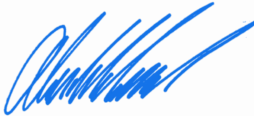




PINELLAS COUNTY CONSTRUCTION LICENSING BOARD

LOCAL TECHNICAL OR ADMINISTRATIVE AMENDMENT

Hover over a field to view data input prompt

Municipality or County Department Name	City of Oldsmar
Principal contact	Tatiana Childress
Title	Planning & Redevelopment Director
Telephone	813-749-1147
Email	tchildress@oldsmarfl.gov
Date	1/29/2025
Summary of requested changes (300 character limit)	Change from 15-year cumulative to 5-year rolling cumulative Change from FEMA 50% rule to 49%. Higher standards for CAZ. Include updates to Substantial Improvement Definitions by providing exclusions from the 5-year cumulative (subject to 49%).
Code Version being amended	2023 Florida Building Code, Building, Eighth Edition
Sub Code	Building
Chapter Topic	Definitions
Section	202
Are there any related Sub Code and Section modifications?	Florida Building Code, Residential, 2023, Eighth Edition
Please confirm compliance with all necessary requirements of F.S. 553.73 (all must apply)	<p>The amendment:</p> <ul style="list-style-type: none"><input checked="" type="checkbox"/> is limited only to the Florida Building Code.<input checked="" type="checkbox"/> specifies a need to strengthen the requirements of the Florida Building Code.<input checked="" type="checkbox"/> includes evidence of local data demonstrating conditions that require a stronger local variation.<input checked="" type="checkbox"/> describes how the local amendment addresses the needed variation.<input checked="" type="checkbox"/> does not introduce a new subject not addressed in the Florida Building Code.<input checked="" type="checkbox"/> is no more stringent than necessary. <p>The amendment complies with:</p> <ul style="list-style-type: none"><input checked="" type="checkbox"/> Section 2 restrictions on swimming pools, barriers, pool covers and other pool security?<input checked="" type="checkbox"/> Section 10 restrictions regarding exempt buildings, structures, and facilities?<input checked="" type="checkbox"/> Section 13 issues related to code enforcement, communications towers, roof-mounted mechanical equipment, school lighting, residential fire sprinklers, range hood, elevators, door from garage to home, and other AC/heating standards?<input checked="" type="checkbox"/> The requirements are not discriminatory against materials, products, or construction techniques of demonstrated capabilities.<input checked="" type="checkbox"/> Does the amendment use the International Codes published by the ICC or the National Electric Code (NFPA 70)?<input checked="" type="checkbox"/> Does the proposal include a fiscal impact statement that meets the criteria in 553.73?
Signature	
Date	1/29/25

Approved by: Alan Holderith, Chair
Date: March 10, 2025

ORDINANCE 2024-05

AN ORDINANCE OF THE CITY OF OLDSMAR, FLORIDA, AMENDING ARTICLE VI (FLOOD CONTROL, STORMWATER MANAGEMENT AND WETLANDS PROTECTION) OF PART III OF THE LAND DEVELOPMENT CODE OF THE CITY OF OLDSMAR TO RENAME REGULATIONS FROM “FLOODPLAIN MANAGEMENT “ARTICLE” TO “FLOODPLAIN MANAGEMENT “ORDINANCE” IN SECTION 6.1; TO CHANGE THE REFERENCE FROM “ORDINANCE” TO “ARTICLE” IN SECTION 6.6.3; TO REMOVE THE 25 FOOT SETBACK FOR LOCATION OF NEW BUILDINGS LANDWARD OF THE REACH OF MEAN HIGH TIDE IN COASTAL HIGH HAZARD AREAS AND COASTAL A ZONES IN SECTION 6.9.1(4); TO INCLUDE THE ACRONYM “FBC” FOR FLORIDA BUILDING CODE, NUMBER SUB-DEFINITIONS FOR THE LETTER OF MAP CHANGE, REDUCE THE ALLOWABLE PERCENTAGE OF MARKET VALUE FOR SUBSTANTIAL DAMAGE/SUBSTANTIAL IMPROVEMENT TO 49% AND REDUCE THE ALLOWABLE PERCENT OF MARKET VALUE FROM 50% TO 49% AND REDUCE THE CUMULATIVE YEARS FROM 15 TO 5 FOR SUBSTANTIAL IMPROVEMENTS IN SECTION 6.14; TO REDIRECT THE DEFINITIONS FOR SUBSTANTIAL DAMAGE AND SUBSTANTIAL IMPROVEMENT IN SECTIONS 6.16.4 AND 6.16.5 AS IT RELATES TO THE TECHNICAL AMENDMENTS OF THE FLORIDA BUILDING CODE, BUILDINGS AND EXISTING BUILDINGS, TO SECTION 6.14.1; TO AMEND SECTION R322 FOR CLARITY REGARDING ENCLOSURE LIMITATIONS/STANDARDS AND CONSTRUCTION STANDARDS IN COASTAL A ZONES AS IT RELATES TO THE TECHNICAL AMENDMENT OF THE FLORIDA BUILDING CODE, RESIDENTIAL; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City staff has reviewed the current provisions of Article VI (Flood Control, Stormwater Management and Wetlands Protection) of Part III of the Land Development Code of the City of Oldsmar and has recommended that certain provisions be amended; and

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; and

WHEREAS, the City Council previously adopted local amendments to the Florida Building Code and is reformatting those amendments as part of the floodplain management regulations; and

WHEREAS, the City Council is amending a previously adopted local amendment to reduce the period of time for accumulation of costs of improvements and repairs of for buildings and structures in flood hazard areas for the purpose of participating in the National Flood Insurance Program's Community Rating System and, pursuant to section 553.73(5), F.S., is formatting that requirement to coordinate with the *Florida Building Code*; and

WHEREAS, the recommendations of the City staff have been found meritorious by the City Council; and

WHEREAS, the City Council has received input from the public at two public hearings.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OLDSMAR, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1. That Section 6.1 (Title) of Article VI (Flood Control, Stormwater Management and Wetlands Protection) of Part III of the Land Development Code of the City of Oldsmar, Florida, is hereby amended and shall read as follows:

6.1. - TITLE

These regulations shall be known as the Floodplain Management ~~Article~~Ordinance of the City of Oldsmar hereinafter referred to as "article."

Section 2. That Section 6.6.3 (Basis for Establishing Flood Hazard Areas) of Article VI (Flood Control, Stormwater Management and Wetlands Protection) of Part III of the Land Development Code of the City of Oldsmar, Florida, is hereby amended and shall read as follows:

6.6.3. Basis for establishing flood hazard areas.

The Flood Insurance Study for Pinellas County, Florida and Incorporated Areas dated August 24, 2021, and all subsequent amendments and revisions, and the accompanying flood insurance rate maps (FIRMs), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this **ordinance article** and shall serve as the minimum basis for establishing flood hazard areas. When limited data is available from FEMA flood insurance study and flood insurance rate maps, the city will refer to the best available data through locally determined flood map data. Locally determined data shall include but not be limited to watershed management plans and the city's stormwater management plan maps and profiles and the county storm drainage basin study technical appendices nos. 1 through 52, consecutively, and any subsequent amendments. These sources are adopted by reference and made a part of this article. Studies and maps that establish flood hazard areas are on file at the Planning and Redevelopment Department, 100 State Street West, Oldsmar, FL 34677.

Section 3. That Subparagraph (4) of Section 6.9.1 (Information for Development in Flood Hazard Areas) of Article VI (Flood Control, Stormwater Management and Wetlands Protection) of Part III of the Land Development Code of the City of Oldsmar, Florida, is hereby amended and shall read as follows:

- (4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas and Coastal A Zones, new buildings shall be located ~~25-foot~~ landward of the reach of mean high tide.

Section 4. That the definition for Florida Building Code under Definitions in Section 6.14.1 (Scope) of Article VI (Flood Control, Stormwater Management and Wetlands Protection) of Part III of the Land Development Code of the City of Oldsmar, Florida, is hereby amended and shall read as follows:

Florida Building Code (FBC). The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

Section 5. That the subparagraphs under the definition for Letter of Map Change (LOMC) under Definitions in Section 6.14.1 (Scope) of Article VI (Flood Control, Stormwater Management and Wetlands Protection) of Part III of the Land Development Code of the City of Oldsmar, Florida, shall be numbered and are hereby amended to read as follows:

Letter of map change (LOMC). An official determination issued by FEMA that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

- (1)** *Letter of map amendment (LOMA):* An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- (2)** *Letter of map revision (LOMR):* A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- (3)** *Letter of map revision based on fill (LOMRF):* A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- (4)** *Conditional letter of map revision (CLOMR):* A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map or flood insurance study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM.

Section 6. That the definition for Substantial Damage under Definitions in Section 6.14.1 (Scope) of Article VI (Flood Control, Stormwater Management and

Wetlands Protection) of Part III of the Land Development Code of the City of Oldsmar, Florida, is hereby amended and shall read as follows:

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed ~~50~~ 49 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 202.]

Section 7. That the definition for Substantial Improvement under Definitions in Section 6.14.1 (Scope) of Article VI (Flood Control, Stormwater Management and Wetlands Protection) of Part III of the Land Development Code of the City of Oldsmar, Florida, is hereby amended and shall read as follows:

Substantial improvement. Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during ~~a 15~~ 5-year period, the cumulative cost of which equals or exceeds ~~50~~ 49 percent of the market value of the building or structure before the improvement or repair is started. For each building permit, the ~~15~~ 5-year period begins on the date of the first permit issued for improvement or repair of that building or structure subsequent to February 19, 2013. 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 either: [Also defined in FBC, B, Section 202.]

- (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 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~~ 49 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 ~~50-49~~ 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.

Section 8. That Section 6.16.4 (Technical Amendments to the Florida Buildings Code, Building) of Article VI (Flood Control, Stormwater Management and Wetlands Protection) of Part III of the Land Development Code of the City of Oldsmar, Florida, is hereby amended and shall read as follows:

6.16.4. Technical amendments to the Florida Buildings Code, Building.

Amend Section 202 as follows:

(1) SUBSTANTIAL DAMAGE. The term is defined in Section 6.14.1 of this article.

(2) SUBSTANTIAL IMPROVEMENT. The term is defined in Section 6.14.1 of this article.

~~SUBSTANTIAL IMPROVEMENT. Any combination of repair, reconstruction, rehabilitation, alteration, addition or other improvement of a building or structure taking place during a 15-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 is permitted subsequent to February 19, 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.~~

Amend Section 1612.4 by adding a new subsection as follows:

1612.4.3 Modification of ASCE 24 (Coastal A Zone). ASCE 24 Section 4.5 provisions for stem walls shall not be permitted for multifamily residential buildings (Residential Group R).

Section 9. That Section 6.16.5 (Technical Amendments to the Florida Buildings Code, Existing Building) of Article VI (Flood Control, Stormwater Management and Wetlands Protection) of Part III of the Land Development Code of the City of Oldsmar, Florida, is hereby amended and shall read as follows:

6.16.5. Technical amendments to the Florida Buildings Code, Existing Building.

Amend Section 202 as follows:

(1) SUBSTANTIAL DAMAGE. The term is defined in Section 6.14.1 of this article.

(2) SUBSTANTIAL IMPROVEMENT. The term is defined in Section 6.14.1 of this article.

~~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 15-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 is permitted subsequent to February 19, 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.~~

Section 10. That Section 6.16.6 (Technical Amendments to the Florida Buildings Code, Residential) of Article VI (Flood Control, Stormwater Management and

Wetlands Protection) of Part III of the Land Development Code of the City of Oldsmar, Florida, is hereby amended and shall read as follows:

6.16.6. Technical amendments to the Florida Buildings Code, Residential.

Amend Section R322.2.2 as follows:

- (1) In flood hazard areas other than coastal high hazard areas and Coastal A Zones, enclosed areas, including crawlspaces, that are below the required elevations shall not be partitioned or finished into separate rooms except for stairwells, ramps, elevators, and a storage area no larger than 100 square feet with one dimension not to exceed 6 feet.
- (2) In Coastal A Zones, backfilled stem walls are not permitted.
- (3) In coastal high hazard areas and Coastal A Zones, enclosed areas that are below the required elevations shall not be partitioned or finished into separate rooms except for stairwells, ramps, elevators, and a storage area no larger than 100 square feet with one dimension not to exceed 6 feet.

~~R322.2.2 Enclosed area 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. The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, elevators, and a storage area no larger than 100 square feet with one dimension not to exceed 6 feet.~~
- ~~2. Be provided with flood openings that meet the following criteria and are installed in accordance with Section R322.2.1:-~~
 - ~~2.1. The total net area of non-engineered openings shall be not less than 1 square inch (645 mm²) for each square foot (0.093 m²) of enclosed area where the enclosed area is measured on the exterior of the enclosure walls, or the openings shall be designed as engineered openings 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 2.7.2.2 of ASCE 24.~~
 - ~~2.2. Openings shall be not less than three inches (76 mm) in any direction in the plane of the wall.~~
 - ~~2.3 The presence of louvers, blades, screens and faceplates or other covers and devices shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area.~~

~~Amend 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 R322.3.6. 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.

Amend Section R322.3.5 as follows:-

~~R322.3.5 Walls below design flood elevation.~~ Walls and partitions are permitted below the elevated floor, provided that such walls and partitions are not part of the structural support of the building or structure, the interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, elevators, and a storage area no larger than 100 square feet with one dimension not to exceed 6 feet, 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 resistance of not less than ten (479 Pa) and not more than 20 pounds per square foot (958 Pa) as determined using allowable stress design; or~~
- ~~4. Where wind loading values of this code exceed 20 pounds per square foot (958 Pa), as determined using allowable stress design, the construction documents shall include documentation prepared and sealed by a registered design professional that:~~
 - ~~4.1. The walls and partitions below the design flood elevation have been designed to collapse from a water load less than that which would occur during the base 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 structural and nonstructural building components. Water loading values used shall be those associated with the design flood. Wind loading values 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.~~

Section 11. For purposes of codification of any existing section of the Oldsmar Code herein amended, words **underlined** represent additions to original text, words **stricken** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

Section 12. Ordinances or parts of ordinances in conflict herewith to the extent that such conflict exists are hereby repealed.

Section 13. In the event a court of competent jurisdiction finds any part or provision of the Ordinance unconstitutional or unenforceable as a matter of law, the same shall be stricken and the remainder of the Ordinance shall continue in full force and effect.

Section 14. The Codifier shall codify the substantive amendments to the Code of Ordinances of the City of Oldsmar contained in Sections 1 through 10 of this Ordinance as provided for herein and shall not codify the exordial clauses nor any other sections not designated for codification.

Section 15. This Ordinance shall become effective immediately upon its final passage and adoption.

PASSED ON FIRST READING: _____.

PASSED ON SECOND READING AND ADOPTED: _____.

Daniel M. Saracki, Mayor
City of Oldsmar

ATTEST:

Kristin Garcia, CMC
City Clerk
City of Oldsmar

APPROVED AS TO FORM:

Thomas J. Trask, B.C.S.
City Attorney
City of Oldsmar

ORDINANCE 2024-19

AN ORDINANCE OF THE CITY OF OLDSMAR, FLORIDA, AMENDING THE DEFINITION OF SUBSTANTIAL IMPROVEMENT IN SECTION 6.14.1 OF ARTICLE VI (FLOOD CONTROL, STORMWATER MANAGEMENT AND WETLANDS PROTECTION) OF PART III OF THE LAND DEVELOPMENT CODE OF THE CITY OF OLDSMAR; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City staff has reviewed the current provisions of Article VI (Flood Control, Stormwater Management and Wetlands Protection) of Part III of the Land Development Code of the City of Oldsmar and has recommended that certain provisions be amended; and

WHEREAS, the recommendations of the City staff have been found meritorious by the City Council; and

WHEREAS, the City Council has received input from the public at two public hearings.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OLDSMAR, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1. That the definition for Substantial Improvement under Definitions in Section 6.14.1 (Scope) of Article VI (Flood Control, Stormwater Management and Wetlands Protection) of Part III of the Land Development Code of the City of Oldsmar, Florida, is hereby amended and shall read as follows:

Substantial improvement. Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a 5-year period, the cumulative cost of which equals or exceeds 49 percent of the market value of the building or structure before the improvement or repair is started. For each building permit, the 5-year period begins on the date of the first permit issued for improvement or repair of that building or structure subsequent to February 19, 2013. 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 either: [Also defined in FBC, B, Section 202.]

- (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 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 49 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 49 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.
- (5) Costs for repairs for the express purpose of repairing wind or flood damage to pre-damaged condition of like kind and quality may be excluded for the purposes of evaluating repairs and improvements in the prior five-year period, provided the structure is not substantially damaged and the costs of repairing wind or flood damage, do not exceed 49 percent of the market value of the structure before the damage occurred.

Section 2. For purposes of codification of any existing section of the Oldsmar Code herein amended, words **underlined** represent additions to original text, words **~~stricken~~** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

Section 3. Ordinances or parts of ordinances in conflict herewith to the extent that such conflict exists are hereby repealed.

Section 4. In the event a court of competent jurisdiction finds any part or provision of the Ordinance unconstitutional or unenforceable as a matter of law, the same shall be stricken and the remainder of the Ordinance shall continue in full force and effect.

Section 5. The Codifier shall codify the substantive amendments to the Code of Ordinances of the City of Oldsmar contained in Section 1 of this Ordinance as provided for herein and shall not codify the exordial clauses nor any other sections not designated for codification.

Section 6. This Ordinance shall become effective immediately upon its final passage and adoption.

PASSED ON FIRST READING: _____.

PASSED ON SECOND READING AND ADOPTED: _____.

Daniel M. Saracki, Mayor
City of Oldsmar

ATTEST:

Kristin Garcia, CMC
City Clerk
City of Oldsmar

APPROVED AS TO FORM:

Thomas J. Trask, B.C.S.
City Attorney
City of Oldsmar