



City of Jacksonville Beach

11 North Third Street
Jacksonville Beach, Florida

Agenda

Planning Commission

Monday, March 26, 2018

7:00 PM

Council Chambers

MEMORANDUM TO:

Members of the Planning Commission
City of Jacksonville Beach, Florida

The following Agenda of Business has been prepared for consideration and action at the Regular Meeting of the Planning Commission.

1. **Call to Order**
2. **Roll Call:** Greg Sutton (Chair), Dave Dahl (Vice-Chair), Bill Callan, Georgette Dumont, Britton Sanders
Alternates: Margo Moehring, Jason Lee
3. **Approval of Minutes:** February 12, 2018, February 26, 2018
4. **Correspondence:** None
5. **Old Business:** None
6. **New Business:**

(A) PC#5-18

Land Development Code Text Amendment to revise Section 34-467, *Flood Hazard Areas* of the City's Land Development Code, to revise cross references with Section 34-467, and to update references in that section to the Florida Building Code.

(B) PC#6-18 417 North 2nd Avenue (Lot 10)

Conditional Use Application for a single-family residential use located in a *Residential, multiple-family: RM-1* zoning district, pursuant to Section 34-339(d)(12) of the Jacksonville Beach Land Development Code.

(C) PC#7-18 1183 Beach Boulevard

Conditional Use Application for transfer of approved outdoor restaurant seating for a new restaurant, located in a *Commercial, general: C-2* zoning district, pursuant to Section 34-343(d)(14) of the Jacksonville Beach Land Development Code. (*McMurphy's Kitchen*)

(D) PC#8-18 937 & 939 11th Avenue South.

Conditional Use Application for an educational service, located in an *Industrial: I-1* zoning district, pursuant to Section 34-346(d)(9) of the Jacksonville Beach Land Development Code. (*Bolts & Bytes*, tutoring service)

7. Planning Department Report:

(A) The next meeting is scheduled for April 9, 2018.

NOTICE

In accordance with Section 286.0105, Florida Statutes, any person desirous of appealing any decision reached at this meeting may need a record of the proceedings. 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 recording secretary 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, extension 10, no later than one business day before the meeting.

MEMORANDUM



TO: Planning Commission Members
FROM: Heather Ireland, Senior Planner
DATE: March 19, 2018
RE: March 26, 2018 - Planning Commission Meeting

The following information is provided for your consideration regarding four agenda items for the upcoming March 26, 2018 Planning Commission meeting.

NEW BUSINESS:

PC#5-18 Land Development Code Text Amendment

Applicant: Planning and Development Department
11 North 3rd Street
Jacksonville Beach, FL 32250

Request: **Land Development Code Text Amendment Approval** to revise Section 34-467, Flood Hazard Areas of the City’s Land Development Code, to revise cross references with Section 34-467, and to update references therein to the Florida Building Code.

Comments: In 2013, the City of Jacksonville Beach adopted the current *Flood Hazard Area* section of the Land Development Code (LDC), repealing and replacing the previous Section 34-467 with new Floodplain Management Regulations that were consistent with the 2010 Florida Building Code. The 2013 update incorporated the State’s “model” language into the LDC. The update also referenced the 2013 Flood Insurance Rate Map (FIRM) panels for the City that were updated at that time.

The current *Flood Hazard Area* section of the LDC contains several cross references back to various sub-sections of Section 34-467. These cross references used the State’s model ordinance numbering system as opposed to the City’s numbering system. While a cross reference table was provided as part of Ordinance No. 2013-8025, the State has requested that the City now provide accurate internal cross references and eliminate the accompanying cross reference table to avoid confusion and clean up this section of the code. As provided with the application, changes are shown in the underline addition / ~~strike through~~ deletion format.

These updates do not change the content of Section 34-467. One additional reference

to the Florida Building Code was added. The new 2016 Flood Insurance Rate Maps (FIRM) will be adopted this year, and Section 34-367 was already drafted to automatically adopt any map changes after 2013.

PC#6-18 **Conditional Use Application**

Owner/
Applicant: Payne Roberts, LLC
3721 Dupont Station Ct S.
Jacksonville, FL 32217

Location: 417 North 2nd Avenue (*Lot 10, Block 35, Atlantic Park*).

Request: **Conditional Use Approval** of a single-family residential use located in a *Residential, multiple-family: RM-1* zoning district, pursuant to Section 34-339(d)(12) of the Jacksonville Beach Land Development Code.

Comments: The subject property is located on the north side of 2nd Avenue North between 4th and 5th Streets North. The property currently consists of three separate lots of record under one address, with a total of two dwelling units. Lot 10, which is the subject of the application, contains a single-family dwelling, and half of a garage apartment that also sits partially on Lot 11. Lot 12 is vacant. The owner plans to build a two-family dwelling on both Lots 12 and 11. In order to build on Lot 11, the encroaching garage apartment must be demolished, which in turn makes the remaining single-family dwelling on Lot 10 a non-conforming use.

The applicant was advised by staff that conditional use would be required to retain the single-family dwelling on Lot 10, because the property is zoned *Residential, multi-family: RM-1*. Adjacent uses include multiple-family and a church to the west, a church to the south, commercial and multiple-family residential to the north, and commercial to the east. Retaining the single-family use on the subject property (Lot 10) should not negatively impact adjacent uses.

PC#7-18 **Conditional Use Application**

Owner: Patricia Butts
1031 1st Street S. #208
Jacksonville Beach, FL 32250

Applicant: McMurphy's Kitchen Unit 1, LLC
3948 3rd Street S. #373
Jacksonville Beach, FL 32250

Agent: Austin Towery

Location: 1183 Beach Boulevard (formerly *1001 Nites*)

Request: **Conditional Use Approval** for transfer of approved outdoor restaurant seating for a new restaurant, located in a *Commercial, general: C-2* zoning district, pursuant to Section 34-343(d)(14) of the Jacksonville Beach Land Development Code.

Comments: The subject property is located on the north side of Beach Boulevard, across the street from the Beach Plaza shopping center. The applicant plans to lease the building to operate a new restaurant at the location. Previous restaurant tenants at the subject property most recently include *1001 Nites*, *Marlin Moon Grille*, and *Taco Lu*. In 2014, the *Marlin Moon Grille* received conditional use approval under PC#9-14 to use the existing front patio for outdoor restaurant seating. The applicant was informed by staff that since conditional use approvals are not transferable, that he would need to apply to transfer the approved outdoor seating under the new restaurant's name.

Adjacent uses include a professional office to the west, an office and a restaurant with outdoor seating to the east, single family homes to the north, and the Beach Plaza shopping center across Beach Boulevard to the south. The subject property has been in restaurant use since at least the early 1990's.

Staff has no records of any problems with prior operations of the outdoor seating area. Given the existing commercial setting of the subject property, the southerly facing outdoor seating patio location, and former restaurant uses of the property, adjacent properties should not be negatively impacted.

PC#8-18 **Conditional Use Application**

Owner: Robert Zellars
13736 Waterchase Way
Jacksonville, FL 32224

Applicant: Reed Beaubouef
1082 Carnation Street.
Atlantic Beach, FL 32233

Location: 937 & 939 11th Avenue South

Request: **Conditional Use Application** for an educational service, located in an *Industrial: I-1* zoning district, pursuant to Section 34-346(d)(9) of the Jacksonville Beach Land Development Code (*Bolts & Bytes Academy* tutoring service).

Comments: The subject property is located on the north side of 11th Avenue South, between 9th and 10th Streets South. The applicant plans to lease space for his business, *Bolts & Bytes Maker Academy*, an educational service for students in the 6th to 12th grade. Students participate in weekend or after-school classes focusing on science, technology, engineering, and math (STEM) skills. The applicant was informed by staff that conditional use approval would be required for the proposed business since the property was zoned *Industrial: I-1* and educational services are permitted by conditional use only.

Adjacent uses include commercial and light industrial. The applicant has coordinated with the property owner and adjacent existing tenants to ensure there will be minimal conflict with hours of operation and parking. Given the existing commercial and light industrial uses in the immediate area, adjacent uses should not be negatively impacted by the proposed use.

**Minutes of Planning Commission Meeting
Held Monday, February 12, 2018, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



CALL TO ORDER

The meeting was called to order at 7:00 P.M. by Board Member Greg Sutton.

ROLL CALL

Chairman: Greg Sutton
Board Members: Bill Callan David Dahl Georgette Dumont Britton Sanders (*absent*)
Alternates: Jason Lee (*absent*) Margo Moehring

Also present were Senior Planner Heather Ireland, and City Clerk Laurie Scott.

APPROVAL OF MINUTES

None.

Correspondence

Ms. Ireland reported an email was received today in regards to item PC # 1-18.

OLD BUSINESS

There was no old business.

NEW BUSINESS:

- (A) **PC#1-18 Ocean Terrace Residential PUD
Planned Unit Development: PUD Amendment Application** to amend the *Planned Unit Development: PUD* Ordinance governing the *Ocean Terrace* Residential PUD Subdivision (Ord. No. 2013-8031) by revising the PUD Narrative as it relates to allowable uses and structures in Tract D - Open Space, located along the west edge of the subdivision. (*Ocean Terrace Home Owners Association - Applicant*)

Staff Report:

Ms. Ireland read the following into the record:

In 2013, Richmond American Homes of Florida applied for a rezoning of the property that is now the *Ocean Terrace* residential subdivision. The rezoning of the 9.9 acre property from *Residential, single family: RS-1* to *Planned Unit Development: PUD* was approved by City Council and is governed by Ordinance No. 2013-8031. The PUD consists of 59 single family lots. The developer also applied for, and received under application BOA#12-100203, a variance for 5 percent open space instead of the minimum 20 percent open space required for PUD developments. After the variance was granted, the developer provided 9.2 percent open space within the PUD that was spread over four separate open space parcels.

A portion of that open space (Tract D), which is the subject of this PUD Amendment application, exists along the western boundary of the PUD and runs north to south, parallel to an unimproved 14-foot public alley. All of the open space tracts within the PUD are owned by its Home Owners Association (HOA). The Tract D open space was provided by the developer in order to protect a significant stand of old growth live oaks and to minimize impacts to the existing tree canopy. According to the property owners adjacent to Tract D, the lots that are adjoining were sold at a higher premium than other lots in the PUD.

Pursuant to the approved PUD Ordinance No. 2013-8031, no structures are permitted in Tract D, including fences. A fence was required to be erected along the western boundary of Tract D prior to construction as part of the approved PUD. However, the developer, and some homeowners who were unaware of the PUD restrictions, did install fences across Tract D in order to provide safety and security for their property, pets, and families.

In 2017, the City was notified of the unpermitted and illegal fences that were installed running east to west across Tract D, and a code enforcement case was initiated against the Home Owners Association (HOA). Control of the HOA has recently transferred from the developer to the property owners. Staff advised representatives from the HOA that a PUD amendment would be required to legally permit fences and any other structures in Tract D. The HOA has now submitted an application to amend the PUD narrative in order to allow fences to run across Tract D open space, and allow movable temporary structures, such as benches and play equipment. Currently, Tract D is only accessible from the adjacent lots, due to the fences installed and large hedges planted that prohibit north to south access across the tract.

The homeowners adjacent to Tract D are requesting to amend the PUD in order to better secure their yards. They wish to keep Tract D as open space and also to have the ability to maintain that property as well, as they essentially have become responsible for watering and maintaining the portion of Tract D that is immediately adjacent to their properties. Additionally, in May of 2016, the Covenants and Restrictions for the HOA were amended to make Tract D "limited open space" instead of "common open space" which makes it essentially available only to the property that is immediately adjacent. Staff has advised the HOA to identify any potential legal issues that may arise due to private use of this portion of HOA-owned open space property.

Applicant:

Jenny Robles, HOA Board Secretary, 4074 Gulfstream Drive, Jacksonville Beach, stated that the Tract D land is unusable space because it has been cut off on either side and residents are left to maintain it because of changes in the HOA amendments. The residents would like to use that space and fence in their own lots including Tract D. Ms. Robles stated she put up her fence within her property line, with Tract D space behind it. Mr. Sutton commented that it is exactly as it was designed when the PUD was put in place. Mr. Sutton asked as it stands today what is the City's stance on planting in Tract D. Ms. Ireland stated the PUD says they can put in landscaping into Tract D but no structures, which fences qualified as structures. Discussion of putting in hedges and landscaping versus fencing ensued. The Board's intention in 2013 was that this tract would be a buffer, an open space for all to enjoy.

Public Hearing:

The following individuals spoke in favor of the agenda item:

- Ann Frendenthal, 4021 Palm Way, Jacksonville Beach

- John Weyer, 4058 Gulfstream Drive, Jacksonville Beach

The following individuals spoke in opposition to the agenda item:

- Tom Riley, 4033 Palm Way, Jacksonville Beach

Discussion:

Discussion continued on landscaping, open space and fencing. Board members expressed their concerns over setting a precedent where agreements between a developer and the City have been approved, and then any conditions of approval subsequently being allowed to be amended to the benefit to property owners.

Motion: It was moved by Mr. Dahl and seconded by Ms. Dumont, to deny the application.

Roll call vote: Ayes – Callan, Dahl, Dumont, Moehring, and Sutton.
The motion to deny passed unanimously.

PLANNING & DEVELOPMENT DIRECTOR'S REPORT

Ms. Ireland noted the next meeting is scheduled for Monday, February 26, 2018.

ADJOURNMENT

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 8:00 P.M.

Submitted by: Paula Emminger

Approval:

Chairman:

Date:

**Minutes of Planning Commission Meeting
Held Monday, February 26, 2018, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



Call to Order

The meeting was called to order at 7:00 P.M. by Board Member Greg Sutton.

Roll Call

Chairman: Greg Sutton

Board Members: Bill Callan David Dahl Georgette Dumont Britton Sanders

Alternates: Jason Lee (absent) Margo Moehring

Also present were Senior Planner Heather Ireland, City Clerk Laurie Scott & Part-time Staff Assistant Phyllis Nadeau.

Approval of Minutes

There were none.

Correspondence

Ms. Ireland reported there was no correspondence.

Old Business

There was no old business.

New Business

(A) **PC#2-18** 1605 / 1607 North 4th Street

Conditional Use Application for multiple family residential use located in a *Commercial, limited:* C-1 zoning district, pursuant to Section 34-342(d)(15) of the Jacksonville Beach Land Development Code.

Staff Report:

The subject property is located on the northeast corner of 15th Avenue North and 4th Street North. A duplex currently exists on the property built in 1955. The applicant is planning to purchase the property and wants to develop it into multiple-family residential. Staff advised the applicant that because the subject property is in a commercial zoning district, that conditional use approval would be required to develop the proposed townhouse project.

The applicant would like to build four attached fee-simple townhouses dwellings. The size of the subject property will support four attached fee-simple townhouses, and development as shown in the application may be subject to any required variances.

Adjacent uses include single-family to the west, office to the north, multi-family to the east, and multi-family and commercial to the south. The proposed use of townhouses on the subject property is consistent with the mixed-use development patterns in the area.

Agent:

The agent Scott Ray, 212 Boating Club Road, St. Augustine, FL 32084, provided a diagram showing 4 detached multi-family units, 5 feet apart with a breezeway connector between the units.

Mr. Ray stated his hardship is that the existing duplex has non-conforming setbacks and he is asking for two reduced setbacks. The front setback would be 16 feet, 2.5 inches per the existing and he wants to match the existing setback. Ms. Ireland explained the Planning Commission is just looking at the use of the multi-family conditional use application and not the setbacks.

Public Hearing:

The following individual spoke in opposition to the agenda item:

- Mary Phillips, 934 10th Street North, Jacksonville Beach, FL 32250

The following individual spoke in favor of the agenda item:

- John McPherson, Builder, 1433 A1A South, Ponte Vedra Beach, FL 32082

Mr. Sutton closed the public meeting.

Discussion:

Mr. Sutton asked Mrs. Ireland if the property was zoned Commercial. Ms. Ireland replied it was zoned *Commercial, limited: C-1*. Mr. Sutton asked Ms. Ireland for a list of some potential uses for the property. Ms. Ireland stated the following types of businesses are permitted by the current zoning: business offices such as a dentist office, a doctor's office, restaurant, or any type of personal service business or commercial shopping center. Mr. Dahl asked Ms. Ireland to read the Code for more details regarding the permitted uses under the current *Commercial, limited: C-1* zoning.

Ms. Dumont asked the builder, Mr. McPherson, if he would be willing to scale back to three townhouses. Mr. McPherson stated he would have to explore the economics of three townhouses versus four townhouses before making a decision. Ms. Dumont stated he had the option to pull his application.

A discussion ensued where Board Members expressed their concerns over, traffic, school zones, parking, and lack of sidewalks, the economics of the project and whether the application should be withdrawn. They agreed, however, the extended driveway and 2-car garage for each unit was a good plan.

Motion: It was moved by Ms. Dumont to approve PC#2-18. Ms. Dumont then withdrew her Motion referring to the fact that the applicant gave acknowledgment of the condition of 4th Street and that it is problematic.

It was moved by Mr. Dahl and seconded by Ms. Dumont, to deny PC#2-18. Mr. Sutton clarified a “yes” vote is in favor of the denial of the application.

Roll call vote: Ayes- Bill Callan, David Dahl, Georgette Dumont, Britton Sanders.
Nays – Greg Sutton.
The application was denied by a 4-1 vote.

(B) PC#3-18 4200 Ponte Vedra Boulevard (Lots 8 & 9)

Concept Plat Application for a proposed six lot single-family residential subdivision in a *Residential, single family: RS-1* zoning district, pursuant to Section 34-503 of the Jacksonville Beach Land Development

Staff Report:

Ms. Ireland read the following into the record:

The subject property is located on the west side of Ponte Vedra Boulevard, and currently exists as two adjacent lots of record (Lots 8 & 9) in the *Ponte Vedra Unit 2* subdivision. The new owner/applicant wishes to subdivide the oversized lot into six new single-family lots that meet *Residential-single family: RS-1* zoning standards. All six of the proposed new lots are consistent with *RS-1* dimensional and lot size standards and Comprehensive Plan Low Density Residential Land Use standards. The original Covenants and Restrictions for the *Ponte Vedra Unit Two* subdivision, which contained a provision that individual lots could not be further subdivided, expired in 1997 and are no longer applicable to the property.

Adjacent uses include single-family residential to the north, south, and east, and the Ponte Vedra golf course to the west. The proposed subdivision of Lots 8 and 9, as shown on the concept plat, is consistent with *RS-1* zoning standards, and is similar to the subdivision of Lot 7, directly to the south, which was approved in October 2015. Access to the new lots will be from a new cul-de-sac street extending west from Ponte Vedra Boulevard. Adjacent properties should not be negatively impacted.

Applicant:

The applicant, Sean Mann, 33 Solano Road, Ponte Vedra Beach, FL, stated he is trying to keep consistent with the neighborhood by not going with a higher density than *RS-1* zoning allows.

Mr. Dahl asked the applicant if he was familiar with the flooding in the area. Mr. Sean Mann stated the property is in Flood Zone X, and he was assured by the civil engineer

there are no issues regarding flooding on this site. Stormwater will be stored onsite and the discharge of water will flow out to the ditch in the front of the property.

Public Hearing:

There was no one from the public present to speak about the application.

Mr. Sutton closed the public hearing.

Discussion:

Ms. Dumont stated she agreed the flooding in this area is bad, but by shifting the water south and not to Lake Duval would be helpful for the neighborhood regarding potential flooding.

Mr. Sanders asked Ms. Ireland if the applicant would need to go before the Board of Adjustment next and if there will be any setbacks. Ms. Ireland stated there were none [setbacks] that she was aware of and the lots are all over 10,000 square feet, therefore, variances should not be needed. She stated it is a possibility that individual owners may come to seek variances through the Board of Adjustment in the future but now the issue is re-subdividing the two existing lots into six new proposed lots.

Motion: It was moved by Ms. Dumont to approve PC#3-18. Ms. Dumont then withdrew the Motion for Mr. Sanders to ask a question of Ms. Ireland.

It was moved by Ms. Dumont and seconded by Mr. Sanders, to approve PC#3-18.

Roll call vote: Ayes- Georgette Dumont, Britton Sanders, Greg Sutton, Bill Callan and Margo Moehring.

Abstained - David Dahl [Form 8 on file]

The motion was approved unanimously.

Planning & Development Director's Report

Ms. Ireland noted the next meeting is scheduled for Monday, March 12, 2018.

Adjournment

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 8:00 P.M.

Submitted by: Phyllis Nadeau

◆ Part-time Staff Assistant

Approval:

Chairman

Date



REZONING/TEXT AMENDMENT APPLICATION

PC No. 5-18

AS/400# 18-100032

This form is intended for use by persons applying for a change in the text of the Land Development Code or the boundaries of a specific property or group of properties under the person or persons control. A rezoning or change to the text of the LDC is not intended to relieve a particular hardship, nor to confer special privileges or rights on any person, but to make necessary adjustments in light of changed conditions. No rezoning or text amendment to the LDC may be approved except in conformance with the Jacksonville Beach 2010 Comprehensive Plan Elements. An application for a rezoning or text amendment to the LDC shall include the information and attachments listed below, unless the requirement for any particular item is waived by the Planning and Development Director. All applications shall include a \$1,000.00 filing fee, as required by City Ordinance.

APPLICANT INFORMATION

Land Owner's Name: _____

Telephone: _____

Mailing Address: _____

Fax: _____

E-Mail: _____

Applicant Name: Planning and Development Department

Telephone: (904) 247-6231

Mailing Address: 11 N. 3rd Street - City Hall

Fax: (904) 247-6107

Jacksonville Beach, FL 32250

E-Mail: planning@jaxbchfl.net

NOTE: Written authorization from the land owner is required if the applicant is not the owner.

Agent Name: _____

Telephone: _____

Mailing Address: _____

Fax: _____

E-Mail: _____

Please provide the name, address and telephone number for any other land use, environmental, engineering, architectural, economic, or other professional consultants assisting with the application on a separate sheet of paper.

REZONING DATA

Street address of property and/or Real Estate Number: N/A

Legal Description (attach copies of any instruments references, such as but not limited to deeds, plats, easements, covenants, and restrictions): N/A

Current Zoning Classification: N/A Future Land Use Map Designation: _____

TEXT AMENDMENT DATA

Current Chapter, Article, Section, Paragraph Number: Section 34-467 of the LDC. Flood Hazard Areas

	<u>REQUESTED INFORMATION</u>		<u>Attached?</u>	
	Yes	No	Yes	No
1. A copy of the relevant Duval County Property Assessment Map, showing the exact location of the land proposed for the amendment, with the boundaries clearly marked;				✓
2. An 8½" x 11" vicinity map identifying the property proposed for amendment;				✓
3. An aerial photograph, less than twelve (12) months old, of the land proposed for amendment, with the boundaries clearly marked;				✓
4. For a rezoning, include a narrative description of the proposed amendment to the Zoning Map designation and an explanation of why it complies with the standards governing a rezoning the LDC.				✓
5. For an LDC text amendment, include the current text of the Section(s) proposed to be changed and the full text of the proposed amendment. The proposed text amendment submittal must include a cover letter containing a narrative statement explaining the amendment, why it is needed and how it will comply with the goals, objectives, and policies in the Jacksonville Beach 2010 Comprehensive Plan Elements.	✓			

Applicant Signature: [Signature]

Date: 2/23/18

DRAFT AMENDMENTS

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

DRAFT AMENDMENTS

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 ~~402-3~~ 34-467(a)(2)c 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 ~~405~~ 34-467(a)(5) 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.*

DRAFT AMENDMENTS

- 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 407 34-467(a)(7) 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

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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 ~~407~~ 34-467(a)(7) 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 ~~406~~ 34-367(a)(6) 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 ~~403.4~~ 34-367(a)(3)d 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 six (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

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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.

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- 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 405 34-467(a)(5) 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 one hundred eighty (180) days after its issuance, or if the work authorized is suspended or abandoned for a period of one hundred eighty (180) days after the work commences. Extensions for periods of not more than one hundred eighty (180) days each shall be requested in writing and justifiable cause shall be demonstrated.
- g. *Suspension or revocation.* The floodplain administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this 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.*

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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 ~~405.2~~ 34-467(a)(5)b.2 or 34.467(a)(5)b.3 of this ordinance.
3. Where the parcel on which the proposed development will take place will have more than fifty (50) lots or is larger than five (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 ~~405.2(2)~~ 34-467(a)(5)b.1 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

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- (b) Specify that the base flood elevation is ~~two-three~~ (23) 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-three~~ (23) 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 ~~405.4~~ 34-467(a)(5)d 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 ~~405.4~~ 34-467(a)(5)d 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.

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- 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 ~~405.2(3)(b)~~ 34-467(a)(5)b.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 ~~406.1.2.4~~ 34-467(a)(6)d 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 ~~407.6~~ 34-467(a)(7)a of this ordinance, the conditions of issuance set forth in Section ~~407.7~~ 34-467(a)(7)h 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 ~~405.3~~ 34-367(a)(5)c of this ordinance.

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- 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 407.3.4, 34-467(a)(7)d 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:

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- (a) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - (b) The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
 - (c) The variance is the minimum necessary, considering the flood hazard, to afford relief;
 3. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the office of the clerk of the court in such a manner that it appears in the chain of title of the affected parcel of land; and
 4. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the floodplain administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.
- (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.*

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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 VI-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 two (2) feet. [Also defined in FBC, B, Section 1612.2.]

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

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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.

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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 eight thousand five hundred (8,500) pounds Gross Vehicular Weight Rating or less which has a

DRAFT AMENDMENTS

vehicular curb weight of six thousand (6,000) pounds or less and which has a basic vehicle frontal area of forty-five (45) square feet or less, which is:

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

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

Manufactured home. A structure, transportable in one 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;

DRAFT AMENDMENTS

3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

Special flood hazard area. An area in the floodplain subject to a one (1) percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, AI—A30, AE, A99, AH, VI—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 one hundred eighty (180) days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

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

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the building or structure before the damage occurred. [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 fifty (50) percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include 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 34-467(a)(7) 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.*

DRAFT AMENDMENTS

a. *Buildings and structures.*

1. *Design and construction of buildings, structures and facilities.* Buildings, structures, and facilities located in flood hazard areas shall be constructed in accordance with Florida Building Code.

12. *Design and construction of buildings, structures, and facilities exempt from the Florida Building Code.* Pursuant to Section ~~104.2.1~~ 34-467(a)(4)c 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~~ 34-467(a)(10)c of this ordinance.

23. *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 fifty (50) lots or is larger than five (5) acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section ~~105.2(1)~~ 34-467(a)(5)b.1 of this ordinance; and

(c) Compliance with the site improvement and utilities requirements of Section ~~303~~ 34-467(a)(10)c of this ordinance.

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

DRAFT AMENDMENTS

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 ~~405.3(4)~~ 34-467(a)(5)c.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 ~~405.3(4)~~ 34-367(a)(5)c.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)~~ 34-467(a)(10)d.8.

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:

DRAFT AMENDMENTS

- (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 304.4.4 34-467(a)(10)d.5 or 304.4.2 34-467(a)(10)d.6 of this ordinance, as applicable.
 5. **General elevation requirement.** Unless subject to the requirements of Section 304.4.2 34-467(a)(10)d.6 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 34-467(a)(10)d.5 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 thirty-six (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 eighty (180) consecutive days; or

DRAFT AMENDMENTS

(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 ~~305.4~~ 34-467(a)(10)e.1 of this ordinance for temporary placement shall meet the requirements of Section ~~304~~ 34-467(a)(10)d 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~~ 34-467(a)(10)f.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~~ 34-467(a)(10)c.1(f) 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

DRAFT AMENDMENTS

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~~ 34-467(a)(10)c.1(f) 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~~ 34-467(a)(10)c.1(f) 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~~ 34-467(a)(10)c.1(f) of this ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section ~~405.3(3)~~ 34-467(a)(5)c.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

DRAFT AMENDMENTS

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.



CONDITIONAL USE APPLICATION

RECEIVED

PC No. 6-18
AS/400# 19-100033
HEARING DATE 3/26/18

This form is intended for submittal, along with the required attachments, with all requests for approval of a conditional use in a particular zoning classification as listed in Article 7, Zoning Districts of the City of Jacksonville Beach Land Development Code. An application for approval of a conditional use will be evaluated for sufficiency by the Planning and Development Director within five (5) days of receipt. If the application is complete, it will be scheduled for review, public hearing and a decision by the Jacksonville Beach Planning Commission at their earliest meeting following appropriate public notice of the request. All applications for approval of a conditional use shall be accompanied by a nonrefundable fee of \$250.00.

APPLICANT INFORMATION

Land Owner's Name: Payne Roberts LLC
Mailing Address: 3721 Dupont Station Ct. S.
Jacksonville, FL 32217

Telephone: 904-337-0609
Fax: 904-683-0878
E-Mail: noneatclp@gmail.com

Applicant Name: Same
Mailing Address: _____

Telephone: _____
Fax: _____
E-Mail: _____

NOTE: Written authorization from the property owner is required if the applicant is not the owner.

Agent Name: _____
Mailing Address: _____

Telephone: _____
Fax: _____
E-Mail: _____

Please provide the name, address and telephone number for any other land use, environmental, engineering architectural, economic or other professionals assisting in the application on a separate sheet of paper.

PROJECT DATA

Street address of property and/or Real Estate Number: 173833-0000 417 N. 2nd Ave (Lot 10)

Legal Description of property (attach copy of deed): 9-15 33-25-29E Atlantic Park R/P Lot 10

Current Zoning Classification: RM-1 Future Land Use Map Designation: _____

An 8 1/2 x 11-inch vicinity map must be attached showing the location of the proposed conditional use. If the proposed conditional use meets the criteria set forth in Section 34-226 (i), a sketch site plan for the development will be required to be submitted with this application.

Code section(s) applicable to the requested conditional use: 34-339 (d)(12)

Describe the proposed conditional use and the reason for the request: Need to demo garage apartment that encroaches from Lot 10 onto Lot 11. Demolishing this apartment would leave the single family dwelling as the only dwelling on the structure.

Applicant Signature: [Signature] Date: 2/22/18

Prepared by:
Duane Romanello, P.A.
1919-8 Blanding Blvd
Jacksonville, Florida 32210

File Number: 17-0716

General Warranty Deed

Made this November 17, 2017 A.D. By **John H. White, Sr. and Susie R. White husband and wife**, whose address is: 535 N Canal Road, Ponte Vedra Beach, Florida 32082 hereinafter called the grantors, to **Payne Roberts LLC**, whose post office address is: 3721 Dupont Station Ct S, Jacksonville, Florida 32217, hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Duval County, Florida, viz:

Lots 8 and 9, Block 35, ATLANTIC PARK, according to the map or plat thereof as recorded in Plat Book 9, Page 15, Public Records of Duval County, Florida.

and

Lots 10, 11 and 12, Block 35, ATLANTIC PARK, according to the map or plat thereof as recorded in Plat Book 9, Page 15, Public Records of Duval County, Florida.

Parcel ID Number: 173832-0000 and 173833-0000

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2017.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Dawn L. Terry
Witness Printed Name Dawn L. Terry

John H. White, Sr. (Seal)
John H. White, Sr.
Address: 535 N Canal Road, Ponte Vedra Beach, Florida 32082

Amanda Duncan
Witness Printed Name Amanda Duncan

Susie R. White (Seal)
Susie R. White
Address: 535 N Canal Road, Ponte Vedra Beach, Florida 32082

State of Florida
County of Duval

The foregoing instrument was acknowledged before me this November 17, 2017, by John H. White, Sr. and Susie R. White husband and wife, who is/are personally known to me or who has produced a drivers license as identification.

Dawn L. Terry
Notary Public
Print Name: _____

My Commission Expires: _____
DAWN L. TERRY
MY COMMISSION # FF 004183
EXPIRES: November 27, 2019
Became Thru Budget Notary Services

Duval Map

PC#6-18

301

5th St N

4th St N

2nd Ave N

2nd Ave N

4th

416

414

0

404

326

324

336

324

435

429

173833-0000
417

333

327

0

317

304

311

411

212

435

228

334

328

0

228

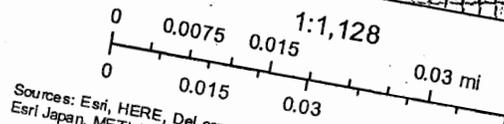
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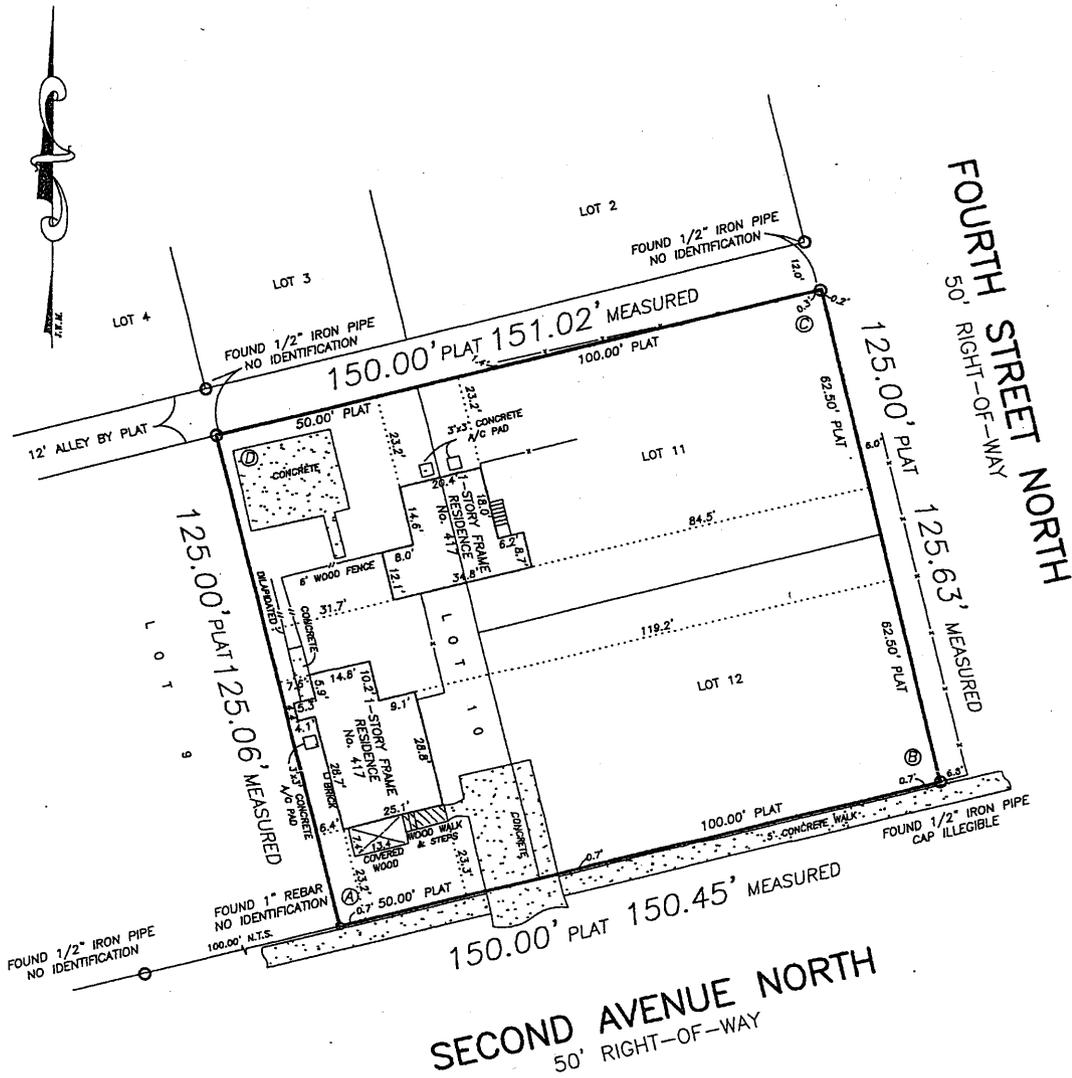
319

February 22, 2018



MAP SHOWING BOUNDARY SURVEY OF:

LOTS 10, 11 AND 12, BLOCK 35, ATLANTIC PARK, AS RECORDED IN PLAT BOOK 9,
PAGE 15 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA



NOTES:
THIS PROPERTY LIES IN FLOOD ZONE "X" PER FLOOD INSURANCE RATE MAP (FIRM), DUVAL COUNTY, COMMUNITY No. 120078, MAP/PANEL No. 12031C-0417-H, REVISED JUNE 3, 2013
N.T.S. DENOTES NOT TO SCALE
ALL LOTS SHOWN HEREON LIE WITHIN BLOCK 35
-X- DENOTES 4" WOOD FENCE EXCEPT AS NOTED
THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT SHOWN ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

CERTIFIED TO:
OSSI DEVELOPMENT

ANGLE TABLE

A	=	90°07'29"
B	=	90°08'22"
C	=	89°38'39"
D	=	90°05'30"

DURDEN
SURVEYING AND MAPPING, INC.
1825-B 3RD STREET NORTH
JACKSONVILLE BEACH, FLORIDA 32250
(904) 853-6822 FAX 853-6825
LICENSED BUSINESS NO. 6696

I hereby certify that this survey meets the minimum technical standards as set forth by the Florida Board of Land Surveyors, pursuant to Section 472.027 Florida Statutes and Chapter 5J17 Florida Administrative Code.



SIGNED: APRIL 19, 2013
SCALE: 1" = 30'
WORK ORDER NUMBER: 17236

SURVEYOR'S NOTE
THE SURVEY HEREON WAS MADE WITHOUT THE BENEFIT OF ABSTRACT OR SEARCH OF TITLE AND THEREFORE THE UNDERSIGNED AND DURDEN SURVEYING AND MAPPING, INC., MAKE NO CERTIFICATIONS REGARDING INFORMATION SHOWN OR NOT SHOWN HEREON PERTAINING TO EASEMENTS, CLAIMS OF EASEMENTS, RIGHTS-OF-WAY, SETBACK LINES, OVERLAPS, BOUNDARY LINE DISPUTES, AGREEMENTS, RESERVATIONS OR OTHER SIMILAR MATTERS WHICH MAY APPEAR IN THE ABSTRACT OR SEARCH OF TITLE. THIS SURVEY NOT VALID UNLESS THIS PRINT IS EMBOSSED WITH THE SEAL OF THE ABOVE SIGNED.

B-9061



CONDITIONAL USE APPLICATION

PC No. 7-18
AS/400# 18-100034
HEARING DATE 3/20/18

This form is intended for submittal, along with the required attachments, with all requests for approval of a conditional use in a particular zoning classification as listed in Article 7, Zoning Districts of the City of Jacksonville Beach Land Development Code. An application for approval of a conditional use will be evaluated for sufficiency by the Planning and Development Director within five (5) days of receipt. If the application is found to be complete, it will be scheduled for review, public hearing and a decision by the Jacksonville Beach Planning Commission at their earliest meeting following appropriate public notice of the request. All applications for approval of a conditional use shall be accompanied by a nonrefundable fee of \$250.00.

APPLICANT INFORMATION

Land Owner's Name: PATRICKA BUTTS
Mailing Address: 1031 1st ST #208
JAX BEACH, FL 32250

Telephone: 904-372-7450
Fax: _____
E-Mail: _____

Applicant Name: MCMURPHY'S KITCHEN UNIT 1, LLC
Mailing Address: 3948 S. 3RD ST #373
JAX BEACH, FL 32250

Telephone: 904-534-5310
Fax: _____
E-Mail: ABTOWERY@GMAIL.COM

NOTE: Written authorization from the property owner is required if the applicant is not the owner.

Agent Name: Austin B. Towery
Mailing Address: _____

Telephone: _____
Fax: _____
E-Mail: **RECEIVED**

Please provide the name, address and telephone number for any other land use, environmental, engineering architectural, economic or other professionals assisting in the application on a separate sheet of paper. ^{FFB} 23 2018

PROJECT DATA

PLANNING & DEVELOPMENT

Street address of property and/or Real Estate Number: 1183 BEACH BLVD

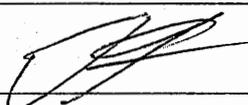
Legal Description of property (attach copy of deed): _____

Current Zoning Classification: SC-2 Future Land Use Map Designation: _____

An 8 1/2 x 11-inch vicinity map must be attached showing the location of the proposed conditional use. If the proposed conditional use meets the criteria set forth in Section 34-226 (i), a sketch site plan for the development will be required to be submitted with this application.

Code section(s) applicable to the requested conditional use: LDC SEC 34-343 (d) (14)

Describe the proposed conditional use and the reason for the request: PATIO SEATING/DINING
(transfer)

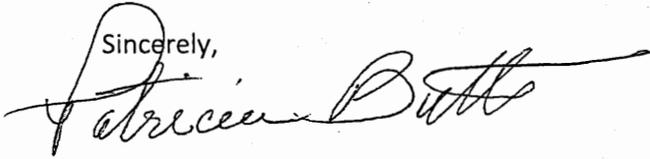
Applicant Signature: 

Date: 2/22/18

To Whom It May Concern:

I, Patricia Butts, give permission to McMurphy's Kitchen Unit 1, LLC to use the attached patio space for the purpose of outdoor dining and drinking. The space is approximately 600 sq. ft.

Sincerely,

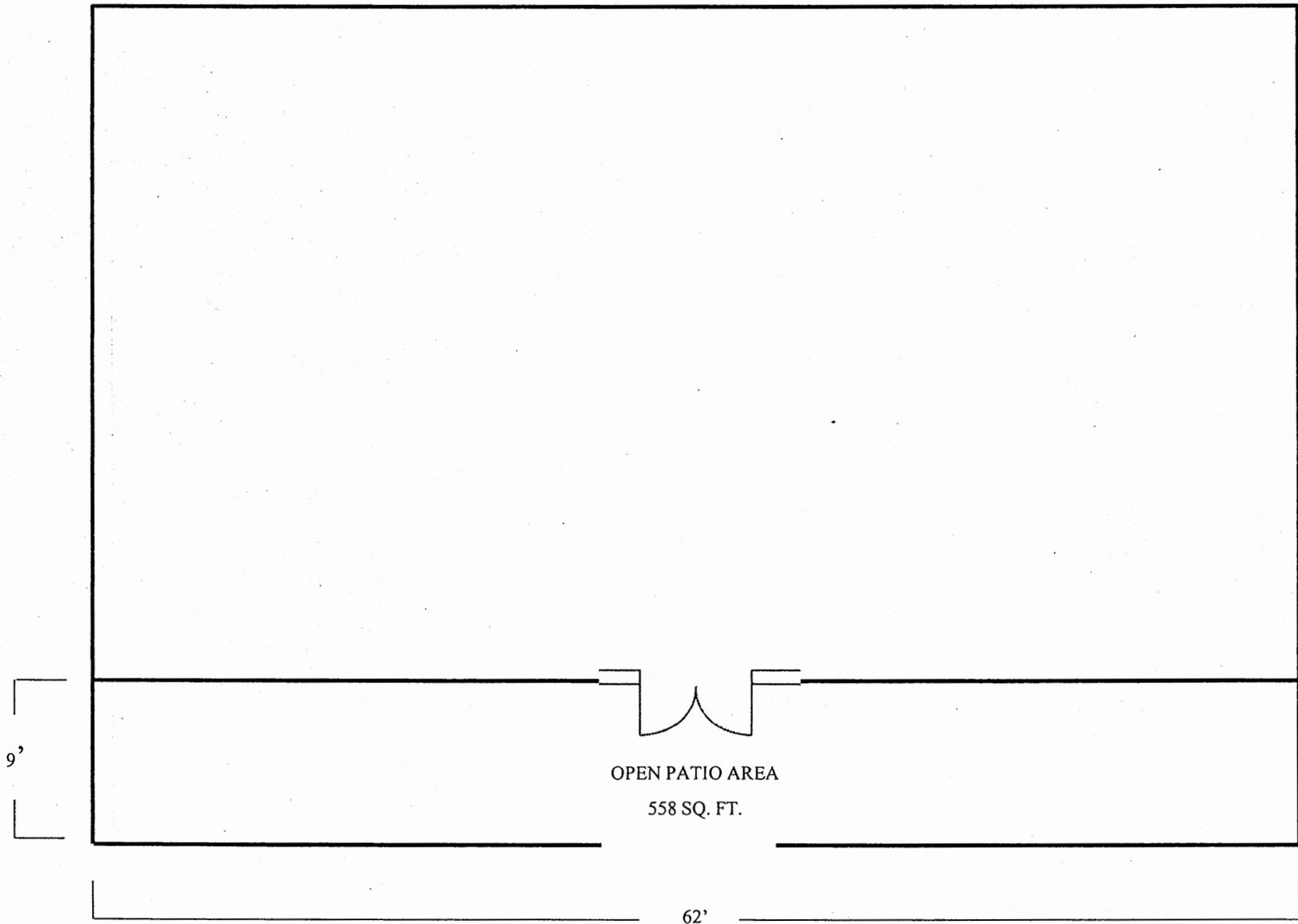
A handwritten signature in black ink that reads "Patricia Butts". The signature is written in a cursive style with a long, sweeping horizontal line extending to the right.

Patricia Butts
Property Owner
1083 Beach Blvd.
Jacksonville Beach, FL 32250

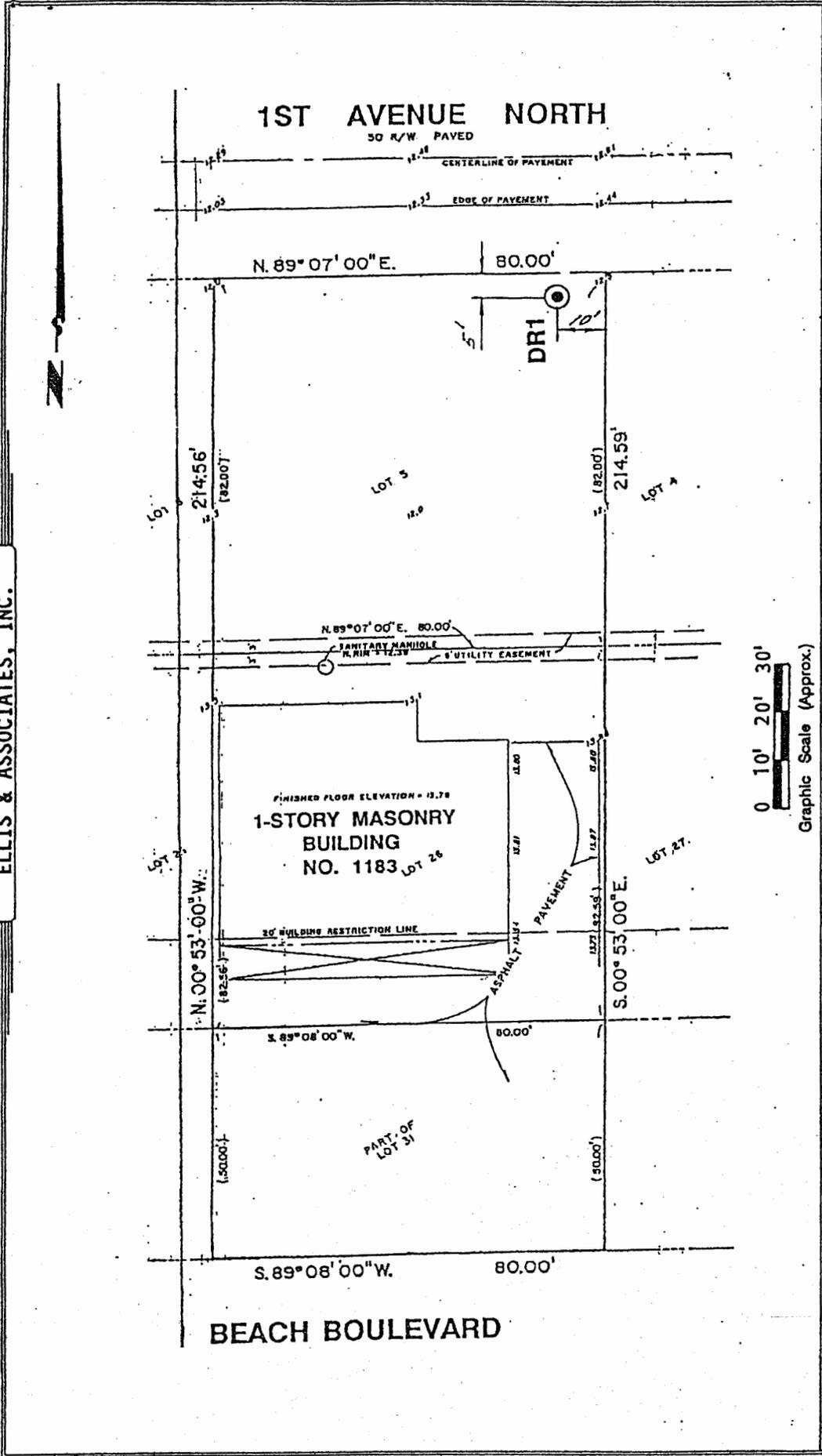
RECEIVED

FEB 23 2018

PLANNING & DEVELOPMENT



ELLIS & ASSOCIATES, INC.





CERTIFIED MAIL# 7011 1150 0000 9180 7522

April 30, 2014

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

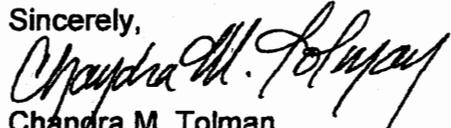
Mark Pennington
225 5th Street
Atlantic Beach FL 32233

RE: Planning Commission Case No. 9-14 (14-100060)
1183 Beach Boulevard
Conditional Use Approval for proposed outdoor restaurant seating at
an existing restaurant located in a *Commercial General* zoning district

Dear Mr. Pennington,

The City of Jacksonville Beach Planning Commission met on Tuesday, April 29, 2014, to consider Marlin Moon Grille's conditional use application for outdoor restaurant seating at an existing restaurant located in a *Commercial General: C-2* zoning district, pursuant to Section 34-343(d)(14) of the Jacksonville Beach Land Development Code. The request was approved unanimously. Attached is a copy of Land Development Code Section 34-407 *Outdoor restaurant and bar* regulations for your reference.

Please remove the public notice posted on the property. Should you have any additional questions relative to this matter, please feel free to contact our office at (904) 247-6231.

Sincerely,

Chandra M. Tolman
Permit Specialist



cc: Marlin Moon Grille



CONDITIONAL USE APPLICATION

PC No. 8-18
AS/400# 18-100044
HEARING DATE 3/26/18

This form is intended for submittal, along with the required attachments, with all requests for approval of a conditional use in a particular zoning classification as listed in Article 7, Zoning Districts of the City of Jacksonville Beach Land Development Code. An application for approval of a conditional use will be evaluated for sufficiency by the Planning and Development Director within five (5) days of receipt. If the application is found to be complete, it will be scheduled for review, public hearing and a decision by the Jacksonville Beach Planning Commission at their earliest meeting following appropriate public notice of the request. All applications for approval of a conditional use shall be accompanied by a nonrefundable fee of \$250.00.

APPLICANT INFORMATION

Land Owner's Name: Robert Zellars
Mailing Address: 13736 Waterchase Way
Jacksonville, FL 32224

Telephone: (904) 859-1938
Fax: _____
E-Mail: rhz925@bellsouth.net

Applicant Name: Reed Beaubouef
Mailing Address: 1082 Carnation St.
Atlantic Beach, FL 32233

Telephone: (904) 334-5664
Fax: _____
E-Mail: reed@boltsandbytes.net

NOTE: Written authorization from the property owner is required if the applicant is not the owner.

RECEIVED

Agent Name: _____
Mailing Address: _____

Telephone: _____
Fax: _____
E-Mail: _____

PLANNING & DEVELOPMENT

Please provide the name, address and telephone number for any other land use, environmental, engineering architectural, economic or other professionals assisting in the application on a separate sheet of paper.

PROJECT DATA

Street address of property and/or Real Estate Number: 937 & 939 11th Avenue South, Jacksonville Beach, FL

Legal Description of property (attach copy of deed): (please see attached) REF# 176713.0000

Current Zoning Classification: I-1; Industrial Future Land Use Map Designation: Industrial

An 8 1/2 x 11-inch vicinity map must be attached showing the location of the proposed conditional use. If the proposed conditional use meets the criteria set forth in Section 34-226 (i), a sketch site plan for the development will be required to be submitted with this application.

Code section(s) applicable to the requested conditional use: 34-346 (d) (9)

Describe the proposed conditional use and the reason for the request: Educational services

Operation of an educational business for teens that focuses on technology and light fabrication skills, including classes in 3D printing, prototyping, robotics, electronics and coding.

Applicant Signature:

Date: 3/05/2018

03/02/18

To All interested parties

Mr. Reed Beaufort will be leasing
spaces 937 & 939 11th Ave South T.B.
He will be holding workshops for young
adults on how to design / draw / make
& test their projects. He will instruct
the proper SAFETY use of hand tools.

Best Regards
Reed Beaufort

RECEIVED

PC#878

MAR - 5 2018

PLANNING & DEVELOPMENT

RECEIVED

PC#8-18

MAR - 5 2018

To whom it may concern,

Bolts & Bytes Maker Academy is a new educational makerspace located at 939 11th Avenue South in Jacksonville Beach, Florida.

PLANNING & DEVELOPMENT

A makerspace is an educational space where students can create, invent, tinker, explore and build using a variety of tools and materials. Bolts & Bytes features a fully-functioning light fabrication space that includes both power tools (like drills, jigsaws, bandsaws, etc.) as well as a full compliment of hand tools for students to use to make projects out of wood, aluminum and plastics. We also have a computer design lab that is used to teach 3D printing, electronics, robotics and prototyping. Our goal is to encourage students to learn critical 21st century skills in the fields of science, technology, engineering and math (STEM) with programs that provide hands-on learning, help with critical thinking skills and even boost self-confidence.

During the school year, Bolts & Bytes will run weekend and after-school classes for students in 6th - 12th grade (approx. 12 – 18 years old). We anticipate weekday classes to start at around 4pm and end around 8pm with weekend classes primarily occurring on Saturday morning or early afternoon. Over summer break, when students are free during the day, we anticipate our classes to begin earlier on weekdays, though that schedule has not been finalized.

In researching the area and speaking with local business owners before signing our lease, we found that most current activities in the area occur primarily early in the morning and subside in the early afternoon. That is certainly true of our neighbor, Huxham Heating and AC, with whom we share a parking area. Huxham's employees arrive early in the morning on weekdays to get supplies for the day, then are off-site for the day and typically keep their company vehicles at their homes overnight and over weekends. Huxham does not operate on weekends.

Our maximum class size is 10 students per class and typical classes run between 1.5 - 3 hours. All of our programs are indoors. We are a drop-off/pick-up program for older students, so we do not anticipate parents to stay at our location while their children are attending our classes. This location was particularly attractive to us in large part due to the large number of nearby national chain and local stores available to parents to visit to run their errands while students are attending our classes (Target, Publix, Home Depot, Bed Bath & Beyond, etc.).

Though existing parking (both in our parking area and existing on-street parking) seems to be more than adequate during our planned operating hours, our property owner has

DC#8-18

already begun the process of enlarging the parking area to accommodate more parked vehicles and to ease any potential congestion of parents dropping off and picking up their students. In addition, a survey is being done now in anticipation of installing a combination of 6' and 4' wooden fence around the property.

We sincerely believe that our activities are appropriate to our location and should cause little to no disruption to current activities. We also firmly believe that Bolts & Bytes will be an exciting new asset to the Beaches community as a whole and look forward to launching our programs.

Thank you for your time and consideration!

Reed Beaubouef
President Bolts & Bytes Maker Academy

PC#8-18

Recording
Studio

937 & 939 11th Ave S
Bolts & Bytes Maker Academy

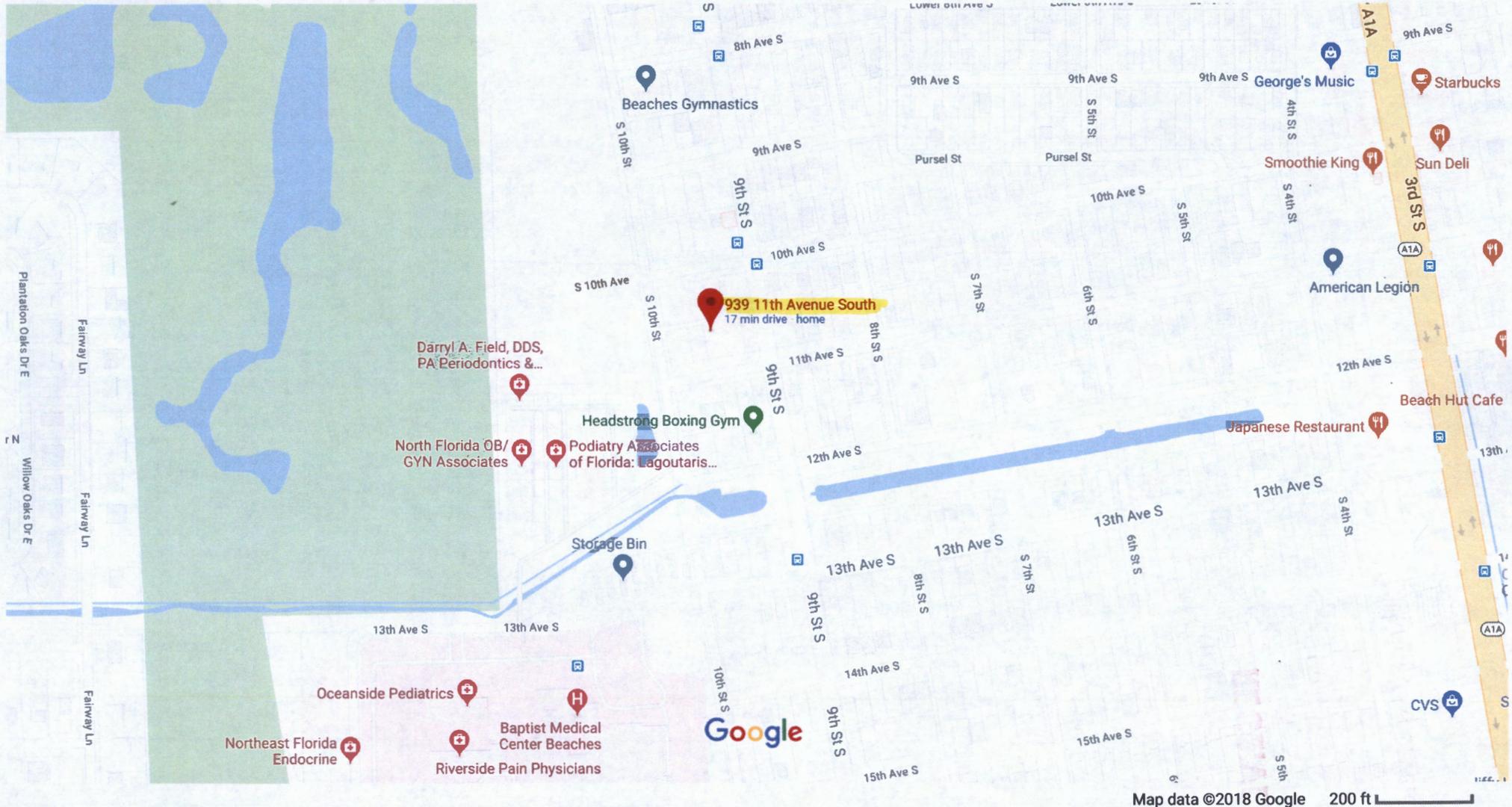
Huxham
Heating & Air



Google Maps

939 11th Ave S

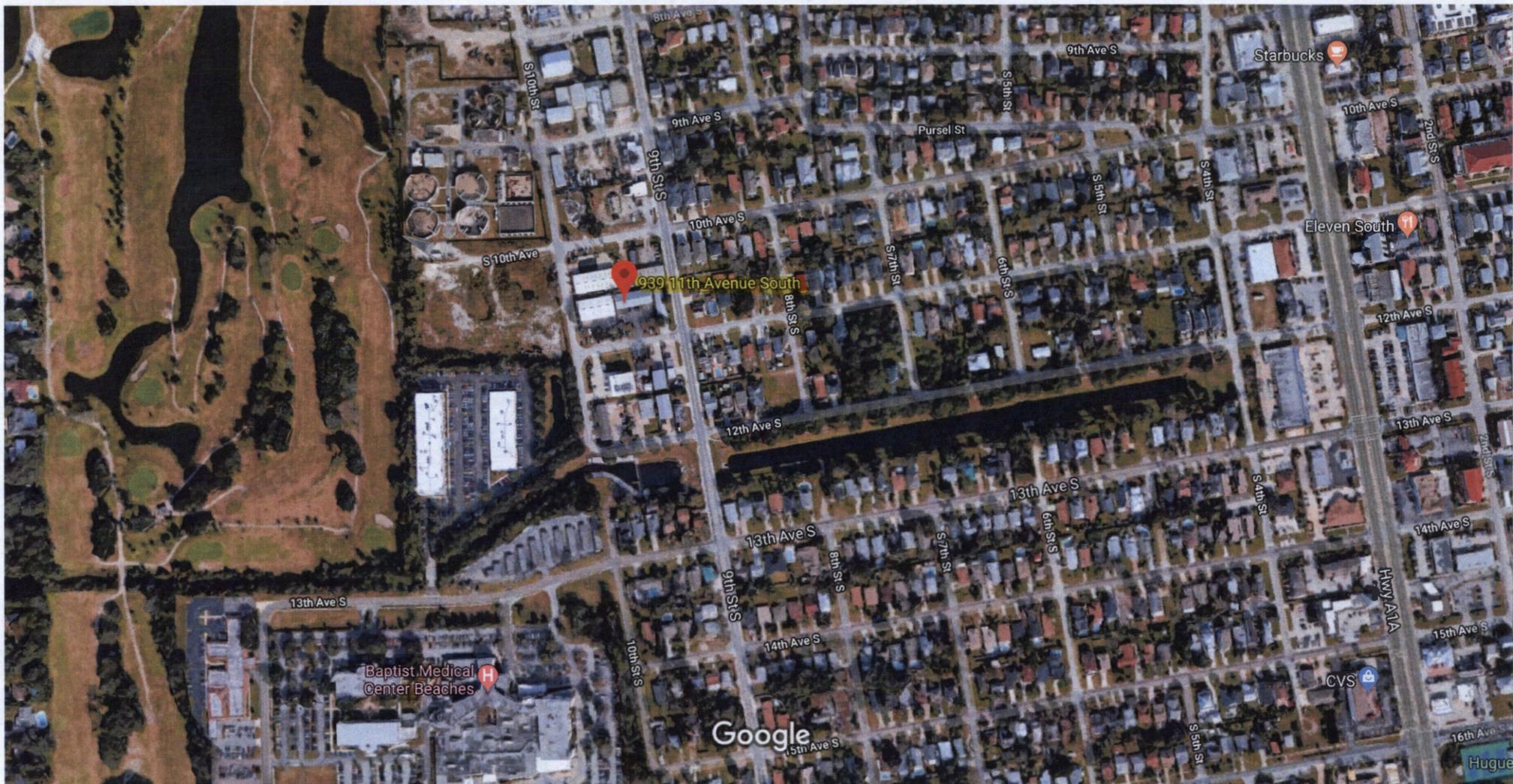
PC#8-18



Google Maps

939 11th Ave S

PC#8-18



Imagery ©2018 Google, Map data ©2018 Google 500 ft