

ORDINANCE NO. 25-030

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; **AMENDING CHAPTER 103 – BUILDING AND BUILDING REGULATIONS, ARTICLE II – BUILDING CODE, DIVISION 1 – GENERALLY, SECTION 103-24 BY DELETING FLORIDA BUILDING CODE TECHNICAL AMENDMENTS FOR ADDITIONS; AMENDING CHAPTER 109 – FLOODPLAIN MANAGEMENT, ARTICLE I – IN GENERAL, SECTION 109-2 BY MODIFYING CERTAIN DEFINITIONS; AMENDING ARTICLE III – FLOOD-RESISTANT DEVELOPMENT, SECTION 109-49 BY PROVIDING FOR A TECHNICAL AMENDMENT TO THE FLORIDA BUILDING CODE FOR ADDITIONS;** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; 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 City of Fort Pierce participates in the National Flood Insurance Program and participates in the NFIP’s Community Rating System, a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements; 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 of Fort Pierce previously adopted local technical amendments to the Florida Building Code related to additions to buildings in flood hazard areas and is reformatting that amendment as part of Chapter 109, Article III, Section 109-49(d) to coordinate with the Florida Building Code; and

WHEREAS, the City of Fort Pierce finds that all development has been subject to the requirements of the local floodplain management ordinance adopted for participation in the National Flood Insurance Program. Therefore, the cost impact of the proposed amendments is negligible, and in terms of lower potential for flood damage, there will be continued savings and benefits to consumers; and

WHEREAS, the City of Fort Pierce has determined that 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; and are in compliance with section 553.73(4), Florida Statutes. Thus, the City of Fort Pierce finds that it is in the public interest to adopt the proposed local technical amendments to the Florida Building Code.

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

SECTION 1. Chapter 103 – Buildings and Building Regulations, Article II – Building Code, Division 1. - Generally, Section 103-24. – Florida Building Code amendments of the Code of Ordinances of the City of Fort Pierce, is hereby amended as follows:

Sec. 103-24. Florida Building Code Amendments.

....

(b) *Florida Building Code Technical Amendments. - RESERVED*

~~(1) Florida Building Code, Existing Building; Chapter 11, Additions.~~

~~FBC Sec. 1101.1 Scope.~~

~~Scope. An addition to a building or structure shall comply with the state codes, as adopted for new construction, without requiring the existing building or structure to comply with any requirements of those codes or of these provisions, except as required by this chapter. Where an addition impacts the existing building or structure, that portion shall comply with this code.~~

~~(2) Florida Building Code, Existing Building; Chapter 11, Additions.~~

~~FBC Sec. 1103.5 Flood hazard areas.~~

~~1. For horizontal additions that are structurally interconnected to the existing building:~~

~~1.1 If the addition and all other proposed work, when combined, constitute substantial improvement, the existing building and the addition shall comply with section 1612 of the Florida Building Code, Building, or section R322 of the Florida Building Code, Residential, as applicable.~~

~~1.2 If the addition constitutes substantial improvement, the existing building and the addition shall comply with section 1612 of the Florida Building Code, Building, or section R322 of the Florida Building Code, Residential, as applicable.~~

~~1.3 The addition shall comply with section 1612 of the Florida Building Code, Building, or section R322 of the Florida Building Code, Residential, as applicable.~~

~~2. For horizontal additions that are not structurally interconnected to the existing building:~~

~~2.1 The addition shall comply with section 1612 of the Florida Building Code, Building, or section R322 of the Florida Building Code, Residential, as applicable.~~

~~2.2 If the addition and all other proposed work, when combined, constitute substantial improvement, the existing building and the addition shall comply with section 1612 of the Florida Building Code, Building, or section R322 of the Florida Building Code, Residential, as applicable.~~

~~3. For vertical additions and all other proposed work that, when combined, constitute substantial improvement, the existing building shall comply with section 1612 of the Florida Building Code, Building, or section R322 of the Florida Building Code, Residential, as applicable.~~

~~4. For a raised or extended foundation, if the foundation work and all other proposed work, when combined, constitute substantial improvement, the existing building shall comply with section 1612 of the Florida Building Code, Building, or section R322 of the Florida Building Code, Residential, as applicable.~~

~~5. For a new foundation or replacement foundation, the foundation shall comply with section 1612 of the Florida Building Code, Building, or section R322 of the Florida Building Code, Residential, as applicable.~~

SECTION 2. Chapter 109 – Floodplain Management, Article I. – In General, Section 109-2. – Definitions of the Code of Ordinances of the City of Fort Pierce, is hereby amended as follows:

Sec. 109-2. Definitions.

....

(b) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

....

Letter of map change (LOMC) means 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)* means 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)* means 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 (LOMR-F)* means 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)* means 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.

Light-duty truck, as defined in 40 CFR 86.082-2, means any motor vehicle rated at 8,500 pounds gross vehicular weight rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

- (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle;
- (2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (3) Available with special features enabling off-street or off-highway operation and use.

Lowest floor means the lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation

of the non-elevation requirements of the state building code or ASCE 24. (Also defined in FBC, B, section 202.)

Manufactured home means a structure, transportable in one or more sections, which is eight feet or more in width and greater than 400 square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a recreational vehicle or park trailer. (Also defined in 15C-1.0101, F.A.C.)

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

~~*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 is the 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 (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) prepared by a qualified independent appraiser based on pre-improvement or pre-damage condition and dated within six months of the permit application date, or current tax assessment building valuation data (as maintained in the records of the office of the county property appraiser) adjusted to approximate market value by a factor provided by 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.~~

New construction means for the purposes of administration of this chapter and the flood-resistant construction requirements of the state building code, structures for which the "start of construction: commenced on or after December 1, 1977 and includes any subsequent improvements to such structures."

Park trailer means a transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. (Defined in F.S. § 320.01.)

~~*Permanent construction* does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. (Also defined in FBC, B, section 202.)~~

Qualified independent appraiser means an appraiser performing an appraisal assignment as defined in Florida State Statute 475, Part II entitled "Appraisers."

Recreational vehicle means a vehicle, including a park trailer, which is: (See F.S. § 320.01.)

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Sand dunes means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area means an area in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are shown

on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. (Also defined in FBC, B, section 202.)

Start of construction means the date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, or the construction of columns. Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. (Also defined in FBC, B, section 202.)

Substantial damage means 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 percent of the market value of the building or structure before the damage occurred. (Also defined in FBC, B, section 202.)

Substantial improvement means any repair, reconstruction, rehabilitation, alteration, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term "substantial improvement" 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 ensure 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.

Variance means a grant of relief from the requirements of this chapter, or the flood-resistant construction requirements of the state building code, which permits construction in a manner that would not otherwise be permitted by this chapter or the state building code.

Watercourse means a river, creek, stream, channel or other topographic feature in, on, through or over which water flows at least periodically.

SECTION 3. Chapter 109 – Floodplain Management, Article III. – Flood-Resistant Development, Section 109.49. Buildings and structures of the Code of Ordinances, is hereby amended as follows:

Sec. 109-49. Buildings and structures.

- (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.
- (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 square feet.
 - (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 square feet.
 - (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 foot.
 - (6) Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one foot.
- (d) *Florida Building Code, additions to existing buildings in flood hazard areas. All additions to existing buildings in flood hazard areas shall comply with the requirements of the code for new construction in flood hazard areas.*

SECTION 4. All ordinances or parts of ordinances in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

SECTION 5. This ordinance is and the same shall become effective immediately upon final passage hereof.

SECTION 6. If any provision of this Ordinance is held to be invalid, unconstitutional, or unenforceable for any reason by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this article, which shall be deemed separate, distinct and independent provisions to the fullest extent possible.

APPROVED AS TO FORM
AND CORRECTNESS:

Sara K. Hedges
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. 25-030 was duly advertised by title only in the St. Lucie News Tribune on September 24, 2025; 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 Monday, October 6, 2025; and was duly introduced, read by title only, and passed on second and final reading on Monday, October 20, 2025, 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)