

Second Draft
October 28, 1986

Coding: Words underlined are deletions from existing ordinance;
words in **BOLDFACE** type are additions

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ORDINANCE NO. 165

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT AMENDING SECTIONS 6.1-2, 6.1-4(b), 6.1-4(b)(5), 6.1-5(a), 6.1-5(b)(4)c., 6.1-5(b)(4)d., 6.1-5(b)(4)e., AND 6.1-5(b)(4)h. OF THE CODE OF ORDINANCES FOR THE TOWN OF SEWALL'S POINT, FLORIDA; PROVIDING FOR INSERTION INTO THE TOWN CODE; PROVIDING REPEAL OF ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; PROVIDING FOR SEPARATION IN THE EVENT A SECTION OR PORTION IS DECLARED TO BE UNCONSTITUTIONAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town has been advised that the Federal Emergency Management Agency has adopted revisions to the National Flood Insurance Program Flood Plain Management Criteria and that said revisions require amendments to existing Town Flood Prevention Ordinances; and

WHEREAS, the required amendments are necessary to preserve and promote the public health, safety and welfare of the residents of the Town of Sewall's Point.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA, as follows:

PART ONE

Section 6.1-2 of the Code of Ordinances, Town of Sewall's Point, Florida, is hereby amended by adding the following definition:

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, useable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that said enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

PART TWO

Section 6.1-2 of the Code of Ordinances, Town of Sewall's Point, Florida, is hereby amended by substituting the following definition for the present definition:

Start of construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

PART THREE

Section 6.1-4(b)(5) of the Code of Ordinances, Town of Sewall's Point, Florida, is hereby amended to read as follows:

Verify and record the actual elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (including basement) (excluding pilings and columns) of all new and substantially improved structures and whether or not such structures contain a basement.

PART FOUR

Section 6.1-4(b) of the Code of Ordinances, Town of Sewall's Point, Florida, is hereby amended by adding the following subsection:

(13) The local administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, as criteria for requiring that new construction, substantial improvements, or other development meet the requirements of this ordinance.

PART FIVE

Section 6.1-5(a) of the Code of Ordinances, Town of Sewall's Point, Florida, is hereby amended to read as follows:

(8) Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering and accumulating within the components during conditions of flooding.

(9) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices providing that they permit the automatic entry and exit of flood waters.

PART SIX

Section 6.1-5(b)(4)c. of the Code of Ordinances, Town of Sewall's Point, Florida, is hereby amended to read as follows:

All buildings or structures new construction and substantial improvements shall be securely anchored on pilings or columns and shall be elevated so that the bottom lowest horizontal structure member of the lowest floor (excluding the pilings or columns) is elevated to or above the base of flood level.

PART SEVEN

Section 6.1-5(b)(4)d. of the Code of Ordinances, Town of Sewall's Point, Florida, is hereby amended to read as follows:

All pilings or columns used as structural support shall be designed and anchored so as to withstand all applied loads of the

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base flood flow to resist floatation, collapse and lateral movement due to the effects of wind and water loads on all building components.

PART EIGHT

Section 6.1-5(b)(4)e. of the Code of Ordinances, Town of Sewall's Point, Florida, is hereby amended to read as follows:

Compliance with provisions contained in section 6.1-5(b)(4)b through d shall be certified to by a registered professional engineer or architect. With respect to the construction required by 6.1-5(b)(4)b through d, a registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice.

PART NINE

Section 6.1-5(b)(4)h. of the Code of Ordinances, Town of Sewall's Point, Florida, is hereby amended to read as follows:

Breakaway walls shall be allowed below the base flood elevation provided they are not part of the structural support of the building and are designed so as to break away, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are to be used and provided the following design specifications are met:

A loading of twenty-five (25) pounds per square foot as wind load on a vertical panel facing directly into the wind; this load corresponds to a wind speed of one hundred (100) miles per hour and is the minimum load which would cause the panels to break away.

All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed of non-supporting breakaway walls, open wood lattice work or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting

foundation system. For purposes of this section a breakaway wall shall have a design safe loading resistance of not less than ten and no more than twenty pounds per square foot. Use of breakaway walls which exceed a design safe floating resistance of twenty pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered, professional engineer or architect certifies that the designs proposed meet the following conditions:

(1) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

(2) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural).

Maximum wind and water loading values to be used in this determination shall have a 1% chance of being equal or exceeded in any given year (100 year mean recurrence interval). Such enclosed space shall be usable solely for parking of vehicles, building access or storage.

SEPARATION.

If any section, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance, and it shall be construed to have been the intent of the Board to adopt this Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts, shall be deemed and held to be valid as if such part or parts had not been included herein. If this Ordinance or any provision thereof shall be held to be inapplicable to any person, groups of persons, property, kind of property, circumstances or set of circumstances, such holdings shall not affect its applicability to any other person, property or circumstances.

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REPEAL.

Town ordinances and Town resolutions, or parts thereof, in conflict with this Ordinance are hereby abolished and repealed to the extent of such conflict.

INCORPORATION IN TOWN CODE.

Provisions of this Ordinance shall be incorporated in the Town Code and the word "Ordinance" may be changed to "section," "article," or other appropriate word, and the sections of this Ordinance may be renumbered or relettered to accomplish such intention.

EFFECTIVE DATE.

This Ordinance shall become effective immediately upon the date of its passage according to law.

Passed first reading at the regular meeting of the Town Commission held on the 12th day of November, 1986.

Passed second reading at the regular meeting of the Town Commission held on the 10th day of December, 1986.

ATTEST:

Joan Barrow
JOAN BARROW, Town Clerk

John C. Guenther
JOHN C. GUENTHER, Mayor -
Commissioner

Approved as to form and
correctness:

M. Lanning Fox
M. LANNING FOX, Town
Attorney

Gilbert C. Strubell
GILBERT C. STRUBELL, Vice-Mayor -
Commissioner

Robert R. Aune
ROBERT R. AUNE, Commissioner

Clifford B. Drake
CLIFFORD B. DRAKE, Commissioner

Irene E. O'Brien
IRENE E. O'BRIEN, Commissioner

