



# City of Holmes Beach

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5801 Marina Drive      Holmes Beach, Florida 34217  
941-708-5800          Fax 941-708-5812

## Federal Guidelines for Improvement or Repair to Existing Building:

For full compliance with the Florida Building Code (2010) and Federal Emergency Management Agency (FEMA), existing Dwelling Improvements are required to meet the following requirements:

The City of Holmes Beach requires full compliance with the adopted Land Development Code, Code of Ordinances, and the Flood Damage Protection / Floodplain Management Ordinance, in order to insure that Floodplain construction is performed in a best management practices for our community.

For practical overview, residents are allowed to make improvements to their properties, including non-confirming properties, and as long as the improvements are not classified as Substantial Improvements (SI). Homeowners are not required to bring Existing Buildings up to current code compliance. SI is defined as when the value of the improvement is equal to at least 50% of the Market Value of the Existing Building (not the property, only the Building). If the actual costs of any improvements in a (1) year period substantiate more that 50%, all Florida Building Code (FBC) requirements shall be enforced, including minimum elevations for living space, as defined by FEMA.

An application packet for Non-Conforming Structure Improvements is required for any project that an existing non-confirming structure, when the Owner is not intending to bring the existing building to full FBC compliance. This application packet includes:

1. Fully Executed Building Permit Application.
2. Property Owner's Affidavit of Non-Conforming Improvement.
3. Contractor's Affidavit of Non-Conforming Improvement.
4. Contract – executed contract between Homeowner and Licensed contractor.
5. Itemized Cost breakdown of Improvement for Existing Building.
6. Professionally documented market value of existing building.
7. Completed review of construction documents Form CoHB-EB-01.
8. Signed FEMA Enforcement and Violations Form CoHB-EB-02.

***PROPERTY OWNER AFFIDAVIT OF NON-CONFORMING IMPROVEMENT***

Permit Number: \_\_\_\_\_

Property Address: \_\_\_\_\_

Owner Name: \_\_\_\_\_

Owner Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

I (we) hereby attest and affirm under penalty of perjury that the costs for all work being done to the subject property, including but not limited to repairs, alterations, improvements or additions, are included in the attached costs, totaling \$ \_\_\_\_\_, and that these costs are true, accurate, and complete in all respects. Further, I (we) have reviewed all documents submitted to the City of Holmes Beach for this project, and state under oath that these documents are true and accurate, that all work to be performed will be less than 50% of the value of the structure as that amount is established by the City's Flood Code, and that there is no other work to be done, or that will be done, to the subject property during the period of (1) year, during the pendency of any building permit issued as a result of this application other than the work performed pursuant to a validly issued building permit.

I (we) understand that any false statement may subject me to criminal and civil penalties, as well as disciplinary proceedings. Further, any false statements may subject the project to revocation of any and all permits, and/or imposition of fines, penalties, and corrective actions, including but not limited to illegal non-conforming uses of structure.

The issuance of any permit relative to this application does not authorize the reconstruction, repair or maintenance of any illegal additions of improvements, including but not limited to illegal non-conforming uses of structures.

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Signature of Co-Owner

Notary

State of \_\_\_\_\_ County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

by \_\_\_\_\_.

\_\_\_\_\_  
(Notary Signature) SEAL:

\_\_\_\_\_  
(Notary Printed Name)

My Commission expires: \_\_\_\_\_

Personally known to me or produced identification:

Identification Type Produced: \_\_\_\_\_

**CONTRACTOR AFFIDAVIT OF NON-CONFORMING IMPROVEMENT**

Permit Number: \_\_\_\_\_

Property Address: \_\_\_\_\_

Business Name: \_\_\_\_\_

Florida Contractor License: \_\_\_\_\_

Business Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

I hereby attest and affirm under penalty of perjury that the costs for all work being done to the subject property, including but not limited to repairs, alterations, improvements or additions, are included in the attached costs, totaling \$ \_\_\_\_\_, and that these costs are true, accurate, and complete in all respects. Further, I have reviewed all documents submitted to the City of Holmes Beach for this project, and state under oath that these documents are true and accurate, that all work to be performed will be less than 50% of the value of the structure as that amount is established by the City's Flood Code, and that there is no other work to be done, or that will be done, to the subject property during the period of (1) year, during the pendency of any building permit issued as a result of this application other than the work performed pursuant to a validly issued building permit.

I understand that any false statement may subject me to criminal and civil penalties, as well as disciplinary proceedings. Further, any false statements may subject the project to revocation of any and all permits, and/or imposition of fines, penalties, and corrective actions, including but not limited to illegal non-conforming uses of structure.

The issuance of any permit relative to this application does not authorize the reconstruction, repair or maintenance of any illegal additions of improvements, including but not limited to illegal non-conforming uses of structures.

\_\_\_\_\_  
Signature of Licensed Contractor

Notary  
State of \_\_\_\_\_ County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_,  
by \_\_\_\_\_.

\_\_\_\_\_  
(Notary Signature) SEAL:

\_\_\_\_\_  
(Notary Printed Name)

My Commission expires: \_\_\_\_\_

Personally known to me or produced identification:

Identification Type Produced: \_\_\_\_\_

## ITEMS TO BE INCLUDED IN COSTS

### *All structural elements including:*

Spread or continuous foundation footings and pilings  
Monolithic or other types of concrete slabs  
Bearing walls, tie beams and trusses  
Wood or reinforced concrete decking or roofing  
Floors and ceilings  
Attached decks and porches  
Interior partition walls  
Exterior wall finishes (e.g., brick, stucco or siding) including painting and decorative moldings  
Windows and doors  
Re-shingling or re-tiling a roof  
Hardware

### *All interior finish elements, including:*

Tiling, linoleum, stone, or carpet over subflooring  
Bathroom tiling and fixtures  
Wall finishes, e.g., drywall, painting, stucco, plaster, paneling, marble, or other decorative  
Kitchen, utility and bathroom cabinets including built-in kitchen appliances  
Hardware

### *All utility and service equipment, including:*

HVAC equipment  
Repair or reconstruction of plumbing and plumbing fixtures  
Repair or reconstruction of electrical and electrical fixtures  
Security systems  
Central vacuum systems  
Water filtration, conditioning or recirculation systems

### *Also:*

Labor and other costs associated with demolishing, removing or altering building components  
Overhead and profit

## ITEMS TO BE EXCLUDED

Plans and specifications  
Survey costs  
Permit fees  
Debris removal (e.g., removal of debris from building or lot, dumpster rental, transport fees to landfill and landfill tipping fees)  
Clean-up (e.g., dirt and mud removal, building dry out, etc.)

### *Items not considered real property, such as*

Furniture  
Appliances - Refrigerators and Stoves not built-in

### *Outside improvements, including:*

Landscaping  
Sidewalks  
Fences  
Yard lights  
Swimming Pools including Screened pool enclosures  
Sheds / Gazebos  
Detached structures (including garages)  
Landscape irrigation systems

ITEMS	COST Labor and Materials	Reconstruction/Repair Ratio of Work	Office Use
Demolition			
Concrete (incl. excavation, forms, reinforcing)			
Rough Carpentry			
Finish Carpentry			
Roofing (asphalt shingle, metal, tile, etc.)			
Insulation and Weather Strip			
Exterior Finish (siding, stucco, trim, etc.)			
Doors, Windows and Shutters			
Interior Wall Finish (sheetrock, plaster, paneling, etc.)			
Rough Hardware			
Finish Hardware			
Built-in Cabinetry			
Floor Coverings (tile, carpet, wood, etc.)			
Painting (interior & exterior)			
Plumbing			
Plumbing Fixtures			
Electrical			
Electrical Fixtures HVAC			
Built-in Appliances			
Overhead and Profit			

**TOTAL**

(Please attach any additional information)

Contractor Name: \_\_\_\_\_ License Number: \_\_\_\_\_

Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Documentation Checklist for Existing Building Modifications Permit Application Review:  
V/A Zone Required Documents**      FHA – Flood Hazard Area, DFE – Design Flood Elevation

Submitter's Initial and Date	Submittal Requirement Inspection Steps	Reviewer's Initial and Date
FIRM Panel and Date _____, DFE _____,	Check Firm, Floodplain and zone boundaries, base flood elevation, and map revision issued by FEMA. Is proposal in Coastal Flood Hazard Area subject to High Velocity Wave action (V Zone) <input type="checkbox"/> No – in Coastal A Zone (use A Zone Checklist) <input type="checkbox"/> Partial – (use V Zone Checklist) <input type="checkbox"/> Yes – In a V Zone (use V Zone Checklist)	
	Site Plan indicates location, dimensions, wetland area, V/A Zone (boundaries), DFE, ground elevation, road elevation, first floor elevation	
	Does application provide copies of State and Federal permits (as required) <input type="checkbox"/> No – documentation required <input type="checkbox"/> Yes – provide copies with application	
	Will natural dune be modified <input type="checkbox"/> No – continue with review <input type="checkbox"/> Yes – provide copies with application	
	Is a pool part of the permit application <input type="checkbox"/> No – continue with review <input type="checkbox"/> Yes – confirm foundation design	
	Has applicant provided a required Lot Coverage Calculation Worksheet <input type="checkbox"/> No – documentation required <input type="checkbox"/> Yes – continue with review	
	Are correct wind speed and exposure indicated on Permit Application <input type="checkbox"/> No – documentation required <input type="checkbox"/> Yes – continue with review	
	Has applicant provided a required Survey, with existing Elevation Certificate, signed by a licensed professional <input type="checkbox"/> No – documentation required <input type="checkbox"/> Yes – continue with review	
	Has applicant provided Present Market Value of Structure, signed by licensed professional <input type="checkbox"/> No – documentation required <input type="checkbox"/> Yes – continue with review	
	Has applicant provided Cost of Improvements of Structure (actual costs inclusive of labor and materials) <input type="checkbox"/> No – documentation required <input type="checkbox"/> Yes – continue with review	
	Is proposed project seaward of the Coastal Construction Control Line <input type="checkbox"/> No – continue with review <input type="checkbox"/> Yes – confirm State review and approval	

## **Substantial Improvement/Damage (FEMA 50% Rule)**

### **Frequently Asked Questions and Information**

#### **Q. What is the FEMA 50% rule?**

A. The City of Holmes Beach participates in the National Flood Insurance Program (NFIP) making affordable flood insurance available for structures within its jurisdiction through the Federal Emergency Management Agency (FEMA). The City adopts and enforces floodplain management ordinances to reduce future flood damage. The FEMA 50% rule is a minimum requirement for participation in the NFIP. It limits the cost of improvements (additions, alterations, and/or repairs) to non-conforming structures to less than 50% of the “market value” of structure prior to the start of work.

#### **Q. What is a “non-conforming structure”?**

A. FEMA identified areas that are at higher risk for periodic flooding and determined the minimum lowest floor elevation for structures in these areas. On the Flood Insurance Rate Maps (FIRM) high risk flood zones are denoted as zones “A”, “AE”, “A1 through A30”, and “VE” and this designation is usually followed by the minimum lowest finished floor elevation height requirement (example AE-12). Structures in these zones that have the lowest finished floor below the required elevation are non-conforming. Even though there are exceptions most structures that were built before 1975 are non-conforming.

#### **Q. How can I determine the flood zone and elevation requirement for a property?**

A. For persons needing a flood zone determination the County offers as a service flood zone determinations at no cost. Call the Holmes Beach Building Department at (941) 708-5800 and “request a flood zone determination” and the request will be assigned to the appropriate staff person.

#### **Q. How is “market value” determined?**

A. “Market Value” is always based on the condition of structure before the start of the improvement or before the damage occurred. Only the value of the structure is pertinent, the value of site improvements such as pools, accessory structures, and landscaping are not included. The market value can be either determined by the adjusted Property Appraiser’s assessed improvement value or through an appraisal prepared by a qualified professional appraiser. To utilize the Property Appraiser’s improvement value visit their website at [www.manateepao.com](http://www.manateepao.com) and using the property search function find the structure’s improvement value and adjust it by adding 20%, this is the “market value”. A private appraisal must identify the intended users including the Holmes Beach Building Official, and the intended use as ensuring compliance with City’s National Flood Insurance Program Ordinance. The appraised value of the structure less the value of all forms of depreciation is the “market Value”.

#### **Q. What if the cost of improvement or repair exceeds 50% of market value?**

A. Improvements or repairs the cost of which exceeds 50% of the market value are classified as a substantial improvement. A nonconforming structure that is substantially improved is required to conform with the requirements for new construction including elevating to the required minimum elevation.

#### **Q. When is it required to submit the ‘Itemization Cost Breakdown Worksheet’ and/or contractor contracts?**

A. In the application packets for alterations and additions to structures there is a set of forms associated with the FEMA 50% rule titled “Substantial Improvement/Damage”. If the cost of a project is close to 50% of the market value of a non-conforming structure cost documentation and owner/contractor affidavits are required. If the proposed improvement is greater than 35% of market value the Cost Itemization Worksheets and Owner/Contractor Affidavits need to be completed.

#### **Q. Can a single improvement be divided into multiple permits?**

A. Utilizing multiple permits to complete a single improvement is referred to as “phasing”. If the sum of the permits exceeds 50% of the market value of the structure prior to the initial start of work the structure is considered substantially improved and it would have to made compliant with current elevation requirements. Examples of phasing would be: Permits for incomplete work that would result in a structure that can’t be occupied without additional work. Multiple and/or consecutive permits such as applying for plumbing, electrical, air-conditioning, and building permits at close to the same time. Requesting modification of an issued permit.

#### **Q. Who can I contact for more information?**

A. For answers to any questions regarding the City’s floodplain management regulations or elevation certificates contact Holmes Beach Building Department.

## FEMA Enforcement and Violations

Proper enforcement of floodplain management provisions is a critical part of a community's responsibility under the NFIP. During construction, violations of these provisions must be resolved as soon as they are discovered and before further construction occurs. What may appear to be a minor violation could prove costly when the owner purchases NFIP flood insurance. A community's standing in the NFIP depends upon making a good-faith effort to successfully resolve violations. By allowing any violation to go unresolved, the community may set a precedent, making it more difficult to take future enforcement actions.

Perhaps one of the more persuasive arguments for adopting the I-Codes is that doing so provides an opportunity to consolidate enforcement authority for flood-resistant design and construction provisions. The building department typically has mechanisms in place to aggressively handle code violations, while planning and zoning departments may not.

When the building official and the floodplain manager are located in the same department, care should be taken by the building official and staff to enforce proper permitting requirements on new and improved construction and to verify that ancillary structures on a property are not adversely altering the floodplain. Enforcement of these permits allows local officials to evaluate the potential impacts of such structures and their affect on water flow and drainage within the floodplain.

If a developer or property owner does not comply with the building department's requests for compliance, the permit applicant should first be notified in writing. A notice should be issued on the property if adjustments are not made. The final step in the initial process may include withholding the certificate of occupancy. The following options are available to ensure compliance to the building code and development requirements:

- Fines levied
- Housing Court
- Injunctions against proceeding
- Recordation

If none of these options yields a positive outcome, the final option is to implement Section 1316 of the National Flood Insurance Act of 1968, as amended. If approved by the FEMA Regional Office, the property will be denied flood insurance. Implementation of Section 1316, however, should be considered only if all other options fail.

I certify that I have read and fully understand the intent and repercussions of this document:

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Owner Sign / Date

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Print

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Contractor Sign / Date

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Print

### **General Review Checklist for Permit Application for City of Holmes Beach (internal checklist)**

- Structural systems resistant to flotation, collapse, or permanent lateral loading
- DFE consistent with the site's location on the applicable FIRM
- Mechanical and electrical systems elevated to at or above the DFE
- Materials below the DFE are resistant to prolonged water exposure
- All areas below the DFE are designed for a use consistent with NFIP regulations
- Site drainage that will reduce exposure to flooding
- Foundation designed to resist erosion and scour
- Submitted appropriate geotechnical (soils) information
- Floor framing perpendicular to wave action
- Corrosion-resistant exterior connections
- Proper splices for long girders
- Verification of the wind exposure classification
- Key connections in place to allow a continuous load path
- Upper walls transfer loads to lower walls, bypassing floors
- Roof loads transferred to walls
- Sufficient roof system and roof framing to resist uplift
- Shear walls properly specified materials and fastened properly
- Openings in the shear walls designed so as to not compromise their strength
- Appropriate roofing system specified given wind speed requirements
- If CMU construction is specified, it is appropriately reinforced and roof elements properly connected
- Flashing roof/window sufficient for wind-driven rain.

#### **Seismic**

- Connection sufficient to resist applicable lateral loads
- Roofing system seismic-resistant and included in loading calculations

#### **A-Zone**

- Crawlspace equipped with flood openings 1 inch 2 per 1 square foot of area
- Stem walls properly backfilled and compacted
- Foundation walls are solid foundation walls
- Pier foundation sufficiently designed for overturning, due to wind, flood, erosion, scour, and seismic loads
- Pile foundation adequately detailed, including: size, installation method, embedment depth, bracing and proper connection to the structure. (Is it resistant to vertical and horizontal loading? Are any diagonal piles required?)
- Fill is properly stabilized, sloped, and compacted

- Breakaway walls utilized reflect design sufficient to resist 10 psf of force, but not to exceed 20 psf
- Any ramps and stairways designed to resist flood-related loads and (in the event design flood conditions are met) will break away without causing damage to the main structure
- Any garages evaluated against requirements of ASCE 24 Section 9.3
- Any chimneys or fireplaces evaluated against requirements of ASCE 24 Section 9.4
- Any swimming pools evaluated against the requirements of ASCE 24 Section 9.5A-10

#### **V-Zone**

- Pier foundation sufficiently designed for overturning, due to wind, flood, erosion, scour, and seismic loads
- Pile foundation adequately detailed, including: size, installation method, embedment depth, bracing, and proper connection to the structure. Pile foundation evaluated for resistance to vertical and horizontal loading. (Are any diagonal piles required?)
- Breakaway walls utilized reflect design sufficient to resist 10 psf of force, but not to exceed 20 psf
- Are any ramps and stairways designed to resist flood-related loads and (in the event design flood conditions are met) will break away without causing damage to the main structure
- Garages meet requirements of ASCE 24 Section 9.3
- Chimneys and fireplaces meet requirements of ASCE 24 Section 9.4
- Swimming pools meet requirements of ASCE 24 Section 9.5

#### **Roofing**

- Plans explain proposed installation techniques and cover whether materials are corrosion-resistant, and whether any dissimilar metals are in contact with each other
- Review of substitutions to the manufacturer's specifications about the roof system
- Plans indicate sheathing mechanical fastening plans
- Plans indicate uplift resistant connection to transfer loads from roof through foundation

#### **Exterior Cladding**

- Connections suitable for hazards and resistant to water intrusion

#### **Doors and Windows**

- Doors and windows meet wind load requirements, including any appropriate missile-impact requirements
- All connections and materials corrosion-resistant
- Locations consistent with shear wall requirements. (Substitutions for larger openings cannot be made without consent of the engineer)

#### **Utilities**

- All utilities properly elevated to at or above the DFE
- All utilities properly attached and anchored to their supports
- All utilities service entrance to structure indicated

Flood insurance premiums for post Flood Insurance Rate Map (FIRM) buildings are based on the degree of flood protection they are provided. Therefore, it is very important for communities to ensure that new improvements in the floodplain are constructed properly. The flood insurance premium rates for pre-FIRM buildings are subsidized by the National Flood Insurance Program (NFIP). Owners of these policies do not pay actuarial rates, i.e., rates based on the true risk the building is exposed. No matter whether a building is pre-FIRM or post-FIRM, with flood insurance, owners of floodprone properties pay more of their share toward flood relief.

The NFIP underwrites flood insurance coverage only in those communities **that adopt and enforce floodplain regulations** that meet or exceed NFIP criteria. Buildings built in accordance with these regulations have a lower risk of flooding and can be insured at lower rates.

The City of Holmes Beach floodplain regulations are designed to ensure that new buildings will be protected from the flood levels shown on the FIRM and that development will not make the flood hazard worse. Over time, exposure to flood damage should be reduced as the older pre-FIRM buildings are replaced by post-FIRM buildings that comply with the regulations. Eventually a community should have only post-FIRM buildings subject to little or no flood damage. The NFIP construction regulations focus on protecting insurable buildings, but they also provide a degree of protection to other types of development.

Regulations have become increasingly accepted as necessary to reduce flood damages and protect citizens from loss. As a result of public opposition, a community may be inclined to not fully enforce all of the provisions of its ordinance, which puts its participation in the NFIP in peril. If the community does not fulfill its NFIP obligations to the federal government and allows construction in violation of its regulations, three things can happen:

- New buildings will be built subject to flood damage
- Insurance on an improperly constructed building may be very expensive.
- FEMA can impose sanctions on the community, to encourage it to correct its floodplain management program.

A flood is defined by NFIP regulations as a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source. The official definition also includes mudflows and erosion.