AGENDA

Code Enforcement,
Adjustments and Appeals
Board
City of St. Augustine,
Florida Alcazar Room
Tuesday, May 11, 2021 at 3:00 p.m.

Regular Agenda

1. **Roll Call**

2. **Swearing in of Staff**

3. **General Public Comments for Items Not on the Agenda**

4. **Approval of Minutes**

   a. Regular Meeting Minutes from April 13, 2021.

5. **Disclosure of Ex-Parte Communications**

6. **Building Code Variances**

   (None)

7. **Review of Previously Heard Cases**

   (None)

8. **Review of New Cases**

   (None)

9. **City Attorney Items**

   (None)

10. **Other Business**

    a. Ordinance to amend certain sections of Chapter 8 – Buildings and Building Regulations to comply with new minimum prerequisites for the NFIP Community Rating System.

11. **Review of Conflict Statements from Previous Meeting**

12. Adjournment

Notices: In accordance with Florida Statute 286.0105: "If any person decides to appeal any decision made by the Code Enforcement, Adjustments and Appeals Board with respect to any matter considered at this scheduled meeting or hearing, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the individual or agency sending notice not later than seven days prior to the proceeding at the address given on the notice. Telephone: (904) 825-1007; 1-800-955-8771 (TDD) or 1-800-955-8770 (V), via Florida Relay Service.

Please note that one or more members of the City Commission or its appointed boards or committees may attend this meeting and participate, however they may not engage in a discussion or debate amongst themselves on any issue that will likely come before their respective elected or appointed body.

The materials prepared and presented are part of the City's ongoing Florida Public Records and Government in the Sunshine compliance, and are not intended to be relied upon or to reach investors or the trading markets.

CITY OF ST. AUGUSTINE, FLORIDA

Code Enforcement, Adjustments and Appeals Board Meeting
April 13, 2021

The Code Enforcement, Adjustments and Appeals Board met in formal session at 3:00 P.M., Tuesday, April 13, 2021 in the Alcazar Room at City Hall. The meeting was called to order by Stephen Simmons, Chairman, and the following were present:

1. ROLL CALL

Stephen Simmons, Chairman
Larry Weeks, Vice Chairman
CeCe Reigle
Charles Pappas
Karen Valachovic – arrived at 3:07pm after Roll Call
Thomas Day

Staff Present: Denise May, Esq., Assistant City Attorney
David Birchim, Director, Planning & Building Department
Curtis Boles, Code Enforcement Inspector
Robert van Mierop, Code Enforcement Inspector
Meredith Randolph, Administrative Coordinator, Recording

The City staff was sworn in.

3. GENERAL PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

None.

4. APPROVAL OF MINUTES (February 9, 2021)

MOTION

Mr. Day moved to approve the minutes. The motion was seconded by Mr. Pappas. Motion carried unanimously.

5. DISCLOSURE OF EX-PARTE COMMUNICATIONS

None.

6. VARIANCES/TREE REMOVAL

None.

7. REVIEW OF PREVIOUSLY HEARD CASES

Item 7 (a) 2019-0398

Carmine J Cupo Trust
28 Grove Avenue
City Code, Chapter 25, Section 25-56 Tree Removal and replacement.

Mr. van Mierop reported the following:

- Staff recommends the CEAAB close this case for compliance. The fine has been paid in full, and the replacement tree has been planted.

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Respondent was not present.

MOTION

Mrs. Reigle moved to close the case for compliance. The motion was seconded by Mr. Pappas. Motion carried unanimously.

Item 7 (b) 2021-0174

Estate of Thomas Neville
Rose Fieldhouse
13 Douglas Avenue
Application for recommendation of reduction or removal of recorded lien.

Mr. Birchim reported the following:

- The property at 13 Douglas Avenue is a single-family residence that had a swimming pool in the rear yard, adjacent to an open public alley. This swimming pool was unsecured and unmaintained, it was lifting out of the ground and was partially filled with green water.
- Between December 2018 and November 2019, the City worked diligently to correct the violation without success. Ultimately, the City Code Enforcement Board took actions to address this violation, which resulted in a lien of $54,000 being placed on the property for non-compliance.
- During the same time as the ongoing case, there was a title dispute on the property.
- Ultimately, the Circuit Court invalidated the quit claim deed that was on the property when the Code Enforcement actions were taking place and the title reverted back to a life estate in favor of Rosalia Neville with Thomas Neville as the remainderman.
- Since the death of Rosalia and Thomas Neville, the circuit court appointed Rose Fieldhouse as the representative of the estate of Rosalia Neville and Thomas Neville and Rose Fieldhouse now controls the property at 13 Douglas Avenue.
- As soon as Rose Fieldhouse obtained control of the property, she corrected the violation. The swimming pool is no longer there, and the property is in compliance.
- City staff has no objection to remove the lien, as the property is in compliance.
- The Board makes a formal recommendation to the City Commission regarding the forgiveness of recorded liens.

The Board asked for an estimate of staff time spent on this issue. Mr. Birchim did not know the answer to the question but clarified that if the family circumstances had been different, he did not think the issue would have come to the Board.

Respondent was present. Authorized representative spoke on behalf of Ms. Fieldhouse:

Andrew Jackson, Attorney for the personal representative of the Estate

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of Rose Fieldhouse, stated the information relayed to the Board was accurate. Attorney Jackson briefly explained the long-litigated battle and clarified that after Ms. Fieldhouse gained possession of the property, they were able to rectify the situation within two weeks.

Public comment was opened. No one spoke.

Mr. Pappas suggested that the City should recoup some of the costs from this case and reduce the fine to $500. Mr. Weeks agreed the City should recoup some costs and asked Mrs. May to clarify if there is precedent in this area. Mrs. May stated the City did all noticing as we should have, legally, at the time and reiterated the Board makes a recommendation to the City Commission.

Mrs. Reigle questioned why the pool could not be cared for during this title dispute. Mr. Jackson clarified that Ms. Fieldhouse had an injunction against Terrance Neville and explained the actions that led to the trial to invalidate the deed.

Mr. Simmons stated that the Board does not always need to stick to the maximum fine amounts. Mr. Simmons clarified that City staff recommended removal of fine.
The Board discussed their positions on removal or reducing of fine.

AMENDED MOTION

Mr. Pappas moved to recommend to the City Commission to reduce the fine to $500 and remove the lien after such reduced fine is paid. The motion was seconded by Mrs. Reigle.

VOTE ON AMENDED MOTION:
AYES: Pappas, Reigle, Simmons
NAYES: Weeks, Day, Valachovic
MOTION FAILED.

MOTION

Mr. Day moved to recommend to the City Commission to remove the lien. The motion was seconded by Mrs. Valachovic.

VOTE ON MOTION:
AYES: Day, Valachovic, Weeks
NAYES: Pappas, Reigle, Simmons
MOTION FAILED.

The Board further discussed their positions on the failed motions. Mr. Jackson stated the Estate would pay a $250 fine to try to compromise. The Board discussed staff time spent on this case and the $250 offered by the authorized representative.

MOTION

Mr. Pappas moved to recommend to reduce the fine to $250 and remove the lien after such reduced fine is paid. The motion was seconded by Mrs. Reigle. Motion carried unanimously.

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8. REVIEW OF NEW CASES

Item 8 (a) 2021-0027

Carol Lee Corbitt
14 Myrtle Avenue
City Code, Chapter 19, Section 19-3, Unlawful conditions.

Mr. van Mierop reported the following:

- On January 13, 2021: Staff conducted an inspection of the property from outside the property lines. The property was cluttered with unsheltered junk and debris in the form of furniture, clothes, plastic bags filled with garbage, stuffed animals, and other unidentifiable debris. The debris was located on the front and side porches of the house and in the driveway. All the junk and debris were unsheltered and exposed to the elements. The Respondent was contacted at the house and Staff advised that the unsheltered debris must be removed and either discarded or properly stored. The Respondent advised that she needed some time to get her property into compliance. Staff advised her that the property must be brought into compliance no later than February 1, 2021. The Respondent advised she would have the property in compliance by that date.
- On February 4, 2021: No progress had been made toward bringing this property into compliance. An official Notice of Violation was sent to the Respondent. The Notice required this property to be brought into compliance by February 10, 2021.
- On February 8, 2021: The Respondent advised the property would be in compliance by February 10, 2021.
- On February 11, 2021: Junk and debris were still present, and the property was not in compliance.
- On February 23, 2021: This property had not been brought into compliance. An Official Notice of Hearing was posted at the above property with a Hearing date of March 9, 2021.
- On February 24, 2021: An investigation showed that the property was in compliance as unsheltered junk and debris had been removed from the driveway and the porch.
- On March 25, 2021: An Official Notice of Hearing was posted at the above property with a Hearing date of April 13, 2021.
- Prior Violation: On August 13, 2019 the Code Enforcement, Adjustments and Appeals Board found this Respondent in violation of City Code, Chapter 19, Section 19-3 and a fine in the amount of $3500.00 was imposed. As of April 13, 2021, the fine had not been paid, and a lien was recorded.
- Staff recommended the CEAAB:

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  - Find that the Respondent was in violation of City Code, Chapter 19, Section 19-3, Unsheltered Storage of Junk and Debris, from February 10, 2021 until February 23, 2021.
  - Find that this violation was a repeat violation.
  - Impose a fine in an amount to be determined by the Board.
- Staff visited the property April 13, 2021 and the property was still in compliance.

Respondent was present.

Carol Corbitt of 14 Myrtle Avenue stated no one visited her property or spoke to her before February. She stated she was aware there was junk and debris around her property but clarified she did not hear from City Staff until February regarding the notice of violation. She said the hoarding has been a problem and has tried to make sure it does not happen again, by having friends help. She had professional help as well, but her psychiatrist had retired in the past year.

The Board questioned the Respondent regarding what led to the violation and asked what can be done to prevent the violation from occurring again. The Board discussed options for outreach with the Police Department or community.

Mr. van Mierop stated that Chief Fox has plans for a Community Outreach Officer to visit the property.

The Board discussed imposing a fine but rescinding the fine later. Mrs. May clarified that the Board is governed by Florida Statute Chapter 162.

Mr. Simmons suggested bringing the case back in 30 days to determine if the property is still in compliance.

The Board discussed imposing a fine and then rescind the fine at a later date. Mrs. May confirmed that this would be supportable if a violation was found, and the fine is withheld from recording.

Public comment was opened. No one spoke.

MOTION

Mrs. Reigle moved to find the Respondent in violation for 14 days with a penalty of $100 a day, creating a fine of $1,400, and asked the City to wait to record the lien to give the Board the chance to retract the fine and revisit the case in 90 days at the July 13, 2021 Board meeting. The motion was seconded by Mr. Pappas. Motion carried unanimously.

The Respondent verbally acknowledged the motion and understood that her case will be returned to the Board on July 13, 2021.

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9. CITY ATTORNEY ITEMS

None.

10. OTHER BUSINESS

None.

11. REVIEW OF CONFLICT STATEMENTS FROM PREVIOUS MEETING

None.

12. ADJOURNMENT

Meeting was adjourned at 4:07 P.M.

Stephen Simmons, Chairman

Meredith Randolph, Administrative Coordinator

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Ordinance No. 2021-10 Narrative

The following ordinance change to Chapter 8, Article V - Floodplain Management, is being presented to the Code Enforcement, Adjustments and Appeals Board (CEAAB) for review and to recommend that it be sent to the City Commission for their approval and adoption. These changes are to update the ordinance to new requirements from the Federal Emergency Management Agency (FEMA) so that the City can maintain its Class 5 classification in the Community Rating System (CRS). Additionally, this change updates the Coastal Construction article along with the Flood Insurance Study date, and it removes wording that is no longer needed due to it being a requirement in the Florida Building Codes.

The City of St. Augustine participates in the CRS which allows for discounts to be given to property owners on their flood insurance. Currently, property owners receive a 25% discount if their property is within the Special Flood Hazard Area because the City has a classification of a Class 5. At the beginning of this year, FEMA updated its prerequisites for certain classifications. One of these prerequisites requires an update to our City ordinance.

This updated prerequisite requires all communities to adopt and enforce a 1-foot freeboard requirement for all residential buildings. The City adopted this requirement in 2017, and it was adopted into the Florida Building Code, Residential the following year. This adoption did not include manufactured homes or manufacture home parks. They currently have a separate requirement in our ordinance. This ordinance change removes the separate requirement language and requires them to be the same as any other residential building. The City does not have any of these parks or subdivision, but this change will keep the City consistent with FEMA requirements

The Coastal Construction article of the ordinance gives requirements for all construction seaward of the Coastal Construction Control Line. Within the City limits, this line is only within Anastasia State Park. The ordinance change on this is to update it and bring it into line with the Florida Building Codes.

This change to the ordinance will also update the date of the Flood Insurance Study (FIS) to our current one. The FIS contains the Flood Insurance Rate Maps (FIRM), or flood maps, and the data that is used to determine the flood zones and base flood elevations.

Finally, this change will take out some higher regulatory standards that have been implemented into the Florida Building Codes. They do not need to be spelled out in our ordinance anymore since they are a requirement from the state codes.

Staff is asking for the CEAAB to review these changes and approve them to be recommended to the City Commission for their review and approval so that they can be adopted.

Richard “Buddy” Schauland, CBO, CFM
Building Official

ORDINANCE NO. 2021-10

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING CHAPTER 8, ARTICLE II ADOPTED BUILDING CODES; ARTICLE III COASTAL CONSTRUCTION, AND ARTICLE V FLOODPLAIN MANAGEMENT OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING CRITERIA FOR ACCESSORY STRUCTURES IN FLOOD HAZARD AREAS; TO SPECIFY ELEVATION OF MANUFACTURED HOMES IN FLOOD HAZARD AREAS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Section 166.041, 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 the City Commission 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; and

WHEREAS, City of St. Augustine participates in the National Flood Insurance Program and participates in the NFIP's Community Rating System, a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements, achieving a CRS rating of Class 5; and

WHEREAS, in 2020 the NFIP Community Rating System established certain minimum prerequisites for communities to qualify for or maintain class ratings of Class 8 or better and to satisfy the prerequisite and for the City to maintain the current CRS rating, all manufactured homes installed or replaced in special flood hazard areas must be elevated such that the lowest floors are at or above at least the base flood elevation plus 1 foot, which necessitates modification of the existing requirements; and

WHEREAS, the City Commission determined that it is in the public interest to amend the floodplain management regulations to better protect owners and occupants of

manufactured homes and to continue participating in the Community Rating System at the current class rating.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Amendment to Chapter 8, Article II, Section 8-117. Chapter 8, Article II, Section 8-117 of the Code of the City of St. Augustine is hereby amended as follows:

"**Sec. 8-117. - Amendments of the Florida Building Code, residential.**

(a) The Florida Building Code, Residential, 7th Edition (2020)~~6th Edition (2017)~~, and all subsequent amendments and revisions, is adopted and incorporated by reference as the residential building code for the city.

~~(b) *R322.2.1 Elevation requirements.*~~

~~1. Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.~~

~~2. Buildings and structures in flood hazard areas designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot (305 mm), or to the design flood elevation, whichever is higher.~~

~~3. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM plus 1 foot, or at least 3 feet if a depth number is not specified.~~

~~4. Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.~~

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

~~(c)~~(b) *R322.2.3.1 Foundation requirements.* In addition to the requirements of this section:

Construction documents shall include documentation that is prepared and sealed by a registered design professional that the design and methods of construction resist flood loads and meet the requirements of this section.

~~(d) *R322.3.2 Elevation requirements.*~~

~~1. All buildings and structures erected within coastal high-hazard areas shall be elevated so that the lowest portion of all structural members supporting the lowest floor, with the exception of piling, pile caps, columns, grade beams and bracing, is elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.~~

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

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

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

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

Section 2. Amendment to Chapter 8, Article III, Sections 8-201, 8-202, 8-203, and 8-204. Chapter 8, Article III, Sections 8-201, 8-202, 8-203, and 8-204 of the Code of the City of St. Augustine are hereby amended as follows:

"**Sec. 8-201. - Definitions.**

In construing this section, the definitions contained in Chapter 23 of the Code of the City of St. Augustine, and the following definitions shall apply:

...

~~*Substantial improvement* means any repair, reconstruction, rehabilitation, or improvement of a structure, where the actual cost of the improvement or repair of the structure to its pre-damage condition equals or exceeds, over a five-year period, a cumulative total of fifty (50) percent of the market value of the structure either:~~

~~(1) Before the improvement or repair is started; or~~

~~(2) If the structure has been damaged and is being restored, before the damage occurred.~~

~~The cumulative total cost does not include nonstructural interior finishings or roof coverings except when determining whether the structure has been substantially improved as a result of a single improvement or repair.~~

~~For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a structure listed on the National Register of Historic Places or the state inventory of historic places.~~"

Sec. 8-202. - Construction requirements; major structures.

The design and construction requirements for major structures are in the Florida Building Code, Section 3109.

~~(a) In addition to conforming to the city building code, all major structures shall be designed, constructed, and located in compliance with National Flood Insurance Program regulations as found in 44 C.F.R. Parts 59 and 60, or the city floodplain management code, whichever is more restrictive. Major structures, except mobile homes, shall, at a minimum be designed and constructed in accordance with the city building code using a fastest mile-wind velocity of one hundred ten (110) miles per hour. Mobile homes shall conform to the Federal Mobile Home Construction and Safety Standards or the Uniform Standards Code ANSI book A-119.1, pursuant to F.S. § 320.823.~~

~~(b) Foundation design and construction of a major structure shall consider all anticipated loads resulting from a 100-year storm event, including wave, hydrostatic, and hydrodynamic loads acting simultaneously with live and dead loads. Erosion computations for foundation design shall account for all vertical and lateral erosion and scour-producing forces, including localized scour due to the presence of structural components. Foundation design and construction shall provide for adequate bearing capacity taking into consideration the anticipated loss of soil above the design grade as a result of localized scour. The erosion computations required by this paragraph do not apply landward of coastal construction control lines established pursuant to F.S. Ch. 161, which have been established or updated since June 30, 1980.~~

Sec. 8-203. - Construction requirements; minor structures.

Minor structures shall be designed, constructed, and located in compliance with Chapter 8, Article V Floodplain Management ~~with National Flood Insurance Program regulations as found in 44 C.F.R. Parts 59 and 60, or the city floodplain management code, whichever is more restrictive,~~ and the applicable provisions of the city building code. Such structures shall be designed to produce the minimum adverse impact on the beach and the dune system and adjacent properties and to reduce the potential for water or wind blown material. Construction of a rigid coastal or shore protection structure designed primarily to protect a minor structure shall not be permitted.

Sec. 8-204. - Construction requirements; nonhabitable major structures.

Nonhabitable major structures shall be designed, constructed, and located in compliance with with Chapter 8, Article V Floodplain Management ~~National Flood Insurance Program regulations as found in 44 C.F.R. Parts 59 and 60 or the city floodplain management code, whichever is more restrictive~~, and the applicable provisions of the city building code. Such structures shall be designed to produce the minimum adverse impact on the beach and dune system and shall comply with any applicable state and local standards not found in this section. All sewage treatment plants and public water supply systems shall be floodproofed to prevent infiltration of surface water from a 100-year storm event. Underground utilities, excluding pad transformers and vaults, shall be floodproofed to prevent infiltration of surface water from a 100-year storm event or shall otherwise be designed so as to function when submerged by such storm event."

Section 3. Amendment to Chapter 8, Article V, Section 8-410. Chapter 8, Article V, Section 8-410 of the Code of the City of St. Augustine is hereby amended as follows:

"**Sec. 8-410. - Basis for establishing flood hazard areas.**

The Flood Insurance Study for St. Johns County, Florida and Incorporated Areas dated December 7, 2018 ~~July 18, 2011~~, and all subsequent amendments and revisions, and the accompanying flood insurance rate maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this article 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 Planning and Building Department, 75 King Street."

Section 4. Amendment to Chapter 8, Article V, Section 8-460. Chapter 8, Article V, Section 8-460 of the Code of the City of St. Augustine is hereby amended as follows:

"Sec. 8-460. - Definitions.

Accessory structure. 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.

...

~~*Existing manufactured home park or subdivision.* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before October 6, 1972.~~

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

...

Market value. ~~The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this article, the term refers to the market~~ The value of buildings and structures, excluding the land and other improvements on the parcel. Market value~~ may be established by a qualified independent appraiser~~, is the actual cash value (like-kind replacement cost depreciated for age , wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value established by the St. Johns County Property Appraiser plus ten (10) percent. Appraisals by qualified independent appraisers shall not use the "income capitalization approach," which based value on the use of the property and not on the structure.

...

~~*New manufactured home park or subdivision.* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after October 6, 1972.~~

..."

Section 5. Amendment to Chapter 8, Article V, Sections 8-475, 8-477, 8-480, and 8-481. Chapter 8, Article V, Sections 8-475, 8-477, 8-480, and 8-481 of the Code of the City of St. Augustine are hereby amended as follows:

"Sec. 8-475. - Foundations.

All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

(1) In flood hazard areas (zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.2 and this article. ~~Foundations for manufactured homes subject to section 8-479 of this article are permitted to be reinforced piers or other foundation elements of at least equivalent strength.~~

(2) In coastal high hazard areas (zone V), are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3 and this article."

"Sec. 8-477. - Elevation.

All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A) or R322.3 (Zone V and Coastal A Zone). ~~Manufactured homes that are placed, replaced, or substantially improved shall comply with section 8-478 of this article, as applicable.~~

~~**Sec. 8-478. - General elevation requirement.**~~

~~Unless subject to the requirements of section 8-479 of this article, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V).~~

~~**Sec. 8-479. - Elevation requirement for certain existing manufactured home parks and subdivisions.**~~

~~Manufactured homes that are not subject to section 8-478 of this article, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:~~

~~(1) Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V); or~~

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

"Sec. 8-~~480~~478. - Enclosures.

Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322.2 or R322.3 for such enclosed areas, as applicable to the flood hazard area.

Sec. 8-~~481~~479. - Utility equipment.

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

Section 6. Creation of Chapter 8, Article V, Section 8-499. Chapter 8, Article V, Section 8-499 of the Code of the City of St. Augustine is hereby created as follows:

Sec. 8-499. – 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 600 sq. ft. and have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential.

(2) If located in coastal high hazard areas (Zone V/VE), are not located below elevated buildings and are not larger than 100 sq. ft.

(3) Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.

(4) Have flood damage-resistant materials used below the base flood elevation plus one (1) foot.

(5) Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one (1) foot.

Section 7. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of the Code of the City of St. Augustine, that repealed language shall be removed and that the sections of this ordinance may be re-numbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 8. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 9. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 10. Effective Date. This ordinance shall become effective ten (10) days following effective date, pursuant to § 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2021.

ATTEST:

Tracy Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk

(SEAL)