

ORDINANCE NO. 2026-07

AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 88, BUILDING REGULATIONS, SECTION 6, FLOODPLAIN MANAGEMENT, BY AMENDING SECTION 6.2 APPLICABILITY, SECTION 6.3 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR, SECTION 6.6 INSPECTIONS, SECTION 6.9.2 DEFINITIONS, SECTION 6.10 FLOOD RESISTANT DEVELOPMENT, REPLACING IN ITS ENTIRETY SECTION 6.11 ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE, BUILDING, AND DELETING SECTION 6.12 TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE, BUILDING, EXISTING BUILDING AND RESIDENTIAL, TO ENSURE CONSISTENCY WITH STATE AND FEDERAL LAW; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; 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 of Venice participates in the National Flood Insurance Program (NFIP) 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 Florida Building Code and allows adoption of local administrative and local technical amendments to the Florida Building Code to implement the NFIP and incentives; and

WHEREAS, the City Council previously adopted local amendments to the Florida Building Code and is reformatting those amendments; and

WHEREAS, through 2025's Senate Bill No. 180 (Chapter 2025-190, Laws of Florida), local jurisdictions are not authorized to enforce or adopt a cumulative period for the determination of substantial improvement of buildings in flood hazard areas under the Florida Building Code; and

WHEREAS, the City Council previously adopted a local amendment to the Florida Building Code and has determined it appropriate to repeal that local amendment; and

WHEREAS, the City Council has determined that it is in the public interest to adopt the proposed local technical amendments to the *Florida Building Code*, and 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, are in compliance with Section 553.73(4), Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA,
as follows:

SECTION 1. The Whereas clauses above are ratified and confirmed as true and correct.

SECTION 2. Chapter 88, Building Regulations, Section 6 Floodplain Management, Section 6.2
Applicability, is hereby amended as follows:

A. – B. – No change.

C. **Basis for establishing flood hazard areas.** The Flood Insurance Study for Sarasota County, Florida, and Incorporated Areas dated ~~November 4, 2016~~ March 27, 2024, 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 as part of this article and shall serve as the minimum basis for establishing flood hazard areas. In all cases, the highest conservative base flood elevation determined from the FIRM and Flood Insurance Study shall be used. Studies and maps that establish flood hazard areas are on file at the office of the city clerk, 401 West Venice Avenue, Venice, Florida.

D. – G. – No change.

SECTION 3. Chapter 88, Building Regulations, Section 6 Floodplain Management, Section 6.3.
Duties and Powers of the Floodplain Administrator, is hereby amended as follows:

A. – C. – No change

D. **Substantial improvement and substantial damage determinations.** For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the floodplain administrator, in coordination with the building official, shall:

1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made; and
2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure; and
3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; ~~the determination requires~~

~~evaluation of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement"; and~~

4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood-resistant construction requirements of the Florida Building Code and this article is required.

E. – H.– No change

- I. **Floodplain management records.** Regardless of any limitation on the period required for retention of public records, the floodplain administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this article and the flood-resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; letters of map change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this article; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood-carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this article and the flood-resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at the Office of the City Clerk, 401 West Venice Avenue, Venice, Florida.

SECTION 4. Chapter 88, Building Regulations, Section 6 Floodplain Management, Section 6.6 Inspections, is hereby amended as follows:

A. – F. – No change.

G. Structures with a Declaration of Land Restriction (nonconversion agreement). The Building Official / Floodplain Administrator, or designee, is authorized to enter a property for the purpose of inspecting the exterior and interior of any enclosed area below elevated buildings and dwellings to verify compliance with a declaration of land restriction. Such inspections will be conducted, absent exigent circumstances, upon at least five (5) business days written notice to the owner. Additional inspections may be necessary if a violation is identified.

SECTION 5. Chapter 88, Building Regulations, Section 6, Floodplain Management, Section 6.9 Definitions, Section 6.9.2 *Definitions*, is hereby amended as follows:

Accessory structure to Alteration of Watercourse – No change.

Appeal: A request for a review of the floodplain administrator's interpretation of any provision of this article ~~or a request for a variance.~~

ASCE 24 to Coastal A Zone – No change.

Coastal Construction Control Line (CCCL): The line established by the State of Florida pursuant to F.S. § 161.053, and duly filed in the public records of Sarasota County Clerk of the Circuit Court, which defines that portion of the beach dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions. The CCCL regulates structures and activities that can cause beach erosion, destabilize dunes, damage upland properties, or interfere with public access.

Coastal high hazard area to Manufactured home park or subdivision – No change.

Market value: The actual cash value (like-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser or tax assessment value adjusted to approximate market value by a factor provided by the county property appraiser.

New Construction to Special flood hazard area – No change.

Start of construction: The date of issuance of permits for new construction and substantial improvements ~~to existing structures~~, 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 on a site (including a manufactured home), 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 Florida Building Code, Building B section 1612, subsection 1612.2.]

Substantial damage – No change.

Substantial improvement. 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 repairs 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 first improvement or repair of that building or structure subsequent to July 11, 1972.~~ 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 are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

Variance to Watercourse – No change.

SECTION 6. Chapter 88, Building Regulations, Section 6 Floodplain Management, Section 6.10 Flood Resistant Development, Section *6.10.2 Subdivisions*, is hereby amended as follows:

A. – No change.

- B. **Subdivision plats.** Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:
1. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats ~~and final plats~~;
 2. Where the subdivision has more than 50 lots or is larger than five acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with subsection 6.5.B.1.; and
 3. Compliance with the site improvement and utilities requirements of section 6.10.3.

SECTION 7. Chapter 88, Building Regulations, Section 6 Floodplain Management, Section 6.10 Flood Resistant Development, Section *6.10.6 Tanks*, is hereby amended as follows:

A. – No change.

- B. **Above ground tanks, not elevated.** Above ground tanks that do not meet the elevation requirements of subsection 6.10.6.C. shall:

1. – 2. – No change.

C. – D. – No change.

SECTION 8. Chapter 88, Building Regulations, Section 6 Floodplain Management, Section 6.11 Administrative Amendments to the Florida Building Code, Building, is hereby deleted in its entirety and replaced with the following:

6.11. - Florida Building Code Administrative Amendments; Nonconversion Agreements
Applications for buildings with enclosures below the required elevation shall include signed declarations of land restrictions (nonconversion agreements), as defined in Section 6.9.2 of this section. The agreements shall be recorded with the Sarasota County Clerk of Courts prior to issuance of the Certificate of Occupancy.

SECTION 9. Chapter 88, Building Regulations, Section 6, Floodplain Management, Section 6.12 Technical Amendments to the Florida Building Code, Building, Existing Building and Residential, is hereby deleted in its entirety.

~~6.12. Technical Amendments to the Florida Building Code, Building, Existing Building and Residential~~

~~6.12.1. Florida Building Code, Building~~

The following amendments to the Florida Building Code are hereby adopted:

~~(a)Section 1612, subsection 1612.2, Florida Building Code, Building.
Modify a definition as follows:~~

~~—Substantial improvement. Any combination of repair, reconstruction, rehabilitation, 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 first improvement or repair of that building or structure subsequent to July 11, 1972. 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 are the minimum necessary to assure safe living conditions.~~
- ~~2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.~~

~~(b)Section 1612, subsection 1612.4, Florida Building Code, Building.
Modify as follows:~~

~~1612.4.1 Modification of ASCE 24. Reserved.~~

~~1612.4.3 Modification of ASCE 24 (Coastal A Zone). Stem walls shall not be permitted in Coastal A Zones.~~

~~6.12.2. Florida Building Code, Existing Building~~

~~Section 202, Florida Building Code, Existing Building.~~

~~Modify a definition as follows:~~

~~—Substantial improvement. Any combination of repair, reconstruction, rehabilitation, 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 first improvement or repair of that building or structure subsequent to July 11, 1972. 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 are the minimum necessary to assure safe living conditions.~~
- ~~2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.~~

~~6.12.3. Florida Building Code, Residential~~

~~Modify section R322.3.3, as follows:~~

~~R322.3.3 Foundations. Buildings and structures erected in coastal high hazard areas and Coastal A Zones shall be supported on pilings or columns and shall be adequately anchored to such pilings or columns. The space below the elevated building shall be either free of obstruction or, if enclosed with walls, the walls shall meet the requirements of Section R322.3.5. Pilings shall have adequate soil penetrations to resist the combined wave and wind loads (lateral and uplift). Water loading values used shall be those associated with the design flood. Wind loading values shall be those required by this code. Pile embedment shall include consideration of decreased resistance capacity caused by scour of soil strata surrounding the piling. Pile systems design and installation shall be certified in accordance with Section R322.3.9. Spread footing, mat, raft or other foundations that support columns shall not be permitted where soil investigations that are required in accordance with Section R401.4 indicate that soil material under the spread footing, mat, raft or other foundation is subject to scour or erosion from wave velocity flow conditions. If permitted, spread footing, mat, raft or other foundations that support columns shall be designed in accordance with ASCE 24.~~

SECTION 10. Conflict. To the extent of any conflict between the provisions of this ordinance, and any other ordinance, resolution, or agreement of the city, the provisions of this ordinance shall prevail.

SECTION 11. Severability. If any part, section, subsection or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional or invalid for any reason, such part, section, subsection or other portion, or the prescribed application thereof, shall be severable and the remaining provisions of this ordinance, and all applications thereof not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The City Council specifically declares that no invalid or prescribed provision or application was an inducement to the enactment of this ordinance and that it would have enacted this ordinance regardless of the invalid or prescribed provision or application.

SECTION 12. Effective date. This ordinance shall take effect immediately upon its adoption, as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, THIS 14th DAY OF JULY 2026.

First Reading: June 23, 2026

Final Reading: July 14, 2026

ADOPTION: July 14, 2026

Nick Pachota, Mayor

ATTEST:

Kelly Michaels, MMC, City Clerk

I, KELLY MICHAELS, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the Venice City Council, at a meeting thereof duly convened and held on the 14th day of July 2026, a quorum being present.

WITNESS my hand and the official seal of said City this 14th day of July 2026.

Kelly Michaels, MMC, City Clerk

APPROVED AS TO FORM:

City Attorney