ORDINANCE NO. 428-H

AN ORDINANCE AMENDING CHAPTER 16 OF THE ST. PETERSBURG CITY CODE RELATING TO LAND DEVELOPMENT WITHIN THE COASTAL HIGH HAZARD AREA (CHHA); AMENDING THE CHHA DEVELOPMENT REGULATIONS; CREATING CHHA DESIGN STANDARDS; AMENDING SECTIONS 16.30.040 AND 16.30.040.1; AMENDING SECTIONS 16.40.050.12.1, 16.40.050.12.1.1 AND 16.40.050.12.1.2 FOR CONSISTENCY OF CHHA TERMINOLOGY; ADDING A NEW SECTION 16.30.040.2; DELETING THE DEFINITION OF CHHA FROM SECTION 16.40.050.9.4; AMENDING SECTION 16.70.040.1.4. TO CREATE SITE PLAN REVIEW THRESHOLDS WITHIN THE CHHA; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 163, Florida Statutes, established the Community Planning Act; and

WHEREAS, consistent with the requirements of the Community Planning Act, the City of St. Petersburg (City) has adopted Land Development Regulations (LDRs) to implement its Comprehensive Plan, and more particularly, regulate land use in areas subject to seasonal and periodic flooding; and

WHEREAS, the State of Florida requires coastal local governments to identify a Coastal High Hazard Area (CHHA), which is defined as the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model; and

WHEREAS, the SLOSH model is updated and rerun from time to time in order to update estimates of the spatial extent of the CHHA for emergency planning purposes; and

WHEREAS, in its most recent update in 2016, the SLOSH model increased the CHHA within St. Petersburg, more than doubling from 7,705 acres (2010 est.) to 16,328 acres; and

WHEREAS, the 2010 CHHA estimate primarily encompassed areas of the City where redevelopment of land to multi-family residential uses was unlikely, such as single-family residential and preservation areas, the 2016 CHHA estimate now encompasses significant areas of the City where future requests to redevelop land into multi-family residential uses are more likely, such as existing mixed-use and commercial areas; and
WHEREAS, the City, in recognition of the ongoing and growing threats posed by sea level rise, storm surge, and high wind events, desires to add resiliency to its building stock; and

WHEREAS, the City further recognizes that adoption of these amendments to the LDRs, which add elevated design standards applicable to new multi-family residential development in the CHHA (regardless of whether the new development is associated with an increase in density), is in the interest of protecting the health, safety, and welfare of its citizens and can aid the City’s progress towards achieving its resiliency goals; and

WHEREAS, the Development Review Commission (DRC) of the City has reviewed the proposed amendments to the LDRs at a public hearing on January 7, 2020 and unanimously recommends approval, finding the amendments to be consistent with the Comprehensive Plan; and

WHEREAS, the City Council, after taking into consideration the recommendations of the DRC and the City Administration, and the comments received during the public hearing conducted on this matter, finds that the proposed amendments to the LDRs are appropriate; now, therefore

THE CITY OF ST. PETERSBURG, FLORIDA DOES ORDAIN:

SECTION 1. Section 16.30.040. of the St. Petersburg Code is hereby amended to read as follows:

SECTION 16.30.040. - DEVELOPMENT IN THE COASTAL HIGH HAZARD AREA (CHHA) AND THE HURRICANE VULNERABILITY ZONE OVERLAY

16.30.040.1. - Development regulations.

A. The Coastal High Hazard Area (CHHA) is the area at or below the elevation of the Category 1 storm surge line as established by the sea, lake and overland surges from hurricanes (SLOSH) computerized storm surge model. The CHHA and the hurricane vulnerability zone are generally shown on the map in the coastal management element of the Comprehensive Plan. Development within these areas shall be consistent with the goals, objectives and policies of the Comprehensive Plan.

B. New construction of hospitals, nursing homes and assisted living facilities is prohibited in Hurricane Evacuation Level A Zones the CHHA. The construction or expansion of these uses in Hurricane Evacuation Level B Zones is discouraged.

C. New mobile home parks are prohibited in Evacuation Level A Zone the CHHA.

D. Solid waste and commercial hazardous waste management facilities including regional storage, treatment or transfer sites are prohibited in the hurricane vulnerability zone CHHA.
E. New construction of residential multifamily dwelling units resulting from a density/intensity increase from a plan amendment after *adoption date* shall provide for hurricane shelter mitigation. Such mitigation for the impacts attributable to the development shall include one or a combination of the following: payment of a hurricane mitigation shelter fee, contribution of land, or construction of hurricane shelters. If the property owner elects to contribute land or construct hurricane shelter space, a binding agreement, approved by the City Attorney’s Office, shall be executed regarding such mitigation prior to issuance of a building permit for construction of the residential units.

F. Construction, expansion or substantial renovations of hotel uses shall provide a Hurricane Evacuation and Closure Plan that complies with all Pinellas County and City of St. Petersburg hurricane evacuation plans and procedures to ensure orderly evacuation of guests and visitors pursuant to the Pinellas County Code, Chapter 34, Article III.

G. New construction of multi-family residential dwelling units shall provide a Hurricane Evacuation and Re-entry Plan requiring mandatory evacuation in accordance with Emergency Management Directives. The plan shall include operating procedures for how the project will handle loss of off-site or grid power, transition to a backup source of power (if available), and transition back to normal operation. Such requirements shall be incorporated into a legally binding document such as lease documents, condominium rules, homeowner rules, or other such method approved by the POD.

SECTION 2. The St. Petersburg City Code is hereby amended by adding a new Section 16.30.040.2., to read as follows:

16.30.040.2. – CHHA Design Standards.

A. Purpose: The City of St. Petersburg is committed to improving the capacity to endure and quickly recover from coastal hazards. This section in concert with Building Code Section 8.36(c)(1) is intended to ensure that developments are more resilient to storm surge and sea level rise, mitigate for service and infrastructure needs during and immediately following major storm events, and enable safe re-occupation following an evacuation or weather event.

B. New construction of multi-family residential dwelling units in the CHHA shall comply with Building Code Section 8.36(c)(1) requiring 2 feet of additional freeboard (for a total of 4 feet above the minimum FEMA design elevation) and building design of the next higher Risk Category classification, in addition to the following CHHA Design Standards. Projects containing up to 199 units shall provide one item. Projects containing 200 units or greater shall provide two items. Projects containing dwelling units resulting from a density increase from a plan amendment after *adoption date* shall provide one additional item for every 50 additional units.

a. On-site battery storage of solar generated power to keep critical functions working in the event of power failure
b. Install a cool/high-reflectance roof (coating that is white or has special reflective pigments that reflect sunlight) on at least 75% of the total roof area of the development, with a minimum SRI (solar reflectance index value) of 39 and in accordance with the standards set by the HVWZ.

c. Install a geothermal energy heating & cooling system that serves as least 75% of the project’s residential units.

d. Pre-wire all units to accept power provided by on-site solar panels and/or wind turbines.

e. Install a 16-20+ SEER HVAC system in each dwelling unit.

f. Install efficient, zone-controlled heating and cooling systems in each residential unit (mini-splits, or smart thermostats, etc.).

g. Install a solar or tank-less water heating system in each residential unit.

h. Install no fewer than 2 operable windows on no fewer than two exterior walls in each unit.

i. Install a generator for power generation to keep critical functions working in the event of power failure.

j. Install highly-reflective blinds/shades, low-E window film/tint, external/structural shade to reduce solar gain.

k. Provide for a Resilient Common Area with back-up power source to provide air-conditioning and power, food, water and emergency supplies to support residents after a storm event.

l. Provide for a Neighborhood Resilience Hub to provide on-site and neighborhood residents point of distribution of services before and after storm events.

m. Utilize mold-resistant building materials in all kitchens and baths, such as fiberglass-faced drywall, mold-resistant drywall tape, tile, ceramic, terrazzo, or stained concrete, rated “resistant” or “highly resistant” according to UL 2824 and in compliance with ASTM D 3273 standard.

n. Protect coastal property with a living shoreline (LSL) per the US Army Corps of Engineers (USACE) Living Shoreline Permit Standard. (LSLS use natural materials to stabilize the shoreline and maintain valuable fish and wildlife habitat; LSLs utilize a variety of materials such as wetland plants, oyster shell, coir fiber logs, sand, wood, and native rock.)

C. Alternative Methods of Compliance: In lieu of compliance with subsection B above, for Large Tract Planned Development projects and projects which are subject to Site Plan Review, an applicant may propose an alternative method of compliance for review and approval by the DRC. The applicant will need to demonstrate that the site-specific analysis and wholistic resilient design methods meet or exceed the requirements of the CHHA Design Standards through such methods as follows:

- Provision of a site-specific risk assessment analysis;
- Addressing infrastructure improvements such as-wet/dry proofing, raising streets and flood gates;
- Provision of park/green space which allows for standoff buffer during flood events and can be designed in tiers to provide flood capacity; and
• Inclusion of an Operations/Maintenance Component where the development/users actively prepare for an event (e.g., down draining ponds/basins, closing flood gates, etc).

SECTION 3. Section 16.40.050.12.1. of the St. Petersburg City Code is hereby amended to read as follows:

16.40.050.12.1. - Minimum requirements. All proposed new development shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
2. In coastal high hazard areas (Zone V) Special Flood Hazard Area (SFHA) Zone V, buildings and structures are located a minimum of ten feet landward of the reach of mean high tide;
3. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
4. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

SECTION 4. Section 16.40.050.12.1.1. of the St. Petersburg City Code is hereby amended to read as follows:

16.40.050.12.1.1. Use of nonstructural fill in flood hazard areas (Zone A) Special Flood Hazard Area (SFHA) Zone A. In flood hazard areas other than coastal high hazard areas (Zone A) SFHA Zone A, fill on the outside of the footprint of the foundation of single-family through quadruplex residential structures on lots which are not part of a development with a master grading plan approved by the POD is prohibited, except for fill in the front yard which is necessary in the construction of a driveway to a garage and the front entrance for access to the structure. If a site plan with lot elevations and proposed fill is submitted for plan review prior to issuance of a permit and approved in advance by the Building Official, and if the use of fill does not create any additional stormwater runoff onto abutting properties, minor amounts of fill shall be allowed to:

1. Provide adequate lot grading for drainage;
2. Raise a side yard up to the elevation of an abutting property; and
3. The use of fill shall not create any additional stormwater runoff onto abutting property.

SECTION 5. Section 16.40.050.12.1.2. of the St. Petersburg City Code is hereby amended to read as follows:

16.40.050.12.1.2. Use of nonstructural fill in coastal high hazard areas (Zone V) in Special Flood Hazard Area (SFHA) Zone V. In coastal high hazard areas (Zone V) SFHA Zone V, limited noncompacted fill (not exceeding six inches in depth) may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge
(thereby rendering the building free of obstructions) prior to generating excessive loading forces, ramping effects or wave deflection.

The Building Official shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect and/or soil scientist, along with the any supporting data required by the Building Official, which demonstrates that the following factors have been fully considered:

1. Particle composition of fill material does not have a tendency for excessive material compaction;
2. Volume and distribution of fill will not cause wave deflection to adjacent properties;
3. Slope of fill will not cause wave run up or ramping; and
4. The use of fill shall not create any additional stormwater runoff onto abutting property.

**SECTION 6.** Section 16.40.050.9.4. of the St. Petersburg City Code is hereby amended by deleting the definition of “Coastal high hazard area”:

*Coastal high hazard area* means a special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as “high hazard areas subject to high velocity wave action” or “V Zones” and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V.

**SECTION 7.** Section 16.70.040.1.4. of the St. Petersburg City Code is hereby amended to read as follows:

A. *Applicability.* In neighborhood zoning districts, site plan review (SPR) approval by the DRC is required for all projects in excess of 50,000 square feet of gross floor area or 60 dwelling units. In all other districts SPR approval by the DRC is required for all projects in excess of 250,000 square feet of gross floor area except in the EC-2 district or the DC districts. In addition, SPR approval by the DRC is required for all projects located within or partially located within the Coastal High Hazard Area in excess of 60 dwelling units, regardless of the zoning district.

**SECTION 8.** Coding: As used in this ordinance, language appearing in struck-through type is language to be deleted from the City Code, and underlined language is language to be added to the City Code, in the section, subsection, or other location where indicated. Language in the City Code not appearing in this ordinance continues in full force and effect unless the context clearly indicates otherwise. Sections of this ordinance that amend the City Code to add new sections or subsections are generally not underlined.
SECTION 9. The provisions of this ordinance shall be deemed to be severable. If any provision of this ordinance is determined unconstitutional or otherwise invalid, such determination shall not affect the validity of any other provisions of this ordinance.

SECTION 10. In the event this Ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective after 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 this Ordinance, in which case this 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 conducted on 20th day of August 2020.

Adopted by St. Petersburg City Council on second and final reading on the 8th day of October 2020.

Ed Montanari, Chair-Councilmember
Presiding Officer of the City Council

Chan Srinivasa, City Clerk

ATTEST: Chan Srinivasa, City Clerk

Title Published: Times 1-t 09/23/20

Not vetoed. Effective date October 15, 2020 at 5:00 p.m.