

ORDINANCE NO. 2018-29

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, RELATING TO THE FLORIDA BUILDING CODE; AMENDING ARTICLE I, CHAPTER 13, ORLANDO CITY CODE, PROVIDING LOCAL ADMINISTRATIVE AMENDMENTS AND LOCAL TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR APPLICABILITY, TRANSMITTAL TO THE FLORIDA BUILDING COMMISSION, SEVERABILITY, CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

**WHEREAS**, the Legislature of the State of Florida has, in Section 116 – 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 Florida Building Code contains or incorporates by reference all laws and rules which pertain to and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities; and

**WHEREAS**, the Florida Building Code is adopted, modified, updated, interpreted, and maintained by the Florida Building Commission and enforced by authorized state and local government enforcement agencies; and

**WHEREAS**, the City of Orlando participates in the National Flood Insurance Program, adopts and enforces floodplain management regulations; and

**WHEREAS**, Chapter 553, Florida Statutes, allows for local 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;

**WHEREAS**, the City Council previously adopted requirements to (1) require accumulation of costs of improvements and repairs of buildings, based on issued building permits, over a five-year period; (2) limit access to, partitioning of, and electric service for enclosed areas below elevated buildings; and (3) require use of specific forms provided by the Federal Emergency Management Agency; prior to July 1, 2010, or for the purpose of participating in the National Flood Insurance Program's Community Rating System and, pursuant to section 553.73(5), Florida Statutes, is formatting that requirement to coordinate with the *Florida Building Code*;

**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,

45       **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF**  
46 **ORLANDO, FLORIDA:**

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48       **SECTION 1. ARTICLE I, CHAPTER 13, AMENDED. Article 1, Chapter 13, Code of**  
49 **the City of Orlando, Florida, is hereby amended as follows:**

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51 **Sec. 13.2. Local administrative amendments.**

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54       (f) *Section 110.3 amended.* Subsection 110.3 of the *Building* volume of the building code  
55 is hereby amended to read as follows

56 **Building (partial)**

57       1.1 In flood hazard areas, upon placement of the lowest floor, including basement,  
58 and prior to further vertical construction, the FEMA elevation certification  
59 (FEMA Form 086-0-33) shall be submitted to the authority having jurisdiction.

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61       5.1. In flood hazard areas, as part of the final inspection, a final FEMA elevation  
62 certification (FEMA Form 086-0-33) of the lowest floor elevation shall be  
63 submitted to the authority having jurisdiction.

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67 **Sec. 13.4. – Technical Amendments to the Florida Building Code, Building.**

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69 Pursuant to sections 553.73(4)(a) and 553.73(5), Florida Statutes, the following local  
70 amendments are hereby adopted to the technical provisions of the building code:

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72       (a) *Section 202 amended.* Section 202 of the *Building* volume of the building code is  
73 hereby amended to read as follows:

74       **SUBSTANTIAL IMPROVEMENT.** Any combination of repair, reconstruction,  
75 rehabilitation, alteration, addition or improvement of a building or structure taking  
76 place during a five-year period, the cumulative cost of which equals or exceeds 50  
77 percent of the market value of the structure before the improvement or repair is  
78 started. The period of accumulation begins when the first improvement or repair of  
79 each building is permitted subsequent to April 1, 2013. If the structure has sustained  
80 substantial damage, any repairs are considered substantial improvement regardless  
81 of the actual repair work performed. The term does not include either:

- 82       1. Any project for improvement of a building required to correct existing health,  
83 sanitary or safety code violations identified by the building official and that are  
84 the minimum necessary to assure safe living conditions.
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86       2. Any alteration of a historic structure provided that the alteration will not  
87 preclude the structure's continued designation as a historic structure and is  
88 approved by variance.
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(b) *Section 1612 amended.* Section 1612 of the *Building* volume of the building code is hereby amended to read as follows:

**1612.4.2 Limitations on enclosures below elevated buildings.** In addition to the requirements of ASCE 24 for enclosures below elevated buildings:

1. Enclosed areas below the design flood elevation 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.
2. No more than one switch and one outlet connected to a ground-fault interrupt breaker are permitted below the elevated building.
3. 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).

**1612.5 Flood hazard documentation.** The following documentation shall be prepared and sealed by a registered design professional and submitted to the building official:

1. For construction in flood hazard areas other than coastal high hazard areas:
  - 1.1. The elevation of the lowest floor, including basement, as required by the foundation inspection and the final inspection in Section 110.3.
  - 1.2. For fully enclosed areas below the design flood elevation where provisions to allow for the automatic entry and exit of floodwaters do not meet the minimum requirements in Section 2.6.2.1 of ASCE 24, construction documents shall include a statement that the design will provide for equalization of hydrostatic flood forces in accordance with Section 2.6.2.2 of ASCE 24.
  - 1.3. For dry floodproofed nonresidential buildings, construction documents shall include a FEMA Floodproofing Certificate (FEMA Form 086-0-34) ~~statement~~ that the dry floodproofing is designed in accordance with ASCE 24.

**Sec. 13.5. – Technical Amendments to the Florida Building Code, Existing Building.**

Pursuant to sections 553.73(4)(a) and 553.73(5), Florida Statutes, the following local amendments are hereby adopted to the technical provisions of the building code:

(a) *Section 202 amended.* Section 202 of the *Existing Building* volume of the building code is hereby amended to read as follows:

**SUBSTANTIAL IMPROVEMENT.** Any combination of repair, reconstruction, rehabilitation, alteration, addition or improvement of a building or structure taking

place during a five-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. The period of accumulation begins when the first improvement or repair of each building is permitted subsequent to April 1, 2013. 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 and is approved by variance.

### **Sec. 13.6. – Technical Amendments to the Florida Building Code, Residential**

Pursuant to sections 553.73(4)(a) and 553.73(5), Florida Statutes, the following local amendments are hereby adopted to the technical provisions of the building code:

- (a) *Section R322 amended.* Section R322.2.2 of the *Residential* volume of the building code is hereby amended as follows:

**R322.2.2 Enclosed areas below design flood elevation.** Enclosed areas, including crawl spaces, that are below the design flood elevation shall:

1. Be used solely for parking of vehicles, building access or storage. 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. 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). No more than one switch and one outlet connected to a ground-fault interrupt breaker are permitted below the elevated building.

- (b) *Section R322.1.10.* Section R322.1.10 of the *Residential* volume of the building code is hereby amended as follows:

**R322.1.10 As-built elevation documentation.** A registered design professional shall prepare and seal FEMA elevation certification (FEMA Form 086-0-33) to document ~~documentation~~ of the elevations specified in Section R322.2 or R322.3.

**SECTION 2. FISCAL IMPACT STATEMENT.** In terms of design, plan application review, construction and inspection of buildings and structures, the cost impact as an overall average is negligible in regard to the local technical amendments because all development has been subject to the requirements of the local floodplain management ordinance adopted for participation in the National Flood Insurance Program. In terms of lower potential for flood damage, there will be continued savings and benefits to consumers.

**SECTION 3. APPLICABILITY.** For the purposes of jurisdictional applicability, this ordinance shall apply to all applications for building permits in flood hazard areas submitted on or after the effective date.

**SECTION 4. TRANSMITTAL.** In accordance with section 553.73(4)(b)(5), Florida Statutes, this ordinance, containing local administrative amendments to the Florida Building Code, shall be transmitted to the Florida Building Commission by the City Clerk within 30 days of its enactment.

**SECTION 5. CODIFICATION.** The city clerk and the city attorney shall cause the Code of the City of Orlando, Florida, to be amended as provided by Section 1 of this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

**SECTION 6. SCRIVENER'S ERROR.** The city attorney may correct scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with the city clerk

**SECTION 7. SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

**SECTION 8. EFFECTIVE DATE.** This ordinance takes effect upon adoption.

**DONE, THE FIRST READING,** by the City Council of the City of Orlando, Florida, at a regular meeting, the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**DONE, THE PUBLIC NOTICE,** in a newspaper of general circulation in the City of Orlando, Florida, by the city clerk of the City of Orlando, Florida, the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**DONE, THE SECOND READING AND PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE,** by an affirmative vote of a majority of a quorum present of the City Council of the City of Orlando, Florida, at a regular meeting, the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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BY THE MAYOR/MAYOR PRO TEMPORE OF THE  
CITY OF ORLANDO, FLORIDA:

\_\_\_\_\_  
Mayor/Mayor Pro Tempore

ATTEST, BY THE CLERK OF THE  
CITY COUNCIL OF THE CITY OF  
ORLANDO, FLORIDA:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Print Name

APPROVED AS TO FORM AND LEGALITY  
FOR THE USE AND RELIANCE OF THE  
CITY OF ORLANDO, FLORIDA:

\_\_\_\_\_  
Assistant City Attorney

\_\_\_\_\_  
Print Name

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