

**ORDINANCE NO. 21-002**

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA BY AMENDING **CHAPTER 109 OF THE CODE OF ORDINANCES ENTITLED “FLOODPLAIN MANAGEMENT,”** TO PROVIDE CRITERIA FOR ACCESSORY STRUCTURES AND AGRICULTURAL STRUCTURES IN FLOOD HAZARD AREAS; TO SPECIFY ELEVATION OF MANUFACTURED HOMES IN FLOOD HAZARD AREAS; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; 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 released FEMA Policy #104-008-03 Floodplain Management Requirements for Agricultural Structures and Accessory Structures; and

**WHEREAS**, the City Commission 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 and to allow granting of variances for certain wet floodproofed agricultural structures; and

**WHEREAS**, the City of Fort Pierce participates in the National Flood Insurance Program’s Community Rating System, a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements, achieving a CRS rating of Class 6; and

**WHEREAS**, in 2020 the NFIP Community Rating System established certain minimum prerequisites for communities to qualify for or maintain class ratings of Class 8 or better; and

**WHEREAS**, to satisfy the prerequisite and for the **City of Fort Pierce** to maintain the current CRS rating class, all manufactured homes installed or replaced in special flood hazard areas must be elevated such that the lowest floors are at or above at least the base flood elevation plus 1 foot, which necessitates modification of the existing requirements; and

**WHEREAS**, for purposes of this Ordinance, text with underlined (underlined) type shall constitute additions to the original text and text with strike-through (~~strike-through~~) type shall constitute deletions to the original text.

**NOW, THEREFORE, BE IT ORDAINED** by the City Commission of Fort Pierce, Florida:

**SECTION 1.** Chapter 109 Article I, Sec. 109-2(b) “Definitions,” is hereby amended to include and remove the following:

Accessory structure. A structure on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For floodplain management purposes, the term includes only accessory structures used for parking and storage.

Agricultural structure. A structure on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For floodplain management purposes, the term includes only accessory structures used for parking and storage.

~~Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before December 1, 1977.~~

~~Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).~~

~~New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after December 1, 1977.~~

**SECTION 2.** Chapter 109 Article I, Sec. 109-3(b)(3) "Scope; applicability," is hereby amended as follows:

- (3) *Basis for establishing flood hazard areas.* The flood insurance study for St. Lucie County, Florida and Incorporated Areas dated February 19, 2020 ~~February 16, 2012~~, and all subsequent amendments and revisions, and the accompanying flood insurance rate maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this chapter and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the city clerk's office, 100 North U.S. Hwy 1. Fort Pierce FL 34950.

**SECTION 3.** Chapter 109 Article II, Sec. 109-29 "Variances and appeals," is hereby amended by adding subsection (i) as follows:

Sec. 109-29. - Variances and appeals.

- (i) Agricultural structures. A variance is authorized to be issued for the construction or substantial improvement of agricultural structures provided the requirements of this section are satisfied and:

- (1) A determination has been made that the proposed agricultural structure:
  - a. Is used exclusively in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock, or storage of tools or equipment used in connection with these purposes or uses, and will be restricted to such exclusive uses.
  - b. Has low damage potential (amount of physical damage, contents damage, and loss of function).
  - c. Does not increase risks and pose a danger to public health, safety, and welfare if flooded and contents are released, including but not limited to the effects of flooding on manure storage, livestock confinement operations, liquified natural gas terminals, and production and storage of highly volatile, toxic, or water-reactive materials.
  - d. Is not located in a coastal high hazard area (Zone V/VE), except for aquaculture structures dependent on close proximity to water.
  - e. Complies with the wet floodproofing construction requirements of paragraph (2), below.

(2) Wet floodproofing construction requirements.

- a. Anchored to resist flotation, collapse, and lateral movement.
- b. When enclosed by walls, walls have flood openings that comply

with the flood opening requirements of ASCE 24, Chapter 2.

- c. Flood damage-resistant materials are used below the base flood elevation plus one (1) foot.
- d. Mechanical, electrical, and utility equipment, including plumbing fixtures, are elevated above the base flood elevation plus one (1) foot.

**SECTION 4.** Chapter 109 Article III, Sec. 109-49 “Buildings and Structures,” is hereby amended as follows:

- (a) *Design and construction of buildings, structures and facilities exempt from the state building code.* Pursuant to section 109-26(c), buildings, structures, and facilities that are exempt from the state building code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood-resistant construction requirements of ASCE 24. Structures exempt from the state building code that are not walled and roofed buildings shall comply with the requirements of section ~~109-55~~ 109-29.
- (b) *Buildings and structures seaward of the coastal construction control line.* If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:
  - (1) Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, Building, section 3109 and section 1612 or Florida Building Code, Residential, section R322.
  - (2) Minor structures and non-habitable major structures, as defined in F.S. § 161.54, shall be designed and constructed to comply with the intent and applicable provisions of this chapter and ASCE 24.
- (c) *Accessory structures.* Accessory structures are permitted below the base flood elevation provided the accessory structures are used only for parking or storage and:
  - (1) If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas, are one-story and not larger than 600 sq. ft.
  - (2) If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas, have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential.
  - (3) If located in coastal high hazard areas (Zone V/VE), are not located below elevated buildings and are not larger than 100 sq. ft.
  - (4) Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.
  - (5) Have flood damage-resistant materials used below the base flood elevation plus one (1) foot.
  - (6) Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one (1) foot.

**SECTION 5.** Chapter 109 Article III, Sec. 109-51(d) “Site Improvements, utilities and limitations,” is hereby amended as follows:

Sec. 109-51. - Site improvements, utilities and limitations.

- (d) *Limitations on sites in regulatory floodways.* No development, including, but not limited to, site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in section ~~109-27(c)(1)~~ 109-27(b)(1)

demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

**SECTION 6.** Chapter 109 Article III, Sec. 109-51(f) "Site Improvements, utilities and limitations," is hereby amended as follows:

- (f) *Limitations on sites in coastal high hazard areas (Zone V).* In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the state department of environmental protection and only if the engineering analysis required by section ~~109-27(c)(4)~~ ~~409-27(b)(4)~~ demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with section 109-55(h)(3).

**SECTION 7.** Chapter 109 Article III, Sec. 109-52 "Manufactured homes," is hereby amended as follows:

- (a) *General.* All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to F.S. § 320.8249 and shall comply with the requirements of F.A.C. ch. 15C-1 and the requirements of this chapter. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.
- (b) *Limitations on installation in floodways and coastal high hazard areas (Zone V).* New installations of manufactured homes shall not be permitted in floodways and coastal high hazard areas (Zone V).
- (c) *Foundations.* All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:
- (1) In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the Florida Building Code, Residential, section R322.2 and this chapter. ~~Foundations for manufactured homes subject to subsection (g) of this section are permitted to be reinforced piers or other foundation elements of at least equivalent strength.~~
  - (2) In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the Florida Building Code, Residential, section R322.3 and this chapter.
- (d) *Anchoring.* All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.
- (e) *Elevation.* All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V and Coastal A Zone). ~~Manufactured homes that are placed, replaced, or substantially improved shall comply with subsection (f) or (g) of this section, as applicable.~~
- ~~(f) *General elevation requirement.* Unless subject to the requirements of subsection (g) of this section, all manufactured homes that are placed, replaced, or substantially improved on sites located outside of a manufactured home park or subdivision; in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision; or in an existing manufactured home park or subdivision upon which a manufactured home has incurred substantial damage as the result of a flood, shall be elevated such that~~

~~the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential, section R322.2 (Zone A) or section R322.3 (Zone V).~~

~~(g) *Elevation requirement for certain existing manufactured home parks and subdivisions.* Manufactured homes that are not subject to subsection (f) of this section, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:~~

~~(1) Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential, section R322.2 (Zone A) or section R322.3 (Zone V); or~~

~~(2) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.~~

~~(f) (h) *Enclosures.* Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential, section R322.2 or R322.3 for such enclosed areas, as applicable to the flood hazard area.~~

~~(g) (i) *Utility equipment.* Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential, section R322, as applicable to the flood hazard area.~~

**SECTION 8.** Chapter 109 Article III, Sec. 109-55(a) through (d) "Other development," is hereby amended as follows:

(a) *General requirements for other development.* All development, including manmade changes to improved or unimproved real estate for which specific provisions are not specified in this chapter or the state building code, shall:

(1) Be located and constructed to minimize flood damage;

(2) Meet the limitations of section 109-51(d) ~~109-52(d)~~ if located in a regulated floodway;

(3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;

(4) Be constructed of flood damage-resistant materials; and

(5) Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

(b) *Fences in regulated floodways.* Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of section 109-51(d) ~~109-52(d)~~.

(c) *Retaining walls, sidewalks and driveways in regulated floodways.* Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of section 109-51(d) ~~109-52(d)~~.

(d) *Roads and watercourse crossings in regulated floodways.* Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of section 109-51(d) ~~109-52(d)~~. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of section 109-27(c)(3) ~~109-52(e)(3)~~.

**SECTION 9. APPLICABILITY.**

For the purposes of jurisdictional applicability, this ordinance shall apply in the City of Fort Pierce, Florida. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this ordinance.

**SECTION 10. SEVERABILITY.**

The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**SECTION 11. EFFECTIVE DATE.**

This ordinance is and the same shall become effective immediately upon final passage hereof.

APPROVED AS TO FORM  
AND CORRECTNESS:

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Peter J. Sweeney  
City Attorney

**STATE OF FLORIDA  
COUNTY OF ST. LUCIE**

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 21-001 was duly advertised by title only in the St. Lucie News Tribune on January 22, 2021; copy of said Ordinance was made available at the office of the City Clerk to the public upon request; said Ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on February 1, 2021; and was duly introduced, read by title only, and passed on second and final reading on February 16, 2021, by the City Commission of the City of Fort Pierce, Florida.

IN WITNESS HEREWITH, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this 16<sup>th</sup> day of February, 2021.

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Linda Hudson  
MAYOR COMMISSIONER

ATTEST

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Linda W. Cox  
CITY CLERK

(CITY SEAL)