

**TUESDAY,
NOVEMBER 9, 2021**

**REGULAR
CITY COMMISSION MEETING**

@ 7:00 PM



City of Indian Rocks Beach

1507 Bay Palm Boulevard, Indian Rocks Beach, Florida 33785

www.indian-rocks-beach.com

Administrative

727/595-2517

727/596-4759 (Fax)

Library

727/596-1822

Public Services

727/595-6889

727/593-5137 (Fax)

AGENDA

**CITY OF INDIAN ROCKS BEACH
REGULAR CITY COMMISSION MEETING
TUESDAY, NOVEMBER 9, 2021 @ 7:00 P.M.
CITY COMMISSION CHAMBERS
1507 BAY PALM BOULEVARD
INDIAN ROCKS BEACH, FLORIDA 33785**

**CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL**

1. PRESENTATIONS.

- A. **REPORT OF Pinellas County Sheriff's Office.**
- B. **REPORT OF Pinellas Suncoast Fire & Rescue District.**

2. PUBLIC COMMENTS. [3-minute time limit per speaker.]

(Any member of the audience may come forward, give his/her name and address, and state any comment or concern that he/she may have regarding any matter over which the City Commission has control, **EXCLUDING AGENDA ITEMS**. All statements made to the City Commission shall be made to the City Commission as a whole, not directed to any individual City Commission Member, and no personal, impertinent or slanderous remarks shall be permitted. No speaker shall be interrupted and no debate shall take place between the speaker and the City Commission.)

3. REPORTS OF:

- A. **City Attorney.**
- B. **City Manager.**
- C. **City Commission.**
[3-minute time limit per City Commission Member.]

4. ADDITIONS/DELETIONS.

5. CONSENT AGENDA:

- A. APPROVAL OF** the October 12, 2021 Regular City Commission Meeting Minutes.
- B. RESOLUTION NO. 2021-09.** Calling for a Municipal General Election for the purpose of electing, at large, qualified candidates to fill the vacancies of the Mayor-Commission Seat and two Commission Seats for two-year terms, for Tuesday, March 15, 2022.

6. PUBLIC HEARINGS:

A. BOA CASE NO. 2021-11 — 110-14TH AVENUE

Considering a variance request from Section 110-131(1)(f.) (1) of the Code of Ordinances of 5.00 feet into the required 25-foot front yard setback, resulting in a total front yard setback of 20.00 feet, to allow for a expansion of the existing porch and garage on the front of the house, for the property located at 110-14th Avenue, Indian Rocks Beach, Florida, and legally described as Indian Beach Re-Revised, Block 29, Lot 5. Parcel No. 01-30-14-42030-029-0050.

B. BOA CASE NO. 2021-12 — 381 LA HACIENDA DRIVE

Considering a variance request from Section 110-131(1)(f.) (2) of the Code of Ordinances of 13.00 feet into the required 25-foot rear yard setback, resulting in a total rear yard setback of 12.00 feet, to allow for a covered porch on the rear of the house, for the property located 381 LaHacienda Drive, Indian Rocks Beach, Florida, and legally described as LaHacienda 1st Addition, Lot 56 and part of Water Lot C in front. Parcel #: 07-30-15-47394-000-0560.

- C. ORDINANCE NO. 2021-06 - FIRST PUBLIC HEARING.** An ordinance of the City of Indian Rocks Beach, Florida, providing for amendments to the Code of Ordinances by amending Chapter 110, Zoning; Article I - In General, Section 110-344 "Swimming pools and spas"; by increasing the maximum length of permissible waterfall features in swimming pools and spas; providing for repeal of ordinances or parts of ordinances in conflict herewith to the extent of such conflict; providing for severability; and providing for an effective date.

7. OTHER LEGISLATIVE MATTERS:

- A. ORDINANCE NO. 2021-07 - FIRST READING.** An ordinance by the City Commission of the City of Indian Rocks Beach, Florida, amending Chapter 90 of the Code of Ordinances to provide criteria for accessory structures in flood hazard areas; to not permit installation of manufactured homes and recreational vehicles in flood hazard areas and align with regulatory directives; providing for applicability, codification, and severability; and providing for an effective date.

8. WORK SESSION ITEMS [DISCUSSION ONLY]:

9. OTHER BUSINESS.

10. ADJOURNMENT.

APPEALS: Any person who decides to appeal any decision made, with respect to any matter considered at such hearing, will need a record of the proceedings and, for such purposes, 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, per s. 286.0105, F.S. Verbatim transcripts are not furnished by the City of Indian Rocks Beach and should one be desired, arrangements should be made in advance by the interested party (i.e. Court Reporter).

In accordance with the Americans with Disability Act and s. 286.26, F.S., any person with a disability requiring reasonable accommodation in order to participate in this meeting should contact the City Clerk's Office with your request, telephone 727/595-2517 or doreilly@irbcity.com, no later than four (4) days prior to the proceeding for assistance.

POSTED: November 5, 2021

**NEXT REGULAR CITY COMMISSION MEETING
TUESDAY, DECEMBER 14, 2021 @ 7:00 P.M.**

AGENDA ITEM NO. 1A

**REPORT OF
Pinellas County Sheriff's Office**

AGENDA ITEM NO. 1B

**REPORT OF
Pinellas Suncoast Fire & Rescue
District**

Pinellas Suncoast Fire & Rescue District Monthly Report for

Indian Rocks Beach – October 2021

1. COVID – Staffing levels are normal, as no employees out due to COVID related issues. Protocols are moving ever closer to pre-pandemic status. The signage prohibiting visitors has been removed and fire stations are again open to the public.

2. EMS CALL ACTIVITY: EMS call volume for the month was rather high with 53 EMS calls for service in Indian Rocks Beach in October. The EMS calls included

Falls – 7	Motor Vehicle Crash – 1
Overdose - 1	Medical Alarm - 2
Sick Person or Other EMS – 23	Trauma - 2
Cardiac – 5	Unconscious – 7
Respiratory – 4	

All EMS emergency responses except for two were within the target of 7 min. 30 sec. Average EMS response time for the above was 4 min. 11 sec.

3. FIRE CALL ACTIVITY: The fire call activity was within normal range with a total of 9 incidents. The calls included:

Fire Alarm – 5
Elevator Rescue – 1
Structure Fire – 1
Outside Fire - 1

All fire emergency responses were within the 7 min. 30 sec. The average response time was 4 min. 9 sec.

4. FIRE CHIEF APPOINTMENT: The Board of Commissioners selected Chief Jeff Davidson to be the new fire chief for the Pinellas Suncoast Fire and Rescue District. Chief Davidson comes with over thirty years of experience and is currently serving as the Fire Chief in Haines City, FL. His start date is November 15, 2021. Retiring Chief Michael Burton's last day is December 3, 2021, as a deliberate transition plan has been built with both chiefs working side by side to ensure a smooth transition.

AGENDA ITEM NO. 2

PUBLIC COMMENTS.

AGENDA ITEM NO. 3A
REPORTS OF City Attorney

AGENDA ITEM NO. 3B

REPORTS OF City Manager

November 2021 City Managers Report

Code Enforcement Report

- Violation Letters Issued – Seven (7)
- Notice to Appear – two (2)
- Courtesy Letters – one (1)
- Parking Citations – sixty-five (65)

HallowFest

IRB HallowFest was held on Saturday, October 30, 2021, and was a huge success. The first IRB HallowFest was started in 2015. This year the cost of the event was covered by a generous donation from Crabby Bills. Thanks go out to our City Team. Special thanks to Lorin and Dean for co-chairing this event. Additionally, thanks are in order to the Green Town Kids for staffing the pumpkin patch.

Stormwater

We have completed negotiations and the scope of work to engage CivilSurv to update the City's Stormwater Master Plan of 1991 and to ensure compliance with HB53. The city-wide study will be presented to the City Commission when completed. After review by the City Commission the Commission will determine what stormwater projects will be authorized. The expense of the approved projects will be covered from funds received by the city from the American Rescue Plan. We expect the study to be completed in approximately six months. The work is covered under the existing general terms of Engineering and Consulting with CivilSurv and by the consensus to proceed granted from the IRB City Commission on October 12, 2021.

Gulf Boulevard Undergrounding Phase II

With the approval of the City Commission, we are in the final stages of negotiations with Utility Consultants of Florida for the management and construction of Gulf Boulevard Undergrounding Phase II. We will report back with the final timeline for the project when the scope of work, timeline and all agreements are signed.

Upcoming City Events

- IRB Christmas Tree Lighting – Friday, December 3, 2021 – 7:00 PM
- IRB Christmas Street Parade – Sunday, December 5, 2021 – 1:00 PM
- IRB Christmas Boat Parade – Saturday, December 18, 2021 – 7:00 PM

AGENDA ITEM NO. 3C

REPORTS OF City Commission

AGENDA ITEM NO. 4

ADDITIONS/DELETIONS

**AGENDA ITEM NO. 5A
CONSENT AGENDA**

**APPROVAL OF
October 12, 2021 Regular City
Commission Meeting Minutes**

AGENDA ITEM NO.: 5A - APPROVAL OF MINUTES.
DATE OF MEETING: NOVEMBER 9, 2021 CCM

MINUTES — OCTOBER 12, 2021
CITY OF INDIAN ROCKS BEACH
REGULAR CITY COMMISSION MEETING

The Indian Rocks Beach Regular City Commission Meeting was held on **TUESDAY, OCTOBER 12, 2021**, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

Mayor-Commissioner Kennedy called the meeting to order at 7:01 p.m., followed by the Pledge of Allegiance and a moment of silence.

PRESENT: Mayor-Commissioner Joanne Moston Kennedy, Vice Mayor-Commissioner Joe McCall, Commissioner Philip J. Hanna, Commissioner Hoofnagle, Commissioner Denise Houseberg, and City Manager Brently Gregg Mims.

OTHERS PRESENT: City Attorney Randy D. Mora, City Clerk Deanne B. O'Reilly, MMC, Planning Consultant Hetty C. Harmon, AICP, Engineering Consultant Mark J. Frederick, PE.

(To provide continuity for research, items are listed in agenda order although not necessarily discussed in that order.)

1A. REPORT OF Pinellas County Sheriff's Office.

The Pinellas County Sheriff's Office submitted a written crime analysis report for the month of August and September 2021.

1B. REPORT OF Pinellas Suncoast Fire & Rescue District.

The Pinellas Suncoast Fire and Rescue District submitted a written report for the month of September 2021.

2. PUBLIC COMMENTS.

Danny Huggins, 1 Windrush Boulevard, stated that she is a new resident. She thanked the City Commission for the work that they do. She particularly has an invested interest for any type of socioeconomic enhancements.

3A. REPORTS OF the City Attorney. No report.

3B. REPORTS OF the City Manager.

City Manager Mims provided the following report:

- Acknowledged the passing of Finance and Budget Review Committee Member Frank Waters, who served on that board since 2014. In recognition of his committee service, a memorial brick has been placed at Chic-A-Si Park.
- Code Enforcement for the month of September 2021
 - 38 Parking Citations (does not include PCSO)
 - 8 Notices to Appear
 - 10 Notices of Violation Letters.
 - 3 Courtesy Letters
- In recognition of Breast Cancer Awareness Month. The City will be flying Breast Cancer Awareness Flags at City Hall and at the Campalongo Baseball Field.
- Seasonal Banners will be displayed in the auditorium.
- Provided an update on the City's Comprehensive Drainage Plan. He stated part of the adopted budget and mandated by the State of Florida is for the City to update its Master Drainage Plan.

MASTER DRAINAGE PLAN UPDATE

City Manager Mims stated he can go about the update of the Master Drainage Study in a couple different ways: the City can retain CivilSurv or go out for an RFP.

City Manager Mims stated the City has a contract with CivilSurv for engineering services. CivilSurv has served the City well, and they have already done drainage projects for the City and have already have maps of the City.

City Manager Mims stated this would be a very thorough and expensive study. He stated for this small town, the City is looking at \$100,000 plus to complete the study.

City Manager Mims asked what the City Commission preferred, retain CivilSurv for this project or go out for an RFP.

Commissioner Houseberg asked of CivilSurv if they had the latest technologies in order to solve the City's drainage problems.

Mr. Frederick stated that CivilSurv does have the latest technologies available for this type of study.

Commissioner Houseberg stated to go through the RFP process, it is long, it is grueling, it takes a lot of time, and then there is the evaluation of the submittals.

Commissioner Hanna asked if the City was under legal obligation to go out for an RFP, with City Manager Mims responding in the negative.

CONSENSUS OF THE CITY COMMISSION TO COORDINATE WITH CIVILSURV TO PREPARE THE MASTER DRAINAGE STUDY FOR THE CITY.

3C. REPORTS OF the City Commission.

COMMISSIONER HOOFNAGLE:

- Encouraged everyone to attend Oktoberfest on Saturday, October 23, 2021, from Noon to 6:00 p.m. in Kolb Park.

VICE MAYOR-COMMISSIONER McCALL:

- Encourages everyone to attend Taste of IRB on Saturday November 6, 2021, from 3:00 p.m. to 9:00 p.m. in Chi-A-Si Park.

MAYOR-COMMISSIONER KENNEDY:

- Announced on November 6, 2021, the GreenTown Kids will be hosting a coastal cleanup event.
- Announced on November 13, 2021, will be the Women's Tea Event.

4. ADDITIONS/DELETIONS. None.

5. CONSENT AGENDA:

- APPROVAL OF the September 8, 2021 Special City Commission Meeting Minutes.**
- APPROVAL OF the September 14, 2021 Regular City Commission Meeting Minutes.**
- APPROVAL OF the September 22, 2021 Special City Commission Meeting Minutes.**
- CONFIRMING ACTION taken during the September 22, 2021 Special City Commission Meeting.**
- APPOINTING HERB SYLVESTER to the Planning & Zoning Board as a regular board member for a two year term, expiring May 31, 2023.**

City Attorney Mora read the Consent Agenda, consisting of Agenda Item Nos. A through E, by title only.

Upon the request of Mayor-Commissioner Kennedy, Herb Sylvester, a Planning and Zoning Board applicant, came to the podium and introduced himself to the City Commission and told the City Commission a little bit about himself and why he would like to serve on the Planning and Zoning Board.

MOTION MADE BY COMMISSIONER HOOFNAGLE, SECONDED BY COMMISSIONER HANNA, TO APPROVE THE CONSENT AGENDA, CONSISTING OF AGENDA ITEMS NOS. A THROUGH E, AS SUBMITTED.

6. PUBLIC HEARINGS: None.

7. OTHER LEGISLATIVE MATTERS: None.

8A. DISCUSSION of Updated FEMA Flood Insurance Rate Map Comparison to Pinellas County Vulnerability Assessment Study.

City Manager Mims introduced the Agenda Item. He stated CivilSurv will be reviewing the updated FEMA Flood Insurance Rate Map Comparison to Pinellas County Vulnerability Assessment Study.

City Manager Mims stated this evening the City Commission would have two options: (1) Option A - No action required - continue to utilize current FEMA Maps or (2) Adopt County Vulnerability Assessment Elevations.

City Manager Mims stated Risk 2.0 is the new methodology FEMA has come with to base flood insurance rates on. Everything that is discussed this evening will have nothing to do with flood insurance rates.

City Manager Mims stated there is a bill in Congress to delay the implementation of Risk 2.0 because there is a concern about the impact on property owners.

Mark J. Frederick, PE, CivilSurv, stated the FEMA Map updates are based on storms up through 2012 or the ones that FEMA used for their synthetic storm distributions. It is also based on the LiDAR, a topographic ground elevation data dated 2007.

Mr. Frederick stated the Pinellas VA uses newer storms and newer ground elevation information.

Mr. Frederick presented a PowerPoint Presentation showing random properties in the City comparing flood elevations between FEMA 2021 Base Flood Elevation and Pinellas VA 100-Year Elevation. The FEMA 2003 (existing) Base Flood Elevation was also listed on each slide also.

Commissioner Hoofnagle asked does the City have to incorporate the Pinellas VA into its Building Codes? Or is it something that the County put out and said this what the County thinks it should be?

Mr. Frederick stated the City could adopt the Pinellas VA, which has higher elevations, or do nothing and continue to utilize current FEMA Maps.

Commissioner Hoofnagle asked if the City has any requirement or standing agreement with Pinellas County that the City is interested in adopting the Pinellas VA.

Mayor-Commissioner Kennedy asked of FEMA or Pinellas VA, which one had the most current data?

Mr. Frederick stated the Pinellas VA looked at storms up until 2018 and newer ground elevations. He noted the FEMA Maps were based on storms and LiDAR up until 2007.

Vice Mayor-Commissioner McCall stated this would affect the standard flood depth for just new construction and rehab because that would trigger the FEMA 50% Rule. He asked if anything would stop a property owner from following the Pinellas VA elevations instead of the FEMA elevations.

City Manager Mims stated legally, the local entity can pass a more restrictive set of regulations than what the FEMA requirements are.

Commissioner Hanna stated there are two different standards, and he is leaning toward looking more at more current data and the LiDAR Study. There is not going to be a penalization for anyone if they went with FEMA or Pinellas VA.

City Manager Mims stated that if Pinellas VA were in place, property owners would be required to build higher than FEMA standards. As long as a property owner meets the FEMA standards, they would not care.

Commissioner Hanna stated if he builds to a higher standard, and since everything is risk-based in terms of elevation, his flood insurance rate would be potentially lower.

City Manager Mims stated that is not true. Just because someone builds to a higher level does not mean their flood insurance rates will go down. There are a lot of things that factor into flood insurance rates.

Mayor-Commissioner Kennedy opened the public comment session for this agenda item. Seeing/hearing no one wishing to speak, she closed the public comment session.

Commissioner Hoofnagle stated the City always strives for simplicity in the City's ordinances. Property owners build above flood elevation for their protection, and the linkage to FEMA to him makes sense because that has a tied-in to an insurance policy. He said it would be nice to recommend the County's Vulnerability Assessment and let property owners know what the vulnerability assessment estimates are. But, he is having a hard time figuring out why the City would want to go and have a whole set of ordinances linked

to Pinellas County when the City is already linked to FEMA. He does not see the benefit in it.

Mayor-Commissioner Kennedy asked Commissioner Hoofnagle what he thought about the fact that the FEMA Study is so old compared to the Pinellas VA Study, and that concerns her.

Commissioner Hoofnagle stated the City could make its property owners aware that the FEMA elevations are the minimum, and by the way, there is the Pinellas VA Study available, which is about a foot higher in elevation.

Commissioner Hoofnagle stated that if the City adopted the Pinellas VA elevations, the City would be mandating more stringent standards than FEMA. He understands the Pinellas VA was based on a newer and better model and newer data.

Commissioner McCall stated FEMA is insuring most of this Country. If FEMA is okay with their numbers, he is sure they have some bright people at FEMA that have figured this out. He does not see any benefit from a Citywide perspective to use the Pinellas VA elevations. A property owner has the opportunity to build to whatever elevation they want. They can use the FEMA or the Pinellas VA elevations.

Commissioner McCall said, as Commissioner Hoofnagle stated, the City's ordinances need simplicity, and FEMA gives the cities the guidelines to go by. He stated it is up to the property owner to decide if they want to go by FEMA or Pinellas VA elevations.

Mayor-Commissioner Kennedy stated she understands the different models and data used by FEMA and Pinellas County and asked why FEMA elevations are lower.

Mr. Frederick responded CivilSurv is not advocating one way or the other, and he did not have any direct involvement in either model preparation. CivilSurv is only simply showing the results of what those elevations worked out to. But as far as an opinion, either way, he would not have one to offer tonight based off on the research that CivilSurv has done up to this point.

Vice Mayor-Commissioner McCall stated the FEMA Map (adopted August 2021) and the Pinellas VA Map are both new maps, and the only difference is the data, under time constraints.

CONSENSUS OF THE CITY COMMISSION TO GO WITH OPTION A, NO ACTION REQUIRED, CONTINUE TO UTILIZE CURRENT FEMA MAPS, AND ADVISE PROPERTY OWNERS THAT THE PINELLAS COUNTY VULNERABILITY ASSESSMENT ELEVATIONS ARE AVAILABLE, WITH MAYOR-COMMISSIONER KENNEDY OBJECTING.

Mayor-Commissioner Kennedy stated she feels like the City should be going with Pinellas County.

GREG's comments.

9. OTHER BUSINESS.

Mayor-Commissioner Kennedy stated she had a meeting with Senator Ed Hooper and reviewed some issues that are currently facing the City: red tide, and beach renourishment, and short-term rentals.

Mayor-Commissioner Kennedy stated next week a group of the local elected officials are meeting with Representative DiCeglie.

10. ADJOURNMENT.

MOTION MADE BY COMMISSIONER HOOFNAGLE, SECONDED BY COMMISSIONER HANNA, TO ADJOURN THE MEETING AT 7:50 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.

November 9, 2021

Date Approved

Joanne Moston Kennedy, Mayor-Commissioner

ATTEST: _____
Deanne B. O'Reilly, MMC, City Clerk

/DOR

**AGENDA ITEM NO. 5B
CONSENT AGENDA**

**RESOLUTION NO. 2021-09
Calling for a Municipal Election on
March 15, 2022.**

INDIAN ROCKS BEACH CITY COMMISSION STAFF REPORT

MEETING OF: November 9, 2021 **AGENDA ITEM:** 5B

SUBMITTED AND:

RECOMMENDED BY: Deanne B. O'Reilly, MMC, City Clerk 

APPROVED BY:

Brently Gregg Mims, City Manager 

SUBJECT:

RESOLUTION NO. 2021-09. Calling for a general election for the purpose of electing, at large, qualified candidates to fill the vacancies of the Mayor-Commissioner Seat and two Commissioner Seats for two-year terms and entering into a contract with the Pinellas County Supervisor of Elections for the **MARCH 15, 2021 MUNICIPAL GENERAL ELECTION.**

BACKGROUND:

The City of Indian Rocks Beach is subject to and has adopted the applicable provisions of the Florida Elections Code, Florida Statute Chapters 97 through 106.

Pursuant to Charter Section 3.1, Manner of Holding Elections, the City Commission of the City of Indian Rocks Beach shall, by resolution, prescribe the manner of holding both general and special elections not inconsistent with the provisions hereof and said City Commission shall also by resolution provide such polling place or places as they deem expedient. The Pinellas County Canvassing Board shall serve as the canvassing board for the City for the purpose of declaring the results of elections.

The City of Indian Rocks Beach has requested the assistance from the Pinellas County Supervisor of Elections in conducting their Municipal General Election to be held on March 15, 2022.

The Pinellas County Supervisor of Elections has agreed to providing such assistance to the City subject to conditions, considerations, and agreements.

The Pinellas County Supervisor of Elections advised that final ballot language for the March 15, 2022 Ballot is due on or before December 31, 2021.

Pursuant to Section 22-63, Ballot Language, Subsection (g), no later than 90 days prior to the issue election [December 15, 2021], the City Clerk shall transmit to the Pinellas County Supervisor of Elections a certified copy of any ordinance calling an issue election together with the designating number, if applicable, the ballot title, and the substance of the issue.

All persons desiring to be candidates at such election shall qualify in accordance with the provisions of the Charter and Code of Ordinances for the City of Indian Rocks Beach and the elections laws of the State of Florida pertaining to municipal elections.

CANDIDATE QUALIFYING WILL BEGIN MONDAY, DECEMBER 6, 2021 AT NOON, AND WILL END MONDAY, DECEMBER 13, 2021 AT NOON.

The outcome of the election for the Mayor-Commission Seat and the Commissioner Seats shall be determined by the candidates receiving the greatest number of votes for each seat.

The polling place for such election shall be the Civic Auditorium, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, and the polls shall be open from 7:00 a.m. to 7:00 p.m.

The Pinellas County Canvassing Board, will conduct the Logic and Accuracy Tests, open and prepare absentee/mailed ballots for tabulation and tabulate all ballots for the March 15, 2022 General Municipal Election at the Pinellas County Supervisor of Elections' Service Center located at 13001 Starkey Road, Largo, Florida.

The City Manager is authorized to contract with the Pinellas County Supervisor of Elections to conduct said election and tabulate all ballots at the Elections Service Center.

The Pinellas County Supervisor of Elections shall be responsible for appointing all poll workers.

Election tabulation will take place at the Elections Service Center. Election results will be released throughout the night and posted to the Pinellas County Supervisor of Elections' website, www.votepinellas.com. Only cumulative results will be released on election night. No results will be suppressed. The Elections Office will provide precinct results when the Pinellas County Canvassing Board certifies the official results.

MOTION:

I MOVE TO APPROVE/DENY RESOLUTION NO. 2021-09, CALLING FOR A GENERAL MUNICIPAL ELECTION TO BE HELD ON MARCH 15, 2022, FOR THE PURPOSE OF ELECTING, AT LARGE, QUALIFIED CANDIDATES TO FILL THE VACANCIES OF THE MAYOR-COMMISSIONER SEAT AND TWO COMMISSIONER SEATS FOR TWO-YEAR TERMS AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE PINELLAS COUNTY SUPERVISOR OF ELECTIONS.

/dor

**CITY OF INDIAN ROCKS BEACH
RESOLUTION NO. 2021-09**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, CALLING FOR A GENERAL ELECTION FOR THE PURPOSE OF ELECTING, AT LARGE, QUALIFIED CANDIDATES TO FILL THE VACANCIES OF THE MAYOR-COMMISSIONER SEAT AND TWO CITY COMMISSIONER SEATS FOR TWO-YEAR TERMS; AUTHORIZING THE PINELLAS COUNTY SUPERVISOR OF ELECTIONS TO APPOINT POLL WORKERS; AUTHORIZING THE ASSIGNMENT OF POLLING PLACE; ESTABLISHING A CANDIDATE QUALIFYING PERIOD; AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE PINELLAS COUNTY SUPERVISOR OF ELECTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Indian Rocks Beach is subject to and has adopted the applicable provisions of the Florida Elections Code, Florida Statute Chapters 97 through 106; and

WHEREAS, pursuant to Charter Section 3.1, Manner of Holding Elections, the City Commission of the City of Indian Rocks Beach shall, by resolution, prescribe the manner of holding both general and special elections not inconsistent with the provisions hereof and said City Commission shall also by resolution provide such polling place or places as they deem expedient. The Pinellas County Canvassing Board shall serve as the canvassing board for the City for the purpose of declaring the results of elections; and

WHEREAS, the City of Indian Rocks Beach has requested the assistance from the Pinellas County Supervisor of Elections in conducting their municipal general election to be held on March 15, 2022; and

WHEREAS, the Pinellas County Supervisor of Elections has agreed to providing such assistance to the City subject to conditions, considerations, and agreements; and

WHEREAS, the Pinellas County Supervisor of Elections advised that final ballot language for the March 15, 2022 Ballot is due on or before December 31, 2021; and

WHEREAS, pursuant to Section 22-63, Ballot Language, Subsection (g), no later than 90 days prior to the issue election [*December 15, 2021*], the City Clerk shall transmit to the Pinellas County Supervisor of Elections a certified copy of any ordinance calling an issue election together with the designating number, if applicable, the ballot title, and the substance of the issue.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, that:

Section 1. The City of Indian Rocks Beach, Florida, Municipal General Election shall be conducted on March 15, 2022, for the purpose of electing, at large, qualified candidates to fill the vacancies of the Mayor-Commissioner Seat and two City Commissioner Seats for two-year terms.

Section 2. The outcome of the election for the Mayor-Commissioner Seat and the two City Commissioner Seats shall be determined by the candidates receiving the greatest number of votes for each seat.

Section 3. Except as otherwise provided by the City Charter and Code of Ordinances, the provisions of the election laws of the State of Florida shall apply to this election.

Section 4. The polling place for such election shall be the Civic Auditorium, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, and the polls shall be open from 7:00 a.m. to 7:00 p.m.

Section 5. All persons desiring to be candidates at such election shall qualify in accordance with the provisions of the Charter and Code of Ordinances for the City of Indian Rocks Beach and the elections laws of the State of Florida pertaining to municipal elections.

Section 6. Candidate Qualifying Period will begin Monday, December 6, 2021 at noon, and will end Monday, December 13, 2021 at noon.

Section 7. The Pinellas County Canvassing Board shall conduct the Logic and Accuracy Tests, open and prepare absentee and mail ballots for tabulation, and tabulate all ballots for the March 15, 2021 General Municipal Election at the Pinellas County Supervisor of Elections' Service Center located at 13001 Starkey Road, Largo, Florida.

Section 8. The Pinellas County Supervisor of Elections is hereby authorized to appoint poll workers.

Section 9. The City Manager shall be authorized to contract with the Pinellas County Supervisor of Elections to conduct said election and tabulate all ballots at the Pinellas County Supervisor of Elections' Service Center.

Section 10. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 9th day of November, 2021, by the City Commission of the City of Indian Rocks Beach, Florida

Joanne Moston Kennedy, Mayor-Commissioner

ATTEST: _____
Deanne B. O'Reilly, MMC, City Clerk

/dor

AGENDA ITEM NO. 6A

**QUASI-JUDICIAL PROCEEDING
BOA CASE NO. 2021-11
110-14TH AVENUE**

INDIAN ROCKS BEACH CITY COMMISSION STAFF REPORT

MEETING OF: November 9, 2021 **AGENDA ITEM NO.** 6A

**SUBMITTED AND
RECOMMENDED BY:** Hetty C. Harmon, AICP, Planning Consultant

APPROVED BY: Brently Gregg Mims, City Manager 

SUBJECT: **BOA CASE NO. 2021-11 — 110 14TH AVENUE**
Variance request from Section 110-131(1)(f.)(1) of the Code of Ordinances of 5.00 feet into the required 25-foot front yard setback, resulting in a total front yard setback of 20.00 feet, to allow for an expansion of the existing porch and garage on the front of the house for the property located at 110-14th Avenue, Indian Rocks Beach, Florida, and legally described as Indian Beach Re-Revised, Block 29, Lot 5. Parcel # 01-30-14-42030-029-0050

OWNER: Robert Kirk Park III
PROPERTY LOCATION: 110-14th Avenue
ZONING: S- Single Family

Direction	Existing Use	Zoning Category
North	Medium Density Residential	RM-1
East	Medium Density Residential	RM-1
South	Medium Density Residential	RM-1
West	Medium Density Residential	RM-1

BACKGROUND:

The applicant is planning to convert his existing duplex into a single family residence. He is requesting to enlarge the front porch by 5 foot and enlarge the garage below the porch to be the same distance from the front property line as the porch. The existing residence was built in 1979, and Mr. Kirk has owned the building since 1997. The overall building has a front setback of 30 feet, however, the second story porch is located at 25 feet from the front property line. The existing front planter is located 20 feet from front property line. The new porch and extended garage would be located at 20 feet from the front property line.

Sec. 2-152. Variances.

(a) *Generally; criteria for granting variances from the terms of subpart B.*

(1) The Board of Adjustments and Appeals shall make recommendations on and the City Commission shall decide variance applications will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of subpart B will result in unnecessary and undue hardship. In order to recommend or decide any variance from the terms of subpart B, the Board or the City Commission shall consider each of the following:

- a. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. *The original building was built as a duplex and each unit has a small 5 foot deep porch. Since the applicant is proposing to convert to a single-family they would like a more usable porch.*
- b. The special conditions and circumstances do not result from the actions of the applicant. *The applicant did not create any special conditions or circumstances.*
- c. Granting the variance will not confer on the applicant any special privilege that is denied by subpart B to other lands, structures or buildings in the same zoning district. *Granting the variance would not confer special privileges to the applicant, it would allow for reasonable use of the dwelling for a single family residence.*
- d. Literal interpretation of the provisions of subpart B would deprive other properties in the same zoning district under the terms of subpart B and would work unnecessary and undue hardship upon the applicant. *The approval of this variance request would not deprive other owners of use and enjoyment of their properties.*
- e. The variance granted is the minimum variance that will make possible the reasonable use of the land, structure or building. *This is the minimum variance to allow the owner to convert to a single family dwelling and construct a usable porch as desired.*
- f. The granting of the variance will be in harmony with the general intent and purpose of subpart B, and such variance will not be injurious to the area involved or be otherwise detrimental to the public welfare. *Granting the variance will be in harmony with the general intent and purpose of subpart B.*

STAFF RECOMMENDATION: Based on the variance review criteria of Section 2-152, staff recommends approval of the request.

BOARD OF ADJUSTMENTS AND APPEALS: The Board of Adjustments and Appeals met on October 19, 2021, and recommended approval to the City Commission by a vote of 5 to 0.

PUBLIC NOTICE: A public notice was mailed by first class mail to the property owners within 150 feet in any direction of the subject property and posted on subject property on October 25, 2021, pursuant to Section 2-149 of the Code of Ordinances.

CORRESPONDENCE RECEIVED: No correspondence was received.

LEGAL ADVERTISEMENT: A legal notice was published in the October 27, 2021-edition, of the St. Pete Time Section of the Tampa Bay Times, for a public hearing that has been scheduled on November 9, 2021, for BOA Case No. 2021-11.

MOTION:

I move **APPROVE/DENY BOA CASE BOA CASE NO. 2021-12:** A variance request from Section 110-131(1)(f.)(1) of the Code of Ordinances of 5.00 feet into the required 25-foot front yard setback, resulting in a total front yard setback of 20.00 feet, to allow for a expansion of existing porch and garage on the front of the house, for property located at 110-14th Avenue, Indian Rocks Beach, Florida, and legally described as Indian Beach Re-Revised , Block 29 , Lot 5.

/dor

110 14th Avenue
BOA CASE NO. 2021-11



BOA CASE NO. 2021-11: Variance request from Sec. 110-131(1)(f.)(1) of 5.00 feet into the required 25-foot front yard setback, resulting in a total front yard setback of 20.00 feet, to allow for a expansion of existing porch and garage on the front of the house for property located at 110 14th Ave, Indian Rocks Beach, Florida, and legally described as Indian Beach Re-Revised , Block 29 , Lot 5



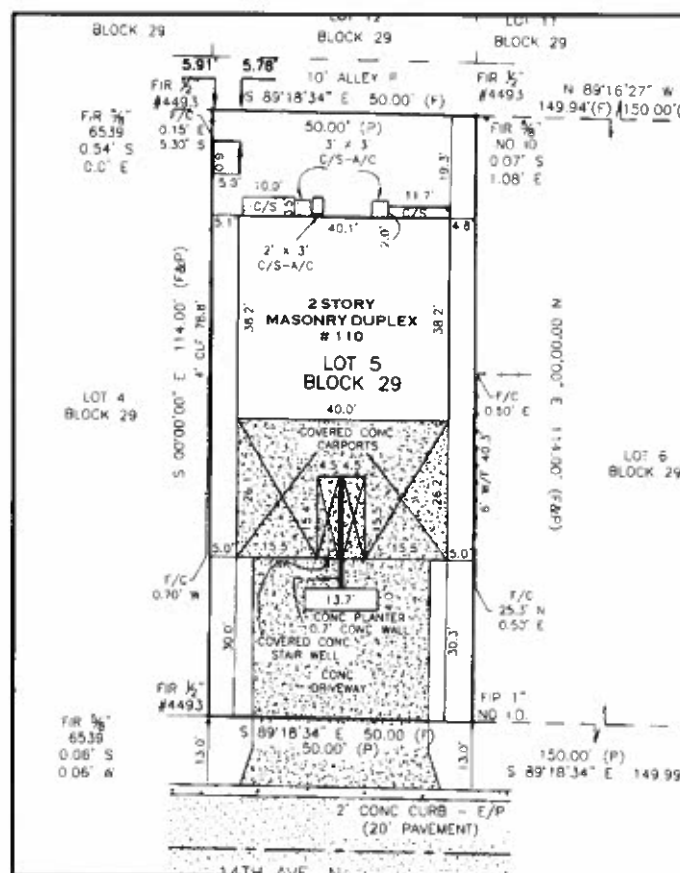
110 14th Avenue



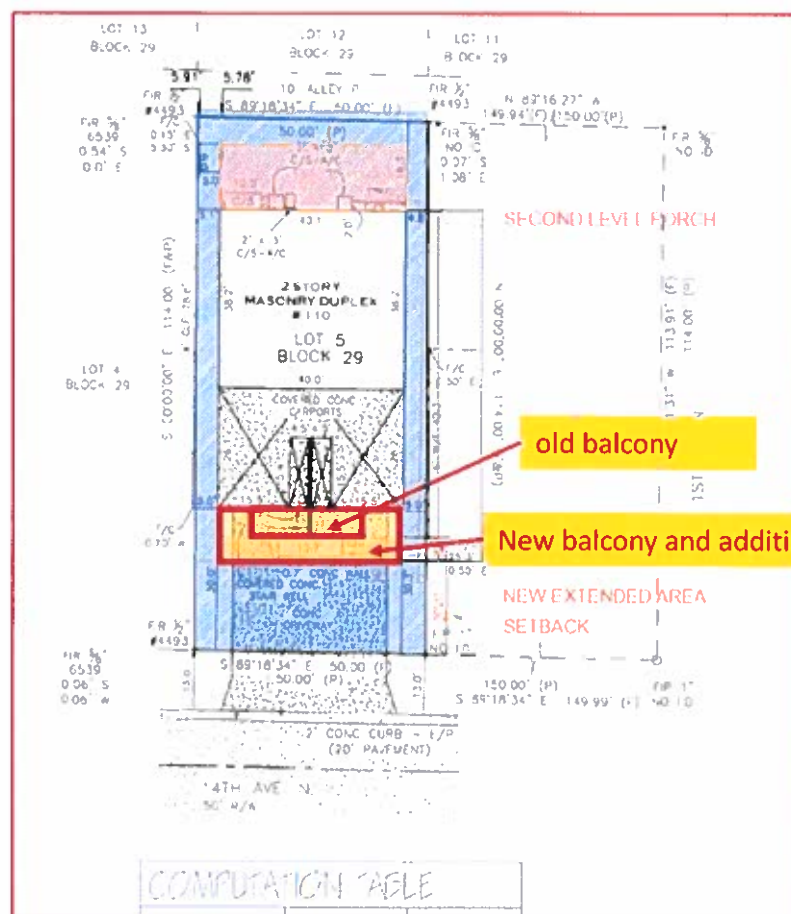
110 14th Ave



Survey



Proposed addition

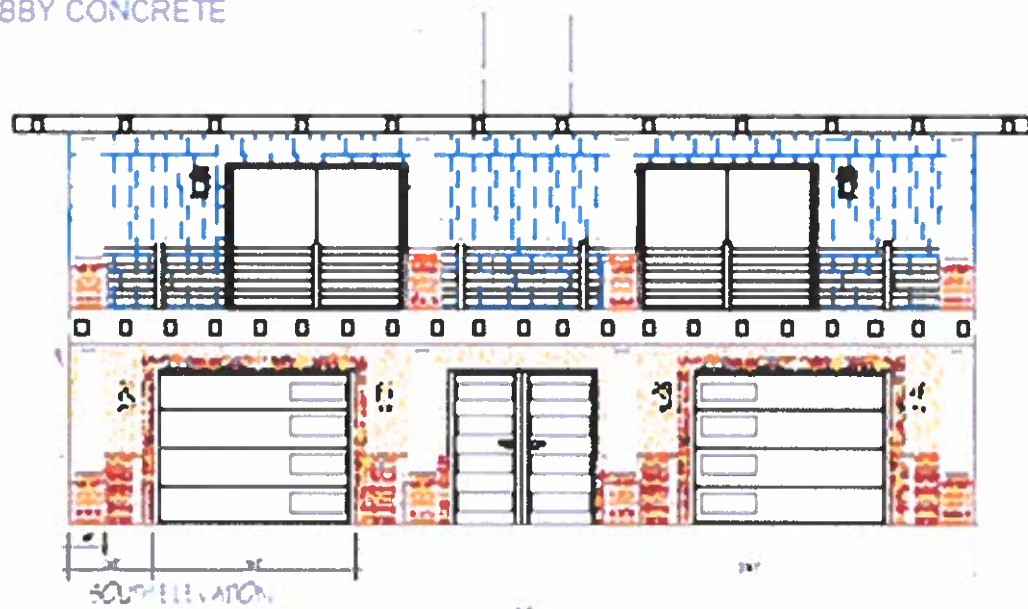


Proposed addition



Proposed Elevation

ABBY CONCRETE



to meet the criteria established in the Code of Ordinances, then the Board is required by law to find against the applicant.

3. APPROVAL OF MINUTES: AUGUST 17, 2021

MOTION MADE BY MEMBER ALVAREZ, SECONDED BY MEMBER LABADIE, TO APPROVED THE AUGUST 17, 2021 MINUTES, AS SUBMITTED. UNANIMOUS APPROVAL BY ACCLAMATION.

4. BOA CASE NO. 2021-11 — 110-14TH AVENUE

Owner/Applicant: Robert Kirk Park III
Subject Location: 110-14th Avenue, Indian Rocks Beach, Florida
Legal Description: Indian Beach Re-Revised, Block 29, Lot 5.
Parcel #: 01-30-14-42030-029-0050
Variance Request: A variance request from Section 110-131(1)(f.)(1) of Code of Ordinances of 5.00 feet into the required 25-foot front yard setback, resulting in a total front yard setback of 20.00 feet, to allow for a expansion of the existing porch and garage on the front of the house.

[Beginning of Staffing Report.]

SUBJECT: BOA CASE NO. 2021-11. Variance request from Sec. 110-131(1)(f.)(1) of the Code of Ordinance of 5.00 feet into the required 25-foot front yard setback, resulting in a total front yard setback of 20.00 feet, to allow for a expansion of existing porch and garage on the front of the house for property located at 110-14th Avenue, Indian Rocks Beach, Florida, and legally described as Indian Beach Re-Revised , Block 29 , Lot 5. Parcel # 01-30-14-42030-029-0050.

OWNER: Robert Kirk Park III
PROPERTY LOCATION: 110-14th Avenue
ZONING: S — Single-Family

Direction	Existing Use	Zoning Category
North	Medium Density Residential	RM-1
East	Medium Density Residential	RM-1
South	Medium Density Residential	RM-1
West	Medium Density Residential	RM-1

BACKGROUND:

Kirk Park is planning on converting his existing duplex into a single-family residence. He is requesting to enlarge the front porch by 5 feet and enlarge the garage below the porch to be the same distance from the front property line as the porch. The existing residence was built in 1979 and Mr. Kirk has owned the building since 1997. The overall building has a front setback of 30 feet; however, the second story porch is located at 25 feet from the

front property line. The existing front planter is located 20 feet from front property line. The new porch and extended garage would be located at 20 feet from the front property line.

Sec. 2-152. Variances.

(a) Generally; criteria for granting variances from the terms of subpart B.

(1) The Board of Adjustments and Appeals shall make recommendations on and the City Commission shall decide variance applications will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of subpart B will result in unnecessary and undue hardship. In order to recommend or decide any variance from the terms of subpart B, the Board or the City Commission shall consider each of the following:

- a. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. *The original building was built as a duplex and each unit has a small 5 foot deep porch. Since the applicant is proposing to convert to a single-family, he would like a more usable porch.*
- b. The special conditions and circumstances do not result from the actions of the applicant. *The applicant did not create any special conditions or circumstances.*
- c. Granting the variance will not confer on the applicant any special privilege that is denied by subpart B to other lands, structures or buildings in the same zoning district. *Granting the variance would not confer special privileges to the applicant, it would allow for reasonable use of the dwelling for a single family residence.*
- d. Literal interpretation of the provisions of subpart B would deprive other properties in the same zoning district under the terms of subpart B and would work unnecessary and undue hardship upon the applicant. *The approval of this variance request would not deprive other owners of use and enjoyment of their properties.*
- e. The variance granted is the minimum variance that will make possible the reasonable use of the land, structure or building. *This is the minimum variance to allow the owner to convert to a single-family dwelling and construct a usable porch as desired.*
- f. The granting of the variance will be in harmony with the general intent and purpose of subpart B, and such variance will not be injurious to the area involved or be otherwise detrimental to the public welfare. *Granting the variance will be in harmony with the general intent and purpose of subpart B.*

STAFF RECOMMENDATION: Based on the variance review criteria of Section 2-152, staff recommends approval of the request.

NOTICE: A 15-day notice was mailed by first class mail to the property owners within 150 feet in any direction of the subject property and posted on subject property on October 4, 2021 pursuant to Sec. 2-149 of the Code of Ordinances.

[End of Staffing Report]

City Clerk O'Reilly read by title only Agenda Item No. 4, BOA Case No. 2021-11, 110-14th Avenue.

Acting City Attorney Simon inquired of the members if they had any ex-parte communications with the applicant, with all members responding in the negative.

Acting City Attorney Simon inquired of the members if any of them had done a site visit for the limited purpose of evaluating this case, with all members responding in the negative.

City Attorney Simon duly swore in all persons planning to give testimony during the quasi-judicial proceeding.

Planning Consultant Harmon stated the applicant is requesting a variance from Section 110-131(1)(f.)(1) of the Code of Ordinances of 5 feet into the required 25-foot yard setback, resulting in a total front yard setback of 20 feet, to allow for an expansion of the existing porch and garage on the front of the house, for the property located at 110-14th Avenue.

Planning Consultant Harmon presented a PowerPoint Presentation showing aerial views of the property, a survey, a photo of the front of the duplex, proposed addition drawings, and proposed elevation drawing,

Planning Consultant Harmon stated the applicant bought the property in 1997, and at that time, it was a triplex. He converted the triplex into a duplex renting out the top two units and using the bottom unit as a storage area.

Planning Consultant Harmon stated since he has reached retirement age, he would like to convert the duplex into a single-family home for him and his wife.

Planning Consultant Harmon stated with the conversion of the duplex to a single-family residence, the two balconies would be combined. The applicant would like to extend the width of the balcony from 5 feet to 10 feet to accommodate a small dining table and grill. The applicant would remove the firewall between the two units, and the bottom floor of the duplex would also be extended by 5 feet into the front setback to match the upstairs addition.

Planning Consultant Harmon stated no final plans had been designed yet. He wanted to go through the variance process first.

Planning Consultant Harmon stated staff recommended approval.

Planning Consultant Harmon stated no correspondence either supporting or objecting to the variance has been received.

Member Campbell stated if the balcony were extended and the bottom floor was not, would it still affect the setback, with Planning Consultant Harmon responding in the affirmative.

Member Campbell asked if a car could park in the garage right down?

Planning Consultant Harmon stated yes, there is plenty of room to park cars underneath the building and in front of the house.

Planning Consultant Harmon stated the applicant must have two parking spaces for a single-family residence according to the Code of Ordinances.

To clarify Member Watt's question, Planning Consultant Harmon stated the applicant is requesting a 5-foot variance into the required 25-foot front yard setback, making the front yard setback 20 feet.

Robert Kirk Park, III, 12935 Tar Flower Drive, Tampa, Florida, the applicant and property owner. He stated he and his wife plan on moving to Indian Rocks Beach next year and said he is present to answer any questions that the Board may have.

Mr. Parks stated he is looking to sufficiently beautify the property, remove the mohawk firewall, and put up a metal roof. The existing balcony is tiny and only allows for a chair. He was hoping that the Board would consider his request to extend the full width of the balcony out to 10 feet to have a small dining table and some additional furniture for eating and entertaining.

Member Campbell stated it is a great improvement. But his question is would it be the same improvement if his application were just for the balcony. In other words, if the applicant was not extending the bottom floor area out 10 feet into the setback and just extended the balconies out to the size he wanted, does that give the applicant most of what he wants.

Mr. Parks stated the balcony would be covered, so the roofline would not necessarily change whether he extended the garage underneath the balcony out.

Member Campbell stated, but the view down the street does. In other words, the uniformity of the setback, in his opinion, is more at the street level.

Member Campbell stated one of the criteria for granting a variance is that it is the least disruptive of the current ordinance that will serve the applicant's purposes.

Member Campbell asked if the extension to the balcony served the applicant's purpose. The Board has heard everything about the balcony and nothing about the garage expansion.

Member Campbell asked if it was purely to get an aesthetic view across the front.

Mr. Park responded yes, for an aesthetic view and for functionality in the garage to park his cars in the garage and have a larger storage area.

Planning Consultant Harmon stated the applicant would have to support the balcony from the ground floor.

Chair DeVore confirmed with the applicant that he plans to put overhead garage doors in.

Acting City Attorney Simon noted for the record that there was no public present for public comments.

Vice-Chair Watt stated setbacks are a touchy issue and think that they are important for different reasons. He would say in this case, looking at the line diagram showing the existing properties on either side, the statement could be made that the residence fits relatively uniformly with his neighbor's homes versus in many areas that would not be the case.

MOTION MADE BY MEMBER ALVAREZ, SECONDED BY VICE-CHAIR WATT, TO RECOMMEND TO THE CITY COMMISSION APPROVAL OF BOA CASE NO. 2021-11, A VARIANCE REQUEST FROM SEC. 110-131(1)(F.)(1) OF THE CODE OF ORDINANCE OF 5.00 FEET INTO THE REQUIRED 25-FOOT FRONT YARD SETBACK, RESULTING IN A TOTAL FRONT YARD SETBACK OF 20.00 FEET, TO ALLOW FOR A EXPANSION OF EXISTING PORCH AND GARAGE ON THE FRONT OF THE HOUSE FOR PROPERTY LOCATED AT 110-14TH AVENUE, INDIAN ROCKS BEACH, FLORIDA, AND LEGALLY DESCRIBED AS INDIAN BEACH RE-REVISED, BLOCK 29, LOT 5. PARCEL # 01-30-14-42030-029-0050.

ROLL CALL:

AYES: CAMPBELL, LABADIE, ALVAREZ, WATT, DEVORE

NAYS: NONE

MOTION CARRIED UNANIMOUSLY.

5. BOA CASE NO. 2021-12 — 381 LA HACIENDA DRIVE

Owner/Applicant: Chris & Lydia Tremble

Subject Location: 381 La Hacienda Drive, Indian Rocks Beach, Florida

Legal Description: La Hacienda 1st Addition, Lot 56 and part of Water Lot C in front.

Parcel #: 07-30-15-47394-000-0560.

Variance Request: A variance request from Section 110-131(1)(f.)(2) of the Code of Ordinances of 13.00 feet into the required 25-foot rear yard setback, resulting in a total rear yard setback of 12.00 feet, to allow for a covered porch on the rear of the house.



City of Indian Rocks Beach

1507 Bay Palm Boulevard, Indian Rocks Beach, Florida 33785

www.indian-rocks-beach.com

Administrative
727/595-2517
727/596-4739 (Fax)

Library
727/596-1822

Public Services
727/595-6889
727/593-5137 (Fax)

**NOTICE OF PUBLIC MEETING
INDIAN ROCKS BEACH CITY COMMISSION
TUESDAY, NOVEMBER 9, 2021 @ 6:00 P.M.
1507 BAY PALM BOULEVARD
INDIAN ROCKS BEACH, FLORIDA 33785**

The City Commission of the City of Indian Rocks Beach, Pinellas County, Florida, will conduct a public meeting on **TUESDAY, NOVEMBER 9, 2021**, which meeting convenes at 6:00 p.m., or as soon as thereafter, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, on **BOA CASE NO. 2021-11**.

YOU ARE HEREBY NOTIFIED as a property owner of land within 150 feet of the property located at **110-14th AVENUE, INDIAN ROCKS BEACH, FLORIDA 33785**, of the following variance request:

A variance request from Section 110-131(1)(f)(1) of Code of Ordinances of 5.00 feet into the required 25-foot front yard setback, resulting in a total front yard setback of 20.00 feet, to allow for a expansion of existing porch and garage on the front of the house, for the property located at 110-14th Avenue, Indian Rocks Beach, Florida, and legally described as Indian Beach Re-Revised, Block 29, Lot 5. Parcel # 01-30-14-42030-029-0050.

FOR FURTHER INFORMATION REGARDING THIS REQUEST, PLEASE CONTACT HETTY C. HARMON, PLANNING CONSULTANT, AT 863/646-4771, EXT. 211 OR E-MAIL: hharmon@irbcity.com.

If you desire to either support or object to the referenced variance, you may appear at the Indian Rocks Beach City Commission Meeting on said date, or submit in writing your support or objections to Deanne B. O'Reilly, City Clerk, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, 33785, or e-mail: doreilly@irbcity.com. All correspondence must be received by the City Clerk no later than **Tuesday, November 9, 2021 by 2:00 p.m.** The City will make such records available during normal business hours, Monday through Friday, 7:30 a.m. to 4:00 p.m., to any interested person at his or her request and expense.

If any person desires to appeal a decision made with respect to this request, such person will need a record of the proceedings and for such purposes, they 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, per Section 286.0105, Florida Statutes. Verbatim transcripts are not furnished by the City of Indian Rocks Beach and should one be desired, arrangements (i.e. court reporter) should be made in advance by the interested party.

In accordance with Section 286.26, Florida Statutes, persons with a disability requiring reasonable accommodations in order to participate in this meeting should contact the City Clerk's Office with your request by telephone (727/595-2517) or email: doreilly@irbcity.com no later than seven (7) business days prior to the proceeding.

Notice was mailed by first class mail to the property owners within 150 feet in any direction of the subject property and posted on subject property on October 25, 2021. (Sec. 2-149 of the Code of Ordinances.)



MIKE TWITTY, MAI, CFA
Pinellas County Property Appraiser
www.pcpao.org mike@pcpao.org

Run Date: 19 Oct 2021

Subject Parcel: 01-30-14-42030-029-0050

Radius: 150 feet

Parcel Count: 23

Note: Parcels with protected address status are not included in this report.

Total pages: 4

Public information is furnished by the Property Appraiser's Office and must be accepted by the recipient with the understanding that the information received was developed and collected for the purpose of developing a Property Value Roll per Florida Statute. The Pinellas County Property Appraiser's Office makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability or suitability of this information for any other particular use. The Pinellas County Property Appraiser's Office assumes no liability whatsoever associated with the use or misuse of such information.

COUNTY COURTHOUSE
315 Court Street - 2nd Floor
Clearwater, FL 33756

PHONE: (727) 464-3207

NORTH COUNTY
29269 US Highway 19 N
Clearwater, FL 33761

FAX: (727) 464-3448 TTY/TDD: (727) 464-3370

MID COUNTY
13025 Starkey Road
Largo, FL 33773

SOUTH COUNTY
2500 34th Street N - 2nd Floor
St Petersburg, FL 33713

MAIL: PO Box 1957, Clearwater, FL 33757

01-30-14-42030-029-0010
BLK 29, LOTS 1, 2 & 3
INDIAN BEACH RE-REVISED

LION PROPERTIES OF FLORIDA NO 1 LLC
6208 PASADENA POINT BLVD S
GULFPORT FL 33707-3873

01-30-14-42030-030-0200
ALLEY ADJ ON S
BLK 30, LOT 20 & N 1/2 VAC
INDIAN BEACH RE-REVISED

TURPIN, CHRISTINE J
107 14TH AVE
INDIAN ROCKS BEACH FL 33785-2703

01-30-14-42048-079-0010
BLK 79, LOT 1
RE-REVISED 1ST ADD
INDIAN BEACH

PALOSCIO, DANIEL J
915 N FRANKLIN ST UNIT 1805
TAMPA FL 33602-3879

01-30-14-42048-078-0150
ALLEY ADJ ON S
BLK 78, LOT 15 & N 1/2 VAC
RE-REVISED 1ST ADD
INDIAN BEACH

GARRETT, GEORGE K
GARRETT, TRACY C
115 14TH AVE
INDIAN ROCKS BEACH FL 33785-2703

01-30-14-79342-000-0030
UNIT 3
BEACH CONDO
SEA BREEZE OF INDIAN ROCKS

109 12TH LLC
109 12TH AVE
INDIAN SHORES FL 33785-3727

01-30-14-79342-000-0040
UNIT 4
BEACH CONDO
SEA BREEZE OF INDIAN ROCKS

109 12TH LLC
109 12TH AVE
INDIAN SHORES FL 33785-3727

01-30-14-79342-000-0050
UNIT 5
BEACH CONDO
SEA BREEZE OF INDIAN ROCKS

DANIEL, DIANE
KOK, SELINA
VIJVERSTRAAT 2A
5502 HJ VELDHoven

01-30-14-79342-000-0020
UNIT 2
BEACH CONDO
SEA BREEZE OF INDIAN ROCKS

DANIEL, DIANE E
KOK, SELINA
VIJVERSTRAAT 2A
5502 HJ VELDHoven

01-30-14-79342-000-0001
COMMON ELEMENT
BEACH CONDO
SEA BREEZE OF INDIAN ROCKS

SEA BREEZE OF INDIAN ROCKS BEACH CONDO ASSN
INC
116 14TH AVE
INDIAN ROCKS BEACH FL 33785-2712

01-30-14-42030-030-0220
ON S
AND N 1/2 VAC ALLEY ADJ
BLK 30, LOT 22 LESS E 6IN
INDIAN BEACH RE-REVISED

IRB ROCKS LLC
103 14TH AVE
INDIAN ROCKS BEACH FL 33785-2806

01-30-14-42030-029-0110
BLK 29, LOT 11
INDIAN BEACH RE-REVISED

LANSING, LU ANN M
LANSING, GARRY L
111 15TH AVE
INDIAN ROCKS BEACH FL 33785-2705

01-30-14-42030-029-0100
BLK 29, LOT 10
INDIAN BEACH RE-REVISED

PEREZ, RICHARD FRED III
7240 SERRANO TER
DELRAY BEACH FL 33446-2200

01-30-14-42030-030-0160
ALLEY ADJ ON S
BLK 30, LOT 16 & N 1/2 VAC
INDIAN BEACH RE-REVISED

KINEN, DOUGLAS
KINEN, GWENDOLYN
117 14TH AVE
INDIAN ROCKS BEACH FL 33785-2703

01-30-14-42030-029-0090
BLK 29, LOT 9
INDIAN BEACH RE-REVISED

KIPPS, ERIN
KIPPS, JASON
435 LANE 101 LAKE PLEASANT
FREMONT IN 46737-8854

01-30-14-42030-029-0160
BLK 29, LOTS 14, 15 & 16
INDIAN BEACH RE-REVISED

ANNA MARIE REALTY CORP
C/O TEMPLETON, BRUCE
28-48 31ST ST 2ND FL
ASTORIA NY 11102-2131

01-30-14-42030-029-0130
BLK 29, LOT 13
INDIAN BEACH RE-REVISED

HUBINGER, KIMBERLY
107 15TH AVE
INDIAN ROCKS BEACH FL 33785-2705

01-30-14-42030-029-0040
BLK 29, LOT 4
INDIAN BEACH RE-REVISED

BOWERS, JONATHAN
108 14TH AVE
INDIAN ROCKS BEACH FL 33785-2704

01-30-14-42048-078-0160
ALLEY ADJ ON S
BLK 78, LOT 16 & N 1/2 VAC

RE-REVISED 1ST ADD
INDIAN BEACH

PINES, HAZEL J
10922 JUNIPERUS PL
TAMPA FL 33618-3883

01-30-14-42048-079-0020

BLK 79, LOT 2
RE-REVISED 1ST ADD
INDIAN BEACH

KAPRALOS, PETER
LAZARDIS, CHARALAMBOS MIKE
42 DELAIR CRES
THORNHILL ON L3T 2M4

01-30-14-42030-030-0210

ALLEY ADJ ON S
OF LOT 22 & N 1/2 VAC
BLK 30, LOT 21 AND E 6IN
INDIAN BEACH RE-REVISED

MAISANO, ANTHONY JOHN REVOCABLE TRUST
MAISANO, ANTHONY JOHN TRE
1105 GULF BLVD
BELLEAIR BEACH FL 33786-3356

01-30-14-42030-030-0190

ALLEY ADJ ON S
BLK 30, LOT 19 & N 1/2 VAC
INDIAN BEACH RE-REVISED

PINES, RAYMOND
3308 W UNION ST
TAMPA FL 33607-4229

01-30-14-42030-029-0120

BLK 29, LOT 12
INDIAN BEACH RE-REVISED

MCDONALD, KATHLEEN R
109 15TH AVE
INDIAN ROCKS BEACH FL 33785-2705

01-30-14-79342-000-0010

UNIT 1
BEACH CONDO
SEA BREEZE OF INDIAN ROCKS

DANIEL, DIANE
KOK, SELINA
VIJVERSTRAAT 2A
5502 HJ VELDHOFEN

APPLICATION FOR VARIANCE



PLANNING AND ZONING DEPARTMENT

CITY OF INDIAN ROCKS BEACH

www.indian-rocks-beach.com

There is a link to the Indian Rocks Beach Code of Ordinances at the website noted above.

(This form was revised February 2014 and replaces and supersedes all previous application forms)

What is a variance?

A variance is a modification from the literal interpretation of one or more provisions of the land development regulations set forth in Subpart B of the Indian Rocks Beach Code of Ordinances. A variance allows deviation to a specific regulation when a property is uniquely burdened by the application of a law to the extent that the application prevents reasonable use of the property. The applicant must present evidence that substantiates an undue and unnecessary hardship, whereby it is concluded that the hardship present is not a personal, self-created result of an intentional or negligent violation of the code either due to unfamiliarity with the code, personal preference and/or inconvenience.

What materials must be included to complete an application?

- ☒ Application for variance
- ☒ Agent of record
- ☒ Certification
- ☒ Survey
- ☒ Plans, other drawings or supplementary information

Is there a fee to submit an application?

Yes. The particular fee required is based on the request, as set forth in the Indian Rocks Beach Code of Ordinances, Sections 15-20 through 15-24, Schedule of fees. This is **NOT** an all-inclusive schedule of fees.

Sec. 15-20. - Public hearing fees. The following fees shall be paid in addition to any other fees in this chapter where an application is filed requiring action. The appropriate fees, costs, and other charges specified shall be submitted with, and paid at the time of, initial application submission or other initial document submission except otherwise specified in this Code.

(1) *Variance applications to board of adjustments and appeals:* Public hearing fees for variance or special exception/conditional use applications to be heard by the board of adjustments and appeals shall be as follow:

a. Special exceptions\$400.00

b. Variances:

- | | |
|--|----------|
| 1. Existing, nonconforming conditions .. | \$250.00 |
| 2. New projects or existing, conforming conditions | \$400.00 |
| 3. Accessory uses | \$200.00 |
| 4. Flood variances | \$100.00 |
| 5. Other variances | \$400.00 |

c. The applicant shall pay the advertising and notification costs of the public hearing prior to a permit being issued, or within 30 days after final action.

NOTE: Advertising includes the cost of running ads in the newspaper. Notification costs include the cost of postage for each letter mailed to surrounding property owners within 150 feet of the subject property for both the Board of Adjustment and Appeals hearing and the hearing before the City Commission.

In signing this application the applicant is responsible for these fees regardless of whether the application is approved or disapproved by the City Commission.

What is the application process?

Each application is assigned a BOA Case number and is scheduled for two public hearings. The schedule is determined by the date the application is received by the department. Hearing one is before the Board of Adjustment and Appeals. The board will make a recommendation to either approve or deny the request. The recommendation will be forwarded to the City Commission, who will render a final decision during hearing two.

Where can further information be found and what else do I need to know?

The required application forms are provided on the following pages. Additional copies are available from the Planning and Zoning Department or from [://www.indian-rocks-beach.com/](http://www.indian-rocks-beach.com/)

Please be advised that the application package is accepted only in person. This ensures that the package is complete and provides an opportunity for the applicant to discuss any concerns with the planning and zoning director.

Applicants are strongly encouraged to meet with Planning and Zoning Director to discuss in advance the viability of their application.

GRAPHICS: Graphics such as surveys, site plans, drawings, photographs, etc., may be submitted by email to: @irbcity in either PDF or JPEG format.

All information submitted with the application or provided at a public hearing will be kept by the City of Indian Rocks Beach as part of the record of the application and hearing.

If the information submitted with the application is incomplete or insufficient, the Planning and Zoning Director may postpone having the application heard by the Board of Adjustments and Appeals and the City Commission until the application is deemed sufficiently complete for public presentation.

Most applications for variances will not pass the variance review criteria. A variance hearing is a quasi-judicial proceeding. Please be prepared to argue your case. A good presentation can greatly assist an applicant.

APPLICATION FOR VARIANCE

CITY OF INDIAN ROCKS BEACH PLANNING AND ZONING DEPARTMENT

Enquiries: Tel: (727) 517-0404 Fax: (727) 596-4759

Web: <http://www.indian-rocks-beach.com/>

Address: 1507 Bay Palm Boulevard, Indian Rocks Beach, FL 33785

For Office Use Only

Application No.

Date Received

APPLICANT

Name:

Robert Kirk Park III

Address:

12935 Tar Flower Drive

City:

Tampa, FL

Zip Code:

33626

Tel:

727-642-6172

Fax:

N/A

Mobile:

727-642-6172

Email:

irbkirk@gmail.com

AGENT/REPRESENTATIVE

Name:

same/no agent

Company:

Address:

City:

Zip Code:

Tel:

Fax:

Mobile:

Email:

SITE DETAILS

Address:

110 14th Avenue

Parcel ID:

01-30-14-42030-029-0050

City:

Indian Rocks Beach

Zip Code:

33785

Legal
Description:

LOT 5, BLOCK 29, MAP OR PLAT ENTITLED "RE-REVISED MAP OF INDIAN BEACH", AS
RECORDED IN PLAT BOOK 5, PAGES(S) 6 OF THE PUBLIC RECORDS OF PINELIAS
COUNTY, FLORIDA.

Zoning:

Future Land Use:

Size:

5700 Square Feet

SITE DETAILS CONTINUED...

Does applicant own any property contiguous to the subject property? ☐ Yes ☒ No

If yes, provide address
and legal description:

Have previous applications been filed for this property? ☐ Yes ☒ No

If yes, describe:

Has a certificate of occupancy or completion been refused? ☐ Yes ☒ No

If yes, describe:

Does any other person have ownership or interest in the property? ☐ Yes ☒ No

If yes, is ownership or
interest contingent or
absolute:

Is there an existing contract for sale on the property? ☐ Yes ☒ No

If yes, list all parties on
the contract:

Is contract conditional or absolute? ☐ Conditional ☐ Absolute

Are there options to purchase? ☐ Yes ☒ No

VARIANCE REQUEST**Regulation****Required****Proposed****Total
Requested**

Gulf-front setback (feet):

Bay-front setback (feet):

Alley setback (feet):

VARIANCE REQUEST CONTINUED...

<u>Regulation</u>	<u>Required</u>	<u>Proposed</u>	<u>Total Requested</u>
Rear-no alley setback (feet):	N/A		
Rear-north/south street (feet):	N/A		
Street-front setback (feet):	25	20	5
Side-one/both setback (feet):	N/A		
Minimum green space (%):	N/A		
Habitable stories (#):	N/A		
Minimum lot size (sq. ft.):	N/A		
Building height (feet):	N/A		
Off-street parking (spaces):	N/A		
ISR (%):	N/A		
FAR (%):	N/A		
Dock length (feet):	N/A		
Dock width (feet):	N/A		
Signage (#):	N/A		
Accessory structure (sq. ft.):	N/A		
Accessory structure height (feet):	N/A		
Lot size (sq. ft.):	N/A		

Other:

What is the proposed use
of the property?

The property is being converted from a duplex to a single family home.

HARDSHIP

A variance is granted on the basis of evidence being presented that justifies an undue and unnecessary hardship upon the applicant; a hardship that prevents reasonable use of the property. The following criteria, set forth in Code Section 2-152, Variances, will be used to evaluate the request for variance in order to determine if a hardship is present and if the variance will impact the overall public welfare.

Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district:

See attached "Variance Application Hardship Questionnaire"

Special conditions and circumstances do not result from the actions of the applicant:

Granting this variance will not confer on the applicant any special privilege that is denied by the chapter to other lands, structures or buildings in the same zoning district:

The literal interpretation of the provisions of Subpart B, Code Sections 78 through 110, would deprive other properties in the same zoning district under the terms of Subpart B and would work unnecessary and undue hardship upon the applicant:

HARDSHIP CONTINUED...

The variance granted is the minimum that will make possible the reasonable use of the land, structure or building:

The granting of the variance will be in harmony with the general intent and purpose of Subpart B and such variance will not be injurious to the area involved or be otherwise detrimental to the public welfare:

I (we) believe the Board of Adjustment and Appeals and the City Commission should grant this application because:

CERTIFICATION

Date: August 25, 2021

I hereby certify that I have read and understand the contents of this application, and that this application together with supplemental data and information, is a true representation of the facts related to the request; that this application is filed with my approval, as owner, evidenced by my signature appearing below.

It is hereby acknowledged that the filing of this application does not constitute automatic approval of the request. Further, if the request is approved, I will obtain all necessary permits and comply with all applicable orders, codes, conditions and regulations pertaining to the use of the property.

I hereby grant authorization to any city official to inspect, as reasonable times, the site of the request.

25 August 2021

Before me this date personally appeared:

Name: Robert Kirk Park III

Signature: [Signature]

☒ Personally known/Form of Identification FL D/L

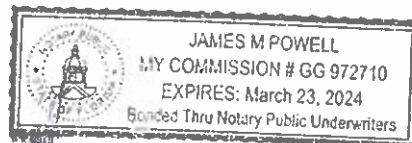
Who, being first duly sworn, deposes and attests that the above is a true and correct certification.

Sworn to and subscribed before me this: Day: 25 Month: August, 2021

Notary Public State of Florida at Large: James M. Powell

Notary Public Commission Expiration: 03/23/2024

State of Florida
County: Pinellas



APPLICATIONS FILED BY CORPORATIONS MUST BEAR THE SEAL OF THE CORPORATION OVER THE SIGNATURE OF AN OFFICER AUTHORIZED TO ACT ON BEHALF OF THE CORPORATION.

AGENT OF RECORD

N/A

Date: _____

I, _____ do hereby designate and appoint

_____ as my agent of record for the purposes of representing me during the Planning and Zoning Department's review process of my application. My agent of record is hereby vested with authority to make any representations, agreements or promises, which are necessary or desirable in conjunction with the review process. My agent of record is authorized to accept or reject any conditions imposed by any reviewing board or entity.

Name: _____ Signature: _____

My agent of record may be contacted at:

Company: _____

Address: _____

City/State: _____ Zip Code: _____

Telephone: _____ Fax: _____

Before me this date personally appeared:

Name: _____

Signature: _____

☐ Personally known/Form of Identification _____

Who, being first duly sworn, deposes and attests that the above is a true and correct certification.

Sworn to and subscribed before me this: Day: _____ Month: _____, 20 _____

Notary Public State of Florida at Large: _____

Notary Public Commission Expiration: _____

State of Florida
County: Pinellas

Variance Application Hardship Questionnaire

Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district:

The subject property was originally built as a duplex, with each unit having a very small balcony that butts up to the set-back limit. These tiny balconies may have been barely adequate for the smaller individual units, but with the conversion of the duplex to a single-family residence, the balconies will need to be combined and extended to accommodate a small dining table and grill. Currently, chairs barely fit in the space provided. In order to accommodate the appropriate outdoor living space, we will need to extend the balcony from 5 feet to 10 feet given that it would be impractical to move the front of the dwelling back. Additionally, the current design of the building is an eyesore given the concrete firewall/mohawk that runs between the two units and even rises above the roofline, as per the codes that were in place when it was originally constructed. If the variance is approved, we will trim down the firewall to the roof level and replace the roof with a metal roof that extends and covers the new balcony. This should help beautify the neighborhood and be supportive of property values for the area.

Special conditions and circumstances do not result from the actions of the applicant:

The special conditions are the result of the original construction of the dwelling, not from actions of the applicant.

Granting this variance will not confer on the applicant any special privilege that is denied by the chapter to other lands, structures, or buildings in the same zoning district:

The dwelling to the East of the subject property has a porch that extends approximate 5 feet more towards the set-back than the current balconies of the subject property, such that if the variance is approved, it will be within a foot of the neighbor's dwelling edge. The dwelling to the West, although not as far as the proposed variance, also extends further towards the street than the proposed variance. The commercial property two lots to the West goes to the edge of the easement with no set-back at all.

The literal interpretation of the provisions of Subpart B, Code Sections 78 through 110, would deprive other properties in the same zoning district under the terms of Subpart B and would work unnecessary and undue hardship upon the applicant:

N/A

The variance granted is the minimum that will make possible the reasonable use of the land, structure, or building:

As evidenced by the pictures attached hereto, the current depth of the balconies is barely adequate to allow the depth of a single chair. Granting a set-back variance will allow for reasonable use of the balcony to enjoy a small amount of outdoor space with family.

The granting of the variance will be in harmony with the general intent and purpose of Subpart B and such variance will not be injurious to the area involved or be otherwise detrimental to the public welfare:

The lot across the street is vacant land, the lot to the East has an Airbnb rental dwelling that is already past the set-back limit, and the property to the West is vacant, past the set-back limit, and in need of major renovations. The commercial property two lots to the West comes within a few feet of the street, all the way to the easement with no set-back at all. The proposed variance will not be detrimental to the public welfare; in fact, the property renovations will significantly improve the appearance of the dwelling and the neighborhood.

I (we) believe the Board of Adjustment and Appeals and the City Commission should grant this application because:

I originally purchased this property in 1997 as a single person to live in one unit and rent out the other. After moving for work, starting a family, and now soon becoming empty nesters, we decided that we would love to move back to the beach and that our duplex would be perfect if we convert it to a single family. We really love being outside and grilling with our family and pets, but the tiny balcony situation just won't work given how the property was originally constructed. We don't have occupant neighbors on either side of the home or across the street, and the street already has multiple dwellings and commercial buildings on our block that are closer to the street. The property, when completed, will be much more attractive and will significantly increase the value of the home and support values throughout the community.

**AGENDA ITEM NO. 6B
QUASI-JUDICIAL PROCEEDING**

**BOA CASE NO. 2021-12
381 LA HACIENDA DRIVE**

INDIAN ROCKS BEACH CITY COMMISSION STAFF REPORT

MEETING OF: November 9, 2021

AGENDA ITEM NO. 6B

SUBMITTED AND

RECOMMENDED BY: Hetty C. Harmon, AICP, Planning Consultant

APPROVED BY:

Brently Gregg Mims, City Manager



SUBJECT:

BOA CASE NO. 2021-12 — 381 LA HACIENDA DRIVE

Variance request from Sec. 110-131(1)(f.)(2) of 13.00 feet into the required 25-foot rear yard setback, resulting in a total rear yard setback of 12.00 feet, to allow for a covered porch on the rear of the house, for the property located at 381 La Hacienda Drive, Indian Rocks Beach, Florida, and legally described as La Hacienda 1st Addition, Lot 56 and part of Water Lot "C" in front. Parcel # 07-30-15-47394-000-0560

OWNER: Chris & Lydia Tremble
PROPERTY LOCATION: 381 La Hacienda Drive
ZONING: S- Single Family

Direction	Existing Use	Zoning Category
North	Residential	S
East	Intracoastal	N/A
South	Residential	S
West	Residential	S

BACKGROUND:

The applicants are requesting to install a covered porch on the rear of their house. The existing residence was built in 1968 and has a rear yard setback of 25 feet. The required rear yard setback in the single-family residential zoning district is 25 feet on waterfront lots. The house presently has 263 square foot covered porch. The proposed additional covered porch would be extend into the rear yard setback for 13 feet leaving a 12 foot rear yard setback.

Sec. 2-152. Variances.

- (a) *Generally; criteria for granting variances from the terms of subpart B.*
- (1) The Board of Adjustments and Appeals shall make recommendations on and the

City Commission shall decide variance applications will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of subpart B will result in unnecessary and undue hardship. In order to recommend or decide any variance from the terms of subpart B, the Board or the City Commission shall consider each of the following:

- a. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. *There are no special conditions or circumstances peculiar to their land.*
- b. The special conditions and circumstances do not result from the actions of the applicant. *The applicant did not create any special conditions or circumstances.*
- c. Granting the variance will not confer on the applicant any special privilege that is denied by subpart B to other lands, structures or buildings in the same zoning district. *Granting the variance would confer special privileges to the applicant.*
- d. Literal interpretation of the provisions of subpart B would deprive other properties in the same zoning district under the terms of subpart B and would work unnecessary and undue hardship upon the applicant. *The approval of this variance request would not deprive other owners of use and enjoyment of their properties.*
- e. The variance granted is the minimum variance that will make possible the reasonable use of the land, structure or building. *This is the minimum variance to allow the owner to construct the covered porch as desired.*
- f. The granting of the variance will be in harmony with the general intent and purpose of subpart B, and such variance will not be injurious to the area involved or be otherwise detrimental to the public welfare. *Granting the variance will not be in harmony with the general intent and purpose of subpart B.*

STAFF RECOMMENDATION: Based on the variance review criteria of Section 2-152, staff recommends denial of the request.

BOARD OF ADJUSTMENTS AND APPEALS RECOMMENDATION: The Board of Adjustments and Appeals met on October 19, 2021, and recommended **denial** to the City Commission by a vote of 5 to 0.

PUBLIC NOTICE: A public notice was mailed by first class mail to the property owners within 150 feet in any direction of the subject property and posted on subject property on October 25, 2021, pursuant to Section 2-149 of the Code of Ordinances.

CORRESPONDENCE RECEIVED: No correspondence was received.

LEGAL ADVERTISEMENT: A legal notice was published in the October 27, 2021-edition, of the St. Pete Time Section of the Tampa Bay Times, for a public hearing that has been scheduled on November 9, 2021, for BOA Case No. 2021-12.

MOTION:

I move to **APPROVE/DENY BOA CASE BOA CASE NO. 2021-12.** A variance request from Section 110-131(1)(f.) (2) of the Code of Ordinances of 13.00 feet into the required 25-foot rear yard setback, resulting in a total rear yard setback of 12.00 feet, to allow for a covered porch on the rear of the house, for the property located at 381 La Hacienda Drive, Indian Rocks Beach, Florida, and legally described as La Hacienda 1st Addition, Lot 56 and part of Water Lot "C" in front.

/dor



381 La Hacienda Drive
BOA CASE NO. 2021-12



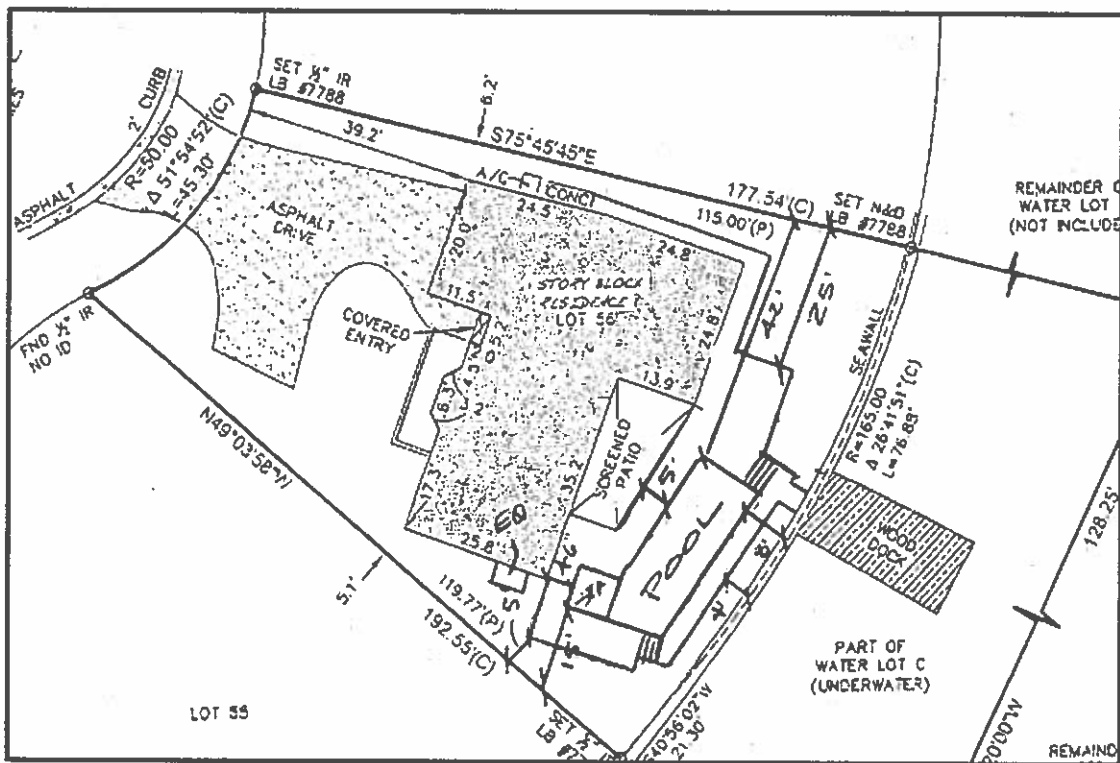
BOA CASE NO. 2021-12: Variance request from Sec. 110-131(1)(f.)(2) of 13.00 feet into the required 25-foot rear yard setback, resulting in a total rear yard setback of 12.00 feet, to allow for a covered porch on the rear of the house for property located at 381 La Hacienda Drive, Indian Rocks Beach, Florida, and legally described as La Hacienda 1st Addition, Lot 56 and pat of Water Lot "C: in front.



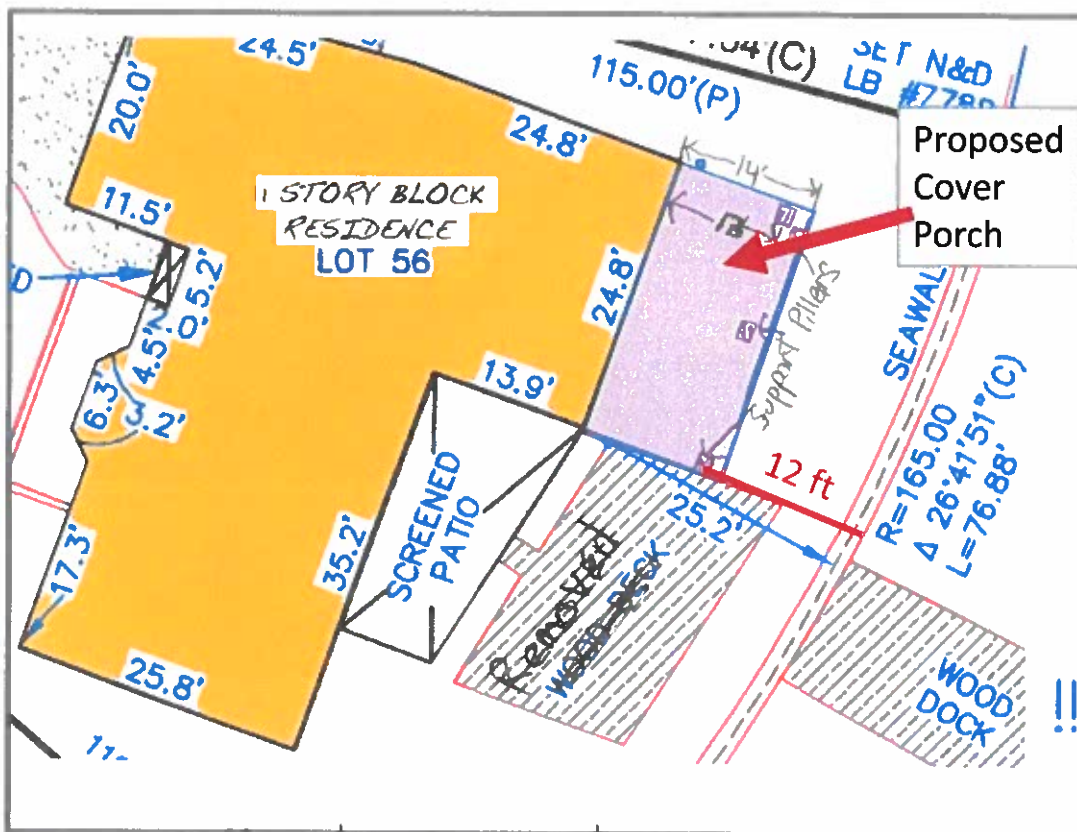
381 La Hacienda Drive



Survey



Proposed Porch Addition



Covered Porch Area



Looking South



Looking West



Looking North





City of Indian Rocks Beach

1507 Bay Palm Boulevard, Indian Rocks Beach, Florida 33785

www.indian-rocks-beach.com

Administrative
727/595-2517
727/596-4759 (Fax)

Library
727/596-1822

Public Services
727/595-6889
727/593-5137 (Fax)

**NOTICE OF PUBLIC MEETING
THE CITY OF INDIAN ROCKS BEACH — CITY COMMISSION
TUESDAY, NOVEMBER 9, 2021 @ 6:00 P.M.
1507 BAY PALM BOULEVARD
INDIAN ROCKS BEACH, FLORIDA 33785**

The City Commission of the City of Indian Rocks Beach, Pinellas County, Florida, will conduct a public meeting on **TUESDAY, NOVEMBER 9, 2021**, which meeting convenes at 6:00 p.m., or as soon as thereafter, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, on **BOA CASE NO. 2021-12**.

YOU ARE HEREBY NOTIFIED as a property owner of land within 150 feet of the property located at **381 LA HACIENDA DRIVE, INDIAN ROCKS BEACH, FLORIDA 33785**, of the following variance request:

A variance request from Section 110-131(1)(f)(2) of the Code of Ordinances of 13.00 feet into the required 25-foot rear yard setback, resulting in a total rear yard setback of 12.00 feet, to allow for a covered porch on the rear of the house, for the property located at 381 La Hacienda Drive, Indian Rocks Beach, Florida, and legally described as La Hacienda 1st Addition, Lot 56 and part of Water Lot "C" in front. Parcel # 07-30-15-47394-000-0560.

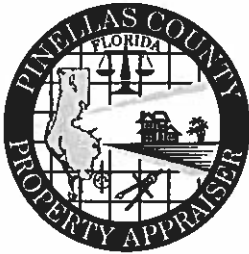
FOR FURTHER INFORMATION REGARDING THIS REQUEST, PLEASE CONTACT HETTY C. HARMON, PLANNING CONSULTANT, AT 863/646-4771, EXT. 211 OR E-MAIL: hharmon@irbcity.com.

If you desire to either support or object to the referenced variance, you may appear at the Indian Rocks Beach City Commission Meeting on said date, or submit in writing your support or objections to Deanne B. O'Reilly, City Clerk, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, 33785, or e-mail: doreilly@irbcity.com. All correspondence must be received by the City Clerk no later than **Tuesday, November 9, 2021 by 2:00 p.m.** The City will make such records available during normal business hours, Monday through Friday, 7:30 a.m. to 4:00 p.m., to any interested person at his or her request and expense.

If any person desires to appeal a decision made with respect to this request, such person will need a record of the proceedings and for such purposes, they 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, per Section 286.0105, Florida Statutes. Verbatim transcripts are not furnished by the City of Indian Rocks Beach and should one be desired, arrangements (i.e. court reporter) should be made in advance by the interested party.

In accordance with Section 286.26, Florida Statutes, persons with a disability requiring reasonable accommodations in order to participate in this meeting should contact the City Clerk's Office with your request by telephone (727/595-2517) or email: doreilly@irbcity.com no later than seven (7) business days prior to the proceeding.

Notice was mailed by first class mail to the property owners within 150 feet in any direction of the subject property and posted on subject property on October 25, 2021. (Sec. 2-149 of the Code of Ordinances.)



MIKE TWITTY, MAI, CFA
Pinellas County Property Appraiser
www.pcpao.org mike@pcpao.org

Run Date: 19 Oct 2021

Subject Parcel: 07-30-15-47394-000-0560

Radius: 100 feet

Parcel Count: 8

Note: Parcels with protected address status are not included in this report.

Total pages: 2

Public information is furnished by the Property Appraiser's Office and must be accepted by the recipient with the understanding that the information received was developed and collected for the purpose of developing a Property Value Roll per Florida Statute. The Pinellas County Property Appraiser's Office makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability or suitability of this information for any other particular use. The Pinellas County Property Appraiser's Office assumes no liability whatsoever associated with the use or misuse of such information.

COUNTY COURTHOUSE
315 Court Street - 2nd Floor
Clearwater, FL 33756

PHONE: (727) 464-3207

NORTH COUNTY
29269 US Highway 19 N
Clearwater, FL 33761

FAX: (727) 464-3448 TTY/TDD: (727) 464-3370

MID COUNTY
13025 Starkey Road
Largo, FL 33773

SOUTH COUNTY
2500 34th Street N - 2nd Floor
St. Petersburg, FL 33713

MAIL: PO Box 1957, Clearwater, FL 33757

07-30-15-47394-000-0610

FT X 115FT T/A ON E
LOT C IN FRONT LESS A 14.5
LOT 61 AND PART OF WATER
LA HACIENDA 1ST ADD

JANNARONE, PAUL W
WHEATLEY, PATRICIA K
376 LA HACIENDA DR
INDIAN ROCKS BEACH FL 33785-3715

07-30-15-47394-000-0570

C IN FRONT
LOT 57 AND PT OF WATER LOT
LA HACIENDA 1ST ADD

ROBERTS, CHRISTIE D
ROBERTS, JAMES M
424 MONTROSE AVE
TEMPLE TERRACE FL 33617-4238

07-30-15-47394-000-0620

LOT C IN FRONT
LOT 62 AND PART OF WATER
LA HACIENDA 1ST ADD

HENDERSON, GEORGE R INTER-VIVOS TRUST
HENDERSON, MARK G TRE
374 LA HACIENDA DR
INDIAN ROCKS BEACH FL 33785-3715

07-30-15-47394-000-0600

X 115FT T/A ON E SIDE OF
C IN FRONT AND A 14.5FT
LOT 60 AND PT OF WATER LOT
LA HACIENDA 1ST ADD

LEOUSIS, ELIAS
LEOUSIS, ALEXANDRA BOUYOUCAS
378 LA HACIENDA DR
INDIAN ROCKS BEACH FL 33785-3715

07-30-15-47394-000-0550

LOT C IN FRONT
LOT 55 AND PART OF WATER
LA HACIENDA 1ST ADD

EDGERTON, DAVID A
EDGERTON, CYNTHIA R
701 POINSETTIA RD UNIT 238
BELLEAIR FL 33756-1549

07-30-15-47394-000-0540

LOT C IN FRONT
LOT 54 AND PART OF WATER
LA HACIENDA 1ST ADD

GRIFFIN, ROBERT P
GRIFFIN, REBBECA FOGLER
375 LA HACIENDA DR
INDIAN ROCKS BEACH FL 33785-3716

07-30-15-47394-000-0580

C IN FRONT
LOT 58 AND PT OF WATER LOT
LA HACIENDA 1ST ADD

MULLEN, CHARLOTTE A TRUST
MULLEN, CHARLOTTE A TRE
382 LA HACIENDA DR
INDIAN ROCKS BEACH FL 33785-3715

07-30-15-47394-000-0590

C IN FRONT
LOT 59 AND PT OF WATER LOT
LA HACIENDA 1ST ADD

BONE, JAMES W JR
BONE, GLORIA J
380 LA HACIENDA DR
INDIAN ROCKS BEACH FL 33785-3715

Member Campbell asked if it was purely to get an aesthetic view across the front.

Mr. Park responded yes, for an aesthetic view and for functionality in the garage to park his cars in the garage and have a larger storage area.

Planning Consultant Harmon stated the applicant would have to support the balcony from the ground floor.

Chair DeVore confirmed with the applicant that he plans to put overhead garage doors in.

Acting City Attorney Simon noted for the record that there was no public present for public comments.

Vice-Chair Watt stated setbacks are a touchy issue and think that they are important for different reasons. He would say in this case, looking at the line diagram showing the existing properties on either side, the statement could be made that the residence fits relatively uniformly with his neighbor's homes versus in many areas that would not be the case.

MOTION MADE BY MEMBER ALVAREZ, SECONDED BY VICE-CHAIR WATT, TO RECOMMEND TO THE CITY COMMISSION APPROVAL OF BOA CASE NO. 2021-11, A VARIANCE REQUEST FROM SEC. 110-131(1)(F.)(1) OF THE CODE OF ORDINANCE OF 5.00 FEET INTO THE REQUIRED 25-FOOT FRONT YARD SETBACK, RESULTING IN A TOTAL FRONT YARD SETBACK OF 20.00 FEET, TO ALLOW FOR A EXPANSION OF EXISTING PORCH AND GARAGE ON THE FRONT OF THE HOUSE FOR PROPERTY LOCATED AT 110-14TH AVENUE, INDIAN ROCKS BEACH, FLORIDA, AND LEGALLY DESCRIBED AS INDIAN BEACH RE-REVISED, BLOCK 29, LOT 5. PARCEL # 01-30-14-42030-029-0050.

ROLL CALL:

AYES: CAMPBELL, LABADIE, ALVAREZ, WATT, DEVORE

NAYS: NONE

MOTION CARRIED UNANIMOUSLY.

5. BOA CASE NO. 2021-12 — 381 LA HACIENDA DRIVE

Owner/Applicant: Chris & Lydia Tremble

Subject Location: 381 La Hacienda Drive, Indian Rocks Beach, Florida

Legal Description: La Hacienda 1st Addition, Lot 56 and part of Water Lot C in front.

Parcel #: 07-30-15-47394-000-0560.

Variance Request: A variance request from Section 110-131(1)(f.)(2) of the Code of Ordinances of 13.00 feet into the required 25-foot rear yard setback, resulting in a total rear yard setback of 12.00 feet, to allow for a covered porch on the rear of the house.

[Beginning of Staffing Report]

SUBJECT: BOA CASE NO. 2021-12. Variance request from Sec. 110-131(1)(f.) (2) of the Code of Ordinance of 13.00 feet into the required 25-foot rear yard setback, resulting in a total rear yard setback of 12.00 feet, to allow for a covered porch on the rear of the house for property located at 381 La Hacienda Drive, Indian Rocks Beach, Florida, and legally described as La Hacienda 1st Addition, Lot 56 and part of Water Lot "C: in front. Parcel # 07-30-15-47394-000-0560.

OWNER: Chris & Lydia Tremble
PROPERTY LOCATION: 381 La Hacienda Drive
ZONING: S — Single-Family

DIRECTION	EXISTING USE	ZONING CATEGORY
North	Residential	S
East	Intracoastal	N/A
South	Residential	S
West	Residential	S

BACKGROUND:

Chris and Lydia Tremble are requesting to install a covered porch on the rear of their house. The existing residence was built in 1968 and has a rear yard setback of 25 feet. The required rear yard setback in the single-family residential zoning district is 25 feet on waterfront lots. The house presently has 263 square foot covered porch. The proposed additional covered porch would extend into the rear yard setback for 13 feet leaving a 12-foot rear yard setback.

Sec. 2-152. Variances.

(a) *Generally; criteria for granting variances from the terms of subpart B.*

(1) The Board of Adjustments and Appeals shall make recommendations on and the City Commission shall decide variance applications will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of subpart B will result in unnecessary and undue hardship. In order to recommend or decide any variance from the terms of subpart B, the Board or the City Commission shall consider each of the following:

- a. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. *There are no special conditions or circumstances peculiar to their land.*
- b. The special conditions and circumstances do not result from the actions of the applicant. *The applicant did not create any special conditions or circumstances.*

- c. Granting the variance will not confer on the applicant any special privilege that is denied by subpart B to other lands, structures or buildings in the same zoning district. *Granting the variance would confer special privileges to the applicant.*
- d. Literal interpretation of the provisions of subpart B would deprive other properties in the same zoning district under the terms of subpart B and would work unnecessary and undue hardship upon the applicant. *The approval of this variance request would not deprive other owners of use and enjoyment of their properties.*
- e. The variance granted is the minimum variance that will make possible the reasonable use of the land, structure or building. *This is the minimum variance to allow the owner to construct the covered porch as desired.*
- f. The granting of the variance will be in harmony with the general intent and purpose of subpart B, and such variance will not be injurious to the area involved or be otherwise detrimental to the public welfare. *Granting the variance will not be in harmony with the general intent and purpose of subpart B.*

STAFF RECOMMENDATION: Based on the variance review criteria of Section 2-152, staff recommends denial of the request.

NOTICE: A 15-day notice was mailed by first class mail to the property owners within 150 feet in any direction of the subject property and posted on subject property on October 4, 2021 pursuant to Sec. 2-149 of the Code of Ordinances.

[End of Staffing Report.]

Acting City Attorney Simon read by title only Agenda Item No. 5, BOA Case No. 2021-12, 381 La Hacienda Drive.

Acting City Attorney Simon inquired of the members if they had any ex-parte communications with the applicant, with all members responding in the negative.

Acting City Attorney Simon inquired of the members if any of them had done a site visit for the limited purpose of evaluating this case, with all members responding in the negative.

City Attorney Simon duly swore in all persons planning to give testimony during the quasi-judicial proceeding.

Planning Consultant Harmon stated the applicants are requesting a variance from Section 110-131(1)(f).(2) of the Code of Ordinances of 13.00 feet into the required 25-foot rear yard setback, resulting in a total rear yard setback of 12.00 feet, to install a covered porch on the rear of the house for outdoor eating and entertainment.

Planning Consultant Harmon presented a PowerPoint Presenting depicting aerial views of the property, a survey, the proposed porch addition drawing, a picture of the covered porch

area, pictures of the back of the property looking south, looking west, and looking north, and a picture of the house from 2019 without any improvements. The applicants have added a pool area where the old screen porch used to be.

Planning Consultant Harmon stated staff recommends denial because the property is located on the waterfront, and it does not meet the City Code or the variance criteria.

Planning Consultant Harmon stated the City did not receive any correspondence supporting or objecting to the variance request.

Member Campbell stated he is new on the Board, so he does not have a real feel for what happens with decks. Did the removed deck intrude into the setback, or has it only become an intrusion when it has a roof.

Planning Consultant Harmon stated in that area, property owners can install 4-foot fences and waterfalls in that area, but built-in kitchens, bars, or items like that are prohibited on the waterfront.

Member Campbell clarified that a variance would be needed if a roof were put on the removed deck.

Member Alvarez stated the porch footprint is 24 feet by 14 feet.

Planning Consultant Harmon stated the porch footprint is 24 feet by 13 feet to the support pillars.

Member Watt confirmed the rear yard setback requirement is 25 feet, so there is no room for improvement to the rear yard unless the applicants are granted a variance.

Chair DeVore asked if the applicants could put posts in and create a removable sun cover but still offer that shade.

Planning Consultant Harmon stated the support posts would not be within the setbacks.

Chris Tremble, 381 La Hacienda Drive, the applicant, stated he has actually opened up the back of his residence by putting in sliding glass doors that open to a porch that is an extension of his living area. His house faces the southeast, and for that reason, he would like to put a covered pavilion to block the sun so that he and his wife can comfortably utilize this part of their yard as a cooking and seating area. He stated the covered porch would not obstruct any of his neighbor's waterview. He said his house is closer to the waterway, and his neighbors on both sides are set back further from the waterway.

Mr. Tremble stated when he bought the property, it was abandoned and run down. He has put a lot of money and work into the property to make a lovely home.

Elias Leousis, 378 La Hacienda Drive, spoke in support of the variance request. He stated on La Hacienda Drive, a lot of the houses are non-conforming by virtue of the fact the cove was added after the houses were built. A lot of these houses, including his, sit in the setback. He is all for people fixing their homes, especially on his street, because it helps everyone and the City. It beautifies the neighborhood.

Member Campbell stated it is sort of the carry over theme that he saw last month wherein a lot of ways the Board is trying to put a square peg in a round hole just like the applicant said. Yet, it cannot be the only criterion that makes the house prettier and more valuable. Not getting that is not a hardship.

Member Campbell stated he is troubled. He, too, like everybody in Indian Rocks Beach, would love the house to be upgraded and spiffy. He does not think variance by variance is the way to accomplish that, specifically because the City Attorney tells the Board that they cannot look at what it has done before deciding what to do now. So, it is a conundrum, but he is confident that it is prettier and cannot beat ?? - I NEED TO ASK MR. CAMPBELL

MOTION MADE BY MEMBER LABADIE, SECONDED BY MEMBER ALVAREZ, TO RECOMMEND DENIAL TO THE CITY COMMISSION, ON BOA CASE NO. 2021-12, A VARIANCE REQUEST FROM SECTION 110-131(1)(f)(2) OF THE CODE OF ORDINANCES OF 13.00 FEET INTO THE REQUIRED 25-FOOT REAR YARD SETBACK, RESULTING IN A TOTAL REAR YARD SETBACK OF 12.00 FEET, TO ALLOW FOR A COVERED PORCH ON THE REAR OF THE HOUSE, FOR THE PROPERTY LOCATED AT 381 LA HACIENDA, INDIAN ROCKS BEACH, FLORIDA, AND LEGALLY DESCRIBED AS LA HACIENDA 1ST ADDITION, LOT 56 AND PART OF WATER LOT C IN FRONT.

Member Labadie stated what happens is when variances are granted to extend into the rear setbacks for porch coverings, it sets a precedent for the rest of the town. The Board fights with this all the time, and it is not something new. He would prefer personally like to see it stay the way it is.

ROLL CALL VOTE:

AYES: CAMPBELL, WATT, DEVORE, ALVAREZ, LABADIE

NAY: NONE

MOTION TO *DENY* UNANIMOUSLY APPROVED.

6. OTHER BUSINESS.

Planning Consultant Harmon stated there will be a Board of Adjustments and Appeals Meeting on November 16, 2021, at 6:00 p.m.

7. ADJOURNMENT.

**MOTION MADE BY MEMBER ALVAREZ, SECONDED BY MEMBER LADABIE, TO
ADJOURN THE MEETING AT 6:31 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.**

November 16, 2021

Date Approved

Stewart DeVore, Chair

/dor

Draft

SEP 14 2021

City of Indian Rocks Beach

APPLICATION FOR VARIANCE

CITY OF INDIAN ROCKS BEACH PLANNING AND ZONING DEPARTMENT

Enquiries: Tel: (727) 517-0404 Fax: (727) 596-4759

Web: <http://www.indian-rocks-beach.com/>

Address: 1507 Bay Palm Boulevard, Indian Rocks Beach, FL 33785

For Office Use Only

Application No. 20A 12-2021

Date Received 9.14.2021

APPLICANT

Name: Chris + Lydia Tremble

Address: 381 La Hacienda Dr

City: Indian Rocks Beach

Zip Code: 33785

Tel: 813-442-0002

Fax:

Mobile: 813-442-0002

Email: Ltremble@gmail.com

AGENT/REPRESENTATIVE

Name:

Company:

Address:

City:

Zip Code:

Tel:

Fax:

Mobile:

Email:

SITE DETAILS

Address: 381 La Hacienda Dr

Parcel ID: 01-30-15-47394-000

City: Indian Rocks Beach

Zip Code: 33785

Legal Description: Single family residence

Zoning: S

Future Land Use:

Size:

SITE DETAILS CONTINUED...

Does applicant own any property contiguous to the subject property?

☐ Yes☒ NoIf yes, provide address
and legal description:

Have previous applications been filed for this property?

☐ Yes☒ No

If yes, describe:

Has a certificate of occupancy or completion been refused?

☐ Yes☒ No

If yes, describe:

Does any other person have ownership or interest in the property?

☐ Yes☒ NoIf yes, is ownership or
interest contingent or
absolute:

Is there an existing contract for sale on the property?

☐ Yes☒ NoIf yes, list all parties on
the contract:

Is contract conditional or absolute?

☐ Conditional☐ Absolute

Are there options to purchase?

☐ Yes☐ No**VARIANCE REQUEST****Regulation****Required****Proposed****Total
Requested**

Gulf-front setback (feet):

Bay-front setback (feet):

Alley setback (feet):

VARIANCE REQUEST CONTINUED...

<u>Regulation</u>	<u>Required</u>	<u>Proposed</u>	<u>Total Requested</u>
Rear-no alley setback (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Rear-north/south street (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Street-front setback (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Side-one/both setback (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Minimum green space (%):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Habitable stories (#):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Minimum lot size (sq. ft.):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Building height (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Off-street parking (spaces):	<input type="text"/>	<input type="text"/>	<input type="text"/>
ISR (%):	<input type="text"/>	<input type="text"/>	<input type="text"/>
FAR (%):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Dock length (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Dock width (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Signage (#):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Accessory structure (sq. ft.):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Accessory structure height (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Lot size (sq. ft.):	<input type="text"/>	<input type="text"/>	<input type="text"/>

Other:

What is the proposed use
of the property?*Shaded outdoor cooking + seating*

HARDSHIP

A variance is granted on the basis of evidence being presented that justifies an undue and unnecessary hardship upon the applicant; a hardship that prevents reasonable use of the property. The following criteria, set forth in Code Section 2-152, Variances, will be used to evaluate the request for variance in order to determine if a hardship is present and if the variance will impact the overall public welfare.

Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district:

The location of the back of the lot is South/Eastern exposure, as a result has full sun most of the day. by building a shade pavillion we will comfortably be able to utilize this part of our yard as a cooking + seating area.

Special conditions and circumstances do not result from the actions of the applicant:

Granting this variance will not confer on the applicant any special privilege that is denied by the chapter to other lands, structures or buildings in the same zoning district:

The literal interpretation of the provisions of Subpart B, Code Sections 78 through 110, would deprive other properties in the same zoning district under the terms of Subpart B and would work unnecessary and undue hardship upon the applicant:

HARDSHIP CONTINUED...

The variance granted is the minimum that will make possible the reasonable use of the land, structure or building:

The granting of the variance will be in harmony with the general intent and purpose of Subpart B and such variance will not be injurious to the area involved or be otherwise detrimental to the public welfare:

I (we) believe the Board of Adjustment and Appeals and the City Commission should grant this application because:

This variance + permission to build this Shade pavillion will not obstruct the view of our neighbors on either side. While providing us with a shaded area for our outdoor activities. Thank you.

CERTIFICATION

Date: 7-14-2021

I hereby certify that I have read and understand the contents of this application, and that this application together with supplemental data and information, is a true representation of the facts related to the request; that this application is filed with my approval, as owner, evidenced by my signature appearing below.

It is hereby acknowledged that the filing of this application does not constitute automatic approval of the request. Further, if the request is approved, I will obtain all necessary permits and comply with all applicable orders, codes, conditions and regulations pertaining to the use of the property.

I hereby grant authorization to any city official to inspect, as reasonable times, the site of the request.

Before me this date personally appeared:

Name: LYDIA Tremble

Signature: [Signature]



Personally known/Form of Identification

D.L. T651.520.64.602-0

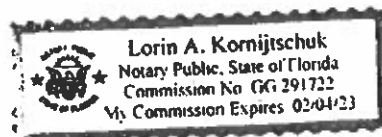
Who, being first duly sworn, deposes and attests that the above is a true and correct certification.

Sworn to and subscribed before me this: Day: 14 Month: September, 20 21

Notary Public State of Florida at Large: Lorin A. Kornijtschuk

Notary Public Commission Expiration: 2/4/2023

State of Florida
County: Pinellas



APPLICATIONS FILED BY CORPORATIONS MUST BEAR THE SEAL OF THE CORPORATION OVER THE SIGNATURE OF AN OFFICER AUTHORIZED TO ACT ON BEHALF OF THE CORPORATION.

AGENT OF RECORD

Date: _____

I, _____ do hereby designate and appoint

_____ as my agent of record for the purposes of representing me during the Planning and Zoning Department's review process of my application. My agent of record is hereby vested with authority to make any representations, agreements or promises, which are necessary or desirable in conjunction with the review process. My agent of record is authorized to accept or reject any conditions imposed by any reviewing board or entity.

Name: _____ Signature: _____

My agent of record may be contacted at:

Company: _____

Address: _____

City/State: _____ Zip Code: _____

Telephone: _____ Fax: _____

Before me this date personally appeared:

Name: _____

Signature: _____

☐ Personally known/Form of Identification _____

Who, being first duly sworn, deposes and attests that the above is a true and correct certification.

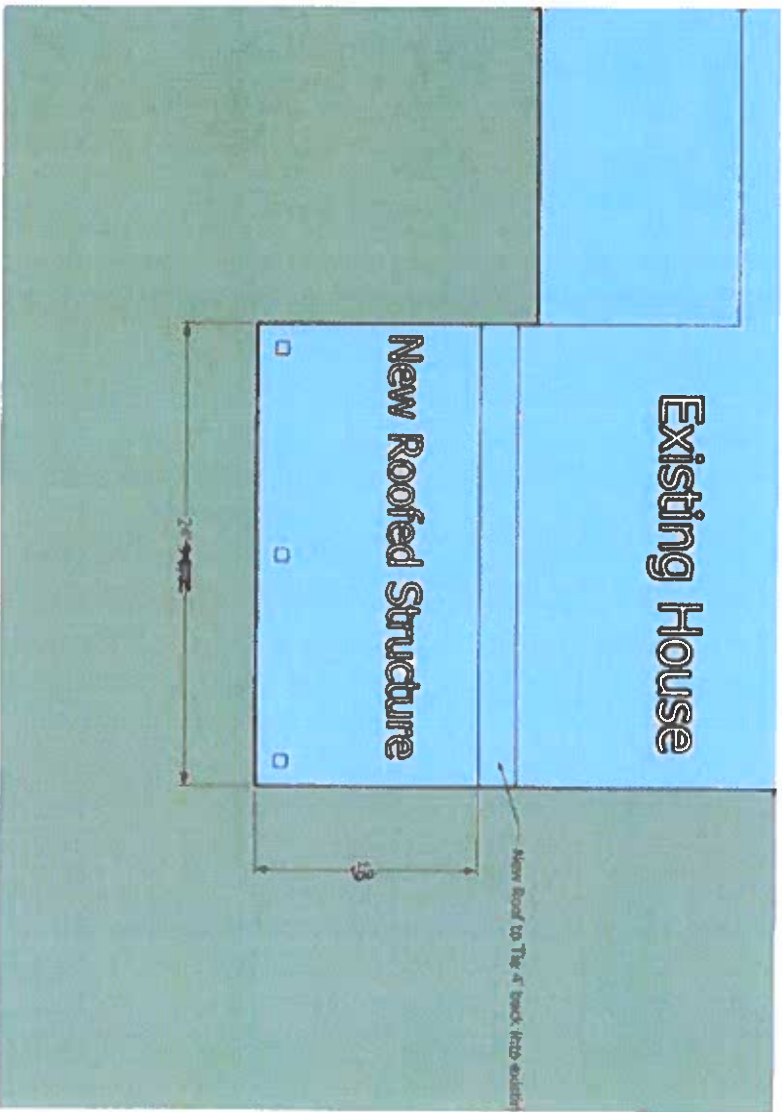
Sworn to and subscribed before me this: Day: _____ Month: _____, 20_____

Notary Public State of Florida at Large: _____

Notary Public Commission Expiration: _____

State of Florida

County: Pinellas



10:47



Done _VLSR19-34487 8x1...



Chris + Lydia Tremble
381 La Hacienda Dr
IRB 33785
813-469-7810



24' X 14' Overhang for shade supported by 2-3 pillars depending on contractor recommendation. Pillars to be 12" out from house. 6" X 6" P.I.

**APPROVAL FOR VARIANCE 381 LA HACIENDA DR. INDIAN ROCKS BEACH FL 33785
REQUEST TO ENCRATCH ON THE 25FT SETBACK FROM THE SEAWALL BY 13FT FOR PILLARS ONLY TO BUILD A SHADE PAVILION**

[illegible]

**AGENDA ITEM NO. 6C
FIRST PUBLIC HEARING**

**ORDINANCE NO. 2021-06
Amending Section 110-344 of the
Code of Ordinances.**

**AGENDA MEMO
INDIAN ROCKS BEACH CITY COMMISSION**

MEETING OF: November 9, 2021 **AGENDA ITEM:** 6C

**SUBMITTED AND
RECOMMENDED BY:** Hetty C. Harmon, AICP, City Planner

APPROVED BY: Brently Gregg Mims, City Manager

SUBJECT: Ordinance No. 2021-06 Length of Waterfalls

BACKGROUND:

At the November 12, 2019, and September 14, 2021 City of Indian Rocks Beach City Commission meetings, the City Commission approved variances to extend the allowable length of waterfalls. The Land Development Code allows for up to six feet in length and the variances granted were for twelve feet. As a result, the Board of Adjustment recommended that the City Commission consider a Land Code Amendment to allow the allowable length of waterfalls to twelve feet in length.

The City Commission by consensus authorized staff to forward a Land Code Amendment to the Local Planning Agency to change the six feet allocation to twelve feet. The LPA should consider the proposed amendment and make the appropriate recommendation to the City of Indian Rocks Beach City Commission.

On October 21, 2021, the LPA discussed changing the six feet allocation for the waterfall to 12 feet. The LPA recommended that if the waterfall was increased to 12 feet it could be located on the house side of the property not along the side yard or rear yard property line. A 6 foot waterfall would still be allowed to be located on any side of the pool.

**CITY OF INDIAN ROCKS BEACH
ORDINANCE NO. 2021-06**

AN ORDINANCE OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, PROVIDING FOR AMENDMENTS TO THE CODE OF ORDINANCES BY AMENDING CHAPTER 110, ZONING; ARTICLE I - IN GENERAL, SECTION 110-344 "SWIMMING POOLS AND SPAS" INCREASING THE MAXIMUM LENGTH OF PERMISSIBLE WATERFALL FEATURES IN SWIMMING POOLS AND SPAS; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Indian Rocks Beach Board of Adjustments and Appeals has received an increased number of variance applications to extend the maximum length of a waterwall to enhance the aesthetics of the pool area; and

WHEREAS, during the August 17, 2021 Board of Adjustments and Appeals Meetings, the Board recommended the City Commission consider extending the maximum length of decorative waterfalls; and

WHEREAS, on October 21, 2021, the Local Planning Agency held a public hearing and found the proposed amendments consistent with the Comprehensive Plan; and

WHEREAS, Section 13.1 of the City's Charter empowers the City Commission to regulate and restrict, among other things, the location and use of buildings, structures, and land and water for trade, industry, residence or other purposes in the City; and

WHEREAS, the City Commission for the City of Indian Rocks Beach finds the amendments set forth in this ordinance to be in the interest of promoting the health, safety and general welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, THAT:

SECTION 1. Chapter 110, Zoning; Article IV, Supplementary District Regulations; Section 110-344 Swimming Pools and Spas" of The Code of Ordinances, City of Indian Rocks Beach, Florida is hereby amended to read as follows:

Sec. 110-344. Swimming pools and spas.

- (7) Spas, jacuzzis, and hot tubs. Spas, as defined in section 14-421, shall be permitted in accordance with the following standards:

- a. When located on nonwaterfront lots and lots abutting the Intracoastal Waterway, spas may be located in rear and side yards so long as a five-foot setback is maintained from the property line.
- b. When located on lots abutting the Gulf of Mexico, spas may be located in any yard, so long as a five-foot setback is maintained from the property line.
- c. The capacity of any spa permitted pursuant to this subsection shall not exceed 500 gallons. Larger spas shall be permitted in accordance with subsections (1) through (6) of this section.
- d. Spas shall not exceed four feet in height above the adjacent finished grade, or four feet in height above a deck permitted in accordance with chapter 14.
- e. The provisions of this subsection (7) shall also apply to spas which are constructed as part of and integrated into a swimming pool.
- f. The provisions of this subsection (7) shall also apply to decorative waterfalls where they are constructed as part of or integrated into a spa or swimming pool, provided the length or diameter of the improvement does not exceed ~~six~~ twelve feet.
- g. A maximum of one spa per residential unit is permitted pursuant to this subsection.

SECTION 2. In all other respects, the provisions of the Land Development Regulations of the City of Indian Rocks Beach, Florida, not hereby amended or modified shall remain in full force and effect.

SECTION 3. It is the intention of the Indian Rocks Beach City Commission that each provision hereof be considered separable, and that the invalidity of any provision of this Ordinance shall not affect the validity of any other provision of this Ordinance or Subpart B of the City of Indian Rocks Beach Code of Ordinances.

SECTION 4. It is the intention of the Indian Rocks Beach City Commission that such amended Ordinance be included in the Land Development Regulations of the City of Indian Rocks Beach, Florida and the publisher of the Land Development Regulations may renumber or reclassify provisions of the Land Development Regulations to accomplish such intention.

SECTION 5. All ordinances or parts of ordinances, in conflict herewith are hereby repealed, to the extent of such conflicts.

SECTION 6. This Ordinance shall become effective immediately upon final passage as allowed by law.

PUBLISHED this 27th day of October, 2021 in the Tampa Bay Times Newspaper.

ADOPTED ON FIRST READING on the _____ day of _____ 2021, by the City Commission of the City of Indian Rocks Beach, Florida.

PUBLISHED this ____ day of _____ 2018 in the Tampa Bay Times newspaper.

ADOPTED ON SECOND AND FINAL READING on the ____ day of _____ 2021, by the City Commission of the City of Indian Rocks Beach, Florida.

Joanne Moston Kennedy, Mayor-Commissioner

ATTEST:

Deanne B. O'Reilly, MMC, City Clerk

**AGENDA ITEM NO. 7A
FIRST READING**

**ORDINANCE NO. 2021-07
Amending Chapter 90 of the Code of
Ordinances to provide criteria for
accessory structures in flood hazard
areas; to not permit installation of
manufactured homes and recreational
vehicles in flood hazard areas and align
with regulatory directives.**

**AGENDA MEMO
INDIAN ROCKS BEACH CITY COMMISSION**

MEETING OF: November 9, 2021 **AGENDA ITEM: 7A**

**SUBMITTED AND
RECOMMENDED BY:** Hetty C. Harmon, AICP, City Planner

APPROVED BY: Brently Gregg Mims, City Manager

SUBJECT: Ordinance No. 2021-07 - Flood Damage Prevention

BACKGROUND:

FEMA established 8/24/21 as the effective date for the revised Flood Insurance Study for Pinellas County and incorporated areas and flood insurance rate maps. FEMA requires adoption of floodplain management regulations meet certain NFIP requirements.

The City was required to revise sections of the ordinance that pertained to manufactured homes and accessory structures.

The City staff worked with FDEM to update the FEMA requirements in the ordinance and general cleanup of the ordinance.

The following are the areas that were modified:

1. Reference to Manufactured Homes was removed except stating they are not allowed. Manufactured Buildings are allowed if they are built offsite and installed on a foundation that meets building regulations.
2. Added definition and requirements of Accessory structure.
Rebecca Quin, FDEM is inquiring from FEMA if vents are required since the accessory structures are not allowed to be greater than 120 sf
3. Redefined Market Values -definition is from Pinellas County Flood Manager.
4. Removed reference to development in watercourses/floodways.

ORDINANCE NO. 2021-07

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, AMENDING CHAPTER 90 OF THE CODE OF ORDINANCES TO PROVIDE CRITERIA FOR ACCESSORY STRUCTURES IN FLOOD HAZARD AREAS; TO NOT PERMIT INSTALLATION OF MANUFACTURED HOMES AND RECREATIONAL VEHICLES IN FLOOD HAZARD AREAS AND ALIGN WITH REGULATORY DIRECTIVES; PROVIDING FOR APPLICABILITY, CODIFICATION, AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the Federal Emergency Management Agency released FEMA Policy #104-008-03 Floodplain Management Requirements for Agricultural Structures and Accessory Structures; and

WHEREAS, the City Commission of Indian Rocks Beach has determined it appropriate to adopt regulations that are consistent with the FEMA Policy to allow issuance of permits for wet floodproofed accessory structures that are not larger than the sizes specified in the FEMA Policy or the City's zoning code; and

WHEREAS, the City of Indian Rocks Beach does not permit installation of manufactured homes and recreational vehicles in flood hazard area and, at the request of the Federal Emergency Management Agency, is modifying the regulations to clarify those limitations; and

NOW, THEREFORE, BE IT ORDAINED by the City Commission of Indian Rocks Beach that the Code of Ordinances is amended as set forth in the following amendments, as shown in ~~strike through~~ and underline format in Section 1.

SECTION 1. AMENDMENTS. The Code of Ordinances, Subpart B, Chapter 90, is hereby amended as set forth below:

CHAPTER 90 - FLOOD DAMAGE PREVENTION

ARTICLE I. - IN GENERAL

Sec. 90-1. - Title.

These regulations shall be known as the Floodplain Management Ordinance of the City of Indian Rocks Beach hereinafter referred to as "this ordinance."

Sec. 90-2. - Scope.

The provisions of this ordinance shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; ~~placement, installation, or replacement of manufactured homes and manufactured buildings;~~ installation or replacement of tanks; ~~placement of recreational vehicles; installation of swimming pools;~~ and any other development.

Sec. 90-3. - Intent.

The purposes of this ordinance and the flood load and flood-resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

- (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.

Sec. 90-4. - Coordination with the Florida Building Code.

This ordinance is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

Sec. 90-5. - Warning.

The degree of flood protection required by this ordinance and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by manmade or natural causes. This ordinance does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the flood insurance study and shown on flood insurance rate maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this ordinance.

Sec. 90-6. - Disclaimer of liability.

This ordinance shall not create liability on the part of the city commission of the City of Indian Rocks 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.

ARTICLE II. – APPLICABILITY

Sec. 90-7. - General.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

Sec. 90-8. - Areas to which this ordinance applies.

This ordinance shall apply to all flood hazard areas within the City of Indian Rocks Beach as

Sec. 90-9. - Basis for establishing flood hazard areas.

The FEMA. Flood Insurance Study for Pinellas County, Florida and Incorporated Areas dated ~~August 18, 2009~~ August 24, 2021 and all subsequent amendments and revisions, and the accompanying flood insurance rate maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the City Hall at 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida. (Ord. No. 2014-03, § 11, 8-12-2014)

Sec. 90-10. - Submission of additional data to establish flood hazard areas.

To establish flood hazard areas and base flood elevations, pursuant to article V 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.

Sec. 90-11. - Other laws.

The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law, including ~~chapter 39 of the Pinellas County Code of Ordinances~~, the county coastal construction code.

Sec. 90-12. - 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.

Sec. 90-13. - Interpretation.

In the interpretation and application of this ordinance, 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.

ARTICLE III. - DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

Sec. 90-14. - Designation.

The ~~public services planning and zoning~~ director is designated as the floodplain administrator. The floodplain administrator may delegate performance of certain duties to staff members ~~other employees~~.

(Ord. No. 2014-03, § 17, 8-12-2014)

Sec. 90-15. - 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 article VII of this ordinance.

Sec. 90-16. - 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.

Sec. 90-17. - Substantial improvement and substantial damage determinations.

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the floodplain administrator, in coordination with the building official, shall:

- (1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- (2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- (3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- (4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood-resistant construction requirements of the Florida Building Code and this ordinance is required.

Sec. 90-18. - 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 article VII of this ordinance.

Sec. 90-19. - 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.

Sec. 90-20. - Inspections.

The floodplain administrator shall make the required inspections as specified in article VI 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.

Sec. 90-21. - 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 90-17 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);~~
- (2) ~~(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, or flood hazard area boundaries, ~~or floodway designations~~; such submissions shall be made within six months of such data becoming available;
- (3) ~~(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;
- (4) ~~(5)~~ Notify the Federal Emergency Management Agency when the corporate boundaries of City of Indian Rocks Beach, Florida, are modified; and
- (5) ~~(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. 90-591) 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."

Sec. 90-22. - Floodplain management records.

Regardless of any limitation on the period required for retention of public records, the floodplain administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ordinance and the flood-resistant construction requirements of the Florida Building Code, including flood insurance rate maps; letters of change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this ordinance; ~~notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood-carrying capacity of altered watercourses will be maintained;~~ documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance and the flood-resistant construction requirements of the Florida Building Code. These records shall be

available for public inspection at City Hall at 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

ARTICLE IV. - PERMITS

Sec. 90-23. - 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.

Sec. 90-24. - 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.

Sec. 90-25. - 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 F.S. § 604.50.
- (3) Temporary buildings or sheds used exclusively for construction purposes.
- (4) Mobile or modular structures used as temporary offices.
- (5) Those structures or facilities of electric utilities, as defined in F.S. § 366.02, which are directly involved in the generation, transmission, or distribution of electricity.
- (6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this 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 F.S. § 553.73(10)(k) are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on flood insurance rate maps.

Sec. 90-26. - 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 Article V ~~section 90-10~~ 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.

Sec. 90-27. - 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.

Sec. 90-28. - Expiration.

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

Sec. 90-29. - 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.

Sec. 90-30. - 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 Southwest Florida Water Management District; F.S. § 373.036.
- (2) Florida Department of Health for onsite sewage treatment and disposal systems; F.S. § 381.0065 and ch. 64E-6, F.A.C.
- (3) Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; F.S. § 161.141.
- (4) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; F.S. § 161.055.
- (5) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
- (6) Federal permits and approvals.

ARTICLE V. - SITE PLANS AND CONSTRUCTION DOCUMENTS

Sec. 90-31. - 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 subsection 90-32(2) or (3) of this ordinance.
- (3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than five acres and the base flood elevations are not included on the FIRM or in the flood insurance study, such elevations shall be established in accordance with subsection 90.32(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.

Sec. 90-32. - Information in flood hazard areas without base flood elevations (approximate zone A).

Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the floodplain administrator shall:

- (1) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
- (2) Obtain, review, and provide to applicants base flood elevation ~~and floodway data~~ available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation ~~and floodway data~~ available from a federal or state agency or other source.
- (3) Where base flood elevation ~~and floodway data~~ are not available from another source, where the available data are deemed by the floodplain administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or

- b. Specify that the base flood elevation is three 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 three 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.

Sec. 90-33. - 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 90-34 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 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 90-34 of this ordinance.~~
- (4) For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (zone V), the applicant shall have an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents.

Sec. 90-34. - 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.

ARTICLE VI. - INSPECTIONS

Sec. 90-35. - General.

Development for which a floodplain development permit or approval is required shall be subject to inspection.

Sec. 90-36. - 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.

Sec. 90-37. - 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.

Sec. 90-38. - Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection.

Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the floodplain administrator:

- (1) If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
- (2) If the elevation used to determine the required elevation of the lowest floor was determined in accordance with subsection 90-32(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.

Sec. 90-39. - 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 90-38 of this ordinance.

ARTICLE VII. - VARIANCES AND APPEALS

Sec. 90-40. - General.

The City of Indian Rocks Beach City Commission shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to F.S. § 553.73(5), the City of Indian Rocks Beach City Commission shall hear and decide on requests for appeals and requests for variances from the strict application of the flood-resistant construction requirements of the Florida Building Code. This section does not apply to Section 3109 of the Florida Building Code, Building.

Sec. 90-41. - Appeal.

City of Indian Rocks Beach City Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the administration and enforcement of this ordinance. Any person aggrieved by the decision of City of Indian Rocks Beach City Commission may appeal such decision to the circuit court, as provided by Florida Statutes.

Sec. 90-42. - Limitations on authority to grant variances.

The City of Indian Rocks Beach City Commission shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in section 90-46 ~~90-47~~ of this ordinance, the conditions of issuance set forth in section 90-47 ~~90-48~~ of this ordinance, and the comments and recommendations of the floodplain administrator and the building official. The City of Indian Rocks Beach City Commission has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.

Sec. 90-43. - Restrictions in floodways. (RESERVED)

~~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 90-33 of this ordinance.~~

Sec. 90-44. - Historic buildings.

A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood-resistant construction requirements of the Florida Building Code, Existing Building, Chapter 12 44 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.

Sec. 90-45. - 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 90-43, 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.

Sec. 90-46. - Considerations for issuance of variances.

In reviewing requests for variances, the City of Indian Rocks Beach City Commission 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.

Sec. 90-47. - 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 City of Indian Rocks Beach City Commission that:
 - a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
 - c. The variance is the minimum necessary, considering the flood hazard, to afford relief.
- (3) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the office of the clerk of the court in such a manner that it appears in the chain of title of the affected parcel of land; and
- (4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the floodplain administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25.00 for \$100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

ARTICLE VIII. - VIOLATIONS

Sec. 90-48. - 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.

Sec. 90-49. - 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.

Sec. 90-50. - 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 and as provided in section 1-14, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing contained in this section shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE IX. - FINDINGS OF FACT

Sec. 90-51. - Findings of fact.

The following findings of fact apply:

- (1) All of the city is located within the Special Flood Hazard Area with some areas designated coastal high hazard area, and is therefore subject to development limitations on density and intensity, consistent with the city's comprehensive plan.
- (2) The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (3) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated or floodproofed, or otherwise unprotected from flood damages.

ARTICLE X. - DEFINITIONS

DIVISION 1. - GENERAL

Sec. 90-52. - Scope.

Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ordinance, have the meanings shown in this section.

Sec. 90-53. - 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.

Sec. 90-54. - 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.

DIVISION 2. - DEFINITIONS

Sec. 90-55. - Definitions.

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

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

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

Appeal means 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 means a standard titled flood-resistant design and construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, Virginia.

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

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

Coastal construction control line means the line established by the State of Florida pursuant to F.S. § 161.053, F.S. 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 means a special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V zones" and are designated on flood insurance rate maps (FIRM) as zone V1-V30, VE, or V. [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 means the flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

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

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

Development means any manmade change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or

permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

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

Existing building and existing structure means any buildings and structures for which the "start of construction" commenced before May 7, 1971. [Also defined in FBC, B, Section 1612.2.]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Market value means the ~~price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts.~~ As used in this ordinance, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value is the may be established by a qualified independent appraiser, actual cash value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or the "Just Value" of the structure, developed by the Pinellas County Property Appraiser's Office (PA) for Ad Valorem taxation purposes, tax assessment value adjusted to approximate market value as determined by the PAO 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, means structures for which the "start of construction" commenced on or after May 7, 1971 and includes any subsequent improvements to such structures.

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

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

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

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

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

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

- (1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to article VII section 90-44 of this ordinance.

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

ARTICLE XI. - FLOOD-RESISTANT DEVELOPMENT

DIVISION 1. - BUILDINGS AND STRUCTURES

Sec. 90-56. - Design and construction of buildings, structures and facilities exempt from the Florida Building Code.

Pursuant to section 90-25 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 article XV of this ordinance.

Sec. 90-57. - Buildings and structures seaward of the coastal construction control line.

If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:

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

ARTICLE XII. - SUBDIVISIONS

Sec. 90-58. - Minimum requirements.

Subdivision proposals, ~~including proposals for manufactured home parks and subdivisions,~~ shall be reviewed to determine that:

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

Sec. 90-59. - Subdivision plats.

Where any portion of proposed subdivisions, lies within a flood hazard area, the following shall be required:

- (1) Delineation of flood hazard areas, ~~floodway boundaries~~ and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
- (2) Where the subdivision has more than 50 lots or is larger than five acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with subsection 90.32(1) of this ordinance; and
- (3) Compliance with the site improvement and utilities requirements of article XIII of this ordinance.

ARTICLE XIII. - SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

Sec. 90-60. - Minimum requirements.

All proposed new development shall be reviewed to determine that:

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

Sec. 90-61. - 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 floodwaters, and impairment of the facilities and systems.

Sec. 90-62. - 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.

Sec. 90-63. - Limitations on sites in regulatory floodways. (RESERVED)

~~No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in subsection 90-33(1) of this ordinance demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.~~

Sec. 90-64. - 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.

Sec. 90-65. - Limitations on sites in coastal high hazard areas (zone V).

In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by subsection 90-33(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 subsection 90-75(3) of this ordinance.

ARTICLE XIV. - TANKS

Sec. 90-66. - 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.

Sec. 90-67. - Above-ground tanks, not elevated.

Above-ground tanks that do not meet the elevation requirements of Section ~~90-68~~ 90-66 of this ordinance shall:

- (1) Be permitted in flood hazard areas (zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
- (2) Not be permitted in coastal high hazard areas (zone V).

Sec. 90-68. - 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.

Sec. 90-69. - Tank inlets and vents.

Tank inlets, fill openings, outlets and vents shall be:

- (1) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
- (2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

ARTICLE XV. - OTHER DEVELOPMENT

Sec. 90-70. - General requirements for other development.

All development, including manmade changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the Florida Building Code, shall:

- (1) Be located and constructed to minimize flood damage;
- ~~(2) Meet the limitations of Section 90-63 90-61 of this ordinance if located in a regulated floodway;~~
- ~~(2) (3)~~ Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- ~~(3) (4)~~ Be constructed of flood damage-resistant materials; and
- ~~(4) (5)~~ Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

Sec. 90-71 – 90-73. –Fences in regulated floodways. (RESERVED)

~~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 90-63 of this ordinance.~~

~~Sec. 90-72. Retaining walls, sidewalks and driveways in regulated floodways. (RESERVED)~~

~~Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of section 90-63 of this ordinance.~~

~~Sec. 90-73. 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 90-61 of this ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of subsection 90-33(3) of this ordinance.~~

Sec. 90-74. - Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (zone V).

In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

- (1) Structurally independent of the foundation system of the building or structure;
- (2) Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
- (3) Have a maximum slab thickness of not more than four inches.

Sec. 90-75. - Decks and patios in coastal high hazard areas (zone V).

In addition to the requirements of the Florida Building Code, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:

- (1) A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
- (2) A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
- (3) A deck or patio that has a vertical thickness of more than 12 inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.
- (4) A deck or patio that has a vertical thickness of 12 inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

Sec. 90-76. - Other development in coastal high hazard areas (zone V).

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

- (1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
- (2) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
- (3) On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.

Sec. 90-77. - Nonstructural fill in coastal high hazard areas (zone V).

In coastal high hazard areas:

- (1) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
- (2) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.
- (3) Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

Sec. 90-78. – Accessory structures.

Accessory structures are permitted below the base flood elevation provided the accessory structures are used only for parking or storage and:

- (1) If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas, are one-story and not larger than 120 sq. ft.
- (2) If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas, have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential.
- (3) If located in coastal high hazard areas (Zone V/VE), are not located below elevated buildings and are not larger than 100 sq. ft.
- (4) Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.
- (5) Have flood damage-resistant materials used below the base flood elevation plus one (1) foot.
- (6) Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one (1) foot.

Sec. 90-79. – Manufactured homes.

Manufactured homes, as defined in 15C-1.0101, Florida Administrative Code, are not allowed in flood hazard areas. "Manufactured homes," as used in this section, are distinct from "manufactured buildings," as that term is used in the Florida Building Code or Florida Administrative Code.

Sec. 90-80. – Recreational Vehicles

Permanent placement of recreational vehicles and park trailers, as defined in 15C-1.0101, Florida Administrative Code, is not permitted in flood hazard areas.

SECTION 2. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this ordinance. In all other respects, the provisions of the Land Development Regulations of the City of Indian Rocks Beach, Florida, not hereby amended or modified shall remain in full force and effect.

SECTION 3. It is the intention of the Indian Rocks Beach City Commission that each provision hereof be considered separable, and that the invalidity of any provision of this Ordinance shall not affect the validity of any other provision of this Ordinance or Subpart B of the City of Indian Rocks Beach Code of Ordinances.

SECTION 4. It is the intention of the Indian Rocks Beach City Commission that such amended Ordinance be included in the Land Development Regulations of the City of Indian Rocks Beach, Florida and the publisher of the Land Development Regulations may renumber or reclassify provisions of the Land Development Regulations to accomplish such intention.

SECTION 5. All ordinances or parts of ordinances, in conflict herewith are hereby repealed, to the extent of such conflicts

SECTION 6. This Ordinance shall become effective immediately upon final passage as allowed by law.

ADOPTED ON FIRST READING on the _____ day of _____, 202____, by the City Commission of the City of Indian Rocks Beach, Florida.

PUBLISHED this ____ day of _____, 202__ in the Tampa Bay Times newspaper.

ADOPTED ON SECOND AND FINAL READING on the ____ day of _____, 202____, by the City Commission of the City of Indian Rocks Beach, Florida.

Joanne Moston Kennedy, Mayor-Commissioner

ATTEST:

Deanne B. O'Reilly, MMC, City Clerk

AGENDA ITEM NO. 8A

WORK SESSION ITEMS: NONE

AGENDA ITEM NO. 9

OTHER BUSINESS

AGENDA ITEM NO. 10

ADJOURNMENT.