

## 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 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.**

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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