ORDINANCE 2021-02

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING THE CODE OF ORDINANCES, CHAPTER 98 – BUILDINGS AND BUILDING REGULATIONS, ARTICLE II – TECHNICAL CODES, SECTION 98-33 – FLORIDA BUILDING CODE, RESIDENTIAL; AMENDMENTS; ARTICLE V – FLOOD HAZARD MITIGATION REGULATIONS, DIVISION 3 – ADMINISTRATION, SECTION 98-122.4 – SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE DETERMINATIONS, PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER’S ERROR, CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of St. Pete Beach has determined that buildings that are substantially improved (50% of the value of the existing structure) must be elevated (residential) or flood proofed (commercial) and therefore many property owners seek to make the maximum improvement possible without exceeding the 50%, in order to avoid having to elevate or flood proof their buildings;

WHEREAS, FEMA issues technical bulletins that give local enforcement officials guidance in interpreting and enforcing rules such as the 50% rule. FEMA’s bulletin on the 50% rule strictly prohibits the phasing of an improvement in order to defeat the purpose of the 50% rule. This includes prohibiting the splitting of a renovation project that exceeds the 50% threshold into multiple building permits in order to avoid being considered a substantial improvement;

WHEREAS, determining whether renovation projects are being phased requires a subjective determination and can be difficult to enforce without a specific adopted timeframe.

WHEREAS, the adoption of a five (5) year time frame, providing that any further improvements undertaken within five (5) years cumulatively of when the permit is open shall be presumed to be phase two of the same project, will establish a more objective standard and will be easier to enforce.

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

SECTION 1. Recitals. The above recitals (“Whereas” clauses) hereby adopted as legislative findings, purpose and intent of the City Commission.

SECTION 2. The provisions in this Section pertaining to the City’s Code of Ordinances are amended as follows:
Sec. 98-33. - Florida Building Code, residential; amendments.

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Section R322.3.5 Enclosed areas below the design flood elevation. Enclosed areas below the design flood elevation shall be used solely for parking of vehicles, building access or storage. A maximum of 299 square feet below the design flood elevation may be utilized for living space. The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators. The limitation on partitions does not apply to crawlspacedefoundations. Storage shall be limited to items which otherwise would be stored outside a building or items normally used outside (e.g., grill, lawn mower, folding chairs, etc.). Access to enclosed areas shall be the minimum necessary to allow for permitted uses and limited to garage door and standard single exterior doors and one double entry door; sliding doors are permitted. All utilities such as electrical, heating, plumbing, and air conditioning equipment and other services facilities (including ductwork) must be elevated or floodproofed to the required elevation.

Sec. 98-122.4. - Substantial improvement and substantial damage determinations.

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For the purpose of making this determination, the cost to perform the improvements and the cost to perform the repairs shall be cumulative over a five-year period from the issuance date of the permit. Roofs and certain ancillary equipment, such as hot water heaters and AC systems, may be replaced as necessary as determined by the City’s Floodplain Administrator. Costs of improvements and costs of repairs shall include all costs attributed to a project and shall be determined:

(1) By submission of a detailed cost estimate by a licensed contractor, provided such estimate includes all work required to complete the work described in the permit application;

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SECTION 3. Codification. This Ordinance shall be codified in the Code of Ordinance of the City of St. Pete Beach.

SECTION 4. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

SECTION 5. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect. It being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.
SECTION 6. Scrivener’s Error. The City Attorney may correct scrivener’s errors found in this Ordinance by filing a corrected copy of this Ordinance with the City Clerk.

SECTION 7. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 8. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 9. Effective Date. This Ordinance shall take effect on July 1, 2021.

FIRST READING: January 12, 2021
PUBLISHED: January 27, 2021
SECOND READING: February 9, 2021
PUBLIC HEARING: February 9, 2021

CITY COMMISSION, CITY OF ST. PETE BEACH, FLORIDA.

Alan Johnson, Mayor

I, Amber LaRowe, 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 9 day of February 2021.

Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Andrew Dickman, City Attorney
ORDINANCE 2021-02

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA
AMENDING THE CODE OF ORDINANCES, CHAPTER 98 – BUILDINGS
AND BUILDING REGULATIONS, ARTICLE II – TECHNICAL CODES,
SECTION 98-33 – FLORIDA BUILDING CODE, RESIDENTIAL;
AMENDMENTS; ARTICLE V – FLOOD HAZARD MITIGATION
REGULATIONS, DIVISION 3 – ADMINISTRATION, SECTION 98-122.4 –
SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE
DETERMINATIONS, PROVIDING FOR CODIFICATION, CONFLICTS,
SEVERABILITY, CORRECTION OF SCRIVENER’S ERROR,
CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of St. Pete Beach has determined that
buildings that are substantially improved (50% of the value of the existing structure) must
be elevated (residential) or flood proofed (commercial) and therefore many property
owners seek to make the maximum improvement possible without exceeding the 50%, in
order to avoid having to elevate or flood proof their buildings;

WHEREAS, FEMA issues technical bulletins that give local enforcement officials
guidance in interpreting and enforcing rules such as the 50% rule. FEMA’s bulletin on the
50% rule strictly prohibits the phasing of an improvement in order to defeat the purpose
of the 50% rule. This includes prohibiting the splitting of a renovation project that exceeds
the 50% threshold into multiple building permits in order to avoid being considered a
substantial improvement;

WHEREAS, determining whether renovation projects are being phased requires a
subjective determination and can be difficult to enforce without a specific adopted
timeframe.

WHEREAS, the adoption of a five (5) year time frame, providing that any further
improvements undertaken within five (5) years cumulatively of when the permit is open
shall be presumed to be phase two of the same project, will establish a more objective
standard and will be easier to enforce.

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

Words stricken through shall be deleted. Words underscored constitute the amendment proposed. The symbol ***
constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.
SECTION 1. Recitals. The above recitals ("Whereas" clauses) hereby adopted as legislative findings, purpose and intent of the City Commission.

SECTION 2. The provisions in this Section pertaining to the City’s Code of Ordinances are amended as follows:

Sec. 98-33. - Florida Building Code, residential; amendments.

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Section R322.3.5 Enclosed areas below the design flood elevation. Enclosed areas below the design flood elevation shall be used solely for parking of vehicles, building access or storage. A maximum of 299 square feet below the design flood elevation may be utilized for living space. The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators. The limitation on partitions does not apply to crawlspace foundations. Storage shall be limited to items which otherwise would be stored outside a building or items normally used outside (e.g., grill, lawn mower, folding chairs, etc.). Access to enclosed areas shall be the minimum necessary to allow for permitted uses and limited to garage door and standard single exterior doors and one double entry door; sliding doors are permitted. All utilities such as electrical, heating, plumbing, and air conditioning equipment and other services facilities (including ductwork) must be elevated or floodproofed to the required elevation.

Sec. 98-122.4. - Substantial improvement and substantial damage determinations.

****

For the purpose of making this determination, the cost to perform the improvements and the cost to perform the repairs shall not be cumulative from project to project over a five-year period from the issuance date of the permit. Roofs and certain ancillary equipment, such as hot water heaters and AC systems, may be replaced as necessary as determined by the City’s Floodplain Administrator. Costs of improvements and costs of repairs shall include all costs attributed to a project and shall be determined:

(1) By submission of a detailed cost estimate by a licensed contractor, provided such estimate includes all work required to complete the work described in the permit application;

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SECTION 3. Codification. This Ordinance shall be codified in the Code of Ordinance of the City of St. Pete Beach.

SECTION 4. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

SECTION 5. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect. It being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 6. Scrivener’s Error. The City Attorney may correct scrivener’s errors found in this Ordinance by filing a corrected copy of this Ordinance with the City Clerk.

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SECTION 8. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 9. Effective Date. This Ordinance shall take effect on July 1, 2021.

FIRST READING: ____________  PUBLISHED: ____________
SECOND READING: ____________  PUBLIC HEARING: ____________

CITY COMMISSION, CITY OF ST. PETE BEACH, FLORIDA.

______________________________
Alan Johnson, Mayor
I, Amber LaRowe, 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 ________, 2021.

_________________________________________
Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_________________________________________
Andrew Dickman, City Attorney

Words stricken through shall be deleted. Words underscored constitute the amendment proposed. The symbol *** constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.
Tampa Bay Times
Published Daily
STATE OF FLORIDA
COUNTY OF Pinellas, Hillsborough, Pasco, Hernando Citrus

Before the undersigned authority personally appeared Jill Harrison who on oath says that he/she is Legal Advertising Representative of the Tampa Bay Times a daily newspaper printed in St Petersburg, in Pinellas County, Florida, that the attached copy of advertisement, being a Legal Notice in the matter RE: CUP was published in Tampa Bay Times: 1/27/21 in said newspaper in the issues of Tampa Bay Times/Local B/Full Run

Affiant further says the said Tampa Bay Times is a newspaper published in Pinellas, Hillsborough, Pasco, Hernando Citrus County, Florida and that the said newspaper has heretofore been continuously published in said Pinellas, Hillsborough, Pasco, Hernando Citrus County, Florida each day and has been entered as a second class mail matter at the post office in said Pinellas Hillsborough, Pasco, Hernando Citrus County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he/she neither paid not promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Signature:

Notary Public

Personally known X or produced identification

Type of identification produced:

Legal Notice

CITY OF ST. PETE BEACH
NOTICE OF PUBLIC HEARING

The City of St. Pete Beach City Commission will consider adoption of the following Ordinances upon Final Reading and Conditional Use Permit on February 9, 2021 at 6:00 P.M. or as soon thereafter St. Pete Beach City Hall Commission Chambers, 155 Corey Ave, St. Pete Beach, FL 33706:

ORDINANCE 2021-01: (FINAL READING) AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING THE CODE OF ORDINANCES, CHAPTER 98 – BUILDINGS AND BUILDING REGULATIONS, ARTICLE IV – SEAWALLS, BULKHEADS, AND RETAINING WALLS, SECTION 98-100 – STANDARDS FOR SEAWALLS, BULKHEADS, AND RETAINING WALLS NOT ON THE GULF OF MEXICO; SECTION 98-101 – STANDARDS FOR SEAWALLS, BULKHEADS AND RETAINING WALLS ON THE GULF OF MEXICO; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER’S ERROR, CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.


CONDITIONAL USE PERMIT: (CASE# 2009) 4200 GULF BLVD - REDEVELOPMENT OF A 1.15 ACRE SITE FOR THE CONSTRUCTION OF A SEVEN LEVEL (ABOVE PARKING), 54-UNIT TRANSIENT ACCOMMODATION HOTEL. THE PROPOSED BUILDING CONSISTS OF 78 PARKING SPACES (UNDER A VALET PARKING SCHEME), 1 TRUCK LOADING SPACE, SOLID WASTE AREA, ON THE GROUND FLOOR, 6,790 SQ FT OF AMENITIES ON THE SECOND FLOOR, FIVE STORES OF TRANSIENT UNITS, AND AN AMENITY AND POOL DECK ON THE ROOFTOP LEVEL. THE REQUESTED PROJECT DENSITY IS 54 UNITS, 39 UNITS FROM BASE DENSITY (50 DU/ACRE) WITH 15 UNITS (20 DU/ACRE) REQUEST FROM THE DENSITY POOL. TOTAL PROPOSED DENSITY IS 69.2 DU/ACRE.

NOTE: The above-scheduled public hearing may be continued from time to time pending adjournment. Any written comments that are received on the subject matter will become part of the official record. Any person who desires to appeal any decision of the City Commission with respect to any matter considered at this hearing will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. A copy of these case applications and plans are on file in the Community Development Department and may be inspected by the public. Any interested party may appear at the hearing and be heard with respect to these cases. Americans with Disabilities Act: Florida Statutes Chapter 286.26, Accessibility of public hearings to the physically handicapped. In accordance with the Americans with Disabilities Act and Florida Statutes, persons needing special accommodations to participate in a hearing should contact City Hall at (727) 367-2735 no later than forty-eight (48) hours prior to the hearing for assistance.

FOR MORE INFORMATION OR TO VIEW THE FILE ON THIS REQUEST, PLEASE CONTACT:

City of St. Pete Beach Community Development Department, 155 Corey Avenue, St. Pete Beach, Florida 33706 - (727) 363-9253.
LEGAL NOTICE

CITY OF ST. PETERSBURG
NOTICE OF PUBLIC HEARING

The City of St. Petersburg City Commission will consider adoption of the following Ordinances upon Final Reading on February 9, 2021 at 6:00 P.M. or as soon thereafter St. Petersburg City Hall Commission Chambers, 155 Corey Ave, St. Petersburg, FL 33705:

ORDINANCE 2021-01: (FINAL READING) AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA AMENDING THE CODE OF ORDINANCES, CHAPTER 98 - BUILDINGS AND BUILDING REGULATION, ARTICLE IV - SEA WALLS, BULKHEADS, AND RETAINING WALLS, SECTION 98-100 - STANDARDS FOR SEA WALLS, BULKHEADS, AND RETAINING WALLS NOT ON THE GULF OF MEXICO; SECTION 98-101 - STANDARDS FOR SEA WALLS, BULKHEADS AND RETAINING WALLS ON GULF OF MEXICO; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY, CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.

ORDINANCE 2021-02: (FINAL READING) AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA AMENDING THE CODE OF ORDINANCES, CHAPTER 98 - BUILDINGS AND BUILDING REGULATIONS, ARTICLE II - TECHNICAL CODES, SECTION 98-331 FLORIDA BUILDING CODE, RESIDENTIAL; AMENDMENTS; ARTICLE V - FLOOD HAZARD MITIGATION REGULATIONS, DIVISION 3 - ADMINISTRATION, SECTION 98-122.4 - SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE DETERMINATIONS, PROVIDING FOR CODIFICATION, CONFLICTS; SEVERABILITY, CORRECTION OF SCRIVENER'S ERROR, CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.

The St. Petersburg City Commission will consider approval of the following Conditional Use Permit on February 10, 2021 at 5:00 P.M. in the St. Petersburg City Hall Commission Chambers:

CONDITIONAL USE PERMIT: (CASE# 20099) 4200 GULF BLVD - REDEVELOPMENT OF A 1.15 ACRE SITE FOR THE CONSTRUCTION OF A SEVEN LEVEL (ABOVE PARKING) 54 UNIT TRANSIENT ACCOMMODATION HOTEL. THE PROPOSED BUILDING CONSISTS OF 78 PARKING SPACES (UNDER A VALET PARKING SCHEME), 1 TRUCK LOADING SPACE, SOLID WASTE AREA, ON THE GROUND FLOOR, 6,790 SQFT OF AMENITIES ON THE SECOND FLOOR, FIVE STORIES OF TRANSIENT UNITS, AND AN AMENITY AND PENTHOUSE DECK ON THE ROOFTOP LEVEL. THE REQUESTED PROJECT DENSITY IS 54 UNITS, 39 UNITS FROM BASE DENSITY (50 DU/ACRE) WITH 15 UNITS (20 DU/ACRE) REQUEST FROM THE DENSITY POOL. TOTAL PROPOSED DENSITY IS 69.2 DU/ACRE.

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FOR MORE INFORMATION OR TO VIEW THE FILE ON THIS REQUEST, PLEASE CONTACT:

City of St. Petersburg Community Development Department, 155 Corey Avenue, St. Petersburg, Florida 33704 - (727) 363-9253.