

BCC Mtg. Date: September 14, 2021

EFFECTIVE DATE: September 24, 2021

ORDINANCE NO. 2021-38

**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*.

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

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

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

ARTICLE II.

BUILDING CODE

DIVISION 1. BUILDING

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

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

Sec. 9-32. Reserved.

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

(a) *Adopted.* Subject to the administrative and technical amendments set forth in subsection (b) below, the Florida Building Code, Building, Seventh Edition, as it may be amended from time to time (the "Code"), shall be the governing law relative to building standards in Orange County, Florida ("Orange County"). ~~Floodplain provisions shall be governed and enforced in accordance with the 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) *Amendments.* The Code is hereby amended as follows:

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

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

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

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

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

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

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

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

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

maintenance of a building, structure, service, or system; or (ii) in the making of plans, or of specifications thereof, within the jurisdiction 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.

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

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

104.2. Applications and permits.

104.2.1. Misrepresentation in application. The building official may revoke a permit or approval issued under the provisions of this Code where there has been any false statement or misrepresentation regarding any material fact in the application 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

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

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

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

~~104.10.1. Flood hazard area. Floodplain provisions shall be governed and enforced in accordance with the 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, Orange County Code, the more restrictive provisions shall control.~~

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

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

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

authorized by such permit is commenced and an approved inspection is made within six (6) 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 the time the work is commenced and/or an 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.

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

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 building official is authorized to require that any work which has been commenced, up to and including completion, be removed from the building site. Alternatively, a new permit may be issued, upon application, provided that both the work already in place and the 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

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.

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

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.

~~X. 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 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

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

Secs. 9-36—9-38. Reserved.

DIVISION 3. EXISTING BUILDING

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

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

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

A. Section 101.1 is amended to read as follows:

101.1 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, Existing Building*.

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

SUBSTANTIAL DAMAGE. For the purpose of determining compliance with the flood provisions of this code, 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. 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 14th DAY OF September, 2021.



ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: *Jerry L. Demings*
for Jerry L. Demings
Orange County Mayor

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

By: *Kate Smith*
Deputy Clerk