



STATE OF FLORIDA

DIVISION OF EMERGENCY MANAGEMENT

Ron DeSantis
Governor

Kevin Guthrie
Director

January 14, 2025

Ms. Lauren Matzke, Interim Director, Planning & Development
City of Clearwater
100 S. Myrtle, Ave. Second Floor
Clearwater, FL 33756

Ms. Matzke:

The Florida Division of Emergency Management, Office of Floodplain Management, is designated by the governor to coordinate the National Flood Insurance Program (NFIP) with local governments in Florida. In that capacity, we offer advice to local officials responsible for administering local floodplain management regulations and the flood provisions of the Florida Building Code (FBC).

This letter is in response to a number of inquiries from Gene Henry of your office regarding proposed construction at the City Marina. As described by Mr. Henry and shown on plans, the proposal entails construction of an office/restroom building on a floating dock and a number of "kiosk" buildings for commercial purposes located on or near the seawall. Based on our understanding of the proposals, they do not satisfy the flood provisions of the FBC and the City's floodplain management regulations in Chapter 51.

The City's Chapter 51 Division 7 (Secs. 51.601 through 51.608) provides applicants the opportunity request variances and the FBC Sec. 117 refers to variance procedures adopted in local floodplain management regulations. If the City considers variance requests, it must do so with particular attention to Limitations on Authority (Sec. 51.603), Considerations (Sec. 51.607), and Conditions (Sec. 51.608). The City must maintain "documentation related to appeals and variances, including justification for issuance or denial" (Sec. 51.209). Of particular note, any variance must be "the minimum necessary considering the flood hazard, to afford relief" [51.608(2)(c)].

We understand the project owners have requested a variance from the City to consider the proposed office/restroom building as a "functionally dependent use." The City Chapter 51 defines "functionally dependent use," as does ASCE 24. The definitions, based on the NFIP, are very specific and do not include buildings used for marina purposes such as offices and restrooms. We consider a variance based on this definition to be inappropriate.

Office/Restroom Building on Floating Dock. The proposed building is in FEMA Flood Zone V and would be seaward of the reach of mean high tide. City Chapter 51, Sec. 51.401(4) and Florida



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Building Code by reference to ASCE 24, Sec. 4.3, require new construction to be landward of the reach of mean high tide [also see NFIP regulation at 44 CFR § 60.3(e)(3)].

We suggest that the City consider a request for a variance **only** to the City and FBC requirement that new construction be located landward of the reach of mean high tide. City Chapter 51 Sec. 51.608 authorizes the Building/Flood Board of Adjustment and Appeals to “attach such conditions...as it deems necessary to further the purposes of this chapter.” As part of the City’s considerations and satisfaction of the requirement that variances are the minimum necessary, we offer the following:

1. **Elevation.** A building on a floating dock will always be “above” the water surface, regardless of whether variations in the water surface are caused by daily tidal action or storm surge.
2. **Stability.** The NFIP and ASCE 24 (standard referenced by the Florida Building Code) require buildings to be designed and constructed to be stable under base flood conditions. Please note that the wave heights in flood Zone V exceed 3 feet. Structures must also be stable under anticipated wind loads specified in the Florida Building Code. The wave loads must account for wave heights at the proposed location (i.e., not default to 3 feet in height). The registered design professional for the project should ensure the design of the dock and proposed building satisfy those requirements and the design must be certified.
3. **Exposure to flooding.** Although the dock is proposed to float, there likely will be overwash by waves passing by the structure during coastal storms. To account for this flooding, we recommend the City require the interior floor surface of the building to be above the level of the pier deck. In addition, we recommend the City require that the building be constructed of flood damage-resistant materials and corrosion resistant fasteners and connectors. See [FEMA Technical Bulletins](#): TB 2 Flood Damage-Resistant Materials Requirements and TB 8 Corrosion Protection of Metal Connectors and Fasteners in Coastal Areas.
4. **Utility service.** We recommend the City require the applicant to specify how utility service, including water, sewer, electric, and fuel, will be protected (e.g., with “quick disconnects” or shut-off controls). Protection should address operator safety (electric), release of contents (sewage and fuel), and infiltration of floodwater into systems (water, sewer, and fuel).
5. **Storm preparation and evacuation.** We recommend the City require the applicant to develop a storm preparation and evacuation plan that is coordinated with the City and County emergency management and notification system. The plan should explain timing and steps to be taken to minimize damage.
6. **Limitations on NFIP flood insurance and disaster assistance.** The City should be aware that NFIP flood insurance coverage is not available for buildings in Zone V that are entirely over water. This office is not able to advise as to whether federal disaster assistance would be available should the building be damaged in events declared major disasters by the President.



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“Storage/Kiosk” Buildings on/near Seawall. Up to 25 buildings ranging from 200 to 400 square feet in area are proposed to be constructed on or near the seawall that is part of the City Marina. The proposed buildings are in FEMA Flood Zone AE, but the area is seaward of the Limit of Moderate Wave Action and is designated Coastal A Zone. The kiosk buildings are not “accessory structures” as defined by City Chapter 51 and thus do not qualify for wet floodproofing treatment as (a) accessory structures per City Sec. 51.1004, or (b) as Flood Design Class 1 (per FBC, ASCE 24).

We suggest the City consider a request for a variance **only** to the use of those structures and then regulate them in accordance with City Sec. 51.1004 and FBC Sec. 1612 (ASCE 24 Sec. 6.2). As part of satisfying the requirement that variances are the minimum necessary, we recommend the City require the applicant to develop a storm preparation and evacuation plan that is coordinated with the City and County emergency management and notification system. The plan should explain timing and steps to be taken to minimize damage.

Please contact Jillian Kraynak, State Floodplain Manager, if you have questions about this review.

Sincerely,

Jillian Kraynak
Florida State Floodplain Manager
Office of Floodplain Management

Cc: Tamara Hansen, FEMA Region 4
James Mascellino, FEMA Region 4
Kevin Garriott, Clearwater Building Official
Eugene Henry, Clearwater Floodplain Administrator
Michael Burchette, Deputy State Floodplain Manager