

ORDINANCE NO. 22-038

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 AMEND DEFINITIONS; TO CLARIFY BASE FLOOD ZONE ELEVATION DETERMINATION CRITERIA; 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, 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, on February 16, 2021, there was adopted Ordinance 21-002 which ordinance amended Chapter 5, Article X(A) entitled "Floodplain Management" therein providing definitions and procedures that shall be amended to be consistent with the FEMA Policy to allow issuance of permits;

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 as follows:

Market value means the price at which a property will change hands 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 chapter, the term "market value" refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value ~~may~~ shall be established by a qualified independent appraiser (specifying it is based on pre-damage condition and all valuation data and/or appraisals shall be dated within six months of the permit application date), actual cash value estimate (replacement cost depreciated for age and quality of construction) prepared by a qualified independent appraiser, or current tax assessment building valuation data (as maintained in the records of the office of the county property appraiser) plus 20 percent. When a state of emergency has been declared, the building official may allow the valuation data and/or appraisal to be dated up to a maximum of one year prior of the date the emergency is declared.

SECTION 2. Chapter 109 Article II, Sec. 109-27(a) "Site plans and construction documents" is hereby amended as follows:

(a) *Information for development in flood hazard areas.* The site plan or construction documents for any development subject to the requirements of this chapter shall be drawn to scale and shall include, as applicable to the proposed development:

(1) Delineation of flood hazard areas, floodway boundaries and flood zones, base flood elevations, and ground elevations if necessary for review of the proposed development.

(2) Where base flood elevations or floodway data are not included on the FIRM or in the flood insurance study, they shall be established in accordance with subsection (b)(2) or (3) of this section.

(3) Where base flood elevations on the FIRM are rounded to the nearest foot, use the base flood elevation from the FIRM plus 0.4 foot to calculate the base flood elevation.

~~(3)~~(4) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than five acres and the base flood elevations are not included on the FIRM or in the flood insurance study, such elevations shall be established in accordance with subsection (b)(1) of this section.

~~(4)~~(5) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.

~~(5)~~(6) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.

~~(6)~~(7) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.

~~(7)~~(8) Delineation of the coastal construction control line or notation that the site is seaward of the coastal construction control line, if applicable.

~~(8)~~(9) Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the state department of environmental protection.

~~(9)~~(10) Existing and proposed alignment of any proposed alteration of a watercourse.

The floodplain administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this chapter but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this chapter.

SECTION 3. 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 4. 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 5. EFFECTIVE DATE.

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

APPROVED AS TO FORM
AND CORRECTNESS:

Tanya M. Earley
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. 22-038 was duly advertised by title only in the St. Lucie News Tribune on November 25, 2022; 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 December 5, 2022; and was duly introduced, read by title only, and passed on second and final reading on December 19, 2022, 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.

Linda Hudson
MAYOR COMMISSIONER

ATTEST

Linda W. Cox
CITY CLERK

(CITY SEAL)