Chapter 10.5 FLOOD DAMAGE PREVENTION*

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*Editor's note: Ord. No. 87-83, adopted May 5, 1987, provided for the repeal of Ch. 10.5, flood damage prevention, substantive sections thereof being, §§ 10.5-1--10.5-10, 10.5-16--10.5-19, 10.5-26, 10.5-27, and enacted new provisions which pertained to the same subject matter setforth herein as Ch. 10.5, §§ 10.5-1--10.5-15. Prior to repeal, former Ch. 10.5 was derived from Ord. No. 84-14, Arts. 1--5, adopted Nov. 20, 1984.

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Sec. 10.5-1. Statutory authorization.

The legislature of the State of Florida has in Chapter 125, Sections 125.001 through 125.59, State Statutes delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Gulfport, Florida does ordain as set forth in this chapter.

(Ord. No. 87-3, § 1, 5-5-87)

Sec. 10.5-2. Findings of fact.

(a) The flood hazard areas in the City of Gulfport are subject to periodic inundation which could result in loss of life, property damage, 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 could adversely affect the public health, safety and general welfare.

(b) 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, floodproofed, or otherwise protected from flood damages.

(Ord. No. 87-3, § 2, 5-5-87)

Sec. 10.5-3. Statement of purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion or in flood heights or velocities.

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.

(4) Control filling, grading, dredging and other development which may increase erosion or flood damage.

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(Ord. No. 87-3, § 3, 5-5-87)

Sec. 10.5-4. Objectives.

The objectives of this chapter are:

(1) To protect human life and health;

(2) To minimize expenditure of public money for costly flood control projects;

(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

(5) To minimize prolonged business interruptions;

(6) To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

(7) To insure that potential home buyers are notified that property is in a flood area.

(Ord. No. 87-3, § 4, 5-5-87)

Sec. 10.5-5. Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter it's most reasonable application:

Administrator means the Federal Insurance Administrator, to whom the director of the Federal Emergency Management Agency has delegated the administration of the program.

Appeal means a request for a review of the City of Gulfport's interpretation of any provision of this chapter or a request for a variance.

Area of special flood hazard is the land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year.

Base flood means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

Base flood elevation means the elevation measured in feet above mean sea level, as shown on the most current flood insurance rate map (FIRM).

Breakaway walls mean any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic, or any other suitable building materials which are not part of the structural support of the building and which are so designed as to breakaway, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by the floodwaters.

Coastal high hazard area means the area subject to high velocity waters, including but not limited to, hurricane wave wash or tsunamis. The area is designated on a FIRM as Zone VI-30.

City manager is the chief executive officer of the City of Gulfport responsible to the city council for the execution of this chapter and the delegation of responsibilities for the individual tasks contained herein.

Development means any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters;

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood elevation determination means a determination by the administrator of the water surface elevations of the base flood, that is, the flood level that has a one (1) percent or greater chance of occurrence in any given year.

Flood hazard boundary map (FHBM) means the most current official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the area of special flood hazards have been designated as Zone A.

Flood insurance rate map (FIRM) means the most current official map of a community, on which the administrator has delineated both the special hazard areas and the risk premium zone applicable to the community.

Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source (see definition of "flooding").

Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police powers. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway means the channel of a river or other 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-tenth of a foot.

Floor means the top surface of an enclosed area in a building (including basement) i.e., top of slab in concrete construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair or seafood processing facilities. The term does not include long term storage, manufacture, sales or service facilities.

Mangrove stand means an association of mangrove trees which are noted for development within the intertidal zone of marine shorelines and which contain one (1) or more of the following species: black mangrove (Rhizophora Mangle); white mangrove (Languncularia Racemosa); and button wood (Conocarpus Erects).

Map means the most current flood hazard boundary map (FHBM) or the most current flood insurance rate map (FIRM) for a community issued by the Federal Emergency Management Agency.

Mean sea level means the average height of the sea for all stages of the tide. This is used as a reference for establishing various elevations within the floodplain. For purposes of this chapter, the term is synonymous with the national geodetic vertical datum (NGVD).

Mobile home means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for one hundred eighty (180) consecutive days or longer and intended to be improved property.

Mobile home park or subdivision means a parcel (or contiguous parcels) of land divided into two (2) or more mobile home lots for rent or sale.

National geodetic vertical datum (NGVD) as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction means structures for which the "start of construction" commenced on or after the effective date of this chapter.

New mobile home park or mobile home subdivision means a parcel (or contiguous parcels) of land divided into two (2) or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of this chapter.

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

Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. (97-348)), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days of the permit date. ***The actual start*** means the first placement of permanent construction of a structure (including a mobile home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a mobile home on a foundation. 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, footings, 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.

Structure means a walled and roofed building that is principally above ground, as well as a mobile home.

Substantial improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 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. 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 (1) 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 (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Variance is a grant of relief to a person from the requirements of this chapter which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.
Water surface elevation means the projected heights in relation to mean sea level (M.S.L.) reached by floods of various magnitudes and frequencies in the floodplains of coastal or riverline areas. These may be expressed by "curvilinear lines" on FHBM's or FIRM's and reflected as a border delineating the special flood hazard areas.
(Ord. No. 87-3, § 5, 5-5-87)

Sec. 10.5-6. Lands to which this chapter applies.
(a) This chapter shall apply to all areas of special flood hazards within the jurisdiction of the incorporated area of the City of Gulfport.
(b) The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Rate Map for the incorporated area of The City of Gulfport Community Panel No. 125108 0001-0004 C, dated August 9, 1984, or any revisions thereto adopted by reference and declared to be a part of this chapter.
(Ord. No. 87-3, § 6, 5-5-87)

Sec. 10.5-7. Compliance and permit requirement.
(a) No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this chapter and other applicable regulations.
(b) Prior to the start of any proposed construction, or development, a permit shall be required certifying that the proposed construction or development has been reviewed and complies with the requirements of this chapter.
(c) More restrictive requirements imposed by other local and state legislation currently in effect or as amended shall take precedence over the terms of this chapter.
(Ord. No. 87-3, § 7, 5-5-87)

Sec. 10.5-8. Provisions for flood hazard reduction; general standards.
In all areas of special flood hazards the following provisions are required:
(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
(2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
(3) All new construction of substantial improvements shall be constructed by methods and practices that minimize flood damage;
(4) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
(5) 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;
(6) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and

(7) Any alteration, repair, reconstruction, or improvements to a structure which is in compliance with the provisions of this chapter, shall meet the requirements of "new construction" as contained in this chapter.

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

(Ord. No. 87-3, § 8, 5-5-87)

Sec. 10.5-9. Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in section 10.5-6(b), the following provisions are required:

(1) Residential construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

(2) Nonresidential construction. New construction or substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including pavement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in section 10.5-13(3).

(3) Mobile homes:

a. No mobile home shall be placed in a floodway or coastal high hazard area, except in an existing mobile home park or existing mobile home subdivision.

b. All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

1. Over-the-top ties be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations and mobile homes less than fifty (50) feet long, requiring one (1) additional tie per side;

2. Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points and mobile homes less than fifty (50) feet long requiring four (4) additional ties per side;

3. All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and

4. Any additions to the mobile home be similarly anchored.

c. For all manufactured homes to be placed or substantially improved, it shall be required that:

1. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level;

2. Adequate surface drainage and access for a hauler are provided; and

3. In the instance of elevation on pilings: (1) lots are large enough to permit steps, (2) piling foundations are placed in stable soil no more than ten (10) feet apart, and (3) reinforcement is provided for pilings more than six (6) feet above the ground level.

(4) Floodways. When floodways are designated within areas of special flood hazard additional criteria will be met. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

a. Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification by a professional registered engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.

b. If subsection a. above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of section 10.5-8 and this section, 10.5-9.

c. Prohibit the placement of any mobile homes, except in an existing mobile home park or existing mobile home subdivision.

(5) Coastal high hazard areas (V Zones). Located within the areas of special flood hazard established in section 10.5-6(b) are areas designated as coastal high hazard area. These areas have special flood hazards associated with high velocity waters from tidal surge and hurricane wave wash; therefore, the following provisions shall apply:

a. All buildings or structures shall be located landward of the reach of the mean high tide.

b. All buildings or structures shall be elevated so that the lowest supporting member is located no lower than the base flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water, except for breakaway walls as provided for in subsection (5)h of this section. Compliance shall be certified to by a registered surveyor.

c. All buildings or structures shall be constructed to the current applicable building code requirements and securely anchored on pilings or columns.

d. Pilings or columns used as structural support shall be designed and anchored so as to withstand all applied loads of the base flood flow.

e. Compliance with provisions contained in subsections (5)b, c, and d of this section, shall be certified to by a registered professional engineer or architect.

f. There shall be no fill used as structural support.

g. There shall be no alteration of sand dunes or mangrove stands which would increase potential flood damage.

h. 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 breakaway, 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:

1. Allow floodwaters to rise and flow freely under the structure;
2. Not permit the infill walls themselves to become waterborne debris;
3. Not cause the accumulation of waterborne debris:

Design safe loading resistance of each wall shall be not less than ten (10) nor more than twenty (20) pounds per square foot. A registered engineer or architect shall certify that the wall will collapse from a water load in excess of twenty (20) pounds per square foot and that the 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 during the base flood event. Maximum wind and water loading values to be used in this determination shall each have one (1) percent chance of being equaled or exceeded in any given year (hundred-year mean recurrence interval).

i. If breakaway walls are utilized, such enclosed space shall not be designed to be usable for human habitation but shall be designed to be usable only for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises.

j. Prior to construction, plans for any structure that will have breakaway walls must be submitted to the City of Gulfport for approval.

k. Prohibit the placement of mobile homes, except in an existing mobile home park or existing mobile home subdivision.

l. Any alteration, repair, reconstruction or improvements to a structure started after the enactment of this chapter shall not enclose the space below the lowest floor unless breakaway walls are used as provided for in subsection (5)h and i.

(6) Standards for subdivision proposals.

a. All subdivision proposals shall be consistent with the need to minimize flood damage.

b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards. The subdivider shall have designed, built and maintained all required storm water retention or detention area(s) within the platted subdivision.

d. Base flood elevation data shall be provided for subdivision proposals and other proposed development, including mobile home parks and subdivisions.

(7) Elevated buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

1. Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

2. The bottom of all openings shall be no higher than one (1) foot above grade; and

3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

b. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and

c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except in the manner provided in the section 10.5-5, in the definition of "floor" relating to accessory storage.

(Ord. No. 87-3, § 9, 5-5-87)

Sec. 10.5-10. Administration; designation of the city manager.

(a) The city manager is hereby appointed to administer and implement the provisions of this chapter.

(b) Duties and responsibilities of the city manager shall include, but not be limited to:

(1) Review of all development permits to assure that the permit requirements of this chapter have been satisfied.

(2) Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

(3) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.

(4) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed.

(5) In coastal high hazard areas, certification shall be obtained from a registered professional engineer or architect that the structure is securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash.

(6) Obtain certification from a registered professional engineer or architect when floodproofing is utilized for a particular structure.

(7) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the city manager shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this chapter.

(8) All records pertaining to the provisions of this chapter shall be maintained by the City of Gulfport and shall be available for public inspection.

(9) In coastal high hazard areas, plans shall be reviewed for adequacy of breakaway walls in accordance with section 10.5-9(5)h.

(c) When base flood elevation data or floodway data have not been provided in accordance with section 10.5-6(b), then the city manager shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of this chapter.

(Ord. No. 87-3, § 10, 5-5-87)

Sec. 10.5-11. Standards for areas of shallow flooding (AO Zones).

Located within the areas of special flood hazard established in section 10.5-6(b) are areas designated as shallow flooding. These areas have special flood hazards associated with base

flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

(1) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated, at least two (2) feet above the highest adjacent grade.

(2) All new construction and substantial improvements of nonresidential structures shall:

a. Have the lowest floor, including basement, elevated to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade; or

b. Together with attendant utility and sanitary facilities shall be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(Ord. No. 87-3, § 11, 5-5-87)

Sec. 10.5-12. Variance procedures.

(a) The planning and zoning board of adjustment as established by the city shall hear and decide appeals and requests for variances from requirements of this chapter.

(b) The board of adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the City of Gulfport in the enforcement or administration of this chapter.

(c) Any person aggrieved by the decision of the board of adjustment, or any taxpayer may appeal such decision to the circuit court, as provided in Chapter 163, Florida State Statutes.

(d) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

(e) In passing upon such applications, the board of adjustment shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

(1) The danger that materials may be swept onto other lands to the injury of others;

(2) The danger to life and property due to flooding or erosion damage;

(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The compatibility of the proposed use with existing and anticipated development;

(8) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area;

(9) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(10) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

(11) 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, and streets and bridges; and

(12) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (1) through (11) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(f) Upon consideration of the factors listed above and the purposes of this chapter, the board of adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(g) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(h) Conditions for variances:

(1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(2) Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(3) Any applicant, to whom a variance is granted, shall be given written notice that when a structure is permitted to be below the base flood elevation the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(4) The City of Gulfport shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

(Ord. No. 87-3, § 12, 5-5-87)

Sec. 10.5-13. Permit procedures.

Application for a development permit shall be made on forms furnished by The City of Gulfport and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials; drainage facilities, and the location of the foregoing. Specifically, the following information is required:

(1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.

(2) Elevation in relation to mean sea level to which any nonresidential structure has been floodproofed.
(3) Provide a certificate from a registered professional engineer or architect that the nonresidential floodproofed structure meets the floodproofing criteria in section 10.5-9(2).
(4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
(5) Provide a floor elevation or floodproofing certification after the lowest floor is completed, or in instances where the structure is subject to the regulations applicable to coastal high hazard areas, after placement of the horizontal structural members of the lowest floor. Within twenty-one calendar days of establishment of the lowest floor elevation, or floodproofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the City of Gulfport a certification of the elevation of the lowest floor, floodproofed elevation, or the elevation of the lowest portion of the horizontal structural members of the lowest floor, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor and certified by same. When floodproofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done within the twenty-one-day calendar period and prior to submission of the certification shall be at the permit holder's risk. The City of Gulfport, shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.
(Ord. No. 87-3, § 13, 5-5-87)

Sec. 10.5-14. Abrogation and greater restrictions; interpretation; disclaimer.

(a) This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
(b) In the interpretation and application of this chapter, 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.
(c) The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of [the City of Gulfport,] Pinellas County or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.
(Ord. No. 87-3, § 14, 5-5-87)

Sec. 10.5-15. Enforcement; penalties.

(a) Any person or entity who violates any provision of this chapter shall upon conviction be subject to a fine not exceeding five hundred dollars ($500.00) or imprisonment in the county jail for a period not exceeding sixty (60) days or by both such fine and imprisonment. If such violation be continued, each day of such violation shall constitute a separate offense.

(b) In addition to the criminal penalties provided in subsection (a), power is hereby authorized to institute any appropriate action or proceeding including suit for injunctive relief in order to prevent or abate violations of this chapter.

(Ord. No. 87-3, § 15, 5-5-87)