

**CITY OF HOLMES BEACH
ORDINANCE 26-01**

AN ORDINANCE OF THE CITY OF HOLMES BEACH, FLORIDA AMENDING CHAPTER 14 – BUILDINGS AND BUILDING REGULATIONS, SECTION 14-28, OF THE CITY’S CODE OF ORDINANCES TO REVISE THE AMENDMENT TO SECTION 202 OF THE FLORIDA BUILDING CODE, EXISTING BUILDING REGARDING THE DEFINITION OF “SUBSTANTIAL DAMAGE” TO REMOVE REFERENCES TO AN ACCUMULATION OF COSTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166, 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 participates in the National Flood Insurance Program (NFIP) and suffered devastating impacts during the recent hurricane season; 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 previously adopted a local amendment to the Florida Building Code that required accumulating costs of improvements and repairs over a period of time and the City Commission has determined it appropriate to repeal those provisions and to harmonize the City’s technical amendments with its land development regulations.

NOW THEREFORE, be it ordained by the City Commission of the City of Holmes Beach, Florida as follows:

Section 1. Findings of Fact. The above whereas clauses are adopted and incorporated herein as findings of fact.

Section 2. Chapter 14 – Buildings and Building Regulations, Section 14-28. Amendments to certain provisions of the Florida Building Code relating to administration, is amended as follows:

Sec. 14-28. – Amendments to certain provisions of the Florida Building Code relating to administration.

...

~~Amend the Florida Building Code, Existing Building, Section 202, as follows:~~

~~SUBSTANTIAL IMPROVEMENT. For the purpose of determining compliance with the flood provisions of this code, any combination of repair, reconstruction, rehabilitation, alteration, addition, or improvement of a building or structure taking place during a one-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. For each building or structure, the one-year period begins on the date of the certificate of completion or the certificate of occupancy of the first improvement or repair of that building or structure subsequent to the period of accumulation begins when the first improvement or repair of each building or structure is permitted subsequent to June 27, 2019. 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; or~~

~~2. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.~~**Section 3. Severability.** If any word, portion, clause, or other part of this ordinance is deemed unconstitutional or unenforceable for any reason, such portion shall be severed from this ordinance and the remaining portions thereof shall be unaffected thereby.

Section 4. Effective Date. This ordinance shall be effective upon adoption by the City Commission and approval by the Mayor in accordance with the Charter of the City of Holmes Beach.

PASSED AND ADOPTED, by the City Commission of the City of Holmes Beach, Florida, in regular session assembled, this _____ day of _____, 2026.

First Reading: _____

Publication Date: _____

Second Reading and Public Hearing Date: _____

Dan Diggins

Jessica Patel

Terry W. Schaefer

Carol Whitmore

Steve Oelfke

APPROVED BY ME THIS _____ DAY OF _____, 2026

Judy Titsworth, Mayor

ATTEST: _____)
Stacey Johnston, MMC, City Clerk