days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to the city.

(n) *Material management.* The purpose of this section is to promote good housekeeping practices that are designed to significantly reduce and control stormwater runoff pollution which runs into storm drains, treatment facilities and local waterways.

(Ord. No. 2023-01, § 2, 5-25-23)

Sec. 9.04.06. Material and waste management.

(a) The purpose of this section is to promote good housekeeping practices that are designed to significantly reduce and control stormwater runoff pollution which runs into storm drains, treatment facilities and local waterways during construction operations.

1797 (b) *Construction sites:*

- 1798 (1) Never dispose of any waste material into storm drains or sanitary sewers.
- 1799 (2) Portable waste receptacles must be on the construction site and must be serviced on a
1800 regular basis.
- 1801 (3) Ensure the disposal of scraps, waste, recyclables and surplus materials is in
1802 accordance with Federal regulations and local codes.
- 1803 (4) Paint/solvent storage shall not be within fifty (50) feet of an environmentally sensitive
1804 area (ESA) and shall be enclosed in weather/leak proof storage facility. Frequently
1805 schedule the safe collection and removal of combustible waste.
- 1806 (5) Fuel storage tanks shall be located seventy-five (75) feet or more from an ESA or storm
1807 drain and shall be in a state-approved leak proof container.
- 1808 (6) All above ground tanks for fueling shall be secondarily contained.
- 1809 (7) Construction site driveways can be installed with or without wheel washing stations, but
1810 must prevent construction site vehicle wheels from transporting soil and sediment off of
1811 construction site and onto roadways.
- 1812 (8) All hazardous waste material will be disposed of in a manner specified by federal, state,
1813 local regulations and manufacturer's specifications.
- 1814 (9) All on-site vehicles and tanks will be monitored for leaks and receive regular
1815 preventative maintenance to reduce the chance of leakage. Petroleum products shall
1816 be stored in tightly sealed containers, which are clearly labeled. Storage shall be at least
1817 seventy-five (75) feet from an ESA or storm drain.
- 1818 (10) Any pesticide and herbicide usage shall be applied by a state licensed applicator.
- 1819 (11) Fertilizers used shall be applied only in the minimum amount recommended by the
1820 manufacturer. If stored on-site, covered storage shall be provided. Any contents of any
1821 partially used bags of fertilizers shall be transferred to a sealable container.

1822 (c) *Private property or residential property:*

- 1823 (1) Herbicides shall not be applied within a minimum of twenty-five (25) feet from an ESA
1824 or stormwater drains, inlets or infiltration structures that have connection to a waterway.
- 1825 (2) Pesticides shall not be applied or stored within a minimum of twenty-five (25) feet of an
1826 ESA or stormwater drains, inlets or infiltration structures that have connection to a
1827 waterway.
- 1828 (3) Fertilizer shall not be applied or stored within a minimum of twenty-five (25) feet of an
1829 ESA or stormwater drains, inlets or infiltration structures that have connection to a
1830 waterway.
- 1831 (4) Fuel and paint storage shall be in a weather and leak proof storage container not less
1832 than twenty-five (25) feet from an ESA or stormwater drains, inlets or infiltration
1833 structures that have connection to a waterway.
- 1834 (5) Never pour toxic chemicals down any drain - this includes the drains inside of a house
1835 or other building as well as storm drains or gutters that lead to storm drains. Also never
1836 pour toxic chemicals on the ground where they can seep into the water table and
1837 eventually the aquifer or a stream. Some household chemicals that need to be disposed
1838 of properly include but not limited to:

- 1839 a. Metal polish solvent;
- 1840 b. Kitchen and bathroom cleaners;
- 1841 c. Furniture polish;
- 1842 d. Battery acid or batteries;
- 1843 e. Automatic transmission fluid;
- 1844 f. Brake fluid;
- 1845 g. Car wax with solvent;
- 1846 h. Paint (oil-based);
- 1847 i. Paint thinner;
- 1848 j. Turpentine and varnish;
- 1849 k. Illicit discharge ordinance.

1850 (d) *Public property:*

- 1851 (1) Herbicides shall not be applied within a minimum of twenty-five (25) feet from an ESA
- 1852 or stormwater drains, inlets or infiltration structures that have connection to a waterway.
- 1853 (2) Pesticides shall not be applied or stored within a minimum of twenty-five (25) feet of an
- 1854 ESA or stormwater drains, inlets or infiltration structures that have connection to a
- 1855 waterway.
- 1856 (3) Fertilizer shall not be applied or stored within a minimum of twenty-five (25) feet of an
- 1857 ESA or stormwater drains, inlets or infiltration structures that have connection to a
- 1858 waterway.
- 1859 (4) Any pesticide and herbicide usage shall be applied by a state-licensed applicator.
- 1860 (5) Fuel and paint storage shall be contained in a weather proof and leak proof storage
- 1861 facility not less than twenty-five (25) feet from an ESA or stormwater drains, inlets or
- 1862 infiltration structures that have connection to a waterway.

1863 **Sec. 9.04.07. Erosion control.**

- 1864 (a) All technical requirements are covered in Detail M-16B, Contractor Requirements for Site
- 1865 Clearing, Grading, and Erosion Control Design and Construction Notes of the COFB
- 1866 Standard Details, Resolution No. 2018-30.
- 1867 (b) Erosion control is required for all construction projects and may be achieved by a variety of
- 1868 methods using one or a combination of the following:
- 1869 (1) *Silt fence.*
- 1870 a. A silt fence is a temporary sediment control device used on construction sites to
- 1871 prevent the transport of materials off-site and to protect water quality in nearby
- 1872 streams, rivers, and lakes from loose soil in stormwater runoff. A typical fence
- 1873 consists of a piece of synthetic filter fabric (also called a geotextile) stretched
- 1874 between a series of wooden or metal fence stakes along a horizontal contour level.
- 1875 The stakes are installed on the downhill side of the fence, and the bottom edge of
- 1876 the fabric shall be trenched a minimum of four (4) inches into the soil and backfilled
- 1877 on the uphill side. The silt fence is not designed to concentrate or channel

- 1878 stormwater. The silt fence is installed on a site before soil disturbance begins, and
1879 is placed down-slope from the disturbance area.
- 1880 b. Silt fencing must be installed to prevent silt exfiltration. It shall be placed around
1881 the perimeter of any and all disturbed areas of construction.
- 1882 c. The fence may be dismantled temporarily from time to time to allow for delivery of
1883 materials and equipment but must be put back in place and maintained each day
1884 until the site is ready for final grading and sodding. Failure to diligently maintain
1885 this fence in good condition will result in a warning and followed up by a stop work
1886 order until the silt fence is properly re-installed.
- 1887 d. The height of the silt fence shall be between two (2) feet and three (3) feet above
1888 grade. A minimum of four (4) inches shall be either buried below grade or have the
1889 bottom flap folded over above grade covered with dirt to hold it in place. An extra
1890 strength filter fabric shall be attached to fence posts spaced no wider than ten (10)
1891 feet apart and driven at least one (1) foot into the ground. [See COFB Standard
1892 Construction Details.]
- 1893 (2) *Berm.*
- 1894 a. A berm is a level space, shelf, or raised barrier, typically made of compacted soil,
1895 separating two areas. They are used to control erosion and sedimentation by
1896 reducing the rate of surface runoff - they typically either reduce the velocity of the
1897 water, or direct water to areas that are less susceptible to erosion.
- 1898 b. A typical berm is one (1) foot - two (2) feet high, a minimum shelf of one (1) foot
1899 wide, and has sides sloped at 3:1 (horizontal to vertical) maximum.
- 1900 (3) *Swale.*
- 1901 a. A swale is a shallow channel with gently sloping sides. It can be natural or man-
1902 made. Artificial swales are often infiltration basins, designed to manage water
1903 runoff, filter pollutants, and increase rainwater infiltration.
- 1904 b. Swales are largely used either for managing water runoff from one property to
1905 another or to collect rain runoff water from road surfaces that helps mitigate
1906 flooding onto street-front properties.
- 1907 c. Swales vary in size, width, and depth depending on their function.
- 1908 d. Typical City of Flagler Beach street roadside swales have been established to be
1909 nine (9) inches in depth. [See COFB Standard Construction Details.]
- 1910 (4) *French drain.*
- 1911 a. A french drain is a trench filled with gravel or rock that may also contain a
1912 perforated pipe that redirects surface water and groundwater away from an area.
1913 A French drain can have perforated hollow pipes along the bottom to quickly vent
1914 water that seeps down through the upper gravel or rock. They are a good
1915 alternative to open ditches.
- 1916 b. French drains may be very useful to help manage surface water in constricted
1917 areas like the narrow five-foot side setbacks on many of the city's properties. [See
1918 COFB Standard Construction Details.]
- 1919 (5) *Hay bales.*

- 1920 a. A temporary sediment barrier consisting of a row of entrenched and anchored
 1921 straw bales. Used to intercept and detain small amounts of sediment from
 1922 disturbed areas of limited extent to prevent sediment from leaving the site.
 1923 Decreases the intensity of sheet flows and low-to-moderate level channel flows.
- 1924 b. Bales should be placed in a single- or staggered-row, lengthwise on the contour,
 1925 with ends of adjacent bales tightly abutting one another.
- 1926 c. All bales should be either wire-bound or string-tied. Straw bales should be installed
 1927 so that bindings are oriented around the sides rather than along the tops and
 1928 bottoms of the bales in order to prevent deterioration of the bindings.
- 1929 d. The barrier should be entrenched and backfilled. A trench should be excavated the
 1930 width of a bale and the length of the proposed barrier to a minimum depth of four
 1931 (4) inches. The trench must be deep enough to remove all grass and other material
 1932 which might allow underflow. After the bales are staked and chinked (filled by
 1933 wedging), the excavated soil should be backfilled against the barrier. Backfill soil
 1934 should conform to the ground level on the downhill side and should be built up to
 1935 four (4) inches against the uphill side of the barrier. [See COFB Standard
 1936 Construction Details.]
- 1937 (c) Where a cleared vacant lot is created through demolition, the owner must screen the property
 1938 from adjacent streets, alleys, and public improvement areas by landscaping a perimeter
 1939 buffer of three (3) feet with the exception of intersection visibility standards which are two
 1940 and one-half (2.5) feet high maximum. All cleared vacant lots shall be covered with sod,
 1941 grass, or other suitable pervious material approved for the property by the city designee. The
 1942 ground cover shall be maintained and the property kept free of trash and debris. All
 1943 improvements shall be completed within sixty (60) days of demolition.
- 1944 (d) Where a lot or a portion of a lot has been improved by new construction, an addition, or some
 1945 other activity that clears the lot of existing vegetation, at the end of such construction or
 1946 improvements, all disturbed land shall be permanently stabilized by adding sod, grass, or
 1947 other suitable pervious materials as described herein. All other elements of the construction
 1948 notwithstanding, no certificate of occupancy shall be granted until such time as the above
 1949 has been accomplished and passes the final site inspection.
- 1950 (e) Gutters and downspouts.
- 1951 (1) All roofs and existing gutters and downspouts shall be maintained to prevent damage
 1952 to the structure and adjoining properties and public rights-of-way.
- 1953 (2) Gutters and downspouts are recommended for new houses but required for new houses
 1954 that meet the following criteria:
- 1955 a. Have sloped roofs with a pitch greater than 3:12 (vertical to horizontal) or fourteen
 1956 (14) degrees;
- 1957 b. Has a neighboring house on either side yard where the facing walls are within ten
 1958 (10) feet of each other;
- 1959 c. The roof surface of the gable(s) or hip(s) slopes toward the side yard; and,
- 1960 d. The eave of the roof is greater than one (1) foot.
- 1961 (3) New houses that are constructed with gutters and downspouts, whether by choice or by
 1962 virtue of the above conditions, must point all downspout outlets toward the front or rear
 1963 yards and, at a minimum, discharge onto a splash block or into a side yard swale,
 1964 subject to any additional requirements of this Code. No configuration of the downspout

1965 outlets shall cause stormwater to be directed toward a neighboring side property where
 1966 the facing walls are within (10) feet of each other.

1967 (4) It is recommended that all downspout outlets be connected to a perforated corrugated
 1968 plastic pipe that is:

1969 a. Buried from eight (8) inches to twenty-four (24) inches below the finished grade;

1970 b. Wrapped with a porous filter fabric;

1971 c. Embedded in aggregate - pea gravel to larger pieces of river rock;

1972 d. Positively sloped, minimum two (2) percent, away from the downspout outlet.

1973 **Sec. 9.04.08. Prohibitions and exemptions for stormwater management.**

1974 (a) *Prohibitions.* No person may develop or make any change in the use of land or construct a
 1975 structure or change the size of a structure, except as exempted herein, without submission
 1976 and approval of a stormwater management plan as provided herein. For the purpose of this
 1977 section, the development may potentially alter or disrupt existing stormwater runoff patterns,
 1978 and as such, will require the submission and approval of a stormwater management plan
 1979 prior to the commencement of construction unless exempted in paragraph (b) below. This
 1980 includes, but is not limited to:

1981 (1) Clearing and/or drainage of land as an adjunct to construction.

1982 (2) Subdividing land.

1983 (3) Re-platting recorded subdivisions and the development of recorded and unrecorded
 1984 subdivisions.

1985 (4) Changing the use of land and/or the construction of a structure or a change in the size
 1986 of one or more structures.

1987 (5) Altering the shoreline or bank of any surface water body.

1988 (6) The permanent (long period) lowering of the water table.

1989 (7) Addition of impervious or pre-approved semi-impervious construction.

1990 (8) Direct deposition of stormwater runoff into rights-of-way and/or alleyways.

1991 (b) *Exemptions.* The following activities shall be exempt from this section (Section 8.00
 1992 [9.04.08]) unless as hereinafter required by the land development regulations:

1993 (1) Any maintenance, alteration, renewal, use or improvement to an existing structure not
 1994 changing or affecting the rate or volume of stormwater runoff and not disturbing existing
 1995 ground surfaces.

1996 (2) Maintenance work performed on existing drainage canals for the purpose of public
 1997 health and welfare.

1998 (3) Maintenance work on utility or transportation systems, provided such maintenance work
 1999 does not alter the purpose and intent of the drainage system as constructed.

2000 **Sec. 9.04.09. Stormwater management design standards.**

2001 Table VIII-01 establishes categories of development and corresponding impervious area
 2002 thresholds. The review of stormwater management plans for all development projects shall be
 2003 based upon the net increase in impervious surface area resulting from the development and any
 2004 cumulative increase due to development that has occurred within the previous two (2) years.

TABLE VIII-01

CATEGORY THRESHOLDS FOR THE VARIOUS LIMITS OF DEVELOPMENTS	
CATEGORY	NET INCREASE OF IMPERVIOUS AREA
Category I	Up to five hundred square feet (<500 sf)
Category II	Between five hundred one square feet and four thousand square feet of surfaces subject to vehicular traffic and/or (501 sf - 4,000 sf) Between five hundred one square feet and five thousand square feet of building or other surfaces (501 sf - 5,000 sf)
Category III	Exceeds four thousand square feet of surfaces subject to vehicular traffic (>4,000 sf) Exceeds five thousand square feet of building or other surfaces (>5,000 sf)

- (a) *Standards for category 1.* All categories of development shall require the preparation of a stormwater plan that shows the intended direction of runoff flow. Stormwater management system designs shall conform to the following performance standards:
- (1) Stormwater runoff shall be subjected to best management practices prior to discharge into natural or artificial drainage systems. Best management practice shall mean a practice or combination of practices determined by the city to be the most effective, practical means of preventing or reducing the amount of pollution generated by the project to a level compatible with Florida water quality standards found in the St. Johns River Water Management District, the Florida Department of Environmental Protection, and Chapter 17-3, Florida Administrative Code.
 - (2) Additional detention on lots is not required in developments that have a master stormwater/retention system constructed except to contain runoff from flowing onto adjacent properties.
 - (3) No site alteration shall cause siltation of wetlands, pollution of downstream wetlands or reduce the natural retention or filtering capabilities of wetlands.
 - (4) Silt fences or other approved erosion control methods shall be required at the perimeter of all proposed disturbed areas and shall be properly maintained until the final site construction is approved.
 - (5) No site alteration shall allow water to become a health hazard or contribute to the breeding of mosquitoes.
 - (6) All site alteration activities shall provide for such water detention and settling structures and flow attenuation devices as may be necessary to ensure that the foregoing standards and requirements are met. No site alteration shall result in any net reduction of available floodplain storage.
 - (7) Design of water detention structures and flow attenuation devices shall be subject to the approval of the city engineering office pursuant to the standards hereof. Detention structures shall be designed to release runoff to the downstream drainage system over a period of time so as not to exceed the capacity of the existing downstream system. The design of water detention structures and flow

- 2036 attenuation devices shall be in compliance with the standard construction details
2037 found in the City of Flagler Beach Standard Construction Details.
- 2038 (8) A positive drainage system shall be provided which will not adversely impact
2039 downstream owners or adjacent lands.
- 2040 (9) Where possible, natural vegetation shall be used as a component of the drainage
2041 system. The water table should not be manipulated so as to endanger natural
2042 vegetation beneficial to water quality unless natural vegetation can be replanted
2043 and survive with a lowered water table condition.
- 2044 (10) Runoff from higher adjacent lands shall be considered and provisions for
2045 conveyance of such runoff shall be included in the drainage plan.
- 2046 (11) Runoff shall be treated to remove oil and floatable solids before discharge from the
2047 site in a manner approved by the city.
- 2048 (12) Erosion by wind or water shall be prevented by the developer throughout the
2049 construction process.
- 2050 (13) Direct discharge to class II waters (Shellfish Propagation or Harvesting) is
2051 prohibited. A workable filter system approved by the city must be provided prior to
2052 any discharge to class II waters.
- 2053 (14) For the purpose of this section, it is presumed that the lowering of the water table
2054 for the purpose of constructing detention barriers and/or permanently protecting
2055 road construction does not conflict with the stated objectives of this section if all of
2056 the following are met:
- 2057 a. Based on data collected and interpreted by the U.S. Geological Survey, the St.
2058 Johns River Water Management District (SJRWMD), the city and other
2059 professional investigators, as important to recharge or to prevent discharge into
2060 the Floridian aquifer;
- 2061 b. With separate special approval by the city, the proposed lowering of the water table
2062 shall be over no more than fifteen (15) percent of the site to a depth of five (5) feet
2063 below the surface of the existing undisturbed ground, or an equivalent volume; said
2064 area to be measured at the overflow elevation of the detention barrier(s);
- 2065 c. With separate special approval by the city, the high-water table may be lowered up
2066 to two (2) feet below the undisturbed ground in the vicinity of roads for the purpose
2067 of protecting the sub-base and base of the roadway and/or for the purpose of
2068 preventing mosquito breeding in the roadside swales;
- 2069 d. The lowering of the water table has no adverse effect on wetlands off site
2070 vegetation as defined herein; and
- 2071 e. The lowering of the water table does not increase flows to the detriment of
2072 neighboring lands.
- 2073 (15) For project sizes greater than one (1) acre of disturbed area, the applicant shall
2074 acquire permit coverage from the SJRWMD, National Pollutant Discharge
2075 Elimination System program and provide proof of such to the city prior to
2076 construction.
- 2077 (b) *Standards for category II.*
- 2078 (1) Meet all conditions of category I plus: For certain soil conditions or ground water
2079 table conditions which do not permit the percolation of this volume within seventy-

two (72) hours following a storm event, the city shall approve detention with filtration.

(c) *Standards for category III.*

(1) Meet all conditions of categories I and II plus: The city shall defer to permitting by St. Johns River Water Management District.

(2) Stormwater management plans shall be prepared by a professional engineer or landscape architect licensed in the State of Florida and shall conform to:

a. The discharge hydrograph produced for the developed or redeveloped site shall not exceed, in terms of peak flow and total volume, the hydrograph produced by conditions existing before development or redevelopment for a twenty-four-hour, twenty-five-year frequency storm, if this provision will be met through detention of the difference between said volumes, said volume difference shall be released over not less than a twenty-four (24) hours nor greater than a seventy-two (72) hours period of time. Runoff rates and volumes resulting from the project, in excess of existing amounts, shall be accommodated on-site. Off-site retention may be permitted if, in the opinion of the city, the recharge requirements of this section are met.

b. The peak discharge resulting from a twenty-four-hour, one-hundred-year frequency storm on the developed or redeveloped site shall not exceed the peak discharge resulting from a one-hundred-year frequency storm for pre-construction/development conditions on the site for flood prone areas as determined by the city.

c. Runoff computations shall be based on the most critical situation (rainfall duration, distribution and antecedent soil moisture condition) and conform to the methods described in the Florida Department of Transportation Drainage Manual, latest edition, and the St. Johns River Water Management District Regulation of Stormwater Management Systems.

(d) *Maintenance of stormwater management facilities.* The installed system(s) required by this section shall be maintained by the owner except where the city specifically accepts a certain system for maintenance. All areas and/or structures planned to be maintained by the city must be conveyed to the city by plat or separate instrument and accepted by the city commission. The owner shall provide adequate easements for approval with respect to system(s) to be maintained by the owner to permit the city to inspect and, if necessary, to take corrective action should the owner fail to maintain the system(s).

(e) *Alternative stormwater management designs.* Alternative designs and construction methods, such as perforated pipe systems, above and below ground water storage tanks and cisterns, rain barrels, and similar techniques, may be approved for use at the discretion of the city engineering department if they are consistent with professional best practices.

SECTION 2. FISCAL IMPACT STATEMENT. In terms of design, plan application review, construction, and inspection of buildings and structures, the cost impact as an overall average is negligible in regard to the local technical amendments because all development has been subject to the requirements of the local floodplain management ordinance adopted for participation in the

2124 National Flood Insurance Program. Therefore, in terms of lower potential for flood damage, there
2125 will be continued savings and benefits to consumers.

2126 **SECTION 3. APPLICABILITY.**

2127 For the purposes of jurisdictional applicability, this ordinance shall apply in the **City of Flagler**
2128 **Beach**. This ordinance shall apply to all applications for development in flood hazard areas
2129 submitted on or after the effective date of this ordinance.

2130 **SECTION 4. INCLUSION INTO THE CODE OF ORDINANCES.**

2131 It is the intent of the **City Commission** that the provisions of this ordinance shall become and be
2132 made a part of the **City of Flagler Beach Code of Ordinances**, and that the sections of this
2133 ordinance may be renumbered or re-lettered. The word “ordinance” may be changed to “section,”
2134 “article,” “regulation,” or such other appropriate word or phrase in order to accomplish such
2135 intentions.

2136 **SECTION 5. SEVERABILITY.**

2137 If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason,
2138 declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity
2139 of the ordinance as a whole, or any part thereof, other than the part so declared.

2140 **SECTION 6. EFFECTIVE DATE.**

2141 This ordinance shall take effect immediately upon adoption in accordance with the City of Flagler
2142 Beach Charter.

2143 PASSED ON FIRST READING THIS 13TH DAY OF FEBRUARY, 2025.

2144

2145 PASSED AND ADOPTED THIS 13TH DAY OF MARCH, 2025.

2146

2147

2148 CITY OF FLAGLER BEACH, FLORIDA
2149 CITY COMMISSION

2150

2151

2152 _____
Patti King, Mayor

2153 ATTEST:

2154

2155 _____
2156 Penny Overstreet, City Clerk
2157

2158

THE DAYTONA BEACH
NEWS-JOURNAL PO Box 631244 Cincinnati, OH 45263-1244

AFFIDAVIT OF PUBLICATION

Penny Overstreet
City of Flagler - Legals
Po Box 70
Flagler Beach FL 32136-0070

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Coordinator of The News-Journal, published in Volusia and Flagler Counties, Florida; that the attached copy of advertisement, being a Govt Public Notices, was published on the publicly accessible website of Volusia and Flagler Counties, Florida, or in a newspaper by print in the issues of, on:

02/28/2025

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 02/28/2025

Kelepa cloran

Legal Clerk
Mike Troy

Notary, State of WI, County of Brown
3.7.27

My commission expires

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KAITLYN FELTY
Notary Public
State of Wisconsin

The City of Flagler Beach proposes to adopt the following ordinances entitled:
ORDINANCE NO. 2025-01

AN ORDINANCE BY THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING THE FLAGLER BEACH CODE OF ORDINANCES, APPENDIX "A," LAND DEVELOPMENT REGULATIONS, TO SPECIFY ELEVATION OF MANUFACTURED HOMES IN FLOOD HAZARD AREAS; TO ADOPT AND REFORMAT LOCAL AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR APPLICABILITY, SEVERABILITY, AND AN EFFECTIVE DATE.

Public Hearings will be conducted to consider the amendments as follows:

City Commission: Thursday, March 13, 2025 @ 5:30 p.m. or soon thereafter

The public hearings may be continued to a future date or dates. The times and dates of any continuances of a public hearing shall be announced during the public hearing without any further published notice. The request will be heard at 6:00 PM, or as soon thereafter as possible, in the City Commission Chambers located at 105 South Second Street, Flagler Beach, Florida. If a person decides to appeal any decision made with respect to any matter considered at the above referenced hearings, he/she will need a record of the proceedings. For such purposes, it may be necessary 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. In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk's Office at 386-517-2000 Ext. 233 at least 48 hours prior to the meeting.
11052425 2/28/2025 11

ORDINANCE 2025-02

AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, RELATED TO ANNEXATION PROCEDURES; READOPTING AMENDMENTS TO CHAPTER 2, SECTION 2-2, INCLUDED IN ORDINANCE 2024-01 WHICH REMOVED THE REQUIREMENT FOR A REFERENDUM CONDUCTED WITHIN EXISTING CITY LIMITS FOR CERTAIN ANNEXATIONS; OR, ALTERNATIVELY, REPEALING ORDINANCE 2024-01 AND REINSTITUTING THE REQUIREMENT FOR A REFERENDUM CONDUCTED WITHIN EXISTING CITY LIMITS FOR CERTAIN ANNEXATIONS; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE HEREOF

WHEREAS, in January 2024, the City Commission approved Ordinance 2024-01 which amended Section 2-2 of the Code of Ordinances to remove an additional local process for annexation beyond the requirements of State statute and provide that annexations would follow the process delineated in State statutes; and

WHEREAS, specifically, the City Commission removed the following local requirement which exceeded the minimum State statute requirements for annexation:

If the city commission adopts any ordinance of annexation, voluntary or involuntary, that would cause the total area annexed during one (1) calendar year cumulatively to exceed more than five (5) percent of the total geographic area of the city, the ordinance shall be submitted to a binding vote of the registered voters of the city;

and

WHEREAS, at its regular meeting of February 27, 2025, a member of the public expressed concerns related to the published notice for Ordinance 2024-01; and

WHEREAS, based on such concerns and in order to resolve any claimed issues related to notice and allow robust public participation, the City Commission finds it appropriate to consider a new ordinance relating to the subject matter contained in Ordinance 2024-01 wherein the City Commission shall consider readoption of the amendments or, if the Commission determines to not readopt said amendments, to repeal Ordinance 2024-01.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Flagler Beach, Florida, as follows:

SECTION 1. The following amendments to Chapter 2, Section 2-2 of the Code of Ordinances are hereby approved and adopted. (Note, underlined text represents text added to the Code as it existed prior to Ordinance 2024-01 and ~~striktrough~~ text represents text deleted from the Code as it existed prior to Ordinance 2024-01):

Sec. 2-2. Annexation; ~~vote required, when.~~

~~(a) If the city commission adopts any ordinance of annexation, voluntary or involuntary, that would cause the total area annexed during one (1) calendar year cumulatively to exceed more than five (5) percent of the total geographic area of the city, the ordinance shall be submitted to a binding vote of the registered voters of the city.~~

~~(b) Notwithstanding the above, tThe provisions of F.S. §§ 171.042, Prerequisites to Annexation; 171.043, Annexation Procedures; and 171.044, Voluntary Annexation, shall apply to annexations conducted by the citythe rules and procedures of the city commission.~~

SECTION 2. Codification. It is the intent of the City Commission of the City of Flagler Beach that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in renumbering and codifying the provision of this Ordinance; article and section numbers assigned throughout are suggested by the City.

SECTION 3. Severability. If any portion of this Ordinance is declared invalid or unenforceable, then to the extent it is possible to do so without destroying the overall intent and effect of this Ordinance, the portion deemed invalid or unenforceable shall be severed here from, and the remainder of this Ordinance shall continue in full force and effect as if it were enacted without including the portion found to be invalid or unenforceable.

SECTION 4. Conflicts. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. Effective date. This Ordinance shall take effect immediately upon adoption as provided by the Charter of the City of Flagler Beach.

PASSED ON FIRST READING THIS ____ DAY OF _____ 2025.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2025.

CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

Pattie King, Mayor

ATTEST:

Penny Overstreet, City Clerk