



MEMORANDUM

RCUD

DATE: August 12, 2021

TO: Katie Smith, Deputy Clerk of the Board of County Commissioners
Comptroller Clerk's Office

AUG 13 21 PM 3:06

THRU: Cheryl Gillespie, Supervisor
Agenda Development

AUG 23 21 10:33AM

FROM: Joseph C. Kunkel, P.E., Director, Public Works Department

CONTACT PERSON: Daniel Negron, P.E., CFM *DN*
Stormwater Management Division
PHONE NUMBER: (407) 836-7743

RE: Request for One Public Hearing: September 14, 2021
Proposed Amendments to Orange County Codes – Chapter 19
“Floodplain Management” Chapter 34 “Subdivision Regulations” and
Chapter 9 “Building and Construction Regulations”

Title of Ordinances: AN ORDINANCE AMENDING THE ORANGE COUNTY CODE OF ORDINANCES RELATING TO FLOODPLAIN MANAGEMENT; AMENDING CHAPTER 19 (“FLOODPLAIN MANAGEMENT”) TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; AND AMENDING CHAPTER 34 (“SUBDIVISION REGULATIONS”) TO GOVERN DEVELOPMENT WITHIN SPECIAL FLOOD HAZARD AREAS; AND PROVIDING FOR AN EFFECTIVE DATE.

AN ORDINANCE OF ORANGE COUNTY, FLORIDA, AMENDING CERTAIN PROVISIONS OF CHAPTER 9 (“BUILDING AND CONSTRUCTION REGULATIONS”) OF THE ORANGE COUNTY CODE BY AMENDING ARTICLE II (“BUILDING CODE”); AND PROVIDING AN EFFECTIVE DATE.

Applicant: Public Works Department

Location: All Districts

Estimated time required for
Each Public Hearing: 2 Minutes

Hearings controversial: No

August 12, 2021

TO: Katie A Smith, Deputy Clerk of the Board of County Commissioners

RE: **Request for One Public Hearing: September 14, 2021**

Proposed Amendments to Orange County Codes – Chapter 19 “Floodplain Management” Chapter 34 “Subdivision Regulations” and Chapter 9 “Building and Construction Regulations”

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|---|---|
| Advertising requirements: | Publish once in a local newspaper of general circulation |
| Advertising timeframes: | At least 10 days prior to Public Hearing date |
| Applicant/Abutters to be notified: | No |
| Hearings required by Fla. Statute # or Code: | s. 125.66(2)(a), F.S. |
| Spanish Contact Person: | Para más información en Español acerca de estas reuniones públicas o de cambios por ser efectuados favor de llamar a la División de Aguas Pluviales, Daniel Negron (407) 836-7743 |
| Materials to be submitted under separate cover: | Ordinances and Cover Memo |

JCK/DN/mh

Attachments

cc: Byron W. Brooks, AICP, County Administrator
Christopher R. Testerman, AICP, Deputy County Administrator
Jeffrey J. Newton, County Attorney
Joel D. Prinsell, Deputy County Attorney, Legal Department
Diana Almodovar, Deputy Director, Public Works Department
Aleas Koos, Assistant County Attorney
Liuliu Wu, Ph.D. P.E., CFM, Senior Engineer, Stormwater Management

ORDINANCE NO. 2021 -

AN ORDINANCE OF ORANGE COUNTY, FLORIDA,
AMENDING CERTAIN PROVISIONS OF CHAPTER 9
("BUILDING AND CONSTRUCTION REGULATIONS") OF
THE ORANGE COUNTY CODE BY AMENDING ARTICLE
II ("BUILDING CODE"); AND PROVIDING AN
EFFECTIVE DATE.

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* relating to flood resistance to implement the National Flood Insurance Program and incentives; and

WHEREAS, the Board of County Commissioners previously adopted requirements to (1) require buildings that sustain repetitive flood damage over a 10-year period to be included in the definition of "substantial damage," (2) require accumulation of costs of improvements and repairs of buildings, based on issued building permits, over the life of buildings, and (3) to limit partitions and access to enclosures below elevated dwellings in flood hazard areas prior to July 1, 2010 and, pursuant to section 553.73(5), Florida Statutes, is formatting those requirements to coordinate with the *Florida Building Code*; and

WHEREAS, the Board of County Commissioners is adopting a requirement for critical facilities to be protected to two feet above the base elevation 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 those requirements to coordinate with the *Florida Building Code*; and

WHEREAS, the Board of County Commissioners 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, and are in compliance with section 553.73(4), Florida Statutes; and

WHEREAS, the Board of County Commissioners has determined that it is in the public interest to adopt the proposed amendments to the *Florida Building Code*.

42 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
43 **ORANGE COUNTY, FLORIDA:**

44 **Section 1. Amendments; In General.** Chapter 9 ("Building and Construction
45 Regulations") of the Orange County Code is amended as set forth in Section 2, with additions
46 being shown as underlined and deletions being shown as ~~struck through~~:

Section 2. Amendments to Chapter 9, Article II ("Building Code"). Article II
48 ("Building Code") is hereby amended as follows:

ARTICLE II.

50 **BUILDING CODE**

DIVISION 1. BUILDING

52 **Sec. 9-31. Authority to enact; purpose.**

53 This article is enacted under the authority of the home rule
54 power of the county for the purpose of adopting rules and
regulations and codes regulating building safety in the county.

56 **Sec. 9-32. Reserved.**

Sec. 9-33. Florida Building Code, Building, adopted.

58 (a) *Adopted.* Subject to the administrative and technical
60 amendments set forth in subsection (b) below, the Florida Building
Code, Building, Seventh Edition, as it may be amended from time to
62 time (the "Code"), shall be the governing law relative to building
standards in Orange County, Florida ("Orange County"). ~~Floodplain~~
64 ~~provisions shall be governed and enforced in accordance with the~~
~~Code and Chapter 19 ("Floodplain Management") of the Orange~~
66 ~~County Code. In the case of any apparent conflict between the~~
~~floodplain regulations set forth in this chapter and those in Chapter~~
~~19, the more restrictive provisions shall control.~~

68 (b) *Amendments.* The Code is hereby amended as
follows:

70 A. *Subsection 101.3.1* is hereby created
to read as follows:

72 101.3.1. Permitting and inspection.
The permitting or inspection of any building

74 system or plan by Orange County under the
76 requirements of this Code shall not be
78 construed as a warranty of the physical
80 condition of such building, system, or plan or
82 of their adequacy. Neither Orange County
84 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.

86 B. *Subsections 102.2.7 and 102.5* are
hereby created to read as follows:

88 102.2.7. Mobile/ manufactured home
repair and remodeling. As defined in Section
320.01(2), Florida Statutes (2016), work
90 performed on mobile/manufactured homes
shall be subject to the following guidelines:

92 (1) Additions including, but not
94 limited to, add-a-rooms, roof-overs, and
porches shall be free standing and self-
supporting with only the flashing attached to
96 the main unit unless the added unit has been
designed to be married to the existing unit.
98 All additions shall be constructed in
compliance with state and locally adopted
100 building codes.

102 (2) Anchoring of additions shall
be in compliance with requirements for
similar type construction.

104 (3) Repair or remodeling of a
mobile/manufactured home shall require the
106 use of material and design equivalent to the
original construction. Structure shall include,
108 but not be limited to, roof system, walls, floor
system, windows, and exterior doors of the
110 mobile/manufactured home.

112 (4) Electrical repair and
replacements shall require the use of material
and design equivalent to the original
114 construction.

(5) Plumbing repairs and replacements shall require the use of material and design equivalent to the original construction.

(6) Alternatively, work performed on mobile/manufactured homes may be performed in accordance with the Florida Building Code.

102.5. Partial Invalidity. If any section, subsection, sentence, clause, or phrase of this Code is for any reason held to be invalid and/or unconstitutional, such finding shall not affect the validity of the remaining portions of this Code.

C. *Section 103* is hereby created to read as follows:

103. Division of Building Safety.

103.1. Establishment. There is hereby created a division to be called the Division of Building Safety (the "Division").

103.2. Employee qualifications.

103.2.1. Building official qualifications. The building official shall be licensed as a Building Code Administrator by the State of Florida. The building official shall be appointed by the County Mayor or his/her designee.

103.2.2. Employee qualifications. A person shall not be appointed or hired as inspector or plans examiner unless that person meets the qualifications for licensure as an inspector or plans examiner in the appropriate trade, as established by the State of Florida.

103.3. Restrictions on employees. Officers or employees connected with the Division, except one whose only connection is as a member of a board established by this Code, shall not be financially interested: (i) in the furnishing of labor, material, or appliances for the construction, alteration, or

156 maintenance of a building, structure, service,
158 or system; or (ii) in the making of plans, or of
specifications thereof, within the jurisdiction
160 of the Division, unless they are the owners of
such. Said officers or employees shall not
162 engage in any other work which is
inconsistent with their duties or which
conflicts with the interest of the Division.

164 D. *Section 104* is hereby amended by
creation and addition of the following
166 subsections, as follows:

168 104.1. General. The building official
is hereby authorized and directed to enforce
the provisions of this Code; however, for
170 purposes of enforcing any floodplain
management regulation contained herein, the
172 building official may coordinate with the
Orange County Public Works Department in
174 carrying out the aforementioned duty. The
building official shall have the authority to
176 render interpretations of this Code and to
adopt policies and procedures in order to
178 clarify the application of its provisions. Such
interpretations, policies, and procedures shall
180 be in compliance with the intent and purpose
of this Code, and shall not have the effect of
182 waiving requirements specifically provided
for in this Code. Any requirements necessary:
184 (i) for the strength, stability, or proper
operation of an existing or proposed building
186 or structure or of an electrical, gas,
mechanical, or plumbing system; or (ii) for
188 the public safety, health, and general welfare,
not specifically covered by this Code, shall
190 be determined by the building official.

104.2. Applications and permits.

192 104.2.1. Misrepresentation in
application. The building official may revoke
194 a permit or approval issued under the
provisions of this Code where there has been
196 any false statement or misrepresentation
regarding any material fact in the application
198 or plans on which the permit or approval was
based.

104.2.2. Revocation of permits. The building official is authorized to reasonably suspend or revoke a permit issued under the provisions of this Code wherever the permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information, or in violation of any ordinance or regulation or any provisions of this Code.

104.2.3. Violation of Code provision. The building official may revoke a permit upon determination that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the building, structure, or electrical, gas, mechanical, or plumbing system for which the permit was issued is in violation of, or not in conformity with, any provision of this Code.

104.6. Right of entry.

104.6.1. Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the building official has reasonable cause to believe that there exists in any building or upon any premises any condition of Code violation which makes such building, structure, or premises or electrical, gas, mechanical, or plumbing system unsafe, dangerous, or hazardous, the building official may enter such building, structure, or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by this Code. If such building or premises is occupied, s/he shall first present proper credentials and request entry. If such building, structure, or premises is unoccupied, s/he shall first make a reasonable effort to locate the owner or other person(s) having charge or control of such and request entry. If entry is refused, the building official shall have recourse to every remedy provided by law to secure entry.

104.6.2. When the building official has obtained a proper inspection warrant or

244 other remedy provided by law to secure
246 entry, an owner or occupant or any other
248 person(s) having charge, care, or control of
any building, structure, or premises shall,
250 after proper request is made as herein
252 provided, promptly permit entry therein by
the building official for the purpose of
inspection and examination pursuant to this
Code.

254 104.7. Records. The building official
shall keep, or cause to be kept, a record of the
256 business of the Division. The records of the
Division shall be open to reasonable public
258 inspection, subject to exemptions under the
law.

260 104.8. Liability. Officers or
employees or members of a board created by
262 this Code who are charged with the
enforcement of this Code, acting for the BCC
264 in the discharge of their duties, shall not
thereby render themselves personally liable,
266 and are hereby relieved from all personal
liability, for any damage that may accrue to
268 persons or property as a result of any act
required or permitted in the discharge of such
duties. Any suit brought against any officer
270 or employee or board member because of any
such act shall be defended by Orange County
272 until the final termination of the proceedings.

274 ~~104.10.1. Flood hazard area.~~
~~Floodplain provisions shall be governed and~~
~~enforced in accordance with the Code and~~
276 ~~Chapter 19 ("Floodplain Management") of~~
~~the Orange County Code. In the case of any~~
278 ~~apparent conflict between the floodplain~~
~~regulations set forth in this chapter and those~~
280 ~~in Chapter 19, Orange County Code, the~~
~~more restrictive provisions shall control.~~

282 E. *Section 105* is hereby amended by
creation and addition of the following
284 subsections, to read as follows:

286 105.1.5. Public right-of-way. A
permit shall not be given by the building
official (i) for construction or alteration of

any building which is to be changed, if such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting any street, alley, or public lane, or (ii) for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has made application for right-of-way permitting from the authority having jurisdiction over any such street, alley, or public lane.

105.2.4 Work exempt from permit.
Permits shall not be required for the following:

1. Oil derricks.
2. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
3. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
4. Storable swimming or wading pools as defined by this code. Exception: Electrical alterations or connections except for cord-and-plug connection into an existing receptacle.
5. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
6. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of detached one and two family dwellings.
7. Non fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
8. Construction, alteration or repair performed by the property owner upon his or her own personal residence for a one-story detached, freestanding, accessory

332 structure to a one or two family dwelling
333 used as a tool shed, storage shed, pergola,
334 deck, gazebo, playhouse or an
335 attached/detached accessibility ramp that
336 does not exceed a one hundred twenty-
337 square foot footprint for the owner's
338 personal use. This structure shall not
339 incorporate electrical, HVAC, fuel gas, or
340 plumbing. Zoning and flood requirements
341 shall be met as required.

342 9. One-and-two family fences
343 six (6) feet or less in height are also exempt
344 in accordance with this section. Zoning and
345 flood requirements shall be met as required.

346
347 F. *Subsection 105.4* is hereby deleted
348 and recreated to read as follows:

349 105.4 Conditions of the permit. The
350 issuance or granting of a permit shall not be
351 construed to be a permit for, or an approval
352 of, any violation of any of the provisions of
353 this code or of any other ordinance of the
354 jurisdiction. Permits presuming to give
355 authority to violate or cancel the provisions
356 of this code or other ordinances of the
357 jurisdiction shall not be valid. The issuance
358 of a permit based on construction documents
359 and other data shall not prevent the building
360 official from requiring the correction of
361 errors in the construction documents and
362 other data. The building official is also
363 authorized to deny a permit or prevent
364 occupancy or use of a structure where in
365 violation of this code or of any other
366 ordinances of this jurisdiction.

367 105.4.1. Permit intent. A permit
368 issued shall be construed to be a license to
369 proceed with the identified work and not as
370 authority to violate, cancel, alter, or set aside
371 any of the provisions of this Code, nor shall
372 such issuance of a permit prevent the building
373 official from thereafter requiring a correction
374 of errors in plans, or construction, or of
375 violations of this Code. Every permit issued
376 shall become invalid (i) unless the work

378 authorized by such permit is commenced and
380 an approved inspection is made within six (6)
382 months after its issuance, or (ii) if the work
384 authorized by such permit is suspended or
386 abandoned for a period of six (6) months after
388 the time the work is commenced and/or an
390 approved inspection is made. One (1)
extension of time, for a period of not more
than ninety (90) days, may be allowed at the
sole discretion of the building official, prior
to the expiration of such permit, provided the
extension is requested in writing and
justifiable cause is adequately demonstrated.
Any extension granted shall be in writing and
signed by the building official.

392 105.4.1.1. If permitted work has
394 commenced and the permit is revoked,
becomes null and void, or expires due to lack
of progress or abandonment, a new permit
396 covering the proposed construction must be
obtained before proceeding with the work.
398 Unless and until a new permit is issued and
the attendant work is properly completed, no
400 final inspection may be conducted and no
certificate of occupancy may be issued.
402 Additionally, at the discretion of the building
official, no new permits may be issued to the
404 permit holder and/or the property owner for
such work and/or for work elsewhere in the
406 county until the revoked or void permit is
brought into compliance, unless such lack of
408 compliance is due to circumstances outside
the reasonable control of the permit holder
410 and/or the property owner, as applicable.

412 105.4.1.2. If a new permit is not
obtained within 180 days from the date the
414 initial permit became null and void, the
building official is authorized to require that
any work which has been commenced, up to
416 and including completion, be removed from
the building site. Alternatively, a new permit
418 may be issued, upon application, provided
that both the work already in place and the
420 newly permitted work are in full compliance
with all applicable regulations in effect at the

time the initial permit became null and void and any regulations which may have become effective between the date of expiration and date of issuance of the new permit. Notwithstanding the foregoing, for any work previously in place that was inspected and approved by the county, the building official may allow compliance with the applicable regulations in effect at the time the initial permit expired, to the extent that allowing such compliance will not cause any health or safety concern.

105.4.1.3. A permit shall be considered to be in an active status so long as the permitted work has received an approved inspection within 180 days of (i) permit issuance or (ii) an approved inspection. This provision shall not be applicable in case of civil commotion or strike or when the work is halted due directly to judicial injunction, order, or similar process.

105.4.1.4. The fee for renewal, reissuance, or extension of a permit shall be set forth by the BCC.

105.4.1.5. A permit issued in connection with a violation of any Orange County Code provision, or in connection with a determination or finding by the Orange County Code Enforcement Board or Special Master, shall not be used to avoid or extend the time for compliance. Any work performed in connection with such permit must be inspected and approved by Orange County prior to issuance of any subsequent permit. If the building official finds that no actual and substantial work has been performed the official may (i) deny issuance of a new permit and/or (ii) refer or remand, as the case may be, the matter to the Code Enforcement Board or Special Master for further action pursuant to this Code and in accordance with Chapter 11, Orange County Code, as may be amended from time to time.

G. *Subsection 105.5.1* is hereby created to read as follows:

105.5. Reserved.

105.5.1 Closing out or resolving open or expired permits shall be the responsibility of the permit applicant and/or the property owner. Failure to properly close out or resolve any open or expired permit(s) shall be considered a violation of this chapter.

H. *Subsection 107.2.1.1* is hereby created to read as follows:

107.2.1.1. Supporting data. The building official shall be allowed to require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations. All drawings, specifications, and accompanying data required by the building official to be prepared by an architect or engineer shall be affixed with that professional's official seal.

I. *Reserved.*

J. *Subsection 107.2.6.1* is hereby created to read as follows:

107.2.6.1. New buildings or structures, additions to existing buildings or structures, and alterations to components which may affect the structural stability of a building or structure shall be designed by a Florida-licensed architect or engineer, in accordance with state statutes. Construction documents shall show that the design meets the applicable wind loading requirements of the Florida Building Code, Building and the Florida Building Code, Residential for any building or structure, addition, or alteration where wind load is applicable (see Section 9-34 of the Orange County Code).

K. *Subsection 109.2* is hereby deleted and recreated to read as follows:

109.2. Schedule of permit fees. On all buildings, structures, and electrical, gas,

mechanical, and plumbing systems, or for alterations requiring a permit, a fee for each permit shall be paid as required in accordance with the schedule as established by the Board of County Commissioners.

L. *Subsection 109.3.1* is hereby created to read as follows:

109.3.1 Building permit valuations, Division manager. If, in the opinion of the Division manager, the valuation of any building, alteration, or structure or of any electrical, gas, mechanical, or plumbing system appears to be underestimated on the application, any corresponding permit shall be denied, unless the applicant can show detailed estimates which meet with the approval of the Division manager. Permit valuations shall include total cost including, without limitation, electrical, gas, mechanical, plumbing, equipment, and other systems, and including materials and labor. The permit valuation may be calculated using the latest Building Valuation Data published by the International Code Council, or other applicable model code organization, at the sole discretion of the Division manager.

M. *Subsection 109.4* is hereby deleted and recreated to read as follows:

109.4. Work commencing before permit issuance. Any person who commences any work on a building or structure, or electrical, gas, mechanical, or plumbing system before obtaining the building official's approval and/or the necessary permits shall be subject to a penalty equivalent to double the permit fee, or one hundred three dollars (\$103.00), whichever is greater, in addition to the required permit fees. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger, as long as any and all required permits are obtained within three (3) business days of commencing such work; any

unreasonable delay (as determined by the building official) in obtaining such permits shall result in a penalty equivalent to double the permit fee. In any case, payment of a penalty as described herein shall not preclude, or be deemed a substitute for, prosecution for commencing work without first obtaining a permit. The building official may grant extensions of time or waive the fees if justifiable cause (as determined by the building official) has been adequately demonstrated, in writing.

N. *Subsection 110.1.1* is hereby created to read as follows:

110.1.1. Site Debris.

(a) The contractor and/or owner of any active or inactive construction project shall be responsible for the clean-up and removal of all construction debris or any other miscellaneous discarded articles prior to receiving final inspection approval. Construction job sites must be kept clean, such that accumulation of construction debris not contained within a storage receptacle or bin shall not remain on the property for a period of time exceeding fourteen (14) days.

(b) All debris shall be kept in such a manner as to prevent it from being spread by any means.

(c) In the event of an adverse weather or other condition or event that is reasonably anticipated to disturb or otherwise affect construction materials or equipment that are stored at a site, and/or issuance of a Level II or higher activation notice by the Orange County Office of Emergency Management, then such materials or equipment shall be timely removed or otherwise secured so as to avoid any impact to neighboring properties.

O. *Reserved.*

P. *Subsection 111.1* is hereby deleted and recreated to read as follows:

111.1. Building use and occupancy. An existing building (except for a one or two-family dwelling or non-transient residential buildings) or a new building shall not be occupied or a change made in the occupancy, nature, or use of a building or part of a building until after the building official has issued a certificate of occupancy in the name of the occupant or tenant. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this Code or of any provisions under any laws including, but not limited to, the Orange County Code.

Additionally, until such time that permanent street identifier and wayfinding signs are installed, the contractor and/or owner shall post signage reasonably identifying streets that serve a project.

Q. *Subsection 111.2.1* is hereby created to read as follows:

111.2.1. Notwithstanding the foregoing, no certificate of occupancy or completion shall be issued unless and until all Orange County and/or other applicable agency holds have been released.

R. *Section 114* is hereby created to read as follows:

Section 114. Violations.

114.1 Unlawful acts. It shall be unlawful for any person, firm, company, corporation, or any other entity to erect, construct, alter, extend, repair, move, remove, demolish, or occupy any building, structure, or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this Code.

632 114.2 Notice of violation. The
634 building official or a designee is authorized
636 to serve a notice of violation or order on the
638 person responsible for the erection,
640 construction, alteration, extension, repair,
642 moving, removal, demolition, or occupancy
of a building or structure in violation of the
provisions of this code, or in violation of a
permit or certificate issued under the
provisions of this code. Such order shall
direct the discontinuance of the illegal action
or condition and abatement of the violation.

644 114.3 Prosecution of violation. If the
646 notice of violation is not complied with
648 promptly, the building official or a designee
650 is authorized to request that the county
652 institute the appropriate proceeding by law or
654 in equity to prosecute, restrain, correct,
and/or abate such violation. The building
official or a designee may require the
removal or termination of the unlawful
occupancy of the building or structure in
violation of the provisions of this code or of
the order or direction made pursuant thereto.

656 114.4 Violation; penalties. Any
658 violation of this Code shall be subject to
660 prosecution in accordance with the law
including, but not limited to, the provisions
of Section 1-9 of the Orange County Code.

662 S. *Section 115.2* is hereby deleted and
recreated to read as follows:

664 115.2. Issuance. The stop work order
666 shall be in writing and shall be posted on the
668 property or given to the owner of the property
670 involved, or to the owner's agent, or to the
672 person doing the work. Upon issuance of a
674 stop work order, the cited work shall
immediately cease. The stop work order shall
state the reason for the order, and the
conditions under which the cited work will be
permitted to resume. Where an emergency
exists, as determined by the building official,
the building official shall not be required to

676 give a written notice prior to stopping the
work.

678 T. *Section 116* is hereby created to read
as follows:

680 Section 116. Unsafe buildings or
systems. All buildings, structures, electrical,
682 gas, mechanical, or plumbing systems (i)
which are unsafe, unsanitary, or do not
684 provide adequate egress; or (ii) which
constitute a fire hazard or are otherwise
686 dangerous to human life; or (iii) which, in
relation to existing use, constitute a hazard to
safety or health, ~~are considered unsafe~~
688 ~~buildings or service systems~~; or (iv) were
constructed without obtaining applicable
690 permits in accordance with this chapter, are
692 considered unsafe buildings or service
structures, or service systems are hereby
694 declared illegal and shall be abated by repair
and rehabilitation or by demolition in
696 accordance with the provisions of the Orange
County Code or other local ordinance.

698 U. *Section 202* is hereby amended to add
the following definitions of "storable
700 swimming or wading pool," and to amend the
definitions of "substantial damage" and
702 "substantial improvement," to respectively
read as follows:

704 Storable swimming or wading pool means
~~these that are~~ one that is constructed on or
706 above the ground and ~~are~~ is capable of
holding water with a maximum depth of 42
708 inches (1067 mm), or a pool with
nonmetallic, molded polymeric walls or
710 inflatable fabric walls regardless of
dimension.

712 SUBSTANTIAL DAMAGE. Damage of
any origin sustained by a structure whereby
714 the cost of restoring the structure to its
before-damaged condition would equal or
716 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 the life of the building or structure, 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 or structure is permitted subsequent to September 22, 2009. 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.

V.U.—Section 1612.3.1, item 3, is hereby amended-created to read as follows:

3. ~~Any such submissions required by the building official shall be subject to review and approval by the Orange County Public Works Department.~~

1612.3.1 Design flood elevations. Design flood elevations and flood hazard areas shall be established in accordance with Chapter 19, Article I, Division 5 and Section 34-228 of the Orange County Code. ~~Where design flood elevations are not included in the flood hazard areas established in Section 1612.3, or where floodways are not designated, the building official is authorized to require the applicant to:~~

1. ~~Obtain and reasonably utilize any design flood elevation and floodway data available from a federal, state, or other source; or~~

2. ~~Determine the design flood elevation and/or floodway in accordance with accepted hydrologic and hydraulic engineering practices used to define special flood hazard areas. Determinations shall be undertaken by a registered design professional who shall document that the technical methods used reflect currently accepted engineering practice.~~

W.V. Subsection 1612.4 is hereby deleted and recreated to read as follows: Section 1612.4.3 is hereby created to read as follows:

~~1612.4. Design and construction. The design and construction of buildings and structures located in flood hazard areas, including flood hazard areas subject to high-velocity wave action, shall be in accordance with Chapter 5 of ASCE 7, ASCE 24, and Chapter 19 of the Orange County Code.~~

1612.4.3. Critical facilities. The minimum elevation requirements for critical facilities, as defined in Chapter 19 of the

Orange County Code, shall be at or above the
base flood elevation plus two (2) feet or the
elevation required by the Florida Building
Code, whichever is higher.

~~W. Section 1804.5, item 5, is hereby
created to read as follows:~~

~~5. Unless acceptable compensating
storage area is provided.~~

Sec. 9-34. Wind speed requirements.

The basic wind speed requirements for Orange County are
established pursuant to (i) Section 1609.3 and Figures 1609A,
1609B, and 1609C of the Florida Building Code, Building and (ii)
Section 301.2.1 of the Florida Building Code, Residential. The
aforementioned references shall be kept on file at the Orange County
Division of Building Safety and may be accessed online through the
Orange County Infomap link.

DIVISION 2. RESIDENTIAL

Sec. 9-35. Florida Building Code, Residential, adopted.

(a) Subject to the administrative and technical
amendments set forth in subsection (b) below, the Florida Building
Code, Residential, Seventh Edition [the "Residential Code"] as it
may be amended from time to time, shall be the governing law
relative to residential building standards in Orange County, Florida.
~~Floodplain provisions shall be governed and enforced in accordance
with this Residential Code and Chapter 19 ("Floodplain
Management") of the Orange County Code. In the case of any
apparent conflict between the floodplain regulations set forth in this
chapter and those in Chapter 19, the more restrictive provisions shall
control.~~

(b) The Florida Building Code, Residential, Seventh
Edition is hereby amended as follows:

A. *Section R101.2.1* is hereby deleted
and recreated to read as follows:

R101.1. Scope. The provisions of
Chapter 1, Florida Building Code, Building,
as amended by Section 9-33(b) of the Orange
County Code, shall govern the administration

and enforcement of the Florida Building Code, Residential.

B. Section R202 is hereby amended to add definitions of “storable swimming or wading pool,” “substantial damage,” and “substantial improvement,” to respectively read as follows:

Storable swimming or wading pool means one that is constructed on or above the ground and is capable of holding water with a maximum depth of 42 inches (1067 mm), or a pool with nonmetallic, molded polymeric walls or inflatable fabric walls regardless of dimension.

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 the life of the building or structure, 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 or structure is permitted subsequent to September 22, 2009. 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.

C. Section R322.1.4 is hereby amended to read as follows:

R322.1.4 Establishing the design flood elevation. The design flood elevation shall be used to define flood hazard areas and shall be established in accordance with Chapter 19, Article I, Division 5 and Section 34-228 of the Orange County Code. At a minimum, the design flood elevation shall be the higher of the following:

~~1. The base flood elevation at the depth of peak elevation of flooding, including wave height, that has a 1 percent (100-year flood) or greater chance of being equaled or exceeded in any given year; or~~

~~2. The elevation of the design flood associated with the area designated on a flood hazard map adopted by the community, or otherwise legally designated.~~

D. Section R322.2.2 is hereby amended to read as follows:

R322.2.2 Enclosed area 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. 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:

2.1. 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. The presence of louvers, blades, screens and faceplates or other covers and

952 devices shall allow the automatic flow of
floodwater into and out of the enclosed
954 areas and shall be accounted for in the
determination of the net open area.

Secs. 9-36—9-38. Reserved.

DIVISION 3. EXISTING BUILDING

958 **Sec. 9-39. Florida Building Code, Existing Building, adopted.**

960 (a) Subject to the administrative amendment set forth in
subsection (b) below, the Florida Building Code, Existing Building,
962 as it may be amended from time to time, shall be the governing law
relative to existing building standards in Orange County, Florida.

964 (b) The Florida Building Code, Existing Building, is
amended as follows:

A. Section 101.1 is amended to read as follows:

966 101.1 Scope. The provisions of Chapter 1,
968 *Florida Building Code, Building*, as amended
by Section 9-33(b) of the Orange County
970 Code, shall govern the administration and
enforcement of the *Florida Building Code*,
Existing Building.

972 B. The definitions of “Substantial Damage”
974 and “Substantial Improvement” set forth in
Section 202 of the Code are hereby amended
to read as follows:

976 SUBSTANTIAL DAMAGE. Damage of any
origin sustained by a structure whereby the
978 cost of restoring the structure to its before-
damaged condition would equal or exceed 50
980 percent of the market value of the structure
before the damage occurred. The term also
982 includes flood-related damage sustained by a
structure on two separate occasions during a
984 10-year period for which the cost of repairs at
the time of each such flood event, on average,
986 equals or exceeds 25 percent of the market
value of the structure before the damage
988 occurred.

SUBSTANTIAL IMPROVEMENT. Any combination of repair, reconstruction, rehabilitation, alteration, addition or improvement of a building or structure taking place during the life of the building or structure, 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 or structure is permitted subsequent to September 22, 2009. 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.

Secs. 9-40—9-50. Reserved.

Section 3. 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 4. Effective date. This ordinance shall become effective on September 24, 2021.

ADOPTED THIS _____ DAY OF _____, 2021.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Jerry L. Demings
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

By: _____
Deputy Clerk

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