ORDINANCE NO. 191-H

AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA AMENDING THE CITY CODE TO ADOPT CRITERIA FOR RESIDENTIAL CONSTRUCTION IN FLOOD HAZARD AREAS; INCREASING THE HEIGHT REQUIREMENT ABOVE THE FEMA FLOOD ELEVATION REQUIREMENTS; PROVIDING FOR GRANDFATHERING FOR CERTAIN BUILDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Constitution of the State of Florida has, in Article VIII, Section 2–Municipalities, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the City of St. Petersburg, Florida and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare; and

WHEREAS, the City of St. Petersburg, Florida desires to implement more stringent criteria for residential construction within flood hazard areas to protect its citizens’ life and property; and

WHEREAS, this ordinance increases, by an additional foot, the minimum elevation requirement of the Florida Building Code for dwellings in flood hazard areas and is authorized pursuant to Section 553.73(5), Florida Statutes; and

WHEREAS, the City of St. Petersburg recognizes that increasing the minimum elevation requirement of residential dwellings in flood hazard areas will provide a buffer from uncertainty for homeowners, as flood maps are reviewed and revised every six (6) years; and

WHEREAS, uncertainty in the extent of flood hazard areas is further exacerbated by sea level rise; and

WHEREAS, the City of St. Petersburg desires to increase its standing in the National Flood Insurance Program’s (NFIP) Community Rating System (CRS), a points-based system that incentivizes community floodplain management activities that exceed the minimum NFIP requirements by discounting flood insurance premium rates to reflect the reduced flood risk resulting from the community actions meeting the goals of the CRS; and

WHEREAS, individual residential policyholders within the flood hazard area should also enjoy an additional discount in their homeowners’ insurance policies.
THE CITY OF ST. PETERSBURG, FLORIDA, DOES ORDAIN:

SECTION 1. The Florida Building Code (FBC) which has previously been adopted by the City in Chapter Eight of the City Code, is hereby amended by making the following amendments to FBC Sections R322.2.1 and R322.3.2 in Sec. 8-36(c)(2) to read as follows:

(2) Technical amendments to the Florida Building Code, Residential

Modify Sec. R322.2.1 as follows:

R322.2.1 Elevation requirements.

1. Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 2 feet 1-foot or the design flood elevation, whichever is higher.

2. Buildings and structures in flood hazard areas designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 2 feet 1-foot (305-mm), or to the design flood elevation, whichever is higher.

3. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM plus 2 feet 1-foot, or at least 4 feet 3-feet 2-feet (610-mm) if a depth number is not specified.

4. Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus 2 feet 1-foot or the design flood elevation, whichever is higher.

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

5. When an existing building or structure permitted under this section complies with the FIRM at the time of issuance of a permit for new construction/addition, neither the existing building nor the new construction/addition, is required to comply with the additional building height footage required to be added to the base flood elevation by this section.

Modify Sec. R322.3.2 as follows:

R322.3.2 Elevation requirements.

1. All buildings and structures erected within coastal high hazard areas shall be elevated so that the lowest portion of all structural members supporting the lowest floor, with the exception of mat or raft foundations, piling, pile caps, columns, grade beams and bracing, is:

   1.1 Located at or above the base flood elevation plus 2 feet 1-foot or the design flood elevation, whichever is higher, if the lowest horizontal structural member is oriented parallel to the direction of wave approach, where parallel shall mean less than or equal to 20 degrees (0.35 rad) from the direction of approach, or
1.2 Located at the base flood elevation plus 3 feet 2 feet 1 foot (305 mm), or the design flood elevation, whichever is higher, if the lowest horizontal structural member is oriented perpendicular to the direction of wave approach, where perpendicular shall mean greater than 20 degrees (0.35 rad) from the direction of approach.

1.3 When an existing building or structure permitted under this section complies with the FIRM at the time of issuance of a permit for new construction/addition, neither the existing building nor the new construction/addition, is required to comply with the additional building height footage required to be added to the base flood elevation by this section.

SECTION 2. Words that are struck through shall be deleted from the existing Florida Building Code and City Code and language which is double underlined shall be added to the existing Florida Building Code and City Code with a single underline to show changes from the Florida Building Code language. Provisions not specifically amended shall continue in full force and effect.

SECTION 3. The provisions of this ordinance shall be deemed to be severable. If any portion of this ordinance is deemed unconstitutional it shall not affect the constitutionality of any other portion of this ordinance.

SECTION 4. In the event this Ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the Ordinance, in which case the Ordinance shall become effective immediately upon filing such written notice with the City Clerk. In the event this Ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

First reading held on the 6th day of August, 2015.

Adopted by St. Petersburg City Council on second and final reading on the 20th day of August, 2015.

Charles Gerdes, Chair-Councilmember
Presiding Officer of the City Council

ATTEST:
Chan Srinivasa, City Clerk

Title Published: Times 1-t 8/7/15

Not vetoed. Effective date Thursday, August 27, 2015 at 5:00 p.m.