



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

155 Corey Avenue
St. Pete Beach, FL 33706

Tuesday, November 19, 2024
6:00 PM

Call to Order
Pledge of Allegiance
Roll Call

REGULAR MEETING

1. Approval of the Agenda -

Action Request: Motion to approve the November 19, 2024, City Commission Agenda.

2. Helene and Milton Recovery Efforts - Standing Agenda Item -

a. Permit Staffing Update

b. Debris Update

3. Audience Comments -

Public participation is encouraged. If you wish to address the City Commission, please fill out a speaker's card and provide it to the City Clerk. Once you are called, please come to the podium and state your name and address for the record. Comments shall be limited to 3 minutes and shall be limited to non- public hearing items on the agenda. Public comment on agenda items will be allowed when that item is called. If you plan to make a presentation as part of your public comment, the presentation must be provided to the City Clerk 24- hours in advance of the meeting.

4. Consent -

a. November 4, 2024, City Commission Meeting Minutes

b. Proclamations - Renewal State of Local Emergency – Hurricane Helene Ratify Extension 7 and Approval of Extension 8

c. Proclamations - Ratification of Renewal State of Local Emergency - Hurricane Milton Extensions 5 and 6

d. Adopt Resolution 2024-28 authorizing the Mayor to execute The Corey Avenue Neighborhood Historic Survey Grant Agreement

e. Adopt Resolution 2024-29 waiving Permit and Plans Examination Fees associated with Hurricane-damaged properties for the period October 1, 2024, through January 14, 2025, and establishing a minimum Building Fund Reserve

5. Action Items -

6. Ordinances -

a. Public Hearing to Adopt Emergency Ordinance 2024-15: Allowing substantial improvement exemptions for locally-designated historic resources

AN EMERGENCY ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING FOR SIXTY DAYS THE CITY'S LAND DEVELOPMENT CODE DIVISION 28 – HISTORIC PRESERVATION, SECTION 28.5 – ORDINARY MAINTENANCE AND REPAIR; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

Action Request: Motion to adopt emergency Ordinance 2024-15.

b. First Reading of Ordinance 2024-13: Permanently adopting provisions for the elevation of flood-damaged equipment in required side and rear yards, and elevation or reconstruction of nonconforming residential structures in required yards

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING LAND DEVELOPMENT CODE DIVISION 3 – ADMINISTRATION OF THE LAND DEVELOPMENT CODE, SECTION 3.10 – VESTED RIGHTS AND NONCONFORMITIES; AND DIVISION 6 – SUPPLEMENTAL REGULATIONS, SECTION 6.14. - ENCROACHMENT OF CERTAIN SPECIFIED ANCILLARY RESIDENTIAL EQUIPMENT INTO REQUIRED YARDS; REPEALING EMERGENCY ORDINANCES 2024-11 AND 2024-14 CONTAINING SIMILAR PROVISIONS; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

Action Request: Motion to approve the first reading of Ordinance 2024-13.

c. First reading of Ordinance 2024-16 [Alternatives A & B]: [Alternative A] Amending the Code of Ordinances Chapter 98 - BUILDINGS AND BUILDING REGULATIONS to reduce the cumulative substantial improvement cost calculation to one year, exempt repairs for non-substantial damage from substantial improvement calculations, and make the amendment effective one day prior to Hurricane Helene impacts; or, [Alternative B] Repeal the cumulative substantial improvement cost calculation and make the repeal effective one day prior to Hurricane Helene impacts.

[Alternative A]

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, AMENDING THE ST. PETE BEACH CODE OF ORDINANCES SECTIONS 98-35., 98-36., 98-122.4., 98-128.4., AND 98-131.6., TO ADOPT AMENDMENTS TO THE CITY CODE REGARDING SUBSTANTIAL DAMAGE, SUBSTANTIAL IMPROVEMENTS, LOOK-BACK PERIOD, AND EXEMPTIONS TO IMPROVEMENT AND REPAIR OF BUILDINGS IN FLOOD HAZARD AREAS; PROVIDING FOR SEVERABILITY, CODIFICATION AND SCRIVENER'S ERRORS, AND PROVIDING FOR AN EFFECTIVE DATE.

[Alternative B]

AN ORDINANCE OF THE CITY OF ST. PETE BEACH AMENDING THE ST. PETE BEACH CODE OF ORDINANCES 98-35., 98-36., 98-122.4., 98-128.4., AND 98-131.6., TO REPEAL A PROVISION RELATED TO SUBSTANTIAL DAMAGE, SUBSTANTIAL IMPROVEMENTS, LOOK-BACK PERIOD, AND IMPROVEMENT AND REPAIR OF BUILDINGS IN FLOOD HAZARD AREAS; PROVIDING FOR SEVERABILITY, CODIFICATION AND SCRIVENER'S ERRORS, AND PROVIDING FOR AN EFFECTIVE DATE.

Open the public hearing. Close the public hearing after comments, if any.

Recommended Motion: Motion to approve the first reading of Ordinance 2024-16 [Alternative A or B] and transmit the amendments to the Florida Division of Emergency Management.

d. Public Hearing to Adopt Emergency Ordinance 2024-17 [Alternatives A & B]: [Alternative A] Amending the Code of Ordinances Chapter 98 - BUILDINGS AND BUILDING REGULATIONS to reduce the cumulative substantial improvement cost calculation to one year, exempt repairs for non-substantial damage from substantial improvement calculations, and make the amendment effective one day prior to Hurricane Helene impacts; or, [Alternative B] Repeal the cumulative substantial improvement cost calculation and make the repeal effective one day prior to Hurricane Helene impacts.

[Alternative A]

AN EMERGENCY ORDINANCE OF THE CITY OF ST. PETE BEACH, AMENDING THE ST. PETE BEACH CODE OF ORDINANCES SECTIONS 98-35., 98-36., 98-122.4., 98-128.4., AND 98-131.6., TO ADOPT AMENDMENTS TO THE CITY CODE REGARDING SUBSTANTIAL DAMAGE, SUBSTANTIAL IMPROVEMENTS, LOOK-BACK PERIOD, AND EXEMPTIONS TO IMPROVEMENT AND REPAIR OF BUILDINGS IN FLOOD HAZARD AREAS; PROVIDING FOR SEVERABILITY, CODIFICATION AND SCRIVENER'S ERRORS, AND PROVIDING FOR AN EFFECTIVE DATE.

[Alternative B]

AN EMERGENCY ORDINANCE OF THE CITY OF ST. PETE BEACH AMENDING THE ST. PETE BEACH CODE OF ORDINANCES 98-35., 98-36., 98-122.4., 98-128.4., AND 98-131.6., TO REPEAL A PROVISION RELATED TO SUBSTANTIAL DAMAGE, SUBSTANTIAL IMPROVEMENTS, LOOK-BACK PERIOD, AND IMPROVEMENT AND REPAIR OF BUILDINGS IN FLOOD HAZARD AREAS; PROVIDING FOR SEVERABILITY, CODIFICATION AND SCRIVENER'S ERRORS, AND PROVIDING FOR AN EFFECTIVE DATE.

Open the public hearing. Close the public hearing after comments, if any.

Recommended Motion: Motion to adopt Ordinance 2024-17 [Alternative A or B].

7. Items for Discussion -
8. City Clerk, City Manager, City Attorney and City Commission Reports -
9. 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.

PUBLIC COMMENT INSTRUCTIONS FOR THOSE NOT PHYSICALLY PRESENT:

The City has made accommodations for those who cannot be physically present or do not feel comfortable appearing in person. If a member of the public would like to provide comments for the meetings, they may do so in the following ways:

- Email the City Clerk by 12:00 p.m. on the day of the meeting at cityclerk@stpetebeach.org
- Leave a voicemail message by calling **727.363.9225** by 12:00 p.m. the day of the meeting
- Upload or submit a video or audio file online by 12:00 p.m. the day of the meeting at <https://www.stpetebeach.org/PublicComment>

In your three (3) minute or less comment, please be sure to include your name and address for the record.

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

DRAFT
City Commission Meeting
November 4, 2024
6:00 p.m.

ELECTED OFFICIALS PRESENT:

Adrian Petrilă, Mayor
Joe Moholland, Vice Mayor, Commissioner, District 4
Karen Marriott, Commissioner, District 1
Lisa Robinson, Commissioner, District 2
Betty Rzewnicki, Commissioner, District 3

STAFF PRESENT:

Ralf Brookes, Interim City Attorney
Frances Robustelli, City Manager
Amber LaRowe, City Clerk
Brandon Berry, Senior Planner
Andrew Laflin, Interim Finance Director
Camden Mills, City Engineer/Assistant Public Works Director
Adam Poirrier, Interim Assistant City Manager
Denise Sanderson, Community Development Director

Mayor Petrilă called the meeting to order at 6:00 p.m., followed by the Pledge of Allegiance.

1. PRESENTATIONS

a. Recognition of Employee of the Fourth Quarter

City Manager Robustelli recognized the following individuals who their peers nominated for Employee of the Fourth Quarter:

- Luke Jacobsen, Public Works Department
- Vanesa Sanchez, Finance Department
- Alexa Sawyer, Library
- Sam Bathon, Fire Department
- Patrick Hawk, Community Development Department
- Eileen Torres, Facilities Department

Mrs. Robustelli commented on Alexa Sawyer's nomination, acknowledging her contributions to the Library and her recent involvement in sharing resources during the storms. Alexa Sawyer's selection as Employee of the Fourth Quarter was well deserved.

2. APPROVAL OF THE AGENDA

City Clerk LaRowe addressed an email that she received from a resident regarding the October 22nd City Commission minutes, specifically discussion item g. What was captured in the minutes at 4:41:09 regarding permit fees may need to be modified at another meeting and documented during that meeting; these meeting minutes cannot be changed.

Vice Mayor Moholland requested item j of the Consent Agenda be moved for further discussion; this item was moved to item 6.e.

Motion: **Commissioner Marriott moved, Vice Mayor Moholland seconded, and the motion carried 5-0 to approve the November 4, 2024, City Commission Agenda with one modification.**

3. HELENE AND MILTON RECOVERY EFFORTS – STANDING AGENDA ITEM

City Manager Robustelli introduced this item and explained that it would be a standing item on the agenda going forward, providing updates and communication on what the City is doing and any necessary direction from the Commission.

City Clerk LaRowe informed the Commission that members of the public are present tonight and have comments to make about this item.

Denise Sanderson, Interim Community Development Director, gave a presentation on various topics including:

- Substantial Damage Determinations Process
 - Residential and Commercial
 - Definitions
 - Documentation
- Plans Examination and Permit Fees
- Community Development Operations Update
- Other Items
 - Hurricane Related Webpages
 - Long Term Housing Recovery Resources
 - Small Business Recovery

A copy of the presentation is made a part of the record.

Discussion followed the presentation. Ms. Sanderson advised that the public should proceed with filling out the FEMA packet ahead of the substantial damage determination letter. She touched on the substantial damage letter. Ms. Sanderson corrected a statement at the last meeting, stating that permit fees are not included in the FEMA packet calculations.

The historic designation and historic districts were elaborated on by Ms. Sanderson.

Brandon Berry, Senior Planner, gave a presentation on substantial improvement and damage options and the FEMA lookback period. Topics covered included:

- Scenarios
 - No lookback period
 - One-year lookback period with current exceptions
 - One-year lookback period without current exceptions
- Financial impacts of each scenario
- Impacts of each scenario
- Guidance requested

A copy of the presentation is made a part of the record.

Discussion followed the presentation. Mr. Berry stated that the Florida Department of Emergency Management (FDEM) does not recommend a no-lookback period with exceptions.

Mr. Berry was asked to verify if utility lines are an exception or are expected to be included in the FEMA calculation and to provide more information on the number of open permits pre-storm.

The City Manager explained the City's position on Code Enforcement fines. Code Enforcement is to warn a resident who is found to be making repairs without a permit and allow them 3 business days to apply for a permit; courtesy notices are provided. If a contractor performs work in the City without a permit, they will receive an immediate stop work order and a \$100 fine; they are also reported to the State Licensing Board and are subject to a hearing in front of the Special Magistrate if they do not comply.

The Mayor opened public comment.

Resident Grant Izzi favored the no-lookback period and commented on the CRS points.

Resident and general contractor Wayne Cassity would like to see the City reduce or waive permit fees related to storm recovery. He also provided a copy of a letter from Treasure Island, which is included in the record.

Resident Sigue Webb read from an email she submitted earlier today, which discusses her opinions on the lookback period and permit fees; a copy of the email is included in the record.

Resident Kathy Garchow commented on the CRS rating and supported the 1-year look back with exceptions.

Robin Miller, Tampa Bay Beaches Chamber of Commerce President and CEO, touched on the webinar she attended today with Linda Chaney and other municipalities. She discussed the waiver of permit fees and requested that the City share information on the process with some identification showing what is related to commercial and what is not.

Resident Ed Schwind asked questions on information shared in the presentations and expressed his opinions on permit fees.

Resident and general contractor Sam Angelides favored the no-lookback period.

Mayor Petrila clarified that permit fees are not a revenue or profit-generating mechanism; the fees assist with covering the expenses incurred for providing the service to the public.

The Commission discussed waiving permit fees versus reducing them by a percentage.

The Mayor would prefer that the City waive permit fees for storm-related permits and keep the reserve to \$2M until January 14, 2025; the waiver of permit fees would be retroactive to October 1, 2024. The Commission agreed.

The Commission discussed the lookback period, permits, and the number of individuals each scenario would possibly affect.

Staff was directed to prepare two ordinances, one with no lookback period and one with a 1-year lookback period with exceptions, and present them to FDEM. They would also like the ordinances to include a retroactive date effective prior to Hurricane Helene.

4. PUBLIC COMMENT

Resident Dana Richardson asked specific questions regarding the permit to permit for the lookback period and her situation after the storm.

5. CONSENT

- a. Approval of October 22, 2024, City Commission Meeting Minutes
- b. Ratify Resolution 2024-23: Renewal of State of Local Emergency – Hurricane Milton
- c. Ratify Resolution 2024-24: Renewal of State of Local Emergency – Hurricane Helene
- d. Adopt Resolution 2024-25: Renewal of State of Local Emergency – Hurricane Milton
- e. Adopt Resolution 2024-26: Renewal of State of Local Emergency – Hurricane Helene
- f. Authorize the City Manager to enter into an amended agreement for the upgraded services package with iWorq Community Development Software in the amount of \$25,375.00 per year.
- g. Reappointment of Trustee to the General Pension Board
- h. Ratification of Appointment of the Fifth Trustee to the General Pension Board
- i. Authorize the City Manager to enter into an agreement with Baker and Taylor, Inc. for the amount of \$30,000 for the purchase of printed materials at the Library
- j. ~~Authorize the City Manager to enter into an agreement with Christmas Designers of Florida in the amount of \$76,621.00 for City-wide holiday decorations moved to item 6.e.~~

Motion: Vice Mayor Moholland moved, Commissioner Marriott seconded, and the motion carried 5-0 to approve the November 4, 2024, City Commission Consent Agenda.

6. ORDINANCES

a. Public Hearing to Adopt Ordinance 2024-10: Change to Chapter 34 Emergency Management

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 34 – CIVIL EMERGENCIES, ARTICLE II – EMERGENCY MANAGEMENT, SECTION 34-31 – DEFINITIONS; SECTION 34-33 – LEGISLATIVE AUTHORITY; SECTION 34-37 – EMERGENCY MANAGEMENT COORDINATING COMMITTEE; SECTION 34-38 – DECLARATION OF STATE OF EMERGENCY; SECTION 34-40 – SUSPENSION OF LOCAL BUILDING REGULATIONS; SECTION 34-41 – TERMINATION OF STATE OF EMERGENCY; SECTION 34-42 – COMMISSION AUTHORITY LIMITATIONS; SECTION 34-44 – CONFLICTS; SECTION 34-45 – AUTHORITY IN EVACUATION ZONES; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER’S ERROR; PUBLICATION; AND AN EFFECTIVE DATE.

Motion: Commissioner Marriott moved, Vice Mayor Moholland seconded, and the motion carried 5-0 to adopt Ordinance 2024-10.

b. First Reading of Ordinance 2024-12: FY 2024 Budget Amendment #1

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR AN AMENDMENT TO THE BUDGET FOR FISCAL YEAR 2024 BY INCREASING APPROPRIATIONS FOR EXPENDITURE IN THE GENERAL FUND, RECLAIMED WATER FUND, AND ARPA FUND; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER’S ERROR; PUBLICATION; AND AN EFFECTIVE DATE.

Andrew Laflin, Interim Finance Director, briefed the Commission on the reasons for this budget amendment. He reviewed the attachments outlining the specific funds for appropriations.

Motion: Vice Mayor Moholland moved, Commissioner Marriott seconded, and the motion carried 5-0 to approve the first reading of Ordinance 2024-12.

c. Public Hearing to Adopt Emergency Ordinance 2024-11: Permitting Elevation of Nonconforming Residential Structures

AN EMERGENCY ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING FOR SIXTY DAYS THE CITY'S LAND DEVELOPMENT CODE DIVISION 3 – ADMINISTRATION OF THE LAND DEVELOPMENT CODE, SECTION 3.10 – VESTED RIGHTS AND NONCONFORMITIES; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

Based on the last two discussions, Mr. Berry reviewed the changes made to this Ordinance. This Ordinance provides for the conversion of the existing living standard of the structure to parking, storage, and access as allowed for the property's flood zone. Reconstruction of the residing level(s) of the structure above in the same footprint and floor height, provided that the overall height of the structure does not exceed the height allowable for the zoning district and allows for minimal staircase encroachment into the front yard when the applicant demonstrates a need.

Resident Beth Cole favored adopting this Ordinance and looks forward to researching it for her home.

Motion: Commissioner Marriott moved, Vice Mayor Moholland seconded, and the motion carried 5-0 to adopt Ordinance 2024-11.

d. Public Hearing to Adopt Ordinance 2024-14: Amending Emergency Ordinance 2024-09 to Address Florida Building Code Equipment Elevation Requirements

AN EMERGENCY ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING ORDINANCE 2024-09 PERTAINING TO DIVISION 6 – SUPPLEMENTAL REGULATIONS, SECTION 6.14. – ENCROACHMENT OF CERTAIN SPECIFIED ANCILLARY RESIDENTIAL EQUIPMENT INTO REQUIRED YARDS; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

Mr. Berry explained that on October 23rd, the Pinellas County Construction Licensing Board (PCCLB) ruled that equipment damaged by flood must be elevated above the floodplain when replaced, regardless of whether the home has sustained substantial damage. This Ordinance makes modifications to allow for in-place or marginally offset elevation of equipment to expedite recovery and habitation efforts.

Motion: Commissioner Marriott moved, Vice Mayor Moholland seconded, and the motion carried 5-0 to adopt Ordinance 2024-14.

e. Authorize the City Manager to enter into an agreement with Christmas Designers of Florida in the amount of \$76,621.00 for City-wide holiday decorations moved from Consent

Vice Mayor Moholland expressed hesitation in approving this and opined the funds might be better utilized towards disaster recovery.

Commissioner Robinson questioned whether the vendor would be amenable to reducing the amount or if the City could work with the vendor to remove some decorations.

Resident Travis Irwin favored keeping the decorations and lights to help give the City some sense of normalcy.

Motion: Commissioner Rzewnicki moved, Commissioner Marriott seconded, and the motion carried

3-2 to authorize the City Manager to enter into an agreement with Christmas Designers of Florida in the amount of \$76,621.00 for City-wide holiday decorations. Vice Mayor Moholland and Commissioner Robinson voted no.

7. ITEMS FOR DISCUSSION

None.

8. CITY CLERK, CITY MANAGER, CITY ATTORNEY, AND CITY COMMISSION REPORTS

Amber LaRowe, City Clerk – announced that the qualification period for District 2 and District 4 opened today at noon and closes on Friday, November 15th at noon. She reminded the Commission and the public that the City Hall Commission Chambers is a voting location for tomorrow's 5th election, from 7:00 a.m. to 7:00 p.m. If you usually vote at Warren Webster, please continue to use that as your voting location.

She mentioned that the 3rd quarter lobbyist reporting information was placed on the dais for the Commissioners' information.

Mrs. LaRowe discussed a beach steward who wishes to attend virtually. She reminded the Commission of a discussion during the June 25th meeting in which a Planning Board member was denied attendance virtually. She prefers that board members do not attend virtually or that the City create a policy or standard to give her the authority to grant such attendance.

Motion: Commissioner Rzewnicki moved, Commissioner Robinson seconded, and the motion carried 5-0 to extend the City Commission meeting [to 10:05 p.m.].

Mrs. LaRowe stated that board members have a chance to review the meeting calendar for the next year before adoption and encouraged them to request adjustments before adoption so that schedules do not conflict with meetings. She understands this beach steward is not unavailable due to extenuating circumstances [as identified in Attorney General Opinions as a 'reason' for virtual attendance]. The Commission agreed with the City Clerk and gave her the authority to deny virtual attendance unless emergency circumstances are found for this board member.

Frances Robustelli, City Manager -- mentioned that she would like to reschedule the half-day priority work session that was canceled due to the hurricanes; the City Clerk will reach out to schedule it.

She announced that the Community Center pool will reopen tomorrow. It will be open as a non-heated lap pool from 7:00 a.m. to 3:00 p.m.

Mrs. Robustelli touched on the \$2M Job Growth Grant from the Florida Department of Economic Opportunity (FDEO) awarded to the City in October 2023 for master pump station 1. The FDEO has expressed concerns to the City about the lack of progress on this project and has removed their funding. Staff are working with the FDEO to submit documents showing what the City has done to date; she will keep the Commission apprised of this situation.

Vice Mayor Moholland -- thanked Camden Mills, Denise Sanderson, and Luke Curtis for responding to his emails and questions.

Mr. Moholland mentioned the National Guard and debris collection. There was an issue with debris pickup in Pass-A-Grille due to a lack of flaggers. Flaggers are on their way, and he has been told that debris removal should begin shortly in the District.

He shared that more information would come regarding the Pass-A-Grille Beach walkovers and replacement garbage cans.

Vice Mayor Moholland announced the Beach Stewardship Committee Meeting is next week, November 13th, at 9:00 a.m.

Commissioner Rzewnicki – announced two community association meetings: Belle Vista will be on November 7th at 6:30 p.m., and the Don CeSar Property Owner’s Corporation (DCPOC) will have their meeting on November 13th at 6:00 p.m. in the Commission Chambers.

She thanked all the volunteers who had come out to help remove the debris from the beaches.

Commissioner Robinson – commented on the debris removal in District 2.

She will speak with residents at the Library on November 13th from 5:00 p.m. to 6:00 p.m.

Commissioner Marriott – enjoyed visiting the Sunday Market on Corey Avenue this weekend.

She mentioned that the Hurricane Recovery Event at the Library on Thursday begins at 10:00 a.m., and she plans to attend.

Mayor Petrila -- reiterated that voting will be at the City Hall Commission Chambers instead of the Community Center tomorrow.

He announced the Town Hall on Wednesday from 5:30 p.m. to 7:00 p.m. and encouraged the public to submit questions by filling out the form on the City’s website no later than 3:00 p.m. tomorrow. He also mentioned the Library Hurricane event on Thursday.

Mayor Petrila adjourned the meeting at 10:06 p.m.

MINUTES APPROVED:

AMBER LAROWE
CITY CLERK

ADRIAN PETRILA
MAYOR



**PROCLAMATION
EXTENDING THE DECLARATION OF LOCAL STATE OF EMERGENCY
FOR HURRICANE HELENE
(Extension No. 7)**

CITY OF ST. PETE BEACH

WHEREAS, on September 24, 2024, at 5:00 PM, the Honorable Mayor Adrian Petrila, in accordance with the City's Code of Ordinances, Chapter 34 – Civil Emergencies, Article II - Emergency Management, issued a Proclamation Declaring a Local State of Emergency for Hurricane Helene; and

WHEREAS, Hurricane Helene has passed St. Pete Beach, but its effects have been serious and widespread throughout the City causing extensive damage to public utilities, public buildings, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings and areas; and

WHEREAS, the City Manager has consulted with staff and the Mayor and the Mayor has determined and declared that it is in the best interest of the residents and property owners of the City of St. Pete Beach to extend the Declaration of Local State of Emergency for an additional seven (7) days, and utilize the powers granted under Chapter 252, Florida Statutes.

NOW, THEREFORE, I, Adrian Petrila, Mayor, of the City of St. Pete Beach, Florida, do hereby proclaim in accordance with the Code of Ordinances of the City of St. Pete Beach, Pursuant to Chapter 34 – Civil Emergencies, Article II - Emergency Management, the Declaration of Local Emergency shall be extended for an additional seven (7) days as follows:

IT IS FURTHER PROCLAIMED THAT the above "Whereas" clauses are approved and are incorporated herein.

IT IS FURTHER PROCLAIMED THAT the City of St. Pete Beach hereby exercises its authority and waives the procedures and formalities required by law of a political subdivision as provided in Section 252.38(3)(a)5, Florida Statutes, pertaining to:

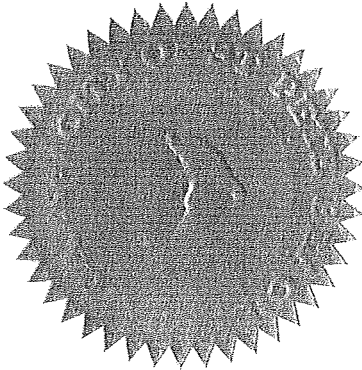
- Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
- Curfew Orders

- Entering into contracts;
- Incurring obligations;
- Employment of permanent and temporary workers;
- Utilization of volunteer workers;
- Rental of equipment;
- Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and
- Appropriation and expenditure of public funds

IT IS FURTHER PROCLAIMED THAT the enforcement of the provisions of the following emergency ordinances, pursuant to the City's Code of Ordinances, Chapter 34 – Civil Emergencies, Article II - Emergency Management, shall be in effect until the termination of the State of Local Emergency for Hurricane Helene.

IT IS FURTHER PROCLAIMED THAT this Proclamation will take effect at 5:00 PM on November 12, 2024, and shall expire seven (7) calendar days later unless extended (for periods not exceeding seven (7) calendar days at a time) by proclamation by the Mayor or as otherwise permitted by Florida Law or the City of St. Pete Beach Code of Ordinances.

IN WITNESS WHEREOF, I have here unto set my hand and caused the great Seal of the City of St Pete Beach, Florida, to be affixed this 12 day of November 2024.



Adrian Petrila

Adrian Petrila, Mayor

SOLE EXTENSION

Final Audit Report

2024-11-12

Created:	2024-11-12
By:	Amber LaRowe (CITYCLERK@stpetebeach.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAbpMawAaAU08UkmRBoZKDG5_Xf13EBRue

"SOLE EXTENSION" History

-  Document created by Amber LaRowe (CITYCLERK@stpetebeach.org)
2024-11-12 - 3:30:05 PM GMT
-  Document emailed to apetrila@stpetebeach.org for signature
2024-11-12 - 3:30:32 PM GMT
-  Email viewed by apetrila@stpetebeach.org
2024-11-12 - 3:31:44 PM GMT
-  Signer apetrila@stpetebeach.org entered name at signing as Adrian Petrila
2024-11-12 - 3:51:48 PM GMT
-  Document e-signed by Adrian Petrila (apetrila@stpetebeach.org)
Signature Date: 2024-11-12 - 3:51:50 PM GMT - Time Source: server
-  Agreement completed.
2024-11-12 - 3:51:50 PM GMT



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**PROCLAMATION
EXTENDING THE DECLARATION OF LOCAL STATE OF EMERGENCY
FOR HURRICANE HELENE
(Extension No. 8)**

CITY OF ST. PETE BEACH

WHEREAS, on September 24, 2024, at 5:00 PM, the Honorable Mayor Adrian Petrila, in accordance with the City's Code of Ordinances, Chapter 34 – Civil Emergencies, Article II - Emergency Management, issued a Proclamation Declaring a Local State of Emergency for Hurricane Helene; and

WHEREAS, Hurricane Helene has passed St. Pete Beach, but its effects have been serious and widespread throughout the City causing extensive damage to public utilities, public buildings, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings and areas; and

WHEREAS, the City Manager has consulted with staff and the Mayor and the Mayor has determined and declared that it is in the best interest of the residents and property owners of the City of St. Pete Beach to extend the Declaration of Local State of Emergency for an additional seven (7) days, and utilize the powers granted under Chapter 252, Florida Statutes.

NOW, THEREFORE, I, Adrian Petrila, Mayor, of the City of St. Pete Beach, Florida, do hereby proclaim in accordance with the Code of Ordinances of the City of St. Pete Beach, Pursuant to Chapter 34 – Civil Emergencies, Article II - Emergency Management, the Declaration of Local Emergency shall be extended for an additional seven (7) days as follows:

IT IS FURTHER PROCLAIMED THAT the above "Whereas" clauses are approved and are incorporated herein.

IT IS FURTHER PROCLAIMED THAT the City of St. Pete Beach hereby exercises its authority and waives the procedures and formalities required by law of a political subdivision as provided in Section 252.38(3)(a)5, Florida Statutes, pertaining to:

- Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
- Curfew Orders

- Entering into contracts;
- Incurring obligations;
- Employment of permanent and temporary workers;
- Utilization of volunteer workers;
- Rental of equipment;
- Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and
- Appropriation and expenditure of public funds

IT IS FURTHER PROCLAIMED THAT the enforcement of the provisions of the following emergency ordinances, pursuant to the City's Code of Ordinances, Chapter 34 – Civil Emergencies, Article II - Emergency Management, shall be in effect until the termination of the State of Local Emergency for Hurricane Helene.

IT IS FURTHER PROCLAIMED THAT this Proclamation will take effect at 5:00 PM on November 19, 2024, and shall expire seven (7) calendar days later unless extended (for periods not exceeding seven (7) calendar days at a time) by proclamation by the Mayor or as otherwise permitted by Florida Law or the City of St. Pete Beach Code of Ordinances.

IN WITNESS WHEREOF, I have here unto set my hand and caused the great Seal of the City of St Pete Beach, Florida, to be affixed this ____ day of _____ 2024.

Adrian Petrila, Mayor



**PROCLAMATION
EXTENDING THE DECLARATION OF LOCAL STATE OF EMERGENCY FOR
HURRICANE MILTON
(Extension No. 5)**

CITY OF ST. PETE BEACH

WHEREAS, on October 7, 2024, at 8:30 AM, the Honorable Mayor Adrian Petrila, in accordance with the City's Code of Ordinances, Chapter 34 – Civil Emergencies, Article II – Emergency Management, issued a Proclamation Declaring a Local State of Emergency for Tropical Storm/Hurricane Milton; and

WHEREAS, Hurricane Milton has passed St. Pete Beach, but its effects have been serious and widespread throughout the City, causing extensive damage to public utilities, public buildings, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings and areas; and

WHEREAS, the City Manager has consulted with staff and the Mayor and the Mayor has determined and declared that it is in the best interest of the residents and property owners of the City of St. Pete Beach to extend the Declaration of Local State of Emergency for an additional seven (7) days, and utilize the powers granted under Chapter 252, Florida Statutes.

NOW, THEREFORE, I, Adrian Petrila, Mayor, of the City of St. Pete Beach, Florida, do hereby proclaim in accordance with the Code of Ordinances of the City of St. Pete Beach, pursuant to Chapter 34 – Civil Emergencies, Article II – Emergency Management, the Declaration of the Local State of Emergency shall be extended for an additional seven (7) days as follows:

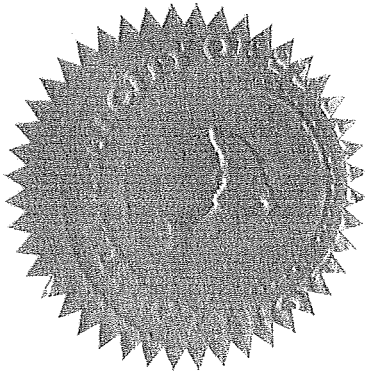
IT IS FURTHER PROCLAIMED THAT the above "Whereas" clauses are approved and are incorporated herein.

IT IS FURTHER PROCLAIMED THAT the City of St. Pete Beach hereby exercises its authority and waives the procedures and formalities required by law of a political subdivision as provided in Section 252.38(3)(a)5, Florida Statutes, pertaining to:

- Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
- Curfew Orders
- Entering into contracts;
- Incurring obligations;
- Employment of permanent and temporary workers;
- Utilization of volunteer workers;
- Rental of equipment;
- Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and
- Appropriation and expenditure of public funds

IT IS FURTHER PROCLAIMED THAT the enforcement of the provisions of the following emergency ordinances, pursuant to the City's Code of Ordinances, Chapter 34 – Civil Emergencies, Article II - Emergency Management, shall be in effect until the termination of the State of Local Emergency for Hurricane Milton.

IT IS FURTHER PROCLAIMED THAT this Proclamation will take effect on November 11, 2024, and shall expire seven (7) calendar days later unless extended (for periods not exceeding seven (7) calendar days at a time) by proclamation by the Mayor or as otherwise permitted by Florida Law or the City of St. Pete Beach Code of Ordinances.



IN WITNESS WHEREOF, I have here unto set my hand and caused the great Seal of the City of St Pete Beach, Florida, to be affixed this 12 day of November 2024.

Adrian Petrila

Adrian Petrila, Mayor

Signature: Adrian Petrila
Adrian Petrila (Nov 12, 2024 10:51 EST)

Email: apetrila@stpetebeach.org

SOLE EXTENSION

Final Audit Report

2024-11-12

Created:	2024-11-12
By:	Amber LaRowe (CITYCLERK@stpetebeach.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAbpMawAaAU08UkmRBoZKDG5_Xfl3EBRue

"SOLE EXTENSION" History

-  Document created by Amber LaRowe (CITYCLERK@stpetebeach.org)
2024-11-12 - 3:30:05 PM GMT
-  Document emailed to apetrila@stpetebeach.org for signature
2024-11-12 - 3:30:32 PM GMT
-  Email viewed by apetrila@stpetebeach.org
2024-11-12 - 3:31:44 PM GMT
-  Signer apetrila@stpetebeach.org entered name at signing as Adrian Petrila
2024-11-12 - 3:51:48 PM GMT
-  Document e-signed by Adrian Petrila (apetrila@stpetebeach.org)
Signature Date: 2024-11-12 - 3:51:50 PM GMT - Time Source: server
-  Agreement completed.
2024-11-12 - 3:51:50 PM GMT



Adobe Acrobat Sign



**PROCLAMATION
EXTENDING THE DECLARATION OF LOCAL STATE OF EMERGENCY FOR
HURRICANE MILTON
(Extension No. 6)**

CITY OF ST. PETE BEACH

WHEREAS, on October 7, 2024, at 8:30 AM, the Honorable Mayor Adrian Petrila, in accordance with the City's Code of Ordinances, Chapter 34 – Civil Emergencies, Article II – Emergency Management, issued a Proclamation Declaring a Local State of Emergency for Tropical Storm/Hurricane Milton; and

WHEREAS, Hurricane Milton has passed St. Pete Beach, but its effects have been serious and widespread throughout the City, causing extensive damage to public utilities, public buildings, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings and areas; and

WHEREAS, the City Manager has consulted with staff and the Mayor and the Mayor has determined and declared that it is in the best interest of the residents and property owners of the City of St. Pete Beach to extend the Declaration of Local State of Emergency for an additional seven (7) days, and utilize the powers granted under Chapter 252, Florida Statutes.

NOW, THEREFORE, I, Adrian Petrila, Mayor, of the City of St. Pete Beach, Florida, do hereby proclaim in accordance with the Code of Ordinances of the City of St. Pete Beach, pursuant to Chapter 34 – Civil Emergencies, Article II – Emergency Management, the Declaration of the Local State of Emergency shall be extended for an additional seven (7) days as follows:

IT IS FURTHER PROCLAIMED THAT the above “Whereas” clauses are approved and are incorporated herein.

IT IS FURTHER PROCLAIMED THAT the City of St. Pete Beach hereby exercises its authority and waives the procedures and formalities required by law of a political subdivision as provided in Section 252.38(3)(a)5, Florida Statutes, pertaining to:

- Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
- Curfew Orders
- Entering into contracts;
- Incurring obligations;
- Employment of permanent and temporary workers;
- Utilization of volunteer workers;
- Rental of equipment;
- Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and
- Appropriation and expenditure of public funds

IT IS FURTHER PROCLAIMED THAT the enforcement of the provisions of the following emergency ordinances, pursuant to the City’s Code of Ordinances, Chapter 34 – Civil Emergencies, Article II - Emergency Management, shall be in effect until the termination of the State of Local Emergency for Hurricane Milton.

IT IS FURTHER PROCLAIMED THAT this Proclamation will take effect on November 18, 2024, and shall expire seven (7) calendar days later unless extended (for periods not exceeding seven (7) calendar days at a time) by proclamation by the Mayor or as otherwise permitted by Florida Law or the City of St. Pete Beach Code of Ordinances.

IN WITNESS WHEREOF, I have here unto set my hand and caused the great Seal of the City of St Pete Beach, Florida, to be affixed this ____ day of _____ 2024.

Adrian Petrila, Mayor

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

Agenda Report

Agenda Title Name: Adopt Resolution 2024-28 authorizing the Mayor to execute The Corey Avenue Neighborhood Historic Survey Grant Agreement

Action Request: Motion to adopt Resolution 2024-28

Strategic Objective: Historic Preservation

Date: November 19, 2024

Prepared By: Denise Sanderson, Community Development Director

Through: Frances Robustelli, City Manager

Summary of Issue: The City was awarded a grant in the amount of \$50,000 by the Florida Department of State, Division of Historical Resources, to perform a historical resources survey of the Corey Avenue area. There is no match required by the City for this grant as Certified Local Governments (those who have a historic preservation ordinance) are exempt from this requirement. Acceptance of the terms in the Award Agreement is necessary to receive the grant. The project will be completed within 12 months and is comprised of a Request for Proposals, consultant selection, scoping phase, survey of neighborhood, preparation of written report, and presentation of findings to Historic Preservation Board and City Commission.

Funding: N/A

Attachments:

1. Resolution 2024-28- Corey Avenue Neighborhood Historic Survey LR
2. Map of Corey Survey Area Boundries
3. 25.h.sm.200.070 GAA Unsigned v2
4. Corey Grant Application

RESOLUTION 2024-28

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE THE COREY AVENUE NEIGHBORHOOD HISTORIC SURVEY GRANT AGREEMENT, INCLUDING ANY AMENDMENTS WITH THE STATE OF FLORIDA DEPARTMENT OF STATE, DIVISION OF HISTORICAL RESOURCES, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of St. Pete Beach desires to survey historic properties within the City.

WHEREAS, the City of St. Pete Beach has received a \$50,000.00 grant award from the State of Florida Department of State, Division of Historical Resources.

WHEREAS, this appropriation is to be used for an historical survey of the *Corey Avenue Neighborhood Historic Survey* and specifically highlighted on the attached map entitled “Corey Avenue Grant Survey Boundaries” and further identified on the map as “Built 1975 & Earlier.”

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, THAT:

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

SECTION 2. The City Commission hereby authorizes the Mayor to enter into the Corey Avenue Historic Survey Grant Agreement, including any Amendments, with the State of Florida Department Grant Agreement as identified in this resolution the requested conditional use permit application number #24038, incorporated herein by reference, and with the list of conditions enumerated in Exhibit “A” incorporated herein.

SECTION 3. Effective Date. This resolution shall take effect immediately upon adoption.

PASSED AND APPROVED BY THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, THIS _____ DAY OF _____, 2024.

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

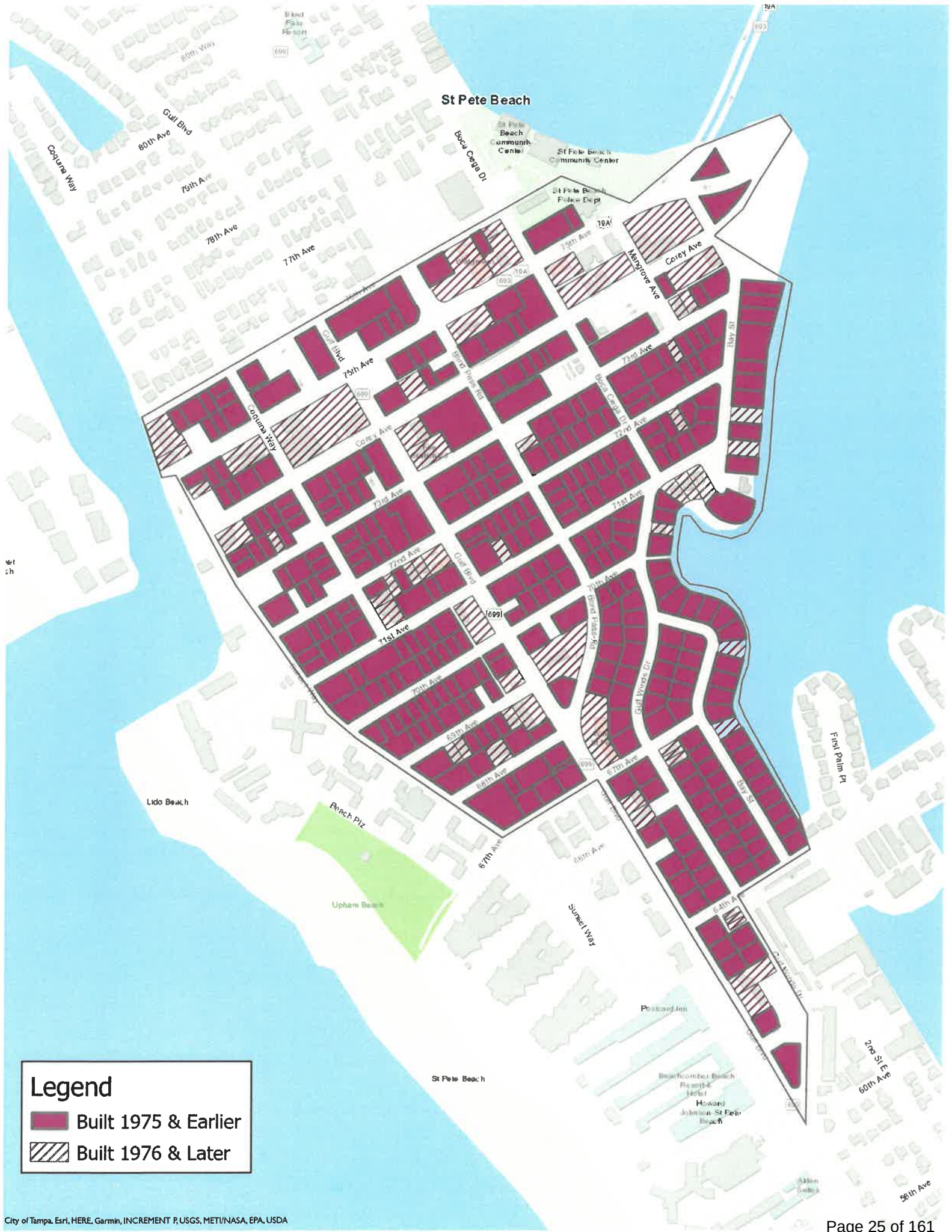
Adrian Petrilla, Mayor

ATTEST:

Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Ralf Brookes, City Attorney



AGREEMENT BETWEEN
THE STATE OF FLORIDA, DEPARTMENT OF STATE
AND
City of St. Pete Beach
25.h.sm.200.070

This Agreement is by and between the State of Florida, Department of State, Division of Historical Resources hereinafter referred to as the "Division," and the City of St. Pete Beach hereinafter referred to as the "Grantee."

The Grantee has been awarded a Small Matching Grant by the Division, grant number 25.h.sm.200.070 for the Project "Corey Avenue Area Historic Resources Survey," in the amount of \$50,000 ("Grant Award Amount"). The Division enters into this Agreement pursuant to Line Item 3226, contained in the 2025 General Appropriations Act, HB5001, Laws of Florida. The Division has the authority to administer this grant in accordance with Section 267.0617, *Florida Statutes*.

In consideration of the mutual covenants and promises contained herein, the parties agree as follows:

1. **Grant Purpose.** This grant shall be used exclusively for the "Corey Avenue Area Historic Resources Survey," the public purpose for which these funds were appropriated.

- a) The Grantee shall perform the following **Scope of Work**:

Grant funds will be used to hire a professional historic preservation consultant to conduct a historic resources survey in the Corey Avenue neighborhood in St. Pete Beach including a survey report conforming to Chapter 1A-46, Florida Administration Code (FAC), and a minimum of three hundred and forty-two (342) new/updated Florida Master Site File forms (FMSF).

All tasks associated with the Project shall meet the requirements set forth in this agreement.

- b) The Grantee agrees to provide the following **Deliverables** and **Performance Measures** related to the Scope of Work for payments to be awarded.

#	Payment Type	Deliverable Description	Documentation	Payment Amount
1	Fixed Price	Submit a copy of the historic preservation consultant's credentials and a survey timeline to the Division for review and approval.	One (1) copy of the historic preservation consultant's credentials; One (1) copy of the survey timeline.	\$12,500
2	Fixed Price	Complete and submit five (5) FMSF forms, including maps and photographs, to the Division for review and approval and submit an outline of the survey report for review and comment.	Five (5) completed FMSF forms, including maps and photographs; outline of the survey report.	\$12,500

3	Fixed Price	Complete and submit a complete and final draft survey report conforming to Chapter 1A-46, FAC, to the Division for review and approval.	One (1) electronic copy of the complete and final draft survey report conforming to Chapter 1A-46, FAC.	\$12,500
4	Fixed Price	Complete and submit a minimum of three hundred and forty-two (342) FMSF forms, including photographs and maps, and a final survey report, conforming to Chapter 1A-46, FAC, to the Division for review and approval. In addition, a Single Audit Form shall be completed by the Grantee and submitted along with the Final Progress Report prior to final payment; documentation to support all paid expenditures including detailed paid invoices, bank records, and canceled checks.	One (1) electronic and one (1) hard copy of a minimum of three hundred and forty-two (342) FMSF forms, including photographs and maps; One (1) electronic and one (1) hard copy of the final survey report, conforming to Chapter 1A-46, FAC; One (1) Single Audit Form; One (1) copy of the final progress report; documentation to support all paid expenditures including detailed paid invoices, bank records, and canceled checks.	\$12,500
Totals				\$50,000

- c) The Grantee has provided an Estimated Project Budget based upon reasonable expenditures projected to accomplish the Grantee's Scope of Work and Deliverables outlined in the Agreement. The Budget provides details of how grant and match funds will be spent. All expenditures shall be in accordance with this budget (which is incorporated as part of this Agreement and entitled Attachment A) and must be incurred during the term of this Agreement, as stated in Section 2 of this Agreement.

2. **Length of Agreement.** This Agreement shall begin on 07/01/24, and shall end 06/30/25, unless terminated in accordance with the provisions of Section 34 of this Agreement. Contract extensions will not be granted unless Grantee is able to provide substantial written justification and the Division approves such extension. The Grantee's written request for such extension must be submitted to the Division no later than thirty (30) days prior to the termination date of this Agreement and no amendment will be valid until a written amendment is signed by both parties as required in Section 7 and Section 15 of this Agreement.
3. **Contract Administration.** The parties are legally bound by the requirements of this Agreement. Each party's contract manager, named below, will be responsible for monitoring its performance under this Agreement, and will be the official contact for each party. Any notice(s) or other communications in regard to this agreement shall be directed to or delivered to the other party's contract manager by utilizing the information below. Any change in the contact information below shall be submitted in writing to the contract manager within 10 days of the change.

For the Division of Historical Resources:

Alexa Wilson
Florida Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, FL 32399

Phone: 850.245.6372
Email: Alexa.Wilson@dos.myflorida.com

For the Grantee:

Contact: Lynn Rosetti
Address: 155 Corey Ave St Pete Beach Florida 33706
Phone: 727.744.3783
Email: lrosetti@stpetebeach.org

4. **Grant Payments.** All grant payments are requested online via www.dosgrants.com by submitting a payment request with documentation that the deliverable has been completed. The total grant award shall not exceed the Grant Award Amount, which shall be paid by the Division in consideration for the Grantee's minimum performance as set forth by the terms and conditions of this Agreement. Grant payment requests are not considered complete for purposes of payment until review of the deliverables for compliance with the terms and conditions of this Agreement by the appropriate Division staff is complete and approval of the deliverable given. The grant payment schedule is outlined below:
 - a) All payments will be made in the amounts identified with the Deliverables in Section 1 of this agreement.
 - b) All payments will be made in accordance with the completion of those Deliverables.
5. **Electronic Payments.** The Grantee can choose to use electronic funds transfer (EFT) to receive grant payments. All grantees wishing to receive their award through electronic funds transfer must submit a Direct Deposit Authorization form to the Florida Department of Financial Services (DFS). If EFT has already been set up for the organization and a payment has been received at the account in the past year, the Grantee does not need to submit another authorization form unless the organization has changed bank accounts. If the grantee has not received a payment at the account in the past year, they should check with DFS at (850) 413-5517 or e-mail at DirectDeposit@MyFloridaCFO.com to see if their EFT request is still active. The authorization form is accessible at https://www.myfloridacfo.com/docssf/accounting-and-auditing-libraries/vendors/vendor-relations/dfs-a1-26e-direct-depositvendors.pdf?sfvrsn=eff728cf_16 where information pertaining to payment status is also available.
6. **Florida Substitute Form W-9.** A completed Substitute Form W-9 is required from any entity that receives a payment from the State of Florida that may be subject to 1099 reporting. The Department of Financial Services (DFS) must have the correct Taxpayer Identification Number (TIN) and other related information in order to report accurate tax information to the Internal Revenue Service (IRS). To register or access a Florida Substitute Form W-9 visit <https://flvendor.myfloridacfo.com/>. **A copy of the Grantee's Florida Substitute Form W-9 must be submitted to the Division, as required, in advance of or with the executed Agreement.**
7. **Amendment to Agreement.** Either party may request modification of the provisions of this Agreement by contacting the Division to request an Amendment to the Contract. **Changes which are agreed upon shall be valid only when in writing, signed by each of the parties, and attached to the original of this Agreement.** If changes are implemented without the Division's written approval, the organization is subject to noncompliance, and the grant award is subject to reduction, partial, or complete refund to the State of Florida and termination of this agreement.
8. **Financial Consequences.** The Department shall apply the following financial consequences for failure to perform the minimum level of services required by this Agreement in accordance with Sections 215.971 and

287.058, *Florida Statutes*.

- a) Any advanced funds will be returned to the State of Florida if unexpended within the first 3 months of disbursement.
- b) Payments will be withheld for failure to complete services as identified in the Scope of Work and Deliverables, provide documentation that the deliverable has been completed, or demonstrate the appropriate use of state funds.
- c) If the grantee has spent less than the Grant Award Amount in state funds to complete the Scope of Work, the final payment will be reduced by an amount equal to the difference between spent state dollars and the Grant Award Amount.
- d) The Division may reduce individual payments by 10% if the completed Deliverable does not meet the Secretary of the Interior's Standards and Guidelines or other industry standards applicable to the project.

The Division shall reduce total grant funding for the Project in direct proportion to match contributions not met by the end of the grant period. This reduction shall be calculated by dividing the actual match amount by the required match amount indicated in the Agreement and multiplying the product by the Grant Award Amount indicated in the Agreement. Pursuant to Section 17, Grantee shall refund to the Division any excess funds paid out prior to a reduction of total grant funding.

9. Additional Special Conditions.

Survey Projects.

- a) The Grantee shall submit survey project contracts to the Division for review and approval prior to execution.
- b) A 1A-32 permit must be obtained from the Bureau of Archaeological Research prior to the beginning of fieldwork conducted in state lands and a copy submitted to the Division, if applicable.
- c) For historical structure and archaeological survey projects, the Grantee shall follow the historic structure and archaeological survey guidelines as outlined in the documents found online at <https://dos.myflorida.com/historical/grants/small-matching-grants/>. The survey report shall conform to Chapter 1A-46, Florida Administrative Code.

10. Credit Line(s) to Acknowledge Grant Funding. Pursuant to Section 286.25, *Florida Statutes*, in publicizing, advertising, or describing the sponsorship of the program the Grantee shall include the following statement:

- a) "This project is sponsored in part by the Department of State, Division of Historical Resources and the State of Florida." Any variation in this language must receive prior approval in writing by the Division.
- b) All site-specific projects must include a Project identification sign, with the aforementioned language, that must be placed on site. The cost of preparation and erection of the Project identification sign are allowable project costs. Routine maintenance costs of Project signs are not allowable project costs. A photograph of the aforementioned sign must be submitted to the Division as soon as it is erected. Non-site-specific projects that produce report(s) must include the aforementioned language in the report.

- 11. Encumbrance of Funds.** The Grantee shall execute a binding contract for at least a part of the Scope of Work by September 30, except as allowed below.
- a) **Extension of Encumbrance Deadline:** The encumbrance deadline indicated above may be extended by written approval of the Division. To be eligible for this extension, the Grantee must demonstrate to the Division that encumbrance of grant funding and the required match by binding contract(s) is achievable by the end of the requested extended encumbrance period. The Grantee's written request for extension of the encumbrance deadline must be submitted to the Department no later than fifteen (15) days prior to the encumbrance deadline indicated above.
 - b) **Encumbrance Deadline Exception:** For projects not involving contract services the Grantee and the Department shall consult on a case-by-case basis to develop an acceptable encumbrance schedule.
- 12. Grant Reporting Requirements.** The Grantee must submit the following reports to the Division. All reports shall document the completion of any deliverables/tasks, expenses and activities that occurred during that reporting period. All reports on grant progress will be submitted online via www.dosgrants.com.
- a) **Total Compensation Paid to Non-Profit Personnel Report:**

If applicable, the Grantee shall complete and return to the Division within 30 days of the execution of this Agreement Attachment C, entitled "Total Compensation Paid to Non-Profit Personnel Using State Funds" which shall satisfy the requirement to provide documentation that indicates the amount of state funds:

 - i. Allocated to be used during the full term of the contract for remuneration to any member of the board of directors or an officer of the contractor.
 - ii. Allocated under each payment by the public agency to be used for remuneration of any member of the board of directors or an officer of the contractor. The documentation must indicate the amounts and recipients of the remuneration.

"State funds" means funds paid from the General Revenue Fund or any state trust fund, funds allocated by the Federal Government and distributed by the state, or funds appropriated by the state for distribution through any grant program. The term does not include funds used for the state Medicaid program.
 - b) **First Project Progress Report** is due by October 31, for the period ending September 30.
 - c) **Second Project Progress Report** is due by January 31, for the period ending December 31.
 - d) **Third Project Progress Report** is due by April 30, for the period ending March 31.
 - e) **Final Report.** The Grantee must submit a Final Report to the Division within one month of the Grant Period End Date set forth in Section 2 above.
- 13. Matching Funds.** The Grantee is required to provide a 100% match of the Grant Award Amount. Of the required match, a minimum of 25% must be cash on hand. The remaining match may include in-kind services, volunteer labor, donated materials, and additional cash. For projects located in Rural Economic Development Initiative (REDI) counties or communities that have been designated in accordance with Sections 288.0656 and 288.06561, *Florida Statutes*, Grantees may request a waiver of the match amount. Grantees that are Certified Local

Government (CLG) organizations and Main Street Program organizations are not required to provide a match. The Grantee must submit documentation that the minimum match requirements have been met and provide to the Division documentation evidencing expenses incurred to comply with this requirement.

- 14. Grant Completion Deadline.** The grant completion deadline is the end date of this Agreement set forth in Section 2 above. The Grant Completion Deadline is the date when all grant and matching funds have been paid out or incurred in accordance with the work described in the Scope of Work, detailed in the Estimated Project Budget. If the Grantee finds it necessary to request an extension of the Grant Completion Deadline, an Amendment to the Agreement must be executed as per Section 7, and the stipulations in Section 15 must be met.
- 15. Extension of the Grant Completion Deadline.** An extension of the completion date must be requested at least thirty (30) days prior to the end of the Grant Period and may not exceed 30 days, unless the Grantee can clearly demonstrate extenuating circumstances. An extenuating circumstance is one that is beyond the control of the Grantee, and one that prevents timely completion of the Project such as a natural disaster, death or serious illness of the individual responsible for the completion of the Project, litigation related to the Project, or failure of the contractor or architect to provide the services for which they were contracted to provide. An extenuating circumstance does not include failure to read or understand the administrative requirements of a grant or failure to raise sufficient matching funds. Changes to the original completion deadline shall be valid only when requested in writing, approved by the Division, and an Amendment to the Agreement has been executed by both parties and attached to the original of this Agreement. The Grantee must provide documentation that a portion of the grant funds and match contributions are encumbered and demonstrate to the satisfaction of the Division that project work is progressing at a rate such that completion is achievable within the extended Grant Period.
- 16. Non-allowable Grant Expenditures.** The Grantee agrees to expend all grant funds received under this agreement solely for the purposes for which they were authorized and appropriated. Expenditures shall be in compliance with the state guidelines for allowable Project costs as outlined in the Department of Financial Services' Reference Guide for State Expenditures (revised 11/1/2019), which are incorporated by reference and are available online at https://www.myfloridacfo.com/docs-sf/accounting-and-auditing-libraries/stateagencies/reference-guide-for-state-expenditures.pdf?sfvrsn=b4cc3337_2. The following categories of expenditures are non-allowable for expenditure of grant funds and as contributions to required match:
 - a) Expenditures for work not included in the Scope of Work of the executed Grant Award Agreement;
 - b) Costs of goods and services not procured in accordance with procurement procedures set forth in the Grant Award Agreement;
 - c) Costs not consistent with the grant project type, as described in section V.C.2. of the program guidelines and as selected in the application;
 - d) Expenses incurred or obligated prior to or after the Grant Period, as indicated in the Grant Award Agreement;
 - e) Expenses associated with lobbying or attempting to influence Federal, State or local legislation, the judicial branch or any state agency;
 - f) Expenditures for work not consistent with the applicable historic preservation standards as outlined in the Secretary of the Interior's Guidelines available at <https://www.nps.gov/orgs/1739/secretarystandards-treatment-historic-properties> or applicable industry standards;

- g) Costs for projects having as their primary purpose the fulfillment of Federal or State historic preservation regulatory requirements, including costs of consultation and mitigation measures required under Section 106 of the National Historic Preservation Act of 1966, as amended, or under Section 267.031, F.S.;
- h) Projects directed at activities or Historic Properties that are restricted to private or exclusive participation or access, which shall include restricting access on the basis of sex, race, color, religion, national origin, disability, age, pregnancy, handicap or marital status;
- i) Entertainment, food, beverages, plaques, awards or gifts;
- j) Costs or value of donations or In-kind Contributions not documented in accordance with the provisions of the Grant Award Agreement;
- k) Indirect costs including Grantee overhead, management expenses, general operating costs and other costs that are not readily identifiable as expenditures for the materials and services required to complete the work identified in the Scope of Work in the Grant Award Agreement. Examples of indirect costs include: rent/mortgage, utilities, janitorial services, insurance, accounting, internet service, monthly expenses associated to security systems, non-grant related administrative and clerical staffing, marketing and fundraising activities;
- l) Administrative and project management expenditures such as expenditures that are directly attributable to management of the grant-assisted Project and meeting the reporting and associated requirements of the Grant Award Agreement, whether grant expenditures or match contributions, which in aggregate exceed 5% of the grant award amount;
- m) Grantee operational support (i.e., organization salaries not directly related to grant activities; travel expenditures; per diem; or supplies);
- n) Insurance costs;
- o) Capital improvements to property;
- p) Planning activities for the interior of Religious Properties (Exception: planning related to structural elements of the building. Examples include: foundation repairs, repairs to columns, load bearing wall framing, roof framing, masonry repairs, window and exterior door repairs and restoration practices associated with the building envelope);
- q) Planning for accessibility improvements for Religious Properties;
- r) Furniture, including but not limited to: desks, tables, seating, rugs and mats, artwork and decorations, window treatments, case goods (including cabinets, countertops, or bookshelves) with no historic precedent, systems' furniture, movable partitions and acoustical treatments and components, unless specific prior approval has been granted by the Division;
- s) Equipment
 - 1. Purchase of all equipment directly or indirectly related to the project is non-allowable, even if such equipment is necessary for the completion of the project. Non-allowable equipment includes, but is not limited to, portable sound systems, specialty fixtures and equipment, visual display units, televisions, appliances, computers, cameras, printers, scanners, projection systems, portable light fixtures, and

total stations, anchors and other objects needed to operate boats and ships, pumps, jacks, and other tools, unless specific prior approval has been granted by the Division

2. If special equipment is required for completion of the Project, it shall be rented for the grant term unless it can be shown that acquiring the equipment is cheaper than renting the equipment and approval has been provided by the Division as part of the documentation presented at the time of application. If the value of special equipment is to be used as a match contribution, the value of the match contribution shall be limited to the cost of rental for the Grant Period at the market rate for such rental in the region. Approved special equipment purchased with grant funds that cost more than \$5,000 and have a useful life of more than one year will be returned to the Department at the end of the grant period, prior to final payment

- t) Supplies that will not be consumed in use during the duration of this project;
- u) Maintenance of boats, cars, trailers or other vehicles;
- v) Costs associated with attending or hosting conferences, summits, workshops or presentations including facility rental fees (Exception: municipal or county required public meetings necessary for completion of the grant-assisted project);
- w) Travel expenditures, including those of personnel responsible for items of work approved by the Division, administrative personnel, contracted or subcontracted employees, either for purposes of work on-site or research off-site; and
- x) Tuition waivers, fees, and other non-grant related costs associated with employing students for grant projects.

17. **Unobligated and Unearned Funds and Allowable Costs.** In accordance with Section 215.971, *Florida Statutes*, the Grantee shall refund to the State of Florida any balance of unobligated funds which has been advanced or paid to the Grantee. In addition, funds paid in excess of the amount to which the recipient is entitled under the terms and conditions of the agreement must be refunded to the state agency. Further, the recipient may expend funds only for allowable costs resulting from obligations incurred during the specified agreement period. Expenditures of state financial assistance must be in compliance with the laws, rules, and regulations applicable to expenditures of State funds, including, but not limited to, the *Reference Guide for State Expenditures*.
18. **Repayment.** All refunds or repayments to be made to the Department under this Agreement are to be made payable to the order of the "Department of State" and mailed directly to the following address: Florida Department of State, Attention: Grants Program Supervisor, Division of Historical Resources, 500 South Bronough Street Tallahassee, FL 32399. In accordance with Section 215.34(2), *Florida Statutes*, if a check or other draft is returned to the Department for collection, Grantee shall pay to the Department a service fee of \$15.00 or five percent (5%) of the face amount of the returned check or draft, whichever is greater.
19. **Single Audit Act.** Each Grantee, other than a Grantee that is a State agency, shall submit to an audit pursuant to Section 215.97, *Florida Statutes*. See Attachment B for additional information regarding this requirement.
20. **Retention of Accounting Records.** Financial records, supporting documents, statistical records, and all other records including electronic storage media pertinent to the Project shall be retained for a period of five (5) years

after the close out of the grant. If any litigation or audit is initiated, or claim made, before the expiration of the five-year period, the records shall be retained until the litigation, audit, or claim has been resolved.

21. **Obligation to Provide State Access to Grant Records.** The Grantee must make all grant records of expenditures, copies of reports, books, and related documentation available to the Division or a duly authorized representative of the State of Florida for inspection at reasonable times for the purpose of making audits, examinations, excerpts, and transcripts.
22. **Obligation to Provide Public Access to Grant Records.** The Division reserves the right to unilaterally cancel this Agreement in the event that the Grantee refuses public access to all documents or other materials made or received by the Grantee that are subject to the provisions of Chapter 119, *Florida Statutes*, known as the *Florida Public Records Act*. The Grantee must immediately contact the Division's Contract Manager for assistance if it receives a public records request related to this Agreement.
23. **Investment of Funds Received But Not Paid Out.** The Grantee may temporarily invest any or all grant funds received but not expended, in an interest bearing account pursuant to Section 216.181(16)(b), *Florida Statutes*. Interest earned on such investments should be returned to the Division quarterly, except that interest accrued less than \$100 within any quarter may be held until the next quarter when the accrued interest totals more than \$100. All interest accrued and not paid to the Division, regardless of amount, must be submitted with the Grantee's final Progress Report at the end of the Grant Period.
24. **Noncompliance with Grant Requirements.** Any Grantee that has not submitted required reports or satisfied other administrative requirements for this grant or other Division of Historical Resources grants or grants from any other Florida Department of State (DOS) Division will be in noncompliance status and subject to the DOS Grants Compliance Procedure. Grant compliance issues must be resolved before a grant award agreement may be executed, and before grant payments for any DOS grant may be released.
25. **Accounting Requirements.** The Grantee must maintain their financial records in such a manner that provides a complete record of the use of all grant funds as follows:
 - a) The records must be able to specifically provide an audit trail that traces the receipt, maintenance, and expenditure of state funds;
 - b) Accounting records must adequately identify the sources and application of funds for all grant activities and must classify and identify grant funds by using the same budget categories as approved in the grant application. If Grantee's accounting records accumulate data in a different format than the one specified in this agreement, subsidiary records must document and reconcile the amounts shown in the Grantee's accounting records to those amounts reported to the Division.
 - c) An interest-bearing checking account or accounts in a state or federally chartered institution may be used for revenues and expenses described in the Scope of Work and detailed in the Estimated Project Budget.
 - d) The Grantee's accounting records must have effective control over and accountability for all funds, property, and other assets; and
 - e) Accounting records must be supported by source documentation and be in sufficient detail to allow for a proper pre-audit and post-audit (such as invoices, bills, and canceled checks).

- 26. Accounting Documentation** For every expense related to the use of grant or match funds and in-kind contributions the Grantee must submit documentation that demonstrates the expense and/or contribution as follows:
- a) For all non-personnel costs, the Grantee must provide invoices/receipts and proof of payment (i.e. canceled/processed checks or bank statements). If these costs are donated in-kind contributions, the grantee must justify the donated value.
 - b) For personnel costs, the Grantee must provide timesheets that are signed by the employee documenting the hours worked, include the cost per hour, and demonstrate a clear relationship to the submitted payment documentation. If donated in-kind, justify the donated hourly value.
 - c) All costs are required to be reconciled using the “Expenditure Log” in DOSgrants.com. All entries in this log must be supported by the documentation requirements described in this section.
- 27. Availability of State Funds.** The State of Florida’s performance and obligation to pay under this Agreement are contingent upon an annual appropriation by the Florida Legislature, or the United States Congress in the case of a federally funded grant. In the event that the state or federal funds upon which this Agreement is dependent are withdrawn, this Agreement will be automatically terminated and the Division shall have no further liability to the Grantee, beyond those amounts already released prior to the termination date. Such termination will not affect the responsibility of the Grantee under this Agreement as to those funds previously distributed. In the event of a state revenue shortfall, the total grant may be reduced accordingly.
- 28. Independent Contractor Status of Grantee.** The Grantee, if not a state agency, agrees that its officers, agents and employees, in performance of this Agreement, shall act in the capacity of independent contractors and not as officers, agents, or employees of the state. The Grantee is not entitled to accrue any benefits of state employment, including retirement benefits and any other rights or privileges connected with employment by the State of Florida.
- 29. Grantee's Subcontractors.** The Grantee shall be responsible for all work performed and all expenses incurred in connection with this Agreement. The Grantee may subcontract, as necessary, to perform the services and to provide commodities required by this Agreement. The Division shall not be liable to any subcontractor(s) for any expenses or liabilities incurred under the Grantee’s subcontract(s), and the Grantee shall be solely liable to its subcontractor(s) for all expenses and liabilities incurred under its subcontract(s). The Grantee must take the necessary steps to ensure that each of its subcontractors will be deemed to be “independent contractors” and will not be considered or permitted to be agents, servants, joint ventures, or partners of the Division.
- 30. Liability.** The Division will not assume any liability for the acts, omissions to act, or negligence of, the Grantee, its agents, servants, or employees; nor may the Grantee exclude liability for its own acts, omissions to act, or negligence, to the Division.
- a) The Grantee shall be responsible for claims of any nature, including but not limited to injury, death, and property damage arising out of activities related to this Agreement by the Grantee, its agents, servants, employees, and subcontractors. The Grantee, other than a Grantee which is the State or the State’s agencies or subdivisions, as defined in Section 768.28, *Florida Statutes*, shall indemnify and hold the Division harmless from any and all claims of any nature and shall investigate all such claims at its own expense. If the Grantee is governed by Section 768.28, *Florida Statutes*, it shall only be obligated in accordance with that Section.

- b) Neither the state nor any agency or subdivision of the state waives any defense of sovereign immunity, or increases the limits of its liability, by entering into this Agreement.
- c) The Division shall not be liable for attorney fees, interest, late charges or service fees, or cost of collection related to this Agreement.
- d) The Grantee shall be responsible for all work performed and all expenses incurred in connection with the Project. The Grantee may subcontract as necessary to perform the services set forth in this Agreement, including entering into subcontracts with vendors for services and commodities; and provided that it is understood by the Grantee that the Division shall not be liable to the subcontractor for any expenses or liabilities incurred under the subcontract and that the Grantee shall be solely liable to the subcontractor for all expenses and liabilities incurred under the subcontract.

31. Strict Compliance with Laws. The Grantee shall perform all acts required by this Agreement in strict conformity with all applicable local, state and federal laws and regulations. The Grantee shall during the term of this Agreement be in strict conformity with all applicable local, state and federal laws and regulations.

32. No Discrimination. The Grantee and their subcontractors may not discriminate against any employee employed under this Agreement, or against any applicant for employment because of race, color, religion, gender, national origin, age, pregnancy, handicap or marital status. The following or a similar provision must be inserted into all of the subcontracts for services executed under this Agreement:

- a) No employee or applicant for employment engaged under this Agreement may be discriminated against because of race, color, religion, gender, national origin, age, pregnancy, handicap or marital status

33. Breach of Agreement. The Division will demand the return of grant funds already received, will withhold subsequent payments, and/or will terminate this agreement if the Grantee improperly expends and manages grant funds, fails to prepare, preserve or surrender records required by this Agreement, or otherwise violates this Agreement.

34. Termination of Agreement.

- a) Termination by the Division. The Division will terminate or end this Agreement if the Grantee fails to fulfill its obligations herein. In such event, the Division will provide the Grantee a notice of its violation by letter, and shall give the Grantee fifteen (15) calendar days from the date of receipt to cure its violation. If the violation is not cured within the stated period, the Division will terminate this Agreement. The notice of violation letter shall be delivered to the Grantee's Contract Manager, personally, or mailed to his/her specified address by a method that provides proof of receipt. In the event that the Division terminates this Agreement, the Grantee will be compensated for any work completed in accordance with this Agreement, prior to the notification of termination, if the Division deems this reasonable under the circumstances. Grant funds previously advanced and not expended on work completed in accordance with this Agreement shall be returned to the Division, with interest, within thirty (30) days after termination of this Agreement. The Division does not waive any of its rights to additional damages, if grant funds are returned under this Section.
- b) Termination for convenience. The Division or the Grantee may terminate the grant in whole or in part when both parties agree that the continuation of the Project would not produce beneficial results commensurate with the further expenditure of funds. The two parties will agree upon the termination conditions, including the effective date, and in the case of partial terminations, the portion to be terminated.

- c) Termination by Grantee. The Grantee may unilaterally cancel the grant at any time prior to the first payment on the grant although the Department must be notified in writing prior to cancellation. After the initial payment, the Project may be terminated, modified, or amended by the Grantee only by mutual agreement of the Grantee and the Division. Request for termination prior to completion must fully detail the reasons for the action and the proposed disposition of the uncompleted work.

- 35. Preservation of Remedies.** No delay or omission to exercise any right, power, or remedy accruing to either party upon breach or violation by either party under this Agreement, shall impair any such right, power or remedy of either party; nor shall such delay or omission be construed as a waiver of any such breach or default, or any similar breach or default.
- 36. Non-Assignment of Agreement.** The Grantee may not assign, sublicense nor otherwise transfer its rights, duties or obligations under this Agreement without the prior written consent of the Division, which consent shall not unreasonably be withheld. The agreement transferee must demonstrate compliance with the requirements of the Project. If the Division approves a transfer of the Grantee's obligations, the Grantee shall remain liable for all work performed and all expenses incurred in connection with this Agreement. In the event the Legislature transfers the rights, duties, and obligations of the Division to another governmental entity pursuant to Section 20.06, *Florida Statutes*, or otherwise, the rights, duties, and obligations under this Agreement shall be transferred to the successor governmental agency as if it was the original party to this Agreement.
- 37. Required Procurement Procedures for Obtaining Goods and Services.** The Grantee shall provide maximum open competition when procuring goods and services related to the grant-assisted project. Procurement documentation supporting maximum open competition may be requested by the Division for review and approval prior to execution of these subcontracts.
- a) The Grantee must procure all professional services (architects, conservators, historic preservation consultant structural engineers, landscape architects) using at least a request for qualifications, and the grantee must solicit at least three (3) responses to their request for the service.
 - b) All contracts for procurement of goods and services (construction, exhibit fabrication, etc.) not included in Section 37.a. as described above must be procured in the manner described below:
 - 1. Procurement of Goods and Services Not Exceeding \$35,000. The Grantee must use the applicable procurement method described below:
 - i. Purchases Up to \$2,500: Procurement of goods and services where individual purchases do not exceed \$2,500 may be conducted at the Grantee's discretion using good purchasing practices.
 - ii. Purchases or Contract Amounts Between \$2,500 and \$35,000: Goods and services costing between \$2,500 and \$35,000 require informal competition such as written quotations and informal bids, and may be procured by purchase order, acceptance of vendor proposals or other appropriate procurement document.
 - 2. Procurement of Goods and Services Exceeding \$35,000. Goods and services costing over \$35,000 may be procured by either formal invitation to bid or request for proposals, and may be procured by purchase order, acceptance of vendor proposals or other appropriate procurement document.
 - i. Any formal competitive solicitation shall be made available simultaneously to all vendors, must include the time and date for the receipt of bids, proposals, or replies and of the public opening, and must include all contractual terms and conditions applicable to the procurement, and the criteria to be used in determining acceptability and relative merit of the bid, proposal, or reply.
 - c) State entities should follow required procedures set forth in Chapter 287, *Florida Statutes* and Rule 60A 1.002 of Florida Administrative Code. If the grantee is a non-state entity (local government or non-profit

organization) and has existing procurement requirements and procedures, follow the more restrictive, as long as state requirements are still met.

- 38. Conflicts of Interest.** The Grantee hereby certifies that it is cognizant of the prohibition of conflicts of interest described in Sections 112.311 through 112.326, *Florida Statutes*, and affirms that it will not enter into or maintain a business or other relationship with any employee of the Department of State that would violate those provisions. The Grantee further agrees to seek authorization from the General Counsel for the Department of State prior to entering into any business or other relationship with a Department of State Employee to avoid a potential violation of those statutes.
- 39. Binding of Successors.** This Agreement shall bind the successors, assigns and legal representatives of the Grantee and of any legal entity that succeeds to the obligations of the Division of Historical Resources.
- 40. No Employment of Unauthorized Aliens.** The employment of unauthorized aliens by the Grantee is considered a violation of Section 274A (a) of the Immigration and Nationality Act. If the Grantee knowingly employs unauthorized aliens, such violation shall be cause for unilateral cancellation of this Agreement.
- 41. Severability.** If any term or provision of the Agreement is found to be illegal and unenforceable, the remainder will remain in full force and effect, and such term or provision shall be deemed stricken.
- 42. Americans with Disabilities Act.** All programs and facilities related to this Agreement must meet the standards of Sections 553.501-553.513, *Florida Statutes*, and the Americans with Disabilities Act of 1990 as amended (42 U.S.C. 12101, et seq.), which is incorporated herein by reference.
- 43. Governing Law.** This Agreement shall be construed, performed, and enforced in all respects in accordance with the laws and rules of Florida. Venue or location for any legal action arising under this Agreement will be in Leon County, Florida.
- 44. Rural Communities.** If the Grantee is a county or municipality that is a rural community or rural area of opportunity as those terms are defined in section 288.0656(2), F.S., the payment of submitted invoices may be issued for verified and eligible performance that has been completed in accordance with the terms and conditions set forth in this Agreement to the extent that federal or state law, rule, or other regulation allows such payments. Upon meeting either of the criteria set forth below, the Grantee may elect in writing to exercise this provision.
- a) A county or municipality that is a rural community or rural area of opportunity as those terms are defined in section 288.0656(2), F.S., that demonstrates financial hardship; or
 - b) A county or municipality that is a rural community or rural area of opportunity as those terms are defined in section 288.0656(2), F.S., and which is located in a fiscally constrained county, as defined in section 218.67(1). If the Grantee meets the criteria set forth in this paragraph, then the Grantee is deemed to have demonstrated a financial hardship.
- 45. Restrictive Covenants.** In accordance with section 287.05805, *Florida Statutes*, for Acquisition and Development projects directed at Real Property, if funded, the Grantee (and the Property Owner, if not the Grantee), prior to the release of the first installment of grant funds, **must** grant to the Florida Department of State a security interest in the Real Property at least to the amount of state funds to be provided in the grant agreement. This security interest shall be recorded in the form of a restrictive covenant on the Real Property, active for a

period of fifteen (15) years for Development or active for twenty (20) years for an Acquisition. The Grantee (and the Property Owner, if not the Grantee) shall record the security interest in the office of the clerk of the circuit court of the county, or another office serving as the county recorder as provided by law, in which the Real Property is located.

46. Entire Agreement. The entire Agreement of the parties consists of the following documents:

- a) This Agreement
- b) Estimated Project Budget (Attachment A)
- c) Single Audit Act Requirements and Exhibit I (Attachment B)
- d) Total Compensation Paid to Non-Profit Personnel Using State Funds (Attachment C)

In acknowledgment of this grant, provided from funds appropriated in the 2025 General Appropriation Act, I hereby certify that I have read this entire Agreement, and will comply with all of its requirements.

Department of State:

By:

Alissa Lotane, Division Director

Date

Grantee:

By:

Authorizing Official for the Grantee

Typed name and title

Date

ATTACHMENT A
Estimated Project Budget

Description	Grant Funds	Cash Match	In Kind Match
Historic Resources Survey	\$50,000	\$0	\$0
Totals	\$50,000	\$0	\$0

ATTACHMENT B

FLORIDA SINGLE AUDIT ACT REQUIREMENTS

AUDIT REQUIREMENTS

The administration of resources awarded by the Department of State to the Grantee may be subject to audits and/or monitoring by the Department of State as described in this Addendum to the Grant Award Agreement.

MONITORING

In addition to reviews of audits conducted in accordance with 2 CFR 200, Subpart F - Audit Requirements, and section 215.97, *Florida Statutes* (F.S.), as revised (see AUDITS below), monitoring procedures may include, but not be limited to, on-site visits by Department of State staff, limited scope audits as defined by 2 CFR §200.425, or other procedures. By entering into this agreement, the recipient agrees to comply and cooperate with any monitoring procedures or processes deemed appropriate by the Department of State. In the event the Department of State determines that a limited scope audit of the recipient is appropriate, the recipient agrees to comply with any additional instructions provided by Department of State staff to the recipient regarding such audit. The recipient further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the Chief Financial Officer (CFO) or Auditor General.

AUDITS

Part I: Federally Funded

This part is applicable if the recipient is a state or local government or a nonprofit organization as defined in 2 CFR §200.90, §200.64, and §200.70.

1. A recipient that expends \$750,000 or more in federal awards in its fiscal year must have a single or program-specific audit conducted in accordance with the provisions of 2 CFR 200, Subpart F - Audit Requirements. EXHIBIT 1 to this agreement lists the federal resources awarded through the Department of State by this agreement. In determining the federal awards expended in its fiscal year, the recipient shall consider all sources of federal awards, including federal resources received from the Department of State. The determination of amounts of federal awards expended should be in accordance with the guidelines established in 2 CFR §§200.502-503. An audit of the recipient conducted by the Auditor General in accordance with the provisions of 2 CFR §200.514 will meet the requirements of this Part.
2. For the audit requirements addressed in Part I, paragraph 1, the recipient shall fulfill the requirements relative to auditee responsibilities as provided in 2 CFR §§200.508-512.
3. A recipient that expends less than \$750,000 in federal awards in its fiscal year is not required to have an audit conducted in accordance with the provisions of 2 CFR 200, Subpart F - Audit Requirements. If the recipient expends less than \$750,000 in federal awards in its fiscal year and elects to have an audit conducted in accordance with the provisions of 2 CFR 200, Subpart F - Audit Requirements, the cost of the audit must be paid from non-federal resources (i.e., the cost of such an audit must be paid from recipient resources obtained from other than federal entities).

The Internet web addresses listed below will assist recipients in locating documents referenced in the text of this agreement and the interpretation of compliance issues.

U.S. Government Printing Office www.ecfr.gov

Part II: State Funded

This part is applicable if the recipient is a nonstate entity as defined by section 215.97(2), F.S.

1. In the event that the recipient expends a total amount of state financial assistance equal to or in excess of \$750,000 in any fiscal year of such recipient (for fiscal years ending June 30, 2017, and thereafter), the recipient must have a state single or project-specific audit for such fiscal year in accordance with section 215.97, F.S.; Rule Chapter 69I-5, F.A.C., State Financial Assistance; and Chapters 10.550 (local governmental entities) and 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General. EXHIBIT 1 to this agreement lists the state financial assistance awarded through the Department of State by this agreement. In determining the state financial assistance expended in its fiscal year, the recipient shall consider all sources of state financial assistance, including state financial assistance received from the Department of State, other state agencies, and other nonstate entities. State financial assistance does not include federal direct or pass-through awards and resources received by a nonstate entity for federal program matching requirements.
2. For the audit requirements addressed in Part II, paragraph 1, the recipient shall ensure that the audit complies with the requirements of section 215.97(8), F.S. This includes submission of a financial reporting package as defined by section 215.97(2), F.S., and Chapters 10.550 (local governmental entities) and 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General.
3. If the recipient expends less than \$750,000 in state financial assistance in its fiscal year (for fiscal years ending June 30, 2017, and thereafter), an audit conducted in accordance with the provisions of section 215.97, F.S., is not required. If the recipient expends less than \$750,000 in state financial assistance in its fiscal and elects to have an audit conducted in accordance with the provisions of section 215.97, F.S., the cost of the audit must be paid from the nonstate entity's resources (i.e., the cost of such an audit must be paid from the recipient's resources obtained from other than state entities).

The Internet web addresses listed below will assist recipients in locating documents referenced in the text of this agreement and the interpretation of compliance issues.

State of Florida Department Financial Services (Chief Financial Officer)
<http://www.myfloridacfo.com/>

State of Florida Legislature (Statutes, Legislation relating to the Florida Single Audit Act)
<http://www.leg.state.fl.us/>

Part III: Report Submission

1. Copies of reporting packages for audits conducted in accordance with 2 CFR 200, Subpart F - Audit Requirements, and required by Part I of this agreement shall be submitted, when required by 2 CFR §200.512, by or on behalf of the recipient directly to each of the following:
 1. The Department of State through the <https://dosgrants.com/> grants management system.

2. The Federal Audit Clearinghouse (FAC) as provided in 2 CFR §200.36 and §200.512.

The FAC's website provides a data entry system and required forms for submitting the single audit reporting package. Updates to the location of the FAC and data entry system may be found at the OMB website.

2. Copies of financial reporting packages required by Part II of this agreement shall be submitted by or on behalf of the recipient directly to each of the following:
 1. The Department of State through the <https://dosgrants.com/> grants management system.
 2. The Auditor General's Office at the following address:

Auditor General
Local Government Audits/342
Claude Pepper Building, Room 401
111 West Madison Street
Tallahassee, Florida 32399-1450

The Auditor General's website (<https://flauditor.gov/>) provides instructions for filing an electronic copy of a financial reporting package.

3. Any reports, management letters, or other information required to be submitted to the Department of State pursuant to this agreement shall be submitted timely in accordance with 2 CFR §200.512, section 215.97, F.S., and Chapters 10.550 (local governmental entities) and 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, as applicable.
4. Recipients, when submitting financial reporting packages to the Department of State for audits done in accordance with 2 CFR 200, Subpart F - Audit Requirements, or Chapters 10.550 (local governmental entities) and 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, should indicate the date that the reporting package was delivered to the recipient in correspondence accompanying the reporting package.

Part V: Record Retention

The recipient shall retain sufficient records demonstrating its compliance with the terms of the award(s) and this agreement for a period of five years from the date the audit report is issued, and shall allow the Department of State, or its designee, the CFO, or Auditor General access to such records upon request. The recipient shall ensure that audit working papers are made available to the Department of State, or its designee, the CFO, or Auditor General upon request for a period of at least three years from the date the audit report is issued, unless extended in writing by the Department of State.

EXHIBIT 1

FEDERAL RESOURCES AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

Not applicable.

COMPLIANCE REQUIREMENTS APPLICABLE TO THE FEDERAL RESOURCES AWARDED PURSUANT TO THIS AGREEMENT ARE AS FOLLOWS:

Not applicable.

STATE RESOURCES AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

MATCHING RESOURCES FOR FEDERAL PROGRAMS:

Not applicable.

SUBJECT TO SECTION 215.97, FLORIDA STATUTES:

Florida Department of State Historic Preservation Grants; CSFA Number 45.031. Award Amount: \$50,000

COMPLIANCE REQUIREMENTS APPLICABLE TO STATE RESOURCES AWARDED PURSUANT TO THIS AGREEMENT ARE AS FOLLOWS:

The compliance requirements of this state project may be found in Part Four (State Project Compliance Requirements) of the State Projects Compliance Supplement located at <https://apps.fldfs.com/fsaa/>.

ATTACHMENT C

Total Compensation Paid to Non-Profit Personnel Using State Funds

Name:			
Title:			
Agency Agreement/Contract #			
Total Contract Amount			
Contract Term:			
Invoice Number			
Invoice Period			
Line Item Budget Category	Total Amount Allocated	Total Amount Paid	Amount Paid from State Funds
Salaries			
Fringe Benefits			
Bonuses			
Accrued Paid Time Off			
Severance Payments			
Retirement Contributions			
In-Kind Payments			
Incentive Payments			
Reimbursements/Allowances			
Moving Expenses			
Transportation Costs			
Telephone Services			
Medical Services Costs			
Housing Costs			
Meals			
Amount Paid to Date			
CERTIFICATION: I certify that the amounts listed above are true and accurate and in accordance with the approved budget.			
Name:			
Signature:			
Title:			
Date:			

City of St. Pete Beach

Project Title: Corey Avenue Area Historic Resources Survey

Request Amount: \$50,000.00

A. Organization Information Page 1 of 9

Applicant Information

- a. Organization Name: City of St. Pete Beach 
- b. FEID: 59-6000423
- c. Phone number (with extension if applicable): 727.367.2735
- d. Principal Address: 155 Corey Ave St Pete Beach, 33706
- e. Mailing Address: 155 Corey Ave St Pete Beach, 33706
- f. Website: <http://www.stpetebeach.org/>
- g. Organization Type: Municipal Government
- h. Organization Category: Government: Other
- i. County: Pinellas
- j. UEI number: N6FWW4L9JJJ5
- k. Fiscal Year End Date: 09/30

1. Designated Project Contact *

First Name

Lynn

Last Name

Rosetti

Phone 727.363.9266

Email lrosetti@stpetebeach.org

2. Authorized Official *

First Name

Alex

Last Name

Rey

Phone 727.363.9231

Email arey@stpetebeach.org

3. Certified Local Governments (CLG) *

Only governmental entities that are Certified Local Governments (CLG) in good standing are eligible to receive Federal funds for the Survey, Planning, and National Register Nomination project categories. CLGs may also apply for state funds for projects in the Heritage Education category. No more than two (2) applications, one for federal funding and one for state funding, may be submitted under a single application deadline. If your CLG organization has multiple distinct budgetary units, each unit may submit an application pursuant to program guidelines; however, only two applications (as described here) may be submitted using the CLG designation and request a match waiver.

Are you submitting this application using the CLG designation as described above? What is a CLG?

☒ Yes

☐ No

3.1. If yes, is this an application for federal or state funding?

☒ Federal (Survey, Planning, and National Register Nomination project types only)

☐ State (Heritage Education projects only)

3.2. If yes, provide the following:

District 13

4. Florida-based Accredited Main Street Programs *

Are you an Active Florida-based Accredited Main Street community? Contact the state Main Street Office at FloridaMainStreet@dos.myflorida.com or 850.245.6345 with questions about your organization's status.

☐ Yes

☒ No

5. Applicant Grant Experience and History

5.1. Has the applicant organization received previous grant assistance within the past five years from any source? *

☒ Yes

☐ No

5.2. If yes, for the most recent grants (up to 20), specify the year of the grant award, grant number, grant project name, the granting entity, the grant award amount, and its current status. Make sure to include any grants awarded by the Division or other State grants.

#	Previous Grant Year	Previous Grant Number.	Previous Grant Project Name	Previous Granting Entity	Previous Grant Amount	Open/Closed
1	2021-2022	22.h.sm.200.088	Don Ce-Sar Place Historic Resources Survey	State of Florida, Department of State	\$50,000	Closed

5.3. Has the applicant applied for additional grant assistance from other State or Federal funding sources, including from other divisions of the Department of State, for the same Scope of Work activities within the same fiscal year?

☐ Yes

☒ No

5.4. If yes, for the most recent grants (up to 20), application specify the grant project name, the granting entity, the grant program, the grant request amount, date of application, and its current status

#	Grant Project Name	Granting Entity	Grant Program	Grant Request Amount	Date of Application	Current Status
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6. Proposed Project Team *

#	Name	Project Role Title	Email	Phone/Ext.
1	Jennifer McMahon	Project Oversight, Chief Operating Officer	rddirector@stpetebeach.org	727.363.9274.274_

2	Lynn Rosetti, AICP,, CFM	Project Lead, Contract Planner	lrosetti@stpetebeach.org	727.363.9266.266_
3	Brandon Berry, AICP	Project Staff, Senior Planner	bberry@stpetebeach.org	727.363.9229.229_

7. Applicant staffing and hours *

Select the option that best describes your organization.

- ☒ Organization is open at least 40 hours per week and has at least one paid staff member in a management position
- ☐ Organization has some paid staff but they are not full-time
- ☐ Organization is open part-time and has volunteer staff

B. Project Information Page 2 of 9

1. Project Type *

Select the project type for which grant funds are requested. If you are unsure of which type to select, please refer to the definition beneath each project type. If the incorrect project type is selected for the proposed scope of work, the application will be declared ineligible. Projects involving Development activities must apply for Special Category grant funding.

☒ Survey Project

Projects which identify, document and evaluate historic or archaeological resources individually or within historic or archaeological districts or areas being investigated for the potential of becoming historic districts or zones, or updating previous surveys.

☐ Planning Project

Planning projects necessary to guide the long term preservation of historic resources or a historic district, including preparation of historic structures reports, condition assessments, architectural drawings and construction documents, predictive modeling, preparation of preservation or management plans, and design or preservation guidelines. Planning activities on historic Religious Properties shall be limited to building exterior envelope and structural elements of the building, excluding accessibility upgrades.

☐ National Register Nominations Project

Projects that prepare a nomination to the National Register of Historic Places for an individual Historic Property or a nomination for a historic or archaeological district or a thematic or multiple resource group nomination. The resource(s) or proposed district must have been determined eligible for the National Register of Historic Places by the Division prior to applying for the grant. Preparation of National Historic Landmark designation nominations shall not be allowable for Small Matching grant funding.

☐ Heritage Education Project

Projects aimed at increasing public understanding and awareness of the history of Florida and the importance of its historical and archaeological resources and their preservation, either in general or for specific sites, properties or collections. This may include proposals such as walking tours brochures, education material for school children, interpretive signage, videos illustrating historic preservation principles, small educational exhibits, preservation of historical records through digitization and educational apps related to the history of Florida and/or its historical and archaeological resources. Exhibits must not be permanently affixed to the building.

☐ Historical Marker Project

Projects which assist with the acquisition of state markers for which texts (monolingual or bilingual) have been approved by the State Historical Marker Council prior to applying for the grant.

2. Project Title and Location Information

The title should reflect the name of the property, site, area and/or the goals of the proposed project. The title should be consistent with previous applications/awards. (For example, Pensacola Maritime Heritage Trail, Archaeological Survey of Deering Estate, etc.)

2.1. Project Title *

Corey Avenue Area Historic Resources Survey

2.2. Name of Property (If applicable)

Not Applicable

2.3. Street Address (primary location where the proposed project will be carried out)

Corey Avenue and other properties north and south of Corey. See attached map for proposed boundary.

2.4. City (location of the proposed project)

St. Pete Beach

2.5. Primary County (location of the proposed project)

Pinellas

3. Physical Context of Resource (Maximum characters 500)*

Describe the physical context of the resource(s). Some questions to consider include: Is the property secluded? Or in an urban environment? What sort of resources are nearby? Where is the property in relation to historic districts or Main Street program areas?

The City of St. Petersburg Beach emerged from the unification of four towns on Long Key, a barrier island, in 1957 (Pass-a-Grille, Don CeSar, Belle Vista, St. Petersburg Beach, and unincorporated Pinellas County parcels). In 1964 St. Petersburg Beach had its name shortened by the voters of St. Pete Beach in 1994. Corey Avenue was and is considered to be the town center. The proposed historic survey boundaries include much of the early residential, transient and commercial properties that made up the original town of St. Petersburg Beach. Corey Avenue extends from Boca Ciega Bay on the east to Blind Pass on the west.

C. Historical Significance Page 3 of 9

1. Historical Designation

Indicate the type of historical designation currently held by the historic resource(s) that are the subject of the project, if any. For properties or sites that have been listed in the National Register or are contributing properties or sites within a National Register District, provide the date that the property, site or district was listed. Should you have questions regarding the National Register status of a property or site, contact the Division's National Register Staff at 1.800.847.7278 or 850.245.6300.

1.1. Type of Historical Designation *

- ☒ Individual Local Designation
☒ No Historical Designation

1.2. Historical Designation details

#	Property Name	Date Designated
1	City of St. Pete Beach Public Library - Local Historic Designation in 2019. FMSF PI12951	12/5/2019

2. Historical Significance

2.1. Explain the historic significance for the property, site, information or resource(s) that is the subject of the proposed project - (Maximum characters 1500.)

The Corey Causeway bridge was built in the 1920's and connected the St. Petersburg Beach community to the mainland. In 1936 the land area between the present site of the Beach Theater and the east end of the Corey Causeway was a mangrove swamp. The Upham Company (a real estate company) started the effort that instigated the improvement of the area to attract desirable business development and advocated for the improvement of Corey Avenue. Corey Avenue itself was constructed in the mid 1930's and was officially opened on February 13, 1937. The Corey Causeway brought people from the mainland to St Petersburg Beach. Corey Avenue became the major business and commercial district in the town of St. Petersburg Beach by the late 1930's. Much of the early Corey Avenue commercial buildings exist today and appear to be in good condition and continue to thrive as commercial businesses. There is little vacancy on Corey Avenue today which is also considered the heart of St. Pete Beach. Corey Avenue runs from Boca Ciega Bay on the east to Blind Pass on the west. to the north and south of Corey Avenue there are numerous older single and multifamily buildings, Mom and Pop Motels, older condominiums, an American Legion building, and a scattering of older commercial buildings. This area was the original core of the Town of St. Petersburg Beach prior to the consolidation of the towns of St. Petersburg Beach, Belle Vista, Don CeSar, and Pass-a-Grille on Long Key. These townships were incorporated as one entity in 1957. The Corey Avenue area remains a viable downtown, and the commercial and government center on St. Pete Beach. Corey Avenue also hosts numerous festivals and community activities on a regular basis.

2.2. For projects associated with Historic Structures and Archaeological Sites, enter the Florida Master Site File (FMSF) Number (ex. 8ES1234). For multiple site forms, separate with a semicolon (;). If no FMSF form exists, applicants may be required to complete one as part of the requirements in a grant award agreement. FMSF #: PI12951; PI01274; PI01275; PI01276; PI01277

2.3. For Historic Property, Indicate Year of the Original Construction (enter Year only)
N/A

2.4. For Archaeological Sites, provide the Cultural Affiliation of the Site and Dates of Use or Occupation - (Maximum characters 300.)
N/A

D. Project Specifics Page 4 of 9

1. Professional Services

All grantees are required to use the services of qualified professionals in order to carry out the scope of work of their projects (exception Historical Marker projects).

1.1. Will you be hiring professional services (architectural and engineering services, archaeological services, an educational consultant, or historic preservation consultant services) with grant or match funds for this project? If so, make sure to include those services in your scope of work and budget. *

☒ Yes

☐ No

1.2. Will the professional services of existing staff be used instead of contracting those services?*

☐ Yes

☒ No

1.3. If no services are to be hired and no staff services will be utilized for this purpose, will professional services be paid for outside of the grant project (i.e with funds other than grant and match funds)?*

☐ Yes

☒ No

1.4. If no professionals are projected to be hired, explain why. (Maximum characters 500)*

N/A

2. Scope of Work - (Maximum characters 5000.) *

In the space provided below, briefly describe the scope of work for the project for which funding is requested. List the work items that will be completed during the grant period using the funds requested and the required match.

This project will involve three phases: a scoping phase which will identify the time frame, cost, and other details about the work to be performed; an implementation phase where the work of surveying the Corey Avenue neighborhood will actually occur; and a reporting phase where the consultant explains the findings. The final phase will come in the form of a written report, photographs and descriptions of each property surveyed; an overview of the area's potential historic significance, and a synopsis of the major architectural features of the neighborhood. Next, the consultant will take the necessary steps to submit the Florida Master Site File forms to the State historic Preservation Office.

Furthermore, City planning staff and others led by CLG coordinator and planner Lynn Rosetti have been and will continue to collect historic documents, narratives, maps, and other information relating to this neighborhoods and the buildings contained within its boundaries. The intent of this effort is to provide the needed groundwork in order to maximize the consultant's ability to prepare at the least not only the required 342 new and updated FMSF forms, but hopefully many more. None of staff's efforts are considered to be any kind of match or eligible reimbursement activities now or during the grant period.

3. Tentative Project Timeline (remember this is a 12 month grant period) *

Please specify the start and end month and year below; indicate all major elements of the project for which funding assistance is requested, the anticipated time required to complete each element, and the planned sequence of these activities. Grants, if awarded, will begin July 1 of the year funds are appropriated. Projects should be completed within 12 months.

#	Work Item	Starting Date	Ending Date
1	Contract preparation, RFP, Consultant selection	8/1/2023	10/13/2023
2	Scoping Phase	8/1/2023	11/13/2023

3	Implementation Phase. Survey of neighborhood.	10/16/2023	2/16/2024
4	Final Phase - Part 1: Preparation of written report	2/19/2024	3/22/2024
5	Final Phase - Part 2 - Presentation of Findings to Historic Preservation Board and City Commission	4/4/2024	4/23/2024
6	Project Close-out	6/3/2024	6/28/2024

4. Survey Projects

4.1. Indicate the types of historical resources to be surveyed. - (Maximum characters 1000.)

Most if not all of the historical resources to be surveyed will be buildings and possibly structures or sites other than buildings. Much of the Corey Avenue area originally consisted of Mangrove areas. An historical overview of the development of the area is likely to be documented as part of the historic survey through research. However, this survey is not proposing to seek archaeological resources as part of its scope. Should any information emerge regarding possible archaeological resources, consideration would be given regarding a course of action on the part of the City.

4.2. Newly Recorded Sites

Approximately 342 as based on preliminary review of the area to be surveyed.

4.3. Florida Master Site File Updates

PI12951, PI01274, PI01275, PI01276, PI01277

4.4. Enter the acreage of the area to be surveyed.

0

4.5. For archaeological survey projects, what is the size of the archaeological site(s) to be investigated? Alternatively, what is the estimated quantity of artifacts projected to be analyzed? (Maximum characters 500)

Please specify in # of acres or artifacts.

N/A

4.6. Local Protection *

☒ Other

5. Does the proposed project entail a partnership with any other local entity?

☐ Yes

☒ No

5.1. If yes, describe their participation to date and anticipated further participation in this project.

6. Need for Project (Maximum characters 1500.)

Discuss the need for the proposed project or activity, as it relates to the preservation of the history of Florida and/or its historical and archaeological resources, including any immediate threats to the historical property/ies, historic resources or materials, archaeological sites or historical information that is the subject of the proposed project. Documentation material, such as newspaper articles, are to be uploaded in the Support Materials section of this application.

St. Pete Beach is a coastal barrier island with a maximum land elevation of 5 feet above sea level. Parts of the Corey Avenue have been subject to flooding. There are _____ repetitive loss areas within the proposed Corey Avenue Area Historic Survey boundaries. Flood studies estimate that a substantial portion of the study areas are expected to experience flooding in the future. St. Pete Beach has a huge challenge to find a balance between historic preservation and appropriate floodplain mitigation.

Should the City be successful in obtaining this survey grant, the next step would be to develop a plan with strategies to protect the City's historic resources while lessening their vulnerability to flooding. Besides helping plan for coastal resiliency, the City finds that a survey provides the means to dispense public education on the historic value of recognized properties. This survey would assist in developing strategies for the protection of the Corey Avenue Area neighborhood portion of St. Pete Beach. The City is and has been studying likely scenarios of sea level rise and flooding issues island wide. In addition, the City is looking for ways to better protect its older, historic properties from flooding. It is acknowledged that this is a barrier island and the challenges with respect to flooding and sea level rise are huge.

E. Budget and Match Page 5 of 9

1. Rural Economic Development Initiative (REDI) Waiver of Match Requirements *

Applicants with projects located in counties or communities that have been designated as a rural community in accordance with Section 288.0656 and 288.06561, Florida Statutes, may request a waiver of matching requirements. (Waivers are not available for Historical Marker Project types. State agencies, state colleges, and state universities are not eligible for a REDI match waiver, regardless of project location.)

Are you requesting a waiver?Is my project in a REDI Community?

☐ Yes

☒ No

1.1. Are you a state agency, state college, or state university?

☐ Yes

☒ No

2. Project Budget and Match

2.1. Grant Funds and Match *

List the work items with their associated estimated expenses and how they will be paid (from match, the grant or both). Only include expenses that are specifically related to the project. If professional services are to be paid with grant or match funds, include those costs as a separate item in the budget. Refer to the program Guidelines for examples of non-allowable expenses (available at dos.myflorida.com/historical/grants). Expenses may include an actual amount to be paid or the value of an in-kind contribution.

Small Matching grants require a 100% (i.e., 1:1) match unless exempted by the program guidelines. Applicant Organizations that are Florida Certified Local Government (CLG), or Florida-based, Accredited Main Street communities, and projects for National Register of Historic Places Nominations are not required to provide a match. Applicant Organizations applying for projects located in REDI areas are not required to provide a match (exception: Historical Marker Projects and applicants that are agencies of state, state colleges and state universities are not eligible for the REDI match waiver).

Round amounts to the nearest dollar. Rows must have a value in Grant Funds, Cash Match or In-Kind Match. If all three columns are 0 or blank, the row will not be saved.

The amount of grant funds requested in this application will be the total in the "Grant Funds" column. The total amount of the "Cash Match" column must equal or exceed 25% of the total combined match (cash and in-kind).

#	Work Item	Grant Funds	Cash Match	In-Kind Match	Total
1	Corey Avenue Area Historic Resources Survey	\$50,000	\$0	\$0	\$50,000
Totals:		\$50,000	\$0	\$0	\$50,000

2.2. Grant Funds Requested:

\$50,000

2.3. Total Match Amount:

2.4. Project Total Budget:

\$50,000

2.5. Additional Budget Information/Clarification

Use this space to provide additional detail or information about the proposal budget as needed. For example, where the relationship between items in the budget and the objectives of the proposed project may not be obvious, provide clarification regarding the necessity for or contribution of those work items to the successful completion of the project.

Staff have already conducted a preliminary reconnaissance survey of the area and have collected information with respect to the number of total properties within these neighborhoods and the total number of properties that are at least 50 years old. Staff have also prepared a basic excel spreadsheet based on information from the Pinellas County Property Appraiser's website which provides general property information. The consultant will be expected to conduct a survey of all properties within the Corey Avenue Area neighborhood that are at least 50 years of age or older (at least 342 properties), complete FMSF and photographic documentation as required.

Overall, it is anticipated that the grant will cover the consultant's time, neighborhood survey, FMSF preparations, photo documentation, submission of FMSF forms to the State DHR, determination of whether each property is contributory or non-contributory to the neighborhood, two (2) public presentations on the findings, and participation in a kick-off meeting prior to the start of the survey.

3. Completed Project Activities

#	Activity Description	Date Completed	Cost Value
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4. Operating Forecast. - (Maximum characters 500.)

Describe source(s) of funding for necessary maintenance, program support, and/or additional expenses warranted to sustain the proposed project after the grant period.

As a Certified Local Government, St. Pete Beach is actively engaged in historic preservation activities, especially those relating to advising, regulating, landmarking, reviewing, presenting, and overseeing. The Planning Department is responsible for historic preservation activities and includes these activities in its annual budget. The Chief Operating Officer Manager along with two planners are responsible for the City's Historic Preservation program. The Historic Preservation Board meets monthly to review cases and hold workshops.

F. Property Information Page 6 of 9

1. Property Ownership (for site-specific projects).

Enter name of the Property Owner and choose the appropriate owner type. If applicant is not the owner of the property, the applicant must secure Property Owner concurrence. The applicant shall provide a letter from the Property Owner that documents that the applicant has the permission of the Property Owner of record to conduct the proposed project on the owner's property and that the Property Owner is in concurrence with this application for grant funding. This letter shall be uploaded in the Support Materials section of this application. If the property for which grant funding is requested is leased by the Applicant Organization, the lease agreement must be dated, signed and submitted at the time of the application submission, with the required Owner Concurrence Letter attachment to the application.

1.1. Does your organization own the property? *

- ☐ Yes
- ☐ No
- ☒ Not Applicable

1.2. Property Owner

1.3. Type of Ownership

- ☐ Non-Profit Organization
- ☐ Private Individual or For-Profit Entity

Note: Properties owned by private individuals or for-profit entities are not eligible for grant funding with the exception of site-specific archaeological projects that entail fieldwork being undertaken by an eligible applicant organization.

- ☐ Governmental Agency

2. Religious Affiliation

2.1. Is the Property Owner a religious institution or affiliated with a religious institution?*

- ☐ Yes
- ☒ No
- ☐ Not Applicable

1. Annual Visitation

1.1. What is the estimated or anticipated Annual Visitation for the project property or site?

For education products, please list the estimated annual distribution, downloads, or web hits.

1.2. What is the basis of these estimates? - (Maximum characters 200.)

2. Anticipated Economic Impact - (Maximum characters 1500.) *

Explain the direct economic impact this project will have on the surrounding community. Include any information regarding number of jobs it will provide, if known.

The anticipated economic impact is not known at this time. However, information gathered for the survey can be used by local economic development and tourism agencies to highlight distinctive features of the City and further promote heritage tourism. Heritage tourism creates more jobs and contributes financially to the local economy. In addition, identifying historic properties can stimulate investment in the area by making properties eligible for funding and other types of assistance they may not have been eligible for in the past, which creates additional employment in construction, architectural services, and related support services. Identifying and preserving the local heritage present in these neighborhoods may have a positive local economic impact in terms of property values and tourism. The Corey Avenue merchants has long discussed becoming a Main Street. This could help them move towards such designation.

Much emphasis has been given to the NR listed Pass-a-Grille Historic District on the south end of the island. However, the Corey Avenue area is also significant. Recently, the city has received increasing interest in locally designating individual Corey Avenue properties. The owner of one of the most significant and well known properties, the Beach Theater, recently applied for its Local Historic Designation. The owner plans to move forward with the theater's renovation and reuse as a theater. In addition, the owner of another Corey Avenue building is taking steps to locally designate their building. These two action represent the first time local business owners along Corey Avenue have taken such action. In addition, the American Legion has recently inquired about local historic designation of their building which is located within the proposed survey area.

3. Benefit to Underrepresented Communities - (Maximum characters 1500.) *

Describe any direct benefit the project will have on underrepresented communities, such as minority groups and/or people with disabilities. If project includes media content, describe accessibility methods to be used (e.g. voice over, closed captioning, etc.)

With respect to disabilities, disabled owners/tenants of historic properties would definitely benefit from their historic home being mitigated - that is made more resilient and disaster-proof while maintaining its historic integrity.

However, with respect to flooding, the survey will be important in in developing ways to make historic properties resilient to flooding without the loss of integrity. The City will be better abler to include historic preservation into resiliency/sustainability planning once these properties are identified and assessed. Such action will likely help soften any adverse economic impacts flooding can have on a neighborhood.

4. Educational Benefits and Public Awareness - (Maximum characters 1500.) *

Explain how the proposed project will educate the public on issues related to historic preservation, Florida history, and/or heritage preservation.

The completion of the historic properties survey project will have educational benefits both locally and statewide. St. Pete Beach has great historical significance that needs to be shared with its residents. Initially, Long Key (which is now know as St. Pete Beach, consisted of several townships including the Town of Pass-a-Grille, Town of Don Ce Sar, and Town of Belle Vista (also Town of St. Petersburg Beach and an unincorporated portion of Pinellas County. They all incorporated into a city in 1957. The island these entities occupied was know as Long Key.

This survey will provide valuable information about the past and present identities of the Town of St. Petersburg Beach that can be used by decision makers, educators, museums, libraries and others to preserve St. Pete Beach's past and help plan for the future. Information included in the survey can be incorporated into lectures, publications, exhibits, websites, and tours of historic properties to further educate the public about the City's rich history. The survey will contain information about architectural styles, town planning, politics, military significance, history, transportation and industry that will document the growth of our city, county, and state.

Related to the educational benefit is public awareness resulting from the project. The information dispersed in the form of newsletters, exhibits, websites, etc., would serve to raise residents' awareness of the importance of their neighborhoods and city. By documenting the neighborhoods' historic resources, residents might be inspired to invest in historic plaques, further raising public awareness. In the medium and long terms, identifying local historic structures will assist in preservation as the City's adaptation strategies to sea level rise and other coastal threats evolve.

H. Support Materials Page 8 of 9

1. Non-Profit Status

Provide documentation of the applicant's active status as a Florida non-profit corporation with the Division of Corporations, Florida Department of State, which can be obtained at: <http://www.sunbiz.org> by searching the corporate name.

2. Florida Substitute W-9 Form

Available at DFS website <https://flvendor.myfloridacfo.com>. Note that this is a state form, NOT your Federal W-9.

3. Documentation of Confirmed Match

Consult the program Guidelines for suitable documentation evidencing match (FLheritage.com/grants/)

4. Letters of Support

Additional letters may be submitted directly to the Division but must be received one month prior to the public meeting where the applications will be reviewed and scored.

5. Photographs

Photographs are used to further inform Panelists and should relate to the proposed project, depicting the associated property, site, resources, or collection in its current state. Historical images are also welcome.

6. Representative Image

Upload a single representative image of the property or project to be used in the application review meeting that conveys the theme or purpose of the proposed project. For projects directed at historic properties or sites, this should be a recent image of the front of the building or site.

7. Proposed Project Team Support Documents

Provide the curricula vitae/resumes of the proposed project team as listed in Section A.6 of the application.

8. Florida Historical Marker Council Support Documents (for Historical Marker Projects only)

9. National Register Eligibility Determination Documents (for National Register Nomination Projects only)

Submit evidence of review and determination of eligibility by the Division of Historical Resources, Bureau of Historic Preservation, Survey and Registration Section. They can be contacted at NationalRegister@dos.myflorida.com or 850.245.6333. Please allow approximately two weeks for processing your request for a review to be complete.

10. Documentation of Need

11. Local Protection (for Survey, Planning and National Register Nominations Projects only)

Provide copies of any documents that provide local protection of the project site

12. Owner Concurrence Letter (for site-specific projects only)

Provide a letter that documents that the applicant has the permission of the owner of record (if the Property Owner is not the applicant) to conduct the proposed project on the owner's property, that the owner is in concurrence with this application for grant funding, and documentation that the owner is a non-profit organization or agency of government. If the property for which grant funding is requested is leased by the Applicant Organization, the lease agreement must be dated, signed and submitted at the time of the application submission, with the required Owner Concurrence Letter. Note that, for other than site-specific archaeological projects that entail fieldwork being undertaken by an eligible applicant, the owner must be a Non-profit Organization or agency of government.

13. Optional Materials

13.1.

I. Review and Submit Page 9 of 9

1. Review and Submit

☐ I hereby certify that I am authorized to submit this application on behalf of City of St. Pete Beach and that all information indicated is true and accurate. I acknowledge that my electronic signature below shall have the same legal effect as my written signature. I am aware that making a false statement or representation to the Department of State constitutes a third degree felony as provided for in s. 817.155, F.S., punishable as provided for by ss. 775.082, 775.083, and 775.084.

1.1. Guidelines Certification

☐ I hereby certify that I have read and understand the guidelines and all application requirements for this grant program as outlined under section , Florida Statutes 1A-39.001 and 1A-39.001, Florida Administrative Code.

1.2. Signature (Enter first and last name)

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

Agenda Report

Agenda Title Name: Adopt Resolution 2024-29 waiving Permit and Plans Examination Fees associated with Hurricane-damaged properties for the period October 1, 2024, through January 14, 2025, and establishing a minimum Building Fund Reserve

Action Request: Adopt Resolution 2024-29

Strategic Objective:

Date: November 19, 2024

Prepared By: Denise Sanderson, Community Development Director

Through: Frances Robustelli, City Manager

Summary of Issue: On November 4, 2024, City Commission provided direction to waive permit and plans examination fees for hurricane-damaged residential and commercial structures for the period October 1, 2024, through January 14, 2025, at which time City Commission may consider an extension or modification to such a waiver. Additionally, City Commission directed that revenue losses associated with this temporary waiver be offset by funds available in the Building Fund Reserve and that the Reserve minimum be maintained at an amount no less than \$2,000,000. On November 5, 2024, City Manager Robustelli, under her emergency powers authority, directed Community Development to implement immediately the waiver of these fees as well as the reimbursement of fees collected beginning October 1, 2024. Surcharges and certain other fees are not waived, will be collected at time of permit application, and will not be refunded during the waiver period.

Funding: Building Fund Reserve (Fund 201)

Attachments:

1. Res 2024-29 Temporary Waiver of Permit & Plans Exam Fees

RESOLUTION NO. 2024-29

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH TO TEMPORARILY WAIVE BUILDING PERMIT AND PLANS EXAMINATION FEES BEGINNING OCTOBER 1, 2024, THROUGH AND INCLUDING JANUARY 14, 2025, FOR REPAIR AND DEMOLITION OF HURRICANE DAMAGED RESIDENTIAL AND COMMERCIAL STRUCTURES; INSTALLATION OF MATERIALS AND EQUIPMENT WITHIN AND ATTACHED TO DAMAGED STRUCTURES; ESTABLISHING A MINIMUM RESERVE FUND; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on September 26, 2024, storm surge and high winds from Hurricane Helene caused significant flood damage from storm surge to the ground floor of most residential and commercial properties throughout the City of St. Pete Beach; and

WHEREAS, on October 9, 2024, high winds and heavy rains from Hurricane Milton also caused significant damage to many structures; and

WHEREAS, damage from these two hurricanes is an extraordinary condition that warrants waiver of certain permit and plans examination fees; and

WHEREAS, the City Commission of the City of St. Pete Beach maintains that hiring a licensed contractor and obtaining a building permit provides protection for property owners of the City; and

WHEREAS, the City Commission of the City of St. Pete Beach wishes to encourage property owners to hire licensed contractors and obtain building permits by proposing a temporary waiver of permit and plans examination fees for repairs and demolition of hurricane-damaged residential and commercial structures, and for installation of replacement materials and equipment within and attached to damaged structures; and

WHEREAS, other permit and plans examination fees associated with non-occupied structures, re-inspection fees, surcharge fees, and fees associated with new construction, including new construction following demolition, are not to be waived; and

WHEREAS, these fees are deposited into the City's Building Fund which provides for the salaries, fringe benefits and operating expenses of building inspection, permitting, and related activities and thus providing waiver of such fees may result in utilization of the City's Building Fund Reserve, the City Commission of the City of St. Pete Beach, after due consideration, has determined that a minimum reserve balance of Two Million Dollars and 00/100s (\$2,000,000) is sound fiscal policy; and

WHEREAS, the City Commission of the City of St. Pete Beach, after due consideration, has determined that a temporary waiver of building permit fees from October 1, 2024, through January 14, 2025, is in the best interest of the City of St. Pete Beach.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, THAT:

Section 1. Each of the above recitals is incorporated herein as the findings of the City Commission.

Section 2. Building Fund Reserve (Fund 201) shall be no less than \$2,000,000.00.

Section 2. There shall be a temporary waiver of certain City of St. Pete Beach building permit fees and plans examination fees from October 1, 2024, through January 14, 2025, for permits applied for repairs or demolition of storm-damaged structures and for installation of materials and equipment within and attached to damaged structures.

Section 3. This Resolution is effective immediately upon adoption.

PASSED AND APPROVED BY THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, THIS _____ DAY OF _____, 2024.

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

Adrian Petrila, Mayor

ATTEST:

Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Ralf Brookes, City Attorney

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

Agenda Report

Agenda Title Name: Public Hearing to Adopt Emergency Ordinance 2024-15: Allowing substantial improvement exemptions for locally-designated historic resources

Action Request: Motion to adopt emergency Ordinance 2024-15.

Strategic Objective: Preservation of local historic resources

Date: November 19, 2024

Prepared By: Brandon Berry, Senior Planner

Through: Frances Robustelli, City Manager

Summary of Issue: As of October 2024, the City has 71 voluntarily-designated historic resources, and hundreds of additional structures that are either deemed contributing to the Pass A Grille National Register Historic District or have been assessed as potential inclusions in potential historic districts in the Don CeSar and Belle Vista neighborhoods. Many of these structures suffered significant damage during Hurricanes Helene and Milton. Based on staff discussions with property owners, many are simply seeking to restore the interior of their structures, or make minor exterior repair and maintenance that will restore the structure with the same materials as it possessed prior to the loss.

Staff is proposing, as a limited sixty-day ordinance, that locally-designated historic structures that have undergone substantial damage but are simply sought to be restored to their pre-damage conditions, with no additions, major alterations, or repairs that change material, design, or outward appearance of the structure, to be eligible for administrative repair and maintenance approval through the permitting process. This process is enabled through the definitions in the City's code, but has heretofore been unutilized and lacks proper procedures. The Historic Preservation Board will still assess any alterations that exceed this established threshold through a FEMA variance public

hearing process, such as when additions or facade changes are proposed.

Funding:

N/A

Attachments:

1. Ordinance 2024-15 - Markup
2. Ordinance 2024-15 - Clean

Ordinance 2024-15

AN EMERGENCY ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING FOR SIXTY DAYS THE CITY'S LAND DEVELOPMENT CODE DIVISION 28 – HISTORIC PRESERVATION, SECTION 28.5 – ORDINARY MAINTENANCE AND REPAIR; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

WHEREAS, the City is currently in a state of emergency as declared by Executive Orders 24-208, issued September 23, 2024, and 24-214, issued October 5, 2024, as well as local Resolutions 2024-14 and 2024-16.

WHEREAS, both residential and commercial structures City-wide have sustained significant structural and nonstructural damage due to the effects of hurricanes Helene and Milton.

WHEREAS, aforementioned damage has been particularly apparent in Pass A Grille, which is majority designated as contributing to the neighborhood's National Register Historic District, and in other areas of the City that contain significant density of structures deemed or with potential to be deemed historically significant.

WHEREAS, the City's Comprehensive Plan promotes the protection of historic and architecturally-significant structures and resources.

WHEREAS, the City Commission finds that expediting approval of repair work that exceeds 50% of the depreciated value of the structure for structures that have been approved by the City's Certified Local Government for placement on the City's local inventory of historic places, when said work is clearly respectful of the historic nature of the structure and does not exceed existing permissions for minor repairs and maintenance permitted for such structures, is valuable for preventing further degradation to the City's remaining historic housing and commercial stock as well as providing for the public health and safety.

WHEREAS, this Ordinance is found to be consistent with prohibitions on use of emergency ordinance powers in the aforementioned Charter and Statutes.

WHEREAS, this amendment shall expire upon the sixty-first day following the date of adoption, but may be extended through this procedure, or made permanent through typical Land Development Code amendment procedure at the discretion of the City Commission.

WHEREAS, this Ordinance is exempt from the requirement to prepare a business impact estimate pursuant to Florida Statute 166.041(4)(c).5. as amended through the 2024 session.

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

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

SECTION 2. The Land Development Code is amended as shown in EXHIBIT A to this Ordinance.

SECTION 3. Codification. This Ordinance shall be codified in the Land Development Code 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 as 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 immediately upon adoption.

SECTION 10. Repeal. This ordinance shall be automatically repealed on the sixty-first day following the date it was duly adopted, but may be readopted through the same procedure if the same conditions and findings exist, or may be made permanent through the typical Land Development Code amendment procedure.

FIRST READING: _____
 PUBLISHED: _____
 SECOND READING: _____
 PUBLIC HEARING: _____

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

Adrian Petrilă, 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 _____, 2024.

Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Ralf Brookes, City Attorney

EXHIBIT A

Sec. 28.5. Ordinary maintenance and repair.

- (a) Nothing in this division shall be construed to prevent the ordinary maintenance or repair of any exterior feature of any historic building, structure or site which does not involve a substantive change in material, design or outer appearance.
- (b) Buildings or structures that have been designated pursuant to this Division at the time that the city was a certified local government and/or otherwise meet the criteria of Section 28.16.(a) may be excluded from the definition of substantial improvement when repairs, construction, rehabilitation, alteration, addition, or other improvements exceed the threshold established in Chapter 98 of the Code of Ordinances, subject to the following:
 - a. Improvement(s) are entirely interior and/or involve only ordinary maintenance or repair of an exterior feature as established in (a), above, as documented through material boards, product specifications, or other submittals deemed appropriate by the reviewer at time of permitting for the improvement(s);
 - b. The improvement(s) is or are independent from any addition or alteration that would otherwise be subject to the floodplain management regulation variance process established in Section 28.16.(b) of this Code;
 - c. The improvement(s) and alteration(s) are determined to not preclude the building or structure's continued designation as a historic resource.
- (c) Any improvement(s) to a historic building or structure that exceed(s) the threshold for substantial improvement and involves any exterior improvement that exceeds the threshold for ordinary maintenance or repair established in (a) above shall be subject to the variance process established in Section 28.16.(b) of this Code.

Ordinance 2024-15

AN EMERGENCY ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING FOR SIXTY DAYS THE CITY'S LAND DEVELOPMENT CODE DIVISION 28 – HISTORIC PRESERVATION, SECTION 28.5 – ORDINARY MAINTENANCE AND REPAIR; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

WHEREAS, the City is currently in a state of emergency as declared by Executive Orders 24-208, issued September 23, 2024, and 24-214, issued October 5, 2024, as well as local Resolutions 2024-14 and 2024-16.

WHEREAS, both residential and commercial structures City-wide have sustained significant structural and nonstructural damage due to the effects of hurricanes Helene and Milton.

WHEREAS, aforementioned damage has been particularly apparent in Pass A Grille, which is majority designated as contributing to the neighborhood's National Register Historic District, and in other areas of the City that contain significant density of structures deemed or with potential to be deemed historically significant.

WHEREAS, the City's Comprehensive Plan promotes the protection of historic and architecturally-significant structures and resources.

WHEREAS, the City Commission finds that expediting approval of repair work that exceeds 50% of the depreciated value of the structure for structures that have been approved by the City's Certified Local Government for placement on the City's local inventory of historic places, when said work is clearly respectful of the historic nature of the structure and does not exceed existing permissions for minor repairs and maintenance permitted for such structures, is valuable for preventing further degradation to the City's remaining historic housing and commercial stock as well as providing for the public health and safety.

WHEREAS, this Ordinance is found to be consistent with prohibitions on use of emergency ordinance powers in the aforementioned Charter and Statutes.

WHEREAS, this amendment shall expire upon the sixty-first day following the date of adoption, but may be extended through this procedure, or made permanent through typical Land Development Code amendment procedure at the discretion of the City Commission.

WHEREAS, this Ordinance is exempt from the requirement to prepare a business impact estimate pursuant to Florida Statute 166.041(4)(c).5. as amended through the 2024 session.

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

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

SECTION 2. The Land Development Code is amended as shown in EXHIBIT A to this Ordinance.

SECTION 3. Codification. This Ordinance shall be codified in the Land Development Code 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 as 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 immediately upon adoption.

SECTION 10. Repeal. This ordinance shall be automatically repealed on the sixty-first day following the date it was duly adopted, but may be readopted through the same procedure if the same conditions and findings exist, or may be made permanent through the typical Land Development Code amendment procedure.

FIRST READING: _____
 PUBLISHED: _____
 SECOND READING: _____
 PUBLIC HEARING: _____

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

Adrian Petrila, 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 _____, 2024.

Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Ralf Brookes, City Attorney

EXHIBIT A

Sec. 28.5. Ordinary maintenance and repair.

- (a) Nothing in this division shall be construed to prevent the ordinary maintenance or repair of any exterior feature of any historic building, structure or site which does not involve a substantive change in material, design or outer appearance.
- (b) Buildings or structures that have been designated pursuant to this Division at the time that the city was a certified local government and/or otherwise meet the criteria of Section 28.16.(a) may be excluded from the definition of substantial improvement when repairs, construction, rehabilitation, alteration, addition, or other improvements exceed the threshold established in Chapter 98 of the Code of Ordinances, subject to the following:
 - a. Improvement(s) are entirely interior and/or involve only ordinary maintenance or repair of an exterior feature as established in (a), above, as documented through material boards, product specifications, or other submittals deemed appropriate by the reviewer at time of permitting for the improvement(s);
 - b. The improvement(s) is or are independent from any addition or alteration that would otherwise be subject to the floodplain management regulation variance process established in Section 28.16.(b) of this Code;
 - c. The improvement(s) and alteration(s) are determined to not preclude the building or structure's continued designation as a historic resource.
- (c) Any improvement(s) to a historic building or structure that exceed(s) the threshold for substantial improvement and involves any exterior improvement that exceeds the threshold for ordinary maintenance or repair established in (a) above shall be subject to the variance process established in Section 28.16.(b) of this Code.

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

Agenda Report

Agenda Title Name: First Reading of Ordinance 2024-13: Permanently adopting provisions for the elevation of flood-damaged equipment in required side and rear yards, and elevation or reconstruction of nonconforming residential structures in required yards

Action Request: Motion to approve the first reading of Ordinance 2024-13.

Strategic Objective: Resilient community

Date: November 19, 2024

Prepared By: Brandon Berry, Senior Planner

Through: Frances Robustelli, City Manager

Summary of Issue: This ordinance is prepared to provide for permanent adoption of Emergency Ordinances 2024-11 and 2024-14, containing similar language and purpose. This ordinance will allow for residences nonconforming solely by setback to be elevated or have the living level reconstructed above the required flood elevation, and construct a staircase within a front setback if required to access the elevated living level. This ordinance also allows for in-place elevation of equipment required to be elevated by the Florida Building Code if located in a required side or rear yard.

One alteration from language contained in the aforementioned emergency ordinances included in this ordinance is to clarify that the elevation or reconstruction permission pertains to structures that are nonconforming solely by means of setback, and not by other means such as use.

Funding: N/A

Attachments:

1. Ord 2024-13 - Clean (First reading)
2. Ord 2024-13 - Markup (First reading)
3. Ordinance 2024-13 - Business Impact Estimate

Ordinance 2024-13

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING LAND DEVELOPMENT CODE DIVISION 3 – ADMINISTRATION OF THE LAND DEVELOPMENT CODE, SECTION 3.10 – VESTED RIGHTS AND NONCONFORMITIES; AND DIVISION 6 – SUPPLEMENTAL REGULATIONS, SECTION 6.14. - ENCROACHMENT OF CERTAIN SPECIFIED ANCILLARY RESIDENTIAL EQUIPMENT INTO REQUIRED YARDS; REPEALING EMERGENCY ORDINANCES 2024-11 AND 2024-14 CONTAINING SIMILAR PROVISIONS; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER’S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

WHEREAS, the City adopted similar permissions as contained as exhibits herein for sixty days through emergency Ordinances 2024-11 and 2024-14.

WHEREAS, both residential and commercial structures City-wide have sustained significant structural and nonstructural damage due to the effects of hurricanes Helene and Milton.

WHEREAS, the Land Development Code has benefitted from additional clarity on simple change-outs of existing equipment when required to be elevated above the floodplain, and permissions to allow residential structures with nonconforming setbacks to have the living level of the structure elevated or reconstructed above the floodplain, to continue assisting with Citywide recovery and long-term resiliency efforts.

WHEREAS, the City Commission finds these amendments to assist in the preservation and maintenance the public health, safety, and welfare.

WHEREAS, a business impact estimate pursuant to Florida Statute 166.041(4)(c).5. as amended through the 2024 session has been prepared and found no significant negative impact on the business community.

WHEREAS, this item was taken for review before the Local Planning Agency (Planning Board) on November 18, 2024, and [recommended/not recommended] to the City Commission for final adoption at a vote of [____ to ____].

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

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

SECTION 2. The Land Development Code is amended as shown in EXHIBIT A to this Ordinance.

SECTION 3. Codification. This Ordinance shall be codified in the Land Development Code 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. The enactment of this ordinance shall immediately repeal Emergency Ordinances 2024-11 and 2024-14 containing similar provisions.

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 as 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 immediately upon adoption.

FIRST READING: _____
PUBLISHED: _____
SECOND READING: _____
PUBLIC HEARING: _____

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

Adrian Petrila, 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 _____, 2024.

Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Andrew Dickman, City Attorney

EXHIBIT A

Sec. 3.10. - Vested rights and nonconformities.

(b) *Nonconforming structures.* Where a lawful structure exists at the time of adoption or amendment of this Code which could no longer be built under the terms of this Code by reason of restrictions on lot area, impervious surface, height, or other such characteristics, such structure may continue to be used so long as it remains otherwise lawful, subject to the following provisions:

- (1) No such structure may be enlarged, altered or improved in a manner which increases its nonconformity, except for the conditions set forth for elevating an existing structure in Section (3)A. below.
- (2) Any nonconforming structure which suffers substantial damage, as defined in this Code, shall only be repaired, restored or reconstructed in a manner which brings the entire structure into compliance with all requirements of this Code and other applicable codes of the city, except as provided in (3)D. below.
- (3) Should such nonconforming structure be moved, either vertically or horizontally, it shall comply with the following:
 - A. The structure may be moved, vertically only, such that the lowest habitable floor is elevated above the required design_flood elevation, as defined and established in the city's flood damage prevention regulations set forth in Chapter 98 of the Code of Ordinances. Additionally, the existing habitable ground floor of the structure beneath the required design flood elevation may be converted to parking, storage and building access if in compliance with the structure's flood zone if the habitable floor(s) are reconstructed, in the same footprint and the same floor height as the existing habitable floor(s), above. Under no circumstances shall the resulting structure exceed the maximum height allowed by the zoning district.
 - B. The structure shall be moved, horizontally only, such that no additional nonconformities are created, and no existing non-conformities are increased, by such relocation; and
 - C. The structure shall be located on the property so that there is a setback of at least three feet from the nearest property line on all sides of the structure. Any additions to the structure made during or subsequent to the elevation or reconstruction of the structure, other than reconstruction of the habitable floor(s) of the structure above required design flood elevation when reconstruction is undertaken, shall comply with the existing required setbacks for the structure's zoning district.
 - D. When a residential structure that is nonconforming solely by means of setback(s) suffers substantial damage and the requirements of (3)A. through C. preceding can be met, the structure may be eligible for a vertical move, elevation or reconstruction as set forth above but shall comply with all

applicable floodplain management regulations and building codes. At time of permitting for the elevation or reconstruction the applicant shall demonstrate why the structure cannot be relocated to fully comply with required setbacks, and the Applicant shall also demonstrate that the Applicant has made all reasonable, viable accommodations to increase compliance with the required setbacks when the structure is elevated or reconstructed.

E. When (3)A. or D. above is utilized, if the applicant cannot reasonably construct stairs to access the first living level without encroaching into the front setback, the applicant may be permitted to construct stairs without an independent roof overhang within the required front yard. Stairs shall not encroach more than ten feet into the required front yard unless additional encroachment is demonstrated as necessary to avoid conflict with garage access or correct a safety issue. Under no circumstances shall stairs authorized through this permission be located closer than three feet to any property line. This standard shall supersede other permissions and restrictions found elsewhere in this Code.

(4) Any nonconforming structure may be reinforced to make it resistant to hurricanes for the health safety and welfare of the public. These improvements include the addition of hurricane shutters, impact windows and doors, and hurricane straps.

(5) Ordinary repairs and maintenance may be made to a nonconforming structure provided that such repairs or maintenance do not constitute a substantial improvement as defined in the Land Development Code.

Sec. 6.14. Encroachment of certain specified ancillary residential equipment into required yards.

- (a) Ancillary residential equipment installed no more than two feet above grade, such as but not limited to air conditioning compressors when permitted, swimming pool and spa filters and pumps, etc. shall be allowed to encroach into any required yards up to four feet, provided that any such equipment located in front of the residence shall be adequately shielded from the adjoining property by either a solid enclosure or solid fence or wall and no resulting setback shall be less than 3 feet from any property line.
- (b) Equipment newly installed more than two feet above grade shall not encroach into any required front or side yard setback.
- (c) New elevated equipment on any new or substantially improved residential structures shall not encroach into any required yard setback. This shall apply to any equipment installed for new or substantially improved structures or to such items being installed for existing structures the first time.
- (d) Change-outs or in-place elevation of existing residential equipment located in the required rear or side yard of a structure legally nonconforming to the current required design flood elevation, that has sustained damage from a flood and is required by the

Florida Building Code to be elevated above the floodplain, shall be permitted to be elevated in place subject to the following criteria:

- a. The bottom of the equipment shall be elevated no higher than one foot above required design flood elevation.
- b. The equipment shall encroach no farther into the required yard than the equipment it is replacing, except that minimum additional encroachment may be permitted to avoid conflict with existing projections located on the structure and/or roof eaves.
- c. If on a column or pedestal, the equipment with column or pedestal shall be located no closer than three feet from the property line.
- d. If on a bracket the equipment with bracket shall be located no closer than three feet from the property line or, if elevated on a bracket such that any projection is no lower than 6'-8" from adjacent grade, shall not encroach beyond the property line.
- e. The top of the equipment shall not exceed the height of the ridge of the roof of the structure to which it is attached or associated.
- f. This provision shall not apply to residential structures that are new or substantially improved, which are regulated by (c), above.

Ordinance 2024-13

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING LAND DEVELOPMENT CODE DIVISION 3 – ADMINISTRATION OF THE LAND DEVELOPMENT CODE, SECTION 3.10 – VESTED RIGHTS AND NONCONFORMITIES; AND DIVISION 6 – SUPPLEMENTAL REGULATIONS, SECTION 6.14. - ENCROACHMENT OF CERTAIN SPECIFIED ANCILLARY RESIDENTIAL EQUIPMENT INTO REQUIRED YARDS; REPEALING EMERGENCY ORDINANCES 2024-11 AND 2024-14 CONTAINING SIMILAR PROVISIONS; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER’S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

WHEREAS, the City adopted similar permissions as contained as exhibits herein for sixty days through emergency Ordinances 2024-11 and 2024-14.

WHEREAS, both residential and commercial structures City-wide have sustained significant structural and nonstructural damage due to the effects of hurricanes Helene and Milton.

WHEREAS, the Land Development Code has benefitted from additional clarity on simple change-outs of existing equipment when required to be elevated above the floodplain, and permissions to allow residential structures with nonconforming setbacks to have the living level of the structure elevated or reconstructed above the floodplain, to continue assisting with Citywide recovery and long-term resiliency efforts.

WHEREAS, the City Commission finds these amendments to assist in the preservation and maintenance the public health, safety, and welfare.

WHEREAS, a business impact estimate pursuant to Florida Statute 166.041(4)(c).5. as amended through the 2024 session has been prepared and found no significant negative impact on the business community.

WHEREAS, this item was taken for review before the Local Planning Agency (Planning Board) on November 18, 2024, and [recommended/not recommended] to the City Commission for final adoption at a vote of [____ to ____].

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

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

SECTION 2. The Land Development Code is amended as shown in EXHIBIT A to this Ordinance.

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

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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 as 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 immediately upon adoption.

FIRST READING: _____
 PUBLISHED: _____
 SECOND READING: _____
 PUBLIC HEARING: _____

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

 Adrian Petrila, Mayor

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.

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 _____, 2024.

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.

EXHIBIT A

Sec. 3.10. - Vested rights and nonconformities.

(b) *Nonconforming structures.* Where a lawful structure exists at the time of adoption or amendment of this Code which could no longer be built under the terms of this Code by reason of restrictions on lot area, impervious surface, height, or other such characteristics, such structure may continue to be used so long as it remains otherwise lawful, subject to the following provisions:

- (1) No such structure may be enlarged, altered or improved in a manner which increases its nonconformity, except for the conditions set forth for elevating an existing structure in Section (3)A. below.
- (2) Any nonconforming structure which suffers substantial damage, as defined in this Code, shall only be repaired, restored or reconstructed in a manner which brings the entire structure into compliance with all requirements of this Code and other applicable codes of the city, except as provided in (3)D. below.
- (3) Should such nonconforming structure be moved, either vertically or horizontally, it shall comply with the following:
 - A. The structure ~~shall~~ may be moved, vertically only, such that the lowest habitable floor is elevated ~~no higher than six inches~~ above the ~~base required design~~ flood elevation, as defined and established in the city's flood damage prevention regulations set forth in Chapter 98 of the Code of Ordinances; ~~except that minimum necessary additional height shall be allowed to provide for the construction of a garage underneath any structure which is so moved. The maximum height of the new construction for the garage shall not exceed nine feet from the existing grade of the lot to the bottom of the existing horizontal structural member of the lowest floor. Additionally, the existing habitable ground floor of the structure beneath the required design flood elevation may be converted to parking, storage and building access if in compliance with the structure's flood zone if the habitable floor(s) are reconstructed, in the same footprint and the same floor height as the existing habitable floor(s), above. Under no circumstances shall the resulting structure exceed the maximum height allowed by the zoning district.~~
 - B. The structure shall be moved, horizontally only, such that no additional nonconformities are created, and no existing non-conformities are increased, by such relocation; and
 - C. The structure shall be located on the property so that there is a setback of at least three feet from the nearest property line on all sides of the structure. Any additions to the structure made during or subsequent to the elevation or reconstruction of the structure, other than reconstruction of the habitable floor(s) of the structure above required design flood elevation when

reconstruction is undertaken, shall comply with the existing required setbacks for the structure's zoning district.

D. When a residential structure that is nonconforming solely by means of setback(s) suffers substantial damage and the requirements of (3)A. through C. preceding can be met, the structure may be eligible for a vertical move, elevation or reconstruction as set forth above but shall comply with all applicable floodplain management regulations and building codes. At time of permitting for the elevation or reconstruction the applicant shall demonstrate why the structure cannot be relocated to fully comply with required setbacks, and the Applicant shall also demonstrate that the Applicant has made all reasonable, viable accommodations to increase compliance with the required setbacks when the structure is elevated or reconstructed.

E. When (3)A. or D. above is utilized, if the applicant cannot reasonably construct stairs to access the first living level without encroaching into the front setback, the applicant may be permitted to construct stairs without an independent roof overhang within the required front yard. Stairs shall not encroach more than ten feet into the required front yard unless additional encroachment is demonstrated as necessary to avoid conflict with garage access or correct a safety issue. Under no circumstances shall stairs authorized through this permission be located closer than three feet to any property line. This standard shall supersede other permissions and restrictions found elsewhere in this Code.

(4) Any nonconforming structure may be reinforced to make it resistant to hurricanes for the health safety and welfare of the public. These improvements include the addition of hurricane shutters, impact windows and doors, and hurricane straps.

(5) Ordinary repairs and maintenance may be made to a nonconforming structure provided that such repairs or maintenance do not constitute a substantial improvement as defined in the Land Development Code.

Sec. 6.14. Encroachment of certain specified ancillary residential equipment into required yards.

(a) Ancillary residential equipment installed no more than two feet above grade, such as but not limited to air conditioning compressors when permitted, swimming pool and spa filters and pumps, etc. shall be allowed to encroach into any required yards up to four feet, provided that any such equipment located in front of the residence shall be adequately shielded from the adjoining property by either a solid enclosure or solid fence or wall and no resulting setback shall be less than 3 feet from any property line.

(b) Equipment newly installed more than two feet above grade shall not encroach into any required front or side yard setback.

- (c) New elevated equipment on any new or substantially improved residential structures shall not encroach into any required yard setback. This shall apply to any equipment installed for new or substantially improved structures or to such items being installed for existing structures the first time.
- (d) Change-outs or in-place elevation of existing residential equipment located in the required rear or side yard of a structure legally nonconforming to the current required design flood elevation, that has sustained damage from a flood and is required by the Florida Building Code to be elevated above the floodplain, shall be permitted to be elevated in place subject to the following criteria: ~~shall be exempt as long as the new equipment does not encroach into any required yard to a greater extent than the existing equipment.~~
- a. The bottom of the equipment shall be elevated no higher than one foot above required design flood elevation.
 - b. The equipment shall encroach no farther into the required yard than the equipment it is replacing, except that minimum additional encroachment may be permitted to avoid conflict with existing projections located on the structure and/or roof eaves.
 - c. If on a column or pedestal, the equipment with column or pedestal shall be located no closer than three feet from the property line.
 - d. If on a bracket the equipment with bracket shall be located no closer than three feet from the property line or, if elevated on a bracket such that any projection is no lower than 6'-8" from adjacent grade, shall not encroach beyond the property line.
 - e. The top of the equipment shall not exceed the height of the ridge of the roof of the structure to which it is attached or associated.
 - f. This provision shall not apply to residential structures that are new or substantially improved, which are regulated by (c), above.

Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City of St. Pete Beach website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference:

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING LAND DEVELOPMENT CODE DIVISION 3 – ADMINISTRATION OF THE LAND DEVELOPMENT CODE, SECTION 3.10 – VESTED RIGHTS AND NONCONFORMITIES; AND DIVISION 6 – SUPPLEMENTAL REGULATIONS, SECTION 6.14. - ENCROACHMENT OF CERTAIN SPECIFIED ANCILLARY RESIDENTIAL EQUIPMENT INTO REQUIRED YARDS; REPEALING EMERGENCY ORDINANCES 2024-11 AND 2024-14 CONTAINING SIMILAR PROVISIONS; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City of St. Pete Beach is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the City of St. Pete Beach is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement;
- ☐ The proposed ordinance is enacted to implement development orders and development permits, as those terms are defined in s. 163.3164, F.S., and development agreements, as authorized by the Florida Local Government Development Agreement Act under ss.163.3220-163.3243;
- ☐ The proposed ordinance implements a comprehensive plan or land development regulation amendment and was initiated through application by a private party other than the municipality.

- ☐ The proposed ordinance relates to Sections 190.005, 190.046, 553.73 (Florida Building Code), or 633.202 (Florida Fire Prevention Code).

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of St. Pete Beach hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

This Ordinance allows for permanent adoption of prior emergency Ordinances 2024-11 and 2024-14, which respectively permitted the in-place elevation or limited reconstruction of a residential structure that encroached into a required yard provided that the structure's living level is elevated out of the floodplain, and elevate equipment associated with pre-FIRM structures located in the required rear or side yard above the floodplain when required to do so by the Florida Building Code. The public purpose of this ordinance is to expedite recovery for homeowners who need to replace equipment in order to reoccupy their homes, and promote elevation of residences above the floodplain to prevent dislocation of homeowners who are required to elevate their home following substantial damage.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of St. Pete Beach, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the City of St. Pete Beach's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

This ordinance is permissive in nature and is not expected to have any significant economic impact on private, for-profit businesses in the City of St. Pete Beach in terms of compliance costs. The sole known potential impact would be from the in-place elevation of a residential structure closer to a property line than permitted under code for new development, which could increase the offset of new development on an adjacent property or the installation of firewalls. However, generally, there are significant landscaping buffer and commercial setback requirements from commercial structures to adjacent residential.

There are no additional new fees or regulatory costs introduced with this ordinance. This ordinance does not impose additional requirements on any business or property owner.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

As commercial businesses are not subject to the same setback requirements or flood elevation requirements for equipment as residences, few if any businesses are expected to benefit from that provision. Staff estimates that as many as 50 condominium associations and apartment building owners will potentially benefit from the provisions allowing for elevation of residences above the floodplain; however, it is unclear how many of these developments can be elevated to the required flood elevation level without conflicting with height requirements, which would still require obtaining a variance.

4. Additional information the governing body deems useful (if any):

[You may wish to include the methodology or data used to prepare the Business Impact Estimate in this section. For example: City of St. Pete Beach staff solicited comments from businesses in the City of St. Pete Beach as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on City of St. Pete Beach website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses); therefore, the proposed ordinance does not affect only businesses.]

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

Agenda Report

Agenda Title Name: First reading of Ordinance 2024-16 [Alternatives A & B]: [Alternative A] Amending the Code of Ordinances Chapter 98 - BUILDINGS AND BUILDING REGULATIONS to reduce the cumulative substantial improvement cost calculation to one year, exempt repairs for non-substantial damage from substantial improvement calculations, and make the amendment effective one day prior to Hurricane Helene impacts; or, [Alternative B] Repeal the cumulative substantial improvement cost calculation and make the repeal effective one day prior to Hurricane Helene impacts.

Action Request: Motion to approve the first reading of Ordinance 2024-16 [Alternative A or B] and transmit the amendments to the Florida Division of Emergency Management.

Strategic Objective: Natural disaster planning

Date: November 19, 2024

Prepared By: Brandon Berry, Senior Planner

Through: Frances Robustelli, City Manager

Summary of Issue: [Alternative A]

This is one of two options requested by the City Commission at the November 4th regular meeting to modify the City's building and floodplain regulations. Ordinance 2024-A would reduce the "lookback" period for cumulative cost calculations to one year, and make the start date of calculation effective to September 23, 2024, a day prior to structures in the City sustaining damage from the effects of Hurricane Helene. Any existing residence or business that is not elevated or floodproofed to the currently-required standard, without an open permit on that date, would start from a zero dollar cost accumulation toward the one-year lookback calculation. Those residences and businesses with an open permit as of September 23, 2024 that is not excepted from the cost accumulation, such as additions, elective renovations, and permits for

electrical or plumbing work, would need to have those costs factored in to their calculations to repair damage sustained from Hurricanes Helene and/or Milton, as well as any forthcoming non-excepted repairs and improvements made over the following year.

Additionally, this ordinance exempts any repair work undertaken due to wind or flood damage provided that the repair work itself, when combined with any other improvements and repairs undertaken at the same time, does not constitute substantial improvement and substantial damage was not sustained from the damaging event or events.

This Ordinance option is not expected to impact residences or businesses to a greater degree than they are currently, or in greater number, as it both reduces the current July 1, 2021 lookback calculation to one year and retains all the exceptions currently permitted, such as roof repairs, equipment changeouts, and removal and replacement of impact-resistant windows and doors. It also effectively provides a one-time grace period for those homeowners who made elective improvements but closed their permits prior to September 23, 2024, allowing them to start with a zero dollar cost accumulation when assessing for repairs from Hurricane Helene or Milton.

The content of this ordinance was largely prepared by Rebecca Quinn of RCQuinn Consulting, consultant for the Florida Department of Emergency Management, with minor local formatting changes made by City staff.

[Alternative B]

This is the second of two options requested by the City Commission at the November 4th regular meeting to modify the City's building and floodplain regulations. This Ordinance would eliminate the cumulative lookback period for substantial improvement calculations that the City adopted in 2021, returning to the minimum NFIP requirement that permits repairs, improvements, and other work without delays in between permit closeout and issuance provided that active permits calculated together do not collectively constitute a substantial improvement, and provided that the work is not required to be considered along with other repairs and improvements under a substantial damage restoration period. The effective date is set retroactive to September 23, 2024, a day

prior to effects from Hurricane Helene.

This option would require open permits for work previously excepted from the cumulative value calculations, such as roof repairs, mechanical changeouts, and replacement of windows and doors that are impact rated, to now be calculated into the improvement value if they were open on September 24, 2024, or if they are necessary to restore damage sustained from Hurricanes Helene or Milton. City records show 108 residences that had open permits for windows, doors, mechanical changeout, and roofing, that were issued prior to the storm as of November 10, 2024. The average permit value was \$14,217, median, \$9,477, with 18 households that had an open currently-excepted permit value greater than \$25,000 and five that had an open currently-excepted permit value greater than \$50,000. These homeowners would now be required to factor in these costs of currently-excepted improvements against any repairs necessary to restore the structures to pre-storm damage, which could require additional homes to be elevated.

The content of this ordinance was largely prepared by Rebecca Quinn of RCQuinn Consulting, consultant for the Florida Department of Emergency Management, with minor local formatting changes made by City staff.

Funding:

N/A

Attachments:

1. Option A - Clean
2. Option A - Markup
3. Option B - Clean
4. Option B - Markup

ORDINANCE NO. 2024-16 [Alternative A]

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, AMENDING THE ST. PETE BEACH CODE OF ORDINANCES SECTIONS 98-35., 98-36., 98-122.4., 98-128.4., AND 98-131.6., TO ADOPT AMENDMENTS TO THE CITY CODE REGARDING SUBSTANTIAL DAMAGE, SUBSTANTIAL IMPROVEMENTS, LOOK-BACK PERIOD, AND EXEMPTIONS TO IMPROVEMENT AND REPAIR OF BUILDINGS IN FLOOD HAZARD AREAS; PROVIDING FOR SEVERABILITY, CODIFICATION AND SCRIVENER'S ERRORS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 – Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

WHEREAS, the City of St. Pete Beach participates in the National Flood Insurance Program.

WHEREAS, Chapter 553, 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 Code and allows adoption of local administrative and local technical amendments to the Florida Building Code to implement the National Flood Insurance Program and incentives.

WHEREAS, the City of St. Pete Beach previously adopted a provision in Chapter 98 Buildings and Building Requirements, and a local technical amendment to the *Florida Building Code*, to require accumulation of costs of improvements and repairs over a period of time and the City Commission has determined it appropriate to amend those provisions effective September 23, 2024.

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

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

SECTION 2. The Code of Ordinances Chapter 98 – BUILDINGS AND BUILDING REGULATIONS, ARTICLE II – TECHNICAL CODES and ARTICLE V – FLOOD HAZARD MITIGATION REGULATIONS are amended as shown in EXHIBIT A to this Ordinance.

SECTION 3. Codification. This Ordinance shall be codified in the Code of Ordinances 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 as 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 immediately upon adoption.

FIRST READING: _____
PUBLISHED: _____
SECOND READING: _____
PUBLIC HEARING: _____

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

Adrian Petrila, 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 _____, 2024.

Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Ralf Brookes, City Attorney

EXHIBIT A

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 one 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 September 23, 2024. 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.

- (d) Costs for repairs whose express purpose is to repair wind or flood damage to pre-damage condition, provided the structure is not substantially damaged and the costs of such measures, plus the cost of any other improvements and repairs undertaken at the same time, do not exceed 50 percent of the market value of the structure before the damage occurred.

(Ord. No. 21-15, § 2, 7-15-21)

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 one 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 September 23, 2024. 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.
- (d) Costs for repairs whose express purpose is to repair wind or flood damage to pre-damage condition, provided the structure is not substantially damaged and the costs of such measures, plus the cost of any other improvements and repairs undertaken at the same time, do not exceed 50 percent of the market value of the structure before the damage occurred.

(Ord. No. 21-15, § 2, 7-15-21)

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 one 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.

(Ord. No. 15-26, § 1, 9-22-15; Ord. No. 18-08, § 2, 2-26-19; Ord. No. 21-02, § 2, 2-9-21, eff. 7-1-21; Ord. No. 21-15, § 3, 7-15-21)

Sec. 98-128.4. Definitions.

* * *

Substantial improvement means any combination of repair, reconstruction, rehabilitation, alteration, addition, or other improvement of a building or structure taking place during a one 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 September 23, 2024. 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.
 - d. Costs for repairs whose express purpose is to repair wind or flood damage to pre-damage condition, provided the structure is not substantially damaged and the costs of such measures, plus the cost of any other improvements and repairs undertaken at the same time, do not exceed 50 percent of the market value of the structure before the damage occurred.

* * *

Sec. 98-131.6. Limitations on sites in coastal high hazard areas (zone V).

In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by section 98-133.8(3) demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with section 98-133.8(3).

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

ORDINANCE NO. 2024-16 [Alternative A]

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, AMENDING THE ST. PETE BEACH CODE OF ORDINANCES SECTIONS 98-35., 98-36., 98-122.4., 98-128.4., AND 98-131.6., TO ADOPT AMENDMENTS TO THE CITY CODE REGARDING SUBSTANTIAL DAMAGE, SUBSTANTIAL IMPROVEMENTS, LOOK-BACK PERIOD, AND EXEMPTIONS TO IMPROVEMENT AND REPAIR OF BUILDINGS IN FLOOD HAZARD AREAS; PROVIDING FOR SEVERABILITY, CODIFICATION AND SCRIVENER'S ERRORS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 – Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

WHEREAS, the City of St. Pete Beach participates in the National Flood Insurance Program.

WHEREAS, Chapter 553, 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 Code and allows adoption of local administrative and local technical amendments to the Florida Building Code to implement the National Flood Insurance Program and incentives.

WHEREAS, the City of St. Pete Beach previously adopted a provision in Chapter 98 Buildings and Building Requirements, and a local technical amendment to the *Florida Building Code*, to require accumulation of costs of improvements and repairs over a period of time and the City Commission has determined it appropriate to amend those provisions effective September 23, 2024.

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

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

SECTION 2. The Code of Ordinances Chapter 98 – BUILDINGS AND BUILDING REGULATIONS, ARTICLE II – TECHNICAL CODES and ARTICLE V – FLOOD HAZARD MITIGATION REGULATIONS are amended as shown in EXHIBIT A to this Ordinance.

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. Codification. This Ordinance shall be codified in the Code of Ordinances 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 as 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 immediately upon adoption.

FIRST READING: _____
PUBLISHED: _____
SECOND READING: _____
PUBLIC HEARING: _____

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

Adrian Petrila, Mayor

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.

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 _____, 2024.

Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Ralf Brookes, 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.

EXHIBIT A

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 one ~~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~~ September 23, 2024. 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

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.

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.
- (d) Costs for repairs whose express purpose is to repair wind or flood damage to pre-damage condition, provided the structure is not substantially damaged and the costs of such measures, plus the cost of any other improvements and repairs undertaken at the same time, do not exceed 50 percent of the market value of the structure before the damage occurred.

(Ord. No. 21-15, § 2, 7-15-21)

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 one ~~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~~ September 23, 2024. 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.

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- (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.
- (d) Costs for repairs whose express purpose is to repair wind or flood damage to pre-damage condition, provided the structure is not substantially damaged and the costs of such measures, plus the cost of any other improvements and repairs undertaken at the same time, do not exceed 50 percent of the market value of the structure before the damage occurred.

(Ord. No. 21-15, § 2, 7-15-21)

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;

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.

- (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 one ~~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.

(Ord. No. 15-26, § 1, 9-22-15; Ord. No. 18-08, § 2, 2-26-19; Ord. No. 21-02, § 2, 2-9-21, eff. 7-1-21; Ord. No. 21-15, § 3, 7-15-21)

Sec. 98-128.4. Definitions.

* * *

Substantial improvement means any combination of repair, reconstruction, rehabilitation, alteration, addition, or other improvement of a building or structure taking place during a one ~~five~~-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the

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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, 2024~~ September 23, 2024. 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.
 - d. Costs for repairs whose express purpose is to repair wind or flood damage to pre-damage condition, provided the structure is not substantially damaged and the costs of such measures, plus the cost of any other improvements and repairs undertaken at the

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same time, do not exceed 50 percent of the market value of the structure before the damage occurred.

* * *

Sec. 98-131.6. Limitations on sites in coastal high hazard areas (zone V).

In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by section ~~98-124.3(4)~~ 98-133.8(3) demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with section 98-133.8(3).

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

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.

ORDINANCE NO. 2024-16 [Alternative B]

AN ORDINANCE OF THE CITY OF ST. PETE BEACH AMENDING THE ST. PETE BEACH CODE OF ORDINANCES SECTIONS 98-35., 98-36., 98-122.4., 98-128.4., AND 98-131.6., TO REPEAL A PROVISION RELATED TO SUBSTANTIAL DAMAGE, SUBSTANTIAL IMPROVEMENTS, LOOK-BACK PERIOD, AND IMPROVEMENT AND REPAIR OF BUILDINGS IN FLOOD HAZARD AREAS; PROVIDING FOR SEVERABILITY, CODIFICATION AND SCRIVENER’S ERRORS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 – Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

WHEREAS, the City of St. Pete Beach participates in the National Flood Insurance Program.

WHEREAS, Chapter 553, 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 Code and allows adoption of local administrative and local technical amendments to the Florida Building Code to implement the National Flood Insurance Program and incentives.

WHEREAS, the City of St. Pete Beach previously adopted a provision in Chapter 98 Buildings and Building Requirements, and a local technical amendment to the *Florida Building Code*, to require accumulation of costs of improvements and repairs over a period of time and the City Commission has determined it appropriate to repeal those provisions effective September 23, 2024.

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

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

SECTION 2. The Code of Ordinances Chapter 98 – BUILDINGS AND BUILDING REGULATIONS, ARTICLE II – TECHNICAL CODES and ARTICLE V – FLOOD HAZARD MITIGATION REGULATIONS are amended as shown in EXHIBIT A to this Ordinance.

SECTION 3. Codification. This Ordinance shall be codified in the Code of Ordinances 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 as 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 be effective to September 23, 2024 upon adoption.

FIRST READING: _____
PUBLISHED: _____
SECOND READING: _____
PUBLIC HEARING: _____

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

Adrian Petrila, 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 _____, 2024.

Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Ralf Brookes, City Attorney

EXHIBIT A

Sec. 98-35. Reserved.

(Ord. No. 21-15, § 2, 7-15-21)

Sec. 98-36. Reserved.

(Ord. No. 21-15, § 2, 7-15-21)

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 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.

(Ord. No. 15-26, § 1, 9-22-15; Ord. No. 18-08, § 2, 2-26-19; Ord. No. 21-02, § 2, 2-9-21, eff. 7-1-21; Ord. No. 21-15, § 3, 7-15-21)

Sec. 98-128.4. Definitions.

* * *

Substantial improvement means any repair, reconstruction, rehabilitation, alteration, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. 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.

* * *

Sec. 98-131.6. Limitations on sites in coastal high hazard areas (zone V).

In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by section 98-133.8(3) demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with section 98-133.8(3).

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

ORDINANCE NO. 2024-16 [Alternative B]

AN ORDINANCE OF THE CITY OF ST. PETE BEACH AMENDING THE ST. PETE BEACH CODE OF ORDINANCES SECTIONS 98-35., 98-36., 98-122.4., 98-128.4., AND 98-131.6., TO REPEAL A PROVISION RELATED TO SUBSTANTIAL DAMAGE, SUBSTANTIAL IMPROVEMENTS, LOOK-BACK PERIOD, AND IMPROVEMENT AND REPAIR OF BUILDINGS IN FLOOD HAZARD AREAS; PROVIDING FOR SEVERABILITY, CODIFICATION AND SCRIVENER’S ERRORS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 – Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

WHEREAS, the City of St. Pete Beach participates in the National Flood Insurance Program.

WHEREAS, Chapter 553, 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 Code and allows adoption of local administrative and local technical amendments to the Florida Building Code to implement the National Flood Insurance Program and incentives.

WHEREAS, the City of St. Pete Beach previously adopted a provision in Chapter 98 Buildings and Building Requirements, and a local technical amendment to the *Florida Building Code*, to require accumulation of costs of improvements and repairs over a period of time and the City Commission has determined it appropriate to repeal those provisions effective September 23, 2024.

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

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

SECTION 2. The Code of Ordinances Chapter 98 – BUILDINGS AND BUILDING REGULATIONS, ARTICLE II – TECHNICAL CODES and ARTICLE V – FLOOD HAZARD MITIGATION REGULATIONS are amended as shown in EXHIBIT A to this Ordinance.

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

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 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 as 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 be effective to September 23, 2024 upon adoption.

FIRST READING: _____
PUBLISHED: _____
SECOND READING: _____
PUBLIC HEARING: _____

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

Adrian Petrila, 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 _____, 2024.

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.

Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Ralf Brookes, City Attorney

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EXHIBIT A

Sec. 98-35. Reserved. 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;~~

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~~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.~~

(Ord. No. 21-15, § 2, 7-15-21)

Sec. 98-36. Reserved. 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.~~

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

(Ord. No. 21-15, § 2, 7-15-21)

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 costs ~~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;

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.

- (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.

(Ord. No. 15-26, § 1, 9-22-15; Ord. No. 18-08, § 2, 2-26-19; Ord. No. 21-02, § 2, 2-9-21, eff. 7-1-21; Ord. No. 21-15, § 3, 7-15-21)

Sec. 98-128.4. Definitions.

* * *

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.~~

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.

- 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. 98-131.6. Limitations on sites in coastal high hazard areas (zone V).

In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by section ~~98-124.3(4)~~ 98-133.8(3) demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with section 98-133.8(3).

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

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.

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

Agenda Report

Agenda Title Name: Public Hearing to Adopt Emergency Ordinance 2024-17 [Alternatives A & B]: [Alternative A] Amending the Code of Ordinances Chapter 98 - BUILDINGS AND BUILDING REGULATIONS to reduce the cumulative substantial improvement cost calculation to one year, exempt repairs for non-substantial damage from substantial improvement calculations, and make the amendment effective one day prior to Hurricane Helene impacts; or, [Alternative B] Repeal the cumulative substantial improvement cost calculation and make the repeal effective one day prior to Hurricane Helene impacts.

Action Request: Motion to adopt Ordinance 2024-17 [Alternative A or B].

Strategic Objective: Natural disaster planning.

Date: November 19, 2024

Prepared By: Brandon Berry, Senior Planner

Through: Frances Robustelli, City Manager

Summary of Issue: As of November 13th, the permanent version of this ordinance (2024-16) has not been reviewed by the Florida Division of Emergency Management (FDEM). This review is necessary for the City to adopt amended language pertaining to the floodplain management regulations.

The provisions of Ordinance 2024-16 are presented here as an emergency ordinance, which the City Commission is authorized to undertake through its emergency powers granted under a local state of emergency. There are no changes to the content between the two ordinances. The subject ordinance, 2024-17, is presented to allow for immediate and temporary authorization of the adopted provisions provided that FDEM has reviewed and provided authorization for the identical content of the two ordinances between the date of publication of this

agenda and the November 19th hearing. The content of this emergency ordinance, which takes immediate effect, has been approved by Rebecca Quinn who represents FDEM.

Funding: N/A

Attachments:

1. Option A - Clean
2. Option A - Markup
3. Option B - Clean
4. Option B - Markup

ORDINANCE NO. 2024-17 [Alternative A]

**AN EMERGENCY ORDINANCE OF THE CITY OF ST. PETE BEACH,
AMENDING THE ST. PETE BEACH CODE OF ORDINANCES SECTIONS
98-35., 98-36., 98-122.4., 98-128.4., AND 98-131.6., TO ADOPT
AMENDMENTS TO THE CITY CODE REGARDING SUBSTANTIAL
DAMAGE, SUBSTANTIAL IMPROVEMENTS, LOOK-BACK PERIOD,
AND EXEMPTIONS TO IMPROVEMENT AND REPAIR OF BUILDINGS
IN FLOOD HAZARD AREAS; PROVIDING FOR SEVERABILITY,
CODIFICATION AND SCRIVENER’S ERRORS, AND PROVIDING FOR
AN EFFECTIVE DATE.**

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 – Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

WHEREAS, the City of St. Pete Beach participates in the National Flood Insurance Program.

WHEREAS, Chapter 553, 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 Code and allows adoption of local administrative and local technical amendments to the Florida Building Code to implement the National Flood Insurance Program and incentives.

WHEREAS, the City of St. Pete Beach previously adopted a provision in Chapter 98 Buildings and Building Requirements, and a local technical amendment to the *Florida Building Code*, to require accumulation of costs of improvements and repairs over a period of time and the City Commission has determined it appropriate to amend those provisions effective September 23, 2024.

WHEREAS, the City is currently in a state of emergency as declared by Executive Orders 24-208, issued September 23, 2024, and 24-214, issued October 5, 2024, as well as local Resolutions 2024-14 and 2024-16.

WHEREAS, both residential and commercial structures City-wide have sustained significant structural and nonstructural damage due to the effects of hurricanes Helene and Milton.

WHEREAS, Section 3.11 of the City Charter and Florida Statutes 166.041(3)(b) permit the City to adopt emergency ordinances in one reading without typical advertising and reading separation requirements.

WHEREAS, this Ordinance is found to be consistent with prohibitions on use of emergency ordinance powers in the aforementioned Charter and Statutes.

WHEREAS, the City Commission finds these temporary amendments to be necessary to preserve and maintain the public health, safety, and welfare.

WHEREAS, this amendment shall expire upon the sixty-first day following the date of adoption, but may be extended through this procedure, or made permanent through typical Land Development Code amendment procedure at the discretion of the City Commission.

WHEREAS, this Ordinance is exempt from the requirement to prepare a business impact estimate pursuant to Florida Statute 166.041(4)(c).5. as amended through the 2024 session.

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

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

SECTION 2. The Code of Ordinances Chapter 98 – BUILDINGS AND BUILDING REGULATIONS, ARTICLE II – TECHNICAL CODES and ARTICLE V – FLOOD HAZARD MITIGATION REGULATIONS are amended as shown in EXHIBIT A to this Ordinance.

SECTION 3. Codification. This Ordinance shall be codified in the Code of Ordinances 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 as 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 immediately upon adoption.

SECTION 10. Repeal. This ordinance shall be automatically repealed on the sixty-first day following the date it was duly adopted, but may be readopted through the same procedure if the same conditions and findings exist, or may be made permanent through the typical Land Development Code amendment procedure.

EMERGENCY READING: _____
FIRST READING: _____
PUBLISHED: _____
SECOND READING: _____
PUBLIC HEARING: _____

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

Adrian Petrila, 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 _____, 2024.

Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Ralf Brookes, City Attorney

EXHIBIT A

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 one 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 September 23, 2024. 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.

- (d) Costs for repairs whose express purpose is to repair wind or flood damage to pre-damage condition, provided the structure is not substantially damaged and the costs of such measures, plus the cost of any other improvements and repairs undertaken at the same time, do not exceed 50 percent of the market value of the structure before the damage occurred.

(Ord. No. 21-15, § 2, 7-15-21)

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 one 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 September 23, 2024. 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:

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- (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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(Ord. No. 21-15, § 2, 7-15-21)

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 one 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.

(Ord. No. 15-26, § 1, 9-22-15; Ord. No. 18-08, § 2, 2-26-19; Ord. No. 21-02, § 2, 2-9-21, eff. 7-1-21; Ord. No. 21-15, § 3, 7-15-21)

Sec. 98-128.4. Definitions.

* * *

Substantial improvement means any combination of repair, reconstruction, rehabilitation, alteration, addition, or other improvement of a building or structure taking place during a one 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 September 23, 2024. 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.
 - d. Costs for repairs whose express purpose is to repair wind or flood damage to pre-damage condition, provided the structure is not substantially damaged and the costs of such measures, plus the cost of any other improvements and repairs undertaken at the same time, do not exceed 50 percent of the market value of the structure before the damage occurred.

* * *

Sec. 98-131.6. Limitations on sites in coastal high hazard areas (zone V).

In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by section 98-133.8(3) demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with section 98-133.8(3).

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

ORDINANCE NO. 2024-17 [Alternative A]

**AN EMERGENCY ORDINANCE OF THE CITY OF ST. PETE BEACH,
AMENDING THE ST. PETE BEACH CODE OF ORDINANCES SECTIONS
98-35., 98-36., 98-122.4., 98-128.4., AND 98-131.6., TO ADOPT
AMENDMENTS TO THE CITY CODE REGARDING SUBSTANTIAL
DAMAGE, SUBSTANTIAL IMPROVEMENTS, LOOK-BACK PERIOD,
AND EXEMPTIONS TO IMPROVEMENT AND REPAIR OF BUILDINGS
IN FLOOD HAZARD AREAS; PROVIDING FOR SEVERABILITY,
CODIFICATION AND SCRIVENER’S ERRORS, AND PROVIDING FOR
AN EFFECTIVE DATE.**

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 – Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

WHEREAS, the City of St. Pete Beach participates in the National Flood Insurance Program.

WHEREAS, Chapter 553, 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 Code and allows adoption of local administrative and local technical amendments to the Florida Building Code to implement the National Flood Insurance Program and incentives.

WHEREAS, the City of St. Pete Beach previously adopted a provision in Chapter 98 Buildings and Building Requirements, and a local technical amendment to the *Florida Building Code*, to require accumulation of costs of improvements and repairs over a period of time and the City Commission has determined it appropriate to amend those provisions effective September 23, 2024.

WHEREAS, the City is currently in a state of emergency as declared by Executive Orders 24-208, issued September 23, 2024, and 24-214, issued October 5, 2024, as well as local Resolutions 2024-14 and 2024-16.

WHEREAS, both residential and commercial structures City-wide have sustained significant structural and nonstructural damage due to the effects of hurricanes Helene and Milton.

WHEREAS, Section 3.11 of the City Charter and Florida Statutes 166.041(3)(b) permit the City to adopt emergency ordinances in one reading without typical advertising and reading separation requirements.

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.

WHEREAS, this Ordinance is found to be consistent with prohibitions on use of emergency ordinance powers in the aforementioned Charter and Statutes.

WHEREAS, the City Commission finds these temporary amendments to be necessary to preserve and maintain the public health, safety, and welfare.

WHEREAS, this amendment shall expire upon the sixty-first day following the date of adoption, but may be extended through this procedure, or made permanent through typical Land Development Code amendment procedure at the discretion of the City Commission.

WHEREAS, this Ordinance is exempt from the requirement to prepare a business impact estimate pursuant to Florida Statute 166.041(4)(c).5. as amended through the 2024 session.

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

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

SECTION 2. The Code of Ordinances Chapter 98 – BUILDINGS AND BUILDING REGULATIONS, ARTICLE II – TECHNICAL CODES and ARTICLE V – FLOOD HAZARD MITIGATION REGULATIONS are amended as shown in EXHIBIT A to this Ordinance.

SECTION 3. Codification. This Ordinance shall be codified in the Code of Ordinances 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 as 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.

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 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 immediately upon adoption.

SECTION 10. Repeal. This ordinance shall be automatically repealed on the sixty-first day following the date it was duly adopted, but may be readopted through the same procedure if the same conditions and findings exist, or may be made permanent through the typical Land Development Code amendment procedure.

EMERGENCY READING: _____
FIRST READING: _____
PUBLISHED: _____
SECOND READING: _____
PUBLIC HEARING: _____

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

Adrian Petrila, 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 _____, 2024.

Amber LaRowe, City Clerk

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.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Ralf Brookes, 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.

EXHIBIT A

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 one ~~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~~ September 23, 2024. 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.
- (d) Costs for repairs whose express purpose is to repair wind or flood damage to pre-damage condition, provided the structure is not substantially damaged and the costs of such measures, plus the cost of any other improvements and repairs undertaken at the same time, do not exceed 50 percent of the market value of the structure before the damage occurred.

(Ord. No. 21-15, § 2, 7-15-21)

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 one ~~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~~ September 23, 2024. 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:

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(Ord. No. 21-15, § 2, 7-15-21)

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;

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.

- (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 one ~~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.

(Ord. No. 15-26, § 1, 9-22-15; Ord. No. 18-08, § 2, 2-26-19; Ord. No. 21-02, § 2, 2-9-21, eff. 7-1-21; Ord. No. 21-15, § 3, 7-15-21)

Sec. 98-128.4. Definitions.

* * *

Substantial improvement means any combination of repair, reconstruction, rehabilitation, alteration, addition, or other improvement of a building or structure taking place during a one ~~five~~-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the

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.

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, 2024~~ September 23, 2024. 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.
 - d. Costs for repairs whose express purpose is to repair wind or flood damage to pre-damage condition, provided the structure is not substantially damaged and the costs of such measures, plus the cost of any other improvements and repairs undertaken at the

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.

same time, do not exceed 50 percent of the market value of the structure before the damage occurred.

* * *

Sec. 98-131.6. Limitations on sites in coastal high hazard areas (zone V).

In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by section ~~98-124.3(4)~~ 98-133.8(3) demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with section 98-133.8(3).

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

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.

ORDINANCE NO. 2024-17 [Alternative B]

**AN EMERGENCY ORDINANCE OF THE CITY OF ST. PETE BEACH
AMENDING THE ST. PETE BEACH CODE OF ORDINANCES SECTIONS
98-35., 98-36., 98-122.4., 98-128.4., AND 98-131.6., TO REPEAL A
PROVISION RELATED TO SUBSTANTIAL DAMAGE, SUBSTANTIAL
IMPROVEMENTS, LOOK-BACK PERIOD, AND IMPROVEMENT AND
REPAIR OF BUILDINGS IN FLOOD HAZARD AREAS; PROVIDING FOR
SEVERABILITY, CODIFICATION AND SCRIVENER'S ERRORS, AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 – Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

WHEREAS, the City of St. Pete Beach participates in the National Flood Insurance Program.

WHEREAS, Chapter 553, 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 Code and allows adoption of local administrative and local technical amendments to the Florida Building Code to implement the National Flood Insurance Program and incentives.

WHEREAS, the City of St. Pete Beach previously adopted a provision in Chapter 98 Buildings and Building Requirements, and a local technical amendment to the *Florida Building Code*, to require accumulation of costs of improvements and repairs over a period of time and the City Commission has determined it appropriate to repeal those provisions effective September 23, 2024.

WHEREAS, the City is currently in a state of emergency as declared by Executive Orders 24-208, issued September 23, 2024, and 24-214, issued October 5, 2024, as well as local Resolutions 2024-14 and 2024-16.

WHEREAS, both residential and commercial structures City-wide have sustained significant structural and nonstructural damage due to the effects of hurricanes Helene and Milton.

WHEREAS, Section 3.11 of the City Charter and Florida Statutes 166.041(3)(b) permit the City to adopt emergency ordinances in one reading without typical advertising and reading separation requirements.

WHEREAS, this Ordinance is found to be consistent with prohibitions on use of emergency ordinance powers in the aforementioned Charter and Statutes.

WHEREAS, the City Commission finds these temporary amendments to be necessary to preserve and maintain the public health, safety, and welfare.

WHEREAS, this amendment shall expire upon the sixty-first day following the date of adoption, but may be extended through this procedure, or made permanent through typical Land Development Code amendment procedure at the discretion of the City Commission.

WHEREAS, this Ordinance is exempt from the requirement to prepare a business impact estimate pursuant to Florida Statute 166.041(4)(c).5. as amended through the 2024 session.

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

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

SECTION 2. The Code of Ordinances Chapter 98 – BUILDINGS AND BUILDING REGULATIONS, ARTICLE II – TECHNICAL CODES and ARTICLE V – FLOOD HAZARD MITIGATION REGULATIONS are amended as shown in EXHIBIT A to this Ordinance.

SECTION 3. Codification. This Ordinance shall be codified in the Code of Ordinances 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 as 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 immediately upon adoption.

SECTION 10. Repeal. This ordinance shall be automatically repealed on the sixty-first day following the date it was duly adopted, but may be readopted through the same procedure if the same conditions and findings exist, or may be made permanent through the typical Land Development Code amendment procedure.

EMERGENCY READING: _____
FIRST READING: _____
PUBLISHED: _____
SECOND READING: _____

PUBLIC HEARING: _____

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

Adrian Petrila, 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 _____, 2024.

Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Ralf Brookes, City Attorney

EXHIBIT A

Sec. 98-35. Reserved.

(Ord. No. 21-15, § 2, 7-15-21)

Sec. 98-36. Reserved.

(Ord. No. 21-15, § 2, 7-15-21)

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 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.

(Ord. No. 15-26, § 1, 9-22-15; Ord. No. 18-08, § 2, 2-26-19; Ord. No. 21-02, § 2, 2-9-21, eff. 7-1-21; Ord. No. 21-15, § 3, 7-15-21)

Sec. 98-128.4. Definitions.

* * *

Substantial improvement means any repair, reconstruction, rehabilitation, alteration, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. 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.

* * *

Sec. 98-131.6. Limitations on sites in coastal high hazard areas (zone V).

In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by section 98-133.8(3) demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with section 98-133.8(3).

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

ORDINANCE NO. 2024-17 [Alternative B]

**AN EMERGENCY ORDINANCE OF THE CITY OF ST. PETE BEACH
AMENDING THE ST. PETE BEACH CODE OF ORDINANCES SECTIONS
98-35., 98-36., 98-122.4., 98-128.4., AND 98-131.6., TO REPEAL A
PROVISION RELATED TO SUBSTANTIAL DAMAGE, SUBSTANTIAL
IMPROVEMENTS, LOOK-BACK PERIOD, AND IMPROVEMENT AND
REPAIR OF BUILDINGS IN FLOOD HAZARD AREAS; PROVIDING FOR
SEVERABILITY, CODIFICATION AND SCRIVENER'S ERRORS, AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 – Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

WHEREAS, the City of St. Pete Beach participates in the National Flood Insurance Program.

WHEREAS, Chapter 553, 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 Code and allows adoption of local administrative and local technical amendments to the Florida Building Code to implement the National Flood Insurance Program and incentives.

WHEREAS, the City of St. Pete Beach previously adopted a provision in Chapter 98 Buildings and Building Requirements, and a local technical amendment to the *Florida Building Code*, to require accumulation of costs of improvements and repairs over a period of time and the City Commission has determined it appropriate to repeal those provisions effective September 23, 2024.

WHEREAS, the City is currently in a state of emergency as declared by Executive Orders 24-208, issued September 23, 2024, and 24-214, issued October 5, 2024, as well as local Resolutions 2024-14 and 2024-16.

WHEREAS, both residential and commercial structures City-wide have sustained significant structural and nonstructural damage due to the effects of hurricanes Helene and Milton.

WHEREAS, Section 3.11 of the City Charter and Florida Statutes 166.041(3)(b) permit the City to adopt emergency ordinances in one reading without typical advertising and reading separation requirements.

WHEREAS, this Ordinance is found to be consistent with prohibitions on use of emergency ordinance powers in the aforementioned Charter and Statutes.

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.

WHEREAS, the City Commission finds these temporary amendments to be necessary to preserve and maintain the public health, safety, and welfare.

WHEREAS, this amendment shall expire upon the sixty-first day following the date of adoption, but may be extended through this procedure, or made permanent through typical Land Development Code amendment procedure at the discretion of the City Commission.

WHEREAS, this Ordinance is exempt from the requirement to prepare a business impact estimate pursuant to Florida Statute 166.041(4)(c).5. as amended through the 2024 session.

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

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

SECTION 2. The Code of Ordinances Chapter 98 – BUILDINGS AND BUILDING REGULATIONS, ARTICLE II – TECHNICAL CODES and ARTICLE V – FLOOD HAZARD MITIGATION REGULATIONS are amended as shown in EXHIBIT A to this Ordinance.

SECTION 3. Codification. This Ordinance shall be codified in the Code of Ordinances 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 as 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.

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 9. Effective Date. This ordinance shall take effect immediately upon adoption.

SECTION 10. Repeal. This ordinance shall be automatically repealed on the sixty-first day following the date it was duly adopted, but may be readopted through the same procedure if the same conditions and findings exist, or may be made permanent through the typical Land Development Code amendment procedure.

EMERGENCY READING: _____
FIRST READING: _____
PUBLISHED: _____
SECOND READING: _____
PUBLIC HEARING: _____

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

Adrian Petrila, 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 _____, 2024.

Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Ralf Brookes, 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.

EXHIBIT A

Sec. 98-35. Reserved. 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;~~

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.

~~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.~~

(Ord. No. 21-15, § 2, 7-15-21)

Sec. 98-36. Reserved. 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.~~

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.

- ~~(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.~~

(Ord. No. 21-15, § 2, 7-15-21)

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 costs ~~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;

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.

- (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.

(Ord. No. 15-26, § 1, 9-22-15; Ord. No. 18-08, § 2, 2-26-19; Ord. No. 21-02, § 2, 2-9-21, eff. 7-1-21; Ord. No. 21-15, § 3, 7-15-21)

Sec. 98-128.4. Definitions.

* * *

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.~~

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.

- 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. 98-131.6. Limitations on sites in coastal high hazard areas (zone V).

In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by section ~~98-124.3(4)~~ 98-133.8(3) demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with section 98-133.8(3).

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

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.