

ORDINANCE NO. 2010 - 2

AN ORDINANCE OF THE TOWN OF INDIAN SHORES, FLORIDA, AMENDING SECTION 86-86 OF THE CODE OF ORDINANCES, ENTITLED "GENERAL STANDARDS," WHICH IS CONTAINED IN DIVISION 3, ENTITLED "STANDARDS FOR FLOOD HAZARD PROTECTION," OF CHAPTER 86 OF THE CODE OF ORDINANCES, ENTITLED "FLOODS," BY ADDING A SUBSECTION (d) TO EXPLAIN HOW THE VALUE OF SUBSTANTIAL IMPROVEMENTS, REPAIRS AND ADDITIONS TO EXISTING STRUCTURES SHALL BE DETERMINED; PROVIDING THAT CONFLICTING PROVISIONS OF ORDINANCES BE REPEALED; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR THE UNIFORM NUMBERING SYSTEM OF THE INDIAN SHORES CODE.

NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN SHORES:

Section 1: Section 86-86 of the Code of Ordinances is amended as follows:

Sec. 86-86. General standards.

(a) In all areas of the Town of Indian Shores the following standards are required to reduce the flood damage:

- (1) The Town of Indian Shores hereby establishes a four-foot freeboard above the FEMA established base flood elevation;
- (2) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (3) All new construction and substantial improvement shall be constructed with materials and utility equipment resistant to flood damage;
- (4) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (5) All utilities including the electrical, heating, ventilation, plumbing, air condition equipment, ducts etc. shall be elevated above the base flood level plus the four-foot freeboard;
- (6) Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or located to prevent floodwater from entering or accumulating within the components during conditions of flooding;
- (7) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (8) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters;
- (9) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding;
- (10) Any alteration, repair, reconstruction or improvements to a structure, which complies with the provisions of this article, shall meet the requirements of "new construction" as contained in this article;

- (11) All improvements, modifications, and/or additions to all existing structures shall be calculated cumulatively for ten years from the date of the initial permit date. Additionally, all reconstruction and/or repairs to a damaged structure shall be calculated cumulatively for ten years from the date of the initial permit date.
- (12) Adequate drainage is provided to reduce exposure to flood damage.
- (13) All activities in the Town of Indian Shores that may be hazardous to public health or water quality are prohibited.
- (14) All new development in the Town of Indian Shores is required to avoid or minimize disruption to shorelines, stream channels and their banks.
- (b) *Subdivisions proposals.* All subdivision proposals shall be consistent with the need to minimize flood damage and shall comply with the requirements, standards and procedures for the subdividing of lands as specified in section 98-2.
- (c) *Construction in floodways.* Areas within special flood hazard areas designated as floodways are extremely hazardous due to the velocity of floodwaters, which carry debris, potential projectiles and erosion potential. In these areas, the following shall apply:
- (1) All encroachments are prohibited, including fill, new construction, additions, and substantial improvements and other developments unless certification, with supporting technical data, by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.
- (2) All such construction shall comply with all applicable flood hazard reduction sections of this article.
- (3) Placement of manufactured homes, except in an existing manufactured home park or subdivision, is prohibited. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of subsection A of this section and the elevation standards of section 86-88 be met.
- (d) *Tracking of substantial improvement, repairs and additions to existing structures:* Improvement value divided by building value = percent improvement. Percent improvement value accumulates over life of building. When percent improvement totals fifty percent, building must be brought into conformance with the flood ordinances.

Example: \$20,000 / \$100,000 = 20 percent improvement in 1990
 \$10,000 / \$120,000 = 8 percent improvement in 1991
 \$28,600 / \$130,000 = 22 percent improvement in 1999

Cumulative improvement from 1990 to 1999 = 50 percent of building value, and building must be brought into conformance with flood ordinances.

Section 2: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3: If any provisions of this ordinance be declared invalid, all other provisions

hereof shall remain valid and enforceable.

Section 4: This ordinance shall become effective immediately upon adoption.

Section 5: The provisions of this ordinance shall be included and incorporated into the Code of Ordinances of the Town of Indian Shores, Florida, as an addition or amendment thereto, and shall be renumbered to conform to the uniform numbering system thereof.

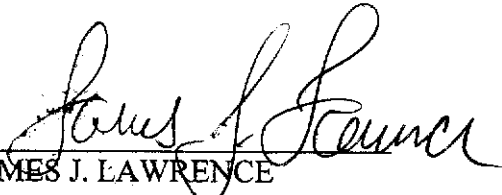
PASSED ON FIRST READING: January 12, 2010

PASSED ON SECOND READING: February 9, 2010

ENACTED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN SHORES, FLORIDA,

THIS 9th DAY OF February, 2010.

ATTEST:



JAMES J. LAWRENCE
Mayor



MARCIA GRANTHAM, CMC
Town Clerk