



CITY OF JACKSONVILLE BEACH
FLORIDA

MEMORANDUM TO:

The Honorable Mayor and
Members of the City Council
City of Jacksonville Beach, Florida

Council Members:

The following Agenda of Business has been prepared for consideration and action at the Regular Meeting of the City Council on **Monday, April 1, 2013, at 7:00 P.M. in the Council Chambers, 11 North Third Street, Jacksonville Beach, Florida.**

Opening Ceremonies: Invocation
Salute to the Flag

Roll Call

1. **APPROVAL OF MINUTES:**

- Regular City Council Briefing held March 18, 2013
- Regular City Council Meeting held March 18, 2013

2. **ANNOUNCEMENTS:**

3. **COURTESY OF THE FLOOR TO VISITORS:**

4. **MAYOR AND CITY COUNCIL:**

- (a) Proclamation of the Week of May 19-25, 2013, as National Public Works Week.
- (b) Proclamation of the Month of April 2013 as Child Abuse Prevention Month

5. **CITY CLERK:**

6. **CITY MANAGER:**

- (a) Authorize Parking Validation Program and the Budget for the Downtown Parking Program
- (b) Approve the Purchase of a Surf Ski for Use by the Ocean Rescue Competition Team
- (c) Approve the Purchase of a Replacement Greens Roller and Aerator Machine for the Golf Course

Memorandum, Mayor and City Council
City Council Agenda for April 1, 2013

- (d) Authorize the Execution of Closing Documents to Finalize Purchase of Real Property
(1304 North 6th Avenue, Jacksonville Beach)

7. **RESOLUTIONS:**

8. **ORDINANCES:**

(a) **ORDINANCE NO. 2013-8025 – SECOND READING**

AN ORDINANCE TO AMEND AN ORDINANCE ENACTING AND ESTABLISHING A COMPREHENSIVE LAND DEVELOPMENT REGULATION AND OFFICIAL ZONING MAP BY REPEALING SECTION 34-467 FLOOD HAZARD AREA IN ITS ENTIRETY AND BY ADOPTING A NEW SECTION 34-347 FLOODPLAIN MANAGEMENT REGULATIONS; ADOPTING FLOOD HAZARD MAPS, DESIGNATING A FLOODPLAIN ADMINISTRATOR, ADOPTING PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, ADOPTING LOCAL ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR APPLICABILITY, REPEALER, AND SEVERABILITY CLAUSES; ESTABLISHING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Respectfully submitted,

/s/George D. Forbes
CITY MANAGER

GDF: jlb
03/28/2013

If a person decides to appeal any decision made by the City Council with respect to any matter considered at any meeting, such person may need a record of the proceedings and, for such purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The public is encouraged to speak on issues on this Agenda that concern them. Anyone who wishes to speak should submit the request to the City Clerk prior to the beginning of the meeting. These forms are available at the entrance of the City Council Chambers for your convenience.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office at (904) 247-6299, Ext 10, no later than 12:00 PM, Friday, March 29, 2013.

Minutes of City Council Briefing
Monday, March 18, 2013 – 6:30 PM
City Council Chambers
11 North 3rd Street, Jacksonville Beach, FL

The Council Briefing began at 6:30 PM.

The following City Council members attended:

Mayor Charlie Latham

Keith Doherty
Steve Hartkemeyer
Christine Hoffman
Tom Taylor
Phil Vogelsang
Jeanell Wilson

Also present were City Manager George Forbes, City Department Directors, and City Clerk Judy Bullock.

Purpose of the Briefing

The purpose of the Briefing is to update the Councilmembers on projects, recent developments, upcoming issues, and review of agenda items.

City Manager

Fireworks –

The City Manager advised that the city is seeking donations for fireworks for the Fourth of July celebration, as the City does not have a budget for fireworks. He added, if the problems of previous years occur, then the City would no longer be able to have a fireworks display.

Tallahassee -

Mr. Forbes announced that he, the Mayor, the Mayor Pro-Tem, and the Finance Officer would be traveling to Tallahassee the following day, March 19, 2013. Mr. Forbes explained that he would be making several trips to Tallahassee, but this trip is associated with the *Florida League of Cities*.

City Council Orientation –

Mr. Forbes reminded Councilmembers that the next Council Orientation would take place on April 17, 2013, at the Public Works Department.

First Street and Roundabouts –

The City Manager advised that First Street is now open and that the blue lights on the roundabout look very nice. He added that the downtown has several new businesses, new landscaping, and that the area looks

great. Mr. Forbes reminded Councilmembers that there are additional costs involved in to maintain the new landscaping.

Ms. Wilson shared concerns regarding the 2nd Street roundabout not being clearly marked. She advised that she had been contacted by several residents regarding the intersection.

Mr. Forbes responded that staff would look into the matter; meanwhile the issue may resolve itself once the residents become accustomed to the change.

Mr. Doherty suggested that the 2nd Street roundabout have the same type of signage that is installed on the 1st Street roundabout.

Ms. Wilson also voiced concerns that the new street layout contributed to a recent traffic backup.

Interim Police Chief Pat Dooley advised that there was an unusually high amount of traffic during that period.

Downtown Businesses

Mr. Forbes stated that the City would be working with a company that will provide assistance and guidance in attracting the type of businesses they would like in the downtown area.

Construction Projects

Senior Planner Bill Mann and Mr. Forbes reviewed a list of proposed construction projects that included:

- Six lot single-family subdivision on the west side of 1st Street between 9th and 10th Avenues North
- Three lot subdivision on 1st Street
- Two lots on 10th Avenue North
- The George Moore property has a PUD application and will eventually come before the council for approval – the proposed project is for a 176 unit apartment project
- A three level residential project with a parking garage is under review
- Construction of a small Church to be built beside the entry to Hopson Road (near the Intracoastal Waterway)

Mr. Forbes provided an update on the 1st Street and 5th Avenue construction project. He advised that the road should be open by May 8, 2013.

New Fiber Cable Routes & Telecommunication Companies in Jacksonville Beach

Public Works Director Ty Edward distributed a map delineating the various telecommunication companies and went over the routes they will be using to run the underground cable. Mr. Forbes explained that one of the cables will be coming ashore at Seagate Avenue and added that the all permitting is in place.

Minutes of City Council Briefing
held on Monday, March 18, 2013

Business Workshop

Mr. Forbes reminded Councilmembers that a “Business Workshop” will be held at the Jacksonville Beach Community Center, on March 26, 2013, from 6:30 to 8:00 p.m.

The workshop adjourned at 6:53 PM.

Submitted by: Judy L. Bullock
City Clerk

Approved:

William C. Latham, Mayor

Date: April 1, 2013

DRAFT

**Minutes of Regular City Council Meeting
held Monday, March 18, 2013, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida.**



CALL TO ORDER:

Mayor Charlie Latham called the meeting to order.

OPENING CEREMONIES:

Invocation was by Council Member Vogelsang, followed by the Salute to the Flag.

ROLL CALL:

Mayor: Charlie Latham

Council Members: Keith Doherty Steve Hartkemeyer Christine Hoffman
Tom Taylor Phil Vogelsang Jeanell Wilson

Also present was City Manager George Forbes, City Department Directors, and Nancy J. Pyatte, Assistant City Clerk.

APPROVAL OF MINUTES

It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, and passed, to approve the following minutes, as presented:

- Council Workshop held February 25, 2013
- Regular City Council Briefing held March 4, 2013
- Regular City Council Meeting held March 4, 2013
- New Council Orientation on March 6, 2013
- Council Workshop held March 6, 2013, as amended, to include Council Member Hoffman in attendance

ANNOUNCEMENTS

Councilmember Keith Doherty

- Mr. Doherty stated that the St. Paul's Carnival starts this week on Thursday, through Sunday. This will be the 30th year for the carnival.
- On November 19, 2013, Mr. Doherty stated, he will preside over the First Annual Jacksonville Celtic Festival at the Seawalk Pavillion. He said it will be a family-friendly event for one day, and it is free.

Mayor Charlie Latham

Mayor Latham made the following announcements:

- Workshop on March 6, 2013 was very informative and a good first step to exploring the City's options. Thanks to BEAM, Mission House, Sulzbacher Center, Chamber of Commerce and our own Police Department for their participation.
- On March 8th I threw out the first pitch of the season for the Jacksonville Beach Baseball Association. The facilities were beautiful and the crowd was huge!
- March 9th was the Beach Hut Café's 25th Anniversary. I awarded Richard and Desi Downing a proclamation on behalf of the City and we designated March 9th as 'Beach Hut Café Day'.
- We're continuing to gather additional information from homeless advocacy groups. I spoke with Cindy Funkhouser last week, and Chief Dooley and I will be visiting her at the Sulzbacher Center on Monday, March 25th. I also met with Pastor Harry Divido last week and we discussed the homeless issue from his prospective. I've also researched what other cities have done to deal with the issue and spoken with other Florida mayors to exchange ideas. I would anticipate another workshop in the next few weeks to discuss some options with city council.
- Mayor Pro-Tem Taylor, City Manager George Forbes, and CFO Harry Royal and I will be on a legislative delegation to Tallahassee tomorrow and Wednesday (19th & 20th). We will be meeting with several legislators and focusing on supporting pension reform, opposing changes to communications service taxes, and opposing future modification of local business taxes. Office hours [for Mayor Latham] are cancelled for this week.
- On March 26th at 6:30 PM there will be a Business Workshop at the Jacksonville Beach Community Center. It will be hosted by the Small Business Development Center of UNF, the Chamber of Commerce, and Florida First Capital Financial Corporation. The purpose of the workshop is to provide resources for local businesses and provide a business exchange.

Councilmember Keith Doherty

- Mr. Doherty announced there is the Great Atlantic Seafood Festival on Saturday March 23rd from 12:00 PM to 9:00 PM.

COURTESY OF THE FLOOR TO VISITORS

Mayor Latham stated that the speaker cards (8) submitted pertained to agenda items and those people will be called on to speak at that time.

MAYOR AND CITY COUNCIL

Proclamation of Wednesday, April 17, 2013, as Military Family and Community Covenant Day.

Mayor Latham read the Proclamation into the record.

CITY CLERK

CITY MANAGER

(a) Monthly Financial Reports – Month of February 2013

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, and passed, to approve the monthly financial reports for the Month of February 2013.

Roll call vote: Ayes: Doherty, Hartkemeyer, Hoffman, Taylor, Vogelsang, Wilson, and Mayor Latham; motion carried unanimously.

(b) Authorize the City Manager to Designate Locations Throughout the City for Parking Licensed Golf Carts and Low Speed Vehicles.

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to authorize the City Manager to designate parking for licensed golf carts and low speed vehicles as described in a memo from the Interim Police Chief, Patrick Dooley, dated March 6, 2013.

Speakers:

- Lee Grube, 3624 Ocean Drive, Jacksonville Beach
Mr. Grube stated he is in favor of the proposal for low speed vehicles parking. He also stated that he was not in favor of altering any of the beach access locations to create parking areas.
- Thad Moseley, 3701 Duval Drive, Jacksonville Beach
Mr. Moseley expressed his appreciation to all the attention given to this issue, and thanked everyone involved in the process – Council, City Manager, Police Chief, and City staff. He said this proposal gives and does not take away.
- Jon Cummins, 3704 Duval Drive, Jacksonville Beach
Mr. Cummins stated he is in favor of providing low speed vehicles parking, but not by taking away from any of the beach access locations. He stated the plan looks like a good compromise and should be good for all.
- Lee Ligo, 3938 Duval Drive, Jacksonville Beach
Mr. Ligo stated he has resided on Duval Drive since the 80s and is a voting citizen in Jacksonville Beach, even though he splits his time between here and Slippery Rock, Pennsylvania. Being a past president of the Slippery Rock Burrough Council, Mr. Ligo stated he is aware of need for balance in the community and commended everyone for this proposed program. He stated this plan will work for all concerned.

Minutes of Regular City Council Meeting
held Monday, March 18, 2013

- Jim Overby, 21 Burling Way, Jacksonville Beach
Mr. Overby stated all of the beaches in Duval County are public beaches. The majority of public beach access locations are north of 16th Avenue South. He stated there is a lack of public parking on the southend. Mr. Overby stated it was important to open the southend for beach access in the same way the northend has been opened.

The City Manager referred to the proposed low speed vehicles parking locations:

- | | |
|---|----------|
| • 16 th Avenue North | 2 Spaces |
| • 6 th Avenue North | 2 Spaces |
| • Pier Lot | 2 Spaces |
| • 1 st Avenue South | 5 Spaces |
| • 12 th Avenue South | 5 Spaces |
| • 16 th Avenue South | 3 Spaces |
| • 1 st Street S. @ 32 nd Ave. | 1 Space |
| • 1 st Street S. @ 36 th Ave. | 1 Space |

Total 21 Spaces

He stated this is a pilot program and was developed based on the public comment received at the workshops. Mr. Forbes commended Interim Police Chief Dooley and Mr. Mosely for their efforts to help put this proposal together.

As shown, there will be a total of 21 spaces provided, 6 on the northend from the Pier parking lot to 16th Avenue North, and 15 on the southend from 1st Avenue south to 36th Avenue South. Mr. Forbes stated that all the locations are already paved and the City will just have to paint the lines for each space. The City Manager said this program will be monitored and he can make changes as needed.

Mr. Vogelsang stated this was a hot-button issue he encountered during his campaign and was pleased to have reached a solution so quickly since November.

Mr. Hartkemeyer stated he was not in favor of preferential parking for some, but acknowledged it is a hot topic. He said he will support this program.

Mr. Taylor thanked all who participated and helped with the solution. Mr. Taylor noted that former Council Member Rick Knight previously said that this (City) will eventually be a golf cart community. He would like to see more spaces for the southend but this is a good start.

Ms. Wilson expressed her appreciation to all the attention given to this issue, and thanked everyone involved in the process – the citizens, City Manager, Police Chief, and City staff. She said there is more public parking available on the northend and didn't think there needed to be as many low speed vehicle parking spaces there. Ms. Wilson said she didn't want to see money spent on spaces that probably will not get used, 5 at 1st Avenue S. and 5 at 12th Avenue S. Ms. Wilson stated that more spaces might be needed on the southend.

Mr. Doherty inquired as to how quickly this program - if approved - could be implemented? Mr. Forbes replied that it would take approximately 30 days to complete the painting of lines for the spaces. Mr. Doherty stated that it would be good to monitor over the summer months and review in October or November.

Mayor Latham expressed a 'hardy well done' to the citizens, City Manager, Police Chief, and City staff. The Mayor stated that this proposed program gives the City Manager flexibility. It's the start of transition.

Mr. Forbes addressed Ms. Wilson's comments, stating this proposal will allow for adjustments as we monitor the use of the spaces. He said they can be removed if not being used and relocated if there is a demand to increase another area.

There was no further discussion and the Mayor called for a roll call vote.

Roll call vote: Ayes: Hartkemeyer, Hoffman, Taylor, Vogelsang, Wilson, Doherty, and Mayor Latham; motion carried unanimously.

(c) Authorize the Downtown Parking Program.

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to authorize the Downtown Parking Program, as detailed in a memo from the City Manager dated March 7, 2013. Authorize the City Manager to expend the funds for the security program from the Unallocated General Fund, or through the Redevelopment Agency, whichever is applicable.

Speakers:

- Rick Knight, 827 8th Avenue North, Jacksonville Beach
Mr. Knight stated paid parking works and he thought it should be metered hourly. This will offset the costs to clean up after the visitors leave the City. Mr. Knight said he sees the trash and hears the filthy language when the crowds of people come to the beach. Mr. Knight said that the Kimley-Horn parking study revealed 70% of the vehicles have out-of-town tags. He stated that not all the downtown businesses provide parking spaces for their customers and they should. Mr. Knight expressed his support for metered parking. He closed stating that nothing is free today - except the Lord's salvation – somebody else always has to pay for it.
- Sandy Golding, 1203 18th Avenue North, Jacksonville Beach
Ms. Golding said she did not approve of suspending the current paid parking program while researching a permanent program. She stated the Kimley-Horn parking study showed only 4% of Jacksonville Beach residents used the downtown parking, the rest were from out-of-town. Ms. Golding stated there needs to be an hourly parking program.
- John Galarneau, 2002 Grove Street, Jacksonville Beach

Mr. Galarneau stated the City should keep the current paid parking and maintain the public/private partnership. He said spending \$105,750.00 to implement a new program for the police department to take over the security is not a wise use of taxpayer money. Mr. Galarneau stated the City should keep the existing security.

The City Manager reviewed the 5 recommendations as follows:

1. Approve the temporary suspension of the paid parking while researching a permanent paid parking program, or continue the current parking program until new equipment is selected and installed.

Mr. Forbes recommended continuing with the current paid parking because now is the time to have it and this is when the problems start.

2. Approve a plan for the Police Department to take over the security for the parking lots when paid parking is enforced.

Mr. Forbes explained security will be improved by having the police department replace the security guards. This could be done with up to 10 non-sworn part-time employees, called Community Service Officer II (CSO II), receiving 70 hours of training. These CSO II personnel will be assigned to the Pier parking lot and the Latham Plaza parking lot, along with a Police Officer. Their combined presence should provide a better level of security. They will be equipped with radios and 2 street ready golf carts. Mr. Forbes reviewed the estimated costs for this program detailed in the memo.

3. Authorize paid parking to be in effect during daylight savings time (March 10, 2013 through November 3, 2013).

Mr. Forbes said more people start coming to the beach during this time. It makes sense to have paid parking during peak season and eliminate it when there isn't the demand.

4. The City Manager will take the action necessary to replace the orange barricades with a movable gate system.

Mr. Forbes said the movable gate system will have a much better look and provide the same purpose. He said the City is currently using this movable gate system at Lakeside Drive.

5. If continuation of the current paid parking system is approved, authorize the City Manager to begin a pilot program of validating parking for restaurants.

Mr. Forbes stated that items 1 and 5 are linked as both involve the current paid parking program. Mr. Forbes distributed to Council a sample of a parking validation receipt, referred to in item 5.

Mr. Forbes said that many businesses have expressed an interest in a parking validation program if the City continues with the current paid parking program. He said there are two ways to do this, calling the following examples a hard way or an easy way.

The **hard way**: the City will use a numbered parking ticket/receipt system, giving half to the customer, keeping the other half. The customer then takes the ticket to a participating merchant to validate. If the parking is \$5, and the customer makes a minimum required \$20 purchase (for example), then the merchant deducts the \$5 for parking from that purchase. The merchant will send the validated parking tickets and receipts to the City for rebate. This system is more labor intensive for both the merchant and the City for tracking and verification of the tickets and receipts. This is a voluntary program but it would take more staff time for processing.

The **easy way**: the City will use a numbered parking ticket/receipt system, giving half to the customer, keeping the other half. The customer then takes the ticket to a participating merchant to validate. The parking fee could be lowered to \$3, the customer makes the required purchase, then the merchant sets their own validation program for their customer and the City is out of the process.

The City Manager addressed the installation of an automated parking system. He referred to the paid parking system used at the airport as an example. There are advantages with this type of system, one being able to charge hourly, as well as disadvantages. Mr. Forbes questioned the cost effectiveness because the equipment would not be used for 4 months out of the year and, in peak season, only used 3 days per week plus holidays. Mr. Forbes stated the advanced systems come with heavy start-up costs and he didn't think it would be cost effective.

Mayor Latham referred to the previous Council's Parking Utilization Study by Kimley-Horn (Study) where it included the requirement to have a formal review by November 2013 to determine the effectiveness. The Mayor stated that our responsibility is not to echo the Study but to receive input from the residents and businesses to identify the strengths and/or weaknesses in order to make decisions that would benefit the City.

Ms. Wilson stated her preference is for the current manned system, with security, over an automated system and she noted that this system has shown a decrease in criminal activity. She questioned the expense of \$105,750 for the Police Department taking over security and asked what the cost difference is between Giddens Security and our Police?

Mr. Forbes responded that the initial capital costs for the 2 low speed vehicles and the uniforms is the only cost difference between the two security programs. For the same costs the City will have a better security system with the Police Department replacing the security guards.

Regarding the proposed parking validation program, Ms. Wilson stated she thought the rebate option would be too cumbersome. She said she was in favor of lowering the parking fee and having the businesses manage their own validation program.

Ms. Wilson wished to reiterate Mr. Forbes comments about the expense of automated parking equipment and the hours of paid parking, stating these will probably be revisited at the end of season.

Mr. Hartkemeyer referred to an excerpt from the Parking Utilization Study by Kimley-Horn (copy on record) that he provided to Council where it shows less than 5% of those surveyed were Jacksonville Beach residents. The majority of people surveyed were from out of town or out of state and Mr. Hartkemeyer stated they should pay for parking to offset the related expenses. He stated that burden should not be put on our tax payers.

Mr. Hartkemeyer agreed with Ms. Wilson to lower the parking fee and having the businesses manage their own validation program. This will be a draw for the local merchants to attract business.

Mr. Taylor stated he is in favor of keeping the current paid parking system (no parking meters) and implementing the parking validation program. He prefers the option of decreasing the parking fee and having the businesses manage their own validation program. Regarding the police department taking over security, Mr. Taylor said he would have liked the Council to have had a little more time to review this item and the costs.

Ms. Hoffman said she was in favor of continuing with the current parking program, advocating a lower rate. Whether the Police Department or an outside company provides security, the goal should be that the City is breaking even to cover those costs. Ms. Hoffman inquired if the additional police capital costs would be paid from the Trust fund. The Parking Utilization Study by Kimley-Horn had a lot of information about on-street parking, making that 2-3 hour short term parking and Ms. Hoffman noted that has not been addressed.

Ms. Hoffman asked if the motion could be re-read. Mayor Latham replied that it would, after all discussion and comments were completed.

The City Manager addressed Ms. Hoffman's questions, stating that we would ask the Community Redevelopment Agency to cover some of the additional police capital costs from TIF funds. Mr. Forbes said that we also have funds from the parking program to help pay the expenses.

Mr. Forbes stated the short term on-street parking would have to be a metered program. It is very expensive and would also require hiring new employees, a maintenance program, etc.

Mr. Vogelsang stated that he was not in favor of continuing the current parking program. He asked about putting a proposal out for automated parking in the future.

A lengthy discussion ensued about the current parking program, an automated parking system, start-up expenses and long term cost effectiveness of both (parking), revenue from paid parking, parking validation, moveable gate system, and security.

Mayor Latham and the City Manager clarified that this is the transitional proposal (for parking) while researching for a better solution for a parking program.

There was discussion about the original motion on the floor. The results of the discussion were to either vote on the original motion with modifications, or vote to withdraw the original motion and move to vote individually on items 1 through 5 listed under 'action requested'.

Amended motion: An amended motion was made by Mr. Taylor, seconded by Mr. Hartkemeyer, to authorize the Downtown Parking Program, as detailed in a memo from the City Manager dated March 7, 2013, with the modification to individually vote on the action requested items 1 through 5. Authorize the City Manager to expend the funds for the security program from the Unallocated General Fund, or through the Redevelopment Agency, whichever is applicable.

Mayor Latham stated parking is a complex issue and a challenge for the City. He stated their responsibility is to make recommendations to modify the existing system so that it facilitates the needs of the City's residents, businesses, and visitors. Mayor Latham stated the parking validation program should be available for all, including the Pier parking lot.

Mayor Latham called for a vote on the motion on the floor, amended with the modifications to individually vote on the action requested items 1 through 5.

Discussion ensued for clarification of the motion, on item 5, resulting with changing restaurants to merchants.

Motion, #5: If continuation of the current paid parking system is approved, authorize the City Manager to begin a pilot program of validating parking for merchants.

Roll call vote: Ayes: Hoffman, Vogelsang, Wilson, Doherty, Hartkemeyer, and Mayor Latham
Nays: Taylor

Motion carried with a vote of 6 to 1.

Motion, #1: Approve the temporary suspension of the paid parking while researching a permanent paid parking program, or continue the current parking program until new equipment is selected and installed.

Roll call vote: Continue Paid Parking
Ayes: Doherty, Hartkemeyer, Hoffman, Vogelsang, and Mayor Latham

Suspend Paid Parking
Nays: Taylor, Wilson

Motion carried with a vote of 5 to 2, to continue paid parking

Motion, #2: Approve a plan for the Police Department to take over the security for the parking lots when paid parking is enforced.

Minutes of Regular City Council Meeting
held Monday, March 18, 2013

There was a brief discussion about security and Chief Dooley clarified how the proposed CSO II program will operate with the Police Department in the paid parking lots.

Roll call vote: Ayes: Wilson, Doherty, Hartkemeyer, Hoffman, Taylor, and Mayor Latham

Nays: Vogelsang

Motion carried with a vote of 6 to 1.

Motion, #3: Authorize paid parking to be in effect during daylight savings time (March 10, 2013 through November 3, 2013).

Roll call vote: Ayes: Wilson, Doherty, Hartkemeyer, Hoffman, Taylor, Vogelsang, and Mayor Latham; motion carried unanimously.

Motion, #4: Authorize the City Manager to take the action necessary to replace the orange barricades with a movable gate system.

Roll call vote: Ayes: Doherty, Hartkemeyer, Hoffman, Taylor, Vogelsang, Wilson, and Mayor Latham; motion carried unanimously.

- (d) Approve a Draw for SWAT Team Entry Vests (Four Vests) From the Local Law Enforcement Trust Fund.

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to approve the draw of \$7,375.24 from the The Local Law Enforcement Trust Fund to Purchase four SWAT Body Armor Vests as described in a memo from the Interim Police Chief, Patrick Dooley, dated March 6, 2013.

The City Manager explained these will replace the vests that are currently in use, which are seven years old. The recommended life for these vests is five years.

Roll call vote: Ayes: Hartkemeyer, Hoffman, Taylor, Vogelsang, Wilson, Doherty and Mayor Latham; motion carried unanimously.

- (e) Allocate \$5,000 for Overtime Personnel to Cover the Fire Marshal's Position.

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to approve \$5,000 for overtime to cover the Fire Marshal's position as described in a memo from the Fire Chief, Gary Frazier, dated March 5, 2013.

Mr. Forbes explained that the Fire Marshal is on leave for the next 4 – 5 weeks, due to major surgery. It is necessary to have experienced plans and code reviewers to meet with the contractors and builders about fire codes. This overtime funding will provide staff 3 days per week until the Fire Marshal returns.

Chief Frazier stated that the Fire Marshal's schedule will be covered by the 3 shift

commanders as well as their state certified inspectors.

Roll call vote: Ayes: Hartkemeyer, Hoffman, Taylor, Vogelsang, Wilson, Doherty, and Mayor Latham; motion carried unanimously.

- (f) Approval for Crazy Fish Jacksonville Beach, Inc., to Construct Two (2) Parking Lots Designated for Restaurant Customers, Change the Name of the Business From Crazy Fish Jacksonville Beach, Inc., to Old Florida Fish Camp and Seafood Shack, Inc., and Extend the Lease for Five (5) Years.

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to adopt Amendment #2 to the existing lease agreement with Crazy Fish Jacksonville Beach, Inc., as described in a memorandum from Diana Pratt, Property Management Supervisor, dated March 11, 2013.

The City Manager stated that the current tenant has leased this building from the City since March 15, 2010 and has made several improvements. Mr. Schrutt has remodeled the interior of the building, added a deck and a floating dock, and has done extensive landscaping. This amendment to the existing lease is to construct 2 parking lots for the restaurant, change the name, and extend the lease for 5 years, terminating on February 14, 2024.

Ms. Wilson had questions about the amount of rent, the square footage of the building, and extending the lease, and permitting.

Mr. Forbes responded that they pay the City \$43,050.00 annually, \$3587.56 monthly, \$2.24 per sq. ft. monthly and it is a 1600 sq. ft. structure, with a 4% annual increase. All the construction will be approved and permitted per City codes. The lease is transferrable only with the City's permission and Mr. Forbes stated that he has amended the attached lease to allow construction of two parking lots in two phases. Phase 1 will include 22 spaces across the street, north of the building, to be completed by September 2013. Phase 2 will include 15 spaces plus 1 handicapped space on the northeast side of the building, to be completed by March 2015.

Roll call vote: Ayes: Hoffman, Taylor, Vogelsang, Doherty, Hartkemeyer, and Mayor Latham

Nays; Wilson

Motion carried with a 6 to 1 vote.

RESOLUTIONS

ORDINANCES

- (a) Ordinance No. 2013-8025 – FIRST READING

Mayor Latham requested that Ordinance No. 2013-8025, be read by title; whereupon Ms. Pyatte read the following:

“AN ORDINANCE TO AMEND AN ORDINANCE ENACTING AND ESTABLISHING A COMPREHENSIVE LAND DEVELOPMENT REGULATION AND OFFICIAL ZONING MAP BY REPEALING SECTION 34-467 FLOOD HAZARD AREA IN ITS ENTIRETY AND BY ADOPTING A NEW SECTION 34-347 FLOODPLAIN MANAGEMENT REGULATIONS; ADOPTING FLOOD HAZARD MAPS, DESIGNATING A FLOODPLAIN ADMINISTRATOR, ADOPTING PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, ADOPTING LOCAL ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR APPLICABILITY, REPEALER, AND SEVERABILITY CLAUSES; ESTABLISHING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.”

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to adopt Ordinance No. 2013-8025, approving new Floodplain Management Regulations coordinated with the 2010 Florida Building Code, adopting local administrative amendments to the Florida Building Code, and adopting updated Flood Insurance Rate Map panels for the City of Jacksonville Beach, as described in a memo from William Mann, Senior Planner of Planning and Development, dated February 28, 2013.

The City Manager reviewed the action requested by this ordinance stating that it does not increase any regulations applicable to development in floodplain areas in the city. He stated there are no major changes to the delineated flood hazard areas on the panels. The Planning Commission conducted the required public hearing on February 25, 2013 and recommend its approval by the Council.

Roll call vote: Ayes – Taylor, Vogelsang, Wilson, Doherty, Hartkemeyer, Hoffman, and Mayor Latham; motion carried unanimously.

ADJOURNMENT

There being no further business coming before the Council, Mayor Latham adjourned the meeting at 8:50 p.m.

Submitted by: Nancy J. Pyatte
Assistant City Clerk

Approval:

William C. Latham, Mayor

Date: April 1, 2013

Proclamation

National Public Works Week

Whereas, Public Works services provided in our community are an integral part of our citizens' everyday lives; and

Whereas, in Jacksonville Beach, our Public Works employees provide these essential services by managing the operation and maintenance of 109 miles of water mains, 85 miles of sanitary sewer mains, 1,698 sewer manholes, 858 fire hydrants, 2,652 water valves, 10,410 water services, 8,838 sewer services, 38 sewage pump stations, a 4.5 million gallon per day sewage treatment facility, 6 water wells, 2 water treatment facilities, 3 ground and 2 elevated water storage tanks, 21 stormwater ponds, 2 stormwater basins, 8 stormwater pump stations, 71 miles of stormwater mains, 2 miles of drainage channels, 88 road miles, 34 miles of sidewalks, and solid waste collection for all residences and businesses; and

Whereas, the health, safety, and comfort of this community greatly depends on these services; and

Whereas, the quality and effectiveness of these facilities, as well as their planning, design, and construction, is vitally dependent upon the efforts and skills of Public Works employees; and

Whereas, the American Public Works Association selected "*Because of Public Works...*" as its theme for the 2013 National Public Works Week, which theme is about the quality of life brought to communities around the world; we, the citizens of Jacksonville Beach, are privileged to have a great community and quality of life "*Because of Public Works...*".

Now, Therefore, I, William C. Latham, Mayor of the City of Jacksonville Beach, by virtue of the authority vested in me, do hereby proclaim the week of May 19-25, 2013, as

National Public Works Week

in the City of Jacksonville Beach, and call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our essential Public Works operations and systems; and to recognize the contributions which Public Works employees make every day to our health, safety, comfort, and quality of life.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of Jacksonville Beach to be affixed this 1st day of April, 2013.

William C. Latham, MAYOR

CITY OF JACKSONVILLE BEACH

904/247-6268 • P.O. BOX 51389 • JACKSONVILLE BEACH, FLORIDA 32240

Proclamation

Child Abuse Prevention Month

Whereas, Florida's future prosperity depends on nurturing the healthy development of more than 4 million children living, growing and learning within our many diverse communities; and

Whereas, research shows that safe and nurturing relationships and stimulating and stable environments improve brain development and the well-being of children, while neglectful or abusive experiences and unstable or stressful environments increased the odds of poor childhood outcomes; and

Whereas, the abuse and neglect of children can cause severe, costly and lifelong problems affecting all of society, including physical and mental health problems, school failure and criminal behavior; and

Whereas, research also shows that parents and caregivers who have social networks and know how to seek help in times of trouble are more resilient and better able to provide safe environments and nurturing experiences for their children; and

Whereas, individuals, businesses, schools and faith-based and community organizations must make children a top priority and take action to support the physical, social, emotional and educational development and competency of all children; and

Whereas, during the month of April, Prevent Child Abuse Florida, in collaboration with the Florida Department of Children and Families, will be engaging communities throughout the state in a coordinated effort to prevent child abuse and neglect by promoting the awareness of healthy child development, positive parenting practices and the types of concrete support families need within their communities.

Now, Therefore, I, William C. Latham, Mayor of the City of Jacksonville Beach, by virtue of the authority vested in me, do hereby proclaim April 2013, as

Child Abuse Prevention Month

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of Jacksonville Beach to be affixed this 1st day of April, 2013.

William C. Latham, MAYOR

CITY OF JACKSONVILLE BEACH

904/247-6268 • P.O. BOX 51389 • JACKSONVILLE BEACH, FLORIDA 32240

City of

Jacksonville Beach

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6268

Fax: 904.247.6276

www.jacksonvillebeach.org

To: Mayor and City Council

From: George D. Forbes, City Manager

Subject: Authorize Parking Validation Program and Budget for the Downtown Parking Program

Date: March 26, 2013

ACTION

Authorize parking validation program and the budget for the downtown parking program.

BACKGROUND

On March 18, 2013, the Jacksonville Beach City Council voted to continue the paid parking program in the three downtown parking lots with a parking validation program.

The paid parking program will be in effect during daylight savings time (March 10, 2013, through November 3, 2013). Paid parking has been eliminated during the winter months.

The City Council authorized that we seek proposals to replace the orange barricades with a movable gate system for the 3 paid parking lots, and for the police department to take over security. The estimated costs of the police budget for the 2013 paid parking program are as follows:

Total Estimated Costs for CSOI's	\$31,000
1 Police Officer Salary & Benefits	\$30,000
Radios and Chargers	\$13,000
Uniforms and Equipment for 10 Part-time Employees (Community Service Officer II)	\$10,000
2 Golf Carts Street Ready	\$21,750



Printing Validation Tickets	\$10,000
<u>Total Police and CSOII Annual Payroll Cost</u>	<u>\$61,000</u>
<u>Total Equipment/Printing and Uniforms</u>	<u>\$54,750</u>
<u>Total Estimated Cost for the Program</u>	<u>\$115,750</u>

It is recommended that the costs of the 2013 parking program be authorized from the general fund unallocated. The cost of the payroll above should be recovered through parking fees, and the cost of the equipment and uniforms is from the net income already made from the parking program. Please note that the validation program below, if approved, may substantially reduce net income from the parking program. This is because for each \$5 parking fee, \$2 goes to Republic Parking for collecting the money. We will also come back to the City Council with the costs of the movable gates for the 3 parking lots.

VOLUNTARY PARKING VALIDATION PROGRAM

The proposed validation process is as follows:

1. The fee to park will be \$5.00 per vehicle. Parking lot attendants will provide customers with a parking validation ticket upon entry into the Latham, Pier, and Ritz parking lots. The ticket may include information such as date, time, lot location and cashier.

2. If the customer spends more than \$20.00 (before taxes and gratuities) at a participating business, the merchant will give a refund to the customer in the form of a \$5.00 reduction of the bill. The customer will give the merchant his parking validation ticket and the merchant will attach the ticket to a copy of the customer's receipt. The customer's point of sale receipt must specifically itemize the amount billed before taxes and the refund given to the customer must be clearly legible and separately stated. This means that each participating business must program its receipt system for the parking validation program.

3. At the close of business, the merchant will summarize the parking refunds given that day on a summary form to be provided by the City. The merchant will then bring the summary form, parking validation tickets with a copy of the customer's receipt attached to each ticket to City Hall within three business days following the date of the transaction. After City staff verifies the accuracy of the information provided by the merchant, a check for the amount of verified parking refunds will be mailed to the merchant.
4. At the end of each calendar year, merchants receiving more than \$600 in parking refunds during the year will receive an IRS 1099-MISC form reporting the total amount of reimbursements they received.

RECOMMENDATIONS

Authorize the downtown parking budget and validation program as detailed in a memo from the City Manager dated March 26, 2013.

MEMORANDUM OF UNDERSTANDING

JACKSONVILLE BEACH DOWNTOWN PARKING VALIDATION PROGRAM

This **Memorandum of Understanding** (the Memorandum) is made on this _____ day of _____, 2013, by and between **CITY OF JACKSONVILLE BEACH**, of 11 North 3rd Street, Jacksonville Beach, Florida 32250, hereinafter referred to as "**City**" and [NAME OF BUSINESS], of [BUSINESS ADDRESS], Jacksonville Beach, Florida 32250 hereinafter referred to as "**Participating Merchant**" for the purpose of achieving the various aims and objectives relating] to the **DOWNTOWN PARKING MERCHANT VALIDATION PROGRAM**.

WHEREAS, the City and the Participating Merchant desire to enter into this Memorandum of Understanding which the City and the Participating Merchant will work together to implement the Downtown Parking Merchant Validation Program; and

WHEREAS, the City and the Participating Merchant are desirous to enter into a Memorandum of Understanding between them, setting out the working arrangements that each of the parties agree are necessary to implement the Downtown Parking Merchant Validation Program;

OBJECTIVE

The objective of this Memorandum is to provide the framework for a Downtown Parking Merchant Validation Program between the City and the Participating Merchant.

OBLIGATIONS OF THE PARTIES

The Parties to this memorandum of understanding acknowledge that no contractual relationship is created between them by this Memorandum, but agree to work together to ensure that there is a workable Downtown Parking Merchant Validation Program; and to demonstrate financial, administrative and managerial commitment to the Downtown Parking Merchant Validation Program by means of the following individual services.

COOPERATION

The activities and services for the Project shall include, but not limited to:

1. Services to be rendered by the City include:
 - a. Parking Lot Attendant collects \$5.00 parking fee from the customer.
 - b. Parking Lot Attendant issues sequentially numbered and dated City Parking Ticket.
(NOTE: Tickets are unique to each of the three paid parking lots.)
 - c. City issues a check to the Participating Merchant after verifying the validity of the payment re-

quest. Verification shall include, but is not limited to, verifying each parking ticket number and date against the Jacksonville Beach Police Department parking ticket logs, matching merchant receipts to the parking ticket date, and verifying that the discount given is shown as a separate item on the merchant's point of sale (POS) receipt.

- d. City processes and issues the check to the Participating Merchant in accordance with standard City accounts payable procedures. Generally, parking validation payment requests are processed within 10 days of receipt.
 - e. Prior to this Memorandum of Understanding taking effect, the Participating Merchant shall provide the City with an IRS Form W-9. On a calendar year basis, Participating Merchants who receive reimbursements totaling \$600.00 or more will be issued an IRS Form 1099-MISC showing the total amount of the reimbursements paid to the Participating Merchant.
2. Services to be provided by the Participating Merchant include:
- a. The parking customer presents the City parking ticket to the Participating Merchant requesting a discount against his or her purchases from that merchant.
 - b. Participating Merchant collects the parking ticket from the customer and verifies its authenticity (logo information and date stamp matches date of service) before issuing the discount to the customer.
 - c. If the customer has spent a minimum of \$20.00 (excluding taxes and gratuities) at the place of business, the Participating Merchant issues a \$5.00 discount to the customer that is separately stated on the receipt from the merchant's point of sale (POS) system.
 - d. The Participating Merchant staples each parking ticket to the merchant's POS receipt, completes a payment request form provided by the City that summarizes the amount of parking validations given to customers in a specified time period, and submits the entire package to the City's Utility Billing Division at City Hall within ten (10) days of the transaction.

LIABILITY

No liability will arise or be assumed between the Partners as a result of this Memorandum.

TERM

The arrangements made by the Partners by this Memorandum shall remain in place until November 3, 2013. The City has the right to terminate or amend the validation program at any time.

UNDERSTANDING

It is mutually agreed upon and understood by and among the Partners of this Memorandum that:

1. Each Party agrees to work together in a cooperative fashion for the fulfillment of the Downtown Parking Merchant Validation Program.
2. This Memorandum is not intended to and does not create any right, benefit, or trust responsibility between the City and Participating Merchant.
3. In the event of a dispute between the parties relating to the Downtown Parking Merchant Validation Program, the decision of the City Finance Officer or his designee will be final.
4. This Memorandum will be effective upon the signature of both Parties.
5. Any Party may terminate its participation in this Memorandum by providing written notice to other Party.

*By signing this Memorandum of Understanding, the Parties indicate their support of the objectives of the **DOWNTOWN PARKING MERCHANT VALIDATION PROGRAM** and the Participating Merchant agrees to comply with the City's rules and procedures governing the **DOWNTOWN PARKING MERCHANT VALIDATION PROGRAM**:*

FOR THE CITY OF JACKSONVILLE BEACH

George D. Forbes, City Manager

FOR: _____
Name of Business

BY: _____
Business Owner

Types or Printed Name

Pier Parking Lot

Pier Parking Lot

Pier-1

Pier-1

Date: _____

Date: _____

Time: _____

Cashier: _____



Latham Parking Lot

Latham Parking Lot

L-1

L-1

Date: _____

Date: _____

Time: _____

Cashier: _____



3rd Avenue North

3rd Avenue North

3 Ave-1

3 Ave-1

Date: _____

Date: _____

Time: _____

Cashier: _____



Merchant Validation

The City of Jacksonville Beach offers a Merchant Validation Program for shoppers in our Central Business District. Look for the Parking Validation Program Sign in the window of your favorite participating merchant.

Business participation in the program is voluntary. Jacksonville Beach will not be liable for claims, statements, discounts or services made by merchants that may or may not participate in the program.



Merchant Validation

The City of Jacksonville Beach offers a Merchant Validation Program for shoppers in our Central Business District. Look for the Parking Validation Program Sign in the window of your favorite participating merchant.

Business participation in the program is voluntary. Jacksonville Beach will not be liable for claims, statements, discounts or services made by merchants that may or may not participate in the program.

City of

Jacksonville Beach

2508 South Beach

Parkway

Jacksonville Beach

FL 32250

Phone: 904.247.6236

Fax: 904.247.6143

www.jacksonvillebeach.org



TO: George D. Forbes
City Manager

FROM: Gary Meadors
Recreation & Parks Director

DATE: March 26, 2013

SUBJECT: Request to purchase a surf ski for the Ocean Rescue Competition Team from donation monies

ACTION REQUESTED:

Approve the purchase of a surf ski for use by the Ocean Rescue Competition Team.

BACKGROUND:

The City of Jacksonville Beach in association with the American Red Cross manages and operates the Ocean Rescue Division. A key reason for the success of the Rescue Division is the daily training and physical fitness regimens required of all lifeguards. One method to gauge the level of readiness and training for a rescue is to participate in competitions against other lifesaving teams such as Daytona Beach, Myrtle Beach, and Ft. Lauderdale. In order to participate in the competitions the team must travel and provide their own equipment for use during these events.

The Ocean Rescue Competition Team members raised funds on their personal time to assist with their travel costs and equipment costs; the funds were recorded in the Ocean Rescue donations account. The account currently has an available balance of \$1,853. They would like to use these funds to purchase a surf ski (model: Fenn LS Surf Ski, white deck/hull, glass, adjustable footwell, deep seat) for training purposes. The cost of the surf ski is \$1,750. If this purchase is approved Ocean Rescue's budget will be adjusted accordingly in the year-end budget mod.

RECOMMENDATION:

Approve the purchase of a surf ski for the Ocean Rescue Competition Team as described in a memorandum from the Recreation & Parks Director dated March 26, 2013.



City of

Jacksonville Beach

2508 South Beach

Parkway

Jacksonville Beach

FL 32250

Phone: 904.247.6236

Fax: 904.247.6143

www.jacksonvillebeach.org

TO: George D. Forbes
City Manager

FROM: Gary Meadors
Recreation & Parks Director

DATE: March 26, 2013

SUBJECT: Request to purchase a Greens Roller and Aerator Machine for the golf course.

ACTION REQUESTED:

Approve the purchase of a replacement greens roller and aerator machine for the golf course.

BACKGROUND:

The City of Jacksonville Beach Golf Course is a municipal course that is a popular golfing destination in the North Florida area. The condition of the greens is one of the reasons people choose to play our course.

In order to provide a smooth greens surface on a daily basis the maintenance staff uses a **greens roller** to roll the greens. The current greens roller is in poor condition and needs immediate replacement at a cost of \$7,300.

An aerator, also called a coring machine, inserts small holes into the greens surface to maintain the health of the greens. We currently contract for the aeration of the greens 2-3 times per year at a cost of \$3,000 per aeration. The contracted aeration process also requires us to shut down the course for a day costing us an additional estimated \$7,000 in revenues per aeration. If we purchase our own aerator at a cost of \$22,175, we could schedule the process so we would not be required to shut down the golf course. For this reason we believe purchasing our own aerator will pay for itself within 2 years.

The cost of the greens roller is \$7,300 and the cost of aerator machine is \$22,175. Funding for this project will be from the golf course enterprise fund and included in the year-end budget mod.

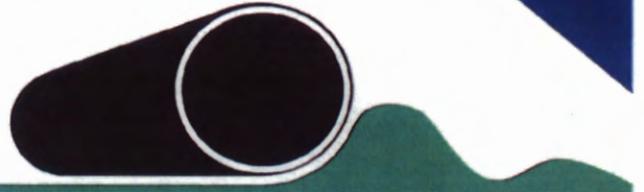


RECOMMENDATION:

Approve the purchase of a replacement greens roller and aerator machine for the golf course as described in a memorandum from the Recreation & Parks Director dated March 26, 2013.

True-Surface® Vibratory
Greens Rolling System

TRUE-SURFACE®



VIBE V

... makes true greens!

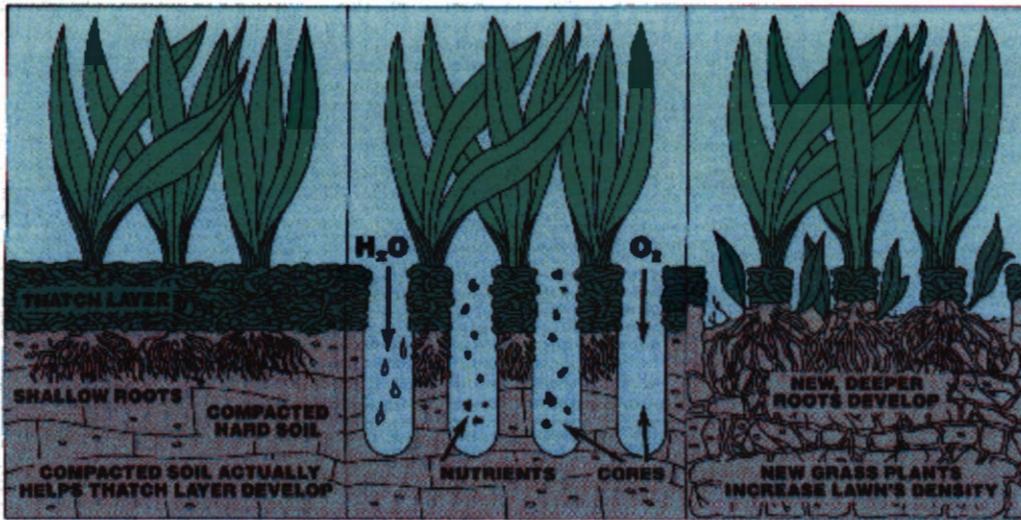
JACOBSEN MODELS



1-800-443-8506

WWW.TRUE-SURFACE.COM

GOLF COURSE GREENS AERIFICATION



BEFORE

IMMEDIATELY FOLLOWING

8-10 WEEKS FOLLOWING

Greens & Tees

Like S

No Crushed Cores
Higher Productivity
Series/Parallel 3-Wheel Drive
Easy and Safe to Operate



odels | [Overview](#) | [Features](#) | [Images & Video](#)



ProCore® 648 (09200)



City of
Jacksonville Beach
Operations &
Maintenance Facility
Department of Public
Works
1460-A Shetter Avenue
Jacksonville Beach
FL 32250
Phone: 904.247.6219
Fax: 904.247.6117

www.jacksonvillebeach.org

March 24, 2013

TO: George D. Forbes, City Manager
FROM: Ty Edwards, Public Works Director
SUBJECT: Final Approval for Purchase of Real Property,
Lot 1, Block 9, Pine Grove Unit 2 Subdivision

ACTION REQUESTED:

Authorize the execution of closing documents to finalize purchase of real property.

BACKGROUND:

Over the past two (2) decades, the Council supported design and construction of many infrastructure projects that included stormwater and drainage components, resulting in major improvements in drainage throughout the City. Even so, since we live on a flat island that is significantly developed, runoff from heavy storms overwhelms the drainage infrastructure at times causing periods of local flooding in low lying areas.

Staff became aware that land in two low lying areas may be available for acquisition. This land consists of a total of eight (8) platted lots contained within six (6) properties. Over the past year or so, staff advised Council about these properties during regularly scheduled briefings and the past summer's City Budget Tour. In September, Council authorized the Mayor and City Manager to execute a purchase and sale agreement with the owner of each of these properties with whom the City obtained mutually agreed price and terms for land purchase, and to bring each executed purchase and sale agreement back to the City Council for final approval.

In March, Council approved the execution of closing documents on two of these properties. Subsequently for each property, closing occurred and ownership transferred to the City.

This purchase and sale agreement has been executed as a short sale with the stipulation that the closing occur prior to April 19, 2013.



After the purchase of this property, (see attached map) the City intends to clear all structures from this property and the adjacent property (1318 N. 6th Ave. which the City recently purchased).

The City's pre-closing assessment will be completed prior to closing. The description of the property being purchased and the estimated total land acquisition costs are as follows:

ESTIMATED CITY LAND ACQUISITION COSTS			
for			
• ADDRESS:	<u>1304 North 6th Avenue, Jacksonville Beach</u>		
• DESCRIPTION:	Lot 1, Block 9, Pine Grove Unit 2 Subdivision		
• REAL ESTATE #:	177833-0000		
<u>DESCRIPTION</u>	<u>COST</u>	<u>Pay at Closing</u>	<u>Pay Outside Closing</u>
• Final Agreed Purchase Price	\$140,000	\$139,000 ¹	\$1,000 ¹
○ Property Appraisal	\$375		\$375
○ Property Survey	\$450	\$450	
○ Phase 1 Environmental Site Assessment	\$1,240		\$1,240
○ Estimated Miscellaneous Costs <i>(such as preparation of closing documents, copies, courier, recording deed, misc. attorney costs)</i>	<u>\$2,500</u>	<u>\$750</u>	<u>\$1,750</u>
• Total Estimated City Closing Costs	\$4,565		
Grand Total Cost:	\$144,565	\$140,200	\$4,365
¹ \$1,000 Deposit was paid and held for closing. ² Appraised value of the property is \$182,000.			

We are requesting that the Mayor and City Manager be authorized to execute the closing documents to finalize, at the Final Agreed Purchase Price of \$140,000 plus the Total Estimated City Closing Costs of \$4,565, the City purchase of the real property described above.

It is also recommended that funding in the amount of \$30,000 be authorized to clear, grade and grass the two adjacent properties (1304 and 1318 N. 6th Avenue).

Funding is available in the balance of the Stormwater Enterprise Fund and the FY2013 budget will be adjusted accordingly at year end

RECOMMENDATION:

As explained in the memorandum from the Public Works Director dated March 24, 2013:

1. Authorize the Mayor and City Manager to execute the closing documents for the City purchase of the real property described as Lot 1, Block 9, Pine Grove Unit Number 2 Subdivision.
2. Authorize \$30,000 to clear, grade and grass two City-owned real properties.

REAL ESTATE NUMBER	ADDRESS	DESCRIPTION		
• 177833 0000	1304 North 6 th Avenue	Line 1 17-18	Line 2 Pine Grove Unit No 2 S/D	Line 3 Lot 1, Block 9



City of
Jacksonville Beach

City Hall
11 North Third Street

Jacksonville Beach
FL 32250

Phone: 904.247.6231

Fax: 904.247.6107

Planning@jaxbchfl.net

www.jacksonvillebeach.org

MEMORANDUM

To: George D. Forbes, City Manager

From: William C. Mann, Senior Planner 

Re: Ordinance No. 2013-8025, repealing Section 34-467 *Flood Hazard Area* of the Jacksonville Beach Land Development Code (LDC), and replacing it with new Floodplain Management Regulations consistent with the 2010 Florida Building Code, adopting updated Flood Hazard Maps, and adopting local administrative amendments to the Florida Building Code.

Date: February 28, 2013

ACTION REQUESTED:

Adoption of Ordinance No. 2013-8025, repealing Section 34-467 *Flood Hazard Area* of the Jacksonville Beach Land Development Code (LDC), and replacing it with new Floodplain Management Regulations consistent with the 2010 Florida Building Code, adopting updated Flood Hazard Maps, and adopting local administrative amendments to the Florida Building Code. (Applicant – Steve Lindorff, Planning and Development Director)

BACKGROUND:

The 2010 edition of the Florida Building Code became effective in the spring of 2012. One key provision in this latest version of the Building Code is that it contains flood provisions governing the flood resistant design of buildings in mapped flood hazard areas. Some of these regulations are not consistent with Florida counties' and cities' existing floodplain regulations, so the Division of Emergency Management (DEM) developed a 'model' ordinance to be used by counties and cities that repeals their current regulations and replaces them with regulations which are consistent with the flood regulations in the new Building Code.



The attached ordinance incorporates the State's model language into our Land Development Code. These new regulations are not only coordinated with the Florida Building Code, they are also improved in some respects. For example, floodplain management provisions and definitions are clearer and more detailed, and include administrative provisions and requirements for development other than buildings, and for structures that are exempt from Building Code requirements. Detailed elevation requirements for flood zone area buildings that require permits are now contained in the Building Code, whereas they had traditionally been found in a city's local zoning regulations.

The City has been regulating construction in its flood hazard areas since it began participation in the National Flood Insurance Program (NFIP) in 1977. Our flood hazard area regulations set minimum first floor elevations and design standards for structures located in flood hazard areas, or flood zones as they are commonly referred to. These regulations serve to minimize the potential for flood damage to such structures, thereby reducing flood insurance policy claims paid out by the NFIP. For instance, the low lying developed areas adjacent to the Pablo Creek salt marshes lie in AE Flood Zones with base flood elevations of 4' and 5', depending on exact location. Our flood regulations require that habitable structures built within these zones be elevated so that the first floor and the lowest equipment serving that structure are at or above that specified base flood elevation.

The proposed ordinance does not increase any regulations applicable to development in floodplain areas in the city. The regulations for such development have simply been moved, in large part, from our zoning code to the Building Code. The attached ordinance also references the new Flood Insurance Rate Map (FIRM) panels for the City, prepared by FEMA over the last three years, and recently distributed to all Duval County cities. They replace our current Flood Map panels dated April 17, 1989. There are no major changes to the delineated flood hazard areas on the panels, and several smaller, isolated flood hazard areas were actually eliminated. Owners whose properties were potentially affected by changes in the new maps were contacted by FEMA contractors during the map update process.

The Planning Commission met and conducted a required public hearing on this Land Development Code Text Amendment application on Monday, February 25, 2013, and recommended its approval by the City Council.

RECOMMENDATION:

Adopt Ordinance No. 2013-8025, approving new Floodplain Management Regulations coordinated with the 2010 Florida Building Code, adopting local administrative amendments to the Florida Building Code, and adopting updated Flood Insurance Rate Map panels for the City of Jacksonville Beach.

Introduced by: Mayor Pro-Tem Tom Taylor

1st Reading: March 18, 2013

2nd Reading: _____

ORDINANCE NO. 2013-8025

AN ORDINANCE TO AMEND AN ORDINANCE ENACTING AND ESTABLISHING A COMPREHENSIVE LAND DEVELOPMENT REGULATION AND OFFICIAL ZONING MAP BY REPEALING SECTION 34-467 FLOOD HAZARD AREA IN ITS ENTIRETY AND BY ADOPTING A NEW SECTION 34-347 FLOODPLAIN MANAGEMENT REGULATIONS; ADOPTING FLOOD HAZARD MAPS, DESIGNATING A FLOODPLAIN ADMINISTRATOR, ADOPTING PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, ADOPTING LOCAL ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR APPLICABILITY, REPEALER, AND SEVERABILITY CLAUSES; ESTABLISHING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the City of Jacksonville Beach and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

WHEREAS, the City of Jacksonville Beach was accepted for participation in the National Flood Insurance Program on March 15, 1977, and the Jacksonville Beach City Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to provide a mechanism for the uniform adoption, updating, amendment, interpretation and enforcement of a state building code, called the *Florida Building Code*; and

WHEREAS, Section 553.73(5), Florida Statutes, allows adoption of local administrative amendments to the *Florida Building Code* to implement the National Flood Insurance Program; and

WHEREAS, the Jacksonville Beach City Council has determined that it is in the public interest to adopt the proposed floodplain management regulations that are coordinated with the *Florida Building Code*.

NOW, THEREFORE, BE IT ORDAINED by the Jacksonville Beach City Council that the following floodplain management regulations, and the following local administrative amendments to the

2010 *Florida Building Code*, are hereby adopted.

SECTION 1. RECITALS. The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

SECTION 2. That Land Development Code Article VI, Division 6, Section 34-287. *Supplemental Standards For Variances In Flood Hazard Areas* and Land Development Code Article VIII, Division 5, Section 34-467. *Flood Hazard Area* are repealed and shall be replaced by the following new Land Development Code Article VIII, Division 5, Section 34-467. *Flood Hazard Area* which shall read as follows:

**ARTICLE VIII SITE DEVELOPMENT STANDARDS
DIVISION 5. ENVIRONMENTAL STANDARDS**

Sec. 34-467. Flood hazard area

(a) *Administration*

(1) *General*

- a. *Title.* These regulations shall be known as the *Floodplain Management Ordinance of the City of Jacksonville Beach, Florida*, hereinafter referred to as “this ordinance.”
- b. *Scope.* The provisions of this ordinance shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.
- c. *Intent.* The purposes of this ordinance and the flood load and flood resistant construction requirements of the *Florida Building Code* are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:
 1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
 2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
 3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
 4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
 5. Minimize damage to public and private facilities and utilities;
 6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;

7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
 8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.
- d. *Coordination with the Florida Building Code.* This ordinance is intended to be administered and enforced in conjunction with the *Florida Building Code*. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the *Florida Building Code*.
 - e. *Warning.* The degree of flood protection required by this ordinance and the *Florida Building Code*, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this ordinance.
 - f. *Disclaimer of Liability.* This ordinance shall not create liability on the part of the City Council of the City of Jacksonville Beach or by any officer or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

(2) *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 ordinance applies.* This ordinance shall apply to all flood hazard areas within the City of Jacksonville Beach, as established in Section 102.3 of this ordinance.
- c. *Basis for establishing flood hazard areas.* The Flood Insurance Study for Duval County, Florida and Incorporated Areas dated June 3, 2013, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at City Hall in the Planning and Development Department, 11 N. 3rd Street.
- d. *Submission of additional data to establish flood hazard areas.* To establish flood hazard areas and base flood elevations, pursuant to Section 105 of this ordinance the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared

by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

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 ordinance 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 ordinance shall not be deemed to nullify any provisions of local, state or federal law.
- f. *Abrogation and greater restrictions.* This ordinance supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the *Florida Building Code*. In the event of a conflict between this ordinance and any other ordinance, the more restrictive shall govern. This ordinance shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this ordinance.
- g. *Interpretation.* In the interpretation and application of this 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.

(3) *Duties and powers of the flood plain administrator.*

- a. *Designation.* The Planning and Development Director 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 ordinance. The Floodplain Administrator shall have the authority to render interpretations of this ordinance consistent with the intent and purpose of this ordinance and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this ordinance without the granting of a variance pursuant to Section 107 of this ordinance.
- c. *Applications and permits.* The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:
1. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
 2. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this ordinance;

3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
 4. Provide available flood elevation and flood hazard information;
 5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
 6. Review applications to determine whether proposed development will be reasonably safe from flooding;
 7. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*, when compliance with this ordinance is demonstrated, or disapprove the same in the event of noncompliance; and
 8. Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this ordinance.
- d. *Substantial improvement and substantial damage determinations.* For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:
1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
 2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
 3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
 4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the *Florida Building Code* and this ordinance is required.
- e. *Modifications of the strict application of the requirements of the Florida Building Code.* The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Section 107 of this ordinance.
- f. *Notices and orders.* The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this ordinance.

- g. *Inspections.* The Floodplain Administrator shall make the required inspections as specified in Section 106 of this ordinance 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 103.4 of this ordinance;
 - 2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
 - 3. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;
 - 4. Review required design certifications and documentation of elevations specified by this ordinance and the *Florida Building Code* and this ordinance to determine that such certifications and documentations are complete;
 - 5. Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Jacksonville Beach are modified; and
 - 6. Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as “Coastal Barrier Resource System Areas” and “Otherwise Protected Areas.”
- i. *Floodplain management records.* Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ordinance and the flood resistant construction requirements of the *Florida Building Code*, including Flood Insurance Rate Maps; Letters of Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the *Florida Building Code* and this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance and the flood resistant construction requirements of the *Florida Building Code*. These records shall be available for public inspection at the offices of the Planning and Development Department, 11 North 3rd Street.

(4) *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 ordinance, including buildings, structures and facilities exempt from the *Florida Building Code*, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this ordinance and all other applicable codes and regulations has been satisfied.
- b. *Floodplain development permits or approvals.* Floodplain development permits or approvals shall be issued pursuant to this ordinance for any development activities not subject to the requirements of the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.
- 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 ordinance:
 1. Railroads and ancillary facilities associated with the railroad.
 2. Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
 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 section 366.02, F.S., 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 paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
 7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
 8. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
 9. Structures identified in section 553.73(10)(k), F.S., are not exempt from the *Florida Building Code* if such structures are located in flood hazard areas established on Flood Insurance Rate Maps
- 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 community. The information provided shall:
 1. Identify and describe the development to be covered by the permit or approval.

2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
 3. Indicate the use and occupancy for which the proposed development is intended.
 4. Be accompanied by a site plan or construction documents as specified in Section 105 of this ordinance.
 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 ordinance shall not be construed to be a permit for, or approval of, any violation of this ordinance, the *Florida Building Codes*, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.
- f. *Expiration.* A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.
- 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 ordinance or any other ordinance, regulation or requirement of this community.
- 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; section 373.036, F.S.
 2. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
 3. Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; section 161.141, F.S.
 4. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
 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.

(5) *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 ordinance shall be drawn to scale and shall include, as applicable to the proposed development:

1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
2. Where base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 105.2 of this ordinance.
3. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 105.2(2) or (3) of this ordinance.
4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.
5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
7. Delineation of the Coastal Construction Control Line or notation that the site is seaward of the coastal construction control line, if applicable.
8. Extent of any proposed alteration of sand dunes or mangrove stands provided such alteration is approved by the Florida Department of Environmental Protection.
9. Existing and proposed alignment of any proposed alteration of a watercourse.

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

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

1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
2. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.

3. Where base flood elevation data and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - (a) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - (b) Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.
 4. Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.
- c. *Additional analyses and certifications.* As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:
1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 105.4 of this ordinance and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
 2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
 3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 105.4 of this ordinance.
 4. For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.
- d. *Submission of additional data.* When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs,

and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

(6) *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 ordinance 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 ordinance and the conditions of issued floodplain development permits or approvals.
- d. *Building, structures, and facilities exempt from the Florida Building Code, lowest floor inspection.* Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the *Florida Building Code*, or the owner's authorized agent, shall submit to the Floodplain Administrator:
 1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
 2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 105.2(3)(b) of this ordinance, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.
- e. *Buildings, structures, and facilities exempt from the Florida Building Code, final inspection.* As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 106.1.2.1 of this ordinance.
- f. *Manufactured homes.* The building official shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ordinance and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Building Inspection Division.

(7) *Variances and appeals.*

- a. *General.* The Jacksonville Beach Board of Adjustment shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to section 553.73(5), F.S., the Jacksonville Beach Board of Adjustment shall hear and decide on requests for appeals and requests for variances from the strict application of the flood

resistant construction requirements of the *Florida Building Code*. This section does not apply to Section 3109 of the *Florida Building Code, Building*.

- b. *Appeals*. The Jacksonville Beach Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this ordinance. Any person aggrieved by the decision of the Jacksonville Beach Board of Adjustment may appeal such decision to the Circuit Court of Duval County, as provided by Florida Statutes.
- c. *Limitations on authority to grant variances*. The Jacksonville Beach Board of Adjustment shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 107.6 of this ordinance, the conditions of issuance set forth in Section 107.7 of this ordinance, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Jacksonville Beach Board of Adjustment has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.
- d. *Restrictions in floodways*. A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 105.3 of this ordinance.
- e. *Historic buildings*. A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the *Florida Building Code, Existing Building*, Chapter 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*.
- f. *Functionally dependent uses*. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this ordinance, provided the variance meets the requirements of Section 107.3.1, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.
- g. *Considerations for issuance of variances*. In reviewing requests for variances, the Jacksonville Beach Board of Adjustment shall consider all technical evaluations, all relevant factors, all other applicable provisions of the *Florida Building Code*, this ordinance, and the following:
 - 1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
 - 2. The danger to life and property due to flooding or erosion damage;
 - 3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
 - 4. The importance of the services provided by the proposed development to the community;

5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
 6. The compatibility of the proposed development with existing and anticipated development;
 7. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
 8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
 9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.
- h. *Conditions for issuance of variances.* Variances shall be issued only upon:
1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards;
 2. Determination by the Jacksonville Beach Board of Adjustment that:
 - (a) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - (b) The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and 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 \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

(8) *Violations.*

- a. *Violations.* Any development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this ordinance, shall be deemed

a violation of this ordinance. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this ordinance or the *Florida Building Code* is presumed to be a violation until such time as that documentation is provided.

- b. *Authority.* For development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.
- c. *Unlawful continuance.* Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

(9) *Definitions.*

a. *General.*

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

b. *Definitions.*

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

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

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

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

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

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

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

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

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

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

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

Development. 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 March 15, 1977. [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 March 15, 1977.

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 areas: [Also defined in FBC, B, Section 1612.2.]

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

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

Flood Insurance Study (FIS). The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
3. Available with special features enabling off-street or off-highway operation and use.

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

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

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

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

New construction. For the purposes of administration of this ordinance and the flood resistant construction requirements of the *Florida Building Code*, structures for which the "start of construction" commenced on or after March 15, 1977 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 March 15, 1977.

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 Section 320.01, F.S.]

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

1. Built on a single chassis;
2. Four hundred (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 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 1612.2.]

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

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

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

Substantial improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 1612.2.]

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Section 107 of this ordinance.

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

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

(10) *Flood resistant development.*

a. *Buildings and structures.*

1. *Design and construction of buildings, structures, and facilities exempt from the Florida Building Code.* Pursuant to Section 104.2.1 of this ordinance, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of Section 307 of this ordinance.
2. *Buildings and structures seaward of the coastal construction control line.* If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:
 - (a) Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the *Florida Building Code, Building* Section 3109 and Section 1612 or *Florida Building Code, Residential* Section R322.
 - (b) Minor structures and non-habitable major structures as defined in section 161.54, F.S., shall be designed and constructed to comply with the intent and applicable provisions of this ordinance and ASCE 24.

b. *Subdivisions.*

1. *Minimum requirements.* Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:
 - (a) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
 - (b) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
 - (c) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
2. *Subdivision plats.* Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:
 - (a) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats and final plats;
 - (b) Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 105.2(1) of this ordinance; and

- (c) Compliance with the site improvement and utilities requirements of Section 303 of this ordinance.

c. *Site improvements, utilities, and limitations.*

1. *Minimum requirements.* All proposed new development shall be reviewed to determine that:
 - (a) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
 - (b) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
 - (c) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
 - (d) *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.
 - (e) *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.
 - (f) *Limitations on sites in regulatory floodways.* No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 105.3(1) of this ordinance demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.
 - (g) *Limitations on placement of fill.* Subject to the limitations of this ordinance, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the *Florida Building Code*.
 - (h) *Limitations on sites in coastal high hazard areas (Zone V).* In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by Section 105.3(4) of this ordinance 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 307.8(3)

d. *Manufactured homes.*

1. *General.* All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.
2. *Foundations.* All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:
 - (a) In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.2 and this ordinance.
 - (b) In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.3 and this ordinance.
3. *Anchoring.* All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.
4. *Elevation.* Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 304.4.1 or 304.4.2 of this ordinance, as applicable.
5. *General elevation requirement.* Unless subject to the requirements of Section 304.4.2 of this ordinance, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V).
6. *Elevation requirement for certain existing manufactured home parks and subdivisions.* Manufactured homes that are not subject to Section 304.4.1 of this ordinance, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:
 - (a) Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V); or

- (b) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.
 - 7. *Enclosures.* Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential* Section R322 for such enclosed areas, as applicable to the flood hazard area.
 - 8. *Utility equipment.* Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code, Residential* Section R322, as applicable to the flood hazard area.
- e. *Recreational vehicles and park trailers.*
- 1. *Temporary placement.* Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:
 - (a) Be on the site for fewer than one-hundred and eighty (180) consecutive days; or
 - (b) Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.
 - 2. *Permanent placement.* Recreational vehicles and park trailers that do not meet the limitations in Section 305.1 of this ordinance for temporary placement shall meet the requirements of Section 304 of this ordinance for manufactured homes.
- f. *Tanks*
- 1. *Underground tanks.* Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.
 - 2. *Above-ground tanks, not elevated.* Above-ground tanks that do not meet the elevation requirements of Section 306.3 of this ordinance shall:
 - (a) Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
 - (b) Not be permitted in coastal high hazard areas (Zone V).
 - 3. *Above-ground tanks, elevated.* Above-ground tanks in flood hazard areas shall be attached to, and elevated to or above the design flood elevation on, a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

4. *Tank inlets and vents.* Tank inlets, fill openings, outlets and vents shall be:
 - (a) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
 - (b) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.
- g. *Other development.*
1. *General requirements for other development.* All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the *Florida Building Code*, shall:
 - (a) Be located and constructed to minimize flood damage;
 - (b) Meet the limitations of Section 303.4 of this ordinance if located in a regulated floodway;
 - (c) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
 - (d) Be constructed of flood damage-resistant materials; and
 - (e) Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.
 2. *Fences in regulated floodways.* Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 303.4 of this ordinance.
 3. *Retaining walls, sidewalks, and driveways in regulated floodways.* Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 303.4 of this ordinance.
 4. *Roads and watercourse crossings in regulated floodways.* Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 303.4 of this ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 105.3 (3) of this ordinance.
 5. *Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios, and similar nonstructural uses in coastal high hazard areas (Zone V).* In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:
 - (a) Structurally independent of the foundation system of the building or structure;
 - (b) Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and

- (c) Have a maximum slab thickness of not more than four (4) inches.
6. *Decks and patios in coastal high hazard areas (Zone V).* In addition to the requirements of the *Florida Building Code*, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:
- (a) A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
 - (b) A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
 - (c) A deck or patio that has a vertical thickness of more than 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 run-up and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.
 - (d) A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave run-up and wave reflection.
7. *Other development in coastal high hazard areas (Zone V).* In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:
- (a) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
 - (b) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
 - (c) On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.
8. *Nonstructural fill in coastal high hazard areas (Zone V).* In coastal high hazard areas:
- (a) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
 - (b) Nonstructural fill with finished slopes that are steeper than one unit vertical to five

units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave run up and wave reflection that would increase damage to adjacent buildings and structures.

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

SECTION 3. The *Florida Building Code, Building* is amended by adding a new Section 107.6.1 to the Administration chapter of the Florida Building Code which shall read as follows:

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*.

SECTION 4. The *Florida Building Code, Building* is amended by adding a new Section 117 to the Administration chapter of the Florida Building Code which shall read as follows:

117 VARIANCES IN FLOOD HAZARD AREAS

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

SECTION 5. FISCAL IMPACT STATEMENT. In terms of design, plan application review, construction and inspection of buildings and structures, the cost impact as an overall average is negligible in regard to the local technical amendments because all development has been subject to the requirements of the local floodplain management ordinance adopted for participation in the National Flood Insurance Program. In terms of lower potential for flood damage, there will be continued savings and benefits to consumers.

SECTION 6. APPLICABILITY. For the purposes of jurisdictional applicability, this ordinance shall apply in the City of Jacksonville Beach. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after April 1, 2013.

SECTION 7. All other ordinances and regulations or parts of ordinances and regulations in conflict herewith are hereby repealed to the extent of any conflict.

SECTION 8. INCLUSION INTO THE CODE OF ORDINANCES. It is the intent of the Jacksonville Beach City Council that the provisions of this ordinance shall become and be made a part of Chapter 34 *Jacksonville Beach Land Development Code* of the Jacksonville Beach Code of Ordinances, and that the sections of this ordinance may be renumbered or relettered and the word “ordinance” may be changed to “section,” “article,” “regulation,” or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 9. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

SECTION 10. EFFECTIVE DATE. This ordinance shall take effect upon its adoption in accordance with the law.

AUTHENTICATED ON THIS _____ DAY OF _____, A.D., 2013

William C. Latham, MAYOR

Judy L. Bullock, CITY CLERK