



**CITY COMMISSION WORKSHOP MEETING
CITY OF ST. PETE BEACH**

155 Corey Avenue
St. Pete Beach, FL 33706

Tuesday, October 10, 2023
12:00 PM

Call to Order
Pledge of Allegiance
Roll Call

WORKSHOP MEETING

1. Items for Discussion -
 - a. **Floodplain Ordinance Discussion**
2. Adjournment -

APPEAL: In accordance with 286.0105, Florida Statute (Notices of meetings and hearings must advise that a record is required to appeal), if a person decides to appeal any decision made by this committee, board, agency, or commission with respect to any matter considered at this meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she 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 to be based.

AMERICANS WITH DISABILITIES ACT (ADA): In accordance with the Americans with Disabilities Act and Florida Statutes, if any person with a disability defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact City Hall at (727) 367-2735.

The public is cordially invited to attend this meeting.
All agenda material is available for review at City Hall or www.stpetebeach.org.

Floodplain Ordinance Workshop

October 10, 2023

Community Development

Mark Vasquez, CBO, CFM

Building Official and Floodplain Manager

Julie Anderson, CBO

Building Division Manager

TBD:

Lisa Foster, CFM

Pinellas County Floodplain Manager

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Proposed Technical Amendments to Floodplain Ordinance

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

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

Section R322.2.2 *Enclosed area below design flood elevation.* Enclosed areas, including crawl spaces, that are 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, 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 R322.2.3 Foundation design and construction.

Foundations for walls or buildings and structures erected in flood hazard areas shall be on pilings or columns and shall be designed by a registered design professional to resist flood loads and shall meet the requirements of Chapter 4. No Exceptions.

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, louvers 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). 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.

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

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 49 percent of the depreciated 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~~ on the issuance date of the first permit on or after July 1, 2021. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. This term includes structures which have incurred "repetitive loss" or "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a building that is 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. 98-122.1. - Designation.

The building official is designated as the floodplain administrator for the purposes of this section. The floodplain administrator may delegate the performance of certain duties to other employees. The floodplain administrator is responsible for making SI/SD determinations and shall be ASFPM Certified Floodplain Manager (CFM) and all personnel performing inspections shall meet the qualifications for ICC Coastal Inspector Certification, CFM or be approved by the building official.

(Ord. No. 15-26, § 1, 9-22-15; Ord. No. 18-08, § 2, 2-26-19)

Sec. 98-122.4. – Determination of substantial improvement and substantial damage.

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 first permit after July 1, 2021. 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 FEMA Substantial Damage Estimator (SDE), 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 3 months old.

Add the following definitions to Sec. 98-128.4. Definitions:

Compensatory Storage is a volume of space that offsets or compensates for any fill placed in the flood plain. If one cubic foot of fill is placed in the flood plain, then one cubic foot of fill needs to be removed to offset the fill.

Historical Variance means a grant of relief from the requirements of this section, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this section or the Florida Building Code.

Repetitive Loss means flood-related damage sustained by a structure

- On two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent (25%) of the depreciated market value of the structure before the damage occurred*; and
- At the time of the second incidence of flood-related damage, the contract for flood insurance contains Increased Cost of Compliance (ICC) coverage.

Severe Repetitive Loss means flood-related damage sustained by a structure

- Where four or more separate claims payments (includes building and contents) have been made under flood insurance coverage. The amount of each such claim must exceed \$5,000, and the cumulative amount of such claims payments must exceed \$20,000; or
- At least two separate claims payments (includes only building coverage) with the cumulative amount of such claims exceeding the depreciated market value of the structure before damage occurred*.

*NOTE: The combined damage total must be 50% of the depreciated value of the structure before the damage occurred, but it need not be evenly distributed.

Substantial damage means damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would be equal to or exceed ~~50~~ 49 percent of the market value of the building or structure before the damage occurred. Repetitive Loss and Severe Repetitive loss are considered substantial damage.

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~~ 49 percent of the depreciated market value of the building or structure before the improvement or repair is started. The period of accumulation begins on the issuance date of the first permit on or after 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 that is 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 additions 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.~~

Stem wall is a foundation wall that provides structural support by transmitting the load of the home to the footing.

Sec. 98-131.1.1. - Use of structural and nonstructural fill in flood hazard areas (zones AE).

In flood hazard areas ~~other than AE~~, coastal high hazard areas AE and zone VE zones, the use of structural fill is prohibited. ~~except for~~ However, non-structural fill may be permitted for stem wall construction when approved by the Building Official/Floodplain Administrator.

In addition, minor amounts of fill shall be allowed to provide adequate lot grading for drainage or if the fill is used for landscaping, sidewalks and driveways if:

~~(1) To provide adequate lot grading for drainage;~~

~~(1) If the use of fill will not create any additional storm water runoff onto abutting properties or cause compensatory storage effects;~~

~~(2) If proper swales are provided along all abutting properties, or in the absence of proper swales, a concrete wall at least eight inches high is provided;~~

~~(4) If the fill is used for landscaping, sidewalks and driveways;~~

~~(5) In the absence of proper swales, a concrete wall at least eight inches high is provided; and~~

~~(3) If all roofs adjacent to roof eaves within five feet of abutting properties shall have gutters with all roof surface water directed away from abutting properties.~~

Exception:

The use of structural fill is permitted in the following districts:

~~CC-1 Commercial District, CC-2 Commercial District, TC-1 Town Center Core District, TC-2 Town Center Core Circle and Coquina West Districts, Traditional Hotel District THD, CC1 Commercial Corridor Blind Pass Road District, CC2 Commercial Corridor Gulf Blvd. District, (LR) Large Resort, AC Activity Center District, PAG Pass-A-Grille Overlay District and B/HC Boutique Hotel/Condo District.~~

Provided:

- (1) That no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

And

(2)

Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(Ord. No. 15-26, § 1, 9-22-15; Ord. No. 18-08, § 2, 2-26-19)

Proposed Amendments - Higher Regulatory Standards

Florida Building Code, Residential

R322.2.1 Elevation Requirements.

1. Buildings and structures in flood hazard areas, including flood hazard areas designated as Coastal A Zones, shall have the lowest floors elevated to or above the base flood elevation plus ~~2 feet~~ 1 foot (305 mm), or the design flood elevation, whichever is higher.
- ~~2. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated to a height above the highest adjacent grade of not less than the depth number specified in feet (mm) on the FIRM plus 1 foot (305 mm), or not less than 3 feet (915 mm) if a depth number is not specified.~~
- ~~3. Basement floors that are below grade on all sides shall be elevated to or above base flood elevation plus 1 foot (305 mm), or the design flood elevation, whichever is higher.~~

~~Exception: Enclosed areas below the design flood elevation, including basements with floors that are not below grade on all sides, shall meet the requirements of Section R322.2.2.~~

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

The FEMA 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.~~

When locally determined data is available, the city will refer to the best available data for establishing the flood hazard; however, the FEMA data shall serve as the minimum basis for establishing the flood hazard. Locally determined data shall include but not [be] limited to the Pinellas County Sea Level Rise and Storm Surge Vulnerability Assessment (2021), and any subsequent amendments thereto. Where data conflicts, the flood hazard will be determined by the floodplain administrator. These sources are adopted by reference and made a part of this section. Studies and maps that establish flood hazard areas are on file at the Community Development Department, 155 Corey Avenue, St. Pete Beach, Florida 33706.

(Ord. No. 15-26, § 1, 9-22-15; Ord. No. 18-08, § 2, 2-26-19; Ord. No. 21-15, § 3, 7-15-21)