



**Staff Report to the St. Petersburg Development Review Commission**  
Prepared by the Planning & Development Services Department

For Public Hearing Review on Wednesday, February 7, 2024  
at 1 p.m. in the Council Chambers, City Hall  
175 – 5th Street North, St. Petersburg, Florida 33701

## **City File: LDR 2024-01**

### **Floodplain Management Ordinance**

This is a City-initiated application requesting that the Development Review Commission (DRC), in its capacity as the Land Development Regulations Commission (LDRC), make a finding of consistency with the Comprehensive Plan and recommend to City Council **APPROVAL** of the following text amendments to the City Code, Chapter 16, Land Development Regulations (LDRs) pertaining to Floodplain Management.

#### **APPLICANT INFORMATION**

**APPLICANT:** City of St. Petersburg  
175 5<sup>th</sup> Street North  
St. Petersburg, Florida 33712

**STAFF CONTACT:** Hannah Rebholz, CFM, Floodplain Manager  
Planning and Development Services Department  
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(727) 551-3321

#### **INTRODUCTION**

In June of 2021 the Floodplain Management Ordinance (FPM) was updated to comply with the National Flood Insurance Program (NFIP) based on the State Department of Emergency Management (DEM) model ordinance, to incorporate plan review requirements, and to promote consistency.

This application includes three additional text amendments to provide additional clarity and consistency with FEMA and Pinellas County: changing the POD from the Building Official to the Floodplain Manager, updating the market value definition, and clarifications to the measurement of the base elevation of mobile homes.

In early 2023, the Floodplain Manager position was created to elevate the floodplain management program, and the change of the Person Officially Designated (POD) from the Building Official to the Floodplain Manager better reflects the current positions and program structure.

The updated market value definition provides consistency with Pinellas County and other jurisdictions across the state. The City participates in the Local Mitigation Strategy (LMS) with Pinellas County, so it is particularly important that both City and County ordinances are consistent.

In 2021, the design flood elevation for mobile homes was increased two feet above the base elevation required by FEMA. The proposed change provides better clarity as to how that is to be measured, to the bottom of the supporting metal chassis. The proposed amendments are shown below in the Strike-through/Underline format:

#### **16.40.050.3.1. Designation.**

The ~~Building Official~~ Floodplain Manager is designated as the person officially designated (POD) and Floodplain Administrator for the purposes of this ordinance. The ~~Building Official~~ Floodplain Manager may delegate the performance of certain duties to other employees.

#### **16.40.050.9.4. Definitions.**

~~Market value means the price at which a property will be transferred between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market~~ means the value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, with a signed, original, certified comparative appraisal, using at least three comparative properties and which is no more than 12 months old, or is the actual cash value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, in the case of unusual properties which are not frequently bought or sold, including, but not limited to, properties such as churches, colleges or hospitals, for example, by other types of appraisals such as actual cash value (like kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction), or the Pinellas County Property Appraiser's Replacement Cost Depreciated (RCD) Value tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

#### **16.40.050.13.4. General elevation requirement.**

All new, relocated, substantially improved, and substantially damaged manufactured homes shall be elevated such that the top of the supporting metal chassis is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2, as modified (Zone A/AE). In areas of shallow flooding (AO Zones) and Unnumbered A zones, all new, relocated, substantially improved, and substantially damaged manufactured homes shall have the top of the supporting metal chassis elevated to a height above the highest adjacent grade of not less than the depth number specified in feet (mm) on the FIRM plus two feet, or at least four feet above the highest adjacent grade if a depth number is not specified. In coastal high hazard areas (Zone V/VE), replacement manufactured homes shall be elevated such that the bottom of the supporting metal chassis is at or above the elevation required in the Florida Building Code, Residential Section R322.2, and the bottom of the supporting metal chassis shall be the lowest horizontal structural member, where chassis means the supporting metal frame of the manufactured home, exclusive of the body or housing.

In addition to the changes to Chapter 16, one change to the Florida Building Code in Chapter 8 will be presented to City Council concurrently with these changes. The proposed change will revert back to the ASCE 24 original language for floodproofing within a Coastal A Zone. This will provide consistency with the Florida Building Code and ASCE 24.

## **Background on the Floodplain Management Program**

The National Flood Insurance Program (NFIP) is a program run by the Federal Emergency Management Agency (FEMA). It was established in 1968 to provide federally supported (subsidized) flood insurance for properties with significant flood risk. In return, supported communities must meet minimum flood plain management standards. Risk areas are designated and mapped by FEMA with their Flood Insurance Rate Maps (FIRMs). Depicted on the maps are special Flood Hazard Areas (SFHAs). These are areas with a 1% or greater risk of annual flooding. As maps are updated communities must adopt them and enact minimum standards to regulate development in flood designated areas. If a community does not adopt their FIRMs or does not maintain their standards they can be put on probation or suspended from the Program. If a community does not participate with the NFIP, properties within those boundaries cannot purchase reduced rate flood insurance. Individuals in these areas can also face challenges receiving federal disaster assistance in flood hazard areas, or in receiving federally backed mortgages. The minimum standards are intended to:

- Constrict the development of land which is exposed to flood damage where appropriate.
- Guide the development of proposed construction away from locations which are threatened by flood hazards.
- Assist in reducing damage caused by floods.
- Otherwise improve the long-range land management and use of flood-prone areas

Overall, the program reduces the socio-economic impact of disasters by promoting the purchase and retention of Risk Insurance in general, and National Flood Insurance in particular.

The National Flood Insurance Program (NFIP) implemented the Community Rating System (CRS) as a voluntary program that encourages and rewards floodplain management. Communities can participate by implementing local mitigation strategies, floodplain management, and outreach activities. We have adopted Pinellas County's Local Mitigation Strategy (LMS) for use in the CRS program. With the recent County changes to the definition of Market Value, we deemed it necessary and beneficial to adopt the new definition as well. This will not only help us to remain consistent with our LMS, but also with FDEM.

The City of St. Petersburg is currently rated as a Class 5 community, with a 25% discount to all flood insurance premiums within the Special Flood Hazard Area (SFHA). This discount results in a savings of over 10 million dollars a year to those paying flood insurance. Altering our Building Code amendments as well as the Floodplain Management ordinance will promote consistency with our LMS and the Florida Building Code, as well as make a more efficient way to determine market value.

## **CONSISTENCY with the COMPREHENSIVE PLAN**

Pursuant to Section 16.80.020.1 of the City Code of Ordinances, the DRC, acting as the LDRC, is responsible for reviewing and making a recommendation to the City Council on all proposed amendments to the LDRs. The following objectives and policies from the City's Comprehensive Plan are applicable to the proposed Land Development Regulations amendment:

**OBJECTIVE LU21:** The City shall, on an ongoing basis, review and consider for adoption, amendments to existing or new innovative land development regulations that can provide additional incentives for the achievement of Comprehensive Plan Objectives.

**OBJECTIVE CM11:** The City will reduce natural hazard impacts through compliance with FEMA regulations, participation in NFIP's Community Rating System (CRS) and by targeting repetitive flood loss and vulnerable properties for mitigation.

CM11.9 The City shall continue to participate in the Federal Emergency Management Agency's National Flood Insurance Program and Community Rating System to achieve higher flood insurance premium discounts.

CM11.14 In order to reduce flood risk resulting from or associated with high-tide events, storm surge, flash floods, stormwater runoff and the impacts related to sea-level rise, the City shall continue to promote the use of the development and redevelopment principles, strategies and engineering solutions contained in the Florida Building Code and the Land Development Regulations.

CM11.15 Through implementation of the Land Development Regulations, the City will continue to be consistent with, and in some instances more stringent than, the flood-resistant construction requirements in the Florida Building Code and federal floodplain management regulations.

**OBJECTIVE C1:** The City of St. Petersburg shall attempt to reduce the potential for property damage and safety hazards caused by storm flooding through complying with or exceeding of minimum FEMA regulations.

C1.1 The City will actively enforce minimum building standards identified in the Florida Building Code and Land Development Regulations for construction within the 100-year flood plain.

C1.2 The City will cooperate with the Federal Emergency Management Agency to regularly update the 100-year flood plain and to continue FEMA regulations.

## **PUBLIC HEARING PROCESS**

The proposed ordinance associated with the LDR text amendment requires one (1) public hearing before the Development Review Commission (DRC) and one (1) City Council public hearing. The City Council first reading is tentatively scheduled for February 29, 2024.

## **RECOMMENDATION**

Staff recommends that the Development Review Commission, in its capacity as the Land Development Regulation Commission, make a finding of consistency with the Comprehensive Plan and recommend to City Council **APPROVAL** of the City Code, Chapter 16 LDR text amendments.

# City of St. Petersburg

## Housing Affordability Impact Statement

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Each year, the City of St. Petersburg receives approximately \$2 million in State Housing Initiative Partnership (SHIP) funds for its affordable housing programs. To receive these funds, the City is required to maintain an ongoing process for review of local policies, ordinances, resolutions, and plan provisions that *increase the cost of housing construction, or of housing redevelopment*, and to establish a tracking system to estimate the cumulative cost per housing unit from these actions for the period July 1– June 30 annually. This form should be attached to all policies, ordinances, resolutions, and plan provisions which increase housing costs, and a copy of the completed form should be provided to the City’s Housing and Community Development Department.

**I. Initiating Department:** Planning & Development Services Development

**II. Policy, Procedure, Regulation, or Comprehensive Plan Amendment Under Consideration for adoption by Ordinance or Resolution:**

See attached amendment to Chapter 16, City Code of Ordinances (City File LDR 2024-01).

**III. Impact Analysis:**

A. Will the proposed policy, procedure, regulation, or plan amendment, (being adopted by ordinance or resolution) increase the cost of housing development? (i.e. more landscaping, larger lot sizes, increase fees, require more infrastructure costs up front, etc.)

No  (No further explanation required.)

Yes  Explanation:

B. Will the proposed policy, procedure, regulation, plan amendment, etc. increase the time needed for housing development approvals?

No  (No further explanation required)

Yes  Explanation:

**IV: Certification**

It is important that new local laws which could counteract or negate local, state and federal reforms and incentives created for the housing construction industry receive due consideration. If the adoption of the proposed regulation is imperative to protect the public health, safety and welfare, and therefore its public purpose outweighs the need to continue the community’s ability to provide affordable housing, please explain below:

The proposed regulation, policy, procedure, or comprehensive plan amendment will **not** result in an increase to the cost of housing development or redevelopment in the City of St. Petersburg and no further action is required. (Please attach this Impact Statement to City Council Material, and provide a copy to Housing and Community Development department.)

/s/ Elizabeth Abernethy

Director, Planning & Development Services (signature)

01/30/2024

Date

Copies to: City Clerk  
Joshua A. Johnson, Director, Housing and Community Development