

September 7, 2021



TO: Mayor Jerry L. Demings
— AND —
County Commissioners

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

A handwritten signature in black ink, appearing to read "Joe C. Kunkel".

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

SUBJECT: September 14, 2021 – Public Hearing
Proposed Amendments to Orange County Code
Chapter 9

As a participating community in FEMA's National Flood Insurance Program (NFIP) and Community Rating System (CRS), Orange County is required to have floodplain management regulations that meet or exceed the minimum requirements of the NFIP. The NFIP allows property owners in participating communities to purchase federally backed flood insurance and CRS participation allows residents to obtain discounts on their flood insurance policies.

When FEMA issues a Letter of Final Determination (LFD), the community must amend its floodplain management regulations six months after the LFD's effective date. The effective date of the LFD for Orange County is March 24, 2021. The deadline for amending floodplain management regulations is September 24, 2021.

The Public Works Department is proposing to amend Article II of Chapter 9, Building and Construction Regulations of the Orange County Code in order to meet FEMA's minimum requirements. The proposed changes will also allow the County to pursue a higher CRS classification to benefit our residents through higher flood insurance discounts.

The Florida Division of Emergency Management (FDEM) provided a model ordinance that meets and exceeds FEMA's minimum requirements. FDEM's model ordinance is the basis for the proposed changes to the ordinances. The proposed changes better coordinate the floodplain management regulations with the Florida Building Code.

Stormwater Management Division presented the proposed Code amendments at the July 27th, 2021 BCC Work Session. To obtain public input, staff presented proposed Code amendments to the County's Development Advisory Board (DAB). Staff also distributed drafts of proposed amendments to professional associations and stakeholders including the American Society of Civil Engineers (ASCE), Florida Engineering Society (FES), and Greater Orlando Builders Association (GOBA) for review and comments.

The proposed Code amendments were presented and accepted by the Building Code Board of Adjustments & Appeals (BCBAA).

The Planning and Zoning Commission/Local Planning Agency found the proposed Code amendments to be consistent with the Orange County Comprehensive Plan at their August 19, 2021, meeting.

Action Requested: Approval of proposed amendments to Chapter 9 ("Building and Construction Regulations") of the Orange County Code by Amending Article II ("Building Code"). All Districts.

JCK/DN/

Attachments

C: Chris Testerman, Deputy County Administrator
Joseph C. Kunkel, P.E., Director, Public Works Department
Diana M. Almodovar, Deputy Director, Public Works Department
Michael J. Drozeck, P.E., Manager, Stormwater Management Division
Daniel Negron, P.E., Chief Engineer, Stormwater Management Division

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.**

 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
amendments set forth in subsection (b) below, the Florida Building
60 Code, Building, Seventh Edition, as it may be amended from time to
time (the "Code"), shall be the governing law relative to building
62 standards in Orange County, Florida ("Orange County"). ~~Floodplain~~
~~provisions shall be governed and enforced in accordance with the~~
64 ~~Code and Chapter 19 ("Floodplain Management") of the Orange~~
~~County Code. In the case of any apparent conflict between the~~
66 ~~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

'4 system or plan by Orange County under the
requirements of this Code shall not be
76 construed as a warranty of the physical
condition of such building, system, or plan or
78 of their adequacy. Neither Orange County
nor any employee thereof shall be liable in
80 tort for damages for any defect or hazardous
or illegal condition or inadequacy in such
82 building, system, or plan, nor for any failure
of any component of such, which may occur
84 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
limited to, add-a-rooms, roof-overs, and
94 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
4 construction.

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

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

124 102.5. Partial Invalidity. If any
section, subsection, sentence, clause, or
126 phrase of this Code is for any reason held to
be invalid and/or unconstitutional, such
128 finding shall not affect the validity of the
remaining portions of this Code.

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

103. Division of Building Safety.

132 103.1. Establishment. There is hereby
created a division to be called the Division of
134 Building Safety (the "Division").

103.2. Employee qualifications.

136 103.2.1. Building official
qualifications. The building official shall be
138 licensed as a Building Code Administrator by
the State of Florida. The building official
140 shall be appointed by the County Mayor or
his/her designee.

142 103.2.2. Employee qualifications. A
person shall not be appointed or hired as
144 inspector or plans examiner unless that
person meets the qualifications for licensure
146 as an inspector or plans examiner in the
appropriate trade, as established by the State
148 of Florida.

150 103.3. Restrictions on employees.
Officers or employees connected with the
Division, except one whose only connection
152 is as a member of a board established by this
Code, shall not be financially interested: (i)
154 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
160 specifications thereof, within the jurisdiction
162 of the Division, unless they are the owners of
such. Said officers or employees shall not
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
8 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
or plans on which the permit or approval was
198 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

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

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

104.8. Liability. Officers or
260 employees or members of a board created by
this Code who are charged with the
262 enforcement of this Code, acting for the BCC
in the discharge of their duties, shall not
264 thereby render themselves personally liable,
and are hereby relieved from all personal
6 liability, for any damage that may accrue to
persons or property as a result of any act
268 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.

~~104.10.1. Flood hazard area.
274 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.~~

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

105.1.5. Public right-of-way. A
286 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

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

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

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

105.4 Conditions of the permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to deny a permit or prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

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

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

392 105.4.1.1. If permitted work has
commenced and the permit is revoked,
394 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
initial permit became null and void, the
414 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.

114.2 Notice of violation. The building official or a designee is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, 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.

114.3 Prosecution of violation. If the notice of violation is not complied with promptly, the building official or a designee is authorized to request that the county institute the appropriate proceeding by law or 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.

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

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

115.2. Issuance. The stop work order shall be in writing and shall be posted on the property or given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a 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

give a written notice prior to stopping the work.

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

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

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

Storable swimming or wading pool means ~~those that are~~ one that is constructed on or above the ground and ~~are~~ 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

718 structure before the damage occurred. The
720 term also includes flood-related damage
sustained by a structure on two separate
722 occasions during a 10-year period for which
the cost of repairs at the time of each such
724 flood event, on average, equals or exceeds
25 percent of the market value of the
structure before the damage occurred.

726 SUBSTANTIAL IMPROVEMENT. Any
combination of repair, reconstruction,
728 rehabilitation, alteration, addition or other
improvement of a building or structure taking
place during the life of the building or
730 structure, the cumulative cost of which equals
or exceeds 50 percent of the market value of
732 the structure before the improvement or
repair is started. The period of accumulation
734 begins when the first improvement or repair
of each building or structure is permitted
736 subsequent to September 25, 2009. If the
structure has sustained substantial damage,
738 any repairs are considered substantial
improvement regardless of the actual repair
740 work performed. The term does not,
however, include either:

742 1. Any project for improvement
of a building required to correct existing
744 health, sanitary or safety code violations
identified by the building official and that is
746 the minimum necessary to assure safe living
conditions.

748 2. Any alteration of a historic
structure provided that the alteration will not
750 preclude the structure's continued
designation as a historic structure.

752 V. *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. ~~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

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

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

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

802 **Sec. 9-34. Wind speed requirements.**

804 The basic wind speed requirements for Orange County are
established pursuant to (i) Section 1609.3 and Figures 1609A,
806 1609B, and 1609C of the Florida Building Code, Building and (ii)
Section 301.2.1 of the Florida Building Code, Residential. The
808 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.

810 **DIVISION 2. RESIDENTIAL**

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

814 (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
816 may be amended from time to time, shall be the governing law
relative to residential building standards in Orange County, Florida.
818 ~~Floodplain provisions shall be governed and enforced in accordance~~
~~with this Residential Code and Chapter 19 ("Floodplain~~
820 ~~Management") of the Orange County Code. In the case of any~~
~~apparent conflict between the floodplain regulations set forth in this~~
822 ~~chapter and those in Chapter 19, the more restrictive provisions shall~~
~~control.~~

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

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

828 R101.1. Scope. The provisions of
Chapter 1, Florida Building Code, Building,
830 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 other 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 25, 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 is
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
953 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

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

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

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

A. Section 101.1 is amended to read as follows:

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

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

976 SUBSTANTIAL DAMAGE. For the purpose
977 of determining compliance with the flood
978 provisions of this code, damage of any origin
979 sustained by a structure whereby the cost of
980 restoring the structure to its before-damaged
981 condition would equal or exceed 50 percent
982 of the market value of the structure before the
983 damage occurred. The term also includes
984 flood-related damage sustained by a structure
985 on two separate occasions during a 10-year
986 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. For the purpose of determining compliance with the flood provisions of this code, 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 25, 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 code official and that is the minimum necessary to ensure safe living conditions; or
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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