

CITY OF ST. AUGUSTINE, FLORIDA

Code Enforcement, Adjustments and Appeals Board Workshop
October 11, 2005

The Code Enforcement, Adjustments and Appeals Board met in formal session at 2:00 P.M., Tuesday, October 11, 2005, in the Alcazar Room at City Hall. The meeting was called to order by Irene Arriola, Vice-Chairman, and the following were present:

1. ROLL CALL

Irene Arriola, Vice-Chairman
Gary G. McMahon
Enid Hurst
Robert M. Hall
Sharon A. O’Keefe
Patricia B. Reilly

Absent: Douglas A. Ferrell, Chairman

James Wilson, Esq., City Attorney*
Mark Knight, Director, Planning & Building Department
Nick Andrade, Building Official
Duane Galambos, Code Enforcement Inspector
Noel Mahr, Code Enforcement Inspector
Nancy Brilliant, Recording Secretary

2. IMPLEMENTING THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) REGULATIONS

a) Local Compliance and the Variance Process

Mr. Andrade noted that, following the board’s request, he prepared a training session regarding flood control.

b) History of National Flood Insurance Program (NFIP) (Pre-NFIP Flood Control and Mitigation)

- Dams, levees, and seawalls were constructed in the 1960s in an effort to reduce flood hazards. Every taxpayer paid for the construction; however, only the taxpayer who owned property in

close proximity to a river, lake, or ocean benefited.

- Flood insurance was offered to property owners on a voluntary basis following the implementation of the National Flood Insurance Act in 1968.
- The Flood Disaster Protection Act was implemented in 1973. The Act mandated the elevation of structures and established the basic regulations that currently existed.
- The National Flood Insurance Reform Act was implemented in 1994 and the Community Rating System (CRS) was created.
- The City of St. Augustine currently had a rating of eight. The following factors were analyzed during the rating process:
 - ◆ Proximity to a river, lake, or ocean.
 - ◆ Age of the buildings.

- ◆ Elevation of the buildings.
- ◆ Storm drainage system.

c) **Intent of National Flood Insurance Program (NFIP)**

- The National Flood Insurance Program, administered by the Federal Emergency Management Agency, primary responsibility was to save lives and reduce future property losses due to flooding.
- New and substantially improved structures must be designed and constructed to minimize or eliminate future flood hazards.

d) **Roles and Responsibilities**

- The National Flood Insurance Program was based on a partnership between the federal government, the state, and the local government.
- The Federal Emergency Management Agency provides flood insurance coverage.
- The local government was responsible for the adoption and enforcement of the flood management regulations, pursuant to Chapter 125 and 166 of the Florida Statutes, which include the following:
 - ◆ Appointment of a Floodplain Administrator.
 - ◆ Issuance of permits.
 - ◆ Inspection of properties.
 - ◆ Review of variance requests.

e) **Flood Insurance Rate Map (FIRM)**

- Flood Insurance Rate Map identify the following:

- ◆ Special flood hazard areas.
- ◆ Flood risk zones (AE, VE, and X zones).
- ◆ Base flood elevations.

- The City of St. Augustine was located in flood risk zone “AE” which was described as 8, 9, and 11 feet above mean sea level.

f) **Design and Construction Standards**

- Design and construction standards were applicable to new construction, substantial damages and substantial improvements to existing structures located in the special flood hazard area.
- A special flood hazard area was determined by analyzing the statistical probability of a 100-year flood occurring in any one year.

g) **Key Definitions and Terms of Floodplain Management**

- *Base Flood Elevation* – The flood elevation which had 1% chance of being equaled or exceeded in any given year.
- *Development* – Any man made change to improved or unimproved real estate, including but not limited to structures.
- *Elevated Structures* – An elevated building, without a basement, that was elevated above the base flood elevation.
 - ◆ Top of the lowest floor above base flood elevation in all “A” zones.
 - ◆ Bottom of the lowest horizontal structural member above base flood elevation in all “V” zones.
- *Lowest Floor* – The lowest enclosed area excluding garage or other passive storage area.

- *New Construction* – Structures for which construction commenced on or after December 31, 1974 when the flood management regulations were implemented.
- *Structure* – A walled and roofed building that was principally above ground and affixed to a permanent foundation.
- *Substantial Improvements* – Any construction, rehabilitation, addition or other improvement to a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of the new construction or improvement.
- *Substantial Damage* – Damage to a structure caused by a natural disaster or event, the value or cost of which equals or exceeds 50% of the market value of the structure before the damage occurred.

h) Code of Federal Regulations and National Flood Insurance Program (NFIP) Variance Criteria

- The following criteria should be considered when determining an unreasonable and exceptional hardship:
 - ◆ Deprivation of reasonable return on property.
 - ◆ Deprivation of all or any reasonable use of property.
 - ◆ Rendering the property valueless.
 - ◆ Inability to develop property in compliance with regulations and reasonable use can not be made consistent with regulations.
- Variances shall only be issued under the following circumstances:

- ◆ Showing of good and sufficient cause.
- ◆ A finding that failure to grant the variance would result in exceptional hardship to the applicant.
- ◆ A finding that the granting of a variance would not result in any of the following:
 - Increased flood heights.
 - Additional threat to public safety.
 - Extraordinary public expense.
 - Creation of a nuisance.
 - Caused fraud or victimization of the public.
 - Conflict with existing local laws and ordinances.
- Variances shall only be issued by a community upon the determination that the variance was the minimum necessary to afford relief.

*Mr. Wilson arrived.

A brief discussion ensued regarding the following:

- Flood control regulations.
- 95% of the City was located in the floodplain.
- 90% of the structures were built prior to the implementation of the regulations.
- Age and history of the structures in the City of St. Augustine made the community unique.
- The City's current rating.
- The decisions made by the board must be consistent.
- Based on the afore mentioned factors, flood control variance decisions were extremely difficult.

3. ADJOURNMENT

MOTION

Ms. O’Keefe moved to adjourn the meeting. The motion was seconded by Mr. Hall.

Meeting was adjourned at 3:00 P.M.

Irene Arriola, Vice-Chairman

Nancy E. Brilliant, Recording Secretary

*Mr. Wilson arrived at 2:43 p.m.