

PART II - CODE OF ORDINANCES
Chapter 14 - BUILDINGS AND BUILDING REGULATIONS
ARTICLE II. TECHNICAL CODES AND STANDARDS

ARTICLE II. TECHNICAL CODES AND STANDARDS¹

Sec. 14-30. Administration of the Florida Building Code.

- (a) *Scope.* The city hereby adopts and incorporates by reference herein the Florida Building Code promulgated by the Florida Building Commission pursuant to Chapter 553, Part IV, Florida Statutes, as amended from time to time as well as Chapter 1 (Scope and Administration) of the ~~2017~~ Florida Building Code . The provisions of this section shall govern the administration and enforcement of the Florida Building Code within the municipal limits of the city.
- (b) *Title.* The provisions of the following sections shall constitute and be known and be cited as the Florida Building Code, hereinafter known as "FBC."
- (c) *FBC remedial.*
 - (1) *General.* The FBC is hereby declared to be remedial and shall be construed to secure the beneficial interests and purposes thereof, which are public safety, health and general welfare through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards attributed to the built environment including alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises, and by regulating the installation and maintenance of all electrical, gas, mechanical and plumbing systems, which may be referred to as service systems.
 - (2) *Quality control.* Quality control of materials and workmanship is not within the purview of the FBC except as it relates to the purposes stated herein.
 - (3) *Permitting and inspection.* The inspection or permitting of any building, system or plan by the city under the requirements of the FBC shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. Neither the city nor any employee thereof shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting, unless the city employee is found to have acted in bad faith or with malicious purpose in a manner exhibiting wanton and willful disregard of the safety, health and welfare of the public.

(Ord. No. 1107, § 1, 5-8-07; Ord. No. 2022-25 , § 1, 9-14-22)

Sec. 14-31. Technical codes adopted—Fire codes.

- (a) The National Fire Protection Association 1 (NFPA 1) Uniform Fire Code, ~~2021 edition~~, as adopted by the State of Florida, including appendices and annex thereto shall apply, as may be subsequently amended.

¹Editor's note(s)—Ord. No. 1107, § 1, adopted May 8, 2007, amended article II in its entirety to read as herein set out. Formerly, article II pertained to similar subject matter, and derived from the Code of 1983, §§ 6-101, 6-103—6-106, 6-108, 6-112, 6-115, 6-117—119, and Ord. No. 935, § 1, adopted February 20, 2001.

Charter reference(s)—Standard codes adopted by reference, § 7.6.

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- (b) The National Fire Protection Association 101 (NFPA 101) Life Safety Code, ~~2021 edition~~, as adopted by the State of Florida, including appendices and annex thereto shall apply, as may be subsequently amended.

(Ord. No. 1107, § 1, 5-8-07; Ord. No. 1161, § 1, 12-8-09; Ord. No. 2014-14, § 2, 11-12-14; Ord. No. 2021-11, § 1, 6-9-21)

Sec. 14-32. Same—Uniform Code for the Abatement of Dangerous Buildings.

- (a) The International Property Maintenance Code, 2015 edition, as amended, promulgated by the International Code Council, shall be used for the minimum standards for maintenance of residential properties.
- (b) The National Electrical Code (NEC), 2008 edition, as amended, including appendices.
- (c) Uniform fire safety standards adopted pursuant to F.S. § 633.022 shall apply, as may be subsequently amended.
- (d) Florida Fire Prevention Code adopted pursuant to F.S. § 633.0215 shall apply, as may be subsequently amended.

(Ord. No. 1107, § 1, 5-8-07; Ord. No. 2014-14, § 3, 11-12-14)

Sec. 14-33. Referenced standards.

Standards referenced in the technical codes shall be considered an integral part of the codes without separate adoption. If specific portions of a standard are denoted by code text, only those portions of the standard shall be enforced. Where code provisions conflict with a standard, the code provisions shall be enforced. Permissive and advisory provisions in a standard shall not be construed as mandatory.

(Ord. No. 1107, § 1, 5-8-07)

Sec. 14-34. Copies on file with building official; scope, effect.

There are now on file with the building official of the city current copies of the Florida Building Code and the Uniform Code for the Abatement of Dangerous Buildings. and amendments thereto. The building official is hereby directed to keep such official copies on file. Any ordinance of the city when in conflict with any provisions of the above named codes shall apply and take precedence over the general provisions of the above named codes. Where conflicting requirements between two adopted codes exist, the more restrictive provision will apply.

(Ord. No. 1107, § 1, 5-8-07)

Sec. 14-35. Modular construction.

Modular buildings or structures shall comply with the requirements of chapter 94.

(Ord. No. 1107, § 1, 5-8-07)

Sec. 14-36. Buildings to be constructed on pilings.

All new buildings or structures shall be built upon pilings designed by a state licensed architect or engineer to withstand foreseeable high velocity wave and wind forces. The lowest floor level shall be at or above the elevation required by the Florida Building Code, as amended by a technical amendment by the city. Foreseeable wave and wind forces shall include those produced by hurricanes.

(Ord. No. 1107, § 1, 5-8-07; Ord. No. 2021-16, § 1, 10-13-21)

Sec. 14-37. Fees.

Fees associated with building permits, seawall permits, electrical permits, etc., are tabulated in the Fees and Collection Procedures Manual.

(Ord. No. 1107, § 1, 5-8-07)

Sec. 14-38. Required construction and sediment fencing.

(a) Construction Fencing:

(1) Construction without fencing prohibited. No construction or demolition west of Gulf Boulevard for which a permit is required under this Code which involves earth moving, excavation or foundation work may proceed until a temporary fence is erected in conformance with requirements of this section. For the purpose of this Code, construction shall mean the erection of new structures and alterations or additions to existing structures.

(2) ~~(b)~~ Fencing requirements.

i. ~~(1)~~ The temporary fence shall be at least four feet in height. It shall be constructed in such a manner as to prevent the passage of wind blowing sand, trash or other like substances or materials.

ii. ~~(2)~~ The temporary fence shall be erected along any property line of the property under construction which abuts any public street or way. Such fence shall also be erected on the first 50 feet of any side property line which intersects the property line which abuts any public street or way, such distance to be measured from the point of intersection.

iii. ~~(3)~~ Such temporary fencing shall be required during all phases of construction until the city manager or ~~his~~ their representative permits removal of the temporary fence for paving and landscaping preparation.

(3) ~~(c)~~ Authority of city manager. The city manager or ~~his~~ their representative may, at his discretion, impose a lesser requirement than is here imposed when such lesser requirement will effectuate the purpose of this section. Further, the city manager or ~~his~~ their representative may, in ~~his~~ their discretion, require a greater length of fencing than is here required when such greater length is necessary to effectuate the purpose of this section.

(b) Sediment Fencing:

1) Construction without sediment fencing prohibited. The contractor shall install a sediment fence to protect adjacent properties and waterways from discharges of soil, sediment, or construction related materials from the site.

2) Fencing requirements.

3) Fencing maintenance.

i. The contractor shall inspect and maintain the sediment fencing until the construction site is stabilized.

ii. All sediment fencing shall remain in upright condition until all site work is complete.

4) Fencing location.

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- i. The location of the fencing shall be delineated on the site plan and be constructed in general accordance as shown on the plans.

(Ord. No. 1107, § 1, 5-8-07)

Sec. 14-39. Technical amendments. IF YOU GO WITH THE NEW FORMAT, THEN YOU SHOULD RE-DO EVERYTHING BELOW HERE WITH A FRESH DOWNLOAD, AND THEN APPLY STRIKE-THRU TO EVERYTHING.

- (a) Modify the *Florida Building Code, Residential*, Section R322.2 to read as follows:

R322.2.1 Elevation requirements.

1. Buildings and structures in flood hazard areas not including flood hazard areas designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation **plus 4 feet** (the 4 foot freeboard is inclusive of the 0.4 foot requirement from FEMA 480) or the design flood elevation, whichever is higher.
2. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated to a height above the highest adjacent grade of not less than the depth number specified in feet on the FIRM **plus 4 feet**, or not less **than 6 feet** if a depth number is not specified.
3. Basement floors that are below grade on all sides shall be elevated to or above base flood elevation plus 4 feet, or the design flood elevation, whichever is higher.

4. Attached garages and carports

5. Detached accessory structures

6. Structural fill shall not be used to elevate buildings.

Exception: Enclosed areas below the design flood elevation, including basements with floors that are not below grade on all sides, shall meet the requirements of Section R322.2.2.

R322.2.2 Enclosed area below design flood elevation. Enclosed areas, including a crawl spaces, that ~~are is~~ below the design flood elevation shall:

1. Be used solely for parking of vehicles, building access or storage. Storage shall be limited to items which otherwise would be stored outside a building, or items normally used outside (e.g. grill, lawn mower). The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code. The limitation on partitions does not apply to load bearing walls interior to perimeter wall (crawl space) foundations and perimeter walls of the building envelope. All utilities such as electrical, heating, plumbing, and air conditioning equipment and other services must be elevated to design flood elevation or on a separate subpanel. Access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the building (stairway or elevator).
2. Be provided with flood openings that meet the following criteria and are installed in accordance with Section R322.2.2.1, except for elevator shafts:
 - ~~2.1. There shall be a minimum of two openings on different sides of each enclosed area; if a building has more than one enclosed area below the design flood elevation, each area shall have openings on exterior walls.~~
 - 2.21 The total net area of non-engineered openings shall be not less than 1 square inch (645 mm²) for each square foot (0.093 m²) of enclosed area where the enclosed area is measured on the

exterior of the enclosure walls, or the openings shall be designed as engineered openings and the construction documents shall include a statement by a registered design professional that the design of the openings will provide for equalization of hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwaters as specified in Section 2.7.2.2 of ASCE 24.

2.2 Openings shall be not less than 3 inches (76 mm) in any direction in the plane of the wall.

2.3 Any louvers, blades, screens or other opening covers shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area.

R322.2.2.1:

1 There shall be a minimum of two openings on different sides of each enclosed area; if a building has more than one enclosed area below the design flood elevation, each area shall have openings on exterior walls.

2.3 2 The bottom of each opening shall be 1 foot (305 mm) or less above the adjacent ground level higher of the final interior grade (or floor) and the finished exterior grade immediately under each opening.

~~2.4 Openings shall be not less than 3 inches (76 mm) in any direction in the plane of the wall.~~

~~2.5 Any louvers, blades, screens or other opening covers shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area.~~

~~2.6. 3~~ Openings installed in doors and windows, that meet requirements 2.1 through 2.5, are acceptable; however, doors and windows without installed openings do not meet the requirements of this section.

3. The one sub-enclosure be Be not more than 299 square feet in total area, except for crawlspace foundations that have a wall height less than 36 inches and the exterior perimeter wall of the building envelope.

R322.2.3 Foundation design and construction. Foundation for buildings and structures erected in flood hazard areas shall meet the requirements of Chapter 4. Fill shall not be used to support foundations. The construction documents shall include documentation that is prepared and sealed by a registered design professional that the design and methods of construction to be used meet the applicable criteria of this section.

R322.2.4 Tanks

R322.2.5 Pools in flood hazard areas.

- (b) Modify the *Florida Building Code, Residential*, Section R322.3 to read as follows:

R322.3.2 Elevation requirements.

1. All buildings and structures erected within coastal high-hazard areas and Coastal A Zones, shall be elevated so that the all bottom of the lowest horizontal structural members supporting the lowest floor, with the exception of pilings, pile caps, columns, grade beams and bracing, is elevated to or above the base flood elevation **plus 4 feet** (the 4 foot freeboard is inclusive of the 0.4 foot requirement from FEMA 480) or the design flood elevation, whichever is higher.
2. Basement floors that are below grade on all sides are prohibited.

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3. attached garages used solely for parking, building access or storage and carports shall comply with item 1 or shall be.....
 4. Detached accessory structures....
 5. The use of fill for structural support is prohibited.
 - ~~4-6.~~ Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.
 - ~~5-7.~~ Walls and partitions enclosing areas below the design flood elevation shall meet the requirements of Sections R322.3.5 and R322.3.6.
 6. **Gutters and downspouts are required on any new commercial or residential buildings, including any new additions.**

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.

R322.3.5 Walls below design flood elevation. Walls and partitions are permitted below the elevated floor, provided that such walls are not part of the structural support of the building or structure and:

1. Electrical, mechanical and plumbing system components are not to be mounted on or penetrate through walls that are designed to break away under flood loads; and
2. Are constructed with insect screening or open lattice; or
3. Are designed to break away or collapse without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Such walls, framing and connections shall have a resistance of not less than 10 (479 Pa) and not more than 20 pounds per square foot (958 Pa); or
4. Where wind loading values of this code exceed 20 pounds per square foot (958 Pa), as determined using allowable stress design, the construction documents shall include documentation prepared and sealed by a registered design professional that:
 - 4.1. The walls and partitions below the design flood elevation have been designed to collapse from a water load less than that which would occur during the base flood.
 - 4.2. The elevated portion of the building and supporting foundation system have been designed to withstand the effects of wind and flood loads acting simultaneously on structural and nonstructural building components. Water-loading values used shall be those associated with the design flood. Wind-loading values shall be those required by this code.
5. Walls intended to break away under flood loads as specified in Item 3 or 4 have flood openings that meet the criteria in Section R322.2.2, Item 2.

R322.3.6 Enclosed areas below design flood elevation. Enclosed areas below the design flood elevation shall be not more than 299 square feet in area and shall be used solely for parking of vehicles, building access or storage. Storage shall be limited to items which otherwise would be stored outside a building, or items normally used outside (e.g. grill, lawn mower). The interior portion of such enclosed area shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code. All utilities such as electrical, heating, plumbing, and air conditioning equipment and other services must be elevated to design flood elevation or on a separate subpanel. Access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the building (stairway or elevator).

- (c) Modify the *Florida Building Code, Building*, Section 107.3.5 (in part) to read as follows:

107.3.5 Minimum plan review criteria for buildings.

Commercial Buildings: Building

8. Structural requirements shall include:

Flood requirements in accordance with Section 1612, including lowest floor elevations, enclosures, nonconversion agreement, flood damage-resistant materials.

Residential (one- and two-family):

6. Structural requirements shall include:

Flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures, nonconversion agreement, equipment, and flood damage-resistant materials.

- (d) Modify the *Florida Building Code, Building*, Section 202 definitions of Substantial Damage and Substantial Improvement to read as follows:

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

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 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 permit issued for improvement or repair of that building or structure subsequent to November 15, 2016. 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.

- (e) Modify the *Florida Building Code, Building*, Section 1612.4 to amend 1612.4.3 and 1612.4.4 to read as follows:

1612.4.3 Elevation requirements.

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1. The minimum elevation requirements shall be as specified in ASCE 24 or the base flood elevation plus four (4), whichever is higher.
 2. The use of backfilled stem walls and the use of fill shall not be permitted to elevate buildings except for buildings and structures essential for emergency management support.
 3. The use of backfilled stem walls shall not be permitted to elevated buildings.

1612.4.4 Additional requirements for enclosed areas. In addition to the requirements of ASCE 24, enclosed areas below the design flood elevation shall be not more than 299 square feet in area and shall not be partitioned or finished into separate rooms except for stairwells and elevators.

(Ord. No. 2016-11, § 3, 11-15-16; Ord. No. 2021-16 , § 2, 10-13-21)

Secs. 14-40—14-59. Reserved.