



**CITY OF CLEARWATER
PLANNING AND DEVELOPMENT DEPARTMENT STAFF
REPORT**

Meeting Date: November 12, 2025
Case Number: BAA2025-09004
Agenda Item: # 1
Owner/Appellant: City of Clearwater
Address: 25 Causeway, Clearwater, Florida 33767

REQUEST

Variance from Community Development Code Chapter 47; sections 47.054 and 47.005 to allow for installation of multiple movable kiosks for charter boat ticket sales at Clearwater Marina. Locations to place kiosks are located in an AE flood zone with required elevation of 15.5'. Grade is about 4 – 5'. Kiosks will be small and movable.

BACKGROUND/ANALYSIS

- City of Clearwater is the applicant and will apply for a building construction permit for each kiosk.
- The line of limited wave action (LiMWA) crosses the area where the kiosks would locate.
- The kiosks would be located in a Coastal A flood zone.
- The design flood elevation (DFE) is 15.5' – about 10' above grade.
- Construction in a Coastal A flood zone has very similar construction requirements of a “V” flood zone.
- FEMA manual P-936 “Floodproofing Non-Residential Buildings” states “Dry floodproofing is not permitted” in Coastal A flood zones.
- Floodproofing is not recognized as a construction method on Coastal A flood zone properties through FBC.
- CDC Section 47.035 specifies criteria to be met for variance consideration:
 - Special conditions and circumstances exist peculiar to the building,
 - Special conditions and circumstances do not result from action of applicant,
 - Variance will not confer privilege,
 - Variance is minimum for reasonable use of building, and
 - Variance is in harmony with intent and purpose of codes.
- The variance request is for elevation required in Community Development Code (CDC) 47.005 and CDC 47.054 Amendments to Florida Building Code which states “The minimum elevation requirements shall be as specified in ASCE24 or the base flood elevation plus 2 feet (610mm), whichever is higher.”

FINDINGS OF FACT

1. The Flood zone construction maps for Clearwater are the Pinellas County Vulnerability Maps overlaying the Federal Emergency Management Agency (FEMA) flood maps.
2. Floodproofing is not recognized in Coastal A flood zones.
3. Flood ordinance (Chapter 51 of Community Development Code (CDC)) purpose is to “establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas”
4. CDC section 47.035 states: Variances. The board, when so appealed to and after a hearing, may vary the application of any provision of the standard codes adopted in this chapter to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of the codes or public interest, and also finds all of the following:
 - That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others. RESPONSE: *The Clearwater Beach Marina has served as an excellent public amenity for decades. The marina has long used sales kiosks to guide residents and tourists alike through the process of purchasing tickets for and chartering marine vessels. The kiosk service has become a staple of the marina and has enhanced the economic viability of charter businesses operating there while also offering visitors a clear point of contact for engaging in maritime recreation. However, due to changes in flood regulations, the sales kiosks planned for the marina’s redevelopment would not be permitted to be installed adjacent to the docks. To remedy the concerns of the regulations, the kiosks have been designed to be movable in the event of flooding. Staff intends to relocate the kiosks to a safe location if and when such flooding is projected to occur.*
 - That the special conditions and circumstances do not result from the action or inaction of the applicant. RESPONSE: *A change in flood regulations has occurred since the establishment of the original sales kiosk system. The change in regulations is not the result of any action or inaction taken by the City’s enterprise fund that operates and manages the marina. The applicant and its design team have thoughtfully designed the sales kiosks to be movable in the event of sever flooding to meet the intent of the applicable flood regulations.*
 - That granting the variance requested will not confer on the applicant any special privilege that is denied by the codes to other buildings, structures or service system. RESPONSE: *Granting a variance will allow the charter vessels and other boating businesses to continue operating as they have for decades while meeting the intent of the applicable flood regulations. No special privilege will be granted.*
 - That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.

RESPONSE: *The variance will continue to make possible the reasonable use of the Clearwater Beach Marina by ensuring the economic viability of charter vessels and other boating businesses operating out of the marina. The applicant submits that new sales kiosks will be both aesthetically pleasing to marina patrons and strategically located next to the docking facilities.*

- That the grant of the variance will be in harmony with the general intent and purpose of these codes and will not be detrimental to the public health, safety and general welfare. RESPONSE: *Granting the variance will be in harmony with the general intent and purpose of the codes established to minimize flood damage because the kiosks have been thoughtfully designed to be movable in the event of severe flooding. Staff intends to relocate the kiosks to a safe location if and when such flooding is projected to occur.*

5. The proposed installation meets the criteria for variance listed in #4 above:

- The special condition is the use is for the boat operations at the marina
- The location of the marina is in a flood zone with a design flood elevation of 15.5' and grade is about 5'.
- Granting variance will allow the tourist boat businesses to continue operation.
- Allowing installation at, or near, grade will make the kiosks functional to use as ticket sales for tourist boats.
- Granting a variance will be in harmony with the general intent and purpose of the codes established to minimize flooding damage because the kiosks are movable and will not be there in a flooding event. Kiosks will be moved to a higher elevation with equipment owned and operated by the City of Clearwater.

6. The request is not inconsistent with City ordinance but requires a variance due to the ordinances not containing language to specifically approve structures below the design flood elevation within the flood zone. The following conditions exist:

- Part of the Marina emergency plan is to relocate kiosks;
- Attachments are designed not to inhibit rapid removal (e.g. porches, awnings, decks);
- Electric service is designed and permitted to be quick-disconnect capability; and,
- Anchoring for stability and wind are designed to have quick-disconnect couplings, and the City has an approved storm-evacuation plan that at time of hurricane watch allowing time for preparation and delivery out of the flood hazard area.

7. Proposal from the City on how the semi-permanent structures below the base flood elevation qualify for variance are met by the following:

- The Marina emergency plan includes removal by the City and storage of the kiosks prior to a storm event.

- Kiosks will not have extraneous attachments that would make moving difficult.
- Electrical service is from the main marina building and will have quick disconnect to each kiosk.
- Anchoring for stability, the tie down would be quick release type; electrical supply is from the main marina building and is connected to the kiosks through quick disconnects.

CONCLUSIONS OF LAW

The use of movable kiosks for the charter boat businesses at the Clearwater Marina meets the intent of the CDC Chapter 47 and the variance criteria established thereunder. The code is written to have construction that will minimize flood damage. Kiosks would be movable and fall under the City's emergency response plans. A storm event will result in the kiosks being removed and relocated. Flooding would not occur because the kiosks would be relocated during storm events.

Code specified criteria for obtaining variance is met as noted above.

RECOMMENDATION TO THE BOARD

Recommend approval of the applicant's variance request.