

CITY OF ST. PETE BEACH, FLORIDA

ORDINANCE NO. 2008-52

*cm 1-14-09
Agenda - Not
adopted*

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR AMENDMENT OF THE LAND DEVELOPMENT CODE; PROVIDING FOR AMENDMENT OF PARAGRAPH 3 OF SUBSECTION (b) OF SECTION 3.10, PERTAINING TO RELOCATION AND ELEVATION OF NONCONFORMING STRUCTURES; PROVIDING CRITERIA FOR RELOCATION AND ELEVATION OF SUCH STRUCTURES; PROVIDING FOR THE REPEAL OF ORDINANCES OF PARTS OF ORDINANCES IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City desires to provide for relocation of nonconforming structures in order to improve the safety of such structure and preserve liability of such structure in limited circumstances; and

WHEREAS, the City desires to provide criteria for vertically elevating existing nonconforming structures to allow such structures to be brought into compliance with applicable elevation requirements of City's Flood Damage Prevention Regulations set forth in Chapter 98 of the City's Code of Ordinances and related FEMA requirements and guidelines.

WHEREAS, the City's Planning Board has reviewed the Ordinance, determined it to be consistent with the City's adopted Comprehensive Plan and has recommended approval thereof; and

WHEREAS, the City Commission, as the City's local planning agency, has determined this Ordinance to be consistent with the adopted Comprehensive Plan; and

WHEREAS, the City Commission has determined the Ordinance to be in the best interest of the health, safety and welfare of the citizens of the City; and

WHEREAS, notice of this Ordinance has been provided in accordance with applicable law.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA HEREBY ORDAINS:

Section 1. Paragraph (3) of Subsection (b) of Section 3.10 of the City of St. Pete Beach, Florida Land Development Code, pertaining to relocation of nonconforming structures (each being referred to herein as a "structure"), is hereby deleted in its entirety and replaced by the provisions stated below:

- (3) Any relocation of a lawful existing nonconforming structure on the property upon which such structure is situated, either vertically or horizontally (laterally), shall be subject to the requirements and limitations stated below:
 - A. The vertical relocation (elevating) of a structure shall cause the horizontal plane of the lowest horizontal structural element of the floor of the lowest living area of that structure to be not less than six (6) inches above the base flood elevation, as defined and established in the City's Flood Damage Prevention Regulations set forth in Chapter 98 of the City's Code of Ordinances, as the same may be amended from time to time and made applicable to the structure at the time of such vertical relocation.
 - B. Any vertical relocation (elevating) of the structure shall not cause the structure to exceed the maximum building height allowed by the City's Code of Ordinances applicable to the property upon which the structure is located at the time of such relocation.
 - C. No structure shall be relocated by being moved horizontally (laterally) upon a property if such relocation would cause any additional non-conformity to be created or would cause any existing non-conformity to be increased. To the extent reasonably possible, any horizontal relocating of a structure shall cause a set-back of least three (3) feet from the nearest property line on all sides of the relocated structure.
 - D. Prior to and as a condition for the issuance of any permit and approval by the City for the relocation of an existing structure, the owner of such structure shall submit to the City the following items:
 - (1) An accurate land survey, prepared and certified by a licensed surveyor, depicting the boundary lines of the property and the location of the existing structure upon such property, including all set-backs;
 - (2) Certification by a licensed surveyor of the predominant ground elevation of the property upon which the structure is located;
 - (3) A site plan, prepared by a licensed surveyor, depicting the proposed placement of the

- structure after relocation occurs, including all resulting set-backs;
- (4) Drawing(s) and specifications, signed and sealed by an licensed architect or engineer, showing the elevated structure which would result from the proposed vertical relocation of such structure, clearly depicting: a) ground elevation of the property; b) the horizontal plane of the lowest horizontal structural element of the floor of the lowest living area prior to vertical relocation; c); the horizontal plane of the lowest horizontal structural element of the floor of the lowest living area after vertical relocation; c) the height of the elevated structure measured at its highest element; and d) such additional information as may be reasonably required by the City.
- E. Prior to issuance of a Certificate of Occupancy for the relocated structure by the City, the owner of the structure shall submit to the City an "as built" drawing(s), signed and sealed by a licensed architect, engineer or surveyor, depicting and confirming compliance of the elevated structure with the requirements stated in Section D(4) above.
 - F. The actual and bonafide costs to relocate a structure shall not be included within and deemed a part of the total costs and expenses for any improvement, renovation, rehabilitation or repair of the structure for purposes of determining whether there would occur a "substantial improvement" of the structure in violation of the City's Flood Damage Prevention Regulations set forth in Chapter 98 of the Code of Ordinances (commonly referred to as the "50% Rule").
 - G. In the event of a relocation of a structure, all exterior surfaces, doors and windows of the relocated structure shall: 1) comply with applicable current building and safety codes and regulations; and 2) provide an architectural design consistent with the existing structure, including use of compatible elements and materials.

Section 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

Section 3. If any portion of part of this Ordinance is declared invalid by a court of competent jurisdiction, the valid remainder hereof shall remain in full force and effect.

Section 4. This Ordinance shall become effective immediate upon adoption.

Mike Finnerty, Mayor

FIRST READING:

PUBLISHED:

SECOND READING:

PUBLIC HEARING:

I, Theresa McMaster, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2009.

CITY CLERK