

**ORDINANCE NO. 2021-09**

**AN ORDINANCE OF THE CITY OF TREASURE ISLAND, FLORIDA AMENDING THE TREASURE ISLAND CODE OF ORDINANCES CHAPTER 8 BUILDING REGULATIONS AND FIRE CODE, ARTICLE I, IN GENERAL, SECTION 8-1 BUILDING CODES - ADOPTED TO PROVIDE FOR UPDATES TO THE CURRENT FLORIDA BUILDING CODE, ADOPT AND REVISE LOCAL ADMINISTRATIVE AND TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE – BUILDING AND THE FLORIDA BUILDING CODE – RESIDENTIAL; AND IMPLEMENTATION OF THE COASTAL A ZONE; PROVIDING FOR A FISCAL IMPACT STATEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; 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**, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the City of Treasure Island 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 Treasure Island was accepted for participation in the National Flood Insurance Program on May 7, 1971 and the City Commission desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

**WHEREAS**, the City of Treasure Island was accepted for participation in the NFIP Community Rating System (CRS) on October 1, 1992 and the City Commission desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

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

**WHEREAS**, the City Commission of the City of Treasure Island previously adopted requirements to (1) identify the accessibility and energy conservation volumes of the Florida Building Code, (2) revise and adopt additional local administrative amendments to the Florida Building Code – Building; (3) revise and adopt local technical amendments to the Florida Building Code – Building and the Florida Building Code – Residential; and (4) adopt additional local administrative amendments to all volumes of the Florida Building Code; and

**WHEREAS**, the City Commission of the City of Treasure Island is previously adopted certain higher standards and is adopting additional higher standard for buildings and structures in flood hazard areas, including: (1) to not permit structural fill and solid foundations; (2) to require use of the FEMA elevation certificate and FEMA dry floodproofing certificate; (3) to require dwellings to be designed by registered design professionals; (4) to require additional building elevation; (5) to require in Coastal A Zones, dwellings to be supported on pilings/columns and nonresidential buildings to be supported on pilings/columns or dry floodproofed; (6) to adopt limitations on enclosures below elevated buildings; and for the purpose of participating in the National Flood Insurance Program’s Community Rating System and to amend sections for clarity

purposes and, pursuant to section 553.73(5), F.S., is formatting those requirements to coordinate with the *Florida Building Code*; and

**WHEREAS**, the City Commission has determined that it is in the public interest to adopt the proposed local technical amendments 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.

**NOW, THEREFORE, THE CITY OF TREASURE ISLAND DOES ORDAIN:**

**SECTION 1.** The recitals set forth in the “Whereas” clauses above are ratified and confirmed as true and correct, and are hereby adopted as legislative findings by the City Commission of the City of Treasure Island, Florida for the adoption of this Ordinance.

**SECTION 2.** That section 8-1 of the Code of Ordinances of the City of Treasure Island, Florida is hereby amended to read as follows:

Sec. 8-1. - Building codes—Adopted.

(a) The city hereby adopts and incorporates by reference herein the Florida Building Code, and all specific volumes and standards contained therein, promulgated by the state building commission pursuant to F.S. ch. 553, pt. IV, as amended from time to time. The provisions of this section shall govern the administration and enforcement of the Florida Building Code within the municipal limits of the city. The codes are hereby adopted by reference as if set out at length in this section.

(1) Florida Building Code—Building, 20120 Edition, as may be amended from time to time.

- (2) Florida Building Code—Residential, 2012 Edition, as may be amended from time to time.
- (3) Florida Building Code—Plumbing, 2012 Edition, as may be amended from time to time.
- (4) Florida Building Code—Mechanical, 2012 Edition, as may be amended from time to time.
- (5) Florida Building Code—Existing Building, 2012 Edition, as may be amended from time to time.
- (6) Florida Building Code—Fuel Gas, 2012 Edition, as may be amended from time to time.
- (7) Florida Building Code—Accessibility, 2012 Edition, as may be amended from time to time.
- (8) Florida Building Code—Energy Conservation, 2012 Edition, as may be amended from time to time.
- (9) National Electrical Code, 2008 Edition (NFPA 70), as may be amended from time to time.
  - a. *Approval required prior to connection to energy source.* It shall be unlawful for any person to make a connection from a supply of electricity or to supply electricity to any electrical equipment the installation of which requires or required an electrical permit or which has been disconnected or ordered to be disconnected by the building official, before the connection or re-connection has been authorized in writing by the building official.

- b. *Authority to grant temporary connections.* A 30-day temporary electrical service connection may be granted by the building official if the service wiring is found to be in a safe operating condition and provided an urgent necessity for electrical current exists.
- c. *Disconnection of hazardous wiring.* The building official is authorized to disconnect any wiring deemed to be hazardous to life or property. Any violation of this article or the electrical code shall be prima facie evidence of a condition hazardous to life or property.
- d. *Equipment grounding.* All raceways shall contain an equipment grounding conductor sized in accordance with Table 392.7B of the National Electric Code as amended.
- e. *Surge arresters, number required.* Surge arrestors shall be installed on all service equipment. Where used at a point on a circuit, a surge arrestor shall be connected to each ungrounded conductor. A single installation of such surge arrestors shall be permitted to protect a number of interconnected circuits provided that no circuit is exposed to surges while disconnected from the surge arrestors.

~~(b) Administrative amendments to the Florida Building Code. The 2010 Florida Building Code — Building, Chapter 1, and Administration is hereby amended to include the following sections which shall read as follows:~~

~~**107.6.1 Building permits issued on the basis of an affidavit.** Pursuant to the requirements of federal regulation for participation in the national flood insurance program (44 C.F.R. Sections 59 and 60), the authority granted to the building official to issue permits, to rely on~~

~~inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Section 105.14 and Section 107.6, shall not extend to the flood load and flood resistance construction requirements of the Florida Building Code.~~

## **~~117 VARIANCES IN FLOOD HAZARD AREAS~~**

~~**117.1 Flood hazard areas.** Pursuant to section 553.73(5), F.S., the variance procedures adopted in the local floodplain management ordinance shall apply to requests submitted to the Building Official for variances to the provisions of Section 1612.4 of the Florida Building Code, Building or, as applicable, the provisions of R322 of the Florida Building Code, Residential. This section shall not apply to Section 3109 of the Florida Building Code, Building.~~

(b) (e) *Local administrative amendments to the Florida Building Code-Building, 201020* Edition, as amended from time to time Florida Building Code, Chapter 1, Administration is hereby amended and shall be applicable to all codes (a)(1)—(9). The following sections supplement the Florida Building Code:

(1) *Permitting and inspection.*

- a. The inspection or permitting of any building, structure or plan under the requirements of this building code shall not be construed in any court as a warranty of the physical condition of such building or the adequacy of such plan.
- b. Liability. No employee charged with the responsibility of enforcing or implementing this building code shall be personally liable for any damages for any defective or hazardous or illegal condition or inadequacy in such

building, structure or plan, nor for any failure of any component of such building or structure which may occur subsequent to such inspection or permitting. The building official, when discharging the duties required by this building code or other pertinent law or ordinance, shall not be personally liable for any damages that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties.

This building code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or structure for any damages to persons or property caused by defects, nor shall the community improvement department, as described in subsection (2)a. or the city assume any such liability by reason of the inspections authorized by this building code or any permits or certificates issued under this building code.

(2) *Community improvement department.*

- a. The community improvement department is hereby designated as the building code enforcement agency under the direction of the building official. This shall not prohibit other authorized persons from enforcing violations of the building code.
- b. *General.* The building official is hereby authorized and directed to enforce all the provisions of this building code. For such purposes, the building official shall have all the powers provided for the building official as set forth in the Florida Building Code, state statutes, this Code and any other applicable law. The building official shall have the power to render interpretations of this building code and to adopt and enforce rules and

supplemental regulations to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this building code. This shall not prohibit other authorized persons from enforcing building violations of the building code.

- c. *Inspectors.* The building official may appoint inspectors and other employees as shall be authorized from time to time. Persons appointed by the building official shall have the powers delegated to them by the building official.

(3) *Powers and duties of building official.*

- a. *Right of entry.* Where it is necessary to make an inspection to enforce the provisions of this building code, or when the building official has reasonable cause to believe that there exists in a building or structure, or upon a premises or property a condition that is contrary to or in violation of this building code which makes the building, structure, premises, or property, or any electrical, gas, mechanical, or plumbing systems unsafe, dangerous or hazardous, the building official may enter the building, structure, premises or property at reasonable times to inspect or to perform any duties imposed by this building code. If such building, structure, premises or property are occupied, the building official shall present identification to the occupant and request entry. If such building, structure premises or property are unoccupied, the building official shall make a reasonable effort to locate the owner or other person having charge or control of the building, structure, premises or property and request entry. If



entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

- b. *Inspection warrant.* When the building official shall have first obtained an inspection warrant or other authorization provided by law to secure entry, no owner or occupant or any persons having charge, care or control of any building, structure, or premises, or property shall fail or neglect, after request is made, to promptly permit entry by the building official for the purpose of inspection and examination pursuant to this building code.
- c. *Stop work notice.* Whenever any building, structure, electrical, gas, mechanical, plumbing or other construction related work is being done contrary to the provisions of this building code, or other laws or ordinances implemented through the enforcement of this building code, or contrary to the condition of a permit, or in a dangerous or unsafe manner, the building official shall require the work stopped by posting a written notice in a conspicuous place on the site or served on any persons engaged in the doing or causing such work to be done. Such persons shall immediately cease and desist the identified work until authorized by the issuance of a new permit, issuance of a revised permit, or when authorized in writing by the building official to proceed with the work. Such notice shall be posted on the site or given either to the owner of the property, or to his agent, or to the person doing the work. Where an emergency exists, the building official may provide verbal notice and shall not be required to give written notice prior to stopping the work but shall provide such written notice within a

reasonable time after stopping the work. Failure to cease work after receipt of either the verbal or written notice provided herein shall be a violation of this section. Stop work notices may be issued for all or a portion of the work performed on a site or pursuant to a permit.

- d. *Rejection, suspension, revocation.* The building official is authorized to reject a permit application and to suspend or revoke any approval or permit issued under the provisions of this building code whenever the application or approval was made or permit issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation, or any provision of this building code.
- e. *Violation of code provisions.* The building official is authorized to suspend or revoke a permit upon determination that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which a permit was issued is in violation of, or not in conformity with, the provisions of this building code or the conditions of the permit.
- f. *Unsafe buildings, structures, or systems.* All buildings, structures or systems (electrical, gas, mechanical, plumbing) regulated by this building code that are structurally unsafe or not provided with adequate egress, or that constitute a fire hazard, or are otherwise dangerous to human life are, for the purpose of this section, unsafe. Any use of buildings or structures or systems constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster,

damage or abandonment is, for the purpose of this section, an unsafe use. Parapet walls, cornices, spires, towers, tanks, statuary and other structural members that are supported by, attached to, or a part of a building or structure or systems and that are in deteriorated condition or otherwise unable to sustain the design loads that are specified in this building code are hereby designated as unsafe.

All unsafe buildings, structures, or systems are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in chapter 2, administration, article III, code enforcement as amended. The building official may initiate any action to prevent, restrain, correct or abate the public nuisance.

- g. *Requirements not covered by code.* The building official may impose any additional requirements necessary for the strength, stability, safety or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically required by this or the other technical codes.
- h. *Occupancy violations.* Whenever any building, structure, premises or equipment regulated by this building code is being used in violation of the provisions of chapter 8 "Building Regulations and Fire Code", the building official may order such use discontinued and the structure, or portion thereof, vacated by serving written notice on any person causing such use (e.g. the owner, tenant, occupant or their agents) until such use complies

with the requirements of this building code. Such person shall discontinue the use within the time prescribed by the building official after receipt of such notice.

- i. *Modifications.* When there are practical difficulties involved in carrying out the provisions of this building code, the building official may grant modifications for individual cases. The building official shall first find that specific reasons make the strict letter of this building code impractical and that the modification is in conformance with the intent and purpose of this building code and that such modification does not lessen any fire-protection requirements or any degree of structural integrity. The details of any action granting modifications shall be in writing and recorded and entered in the files of the building official. The building official shall coordinate with the floodplain administrator to review requests submitted to the building official that seek approval to modify the strict application of the flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 117 of the 2020 Florida Building Code.
- j. *Tests and surveys.* Whenever there is insufficient evidence of compliance with any of the provisions of this building code or evidence that any material work or construction does not conform to the requirements of this building code or the approved plan or permit, the building official may require tests or surveys to be made at no cost to the city to insure compliance. Test methods shall be as specified by this building code or by other recognized

test standards. If there are no recognized and accepted test methods, the building official shall determine acceptable test methods.

All tests or surveys shall be made by an entity or person approved by the building official. Reports of such tests shall be retained by the building official for the period required for the retention of public records.

k. *Cooperation of other officials and officers.* The building official may request, and shall receive, the assistance and cooperation of other officials including but not limited to police, fire, utilities, codes and public works so far as is required in the discharge of the duties required by this building code or other pertinent law or ordinance.

l. **Owner-builder permits.** The building official may deny the issuance of a permit to an owner if the building official determines that the owner is not capable of performing the work. The building official may determine that an owner is not capable of performing the work if an owner is unable to understand basic construction principles and practices or is unable to effectively understand the basic principles to obtain a construction permit.

1. Owners of residential property, constructing or improving one- or two-family, attached or detached, dwelling or accessory structures on such property for the occupancy or use of such owners and not offered for sale or lease (except for a two-family dwelling, one dwelling may be leased) and when acting as their own contractor and providing direct, onsite supervision themselves of all work not performed by licensed contractors, shall be exempt from the requirement that work be performed by a licensed

contractor and the owner may obtain required permits except as provided above.

2. Owners of property, constructing or improving buildings not included in subsection (b)(3)1.1., excluding electrical work, penetrations of fire related assemblies, installation of fire safety components, or work affecting the means of egress, on such property for the occupancy or use of such owners at a total cost not to exceed five hundred dollars (\$500.00), and not offered for sale or lease and when acting as their own contractor and providing direct, onsite supervision themselves of all work not performed by licensed contractors, shall be exempt from the requirement that work be performed by a licensed contractor and the owner may obtain required permits except as provided above. An owner/contractor will be subject to penalties pursuant to F.S. ch. 489, as amended.
3. In an enforcement action brought under this part, proof of the sale or lease, or offering for sale or lease, of any such building by the owner within one-year after completion of the work or issuance of a certificate of occupancy, whichever is later, creates a presumption that the construction was undertaken for purposes of sale or lease and shall be a violation of this section. This subsection does not exempt any person who is employed by or has a contract with such owner and who acts in the capacity of a contractor.

The owner may not delegate the owner's responsibility to directly supervise all work to any other person unless that person is registered or certified

under this part and the work being performed is within the scope of that person's license.

4. Any owner of property convicted of violating this section shall be prohibited from obtaining a permit pursuant to this exemption for a period of two years from the approval date of all required final inspections or the conviction or, if appealed, the date of the final appellate decision, whichever is later.
5. To qualify for exemption under this subsection, a property owner must personally appear and sign the permit application. The building official may accept a notarized permit application if the property owner is unable to personally appear and sign the permit application. The building official shall provide the property owner with a disclosure statement in substantially the following form:

#### OWNER/BUILDER AFFIDAVIT

##### Disclosure Statement

State law requires construction to be done by licensed contractors. You have applied for a permit under an exemption to that law. The exemption allows you, as the owner of your property, to act as your own contractor with certain restrictions even though you do not have a license.

As Owner/Builder you must provide direct, on-site supervision of the construction yourself. You may build or improve a one-family or two-family residential dwelling. You may also build or improve a commercial building, provided your costs do not exceed five hundred dollars (\$500.00). The building or residential dwelling must be owned by you and for your

own use or occupancy. The building or residential dwelling may not be built or substantially improved with the intent to sell or lease. If you sell or lease a building you have built or substantially improved yourself within one year after the construction is complete, the law will presume that you built or substantially improved it for sale or lease, which is a violation of this exemption.

As Owner/Builder, you must provide direct, onsite supervision of the construction yourself. You may not hire an unlicensed person to act as your contractor or to supervise people working on your building. It is your responsibility to make sure that people employed by you have licenses required by state law and by county or municipal licensing ordinances. You may not delegate the responsibility for supervising work to a licensed contractor who is not licensed to perform the work being done. Any person working on your building who is not licensed must work under your direct supervision and must be employed by you, which means that you must deduct F.I.C.A. and withholding tax and provide workers' compensation for that employee, all as prescribed by law.

As Owner/Builder, your construction must comply with all applicable laws, ordinances, building codes, and zoning regulations. You are responsible for acquiring all permits, approvals, plan submittal approvals and required inspections. You may be ordered to obtain an existing condition survey of the property and or a site plan locating the proposed work.



m. *Certificate of occupancy, exception.* A certificate of occupancy shall not be required for:

1. A change of ownership or tenancy in a building, for which a certificate of occupancy was issued, provided there has been no remodeling or alterations to the building to change its approved use. This exemption shall not apply to indoor or outdoor eating or drinking establishments (e.g., restaurants, bars, lounges) or to residential rental property which has not paid a local business tax for more than two years.
2. Home occupations. This section shall not prohibit the building official or fire chief from conducting inspections that are necessary to protect the health, safety and welfare of the occupants and the general public.

n. *Violations and penalties.* The city may pursue code enforcement actions against any person who violates any provision of this building code or fail to comply therewith or with any of the requirements thereof or any order of the building official, or who shall erect, construct, alter, demolish or move any structure, or has caused or allowed to be erected, constructed, altered, repaired, moved or demolished a building or structure in violation of this building code, as provided in chapter 2, administration, article III, code enforcement. The imposition of a fine does not prevent the revocation or suspension of a license, permit or franchise, or the imposition of civil fines

or other administrative actions, including action pursuant to F.S. ch. 162, as amended.

For violation(s) of the requirements of the flood provisions of the Florida Building Code, the building official may take action as cited within this Code and, if the violation is not resolved or corrected, such action may include submitting a request to the federal emergency management agency (FEMA) to remove the respective property's eligibility for flood insurance coverage through the national flood insurance program.

- o. *Appeals.* Any person aggrieved by a ruling of the building official or fire chief may file a written appeal to the county construction licensing — board of appeals ("board") or its successor as provided in Laws of Florida Chapter 75-489, as amended, provided such ruling is within the appellate jurisdiction of such board.

- (4) *Severability.* If any section, subsection, sentence, clause or phrase of this building code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this building code.

~~(c)~~ [ *Administrative and Technical amendments—Florida Building Code, Building.* ]

**Modify Section 110.3 as follows:**

**[A] 110.3 Required Inspections.** The building official upon notification from the permit holder or his or her agent shall make the following inspections and shall either release that portion of the construction or shall notify the permit holder or his or her agent of any violations which must be corrected in order to comply with the technical codes. The building official

shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection.

**Building** *[partial shown]*

1.1. In flood hazard areas, upon placement of the lowest floor, including basement, and prior to further vertical construction, the FEMA Elevation Certificate shall be submitted to the authority having jurisdiction.

6.1. In flood hazard areas, as part of the final inspection, a final FEMA Elevation Certificate of the lowest floor elevation shall be submitted to the authority having jurisdiction.

**Add a new Section 1612.4.3 ~~1612.4.1~~ as follows:**

**1612.4.3 ~~1612.4.1~~ Additional design requirements.** The following additional design requirements apply:

1. Structural fill and solid foundation walls, including backfilled stem walls, shall not be used to support or elevate buildings.
2. The minimum elevation requirements shall be as specified in ASCE 24 or the base flood elevation plus 2 feet (610 mm), whichever is higher.
3. Enclosures below elevated buildings shall be not more than 299 square feet in area and the interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless required by the fire code.

**Modify Section 1612.5 as follows:**

**1612.5 Flood hazard documentation.** The following documentation shall be prepared and sealed by a registered design professional and shall be submitted to the building official:

For construction in flood hazard areas not subject to high-velocity wave action:

- 1.1. The elevation of the lowest floor, including basement, as required by the lowest floor elevation inspection in Section 110.3, Building, 1.1 and for the final inspection in Section 110.2, Building, 5.1 ~~foundation inspection and the final inspection in Section 110.3.~~
- 1.2. For fully enclosed areas below the design flood elevation where provisions to allow for the automatic entry and exit of floodwaters do not meet the minimum requirements in Section 2.7.2.1 ~~2.6.2.1~~, ASCE 24, construction documents shall include a statement that the design will provide for equalization of hydrostatic flood forces in accordance with Section 2.7.2.2 ~~2.6.2.2~~ of ASCE 24.
- 1.3. For dry floodproofed nonresidential buildings, construction documents shall include a FEMA Floodproofing Certificate (FEMA Form 086-34) to certify that the dry floodproofing is designed in accordance with ASCE 24.

**Remainder unchanged**

(d) ~~(e)~~ [ *Technical amendments—Florida Building Code, Residential.* ]

**Modify Section 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 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 2 feet, or not less than 4 feet if a depth number is not specified. ~~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 or to the design flood elevation, whichever is higher.~~
3. Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus 2 feet or the design flood elevation, whichever is higher.
4. Elevation of buildings and structures shall be achieved by use of pilings or columns; structural fill and solid foundation walls shall not be permitted.

**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.

**Modify Section R322.2.2 as follows:**

**R322.2.2 Enclosed areas below design flood elevation.** Enclosed areas, including crawl spaces, that are below the design flood elevation shall:

1. Be used solely for parking of vehicles, building access or storage. Enclosures shall be no more than 299 square feet in area. The interior portion of such enclosed areas

shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless required by the fire code.

2. Be provided with flood openings that meet the following criteria:
  - 2.1. There shall be a minimum of two openings on different sides of each enclosed area; if a building has more than one enclosed area below the design flood elevation, each area shall have openings on exterior walls.
  - 2.2. The total net area of all openings shall be at least 1 square inch (645 mm<sup>2</sup>) for each square foot (0.093 m<sup>2</sup>) of enclosed area, or the openings shall be designed and the construction documents shall include a statement by a registered design professional that the design of the openings will provide for equalization of hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwaters as specified in Section 2.6.2.2 of ASCE 24.
  - 2.3. The bottom of each opening shall be 1 foot (305 mm) or less above the adjacent ground level.
  - 2.4. Openings shall be not less than 3 inches (76 mm) in any direction in the plane of the wall.
  - 2.5. Any louvers, screens or other opening covers shall allow the automatic flow of floodwaters into and out of the enclosed area.
  - 2.6. Openings installed in doors and windows, that meet requirements 2.1 through 2.5, are acceptable; however, doors and windows without installed openings do not meet the requirements of this section.

**Modify Section R322.2.3 as follows:**

**Section R322.2.3 Foundation design and construction.**

Foundation walls for buildings and structures erected in flood hazard areas shall be pilings or columns, shall be designed by a registered design professional to resist flood loads, and shall meet the requirements of Chapter 4.

**Add a new Section R322.2.6 R322.2.5**

**R322.2.6 R322.2.5 Construction documents.** The construction documents shall include documentation that is prepared and sealed by a registered design professional that the design and methods of construction to be used meet the applicable criteria of this section.

**Modify Section R322.3.2 as follows:**

**R322.3.2 Elevation requirements.**

1. ~~All b~~Buildings and structures erected within coastal high-hazard areas and Coastal A Zones, shall be elevated so that the bottom of the lowest portion of all horizontal structural members supporting the lowest floor, with the exception of mat or raft foundations, piling, pile caps, columns, grade beams and bracing, is: elevated to or above the base flood elevation plus 2 feet or the design flood elevation, whichever is higher.

**1.1** ~~Located at or above the base flood elevation plus 2 feet 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 radians) from the direction of approach,~~  
or

~~1.2~~ Located at the base flood elevation plus 2 feet, 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 radians) from the direction of approach.

~~1.3~~

~~2.~~ Basement floors that are below grade on all sides are prohibited.

~~2.3.~~ The use of fill for structural support is prohibited.

~~3.4.~~ 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.

**Exception:** ~~5.~~ Walls and partitions enclosing areas below the design flood elevation shall meet the requirements of Sections ~~R322.3.4 and R322.3.5 and R322.3.6.~~

**Modify Section R322.3.3 as follows:**

**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 R322.3.5. 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 R322.3.9. 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.

**Modify Section R322.3.5 as follows:**

**R322.3.5 ~~R322.3.4~~ Walls below design flood elevation.** Walls are permitted below the elevated floor, provided that such walls are not part of the structural support of the building or structure and:

1. Electrical, mechanical, and plumbing system components are not to be mounted on or penetrate through walls that are designed to break away under flood loads; and
2. Are constructed with insect screening or open lattice; or
3. Are designed to break away or collapse without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Such walls, framing and connections shall have a design safe loading resistance of not less than 10 (470 Pascals) and no more than 20 pounds per square foot (958 Pascals); or
4. Where wind loading values of this code exceed 20 pounds per square foot (958 Pascals), the construction documents shall include documentation prepared and sealed by a registered design professional that:
  - 4.1. The walls below the design flood elevation have been designed to collapse from a water load less than that which would occur during the design flood.

4.2. The elevated portion of the building and supporting foundation system have been designed to withstand the effects of wind and flood loads acting simultaneously on all building components (structural and nonstructural). Water loading values used shall be those associated with the design flood. Wind loading values used shall be those required by this code.

5. Walls intended to break away under flood loads as specified in Item 3 or 4 have flood openings that meet the criteria in Section R322.2.2, Item 2.

**Modify Section R322.3.6 as follows:**

**R322.3.6** ~~**R322.3.5**~~ **Enclosed areas below the design flood elevation.** Enclosed areas below the design flood elevation shall be not more than 299 square feet in area and shall be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless required by the fire code.

**SECTION 3. FISCAL IMPACT STATEMENT.** In terms of design, plan application review, construction and inspection of buildings and structures, the cost impact as an overall average is negligible in regard to the local technical amendments because all development has been subject to the requirements of the local floodplain management ordinance adopted for participation in the National Flood Insurance Program. In terms of lower potential for flood damage, there will be continued savings and benefits to consumers.

**SECTION 4. SEVERABILITY.** It is declared to be the intent of the City Commission, that if any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason

held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 5. CONFLICT.** This action supersedes all ordinances and resolutions of the City or portions thereof, in conflict with or inconsistent with this ordinance, to the extent of such inconsistency or conflict.

**SECTION 6. CODIFICATION.** Section 2 of this Ordinance shall be codified in the Code of Ordinances for the City of Treasure Island, Florida. The codifier is authorized to renumber or reclassify such other provision of the Code of Ordinance to accomplish such intention. The codifier is also authorized to make editorial changes not affecting the substance of this Ordinance in the substitution of article, ordinance, section, paragraph, or such other appropriate word or phrase in order to accomplish such intention.

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its final passage.

**FIRST READING and PUBLIC HEARING on the \_\_\_\_ day of \_\_\_\_, 202\_\_.**

**SECOND READING and PUBLIC HEARING on the \_\_\_\_ day of \_\_\_\_, 202\_\_.**

**PUBLISHED in the Tampa Bay Times on the \_\_\_\_ day of \_\_\_\_, 202\_\_.**

The foregoing ordinance was offered during the meeting of the City Commission of the City of Treasure Island, Florida, sitting on the \_\_ day of \_\_, 202\_ by Commissioner \_\_\_\_\_ who moved its adoption; was seconded by Commissioner \_\_\_\_\_ and upon roll call, the vote was:

**YEAS:**

**NAYS:**

**ABSENT OR ABSTAINING:**

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Tyler Payne, Mayor

ATTEST:

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Ruth Nickerson, City Clerk

**Approved as to form:**

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Jennifer R. Cowan, City Attorney