

AN ORDINANCE AMENDING THE PASCO COUNTY CODE OF ORDINANCES CHAPTER 18, ARTICLE VI, PERTAINING TO THE FLORIDA BUILDING CODE AND CHAPTER 18, ARTICLE VIII, PERTAINING TO FLOOD DAMAGE PREVENTION; ADOPTING LOCAL ADMINISTRATIVE AMENDMENTS AND LOCAL TECHNICAL AMENDMENTS TO THE 2010 FLORIDA BUILDING CODE TO RETAIN EXISTING FLOOD DAMAGE PREVENTION STANDARDS; PROVIDING FOR REPEALER, INCORPORATION INTO CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section (1)(f) of the Florida Constitution and Section 125.01, Florida Statutes, Pasco County has broad home rule powers to carry out county government, including the power to adopt ordinances to provide for the common good; and

WHEREAS, the Board of County Commissioners of Pasco County, Florida, is required under Section 553.80, Florida Statutes, to enforce the Florida Building Code on all public or private buildings, structures, and facilities; and

WHEREAS, the Federal Emergency Management Agency (FEMA) has identified special flood hazard areas within the boundaries of Pasco County and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare; and

WHEREAS, Pasco County was accepted for participation in the National Flood Insurance Program on November 18, 1981 and the Board of County Commissioners desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to provide a mechanism for the uniform adoption, updating, amendment, interpretation, and enforcement of the state building code (the Florida Building Code); and

WHEREAS, FEMA completed a re-evaluation of flood hazards in Pasco County which included an updated Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM); and

WHEREAS, FEMA published the proposed Flood Hazard Determinations in the locals newspapers on or about October 9, 2013, and October 16, 2013, and in the *Federal Register*, at Part 67, Volume 78, Page 58338 on September 23, 2013; and

WHEREAS, the Board of County Commissioners has determined that it is in the public interest to amend the Pasco County Code of Ordinances so as to adopt necessary regulations to comply with the updated FIRM, FIS, and FHDs; and

WHEREAS, Pasco County participates in the National Flood Insurance Program Community Rating System and desires to retain its favorable rating by adopting local technical amendments to the updated Florida Building Code; and

WHEREAS, Board of County Commissioners conducted a duly noticed public hearing on August 19, 2014 where the Board of County Commissioners considered all oral and written comments, including staff reports and information received, during said public hearings; and

WHEREAS, the citizens of Pasco County were provided with ample opportunity for comment and participation in this amendment process through staff workshops, public meetings and public hearings; and

WHEREAS, on February 21, 2012, the Board of County Commissioners of Pasco County, Florida, adopted Ordinance No. 12-05 which was not codified in the Code of Ordinances but at this time now being amended and will then be codified in its entirety in the Code; and

WHEREAS, the Board of County Commissioners of Pasco County adopted a requirement to consider substantial improvement cumulative over 1-year and require a minimum of 1-foot of freeboard for all buildings and structures in flood hazard areas prior to July 1, 2010 and pursuant to section 553.73(5), F.S. is formatting that requirement to coordinate with the Florida Building Code; and

WHEREAS, the Board hereby finds this Ordinance to be in the best interest of the public health, safety, and welfare of the citizens of Pasco County.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pasco County, Florida, as follows:

SECTION 1. AUTHORITY.

This Ordinance is enacted pursuant to Chapter 125, Florida Statutes (2014), and under the home rule powers of the County.

SECTION 2. LEGISLATIVE FINDINGS OF FACT.

The foregoing Whereas clauses, incorporated herein, are true and correct.

SECTION 3. APPLICABILITY AND EFFECT ON EXISTING DEVELOPMENT APPROVALS.

This Ordinance shall apply to all applications for development, including development permit applications submitted on or after September 26, 2014.

SECTION 4. CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, ARTICLE VI, ADOPTION OF TECHNICAL CODES, IS HEREBY AMENDED AS FOLLOWS:

Section 18-114 Florida Building Code

The provisions of the Florida Building Code, all subsequent amendments, ~~all FEMA technical bulletins and subsequent FEMA technical bulletins,~~ and all local technical and administrative amendments are incorporated by reference and shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building, structure, or any appurtenances connected to or attached to such buildings or structures.

Section 18-115 Reference documents. FEMA technical bulletins and subsequent FEMA technical bulletins are incorporated by reference and shall be the basis for interpretation of the applicable provisions of the Florida Building Code and the Flood Damage Prevention regulations.

SECTION 5. CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, ARTICLE VIII, FLOOD DAMAGE PREVENTION, IS HEREBY AMENDED AS FOLLOWS:

Section 18-144, Rules incorporated by reference, is hereby amended as follows.

Additional rules governing flood damage prevention are as contained in Section 1104 of the Pasco County Land Development Code, and are hereby incorporated by reference.

SECTION 6. THE FOLLOWING LOCAL TECHNICAL AMEDEMEMENTS TO THE FLORIDA BUILDING CODE ARE HEREBY AMENDED IN SECTION 18:

Section 18-122. Florida Building Code, Local Technical Amendments, Flood Damage Prevention Standards

- A. Florida Building Code, Building, Chapter 16, Structural Design, Section 1612, Flood Loads, Subsection 1612.2 Definitions:

SUBSTANTIAL IMPROVEMENT. Any one or more or combination thereof of repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds, over a 1 year period, a cumulative total of 50 percent of the market value of the structure before the improvement or repair is started. 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.

B. Florida Building Code, Building, Chapter 16, Structural Design, Section 1612, Flood Loads

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 ASCE7 and with ASCE24.

1612.4.1 Elevation requirements. The minimum elevation requirements shall be as specified in ASCE 24 or the base flood elevation plus 1 foot, whichever is higher.

C. Florida Building Code, Residential, Chapter 3, Building Planning

Section 322.1.4, Florida Building Code, Residential

R322.1.4 Establishing the design flood elevation. The design flood elevation shall be used to define areas prone to flooding. At a minimum, the design flood elevation is the higher of:

1. The base flood elevation ~~plus 1 foot~~ at the depth of peak elevation of flooding (including wave height) which 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.

R322.2.1 Elevation requirements.

1. Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.

2. Buildings and structures in flood hazard areas designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot (305 mm), or to the design flood elevation, whichever is higher.

3. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM plus 1 foot, or at least 3 2 feet (640 914 mm) if a depth number is not specified.

4. Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.

Exception: Enclosed areas below the base flood elevation plus 1 foot or the design flood elevation, whichever is higher, including basements whose floors are not below grade on all sides, shall meet the requirements of Section R322.2.2.

R322.3.2 Elevation requirements.

1. All buildings and structures erected within coastal high-hazard areas shall be elevated so that the lowest portion of all structural members supporting the lowest floor, with the exception of mat or raft foundations, piling, pile caps,

columns, grade beams and bracing, is:

1.1 Located at or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher, if the lowest horizontal structural member is oriented parallel to the direction of wave approach, where parallel shall mean less than or equal to 20 degrees (0.35 rad) from the direction of approach, or

1.2 Located at the base flood elevation plus 1 foot (305 mm), or the design flood elevation, whichever is higher, if the lowest horizontal structural member is oriented perpendicular to the direction of wave approach, where perpendicular shall mean greater than 20 degrees (0.35 rad) from the direction of approach.

2. Basement floors that are below grade on all sides are prohibited.

3. The use of fill for structural support is prohibited.

4. Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.

Exception: Walls and partitions enclosing areas below the base flood elevation plus 1 foot or the design flood elevation, whichever is higher, shall meet the requirements of Sections R322.3.4 and R322.3.5.

D. Florida Building Code, Existing Building, Chapter 2, Definitions, Section 202, General Definitions:

SUBSTANTIAL IMPROVEMENT. Any one or more or combination thereof of repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds, over a 1 year period, a cumulative total of 50 percent of the market value of the structure before the improvement or repair is started. 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.

SECTION 7. THE FOLLOWING ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE ARE HEREBY ADOPTED AND ADDED TO SECTION 18:

Section 18-123. Florida Building Code, Administrative Amendments, Flood Damage Prevention Procedures

Add a new Sec. 104.10.1 as follows:

104.10.1 Modifications of the strict application of the requirements of the Florida Building Code. The Building Official shall coordinate with the Floodplain Administrator to review requests submitted to the Building Official that seek approval to modify the strict application of the flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 117.

Add a new Sec. 107.6.1 as follows:

107.6.1 Building permits issued on the basis of an affidavit. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), the authority granted to the Building Official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Section 105.14 and Section 107.6, shall not extend to the flood load and flood resistance construction requirements of the Florida Building Code.

Add a new Sec. 117 as follows:

117 VARIANCES IN FLOOD HAZARD AREAS

117.1 Flood hazard areas. Pursuant to section 553.73(5), F.S., the variance procedures adopted in the Pasco County Land Development Code shall apply to requests submitted to the Building Official for variances to the provisions of Section 1612.4 of the Florida Building Code, Building or, as applicable, the provisions of R322 of the Florida Building Code, Residential. This section shall not apply to Section 3109 of the Florida Building Code, Building.

SECTION 8 REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS.

All prior inconsistent ordinances and resolutions adopted by Pasco County, or parts of prior ordinances and resolutions in conflict herewith, are repealed to the extent of the conflict.

SECTION 9. INCORPORATION INTO CODE.

The provisions of this Ordinance shall be included and incorporated in the Pasco County Code, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Pasco County Code.

SECTION 10. SEVERABILITY

It is declared to be the intent of the Board of County Commissioners of Pasco County, Florida, that if any section, subsection, sentence, clause, or provision of this Ordinance shall be declared invalid, the remainder of this Ordinance shall be construed as not having contained said section, subsection, sentence, clause, or provisions and shall not be affected by such holding.

SECTION 11. EFFECTIVE DATE

A certified copy of this Ordinance shall be filed with the Florida Department of State by the Clerk to the Board within ten (10) days after adoption of this Ordinance. This Ordinance shall take effect on September 26, 2014.

ADOPTED with a quorum present and voting this 19th day of August, 2014.

(S E A L)

BOARD OF COUNTY COMMISSIONERS
PASCO COUNTY, FLORIDA

ATTEST:

PAULA S. O'NEIL, CLERK and
COMPTROLLER

JACK MARIANO, CHAIRMAN