

ORDINANCE NO. 21-02

AN ORDINANCE BY THE BOARD OF COMMISSIONERS OF THE TOWN OF REDINGTON SHORES PERTAINING TO FLOOD DAMAGE PREVENTION; AMENDING THE CODE OF ORDINANCES, CHAPTER 90 LAND DEVELOPMENT CODE, PART 1 BUILDINGS AND BUILDING REGULATION AND PART 2 FLOOD DAMAGE PREVENTION TO AMEND THE FLORIDA BUILDING CODE AND TO PROVIDE CRITERIA FOR ACCESSORY STRUCTURES IN FLOOD HAZARD AREAS; PROVIDING FOR APPLICABILITY AND SEVERABILITY; 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; and

WHEREAS, Chapter 553, Florida Statutes, allows for local 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; and

WHEREAS, the Board of Commissioners previously adopted a requirement to accumulate costs of improvements and repairs over a five-year period and is modifying that provision to a one-year cumulative period and to exclude certain repair costs, and pursuant to section 553.73(5), F.S., is amending that requirement to coordinate with the *Florida Building Code*; and

WHEREAS, the Board of Commissioners has determined that it is in the public interest to adopt the proposed local technical amendment to the *Florida Building Code* and the proposed amendments are not more stringent than necessary to address the need identified, do not discriminate against materials, products or construction techniques of demonstrated capabilities, are in compliance with section 553.73(4), Florida Statutes; and

WHEREAS, the Federal Emergency Management Agency released FEMA Policy #104-008-03 Floodplain Management Requirements for Agricultural Structures and Accessory Structures; and

WHEREAS, the Board of Commissioners has determined it appropriate to adopt regulations that are consistent with the FEMA Policy to allow issuance of permits for wet floodproofed accessory structures that are not larger than the sizes specified in the FEMA Policy.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF REDINGTON SHORES, FLORIDA:

SECTION 1. Chapter 90 Land Development Code, Part 1 Building and Building Regulation, of the Code of the Town of Redington Shores, Florida, is hereby amended as follows.

Sec. 90-1. - Codes adopted by reference.

- A. The following codes, including their latest editions and revisions, now in effect or as hereinafter may be modified and amended, as adopted by the Pinellas County Construction Licensing Board under Chapter 75-489, Laws of Florida, Parts I and II, and/or adopted by this section, are hereby adopted by reference as the codes to be followed in the Town of Redington Shores, Florida: the 2010 Florida Building Code (FBC), as effective March 15, 2012, as may be amended from time to time. Any reference made in this Chapter 90 to "Building Code" means the Florida Building Codes (FBC), or the current edition thereof if the same has been amended as foreseen above.
- B. The Planning and Zoning Board of the Town of Redington Shores, Florida, or, as applicable to the context, the Pinellas County Construction Licensing Board (PCCLB), is hereby designated as the board of adjustments and appeals pursuant to the land development regulations of the town, the Florida Building Codes and the Florida Fire Code (See also section 90-126).
- C. The Building Officials of Florida Model Administrative Code as attached, and the following administrative amendments to the Florida Building Code, Building to specifically apply higher standards contained therein for Town Codes Enforcement.

Sec. 90-2. - Applications and fees.

- A. Application fees shall be as established by the board of commissioners.
- B. For construction or alterations, three copies of proposed plans and specifications shall be submitted containing all required information as specified in the Florida Building Code.

Sec. 90-3. - Additional regulations.

In addition to the Florida Building Code, the following regulations shall govern all construction in the town:

- A. It shall be the duty of every contractor or builder or subcontractor who shall make contracts for the erection or construction or repair of buildings for which a permit is required in the town to pay a license registration tax as provided in the general business tax ordinance of said town or any amendments thereto. ¹ Each contractor or builder shall register his or her name in a book provided for that purpose with the town clerk, giving full name, residence and place of business, contractor's license number, and shall furnish the town clerk with the name, residence and place of business of all his or her subcontractors. Failure of any contractor, builder or subcontractor to pay such

registration tax shall be grounds for refusal to issue a permit or for revocation of an existing permit.

B. Grading:

- (1) The legal established grade shall be the highest point of any street bounding the land to be filled, altered or built upon.
- (2) Anything in this Part 1 to the contrary notwithstanding, no property may be graded above the adjoining existing grade unless adequate drainage is provided to prevent flooding to the adjoining properties.

C. Finished floor slabs shall be at least six inches above the legal established grade.

D. Reserved.

E. If the construction of electrical work, plumbing or drainage or the alteration thereof is to be made or executed by any other person than the owner of the land in fee, such person shall furnish a statement from the owner or power of attorney stating that he or she is duly authorized to have said work done by duly qualified contractors.

F. Open area and accessory structures.

- (1) Every part of a required yard shall be open to the sky unobstructed except for accessory buildings in the rear or side yard and except for the ordinary projections such as skylights, sills, belt courses, cornices and ornamental fixtures projecting not to exceed 24 inches. This requirement shall not prevent construction of fences, ornamental coping design or ornamental shrubbery within landscape buffers and fencing guidelines. Roof overhangs in front and rear yards may extend up to 36 inches.
- (2) An accessory structure shall observe the setback regulations for the district in which it is located. An accessory structure shall not include cooking facilities, and no cooking or other preparation of food shall be allowed in any accessory structure.
- (3) No accessory sheds, utility buildings, or lockers, etc. shall exceed ten feet, measured from grade to the highest point of the structure.
- (4) No accessory structure of any type, including decks that are attached to the principal structure, are permitted to be built on the top of the roof of a single family or a duplex structure that leaves the undercarriage of the structure exposed. For the purpose of this subparagraph, a roof shall be defined as that element of a building that covers the top of a building as a wall covers the side of the building.

Exceptions:

- (a) Accessory structures such as roof decks are permitted, providing the construction of the deck is in such a manner that the undercarriage of the structure is concealed with an exterior wall structure that maintains the continuity of the existing structure and meets all applicable building codes.
- (b) Other decks attached to the sides of a structure that meet all side, front and rear setbacks and meet all applicable building codes with an exposed undercarriage.
- (c) All plans for any such deck or structure are subject to site plan review.

G. Wood-constructed, masonry or metal prefabricated utility rooms, sheds or lockers, etc., may be constructed within the confines of a carport or in storage areas under elevated

principal structures where it is possible to place such items in those locations. Where such placement is not possible, they may be constructed as extensions of a principal structure or as a separate accessory structure. They shall be constructed in accordance with the following requirements:

- (1) Metal, wood or masonry sheds may be constructed near of the front line of the principal structure. All utility rooms or sheds erected or constructed in accordance with this subsection shall be placed and anchored on a concrete slab not less than three and one-half inches thick or be firmly fastened to the ground with no fewer than four anchors of the screw-auger type, having a five-eighths-inch shaft, six inches in diameter and four feet long minimum, or the arrowhead type, deadman type or equivalent with a horizontal area of at least 28 square inches, not less than 38 inches below the surface of the ground. Any wooden beams or other wood that protrudes into or is adjacent to any ground or concrete shall be pressure-treated.
 - (2) All utility rooms, etc., shall be placed in conformity to setback regulations for accessory structures, except that five-foot-minimum side setbacks may be reduced to two feet when such structures must be placed within such setbacks. No such structures shall exceed 100 square feet in area. This section shall not be construed to allow any storage shed, etc., to be placed within any existing setback from any seawall.
- H. In addition to all other requirements of the Pinellas Gulf Beaches Coastal Construction Code, Florida Building Code, all nonexpendable structures in windload zones 2 and 3 shall be designed to withstand one-hundred-thirty-mile-per-hour hurricane intensity windloads, as amended.
- I. The town adopts by reference the Pinellas County Drainage Regulations which require on-site management of stormwater runoff in a manner so that post-development condition rates do not exceed predevelopment conditions.
- (1) New developments and redevelopments shall use front, rear and side lot line swales.
 - (2) New developments shall utilize erosion/runoff control devices during construction.
 - (3) During the site plan review, the developer shall consider vegetation which strengthens seawall areas.
 - (4) All new development must be consistent with the department of environmental regulation Chapter 17-312 F.A.C. Dredge and Fill, as amended.
 - (5) Any new development must be consistent with Southwest Florida Water Management District Regulations 17-40D-4 and 17-40D-40, as amended.
- J. Local Amendments to the Florida Building Code, Building.
- (1) Amend Section 107.3.5 as follows:

107.3.5 Minimum plan review criteria for buildings.

Commercial Buildings: Building

8. Structural requirements shall include:

Flood requirements in accordance with Section 1612, including lowest floor elevations, enclosures, declaration of land restriction (nonconversion agreement), flood damage-resistant materials.

Residential (one- and two-family):

6. Structural requirements shall include:

Flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures, declaration of land restriction (nonconversion agreement), equipment, and flood damage-resistant materials.

(2) Amend Section 202 Definitions 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~~ one (51)-year period, the cumulative cost of which equals or exceeds 49 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 is permitted subsequent to May 8, 2013. 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. ~~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, provided the costs of such measures, plus the costs of any other improvements and repairs undertaken at the same time, do not exceed 50 percent of the market value of the structure. Costs associated with horizontal additions and vertical additions shall not be excluded. 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.~~
 4. ~~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 measures, plus the costs of any other improvements and repairs undertaken at the same time, do not exceed 50 percent of the market value of the structure. Costs associated with lateral and vertical additions shall not be excluded. 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.~~
3. Costs for repairs whose express purpose is to repair wind and flood damage to pre-damage condition, provided the costs of such measures, plus the cost of any other improvements and repairs undertaken at the same time, do not

exceed 49 percent of the market value of the structure before the damage occurred.

(3) Amend Section 1612 as follows:

1612.4.1 Modification of ASCE 24. Reserved.

1612.4.2 Modification of ASCE 24 (Coastal A Zone). Section 4.5.13 in ASCE 24 shall be modified as follows:

1. Paragraph 1 shall be modified: "In Coastal High Hazard Areas and Coastal A Zones, stem walls shall not be permitted."
2. Paragraph 2 shall be deleted.

1612.4.3 Elevation requirements. The minimum elevation requirements shall be as specified in ASCE 24 or:

1. For residential buildings, the base flood elevation plus 3 feet, whichever is higher.
2. For nonresidential buildings, the base flood elevation plus 2 feet, whichever is higher.

K. Local Amendments to the Florida Building Code. Existing Building.

Amend Section 202 Definitions 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~~ one (51)-year period, the cumulative cost of which equals or exceeds 49 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 is permitted subsequent to May 8, 2013. 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. ~~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, provided the costs of such measures, plus the costs of any other improvements and repairs undertaken at the same time, do not exceed 50 percent of the market value of the structure. Costs associated with horizontal additions and vertical additions shall not be excluded. 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.~~

~~4. 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 measures, plus the costs of any other improvements and repairs undertaken at the same time, do not exceed 50 percent of the market value of the structure. Costs associated with lateral and vertical additions shall not be excluded. 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.~~

3. Costs for repairs whose express purpose is to repair wind and flood damage to pre-damage condition, provided the costs of such measures, plus the cost of any other improvements and repairs undertaken at the same time, do not exceed 49 percent of the market value of the structure before the damage occurred.

L. Local Amendments to the Florida Building Code. Residential.

(1) Amend Section R322.2 as follows:

R322.2.1 Elevation requirements .

1. Buildings and structures in flood hazard areas including flood hazard areas designated as Coastal A Zones, shall have the lowest floors elevated to or above the base flood elevation plus 3 feet (mm), or the design flood elevation, whichever is higher.
2. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated to a height above the highest adjacent grade of not less than the depth number specified in feet (mm) on the FIRM plus 3 feet or not less than 5 feet if a depth number is not specified.
3. Basement floors that are below grade on all sides shall be elevated to or above base flood elevation plus 3 feet or the design flood elevation, whichever is higher.

Exception: Enclosed areas below the design flood elevation, including basements with floors that are not below grade on all sides, shall meet the requirements of Section 322.2.2.

(2) Amend Section R322.3 as follows:

R322.3.2 Elevation requirements.

1. Buildings and structures erected within coastal high-hazard areas and Coastal A Zones, shall be elevated so that the bottom of the lowest horizontal structure members supporting the lowest floor, with the exception of pilings, pile caps, columns, grade beams and bracing, is elevated to or above the base flood elevation plus 3 feet or the design flood elevation, whichever is higher.
2. Basement floors that are below grade on all sides are prohibited.

3. The use of fill for structural support is prohibited.
4. Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.
5. Walls and partitions enclosing areas below the design flood elevation shall meet the requirements of Sections R322.3.4 and R322.3.5.

R322.3.3 Foundations. Buildings and structures erected in coastal high-hazard areas and Coastal A Zones shall be supported on pilings or columns and shall be adequately anchored to such pilings or columns. The space below the elevated building shall be either free of obstruction or, if enclosed with walls, the walls shall meet the requirements of Section R322.3.4. Pilings shall have adequate soil penetrations to resist the combined wave and wind loads (lateral and uplift). Water-loading values used shall be those associated with the design flood. Wind-loading values shall be those required by this code. Pile embedment shall include consideration of decreased resistance capacity caused by scour of soil strata surrounding the piling. Pile systems design and installation shall be certified in accordance with Section R322.3.6. Spread footing, mat, raft or other foundations that support columns shall not be permitted where soil investigations that are required in accordance with Section R401.4 indicate that soil material under the spread footing, mat, raft or other foundation is subject to scour or erosion from wave-velocity flow conditions. If permitted, spread footing, mat, raft or other foundations that support columns shall be designed in accordance with ASCE 24. Slabs, pools, pool decks and walkways shall be located and constructed to be structurally independent of buildings and structures and their foundations to prevent transfer of flood loads to the buildings and structures during conditions of flooding, scour or erosion from wave-velocity flow conditions, unless the buildings and structures and their foundations are designed to resist the additional flood load.

Sec. 90-4. - Permit required; exceptions.

Except as indicated below, notice shall be given to the building department and a building permit obtained for any repair, replacement or construction within the Town of Redington Shores.

- A. The following work may be done without notice to the building department and without obtaining a building permit: any activity identified within the Florida Building Code schedule of work not requiring permits, and for which a permit is not otherwise required by the town.
- B. Permit application fees, including those required per section 90-20, shall be paid and the plans and specifications for said construction, shall be submitted to and approved by the town prior to any construction.

SECTION 2. Chapter 90 Land Development Code, Part 2 Flood Damage Prevention, of the Code of the Town of Redington Shores, Florida, is hereby amended as follows.

PART 2. - FLOOD DAMAGE PREVENTION

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

SECTION 6. EFFECTIVE DATE.

This ordinance shall take effect immediately upon its adoption.

FIRST READING on the 10th day of February, 2021.

SECOND READING on the 10th day of March, 2021.

PUBLISHED in the Tampa Bay Times on the 3rd day of February, 2021 and on the 3rd day of March, 2021.

FIRST PUBLIC HEARING on the 10th day of February, 2021.

SECOND PUBLIC HEARING on the 10th day of March, 2021.

PASSED on this 10th day of March, 2021.

AYES: 4

NAYS: 0

ABSENT: 0

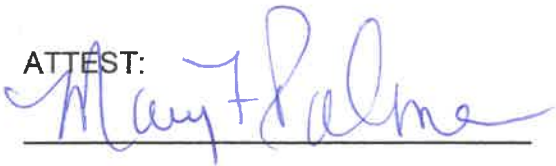
ABSTAIN: 0

APPROVED on this 10th day of March, 2021.



MAYOR/COMMISSIONER

ATTEST:



Town Clerk