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, AND ARTICLE V – FLOOD HAZARD MITIGATION REGULATIONS TO AMEND THE FLORIDA BUILDING CODE; TO PROVIDE CRITERIA FOR ACCESSORY STRUCTURES IN FLOOD HAZARD AREAS; PROVIDING FOR A FISCAL IMPACT STATEMENT; APPLICABILITY; CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER’S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has conferred upon local governments the authority to adopt regulations designed to promote the health, safety, and general welfare of its citizens.

WHEREAS, in February 2020, the Federal Emergency Management Agency (hereinafter “FEMA”) released Policy #104-008-03 Floodplain Management Requirements for Agricultural Structures and Accessory Structures, providing clarity and technical assistance to the National Flood Insurance Program (hereinafter “NFIP”) State/Tribe/Territory Coordinators and local floodplain administrators regarding implementation of the NFIP design and performance standards for agricultural and accessory structures.

WHEREAS, the City Commission has determined it appropriate to adopt regulations that are consistent with the FEMA Policy to allow issuance of permits for wet floodproofing of accessory structures that are not larger than the sizes specified in the FEMA Policy.

WHEREAS, Section 553.73 (4), Florida Statutes, allows for local administrative and technical amendments to the Florida Building Code that provide for more stringent requirements than those specified in the Florida Building Code to implement the National Flood Insurance Program and incentives.

WHEREAS, the purpose of this Ordinance is for the City Commission to adopt a requirement for i) accumulation of costs of improvements and repairs of buildings, based on issued building permits, over a five-year period, ii) to limit the size and partitioning of enclosures below elevated dwellings in certain flood hazard areas, and iii) for the purpose of participating in the National Flood Insurance Program’s Community Rating System. These stated purposes are in compliance with Section 553.73 (5), Florida Statutes, and with the Florida Building Code.

WHEREAS, the City Commission has determined that it is in the City’s best interest to adopt the proposed local administrative and technical amendments to the Florida Building Code. The proposed amendments are not more stringent than necessary to address the need identified, do not discriminate against materials, products or construction techniques of demonstrated capabilities, and are in compliance with Section 553.73 (4), Florida Statutes.

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 City of St. Pete Beach Code of Ordinances, Chapter 98 - Buildings and Building Regulations, Article II - Technical Codes is hereby amended as follows:

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

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R322.2.2 Enclosed area below design flood elevation. Enclosed areas, including crawl spaces, that are below the design flood elevation shall:

1. Be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code. Areas for access to elevated areas of the building shall be not more than 299 square feet in area. The limitation on partitions does not apply to load bearing walls interior to perimeter wall (crawl space) foundations.

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Section R322.3.5 Walls below design flood elevation. Walls are permitted below the elevated floor, provided that such walls are not part of the structural support of the building or structure and:

1. Electrical, mechanical, and plumbing system components are not to be mounted on or penetrate through walls that are designed to break away under flood loads; and

2. Are constructed with insect screening or open lattice; or

3. Are designed to break away or collapse without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Such walls, framing and connections shall have a design safe loading resistance of not less than 10 (470 Pa) and no more than 20 pounds per square foot (958 Pa); or

4. Where wind loading values of this code exceed 20 pounds per square foot (958 Pa), the construction documents shall include documentation prepared and sealed by a registered design professional that:

4.1. The walls below the design flood elevation have been designed to collapse from a water load less than that which would occur during the design flood.

4.2. The elevated portion of the building and supporting foundation system have been designed to withstand the effects of wind and flood loads acting simultaneously on all building components (structural and nonstructural). Wind loading values used shall be those associated with the design flood. Wind loading values used shall be those required by this code.
5. Walls intended to break away under flood loads as specified in Item 3 or 4 have flood openings that meet the criteria in Section R322.2.2, Item 2.

Section R322.3.6 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. The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators. Areas for access to elevated areas of the building shall be not more than 299 square feet in area. 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.

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Sec. 98-35. - Florida Building Code, building; technical amendment.

[The building code, as adopted in section 98-26 is modified or amended as follows:]

Modify Sec. 202 as follows:

SUBSTANTIAL IMPROVEMENT. Any combination of repair, reconstruction, rehabilitation, alteration, addition or other improvement of a building or structure taking place during a five-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. The period of accumulation begins when the first improvement or repair of each building or structure is permitted subsequent to July 1, 2021. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that is the minimum necessary to assure safe living conditions.

(2) Any alteration of a historic structure provided that the alteration will not preclude the structure’s continued designation as a historic structure.

(3) Solely for the purpose of accumulating costs, the following costs may be excluded provided the total cost of a project, including these costs and all other costs of all improvements and repairs undertaken at the same time, do not exceed 50 percent of the market value of the building or structure. Costs associated with horizontal additions and vertical additional shall not be excluded.

(a) Costs of additional, code-compliant building elements or alterations or replacements of materials or building elements whose express purpose is the mitigation of future wind or flood damage. Examples of code-compliant wind and flood mitigation measures include,
but are not limited to, the installation or replacement of storm shutters; replacement of windows and doors with impact resistant glass; strengthening of roof attachments or exterior walls; replacing existing materials with wind and flood damage-resistant materials; elevating machinery and equipment; and installation of flood openings.

(b) Costs of additional, code-compliant energy efficiency retrofits whose express purpose is the improvement of energy efficiency of the building, provided the costs of such measure. Examples of code-compliant energy efficiency retrofits include but are not limited to application of insulation; replacement of windows and doors with insulated products; installation of geo-thermal climate control systems; installation of attic ventilation equipment; and the installation of solar energy systems.

(c) Costs for replacing existing mechanical equipment, water heaters, built-in appliances, or electrical panel.

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Sec. 98-36. - Florida Building Code, existing building; technical amendment.

[The building code, as adopted in section 98-26 is modified or amended as follows:]

Modify Sec. 202 as follows:

**SUBSTANTIAL IMPROVEMENT.** For the purpose of determining compliance with the flood provisions of this code, any combination of repair, reconstruction, rehabilitation, alteration, addition or other improvement of a building or structure taking place during a five-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. The period of accumulation begins when the first improvement or repair of each building or structure is permitted subsequent to July 1, 2021. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that is the minimum necessary to assure safe living conditions.

(2) Any alteration of a historic structure provided that the alteration will not preclude the structure’s continued designation as a historic structure.

(3) Solely for the purpose of accumulating costs, the following costs may be excluded provided the total cost of a project, including these costs and all other costs of all improvements and repairs undertaken at the same time, do not exceed 50 percent of the market value of the building or structure. Costs associated with horizontal additions and vertical additional shall not be excluded.

(a) Costs of additional, code-compliant building elements or alterations or replacements of materials or building elements whose express purpose is the mitigation of future wind or
flood damage. Examples of code-compliant wind and flood mitigation measures include, but are not limited to, the installation or replacement of storm shutters; replacement of windows and doors with impact resistant glass; strengthening of roof attachments or exterior walls; replacing existing materials with wind and flood damage-resistant materials; elevating machinery and equipment; and installation of flood openings.

(b) Costs of additional, code-compliant energy efficiency retrofits whose express purpose is the improvement of energy efficiency of the building, provided the costs of such measure. Examples of code-compliant energy efficiency retrofits include but are not limited to: application of insulation; replacement of windows and doors with insulated products; installation of geo-thermal climate control systems; installation of attic ventilation equipment; and the installation of solar energy systems.

(c) Costs for replacing existing mechanical equipment, water heaters, built-in appliances, or electrical panel.

Secs. 98-37 - 98-60. - Reserved.

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SECTION 3. The City of St. Pete Beach Code of Ordinances, Chapter 98 - Buildings and Building Regulations, Article V - Flood Hazard Mitigation Regulations is hereby amended as follows:

Sec. 98-121.3. - Basis for establishing flood hazard areas.

The Flood Insurance Study for Pinellas County, Florida and incorporated areas dated August 24, 2021, and all subsequent amendments and revisions, and the accompanying FIRMs, and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this section and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Community Development Department, Building Division, 155 Corey Ave, St. Pete Beach, Florida 33706.

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

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the floodplain administrator shall:

1. Require the applicant to obtain an appraisal of the current market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
(3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

(4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this section is required.

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. 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;

(2) By submission of a summation of the prevailing market cost for all materials and labor including all expenses normally charged or incurred if the work were performed by a contractor (e.g., construction supervision and management, insurance, overhead and profit, demolition, etc.); or

(3) By the floodplain administrator if the applicant’s submission and supporting data do not, in the opinion of the floodplain administrator, reasonably reflect the actual project cost; alternatively, the floodplain administrator may require submission of another estimate. If determined by the floodplain administrator the floodplain administrator may use (a) the most recent (at the start of construction) square foot valuation data for this area published by the International Code Council; (b) an estimated cost using current prices provided by Marshall and Swift; or (c) the replacement cost less the depreciation costs (at the start of construction) identified in a certified appraisal less than 12 months old.

Sec. 98-128.4. - Definitions.

Accessory structure. A structure on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For floodplain management purposes, the term includes only accessory structures used for parking and storage.

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Market value means the value of buildings and structures, excluding the land and other improvements on the parcel. Market value is the actual cash value (like-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or the “Just Value” of the structure developed by the Pinellas County Property Appraiser’s Office (PAO) for Ad Valorem taxation purposes, adjusted to approximate market value, as determined by the PAO.

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Substantial improvement means any combination of repair, reconstruction, rehabilitation, alteration, addition, or other improvement of a building or structure taking place during a five-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. The period of accumulation begins when the first improvement or repair of each building or structure is permitted subsequent
to July 1, 2021. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include:

(1) Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

(2) Any alteration of a historic structure provided that the alteration will not preclude the structure’s continued designation as a historic structure.

(3) Solely for the purpose of accumulating costs, the following costs may be excluded provided the total cost of a project, including these costs and all other costs of all improvements and repairs undertaken at the same time, do not exceed 50 percent of the market value of the building or structure. Costs associated with horizontal additions and vertical additional shall not be excluded.

(a) Costs of additional, code-compliant building elements or alterations or replacements of materials or building elements whose express purpose is the mitigation of future wind or flood damage. Examples of code-compliant wind and flood mitigation measures include, but are not limited to, the installation or replacement of storm shutters; replacement of windows and doors with impact resistant glass; strengthening of roof attachments or exterior walls; replacing existing materials with wind and flood damage-resistant materials; elevating machinery and equipment; and installation of flood openings.

(b) Costs of additional, code-compliant energy efficiency retrofits whose express purpose is the improvement of energy efficiency of the building, provided the costs of such measure. Examples of code-compliant energy efficiency retrofits include but are not limited to application of insulation; replacement of windows and doors with insulated products; installation of geo-thermal climate control systems; installation of attic ventilation equipment; and the installation of solar energy systems.

(c) Costs for replacing existing mechanical equipment, water heaters, built-in appliances, or electrical panel.

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DIVISION 10. - BUILDINGS AND STRUCTURES

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Sec. 98-129.3. - Accessory structures.

Accessory structures are permitted below the base flood elevation provided the accessory structures are used only for parking or storage and:

(1) If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas, are one-story and not larger than 600 sq. ft. and have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential;
(2) If located in coastal high hazard areas (Zone V/VE), are not located below elevated buildings and are not larger than 100 sq. ft;

(3) Are anchored to resist flotation, collapse or lateral movement resulting from flood loads;

(4) Have flood damage-resistant materials used below the base flood elevation plus one (1) foot; and

(5) Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one (1) foot.

SECTION 4. Fiscal Impact Statement. In terms of design, plan application review, construction and inspection of buildings and structures, the cost impact as an overall average is negligible regarding the local technical amendments because all development has been subject to the requirements of the local floodplain management ordinance adopted for participation in the National Flood Insurance Program. In terms of lower potential for flood damage, there will be continued savings and benefits to consumers.

SECTION 5. Applicability. For the purposes of jurisdictional applicability, this ordinance shall apply in St. Pete Beach, Florida. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this ordinance.

SECTION 6. Codification. This Ordinance shall be codified in the Code of Ordinance of the City of St. Pete Beach.

SECTION 7. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

SECTION 8. 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 9. 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 10. Construction. This Ordinance is to be liberally construed to accomplish its objectives.
SECTION 11. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 12. Effective Date. This Ordinance shall take effect immediately upon adoption.

FIRST READING: June 22, 2021
PUBLISHED: June 30, 2021
SECOND READING: July 13, 2021
PUBLIC HEARING: July 13, 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 15 day of July, 2021.

Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Andrew Dickman, City Attorney
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,
AND ARTICLE V - FLOOD HAZARD MITIGATION REGULATIONS TO
AMEND THE FLORIDA BUILDING CODE; TO PROVIDE CRITERIA
FOR ACCESSORY STRUCTURES IN FLOOD HAZARD AREAS;
PROVIDING FOR A FISCAL IMPACT STATEMENT; APPLICABILITY;
CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF
SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN
EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has conferred upon local governments the
authority to adopt regulations designed to promote the health, safety, and general welfare of its
citizens.

WHEREAS, in February 2020, the Federal Emergency Management Agency (hereinafter
"FEMA") released Policy #104-008-03 Floodplain Management Requirements for Agricultural
Structures and Accessory Structures, providing clarity and technical assistance to the National
Flood Insurance Program (hereinafter “NFIP”) State/Tribe/Territory Coordinators and local
floodplain administrators regarding implementation of the NFIP design and performance standards
for agricultural and accessory structures.

WHEREAS, the City Commission has determined it appropriate to adopt regulations that are
consistent with the FEMA Policy to allow issuance of permits for wet floodproofing of accessory
structures that are not larger than the sizes specified in the FEMA Policy.

WHEREAS, Section 553.73 (4), Florida Statutes, allows for local administrative and technical
amendments to the Florida Building Code that provide for more stringent requirements than those
specified in the Florida Building Code to implement the National Flood Insurance Program and
incentives.

WHEREAS, the purpose of this Ordinance is for the City Commission to adopt a requirement for
i) accumulation of costs of improvements and repairs of buildings, based on issued building
permits, over a five-year period, ii) to limit the size and partitioning of enclosures below elevated
dwellings in certain flood hazard areas, and iii) for the purpose of participating in the National
Flood Insurance Program’s Community Rating System. These stated purposes are in compliance
with Section 553.73 (5), Florida Statutes, and with the Florida Building Code.

Words struck 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.
WHEREAS, the City Commission has determined that it is in the City's best interest to adopt the proposed local administrative and technical amendments to the Florida Building Code. The proposed amendments are not more stringent than necessary to address the need identified, do not discriminate against materials, products or construction techniques of demonstrated capabilities, and are in compliance with Section 553.73 (4), Florida Statutes.

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 City of St. Pete Beach Code of Ordinances, Chapter 98 - Buildings and Building Regulations, Article II - Technical Codes is hereby amended as follows:

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

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R322.2.2 Enclosed area below design flood elevation. Enclosed areas, including crawl spaces, that are below the design flood elevation shall:

1. Be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code. Areas for access to elevated areas of the building shall be not more than 299 square feet in area. The limitation on partitions does not apply to load bearing walls interior to perimeter wall (crawl space) foundations.

****

Section R322.3.5 R322.3.4 Walls below design flood elevation. Walls are permitted below the elevated floor, provided that such walls are not part of the structural support of the building or structure and:

1. Electrical, mechanical, and plumbing system components are not to be mounted on or penetrate through walls that are designed to break away under flood loads; and

2. Are constructed with insect screening or open lattice; or

3. Are designed to break away or collapse without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system.

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.
Such walls, framing and connections shall have a design safe loading resistance of not less than 10 (470 Pa) and no more than 20 pounds per square foot (958 Pa); or

4. Where wind loading values of this code exceed 20 pounds per square foot (958 Pa), the construction documents shall include documentation prepared and sealed by a registered design professional that:

4.1. The walls below the design flood elevation have been designed to collapse from a water load less than that which would occur during the design flood.

4.2. The elevated portion of the building and supporting foundation system have been designed to withstand the effects of wind and flood loads acting simultaneously on all building components (structural and nonstructural). Water loading values used shall be those associated with the design flood. Wind loading values used shall be those required by this code.

5. Walls intended to break away under flood loads as specified in Item 3 or 4 have flood openings that meet the criteria in Section R322.2.2, Item 2.

Section R322.3.6 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 used 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. Areas for access to elevated areas of the building shall not be more than 299 square feet in area. The limitation on partitions does not apply to crawl space 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. 98-35. - Florida Building Code, building; technical amendment.

[The building code, as adopted in section 98-26 is modified or amended as follows:]

Modify Sec. 202 as follows:

SUBSTANTIAL IMPROVEMENT. Any combination of repair, reconstruction, rehabilitation, alteration, addition or other improvement of a building or structure taking place during a five-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the
structure before the improvement or repair is started. The period of accumulation begins when the first improvement or repair of each building or structure is permitted subsequent to July 1, 2021. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that is the minimum necessary to assure safe living conditions.

2. Any alteration of a historic structure provided that the alteration will not preclude the structure’s continued designation as a historic structure.

3. Solely for the purpose of accumulating costs, the following costs may be excluded provided the total cost of a project, including these costs and all other costs of all improvements and repairs undertaken at the same time, do not exceed 50 percent of the market value of the building or structure. Costs associated with horizontal additions and vertical additional shall not be excluded.

   a. Costs of additional, code-compliant building elements or alterations or replacements of materials or building elements whose express purpose is the mitigation of future wind or flood damage. Examples of code-compliant wind and flood mitigation measures include, but are not limited to, the installation or replacement of storm shutters; replacement of windows and doors with impact resistant glass; strengthening of roof attachments or exterior walls; replacing existing materials with wind and flood damage-resistant materials; elevating machinery and equipment; and installation of flood openings.

   b. Costs of additional, code-compliant energy efficiency retrofits whose express purpose is the improvement of energy efficiency of the building, provided the costs of such measure. Examples of code-compliant energy efficiency retrofits include but are not limited to application of insulation; replacement of windows and doors with insulated products; installation of geo-thermal climate control systems; installation of attic ventilation equipment; and the installation of solar energy systems.

   c. Costs for replacing existing mechanical equipment, water heaters, built-in appliances, or electrical panel.

****

Sec. 98-36. - Florida Building Code, existing building; technical amendment.

[The building code, as adopted in section 98-26 is modified or amended as follows:]
Modify Sec. 202 as follows:

**SUBSTANTIAL IMPROVEMENT.** For the purpose of determining compliance with the flood provisions of this code, any combination of repair, reconstruction, rehabilitation, alteration, addition or other improvement of a building or structure taking place during a five-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. The period of accumulation begins when the first improvement or repair of each building or structure is permitted subsequent to July 1, 2021. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that is the minimum necessary to assure safe living conditions.

2. Any alteration of a historic structure provided that the alteration will not preclude the structure’s continued designation as a historic structure.

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   c. Costs for replacing existing mechanical equipment, water heaters, built-in appliances, or electrical panel.

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 3. The City of St. Pete Beach Code of Ordinances, Chapter 98 - Buildings and Building Regulations, Article V - Flood Hazard Mitigation Regulations is hereby amended as follows:

Sec. 98-121.3. - Basis for establishing flood hazard areas.

The Flood Insurance Study for Pinellas County, Florida and incorporated areas dated August 24, 2021 August 18, 2009, and all subsequent amendments and revisions, and the accompanying FIRMs, and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this section and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Community Development Department, Building Division, 155 Corey Ave, St. Pete Beach, Florida 33706.

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

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the floodplain administrator shall:

1. Require the applicant to obtain an appraisal of the current market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this section is required.

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

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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;

(2) By submission of a summation of the prevailing market cost for all materials and labor including all expenses normally charged or incurred if the work were performed by a contractor (e.g., construction supervision and management, insurance, overhead and profit, demolition, etc.); or

(3) By the floodplain administrator if the applicant's submission and supporting data do not, in the opinion of the floodplain administrator, reasonably reflect the actual project cost; alternatively, the floodplain administrator may require submission of another estimate. If determined by the floodplain administrator the floodplain administrator may use (a) the most recent (at the start of construction) square foot valuation data for this area published by the International Code Council; (b) an estimated cost using current prices provided by Marshall and Swift; or (c) the replacement cost less the depreciation costs (at the start of construction) identified in a certified appraisal less than 12 months old.

Sec. 98-128.4. - Definitions.

Accessory structure. A structure on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For floodplain management purposes, the term includes only accessory structures used for parking and storage.

Market value means the price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this article, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value is the may be established by a qualified independent appraiser, actual cash value (like-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or the “Just Value” of the structure developed by the Pinellas County Property Appraiser’s Office (PAO) for Ad Valorem taxation purposes, adjusted to approximate market value, as determined by the PAO, or tax assessment value adjusted to approximate market value by a factor provided by the property appraiser.
Substantial improvement means any combination of repair, reconstruction, rehabilitation, alteration, addition, or other improvement of a building or structure taking place during a five-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. The period of accumulation begins when the first improvement or repair of each building or structure is permitted subsequent to July 1, 2021. If the structure has incurred “substantial damage,” any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

2. Any alteration of a historic structure provided that the alteration will not preclude the structure’s continued designation as a historic structure.

3. Solely for the purpose of accumulating costs, the following costs may be excluded provided the total cost of a project, including these costs and all other costs of all improvements and repairs undertaken at the same time, do not exceed 50 percent of the market value of the building or structure. Costs associated with horizontal additions and vertical additional shall not be excluded.

   a. Costs of additional, code-compliant building elements or alterations or replacements of materials or building elements whose express purpose is the mitigation of future wind or flood damage. Examples of code-compliant wind and flood mitigation measures include, but are not limited to, the installation or replacement of storm shutters; replacement of windows and doors with impact resistant glass; strengthening of roof attachments or exterior walls; replacing existing materials with wind and flood damage-resistant materials; elevating machinery and equipment; and installation of flood openings.

   b. Costs of additional, code-compliant energy efficiency retrofits whose express purpose is the improvement of energy efficiency of the building, provided the costs of such measure. Examples of code-compliant energy efficiency retrofits include but are not limited to application of insulation; replacement of windows and doors with insulated products; installation of geo-thermal climate control systems; installation of attic ventilation equipment; and the installation of solar energy systems.

   c. Costs for replacing existing mechanical equipment, water heaters, built-in appliances, or electrical panel.

****

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.
DIVISION 10. - BUILDINGS AND STRUCTURES

Sec. 98-129.3. - Accessory structures.

Accessory structures are permitted below the base flood elevation provided the accessory structures are used only for parking or storage and:

1. If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas, are one-story and not larger than 600 sq. ft. and have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential;

2. If located in coastal high hazard areas (Zone V/VE), are not located below elevated buildings and are not larger than 100 sq. ft;

3. Are anchored to resist flotation, collapse or lateral movement resulting from flood loads;

4. Have flood damage-resistant materials used below the base flood elevation plus one (1) foot; and

5. Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one (1) foot.

SECTION 4. Fiscal Impact Statement. In terms of design, plan application review, construction and inspection of buildings and structures, the cost impact as an overall average is negligible regarding the local technical amendments because all development has been subject to the requirements of the local floodplain management ordinance adopted for participation in the National Flood Insurance Program. In terms of lower potential for flood damage, there will be continued savings and benefits to consumers.

SECTION 5. Applicability. For the purposes of jurisdictional applicability, this ordinance shall apply in St. Pete Beach, Florida. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this ordinance.

SECTION 6. Codification. This Ordinance shall be codified in the Code of Ordinance of the City of St. Pete Beach.
SECTION 7. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

SECTION 8. 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 9. 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 10. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 11. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 12. Effective Date. This Ordinance shall take effect immediately upon adoption.

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
CITY OF ST. PETE BEACH
NOTICE OF PUBLIC HEARING

The City of St. Pete Beach City Commission will consider adoption of the following Ordinance on July 13, 2021 at 6:00 p.m. or soon thereafter in the City Commission Chambers:

ORDINANCE 2021-15

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, AND ARTICLE V – FLOOD HAZARD MITIGATION REGULATIONS TO AMEND THE FLORIDA BUILDING CODE; TO PROVIDE CRITERIA FOR ACCESSORY STRUCTURES IN FLOOD HAZARD AREAS; PROVIDING FOR A FISCAL IMPACT STATEMENT; APPLICABILITY; CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER’S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

PUBLIC HEARING LOCATION: St. Pete Beach City Hall – City Commission Chambers, 155 Corey Avenue, St. Pete Beach, FL 33706

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 decides 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. 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.

6/30/2021