

ORDINANCE NO. 2024- 15

**AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, DELETING, IN ITS ENTIRETY, THE CITY OF TAMPA CODE OF ORDINANCES, CHAPTER 5, BUILDING CODE; ADOPTING LOCAL ADMINISTRATIVE AND TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE; REORGANIZING THE ENTIRE CITY OF TAMPA CODE OF ORDINANCES, CHAPTER 5, BUILDING CODE, TO ALIGN WITH THE FLORIDA BUILDING CODE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Legislature of the State of Florida has, in Chapter 166 – Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

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

**WHEREAS**, Chapter 553, Florida Statutes for the *Florida Building Code* was amended in 2023; and

**WHEREAS**, pursuant to the 2023 amendments to the *Florida Building Code*, the City of Tampa is readopting the entire City of Tampa Code of Ordinances, Chapter 5, Building Code, in order to implement the 2023 amendments to the *Florida Building*; and

**WHEREAS**, the City of Tampa is reorganizing City of Tampa Code of Ordinances, Chapter 5, Building Code, to align with the *Florida Building Code* and update outdated references; and

**WHEREAS**, the Federal Emergency Management Agency (FEMA) has identified special flood hazard areas within the boundaries of the City of Tampa 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**, the City of Tampa was accepted for participation in the National Flood Insurance Program on June 18, 1980, and the City Council desires to continue to meet the requirements of Title 44 code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

**WHEREAS**, the City Council of the City of Tampa is adopting additional local amendments to (a) add definitions to clarify terms included in the flood code and FEMA bulletins; (b) minor technical amendments to R322 of the *Florida Building Code*; and

1           **WHEREAS**, the proposed local amendments are being adopted for the purpose of  
2 participating in the National Flood Insurance Program's Community Rating System and,  
3 pursuant to section 553.73(5), F.S., such additional local amendments shall be formatted to  
4 coordinate with the *Florida Building Code*; and  
5

6           **WHEREAS**, Chapter 553, Florida Statutes, allows for local amendments to the  
7 *Florida Building Code* that provide for more stringent requirements than those specified in  
8 the Code and allows adoption of local administrative and local technical amendments to  
9 the *Florida Building Code*; and  
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11           **WHEREAS**, the City Council of the City of Tampa has determined that there is a local  
12 need to strengthen the requirements of the *Florida Building Code*, the local need is  
13 addressed by the proposed local amendments, and that the amendments are no more  
14 stringent than necessary to address the local need; and  
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16           **WHEREAS**, the City Council of the City of Tampa has determined that it is in the  
17 public interest to adopt the 2023 amendments to the *Florida Building Code* and the  
18 proposed local amendments do not discriminate against materials, products or  
19 construction techniques of demonstrated capabilities, and are in compliance with section  
20 553.73(4), Florida Statutes; and  
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22           **WHEREAS**, the City Council of the City of Tampa has determined that the following  
23 administrative and technical amendments promote and protect the general health, safety,  
24 and welfare of the residents of the City of Tampa; and,  
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26           **WHEREAS**, duly noticed public hearings as required by law were held by the City  
27 Council of the City of Tampa, at which public hearings all residents and interested persons  
28 were given an opportunity to be heard.  
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31                           **NOW, THEREFORE,**  
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33           **BE IT ORDAINED BY THE CITY COUNCIL**  
34 **OF THE CITY OF TAMPA, FLORIDA:**  
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36           **Section 1. RECITALS.** That the recitals set forth above are hereby incorporated as if  
37 fully set forth herein.  
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39           **Section 2. AMENDMENT.** That Chapter 5 of the City of Tampa Code of Ordinances  
40 be deleted in its entirety and is hereby repealed and replaced with Exhibit "A" attached  
41 hereto.  
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43           **Section 3. FISCAL IMPACT STATEMENT.** In terms of design, plan application review,  
44 construction and inspection of buildings and structures, the cost impact as an overall  
45 average is negligible in regard to the local technical amendments because all development  
46 has been subject to the requirements of the local floodplain management ordinance  
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1 adopted for participation in the National Flood Insurance Program. In terms of lower  
2 potential for flood damage, there will be continued savings and benefits to consumers.  
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4 **Section 4. INCLUSION INTO THE CODE OF ORDINANCES.** It is the intent of the City  
5 Council of the City of Tampa that the provisions of this ordinance shall become and be made  
6 a part of the City of Tampa's Code of Ordinances.  
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8 **Section 5. SEVERABILITY.** That should a court of competent jurisdiction declare any  
9 part of this Ordinance invalid, the remaining parts hereof shall not, in any way, be affected  
10 by such determination as to the invalid part.  
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12 **Section 6. REPEAL.** That all ordinances or parts of ordinances in conflict herewith  
13 are hereby repealed to the extent of any conflict.  
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15 **Section 7. EFFECTIVE DATE.** That this ordinance shall take effect immediately upon  
16 becoming a law.  
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22 PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON

23 FEB 01 2024  
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27   
28 CHAIRMAN/CHAIRMAN PRO-TEM  
29 CITY COUNCIL

30 ATTEST:

31   
32 CITY CLERK/DEPUTY CITY CLERK  
33  
34

35 APPROVED BY ME ON 2/18/24  
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37   
38 Jane Castor, MAYOR  
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40

41 PREPARED AND APPROVED  
42 AS TO LEGAL SUFFICIENCY BY:  
43

44 /es/  
45 Camaria Pettis-Mackle  
46 Assistant City Attorney  
47  
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## EXHIBIT "A"

### BUILDING CODE

#### *"Section 101. – General.*

##### **5-101.1 Title.**

**5-101.1.1. Purpose.** This chapter governs the administration and enforcement of the Florida Building Code. The purpose of this chapter is to safeguard the public health, safety, and general welfare through structural strength, means of ingress and egress, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment.

**5-101.1.2. Florida Building Code incorporated by reference.** The Florida Building Code, as adopted and amended from time to time by rule of the Florida Building Commission pursuant to Chapter 553, Florida Statutes, is adopted and incorporated by reference. The Florida Building Code will be used in the administration and enforcement of this chapter, except as otherwise modified in this chapter. If the Florida Building Code or its standards, codes, and references are amended after the effective date of the ordinance from which this article is derived, those amendments will be automatically adopted and incorporated into this article.

**5-101.2. Scope.** The provisions of this code shall apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

##### **Exceptions:**

1. Detached one-and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress, and their accessory structures not more than three stories above grade plane in height, shall comply with this Code or the *Florida Building Code, Residential*.
2. Code requirements that address snow loads and earthquake protection shall not be utilized or enforced.

##### **5-101.2.1. Appendices.**

Provisions in the appendices shall not apply unless specifically adopted:

Florida Building Code – Building – Appendix K

Florida Building Code – Residential – Appendix Q

**5-101.2.2.** Residential construction standards or practices which are not covered by Florida Building Code, Residential volume shall be in accordance with the provisions of Florida Building Code, Building.

**5-101.2.3.** This chapter is intended to be consistent with the Tampa Comprehensive Plan.

**5-101.2.4.** Construction work in the public right-of-way that is not associated with construction work on private property is not covered by this chapter.

**5.101.3. Intent.**

**5-101.3.1. Quality control.** Quality control of materials and workmanship is not within the purview of this code except as it relates to the purposes stated herein.

**5-101.3.2. Warranty and Liability.** The permitting, plan review, or inspection of any building, system, or plan by this jurisdiction, under the requirements of this code, shall not be construed in any court as a warranty of the physical condition of such building, system, or plan or their adequacy. This jurisdiction shall not be liable in tort for damages 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.

**5-101.4. Referenced Codes.**

**5-101.4.4. Property Maintenance.** The provisions of Chapter 19 of the City of Tampa Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

**5-101.4.10. Mobile Homes.** Mobile or modular structures used as temporary offices, except that the provisions of Part II (Sections 553.501-553.513, Florida Statutes) relating to accessibility by persons with disabilities shall apply to such mobile or modular structures. Permits shall be required for structural support and tie-down, electric supply, and all other such utility connections to mobile or modular structures as required by this jurisdiction.

***“Section 5-102. – Applicability.***

**5-102.2. Building.**

(l) A drone port as defined in section 330.41(2), Florida Statutes.

**5-102.2.5.** Each enforcement district or local enforcement agency shall be governed by a board, the composition of which shall be determined by the affected localities.

1. At its own option, each enforcement district or local enforcement agency may adopt rules granting to the owner of a single-family residence one or more exemptions from the Florida Building Code relating to:
  - a. Addition, alteration, or repairs performed by the property owner upon his or her own property, provided any addition, alteration or repair shall not exceed 1,000 square feet (93 m<sup>2</sup>) or the square footage of the primary structure, whichever is less.
  - b. Addition, alteration, or repairs by a nonowner within a specific cost limitation set by rule, provided the total cost shall not exceed \$5,000 within any 12-month period.
  - c. Building plans review and inspection fees.

**5-102.5. Partial invalidity.** In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

**5-102.6. Existing Structures.** The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as specifically covered in this code, the Florida Building Code, Existing Building, Chapter 19 and Chapter 27 of the City of Tampa Code or the Florida Fire Prevention Code.

***"Section 5-103. - Department of Building Safety.***

**5-103.1. Establishment.** There is hereby established a department to be called the Department of Building Safety within the Construction Services Division and a person shall be designated as the building official. The building official shall have the authority to appoint deputy building officials whom shall have powers as delegated by the building official.

**5-103.1.1.** For the maintenance of existing properties, please reference City of Tampa Code Chapter 19, Property Maintenance and Structural Standards.

**5-103.2. Administrative Authority.** The provisions of this chapter shall be administered and enforced by the Development and Growth Management Department. The Mayor may designate his or her authorized representatives to hold the title of building official. The official and his designees shall have the power, duty, and responsibility to administer, enforce, and investigate fully the provisions of this chapter and shall be deemed to be officers under section 1-14, City of Tampa Code, for the purpose of enforcing the provisions of this chapter.

**5-103.3. Building official qualifications.** The building official shall be licensed as a Building Code Administrator by the State of Florida, Department of Business and Professional Regulation, Building Code Administrators, and Inspectors Board. The building official shall be hired by the applicable governing authority and shall not be removed from office except for cause after full opportunity has been given to be heard on specific charges before such applicable governing authority.

**5-103.4. Employee qualifications.** The building official, with the approval of the applicable governing authority, may hire such employees as shall be authorized from time to time. A person shall not be 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.

***"Section 5-104. - Duties and Powers of Building Official.***

**5-104.1. General.** The building official is hereby authorized and directed to enforce the provisions of this code. 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. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

**5-104.2. Applications and permits.** The building official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition, and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

**5-104.2.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas.** For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the building official shall determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where the building official determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the building official shall require the building to meet the requirements of Section 1612 or R322 of the Florida Building Code, Residential, as applicable.

**5-104.2.2 Revocation of permits.** The building official is authorized to 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. For the requirements of this section, see section 5-107.1.

**5-104.2.3. Misrepresentation of application.** The building official may revoke a permit or approval, issued under the provisions of this code, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

**5-104.2.4. Violation of code provisions.** The building official may revoke a permit upon determination by the building official that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of this code.

**5-104.3. Notices and orders.** The building official shall issue all necessary notices or orders to ensure compliance with this code.

**5-104.3.1. Authority.** Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or unsafe, the building official, or designee is authorized to issue a stop work order, in accordance with the provisions of section 5-114 of this chapter, or a notice of violation, in accordance with the provisions of section 9-3, City of Tampa Code.

**5-104.3.2. Issuance.** The stop-work order shall be in writing and shall be 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.

**5-104.3.3. Unlawful continuance.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

**5-104.4. Inspections.** The building official shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to

engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

**5-104.5. Identification.** The building official as well as related technical officers, inspectors, plan examiners, and other employees shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

**5-104.6. Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official or designee has reasonable cause to believe that there exists in a structure or upon a premise a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official or designee shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

**5-104.6.1.** Whoever opposes, obstructs, or resists the official or other person authorized by the building official in the discharge of his duties as provided in this chapter, upon conviction, shall be subject to punishment as provided in section 1-6, City of Tampa Code. Refusal by an owner or occupant to allow such entry may constitute reasonable grounds for seeking a court order or inspection warrant authorizing entry.

**5-104.7. Department records.** The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records per Chapter 119, Florida Statutes.

**5-104.8. Liability.** The building official, member of the board of appeals, or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be civilly or criminally rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by a legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit, or proceeding that is instituted in pursuance of the provisions of this code.

**5-104.8.1. Legal defense.** Any suit or criminal complaint instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representatives of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit, or proceeding that is instituted in pursuance of the provisions of this code.

**5-104.10. Modifications.** Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for



individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

**5-104.10.1. Flood hazard areas.** 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 121 of the Florida Building Code.

**5-104.12. Requirements not covered by code.** Any requirements necessary for strength, stability, or proper operation of an existing or proposed building, structure, electrical, gas, mechanical, or plumbing system, or for the public safety, health, and general welfare, not specifically covered by this or other technical codes, shall be determined by the building official.

**5-104.13. Construction Public Nuisance/Abatement.** The City of Tampa, acting through the building official, or his/her designee, has the authority pursuant to home rule and police powers granted under Article VIII, Section 2, of the Florida Constitution, to determine and declare the existence of (1) abandoned construction sites, (2) construction projects for which permits have lapsed or expired, and (3) buildings or structures (or parts thereof) constructed without proper permit to be unlawful and presumed at law to be public nuisances.

**5-104.13.1 Prohibition.**

1. Abandoned construction projects or sites declared unlawful and presumed to be public nuisance. Any construction project or construction site that has been abandoned, as the term "abandonment" is defined in section 5-102.9 of this chapter, shall be presumed a public nuisance and subject to an order to abate construction nuisance from the building official.
2. Lapsed or appld permits. Any building, structure, or other construction project for which the building permit has lapsed, expired, or has been revoked by the building official without the possibility of renewal shall be presumed a public nuisance and subject to an order to abate construction public nuisance from the building official.
3. Unpermitted construction. It shall be unlawful to perform any construction work without a permit in full force and effect when a permit is required by this chapter (hereafter defined as "Unpermitted Construction" for purposes of this chapter). Any buildings or structures (or portions or components thereof) erected as unpermitted construction are hereby declared public nuisances and subject to an order to abate construction public nuisance issued by the building official, as well as other remedies available under the City of Tampa Code, including but not limited to orders to vacate as unfit for human habitation.

**5-104.13.2. Authority of the building official to order abatement.** In addition to and not in derogation of any other power or authority of the building official granted in this chapter, the building official is hereby authorized to issue one or more orders requiring a property

owner and the permit holder, in the event the permit holder's identity is different from that of the owner, to perform the following abatement action(s) within a reasonable time:

- a. To secure an abandoned construction site or project by cleaning, fencing, or such other method as the building official should deem adequate to protect public health and welfare.
- b. To demolish any unpermitted construction or any portion thereof.
- c. To demolish any building or structure in whole or in part when the permit authorizing its construction has lapsed or been revoked without possibility of renewal or the construction project or site has been abandoned.

**5-104.13.3. Final orders; orders binding on successors.**

- a. An order to abate a construction public nuisance issued by the building official shall become final and filed in the Public Records of Hillsborough County upon the expiration of thirty (30) days from the date of issuance unless prior to the expiration of that period the owner or permit holder files a written request for administrative review in conformance with the procedures set forth below. The building official may order abatement action in less than thirty (30) days when conditions require faster abatement. In that event, the building official shall set forth in the order a reasonable period in which to file a request for administrative review.
- b. A final order to abate a construction public nuisance shall be binding on any person or entity that acquires an ownership interest in the real property of any sort during the pendency of the order and any such successor in interest shall be bound by that order and required to comply therewith.
- c. If the owner of a property that is subject to an order to abate a construction public nuisance that has been properly served pursuant to the provisions of this chapter sells, conveys, or otherwise transfers title or any ownership interest in the property to a third party, such owner shall:
  1. Disclose the existence of the order to abate to the transferee;
  2. Deliver copies of the order(s) to abate affecting the property to the transferee, together with copies of any written requests for administrative review and any notices of administrative hearing.
  3. Disclose in writing to the transferee that as the new owner, the transferee shall be bound by the order to abate the construction public nuisance.
  4. Notify the building official in writing of the transfer of any property interest and providing the complete identity of the transferee and a complete street address for purposes of future notices no later than three (3) days after the date of transfer.
  5. Failure to make the foregoing disclosures shall create a rebuttable presumption of fraud on the part of the transferor.

***"Section 5-105. – Permits.***

**5-105.1. Required.** Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any impact-resistant coverings,

electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed or to do any site related work, shall first make application to the building official and obtain the required permit.

**5-105.1.5.** Permit requirements for signs may be found in section 27-289, City of Tampa Code.

**5-105.2. Work exempt from permit.** Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction, to include work in any special flood hazard area. Exemptions granted under this section do not relieve the owner or contractor from their duty to comply with applicable provisions of the Florida Building Code, and requirements of the local floodplain management ordinance. Permits shall not be required for the following:

**Building:**

1. Permits are not required if exempted by federal or State of Florida law.
2. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m<sup>2</sup>).
3. Fences not over 7 feet (1829 mm) high.
4. Oil derricks.
5. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
6. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 925 L) and the ratio of height to diameter or width does not exceed 2:1.
7. 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.
8. Painting, papering, tiling, carpeting, cabinets, countertops, and similar finish work.
9. Temporary motion picture, television, and theater stage sets and scenery.
10. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground.
11. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
12. Swings and other playground equipment accessory to detached one- and two-family dwellings except for the electrical service.

13. 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 Groups R-3 and U occupancies.
14. Non-fixed and movable fixtures, cases, racks, counters, and partitions not over 5 feet 9 inches (1753 mm) in height.
15. Preliminary site investigation such as test borings, test pilings, well points, and soil sampling activities
16. Placement of construction trailers on the job site less than 750 SF once site plans have been approved.
17. The installation of new roof covering, or the recovering, re-roofing or repairing of an existing roof covering, either of which is five hundred (500) square feet or less.
18. The application of stucco or siding provided such application covers an area not in excess of five hundred (500) square feet.

**Electrical:**

1. Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
2. Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions but do apply to equipment and wiring for a power supply and the installations of towers and antennas.
3. Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

**5-105.2.3. Public service agencies.** A permit shall not be required for the installation, alteration, or repair of generation, transmission, distribution or metering, or other related equipment that is under the ownership and control of public service agencies by established right.

**5-105.4. Conditions of permit.**

**5-105.4.1.5.** After the local enforcing agency issues a permit, the local enforcing agency may not make or require any substantive changes to the plans or specifications except changes required for compliance with the Florida Building Code, the Florida Fire Prevention Code, or the Life Safety Code, or local amendments thereto. If a local enforcing agency makes or requires substantive changes to the plans or specifications after a permit is issued, the local enforcing agency must identify the specific plan features that do not comply with the

applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide the information to the permitholder in writing.

**5-105.4.1.6. Expiration.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit holder and the property owner shall be responsible to either complete all work in accordance with the permitted plans and inspection or remove any partially completed work in a safe and code compliant manner. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated as determined by the building official.

#### **5-105.5 Additional options for closing permit.**

**5-105.5.1.** For the purposes of this subsection, an open permit shall mean a permit that has not satisfied all requirements for completion as defined in section 5-105.5.1 of the Florida Building Code.

**5-105.15. Opening protection.** When any activity requiring a building permit, not including roof covering replacement or repair work associated with the prevention of degradation of the residence, that is applied for on or after July 1, 2008, and for which the estimated cost is \$50,000 or more for a site built single-family detached residential structure that is located in the wind-borne debris region as defined in this code and that has an insured value of \$750,000 or more, or, if the site built single-family detached residential structure is uninsured or for which documentation of insured value is not presented, has a just valuation for the structure for purposes of ad valorem taxation of \$750,000 or more; opening protections as required within this code or Florida Building Code, Residential for new construction shall be provided.

**Exception:** Where defined wind-borne debris regions have not changed, single-family detached residential structures permitted subject to the Florida Building Code are not required to comply with this section.

**5-105.18. Owner Permits.** The property owner may assume the role of an owner-builder, in accordance with Sections 489.103(7)(a) and 489.503(6)(a), Florida Statutes.

**5-105.18.1.** To qualify for an owner-builder permit under this subsection, an owner must satisfy local permitting agency requirements as well as proving that the owner has a complete understanding of the owner's obligations under the law as specified in the disclosure statement in 489.103(7)(a), Florida Statutes.

#### ***"Section 5-107. – Submittal Documents.***

**5-107.1. General.** Submittal documents consisting of construction documents, statements of special inspections, geotechnical reports and other data shall be submitted with each permit application in accordance with section 553.79, Florida Statutes. The construction documents shall be prepared by a registered design professional where required by Chapter 471, Florida Statutes, 61G15 Florida Administrative Code or Chapter 481, Florida Statutes, 61G1 Florida Administrative Code. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

**Exception:** The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that a review of construction documents is not necessary to obtain compliance with this code.

## **5-107.2. Construction documents.**

**5-107.2.1. Information on construction documents.** Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted where approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules, and regulations, as determined by the building official. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the technical codes. Such information shall be specific, and the technical codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used as a substitute for specific information. All information, drawings, specifications, and accompanying data shall bear the name and signature of the person responsible for the design.

## **5-107.3. Examination of Documents.**

**5-107.3.4. Design professional in responsible charge.** Where it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner or the owner's authorized agent to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner or the owner's authorized agent shall designate a successor registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner or owner's authorized agent if the registered design professional in responsible charge is changed or is unable to continue to perform the duties. Successor registered design professional in responsible charge licensed under Chapter 471, Florida Statutes, shall comply with Section 471.025(4), Florida Statutes, and the procedure set forth in 61G15-27.001 Florida Administrative Code; or licensed under Chapter 481, Florida Statutes, shall comply with Section 481.221(6) Florida Statute and the procedure set forth in 61G1-18.002 Florida Administrative Code. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

**5-107.3.4.1. Deferred submittals.** For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official prior to final completion of the permit.

Deferral of any submittal items shall have the prior approval of the *building official*. The *registered design professional in responsible charge* shall list the deferred submittals on the construction documents for review by the *building official*.

Documents for deferred submittal items shall be submitted to the *registered design professional in responsible charge* who shall review them and forward them to the *building official* with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been *approved by the building official*.

**5-107.3.5. Minimum plan review criteria for buildings.** The examination of the documents by the building official shall include the following minimum criteria and documents: a floor plan, site plan, foundation plan, floor/roof framing plan or truss layout; all fenestration and building envelope penetrations; flashing; and rough opening dimensions; and all exterior elevations. All site and building plans shall be drawn to scale.

**Commercial Buildings:**

**Building:**

1. Site requirements
  - Parking layout
  - Fire access
  - Vehicle loading
  - Driving/turning radius
  - Fire hydrant/water supply/post indicator valve (PIV)
  - Zoning requirements
  - Setback/separation (assumed property lines)
  - Buffer requirements
  - Site utilities
  - Location of specific tanks, water lines and sewer lines
  - Stormwater requirements
  - Drainage layout (ponds, outfall, elevations, etc.)
  - Landscape requirements
  - Trees and plants
  - Landscape buffers
  - Green space requirements
  - Solid waste
  - Dumpster location
  - Flood hazard areas, flood zones, and design flood elevations
2. Occupancy group and special occupancy requirements shall be determined.
3. Minimum type of construction shall be determined (Table 503, Florida Building Code).
4. Fire-resistant construction requirements shall include the following components:
  - Fire-resistant separations
  - Fire-resistant protection for type of construction
  - Protection of openings and penetrations of rated walls
  - Fire blocking and draft stopping and Calculated fire resistance
5. Fire suppression systems shall include:
  - Early warning smoke evacuation systems
  - Schematic fire sprinklers
  - Standpipes
  - Pre-engineered systems

- Riser diagram
6. Life safety systems shall be determined by the building official and shall include the following requirements:
    - Occupant load and egress capacities
    - Early warning
    - Smoke control
    - Stair pressurization
    - Systems schematic
  7. Occupancy load/egress requirements shall include:
    - Occupancy load
    - Gross
    - Net
    - Means of egress
    - Exit access
    - Exit
    - Exit discharge
    - Stairs construction/geometry and protection
    - Doors
    - Emergency lighting and exit signs
    - Specific occupancy requirements
    - Construction requirements
    - Horizontal exits/exit passageways
  8. Structural requirements shall include:
    - Soil conditions/analysis
    - Termite protection
    - Design loads
    - Wind requirements
    - Building envelope
    - Impact-resistant coverings or systems
    - Structural calculations (if required)
    - Foundation
    - Flood requirements in accordance with Section 1612, including lowest floor elevations, enclosures, flood damage- resistant materials.
    - Wall systems
    - Floor systems
    - Roof systems
    - Threshold inspection plan
    - Stair systems
  9. Materials shall be reviewed and shall at a minimum include the following:
    - Wood
    - Steel
    - Aluminum
    - Concrete
    - Plastic
    - Glass
    - Masonry
    - Gypsum board and plaster
    - Insulating (mechanical)
    - Roofing
    - Insulation



- Building envelope portions of the Energy Code (including calculation and mandatory requirements)
10. Accessibility requirements shall include the following:
    - Site requirements
    - Accessible route
    - Vertical accessibility
    - Toilet and bathing facilities
    - Drinking fountains
    - Equipment
    - Special occupancy requirements
    - Fair housing requirements
  11. Interior requirements shall include the following:
    - Interior finishes (flame spread/smoke develop)
    - Light and ventilation
    - Sanitation
  12. Special systems
    - Elevators
    - Escalators
    - Lifts
  13. Swimming pools
    - Barrier requirements
    - Spas
    - Wading pools
  14. Location and installation details. The specific location and installation details of each fire door, fire damper, ceiling damper, and smoke damper shall be shown and properly identified on the building plans by the designer.

**Electrical:**

1. Electrical
  - Wiring
  - Services
  - Feeders and branch circuits
  - Overcurrent protection
  - Grounding
  - Wiring methods and materials
  - GFCI's
  - Electrical portions of the Energy Code (including calculation and mandatory requirements)
2. Equipment
3. Special occupancies
4. Emergency systems
5. Communication systems
6. Low voltage
7. Load calculations
8. Design Flood Elevation

**Plumbing:**

1. Minimum plumbing facilities

2. Fixture requirements
3. Water supply piping
4. Sanitary drainage
5. Water heaters
6. Vents
7. Roof drainage
8. Backflow prevention
9. Irrigation
10. Location of water supply line
11. Grease traps
12. Environmental requirements
13. Plumbing riser
14. Design Flood Elevation
15. Water/plumbing portions of the Energy Code (including calculation and mandatory requirements)

**Mechanical:**

1. Mechanical portions of the Energy calculations
2. Exhaust systems
  - Clothes dryer exhaust
  - Kitchen equipment exhaust
  - Specialty exhaust systems
3. Equipment
4. Equipment location
5. Make-up air
6. Roof-mounted equipment
7. Duct systems
8. Ventilation
9. Combustion air
10. Chimneys, fireplaces and vents
11. Appliances
12. Boilers
13. Refrigeration
14. Bathroom ventilation
15. Laboratory
16. Design flood elevation
17. Smoke and/or Fire Dampers

**Gas:**

1. Gas piping
2. Venting
3. Combustion air
4. Chimneys and vents
5. Appliances
6. Type of gas
7. Fireplaces
8. LP tank location
9. Riser diagram/shut offs
10. Design flood elevation

11. Gas portions of the Energy Code (including calculation and mandatory requirements)

**Demolition:**

1. Asbestos removal

**Residential (One- and Two-Family) Buildings:**

1. Site requirements  
Buffer requirements  
Site utilities  
Location of septic tanks, water lines and sewer lines  
Zoning requirements  
Setback/separation (assumed property lines)  
Stormwater requirements  
Drainage layout (ponds, outfall, elevations, etc.)  
Landscape requirements  
Trees and plants  
Landscape buffers  
Green space requirements  
Flood hazard areas, flood zones, and design flood elevations
2. Fire-resistant construction (if required)
3. Fire
4. Smoke and/or carbon monoxide alarm/detector locations
5. Egress window size and location of stairs construction requirements
6. Structural requirements shall include:  
Termite protection  
Design loads  
Wind requirements  
Wall section from foundation through roof, including assembly and materials  
Connector tables  
Foundation  
Floor systems  
Roof systems  
Structural calculations (if required)
7. Accessibility requirements:  
Show/identify accessible bath
8. Impact-resistant coverings or systems
9. Residential Energy Code submittal (including calculation and mandatory requirements)

**Manufactured Building/Housing:**

1. Site requirements  
Setback/separation (assumed property lines)  
Location of septic tanks
2. Structural  
Wind zone  
Anchoring

- 3. Blocking
- 3. Plumbing
  - List potable water source and meter size (if applicable)
- 4. Mechanical
  - Exhaust systems
  - Clothes dryer exhaust
  - Kitchen equipment exhaust
- 5. Electrical Exterior disconnect location

**Exemptions:**

Plan examination by the building official shall not be required for the following work:

- 1. Replacing existing equipment such as mechanical units, water heaters, etc.
- 2. Re-roofs.
- 3. Minor electrical, plumbing and mechanical repairs.
- 4. Annual maintenance permits.
- 5. Prototype plans, except for local site adaptations, siding, foundations and/or modifications or for structures that require a waiver.
- 6. Manufactured building plans except for foundation plans and modifications of buildings on site and as listed above in manufactured buildings/housing.

**5-107.7** If the local building code administrator or inspector finds that the plans are not in compliance with the Florida Building Code, the local building code administrator or inspector shall identify the specific plan features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the local enforcing agency. If the building code administrator, plans examiner, or inspector requests another local enforcing agency employee or a person contracted by the local enforcing agency to review the plans and that employee or person identifies specific plan features that do not comply with the applicable codes, the building code administrator plans examiner, or inspector must provide this information to the local enforcing agency. The local enforcing agency shall provide this information to the permit applicant.

***"Section 5-109. – Fees.***

**5-109.2. Schedule of permit fees.**

**5-109.2.1. – Types of Fees Enumerated.**

Fees may be charged for but not limited to the following:

- 1. Permits;
- 2. Plans examination;
- 3. Certificates of competency (including fees for applications, examinations, renewal, late renewal, and reciprocity);
- 4. Re-inspections;
- 5. Administrative fees (including fees for investigative and legal costs incurred in the context of certain disciplinary cases heard by the board);
- 6. Variance requests;
- 7. Administrative appeals;
- 8. Violations; and

9. Other fees as established by local resolution or ordinance.

**5-109.2.2.** On all buildings, structures, electrical, plumbing, mechanical and gas systems or alterations requiring a permit, a fee for each permit shall be paid as required at the time of filing the application, in accordance with the schedule as established by resolution by the city council and as authorized under section 553.80, Florida Statutes.

**5-109.4. Work Commencing before permit issuance.** Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits or without prior approval from the building official as permitted in Section 105.2.2 or 105.13, City of Tampa Code, shall be subject to a fee established by the building official that shall be in addition to the required permit fees or as provided by local ordinance. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger. But in all such cases the required permit(s) must be applied for within three (3) business days and any unreasonable delay in obtaining those permit(s) shall result in the charge of a double fee. The payment of a double fee 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 fees when justifiable cause has been demonstrated in writing.

**5-109.5. Related fees.** The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

**5-109.6. Refunds.** The building official is authorized to establish a refund policy.

**5-109.7 Historic preservation fee reduction grant program.**

**5-109.7.1. Purpose.** The city shall establish the "Historic Preservation Fee Reduction Grant Program," for the purpose of encouraging the preservation and revitalization of the city's historic and cultural resources, which are designated pursuant to section 27-256, City of Tampa Code. The program, subject to funding, will only be available to a qualifying applicant with a designated property that is undergoing "rehabilitation" or "restoration (historic)," as defined in section 27-43, City of Tampa Code. The program will be administered by the historic preservation manager, or designee.

**5-109.7.2. Application; submittal procedure; eligibility; decision.**

1. Application; general requirements. The historic preservation manager, or designee, shall create an application for this program and may require whatever documentation is necessary and appropriate to carry out the purpose and intent of this section, including the scope of work that was the basis of the qualifying grant funding.
2. The historic preservation manager, or designee, shall make the program application and eligibility criteria available to the public.
3. All grant program applications shall be submitted in accordance with submittal deadlines, prior to or concurrently with the submittal of the building permit and/or certificate of appropriateness application(s). More specific deadlines for applications may be set by the historic preservation manager, or designee;

however, under no circumstances shall an application be accepted nor shall a deadline for this program be extended beyond the date of issuance for a certificate of occupancy and/or certificate of completion for the subject property.

4. Decision. The historic preservation manager, or designee, shall approve, deny, or reject an application for the following reasons:
  - a. Any application that meets the eligibility criteria and all terms of the applicable certificate of appropriateness, shall be approved, subject to the available funding;
  - b. Any application that does not meet the eligibility criteria set forth in this section shall be denied;
  - c. Any application that does meet the minimum application submittal requirements or lacks the necessary information to determine eligibility shall be rejected. Deadlines may not be extended to amend applications.
5. Eligibility criteria. The applicant must demonstrate the following, by including evidentiary documentation as part of the application submittal, as follows:
  - a. The subject project/property is an existing, contributing structure, located within one (1) of the city's local historic districts, or historic overlay districts, as designated pursuant to section 27-256, City of Tampa Code, or is a locally designated landmark structure.
  - b. The work performed must be completed in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties and may include any addition, alteration, or change required to comply with accessibility standards. Applications for projects with building additions that exceed forty (40) percent of the existing structure are not eligible for this program and shall not be accepted.
  - c. Proof that the subject project/property is receiving (or will receive at a date certain), additional funding through a federal, state, or local grant or public endowment program. The historic preservation manager, or designee, determines the specific types of federal, state, or local grants or public endowments that shall qualify, and may limit the eligibility under this program to specific sources that meet the intent and purpose of this code. Proof of a qualifying grant shall establish that:
    1. Such funding does not include monies that are allocated for payment of building permits or certificates of appropriateness (or like process) fees; and
    2. Such funding is being (or will be) provided for the purpose of enabling the preservation and continued use of historic properties;
  - d. Minimum investment threshold. Proof that exterior improvements on the subject project/property meets the applicable thresholds, as follows:
    1. The total amount awarded shall not exceed two thousand (\$2,000.00) dollars, per subject property, within the five-year period from the initial date of disbursement of funds for a qualified project.
      - i. For contributing residential properties and locally designated landmark structures, the amount of the grant may not exceed an amount equal to one hundred (100) percent of related building permit and certificate of appropriateness application fees.

- ii. For contributing commercial properties, the grant may not exceed an amount equal to fifty (50) percent of the amount of related building permit and certificate of appropriateness application fees.
2. No grant funds awarded shall be used for any impact fee and/or utility fee.

**5-109.7.3. Funding the program; limitations.**

1. This program is not an entitlement and will only be available, at such time as funds been properly appropriated, from an unrestricted source.
2. The city shall not fund this program with fees that are collected pursuant to the administration and/or enforcement of the Florida Building Code.

**5-109.7.4. Not an exemption or waiver.** Nothing in this section shall be deemed a waiver or exemption for, of, or from any fees, which are otherwise required by local, state, or federal law; including, but not limited to, fees collected pursuant to section 553.80, Florida Statutes, and/or any fees collected by the city on behalf of any other public agency, entity, or department. Furthermore, this section shall not act as a waiver to or exemption from compliance with any other applicable provisions of the city code.

***"Section 5-110. – Inspections.***

**5-110.1 General.** Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain exposed and provided with access for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the owner or the owner's authorized agent to cause the work to remain exposed and provided with access for inspection purposes. The building official shall be permitted to require a boundary line survey prepared by a Florida licensed professional surveyor and mapper whenever the boundary lines cannot be readily determined in the field. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

**5-110.1.1. Manufacturers and fabricators.** When deemed necessary by the building official, he/she shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violations of the technical codes.

**5-110.1.2. Inspection service.** The building official may make, or cause to be made, the inspections required in section 5-110 of this section. He or she may accept reports of department inspectors, independent inspectors or of recognized inspection services, provided that after investigation he/she is satisfied as to their licensure, qualifications and reliability. A certificate required by any provision of this code shall not be based on such reports unless the same are recorded by the building code inspector or the architect or engineer performing building code inspections in a manner specified by the building official. The building official shall ensure that all persons making such inspections shall be certified in

accordance to Chapter 468, Florida Statutes; or licensed under Chapter 471 or 481, Florida Statutes.

**5-110.3. Required inspections.** The building official upon notification from the permit holder or his or her agent shall make the following inspections, or any other such inspection as deemed necessary, and shall either release that portion of the construction or shall notify the permit holder or his or her agent of any violations which must be corrected in order to comply with the technical codes. The building official shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection.

**Sitework:**

1. Pre-Construction Inspection (Site Prep): To be made prior to beginning construction when tree protection and silt barriers are in place, and all root and limb pruning is completed. All installed protection measures must be properly maintained for the duration of the project.
2. Driveway/Sidewalk pre-pour inspection: To be made after the subgrade has been compacted and forms have been installed to the required depth and dimensions.
3. Underground Drainage Systems To be made after trenches are excavated and forms erected and shall at a minimum include the following drainage components:
  - Piping
  - Culvert/headwall/mitered end sections
  - Inlet
  - Manhole
4. Final Grading/Drainage inspection: To be made prior to the installation of landscaping and after any drainage piping, structures, and features have been installed, and all fill has been placed.
5. Site final inspection: To be made after all drainage, driveway/paving, tree/landscaping, solid waste dumpster enclosures, and all other site work is completed.
6. Site Debris
  1. 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 during the course of the construction project and prior to receiving final inspection approval. Construction job sites must be kept clean and in a safe condition at all times.
  2. All debris shall be kept in such a manner as to prevent it from being spread by any means.

**Building:**

1. *Foundation inspection:* To be made after trenches are excavated, any required reinforcing steel is in place, and forms erected and shall at a minimum include the following building components:
  - Stem-wall
  - Monolithic slab-on-grade



- Piling/pile caps
- Footers/grade beams
- Seawalls

1.1. *Slab inspection:* To be made after the reinforcement is in place, all concealed conduit, piping, ducts and vents are installed, and the electrical, plumbing and mechanical work is complete. Slab shall not be poured until all required inspections have been made and passed.

1.2. Foundation/form board survey prepared and certified by a Florida-licensed professional surveyor and mapper may be required, prior to approval of the slab inspection. The survey shall certify placement of the building on the site, illustrate all surrounding setback dimensions and shall be available at the job site for review by the building inspector. In lieu of providing a survey, the contractor may elect to uncover all property line markers and string-up all property lines in preparation for inspection.

1.4. Flood elevation: A copy of the under construction flood certificate of elevation or a survey prepared and certified by a surveyor that establishes the lowest floor shall be available for review at the job site before going vertical for all new construction built in an "A" or "V" flood zone, in accordance with the provisions of section 110.3.1.1, Florida Building Code.

2. *Framing inspection:* To be made after the roof, all framing, fire blocking and bracing is in place, all concealing wiring, all pipes, chimneys, ducts and vents are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved and shall at a minimum include the following building components:
  - Window/door framing installation (to include Florida Product Approval documentation)
  - Vertical cells/columns
  - Framing/trusses/bracing/connectors (including truss layout and engineered drawings)
  - Draft stopping/fire-blocking
  - Curtain wall framing
  - Verify attic access rough opening dimensions
  - Accessibility
3. *Sheathing/cladding inspection:* To be made at the request of the contractor after all roof and wall sheathing and fasteners are complete and shall at a minimum include the following building components:
4. *Exterior wall coverings.* Shall at a minimum include the following building components in progress inspections:
  - Continuous air barrier
  - Exterior siding/cladding
  - Exterior wall coverings and veneers
  - Soffit coverings
5. Roofing inspection shall at a minimum include the following building components:
  - Dry-in
  - Insulation

- Roof coverings
- Flashings

5.1. Re-roof sheathing inspection. An affidavit with a notarized signature of a state or locally licensed roofing contractor for the installation of additional sheathing fasteners as required by the Existing Building Code may be accepted at the discretion of the building official.

6. *Final inspection:* To be made after the building and site is completed, the full permitted scope has been satisfied and ready for occupancy.

6.1. In flood hazard areas, as part of the final inspection, a final certification of the lowest floor elevation or the elevation to which a building is dry floodproofed, as applicable, shall be submitted to the authority having jurisdiction.

7. *Swimming pool inspection:* Inspection to be made after excavation and installation of reinforcing steel, bonding and main drain and prior to placing of concrete.

- Steel reinforcement inspection
- Underground electric inspection
- Underground piping inspection including a pressure test.
- Underground electric inspection under deck area (including the equipotential bonding)
- Underground piping inspection under deck area
- Deck inspection: to be made prior to installation of the deck material (with forms, deck drains, and any reinforcement in place
- Safety Inspection; Made prior to filling the pool with the bonding connections made, the proper drain covers installed and the final barriers installed.
- Final pool piping
- Final Electrical inspection
- Final inspection to be made when the swimming pool is complete and all required enclosure requirements are in place

7.1. In order to pass final inspection and receive a certificate of completion, a residential swimming pool must meet the requirements relating to pool safety features as described in Section 454.2.17, Florida Building Code.

8. *Demolition inspections:*

- Demo Pre-Construction Inspection to be made after all utility connections have been disconnected and secured in such manner that no unsafe or unsanitary conditions shall exist during or after demolition operations, and the erosion control barriers and tree barricades are in place.
- Final inspection to be made after all demolition work is completed and disturbed areas have been re-established with approved ground cover for erosion mitigation.

9. *Manufactured building inspections:* The building department shall inspect construction of foundations; connecting buildings to foundations; installation of parts identified on plans as site installed items, joining the modules, including utility crossovers; utility connections from the building to utility lines on site; and any

other work done on site which requires compliance with the Florida Building Code. Additional inspections may be required for public educational facilities (see Section 423.27.20 of the Florida Building Code).

10. *Where impact-resistant coverings* are installed to meet requirements of this code, the building official shall schedule adequate inspections of impact-resistant coverings to determine the following:
  - The system indicated on the plans was installed.
  - The system is installed in accordance with the manufacturer's installation instructions and the product approval information.
11. *Tie beam inspection*: To be made after the masonry walls, vertical cells/columns, pilasters, and lintels are complete and the reinforcement is in place.
12. *Insulation inspection*: To be made after the framing inspection is approved, ventilation requirements are verified, and the insulation is in place, according to approved energy calculation submittal. Includes wall and ceiling insulation.
13. *Fire resistant protection inspection*: Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before ant plastering is applied or gypsum board joints and fasteners are taped and finished.

#### **Electrical:**

1. *Underground inspection*: To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.
2. *Rough-in inspection*: To be made after the roof, framing, fire-blocking and bracing is in place and prior to the installation of insulation and wall or ceiling membranes. If conduit is used, wiring shall be installed. All grounding and grounded conductors shall be terminated.
3. *Final inspection*: To be made after the permitted scope of work is complete, all required utilities and electrical fixtures are in place and properly connected, and the structure is ready for occupancy.

#### **Plumbing:**

1. *Underground inspection*: To be made after trenches or ditches are excavated, piping installed and tested, and before any backfill is put in place.
2. *Final inspection*: To be made after the permitted scope of work is complete, all required utilities and plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.
3. *Note*: See Section 312 of the Florida Building Code, Plumbing for required tests.

*Note:* See Section 312 of the Florida Building Code, Plumbing for required tests.

**Mechanical:**

1. *Underground inspection:* To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.
2. *Rough-in inspection:* To be made after the roof, framing, fire-blocking and bracing is in place and all ducting and other concealed components are complete, and prior to the installation of insulation and wall or ceiling membranes.
3. *Final inspection:* To be made after the permitted scope of work is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

**Gas:**

1. *Rough piping inspection:* To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected.
2. *Final piping inspection:* To be made after all piping authorized by the permit has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.
3. *Final inspection:* To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by new work or any changes, to ensure compliance with all the requirements of this code and to assure that the installation and construction of the gas system is in accordance with reviewed plans.

**5-110.3.1. Footing and foundation inspection.** Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

**5-110.3.2. Concrete slab and under-floor inspection.** Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

**5-110.3.3. Lowest floor elevation.** In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.4 of the Florida Building Code, Building and Section R322 of the Florida Building Code, Residential, shall be submitted to the building official.

**5-110.3.4. Frame inspection.** Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

**5-110.3.8. Energy efficiency inspections.** Inspections shall be made to determine compliance with FBC, Energy Conservation and confirm with the approved energy code submittal (by appropriate trade) and corresponding mandatory requirements and shall include, but not be limited to, inspections for: corresponding envelope insulation R- and U-values, fenestration U-value, and Solar Heat Gain Coefficient, duct system R-value, and HVAC, lighting, electrical and water-heating equipment efficiency.

**5-110.3.11. Final Inspection.**

**5-110.3.11.1. Flood hazard documentation.** If located in a flood hazard area, documentation as required in Section 1612.5 of the Florida Building Code, Building; or Section R322 of the Florida Building Code, Residential, shall be submitted to the building official prior to the final inspection.

**5-110.4. Inspection agencies.** The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

**5-110.9. Mandatory structural inspections for condominium and cooperative buildings.**

**5-110.9.1. General.** The Legislature finds that maintaining the structural integrity of a building throughout its service life is of paramount importance in order to ensure that buildings are structurally sound so as to not pose a threat to the public health, safety, or welfare. As such, the Legislature finds that the imposition of a statewide structural inspection program for aging condominium and cooperative buildings in this state is necessary to ensure that such buildings are safe for continued use.

**5-110.9.2.** As used in this section, the terms:

- (a) "Milestone inspection" means a structural inspection of a building, including an inspection of load-bearing elements and the primary structural members and primary structural systems as those terms are defined in s. 627.706, Florida Statutes, an architect licensed under chapter 481, Florida Statutes or engineer licensed under chapter 471, Florida Statutes authorized to practice in this state for the purposes of attesting to the life safety and adequacy of the structural components of the building and, to the extent reasonably possible, determining the general structural condition of the building as it affects the safety of such building, including a determination of any necessary maintenance, repair, or replacement of any structural component of the building. The purpose of such inspection is not to determine if the condition of an existing building is in compliance with the Florida Building Code or the fire safety code. The milestone inspection services may be provided by a team of professionals with an architect or engineer acting as a registered design professional in responsible charge with all work and reports signed and sealed by the appropriate qualified team member.
- (b) "Substantial structural deterioration" means substantial structural distress or substantial structural weakness that negatively affects a building's general structural condition and integrity. The term does not include surface imperfections such as cracks, distortion, sagging, deflections, misalignment, signs of leakage, or peeling of

finishes unless the licensed engineer or architect performing the phase one or phase two inspection determines that such surface imperfections are a sign of substantial structural deterioration.

**5-110.9.3.** An owner or owners of a building that is three stories or more in height as determined by the Florida Building Code and that is subject, in whole or in part, to the condominium or cooperative form of ownership as a residential condominium under chapter 718, Florida Statutes, or a residential cooperative association under chapter 719, Florida Statutes, must have a milestone inspection performed by December 31 of the year in which the building reaches 30 years of age, based on the date the certificate of occupancy for the building was issued, and every 10 years thereafter. If a building reached 30 years of age before July 1, 2022, the building's initial milestone inspection must be performed before December 31, 2024. If a building reaches 30 years of age on or after July 1, 2022, and before December 31, 2024, the building's initial milestone inspection must be performed before December 31, 2025. If the date of issuance for the certificate of occupancy is not available, the date of issuance of the building's certificate of occupancy shall be the date of occupancy evidenced in any record of the local building official.

**5-110.9.4.** The local enforcement agency may determine that local circumstances, including environmental conditions such as proximity to salt water as defined in s. 379.101, require that a milestone inspection must be performed by December 31 of the year in which the building reaches 25 years of age, based on the date the certificate of occupancy for the building was issued, and every 10 years thereafter.

**5-110.9.5.** The local enforcement agency may extend the date by which a building's initial milestone inspection must be completed upon a showing of good cause by the owner or owners of the building that the inspection cannot be timely completed if the owner or owners have entered into a contract with an architect or engineer to perform the milestone inspection and the inspection cannot reasonably be completed before the deadline or other circumstance to justify an extension.

**5-110.9.6.** The local enforcement agency may accept an inspection report prepared by a licensed engineer or architect for a structural integrity and condition inspection of a building performed before July 1, 2022, if the inspection and report substantially comply with the requirements of this section. Notwithstanding when such inspection was completed, the condominium or cooperative association must comply with the unit owner notice requirements in section 5-110.9.13. The inspection for which an inspection report is accepted by the local enforcement agency under this paragraph is deemed a milestone inspection for the applicable requirements in chapters 718 and 719. If a previous inspection and report is accepted by the local enforcement agency under this paragraph, the deadline for the building's subsequent 10-year milestone inspection is based on the date of the accepted previous inspection.

**5-110.9.7.** The milestone inspection report must be arranged by a condominium or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership. The condominium association or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership are each responsible for ensuring compliance with the requirements of this section. The condominium association or

cooperative association is responsible for all costs associated with the milestone inspection attributable to the portions of a building which the association is responsible to maintain under the governing documents of the association. This section does not apply to a single-family, two-family, or three-family dwelling with three or fewer habitable stories above ground.

**5-110.9.8.** Upon determining that a building must have a milestone inspection, the local enforcement agency must provide written notice of such required inspection to the condominium association or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership, as applicable, by certified mail, return receipt requested. The condominium or cooperative association must notify the unit owners of the required milestone inspection within 14 days after receipt of the written notice from the local enforcement agency and provide the date that the milestone inspection must be completed. Such notice may be given by electronic submission to unit owners who consent to receive notice by electronic submission or by posting on the association's website.

**5-110.9.9.** Phase one of the milestone inspection must be completed within 180 days after the owner or owners of the building receive the written notice under Section 5-110.9.8. For purposes of this section, completion of phase one of the milestone inspection means the licensed engineer or architect who performed the phase one inspection submitted the inspection report by e-mail, United States Postal Service, or commercial delivery service to the local enforcement agency.

**5-110.9.10.** A milestone inspection consists of two phases:

**5-110.9.10.1.** For phase one of the milestone inspection, a licensed architect or engineer authorized to practice in this state shall perform a visual examination of habitable and non-habitable areas of a building, including the major structural components of a building, and provide a qualitative assessment of the structural conditions of the building. If the architect or engineer finds no signs of substantial structural deterioration to any building components under visual examination, phase two of the inspection, as provided in Section 110.9.10.2, is not required. An architect or engineer who completes a phase one milestone inspection shall prepare and submit an inspection report pursuant to Section 110.9.11.

**5-110.9.10.2.** A phase two of the milestone inspection must be performed if any substantial structural deterioration is identified during phase one. A phase two inspection may involve destructive or nondestructive testing at the inspector's direction. The inspection may be as extensive or as limited as necessary to fully assess areas of structural distress in order to confirm that the building is structurally sound and safe for its intended use and to recommend a program for fully assessing and repairing distressed and damaged portions of the building. When determining testing locations, the inspector must give preference to locations that are the least disruptive and most easily repairable while still being representative of the structure. If a phase two inspection is required, within 180 days after submitting a phase one inspection report the architect or engineer performing the phase two inspection must submit a phase two progress report to the local enforcement agency with a timeline for completion of the phase two inspection. An inspector who completes a phase two milestone inspection

shall prepare and submit an inspection report pursuant to Section 5-110.9.11.

**5-110.9.11.** Upon completion of a phase one or phase two milestone inspection, the architect or engineer who performed the inspection must submit a sealed copy of the inspection report with a separate summary of, at minimum, the material findings and recommendations in the inspection report to the condominium association or cooperative association, to any other owner of any portion of the building which is not subject to the condominium or cooperative form of ownership, and to the building official of the local government which has jurisdiction. The inspection report must, at a minimum, meet all of the following criteria:

- (a) Bear the seal and signature, or the electronic signature, of the licensed engineer or architect who performed the inspection.
- (b) Indicate the manner and type of inspection forming the basis for the inspection report.
- (c) Identify any substantial structural deterioration, within a reasonable professional probability based on the scope of the inspection, describe the extent of such deterioration, and identify any recommended repairs for such deterioration.
- (d) State whether unsafe or dangerous conditions, as those terms are defined in the Florida Building Code, were observed.
- (e) Recommend any remedial or preventive repair for any items that are damaged but are not substantial structural deterioration.
- (f) Identify and describe any items requiring further inspection.

**5-110.9.12.** Within 45 days after receiving the applicable inspection report, the condominium or cooperative association must distribute a copy of the inspector-prepared summary of the inspection report to each condominium unit owner or cooperative unit owner, regardless of the findings or recommendations in the report, by United States mail or personal delivery at the mailing address, property address, or any other address of the owner provided to fulfill the association's notice requirements under chapter 718 or chapter 719, as applicable, and by electronic transmission to the e-mail address or facsimile number provided to fulfill the association's notice requirements to unit owners who previously consented to received notice by electronic transmission; must post a copy of the inspector-prepared summary in a conspicuous place on the condominium or cooperative property; and must publish the full report and inspector- prepared summary on the association's website, if the association is required to have a website.

**5-110.9.13.** A board of county commissioners or municipal governing body may adopt an ordinance requiring that a condominium or cooperative association and any other owner that is subject to this section schedule or commence repairs for substantial structural deterioration within a specified timeframe after the local enforcement agency receives a phase two inspection report; however, such repairs must be commenced within 365 days after receiving such report. If an owner of the building association fails to submit proof to the local enforcement agency that repairs have been scheduled or have commenced for substantial structural deterioration identified in a phase two inspection report within the required timeframe, the local enforcement agency must review and determine if the building is unsafe for human occupancy.



***"Section 5-111. – Certificate of Occupancy.***

**5-111.1.1. When required.** A certificate of occupancy is required prior to the occupancy in each of the following cases:

- a. All new residential or commercial buildings or structures;
- b. All new additions to residential or commercial buildings or structures;
- c. All repair, remodeling, renovation or interior finishing of any existing residential or commercial building or structure if there has been a change in occupancy classification as defined in this chapter. The reuse of existing building, electrical, gas, mechanical or plumbing systems shall be governed by the provisions of subsection 102.6 of this chapter regarding existing buildings.

**5-111.1.2. Obtaining the certificate.** The owner or the owner's agent may obtain a certificate of occupancy. Prior to the issuance of a certificate of occupancy, all permits integral to the building to be occupied must have received final inspections and approval. In addition, any final approvals required by any other agencies must have been obtained. The city may require documents, including, but not limited to, tests, test reports, certificates and surveys to determine that a building has been constructed in accordance with all applicable codes. All applicable fees required by the code shall be paid prior to the issuance of a certificate of occupancy.

**5-111.1.2.1. FEMA Final Elevation Certificate.** In flood hazard areas, prior to the issuance of Certificate of Occupancy, a FEMA "FINAL" elevation certification shall be submitted to the authority having jurisdiction for review and acceptance.

**5-111.3. Temporary occupancy.** The building official is authorized to issue a temporary certificate of occupancy before completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid. The official must receive appropriate documentation as to the conditions for occupancy, the reason for the certificate, and is subject to the requirements of section 5-111.1, of this section. Failure to comply with the conditions may result in revocation of the certificate of occupancy.

**5-111.3.1. Partial occupancy.** A partial certificate of occupancy may be issued for a portion or portions of a building, which may safely be occupied prior to final completion of the entire building, provided those portions meet the requirements of 5-111.1, of this section.

**5-111.3.2. Temporary Use Authorization.** The building official is authorized to issue a temporary use authorization for stocking or furnishing non-construction related items, before completion of the entire work covered by the permit, provided that such portion or portions shall not be occupied and will not interfere with the completion of the required inspections. The building official shall set a time period during which the temporary use authorization is valid. The official must receive appropriate documentation as to the conditions for use, the reason for the use and is subject to the requirements of section 5-111.1, of this section. Failure to comply with the conditions may result in revocation of the temporary use authorization.

**5-111.6. Failure to obtain certificate of occupancy.** It shall be unlawful for the owner or any other person to occupy the building or portions of the building unless a certificate of occupancy is obtained.

**5-111.6.1.** If occupancy should occur prior to the issuance of a certificate of occupancy, or if the owner fails to obtain a certificate of occupancy upon being served written notice, the building official may, thirty (30) days after sending notice, in addition to other remedies of law, order the disconnection of utility service to the building, structure, or portions of a building.

***“Section 5-113. – Board of Appeals.***

**5-113.1. Staff appeal.** An owner of any building or structure to which the provisions of this chapter apply, or his duly authorized agent, who has been aggrieved by any ruling, determination, decision or order of the City of Tampa administrative staff pertaining to the interpretation of this chapter may make an appeal to the building official by filing with the building official a written notice of appeal in a form reasonably acceptable to the building official within thirty (30) calendar days after the City of Tampa renders or issues the ruling, determination, decision or order appealed from. The notice of appeal shall specify the grounds for the appeal, the relief desired and the provision of this chapter authorizing the building official to grant the requested relief. The building official shall apply a de novo standard of review and shall not be limited in his review to that information, documentation or evidence upon which the City of Tampa administrative staff based upon the ruling, determination, decision or order.

**5-113.2. Building official appeal.** An owner of any building or structure to which the provisions of this chapter apply, or his duly authorized agent, who has been aggrieved by any ruling, determination, decision or order of the building official pertaining to the interpretation of this chapter may make an appeal to the Board of Appeals by filing with the board a written notice of appeal in a form reasonably acceptable to the Board within thirty (30) calendar days after the official renders or issues the ruling, determination, decision or order appealed from. The notice of appeal shall specify the grounds for the appeal, the relief desired and the provision of this chapter authorizing the board to grant the requested relief. The board shall apply a de novo standard of review and shall not be limited in its review to that information, documentation or evidence upon which the building official based his ruling, determination, decision or order.

***“Section 5-114. – Violations.***

**5-114.1. Unlawful acts.** It shall be unlawful for any person, firm or corporation 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.

**5-114.2. Notice of violation.** The building official 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 the abatement of the violation.

**5-114.3. Prosecution of violation.** If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to 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.

**5-114.4. Violation penalties.** Any person, firm, corporation or agent who shall violate a provision of this Code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any structure, electrical, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, structure, electrical, gas, mechanical or plumbing system, in violation of a detailed statement or drawing submitted and permitted there under, shall be guilty of a misdemeanor of the second degree. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued, and upon conviction of any such violation such person shall be punished within the limits and as provided by section 775.082 or 775.083, Florida Statutes. Also refer to section 1-6, City of Tampa Code.

***"Section 115. - Stop Work Order.***

**5-115.4. Failure to comply with orders to abate.** If the owner or permit holder fails to comply with a final order to abate a construction public nuisance within the time fixed in the order, the city, acting through the building official, may perform the necessary abatement, including but not limited to the demolition of buildings and structures (in whole or in part), site clean-up, proper disposal of debris and securing of the site, by the use of city forces or through independent contractors secured by the purchasing agent of the city, and the cost of such abatement shall be borne by the owner of the property.

**5-115.5. Emergency action.** An order to abate a construction public nuisance issued by the building official shall be final and may be acted upon immediately by the city if the building official determines that the conditions constituting the construction public nuisance, of themselves or as affected by external factors such as severe weather or fire, pose an imminent danger to human life or health. The building official shall provide an owner or permit holder such notice of the emergency order as may be reasonable under the circumstances but is not required to provide an opportunity for review prior to abatement as required by section 5-115.8, City of Tampa Code. A post-abatement review hearing shall be provided to an owner or permit-holder if requested in writing no later than thirty (30) days after the abatement action has been completed.

**5-115.6. Contents of order/notice.**

- a. An order to abate a construction public nuisance shall contain the following:
  - i. The name and address of the owner of the real property where the nuisance is located and that of the permit holder if different from the owner.
  - ii. The address and legal description of the real property on which the nuisance is located.
  - iii. A brief description of the structure, status, or condition that constitutes the construction public nuisance with citations to applicable sections of this chapter.
  - iv. A statement of the action required to abate the construction public nuisance.
  - v. The deadline for abating the construction public nuisance.
  - vi. A statement citing the administrative review provisions hereof and the time periods in which they must be exercised.
  - vii. A statement that if abatement is not accomplished within the time specified, the city may abate the construction public nuisance with its own

forces or through an independent contractor and the city's costs in so doing will be borne by the owner or permit holder and become a lien on the real property where the nuisance is found if they remain unpaid after thirty (30) days from becoming due and payable.

- b. The building official shall serve an order to abate a construction public nuisance issued under section 5-115.3, City of Tampa Code, by certified U.S. Mail, return receipt requested at the address appearing on the permit application. In addition, the building official may serve an order to abate by electronic mail if an e-mail address for the recipient(s) has been made available to the city's construction services center ("CSC") or by hand delivery. A copy of the Order shall be posted at the construction site that constitutes the construction public nuisance or where that nuisance is located.
- c. Mailed notice shall be deemed complete as of the date of mailing if mailed by certified U.S. Mail, return receipt requested, to the address appearing on the permit application.

#### **5-115.7. Review.**

1. A property owner or permit holder may challenge the findings of fact or proposed abatement action in an order to abate a construction public nuisance issued by the building official under section 5-115 of this chapter by filing a written request for review with the building official no later than fifteen (15) days from the date of the order, or in the case that an order sets a shorter deadline, no later than five (5) working days before the expiration of the deadline set out in the order. Service or delivery of a written request for administrative review shall be affected in the same manner as that provided for the service of orders under section 5-115.6(b) and shall include, at a minimum, the following information:
  - a. The case number.
  - b. The address of the property.
  - c. The name and contact information of the property owner or permit holder.
  - d. The name and contact information of attorney if one has been employed.
  - e. The name and contact information of attorney if one has been employed.
2. The building official shall receive and file any written request for administrative review and shall cause such requests to be referred to a City of Tampa Code Enforcement Special Magistrate (the "Special Magistrate") to schedule and notice a hearing thereon. The special magistrate's authority and scope of review for purposes of administrative review under this section shall be the same as provided in section 9-101, City of Tampa Code.
3. Except for emergency action ordered under section 5-115.6, City of Tampa Code, the proper filing of a written request for administrative review with the building official shall operate to stay any abatement action by the City of Tampa until a final decision has been rendered by the special magistrate.

#### **5-115.8. Recovery of abatement costs/liens.**

1. The owner of property and the permit holder (if different from the owner) for a construction project where a construction public nuisance has been found to exist shall be jointly and severally liable to the city for the entire cost of abatement of a construction public nuisance

incurred by the city under section 5-115.5, City of Tampa Code, together with such administrative costs and fees as the city may incur in connection therewith.

- a. Invoice/Debt/Right of review. The city shall invoice an owner and/or permit holder for all amounts incurred in abating a construction public nuisance within a reasonable time of the expenditure in the manner provided for orders to abate under section 5-115.6(b) hereof. Recoverable expenditures shall include but not be limited to (1) the reasonable costs of abatement when performed by city forces, (2) the actual cost of abatement when performed by a contractor, (3) clean-up and disposition costs, and (4) any administrative fees established by the city. The total amount invoiced will be due and payable upon submission and must be paid no later than thirty.

- (1) All invoices submitted by the city shall include a notice that a lien will be imposed on the real property if the total amount is not paid or challenged. The invoice shall also provide notice of the recipient's right to challenge the invoiced amount.

- (2) The property owner will have thirty (30) calendar days from the date of billing to challenge the invoiced amount. Any challenge will be in writing, set forth the factual basis for the challenge to the invoiced amount with specificity, and submitted to the building official. Invoice challenges shall not be referred to a special magistrate but will be reviewed in accordance with the rules and procedures applicable to appeals from administrative action. A timely challenge of the invoice will abate the debt until the dispute is resolved (the "Abatement Period").

- (3) If the invoice amount is not successfully challenged or paid within thirty (30) calendar days of billing, or ten (10) days after an abatement period, the city shall have the right to impose a lien on the real property for the total amount due under the invoice together with accrued interest and administrative costs. A resolution confirming the total amount owed shall be recorded in the Official Records of Hillsborough County, Florida, and shall constitute notice of the lien.

- (4) Liens created under this section shall be equal in dignity to ad valorem taxes but superior to all other liens encumbering the property.

- (5) Upon recordation of a lien resolution, the total amount owed thereunder will begin incurring simple interest at the rate of six (6) percent per annum, prorated monthly.

- (6) Liens created pursuant to this section may be discharged and satisfied by paying the city the amount specified in the lien resolution, together with any interest accrued through the date of payment, the costs incurred by the city for the recordation of the resolution and any document releasing the lien, and the administrative costs incurred by the city in processing the payment and release.

***"Section 5-116. – Unsafe Structures & Equipment.***

**5-116.1. Unsafe buildings, conditions, work and non-conforming structures.** Any building or structure which is unsafe, unsanitary, does not provide adequate egress, constitutes a fire hazard, is otherwise dangerous to human life or, in relation to existing use, constitutes a health or safety

hazard, is considered an unsafe building. Any such unsafe building is hereby prohibited and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of the City of Tampa Code.

**5-116.2.** If it shall come within the ascertainment of the building official that any building, structure, building system, building component or work regulated by this chapter within any premises within the city is dangerous, unsafe, unsanitary, a menace to life, health or property, or is in violation of this chapter, the building official may institute an investigation. If the building official determines that such condition(s) do exist(s), the building official shall order and serve written notice to, any person, agent, owner or occupant using or maintaining any such condition, or who is responsible for the maintenance thereof, to discontinue the use or maintenance thereof, or to repair, replace, alter, change, remove, demolish or otherwise correct the same as may be considered necessary for the protection of life, health and property. Such written notice shall state precisely which building component(s) or work is (are) in violation of this section, the reasons for the violation and the time prescribed for the correction of the violation. If such order is not complied with in the time prescribed in the written notice, the building official may notify the appropriate utility company(s) serving such premises to disconnect the same from its service lines and the building official may institute an action or proceeding in the appropriate court to prevent, restrain, abate or otherwise correct such condition(s).

**5-116.3.** If the building official shall find any building, structure, building system, building component or work upon or within any premises so dangerous as to place persons or property in imminent danger of injury or damage, so that an emergency is created, the building official shall forthwith order such work to cease, disconnect such component from the service lines or order the appropriate utility company(s) serving such premises to disconnect the same from its service lines or both. The owner, agent, occupant or person responsible for the maintenance thereof shall have the right of appeal in accordance with this chapter, but the dependency of any such appeal shall not stay or supersede the action of the official. It shall be unlawful for any person to reconnect such building system or component until the same has been made safe and written authorization has been obtained from the building official or until his action has been reversed by Hillsborough County Board of Adjustment, Appeals and Examiners, in accordance with the provisions of the inter-local agreement and applicable law.

#### ***“Section 5-118. – Numbering of Buildings.***

##### **5-118.1. Numbering of buildings; addressing of parcels.**

1. All residential and nonresidential buildings in the city, located on any street or avenue within the corporate limits of the city, are required to have all such buildings numbered. Said numbers shall be plainly printed or stenciled or shall consist of numerals made from a durable material including but not limited to metal, plastic, and vinyl. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabetical letters. Numbers shall be a minimum of four (4) inches high with a minimum width of one-half (½) inch and shall be attached to or painted on or above the front entrance so as to be plainly and readily visible from the street or avenue on which said entrance is located. Where access is by means of a private road and that building address cannot be viewed from the public right-of-way, a monument, pole or other sign or means shall be used to identify the structure in compliance with the requirements of section 27-289, City of Tampa Code. In addition, all apartments, office suites, tenant spaces, etc., shall be clearly identified at the entry of such units.

2. All parcels which are undergoing permit review pursuant to this chapter are required to display the address of the parcel in a manner consistent with subsection 1, herein. If the parcel is vacant or the address cannot be viewed due to ongoing construction, then the address shall be visible from at least one (1) right-of-way and shall be displayed on a temporary sign structure in compliance with the requirements of section 27-289, City of Tampa Code.

***“Section 119. – Inter-Local Agreement/Certification.***

**5-119.1. Licensed contractors.** In order to promote, protect and improve the health, safety and welfare of the citizens of the City of Tampa, the board shall enforce this chapter pursuant the Hillsborough County Building and Construction Code and the inter-local agreement.

**5-119.1.1.** The inter-local agreement, as periodically amended, is hereby made a part of this chapter by reference.

**5-119.2. Unlicensed contractors.** In order to promote, protect and improve the health, safety and welfare of the citizens of the City of Tampa, the board shall penalize unlicensed contractor activity pursuant to the Hillsborough County Building and Construction Code and the inter-local agreement, except that the board shall apply the fees established by the city council under this chapter.

**5-119.3. Certificate of competency.** An application for a certificate of competency shall comply with Hillsborough County requirements outlined in the inter-local agreement. The inter-local agreement, as periodically amended, particularly as it relates to contractor certificate issuance and renewal, is hereby made part of this chapter by reference. Certificates of competency for use within the City of Tampa shall be administered in accordance with the provisions of the inter-local agreement. The acknowledgment and acceptance of a certificate of competency through reciprocity with any participating city or county in Florida shall be determined by Hillsborough County in accordance with the provisions of the inter-local agreement and applicable law.

***“Section 120. – Noise Level Reduction.***

**5-120.1.** Noise level reduction in an APZ Zone 1.

**5-120.1.1. Compliance.** Compliance with the following standards shall be deemed to meet the requirements of section 27-137.5, City of Tampa Code, as amended, in which an NLR twenty-five (25) db is specified.

**5-120.1.2. General.**

1. Brick veneer, masonry blocks or stucco exterior walls shall be constructed airtight. All joints shall be grouted or caulked airtight.
2. At the penetration of exterior walls by pipes, ducts or conduits the space between the wall and pipes, ducts or conduits shall be caulked or filled with mortar.
3. Window and/or through-the-wall ventilation units shall not be used.
4. Through-the-wall/door mailboxes shall not be used.

**5-120.1.3. Exterior walls.**

1. Except as provided in section 119.1.3(2) and (c)(3), Florida Building Code, exterior walls shall have a laboratory sound transmission class rating of at least STC-39.
2. At least one (1) surface of concrete block walls shall be plastered or painted with heavy "bridging" paint.
3. Stud walls shall be at least four (4) inches in nominal depth and shall be finished on the outside with siding-on-sheathing, stucco or brick veneer.
  - a. Interior surface of the exterior walls shall be of gypsum board or plaster at least one-half ( $\frac{1}{2}$ ) inch thick, installed on the studs.
  - b. Continuous composition board, plywood or gypsum board sheathing at least one-half ( $\frac{1}{2}$ ) inch thick shall cover the exterior of the wall studs behind wood, or metal siding. Asphaltic or wood shake shingles are acceptable in lieu of siding.
  - c. Sheathing panels shall be butted tightly and covered on the exterior with overlapping building paper. The top and bottom edges of the sheathing shall be sealed.
  - d. Insulation material at least two (2) inches thick shall be installed contiguously throughout the cavity space behind the exterior sheathing and between wall studs. Insulation shall be glass fiber or mineral wool.

#### **5-120.1.4. Windows.**

1. Except as provided in section 119.1.4(2) through (6), Florida Building Code, windows shall have a laboratory sound transmission class rating of at least STC-28.
2. Glass shall be at least three-sixteenth ( $\frac{3}{16}$ ) inches thick.
3. All operable windows shall be weather-stripped and airtight when closed so as to conform to an air infiltration test not to exceed one-half (0.5) cubic foot per minute per foot of crack length in accordance with ASTM (American Society for Testing Materials) E-283-65-T.
4. Glass of fixed-sash windows shall be sealed in an airtight manner with a non-hardening sealant, or a soft elastomer gasket or glazing tape.
5. The perimeter of window frames shall be sealed airtight to the exterior wall construction with a sealant conforming to one (1) of the following Federal Specifications: TT-S-00227, TT-S-00230 or TT-S-00153.
6. The total area of glass in both windows and doors in sleeping spaces shall not exceed twenty (20) percent of the floor area.

#### **5-120.1.5. Doors.**

1. Except as provided in section 119.1.5(2) through (5), Florida Building Code, doors shall have a laboratory sound transmission class rating of at least STC-28.
2. All exterior side-hinged doors shall be solid-core wood or insulated hollow metal at least one and three-fourths ( $1\frac{3}{4}$ ) inches thick and shall be fully weather stripped.



3. Exterior sliding doors shall be weather stripped with an efficient airtight gasket system with performance as specified in section 119.1.4(3), Florida Building Code. The glass in the sliding doors shall be at least three-sixteenths (3/16) inches thick.
4. Glass in doors shall be sealed in an airtight non-hardening sealant, or in a soft elastomer gasket or glazing tape.
5. The perimeter of door frames shall be sealed airtight to the exterior wall construction as described in section 119.1.4(5), Florida Building Code.

#### **5-120.1.6. Roofs.**

1. Except as provided in sections 119.1.6(2) and (3), Florida Building Code, combined roof and ceiling construction shall have a laboratory sound transmission class rating of at least STC-39.
2. With an attic or rafter space at least six (6) inches deep, and a ceiling below, the roof shall consist of closely butted one-half-inch composition board, plywood or gypsum board sheathing topped by roofing as required.
3. Window or dome skylights shall have a laboratory sound transmission class rating of least STC-28.

#### **5-120.1.7. Ceilings.**

1. Gypsum board or plaster ceilings at least one-half (½) inch thick shall be provided where required by section 119.1.6(2), Florida Building Code. Ceilings shall be substantially airtight, with a minimum number of penetrations.
2. Class fiber or mineral wool insulation at least two (2) inches thick shall be provided above the ceiling between joists.

**5-120.1.8. Floors.** Openings to any crawl spaces below the floor of the lowest occupied rooms shall not exceed two (2) percent of the floor area of the occupied rooms.

#### **5-120.1.9. Ventilation.**

1. A mechanical ventilation system shall be installed that will provide air circulation and fresh air supply in occupied rooms without the need to open any windows, doors or others openings to the exterior.
2. Gravity vent openings in attic shall not exceed code minimum in number and size.
3. If a fan is used for forced ventilation, the attic inlet and discharge openings shall be fitted with sheet metal transfer ducts of at least twenty-gauge steel, which shall be lined with one-inch thick coated glass fiber, and shall be at least five (5) feet long with one (1) ninety-degree bend.
4. All vent ducts connecting the interior space to the outdoors, excepting domestic range exhaust ducts, shall contain at least a five-foot length of internal sound absorbing duct lining, except where nonabsorbent material is required by local

codes. Each duct shall be provided with a bend in the duct such that there is no direct line of sight through the duct from the venting cross section to the room-opening cross section.

5. Duct lining shall be coated glass fiber duct liner at least one (1) inch thick.
6. Fireplaces shall be provided with well-fitted dampers.

**5-120.1.10. Alternate methods of construction.** The provisions of this chapter are not intended to prevent the use of any material or method of construction not specifically prescribed by this chapter, provided the alternate has been approved by the building official. The alternate shall include a certification that a twenty-five (25) db noise level reduction is achieved by the proposed method of construction.

**5-120.2. Loud noise generated by construction activity on private property near residential uses.**

**5-120.2.1.** For purposes of this section only, "construction activity" means site preparation, site excavation, and the erection, demolition, alteration or repair of any building or structure.

**5-120.2.2.** The generation of any noise by construction activity on private property, other than between the hours of: (1) 7:00 a.m. and 6:00 p.m. Monday through Friday; (2) 8:00 a.m. and 6:00 p.m. on Saturday; or (3) 10:00 a.m. and 6:00 p.m. on Sunday is prohibited if such construction activity is within one thousand five hundred (1,500) feet of any building or portion thereof which is actually occupied and used either as a single-family or multi-family residence.

**5-120.2.3.** No pile drivers or jack hammers shall be operated or used in conjunction with construction activities on private property on Saturday or Sunday except between the hours of 10:00 a.m. and 6:00 p.m.

**5-120.2.4** Any person, firm, corporation or agent who shall violate a provision of this section:

First Offense: A verbal notice to the job site to discontinue the violation.

Second Offense: A Stop Work Order shall be issued.

Third and subsequent offenses: Additional Stop Work Order Fees.

**Technical Amendments to the Florida Building Code**

***"Section 5-121. Flood-Resistant Development.***

**5-121.1. Title.** These regulations shall be known as the floodplain management ordinance and hereinafter referred to as "this section".

**5-121.2. Scope.** The provisions of this section shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or

replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

**5-121.3. Findings of fact; intent.**

**(a) Findings of fact.** The City of Tampa hereby finds and declares that:

1. Because of variations in rainfall and the amount of stormwater runoff, flooding is a natural, recurring phenomenon.
2. The flood-prone areas of the city are subject to periodic inundation which could result in loss of life, property damage, 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 could adversely affect the public health, safety, and general welfare.
3. These flood losses are caused, in part, by the cumulative effect of obstructions and fill in floodplains causing increases in flood heights and velocities, and by the occupancy in flood-prone areas of uses vulnerable to damage by floods or hazardous to other lands which are inadequately elevated, floodproofed or otherwise protected from flood damages.
4. Flooding and lands that are subject to flooding (flood prone lands) serve the following important functions in the hydrologic cycle and ecological system:
  - a. Flood prone lands provide natural storage and conveyance of floodwaters;
  - b. The water on flooded lands may provide recharge to groundwater and is a basic source of flow to rivers, streams and estuaries;
  - c. Temporary storage of surface waters on flood-prone lands regulates flood elevations and the timing, velocity and rate of flood discharges; and
  - d. Flood prone lands and the natural vegetation thereon maintain water quality by reducing erosion, removing nutrients and other pollutants and allowing sediment to settle.
5. Development of flood-prone lands is inconsistent with their natural functions, and improper management of floodwaters have the following significant adverse impacts on the health, safety and welfare of the community:
  - a. Expensive and dangerous search and rescue and disaster relief operations must be conducted when developed properties are flooded;
  - b. Roads and utilities associated with development are subject to damage from flooding at great expense to taxpayers and rate payers;
  - c. Flooding of developed properties leads to demands for government to construct expensive and often environmentally damaging projects to control floodwaters;
  - d. Loss of natural water storage capacity leads to reduction in the available water supply and a reduction in the stormwater treatment effectiveness in these areas;
  - e. The level, velocity, frequency and duration of flooding on other lands are often increased when floodwaters are obstructed, diverted, displaced or channelized;

- f. Water quality is degraded, freshwater inflows to estuaries are disrupted and valuable wetland and wildlife habitat is lost; and,
- g. Property values are lowered, and economic activity is disrupted by damaging floods.

**(b) Intent.** The purposes of this section and the flood load and flood-resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
5. Minimize damage to public and private facilities and utilities;
6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the 44 CFR 59.22.

**5-121.4. Coordination with the Florida Building Code.** This section is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

**5-121.5. Warning.** The degree of flood protection required by this section and the Florida Building Code, as may be amended by the City of Tampa, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by manmade or natural causes. This section does not imply that land outside of mapped flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the flood insurance study and shown on flood insurance rate maps and the requirements of 44 CFR 59 and 60 may be revised by the Federal Emergency Management Agency, requiring the city to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this section.

**5-121.6. Disclaimer of liability.** This section shall not create liability on the part of the City of Tampa or by any officer or employee thereof for any flood damage that results from reliance on this section or any administrative decision lawfully made hereunder.

**5-121.7—5.121.20. Reserved.**

## ***DIVISION 2. APPLICABILITY***

**5-121.21. General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

**5-121.22. Areas to which this section applies.** This section shall apply to flood hazard areas established in section 5-121.23, City of Tampa Code, within the incorporated area of the City of Tampa.

**5-121.23. Basis for establishing flood hazard areas.** The Flood Insurance Study for Hillsborough County, Florida and Incorporated Areas dated September 27, 2013 and all subsequent amendments and revisions, and the accompanying flood insurance rate maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this section and shall serve as the minimum basis for establishing flood hazard areas. When limited data is available from FEMA flood insurance study and flood insurance rate maps, the floodplain administrator will refer to the best available data through locally determined flood map data. Locally determined data shall not be limited to watershed management plans and the City's stormwater master plan maps and profiles and storm drainage basin study. Where data conflicts, the flood hazard will be determined by the floodplain administrator. These sources are adopted by reference and made a part of this section. Studies and maps that establish flood hazard areas are on file at the City of Tampa Development and Growth Management Department, 2555 East Hanna Avenue, Tampa, Florida.

**5-121.24. Submission of additional data to establish flood hazard areas.** To establish flood hazard areas and base flood elevations, pursuant to division 5 of this article, the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted indicates that ground elevations:

1. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this section and, as applicable, the requirements of the Florida Building Code.
2. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a letter of map change from FEMA that removes the area from the special flood hazard area.

**5-121.25. Other laws.** The provisions of this section shall not be deemed to nullify any provisions of local, state or federal law.

**5-121.26. Abrogation and greater restrictions.** This section supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the

event of a conflict between this section and any other ordinance, the more restrictive shall govern. This section shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this section.

**5-121.27. Interpretation.** In the interpretation and application of this section, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and,
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

**5-121.28—5-121.40. Reserved.**

### ***DIVISION 3. DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR***

**5-121.41. Designation.** The City of Tampa Construction Services Operations Manager is designated the floodplain administrator. The floodplain administrator may delegate the performance of certain duties to other employees.

**5-121.42. General.** The floodplain administrator is authorized and directed to administer and enforce the provisions of this section. The floodplain administrator shall have the authority to render interpretations of this section consistent with the intent and purpose of this section and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this section without the granting of a variance pursuant to division 7 of this article.

**5-121.43. Applications and permits.** The floodplain administrator, in coordination with other pertinent offices of the city, shall:

1. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
2. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this section;
3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). A person contesting the determination shall have the opportunity to appeal the interpretation;
4. Provide available flood elevation and flood hazard information;
5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
6. Review applications to determine whether proposed development will be reasonably safe from flooding;

7. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this section is demonstrated, or disapprove the same in the event of noncompliance, including filling of property for any other purpose other than minor landscaping; and,
8. Coordinate with and provide comments to the building official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this section.

**5-121.44. Substantial improvement and substantial damage determinations.**

**(a)** For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the floodplain administrator, in coordination with the building official, shall:

1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
2. Compare the square footage of construction costs to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs using the most current ICC Building Valuation Data Tables (cost per square foot Group U, miscellaneous) to the market value of the building or structure;
3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage does not exceed the cumulative cost of construction. The determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement". For proposed work to repair damage caused by flooding, the determination requires evaluation of previous permits issued to repair flood-related damage as specified in the definition of "substantial damage"; and
4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance is required with the flood-resistant construction requirements of the Florida Building Code.

**(b) Modification of issued permits.** A request to modify an existing permit to add work must include all of the anticipated work and will retroactively trigger substantial improvement/substantial damage determination.

**(c) Unauthorized work.** If unauthorized work on a building is discovered, the enforcement action taken by the city shall include making a substantial improvement/substantial damage determination. If the unauthorized work exceeds the scope of an approved permit which has not received a final inspection, the discovery of the unauthorized work will retroactively

trigger substantial improvement/substantial damage determination. The costs must include all of the unauthorized work that has been performed, plus all of the remaining work necessary to complete the project.

**5-121.45. Modifications of the strict application of the requirements of the Florida Building Code.** The floodplain administrator shall review requests submitted to the building official that seek approval to modify the strict application of the flood load and flood-resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to division 7 of this article.

**5-121.46. Notices and orders.** The floodplain administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this section.

**5-121.47. Inspections.** The floodplain administrator shall make the required inspections, as specified in division 6 of this article, for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, and including filling of property for any purpose other than minor landscaping. The floodplain administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

**5-121.48. Other duties of the floodplain administrator.** The floodplain administrator shall have other duties, including but not limited to:

1. Establish, in coordination with the building official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to section 5-121.44 of this section;
2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office and the Southwest Florida Water Management District, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
3. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the flood insurance rate maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six months of such data becoming available;
4. Review required design certifications and documentation of elevations specified by this section and the Florida Building Code to determine that such certifications and documentations are complete;
5. Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Tampa are modified; and
6. Advise applicants for new buildings and structures, including substantial improvements that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on flood insurance rate maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."



**5-121.49. Floodplain management records.** Regardless of any limitation on the period required for retention of public records, the floodplain administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this section and the flood-resistant construction requirements of the Florida Building Code, including flood insurance rate maps; letters of change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this section; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this section and the flood-resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at the City of Tampa Development & Growth Management Department.

**5-121.50—5-121.60. Reserved.**

#### ***DIVISION 4. PERMITS***

**5-121.61. Permits and approvals required.** Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this section, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the City of Tampa Development and Growth Management Department that is tasked with development review, and shall obtain the required permit(s) and approval(s). In addition:

1. No development of any land or structure shall be commenced until such time as all the proper zoning clearances, building permits, or land development permits, habitat permits and other required approvals have been issued.
2. No land development permit may be issued for any development or use of any land or structure encompassed by the provisions of this section until the requirements of this section and all other floodplain management regulations have been met.
3. All development and/or use of any land or structures within the scope of this section for which a development permit has been issued shall, at all times, continue to conform to the requirements of this section and the final approved development order or site plan for which the development permit was issued.
4. More restrictive requirements imposed by other local and state legislation currently in effect or as amended shall take precedence over the terms of this section.

**5-121.62. Floodplain development permits or approvals.** Floodplain development permits or approvals shall be issued pursuant to this section for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the floodplain administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

**5-121.63. Buildings, structures and facilities exempt from the Florida Building Code.** Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 CFR 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this section:

1. Railroads and ancillary facilities associated with the railroad.
2. Nonresidential farm buildings on farms, as provided in section 604.50, Florida Statutes.
3. Temporary buildings or sheds used exclusively for construction purposes.
4. Mobile or modular structures used as temporary offices.
5. Those structures or facilities of electric utilities, as defined in section 366.02, Florida Statutes which are directly involved in the generation, transmission, or distribution of electricity.
6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this subsection, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
8. Temporary housing provided by the department of corrections to any prisoner in the state correctional system.
9. Structures identified in section 553.73(10)(k), Florida Statutes, are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on flood insurance rate maps.

**5-121.64. Application for a permit or approval.** To obtain a floodplain development permit or approval, the applicant shall first file an application in writing or electronically to the city. The information provided shall:

1. Identify and describe the development to be covered by the permit or approval.
2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
3. Indicate the use and occupancy for which the proposed development is intended.
4. Be accompanied by a site plan or construction documents as specified in division 5 of this article.
5. State the valuation of the proposed work.

6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as required by the floodplain administrator.
8. For projects proposing to enclose areas under elevated buildings or for accessory structures larger than 100 square feet, include signed Declaration of Land Restriction (Non-conversion Agreement); the agreement shall be recorded on the property deed prior to issuance of the Certificate of Occupancy.

**5-121.65. Validity of permit or approval.** The issuance of a floodplain development permit or approval pursuant to this section shall not be construed to be a permit for, or approval of, any violation of this section, the Florida Building Code, or any other ordinance of the city. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the floodplain administrator from requiring the correction of errors and omissions.

**5-121.66. Expiration.** A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

**5-121.67. Suspension or revocation.** The floodplain administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this section or any other ordinance, regulation or requirement of this community.

**5-121.68. Other permits required.** Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

1. The Southwest Florida Water Management District; section 373.036, Florida Statutes.
2. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, Florida Statutes and Ch. 64E-6, F.A.C.
3. Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; section 161.141, Florida Statutes.
4. Florida Department of Environmental Protection for activities subject to the joint coastal permit; section 161.055, Florida Statutes.
5. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; section 404 of the Clean Water Act.
6. Federal permits and approvals.

**5-121.69—5.121.80. Reserved.**

#### ***DIVISION 5. SITE PLANS AND CONSTRUCTION DOCUMENTS***

**5-121.81. Information for development in flood hazard areas.** The site plan or construction documents for any development subject to the requirements of this section shall be drawn to scale and shall include, as applicable to the proposed development:

1. Delineation of flood hazard areas, floodway boundaries which include the 100-year and/or 25-year (if delineated) boundaries, and flood zone(s), base flood elevation(s), and ground elevations if necessary, for review of the proposed development.
2. Where base flood elevations, or floodway data are not included on the FIRM or in the flood insurance study, they shall be established in accordance with section 5-121.82(2) or (3) of this section.
3. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than five acres and the base flood elevations are not included on the FIRM or in the flood insurance study, such elevations shall be established in accordance with section 5-121.82(1) of this section.
4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas and Coastal A Zones, new buildings shall be located landward of the reach of mean high tide.
5. Existing grades and location, extent, amount, and proposed final grades of any filling, grading, or excavation, including any proposed compensatory excavation.
6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
7. Delineation of the coastal construction control line or notation that the site is seaward of the coastal construction control line, if applicable.
8. Extent of any proposed alteration of sand dunes and mangrove stands provided such alteration is approved by the Florida Department of Environmental Protection and in accordance with Chapter 27, article VI, Division 4 of the City of Tampa's Land Development Code, as applicable.
9. Existing and proposed alignment of any proposed alteration of a watercourse.
10. Elevation of all proposed structures, in relation to the datum on the flood insurance rate map, of the lowest floor, including basement, or lowest horizontal structural member, as applicable.
11. Datum used to determine the floodplain elevation and source of data. A datum of NAVD 88 shall be used.
12. The floodplain administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this section but that are not required to be prepared by a registered design professional if it is found that the

nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this section.

**5-121.82. Information in flood hazard areas without base flood elevations (approximate Zone A).** Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the floodplain administrator shall:

1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
2. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
3. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the floodplain administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
  - a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
  - b. Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.
4. Upon approval of base flood elevation data, incorporate the data into the stormwater management plan.
5. Where the base flood elevation data are to be used to support a letter of map change from FEMA, advise the applicant that the analyses shall be prepared by a Florida-licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

**5-121.83. Twenty-five-year floodways and floodplains.** If the limits of the 25-year floodplain and floodway are available and approved by the city, no development is allowed within the limits of the 25-year floodway. In addition, development is only allowed within the 25-year floodplain when it is outside the limits of the floodway for the 100-year floodplain if delineated on flood insurance rate maps. Engineering studies and analyses shall be submitted to demonstrate the compensatory excavation hydraulically balances the proposed development, redevelopment or fill for development within the 25-year floodplain.

**5-121.84. Additional analyses and certifications.** As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida-licensed engineer for submission with the site plan and construction documents:

1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations,

the applicant shall submit such analysis to FEMA as specified in section 5-121.85 of this section and shall submit the conditional letter of map revision, if issued by FEMA, with the site plan and construction documents.

2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the flood insurance study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation at any point within the areas identified in section 5-121.22 of this section.
3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in section 5-121.85 of this section.
4. For activities that propose to alter sand dunes and mangrove stands in coastal high hazard areas (Zone V) and Coastal A Zones, an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.

**5-121.85. Submission of additional data.** When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a letter of map change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida-licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

**5-121.86—5-121.100. Reserved.**

## ***DIVISION 6. INSPECTIONS***

**5-121.101. General.** Development for which a floodplain development permit or approval is required shall be subject to inspection.

**5-121.102. Development other than buildings and structures.** The floodplain administrator shall inspect all developments to determine compliance with the requirements of this section and the conditions of issued floodplain development permits or approvals.

**5-121.103. Buildings, structures and facilities exempt from the Florida Building Code.** The floodplain administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this section and the conditions of issued floodplain development permits or approvals.

**5-121.104. Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection.** Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the floodplain administrator:

1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with section 5-121.82.3.b of this section, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

**5-121.105. Buildings, structures and facilities exempt from the Florida Building Code, final inspection.** As part of the final inspection, the owner or owner's authorized agent shall submit to the floodplain administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in section 5-121.104 of this section.

**5-121.106. Manufactured homes.** The building official shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this section and the conditions of the issued permit. Upon placement or substantial improvement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the building official.

**5-121.107. Buildings and structures with enclosed areas below the lowest floor.** The building official is authorized to enter a structure or premises at reasonable times to make an inspection to enforce the provisions of this section and to inspect the exterior and interior of enclosed areas to verify compliance, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. Such inspections will be conducted no more frequently than twice each year. More frequent inspections may be conducted if a violation of an issued permit is identified on inspection. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

**5-121.108.—5-121.110. Reserved.**

#### ***DIVISION 7. VARIANCES AND APPEALS***

**5-121.111. General.** As established pursuant to interlocal agreement between the City of Tampa and Hillsborough County approved pursuant to Resolution No. 2626 on June 18, 1987, and as thereafter amended, the Flood Control Board for the City of Tampa shall be the Hillsborough County Building Board of Adjustment, Appeals and Examiners ("board"). This board is hereby designated as the local administrative board (hereinafter "variance review board") to hear and decide on requests for appeals and requests for variances from the strict application of this section. Pursuant to section 553.73(4), Florida Statutes, the board shall hear and decide on requests for appeals and requests for variances from the strict application of the flood-resistant construction requirements of the Florida Building Code. This section does not apply to Section 3109 of the Florida Building Code, Building.

Nothing in this section is intended to abrogate or supersede the powers of the Florida Construction Industry Licensing Board pursuant to Chapter 75-489, Laws of Florida, as amended.

Where there is a conflict between the provisions of this section and Chapter 75-489, Laws of Florida, as amended, the provisions of Chapter 75-489 Laws of Florida, as amended, shall prevail.

**5-121.112. Appeals.** The variance review board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the administration and enforcement of this section. Any person aggrieved by the decision may appeal such decision to the circuit court, as provided by Florida Statutes.

**5-121.113. Limitations on authority to grant variances.** The variance review board shall base decisions on variances on technical justifications submitted by applicants, the considerations for issuance in section 5-121.116 of this section, the conditions of issuance set forth in section 5-121.117 of this section, and the comments and recommendations of the floodplain administrator and the building official. The variance review board has the right to attach such conditions as it deems necessary to further the purposes and objectives of this section.

**5-121.114. Restrictions in floodways.** A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in section 5-121.84 of this section.

**5-121.115. Historic buildings.** A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood-resistant construction requirements of the Florida Building Code, Existing Building, Chapter 27 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

**5-121.116. Considerations for issuance of variances.** In reviewing requests for variances, the variance review board shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this section, and the following:

1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
4. The importance of the services provided by the proposed development to the community;
5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
6. The compatibility of the proposed development with existing and anticipated development;
7. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;



8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

**5-121.117. Conditions for issuance of variances.** Variances shall be issued only upon:

1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this section or the required elevation standards. The burden shall be on the applicant to provide documentation, sufficient to the satisfaction of the flood control board, to show that the standards and conditions required for the granting of a variance have been met;
2. Determination by the variance review board that:
  - a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship. For purpose of this section, an exceptional hardship can only be caused by a peculiar and unique circumstance related directly to the land and shall not be the result of inconvenience, aesthetic consideration, physical or medical handicap, personal preference, financial considerations, or any after- the-fact circumstance created by the inhabitants of the structure or the present or previous property owners;
  - b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
  - c. The variance is the minimum necessary, considering the flood hazard, to afford relief;
3. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the office of the clerk of the court in such a manner that it appears in the chain of title of the affected parcel of land; and
4. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the floodplain administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the base flood elevation increases risks to life and property.

**5-121.118.—5-121.130. Reserved.**

#### ***DIVISION 8. VIOLATIONS***

**5-121.131. Violations.** Any development that is not within the scope of the Florida Building Code but that is regulated by this section that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this section, shall be deemed a violation of this section. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this section or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.

**5-121.132. Authority.** For development that is not within the scope of the Florida Building Code but that is regulated by this section and that is determined to be a violation, the floodplain administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

**5-121.133. Unlawful continuance.** Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

**5-121.134—5-121.150. Reserved.**

#### ***DIVISION 9. ENFORCEMENT; PENALTIES***

**5-121.151. Enforcement.** The owners of property subject to this section shall be responsible for compliance with this section with respect to their property. Enforcement action taken by the city or state may be brought against the owner and/or persons or entities in control of the property, including a contractor working on the property.

**5-121.152. Penalties.**

(a) Any person who violates any provision of this section shall be punished as provided in section 1-6, City of Tampa Code.

(b) Any person or agency violating the provisions of this section may be required to restore land to its undisturbed condition and may be held responsible for any damages occurring as a result of the violation.

**5-121.153.—5-121.180. Reserved.**

#### ***ARTICLE II. DEFINITIONS***

**5-121.181. General.**

(a) Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this section, have the meanings shown in this article.

(b) Terms defined in the Florida Building Code. Where terms are not defined in this section and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that Code.

(c) Terms not defined. Where terms are not defined in this section or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

#### **5-121.182. Definitions.**

*Accessory structure means*, for the purposes of this section, a structure used only for parking and storage that is located on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure.

*Adverse impact means* any modifications, alterations or effects on a feature or characteristic of water or flood-prone lands, including their quality, quantity, hydrodynamics, surface area, species composition, living resources, aesthetics or usefulness for human or natural uses which are or potentially may be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity or stability or which may unreasonably interfere with the enjoyment of life or property, including outdoor recreation. The term includes secondary and cumulative as well as direct impacts.

*Alteration of a watercourse means* a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

*Appeal means* a request for a review of the floodplain administrator's interpretation of any provision of this section.

*Applicant means* the owner of the property for which a development permit is sought, or his or her authorized agent.

*ASCE 24 means* a standard titled "Flood Resistant Design and Construction" that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

*Base flood means* a flood having a one percent chance of being equaled or exceeded in any given year. [Also defined in FBC, section 202.] The base flood is commonly referred to as the "100-year flood" or the "one-percent-annual chance flood."

*Base flood elevation means* the elevation of the base flood, including wave height, relative to the North American Vertical Datum (NAVD) or other datum specified on the flood insurance rate map (FIRM). [Also defined in FBC, section 202.]

*Basement means* the portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, section 202.]

*Breakaway walls means* a partition or wall that is independent of supporting structural members and that is intended to withstand design wind forces but to collapse from a water load less than that which would occur during the base flood, without causing collapse,

displacement or other structural damage to the elevated portion of the building or supporting foundation system. Breakaway walls are designed and constructed to meet the requirements of the FBC or ASCE 24 for walls below the design flood elevation.

*Coastal Barrier Resource Act of 1982 (CBRA).* For the purposes of the NFIP, the coastal barrier resources act of 1982 designated certain portions of the gulf and east coasts and undeveloped coastal barriers. these areas have certain flood insurance coverage restrictions.

*Coastal construction control line means* the line established by the State of Florida pursuant to F.S. § 161.53 and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

*Coastal high-hazard area means* a special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on flood insurance rate maps (FIRM) as Zone V1—V30, VE, or V.

*Coastal A Zone means* flood hazard areas that have been delineated as subject to wave heights between one and one-half (1½) feet (457 mm) and three (3) feet (914 mm). Such areas are seaward of the Limit of Moderate Wave Action shown on the Flood Insurance Rate Map.

*Compensatory excavation means* that excavation within or directly contiguous to a floodplain for the purpose of hydraulically balancing proposed fill.

*Conditioned space means* an area, room, or space that is enclosed within the building thermal envelope and is directly or indirectly heated or cooled, or any other method of treating or modifying the enclosed space such that it is no longer considered to have a free or open exchange with outside environmental air. Spaces are directly or indirectly cooled where they communicate through openings with conditioned spaces

*Declaration of land restriction (non-conversion acknowledgment).* A form provided by the floodplain administrator to be signed by the owner and recorded on the property deed in official records of the clerk of courts, for the owner to agree not to convert or modify in any manner that is inconsistent with the terms of the building permit and these regulations, enclosures below elevated buildings and structures, crawlspace foundations taller than six (6) feet measured from the lowest adjacent grade, and accessory structures larger than one hundred (100) square feet.

*Design flood means* the flood associated with the greater of the following two areas: [Also defined in FBC, B, section 1612.2.]

1. Area with a floodplain subject to a one (1) percent or greater chance of flooding in any year; or
2. Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

*Design flood elevation means* the elevation of the "design flood," including wave height, relative to the datum specified on the city's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to three (3) feet. [Also defined in FBC, B, section 1612.2.]

*Development means* any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities. For the purposes of this section, "development" shall include, but is not limited to, the following activities or uses:

1. A reconstruction, alteration of the size, or change in the external appearance of a structure;
2. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or an increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land;
3. Alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any coastal construction as defined in section 161.021, Florida Statutes;
4. Commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land;
5. Demolition of a structure;
6. Clearing of land as an adjunct of construction; and
7. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

*Encroachment means* the placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

*Environmentally sensitive areas:* See section 27-287.10 through section 27-287.12, City of Tampa Code.

*Existing building and existing structure mean* any buildings and structures for which the start of construction commenced before June 18, 1980. [Also defined in FBC, B, section 1612.2.]

*Federal Emergency Management Agency (FEMA) means* the federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

*Flood or flooding means* a general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, section 1612.2.]

1. The overflow of inland or tidal waters.

2. The unusual and rapid accumulation or runoff of surface waters from any source.

*Flood damage-resistant materials means* any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, section 1612.2.]

*Flood hazard area means* the greater of the following two areas: [Also defined in FBC, B, section 1612.2.]

1. The area within a floodplain subject to a one percent or greater chance of flooding in any year.
2. The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

*Flood insurance rate map (FIRM) means* the official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, section 1612.2.]

*Flood insurance study (FIS) means* the official report provided by the Federal Emergency Management Agency that contains the flood insurance rate map, the flood boundary and floodway map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, section 1612.2.]

*Floodplain means* the lateral extent of inundation by an event of given statistical frequency, such as special flood hazard areas as designated in the FIRMs, and 100-year and 25-year floodplain as designated in city watershed management plans and the city stormwater master plan (SWMP) or any other source approved by the city's floodplain administrator.

*Floodplain administrator means* the office or position designated and charged with the administration and enforcement of this section (may be referred to as the floodplain manager) as designated by the mayor and who shall be subject to the removal by the mayor.

*Floodplain development permit or approval means* an official document or certificate issued by the city, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this section.

*Flood-prone area means* any land area susceptible to being inundated by water from any source.

*Floodway means* the channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. [Also defined in FBC, B, section 1612.2.] The county has a no rise policy within the floodways.

*Floodway encroachment analysis means* an engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries

and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

*Florida Building Code (FBC)* means the family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

*Free of Obstruction*; In order to reduce the effects of flow diversion, wave reflection, and wave runup, the use of permanent structural components and systems designed to resist the combined effects of wind and flood load below the DFE must not block or impede the passage of water more than an aggregate 40% of the total width of the building/structure footprint in the direction of flow of oncoming floodwaters, allowing for free passage of water at or more than 60% of the footprint after breakaway construction has been dislodged and scour has taken place.

*Hazardous material* means those chemicals or substances that are physical hazards or health hazards as defined and classified in the Florida Building Code and the Florida Fire Prevention Code, whether the materials are in usable or waste condition. [Defined in FBC, B, section 307.]

*Highest adjacent grade* means the highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

*Historic structure* means any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 27 Historic Buildings.

*Letter of map change (LOMC)* means an official determination issued by FEMA that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

1. *Letter of map amendment (LOMA)*: An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
2. *Letter of map revision (LOMR)*: A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
3. *Letter of map revision based on fill (LOMR-F)*: A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the city's floodplain management regulations.
4. *Conditional letter of map revision (CLOMR)*: A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map

or flood insurance study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM.

*Light-duty truck means*, as defined in 40 CFR 86.082-2, any motor vehicle rated at eight thousand five hundred (8,500) pounds gross vehicular weight rating or less which has a vehicular curb weight of six thousand (6,000) pounds or less and which has a basic vehicle frontal area of forty-five (45) square feet or less, which is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle; or
2. Designed primarily for transportation of persons and has a capacity of more than twelve (12) persons; or
3. Available with special features enabling off-street or off-highway operation and use.

*Limit of moderate wave action means* a line shown on FIRMs to indicate the inland limit of the one and one-half-foot (457 mm) breaking wave height during the base flood.

*Lowest floor means* the lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, section 1612.2.]

*Major drainage system means* a system of natural or manmade drainageways such as streams, ditches or canals that collect stormwater runoff from watersheds identified by name or number in the city's watershed management plans or stormwater management plan.

*Manufactured home means* a structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in section 15C-1.0101, F.A.C.]

*Manufactured home park or subdivision means* a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

*Market value means* the price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this section, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, actual cash value (replacement cost depreciated for age and quality of construction), or one hundred twenty (120) percent of the depreciated value of the structure as indicated by the Hillsborough County Property Appraiser's Office.



*New construction means*, for the purposes of administration of this section and the flood-resistant construction requirements of the Florida Building Code, structures for which the start of construction commenced on or after June 18, 1980 and includes any subsequent improvements to such structures. For the purposes of determining NFIP flood insurance rates, structures for which the start of construction commenced on or after the effective date of an initial FIRM or after June 18, 1980, whichever is later, and includes any subsequent improvements to such structures.

*Nonstructural Fill*; Non compacted material such as soil, gravel, or crushed stone no greater than 2 feet and steeper than 1 unit to 5 horizontal placed in an area to increase the ground elevation.

*North American Vertical Datum of 1988 (NAVD)* means the vertical datum used by the Federal Emergency Management Agency (FEMA) as the basis for published flood elevations.

*Obstruction*; ASCE 24-14 Section 1.2 Definitions. “Obstruction – Any object or structural component attached to a structure below the DFE that can cause an increase in flood elevation, deflect floodwaters, or transfer flood loads to any structure.” The DFE in the definition of obstruction is the Design Flood Elevation, which will be equal to or higher than the BFE.

*Otherwise protected areas (OPAS)* are undeveloped coastal barriers that are within the boundaries of areas established under federal, state or local law, or held by a qualified organization, primarily for wildlife refuge, sanctuary, recreational or natural resource conservation purposes. The only federal spending limitation within OPAS is federal flood insurance.

*Park trailer means* a transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in section 320.01, Florida Statutes.]

*Recreational vehicle means* a vehicle, including a park trailer, which is: [See section 320.01, Florida Statutes.]

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

*Sand dunes means* naturally occurring accumulations of sand in ridges or mounds landward of the beach.

*Special flood hazard area means* an area in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1—A30, AE, A99, AH, V1—V30, VE or V. [Also defined in FBC, B, section 202.]

*Square footage construction cost means* the average construction cost per square foot, taking into account the classification/occupancy group of any proposed building and the type of construction to be used, as determined with respect to the most recent Building Valuation Data table ("BVD table") published by the International Code Council ("ICC").

*Start of construction means* the date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual "start of construction" means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns. Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B, section 202.]

*Substantial damage means* damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the building or structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds twenty-five (25) percent of the market value of the structure before the damage occurred. [Also defined in FBC, section 202.]

*Substantial improvement means* any combination of repair, reconstruction, rehabilitation, alteration, addition, or other improvement of a building or structure taking place during a one-year period, the cumulative cost of which equals or exceeds fifty (50) percent of the market value of the building or structure before improvement or repair is started. For each building or structure, the 1-year period begins on the later date, of approved final inspection on trade permits or on the date the certificate of completion or certificate of occupancy is issued for projects that require plan review. 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: [Also defined in FBC, section 202.]

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 the alteration will not preclude the structure's continued designation as a historic structure.

*Twenty-five-year flood means* the flood having a four (4) percent chance of being equaled or exceeded in any given year.

*Variance means* a grant of relief from the requirements of this section, or the flood-resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this section or the Florida Building Code.

*Watercourse means* a river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

*Wetland means* all those waters, fresh and saline, or areas which are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation specifically adapted to life in saturated conditions. Such wetland vegetative indicators shall be those species listed in the Florida Administrative Code. Wetlands include, but are not limited to, rivers, lakes, streams, springs, impoundments, swamps, hydric hammocks, marshes, bogs, sinkholes, estuaries, sloughs, cypress heads, mangrove forests, bayheads, bayous, bays, and open marine waters, whether on private or public lands and whether they are manmade or natural. Wetlands shall not include stormwater retention ponds.

**5-121.183—5-121.220. Reserved.**

### **ARTICLE III. FLOOD-RESISTANT DEVELOPMENT**

#### **DIVISION 1. LIMITATIONS ON DEVELOPMENT**

**5-121.221. Development not permitted in floodways, isolated wetlands, and preservation areas.** No new development, expansion of existing buildings, or fill shall be permitted within the 100-year floodway, the 25-year floodway, isolated wetlands, or environmentally sensitive areas that are designated as preservation areas on the future land use map adopted by the City. Floodplain maintenance and improvement projects that serve the public, such as bank stabilization, drainage improvements, habitat restoration, and park or preserve projects, may be permitted providing disturbance and alteration of the ground contours are minimal and the requirements of section 5-121.223 of this section are satisfied.

**5-121.222. Development permitted outside of floodways.** Development, redevelopment or fill is permitted outside of floodways if compensatory excavation is provided. Engineering studies and analyses shall be submitted to demonstrate the compensatory excavation hydraulically balances the proposed development, redevelopment or fill. Compensatory excavation shall be taken between the seasonal high-water level and the base flood elevation and shall not result in adverse impact to the floodplain. Compensatory excavation shall become part of the floodplain and not be separated from it by an open channel or closed conduit such as culvert pipe. The floodplain administrator may waive the requirement for compensatory excavation if the applicant demonstrates that no adverse effects will result from the proposed activities outside the floodway and within the floodplain.

**5-121.223. Floodway setback.** No encroachments, including fill material or structures, shall be located within a distance of the stream bank equal to three times the width of the stream at the top of bank or 20 feet on each side from top of bank, whichever is greater, unless certification by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

**5-121.224—5-121.240. Reserved.**

## ***DIVISION 2. BUILDINGS AND STRUCTURES***

**5-121.241. Design and construction of buildings, structures and facilities exempt from the Florida Building Code.** Pursuant to section 5-121.63 of this section, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood-resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of division 8 of this article.

**5-121.242. Buildings and structures seaward of the coastal construction control line.** If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:

1. Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, Building Section 3109 and Section 1612 or Florida Building Code, Residential Section R322.
2. Minor structures and non-habitable major structures as defined in section 161.54, Florida Statutes, shall be designed and constructed to comply with the intent and applicable provisions of this section and ASCE 24.

**5-121.243. Administrative amendments to the Florida Building Code, Building.**

1. Amend Chapter 1, Section 107 Construction Documents, as follows:

**107.3.5. [Examination of Documents] Minimum plan review criteria for buildings.** The examination of the documents by the building official shall include the following minimum criteria and documents: a floor plan; site plan; foundation plan; floor/roof framing plan or truss layout; all fenestration penetrations; flashing; and rough opening dimensions; and all exterior elevations:

**Commercial Buildings: [partial shown]**

**Building:**

1. Site requirements:  
Flood hazard areas, flood zones, and design flood elevations
8. Structural requirements shall include:  
Flood requirements in accordance with Section 1612, including lowest floor elevations, enclosures, declaration of land restriction (non-conversion agreement), flood damage-resistant materials (FEMA Elevation Certificate, FEMA Form 086-33; FEMA Nonresidential Floodproofing Certificate, FEMA Form 086-34)

**Electrical:**

8. Design flood elevation

**Plumbing:**

14. Design flood elevation

**Mechanical:**

16. Design flood elevation

**Gas:**

10. Design flood elevation

**Residential (one- and two-family): [partial shown]**

6. Structural requirements shall include:

Flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures, declaration of land restriction (non-conversion agreement), equipment, and flood damage-resistant materials (FEMA Elevation Certificate, FEMA Form 086-33)

2. Amend Chapter 1, Section 110 Inspections, as follows:

**110.3. Required inspections.** The building official upon notification from the permit holder or his or her agent shall make the following inspections, and shall either release that portion of the construction or shall notify the permit holder or his or her agent of any violations which must be corrected in order to comply with the technical codes. The building official shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection.

**Building [partial shown]**

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

5. Final inspection. To be made after the building is completed and ready for occupancy.

5.1. In flood hazard areas, as part of the final inspection, a final FEMA Elevation Certificate (FEMA Form 086-33) completed for Finished Construction to certify the lowest floor elevation shall be submitted to the authority having jurisdiction.

**5-121.244. Technical amendments to the Florida Building Code, Building.**

1. Amend Chapter 2, Section 202 Definitions, as follows:

**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 a 1-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the 1-year period begins on the later date of approved final inspection on trade permits or on the date the Certificate of Completion or Certificate of Occupancy is issued for projects that require plan review. 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.
2. Amend Chapter 16, Section 1612 Flood Loads, as follows:

**1612.4.1 Reserved.**

**1612.4.3. Modification of ASCE 24 Chapter 4** ASCE 24 Chapter 4 provisions that permit backfilled stem walls in Coastal A Zones shall not apply in the City of Tampa.

**5-121.245. Technical amendments to the Florida Building Code, Existing Building.**

1. Amend Chapter 2, Section 202 Definitions, as follows:

**SUBSTANTIAL DAMAGE.** For the purpose of determining compliance with the flood provisions of this code, any 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 other improvement of a building or structure taking place during a 1- year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the 1-year period begins on the later date, of approved final inspection on trade permits or on the date the Certificate of Completion or Certificate of Occupancy is issued for projects that require plan review. 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.

**5-121.246. Technical amendments to the Florida Building Code, Residential.**

1. Amend Chapter 3, Section R322 Flood-Resistant Construction, 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 enclosed area shall not be conditioned space (temperature controlled) or finished or partitioned except for one storage area no larger than 100 square feet with one dimension not to exceed 6 feet, access stairwells, ramps, and elevators, unless a partition is required by the fire code. The limitation on partitions does not apply to load bearing walls interior to perimeter wall (crawl space) foundations.

1.1 Protection of building envelope. An exterior door that meets the requirements of R 609 shall be installed at the top of stairs that provide access to the building and that are enclosed with walls.

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 mm<sup>2</sup>) for each square foot (0.093 m<sup>2</sup>) 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.

**R322.2.3 Foundation design and construction.** Foundations for buildings and structures erected in flood hazard areas shall meet the requirements of Chapter 4 and the construction documents shall include documentation that is prepared and sealed by a registered design professional that the foundation design accounts flood loads.

**R322.3.3 Foundations.** Buildings and structures erected in coastal high-hazard areas and Coastal A Zones shall be supported on pilings or columns and shall be adequately anchored to such pilings or columns. The space below the elevated building shall be either free of obstruction or, if enclosed with walls, the walls shall meet the requirements of Section R3223.5. Pilings shall have adequate soil penetrations to resist the combined wave

and wind loads (lateral and uplift). Water-loading values used shall be those associated with the design flood. Wind-loading values shall be those required by this code. Pile embedment shall include consideration of decreased resistance capacity caused by scour of soil strata surrounding the piling. Pile systems design and installation shall be certified in accordance with Section R322.3.9. Spread footing, mat, raft or other foundations that support columns shall not be permitted where soil investigations that are required in accordance with Section R401.4 indicate that soil material under the spread footing, mat, raft or other foundation is subject to scour or erosion from wave-velocity flow conditions. If permitted, spread footing, mat, raft or other foundations that support columns shall be designed in accordance with ASCE 24. Slabs, pools, pool decks and walkways shall be located and constructed to be structurally independent of buildings and structures and their foundations to prevent transfer of flood loads to the buildings and structures during conditions of flooding, scour or erosion from wave-velocity flow conditions, unless the buildings and structures and their foundations are designed to resist the additional flood load.

**R322.3.4 Concrete slabs.** Concrete slabs used for parking, floors of enclosures, landings, decks, walkways, patios and similar uses that are located beneath structures, or slabs that are located such that if undermined or displaced during base flood conditions could cause structural damage to the building foundation, shall be designed and constructed in accordance with one of the following:

1. To be structurally independent of the foundation system of the structure, to not transfer flood loads to the main structure, and to be frangible and break away under flood conditions prior to base flood conditions. Slabs shall be a maximum of 4 inches (102 mm) in thickness, shall not have turned-down edges, shall not contain reinforcing, shall have isolation joints at pilings and columns, and shall have control or construction joints in both directions spaced not more than 4 feet (1219 mm) apart.
2. To be self-supporting, structural slabs capable of remaining intact and functional under base flood conditions, including erosion and local scour, and the main structure shall be capable of resisting any added flood loads and effects of local scour caused by the presence of the slabs.

**R322.3.5 Walls below design flood elevation.** Walls and partitions are permitted below the elevated floor, provided that such walls and partitions are not part of the structural support of the building or structure and:

1. Electrical, mechanical and plumbing system components are not to be mounted on or penetrate through walls that are designed to break away under flood loads; and
2. Are constructed with insect screening or open lattice; or
3. Are designed to break away or collapse without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Such walls, framing and connections shall have a resistance of not less than 10 (479 Pa) and not more than 20 pounds per square foot (958 Pa) as determined using allowable stress design; or



4. Where wind loading values of this code exceed 20 pounds per square foot (958 Pa), as determined using allowable stress design, the construction documents shall include documentation prepared and sealed by a registered design professional that:

- 4.1. The walls and partitions below the design flood elevation have been designed to collapse from a water load less than that which would occur during the base flood.

- 4.2. The elevated portion of the building and supporting foundation system have been designed to withstand the effects of wind and flood loads acting simultaneously on structural and nonstructural building components. Water-loading values used shall be those associated with the design flood. Wind-loading values shall be those required by this code.

5. Walls intended to break away under flood loads as specified in Item 3 or 4 have flood openings that meet the criteria in Section R322.2.2, Item 2.

**R322.3.6 Enclosed areas below the design flood elevation.** Enclosed areas below the design flood elevation shall be used solely for parking of vehicles, building access or storage. The enclosed area shall not be conditioned space (temperature controlled) or finished or partitioned except for one storage area no larger than 100 square feet with one dimension not to exceed 6 feet, access stairwells, ramps, and elevators, unless a partition is required by the fire code.

**R322.3.6.1 Protection of building envelope.** An exterior door that meets the requirements of Section R609 shall be installed at the top of stairs that provide access to the building and that are enclosed with walls designed to break away in accordance with Section R322.3.4.

**R322.3.7 Stairways and ramps.** Stairways and ramps that are located below the lowest floor elevations specified in Section R322.3.2 shall comply with one or more of the following:

1. Be designed and constructed with open or partially open risers and guards.
2. Stairways and ramps not part of the required means of egress shall be designed and constructed to break away during design flood conditions without causing damage to the building or structure, including the foundation.
3. Be retractable, or able to be raised to or above the lowest floor elevation, provided that the ability to be retracted or raised prior to the onset of flooding is not contrary to the means of egress requirements of the code.
4. Be designed and constructed to resist flood loads and minimize transfer of flood loads to the building or structure, including the foundation.

Areas below stairways and ramps shall not be enclosed with walls below the design flood elevation unless such walls are constructed in accordance with Section R322.3.5

**5-121.247 Accessory structures.** Accessory structures are permitted below the base flood elevation provided the accessory structures are used only for parking or storage and:

1. If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas or coastal A zones, they are one-story and not larger than 600 square feet.
2. If located in coastal high-hazard areas (Zone V/VE) or coastal A zones, they are not located below elevated buildings and are not larger than 100 square feet.
3. Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.
4. Have flood damage-resistant materials used below the base flood elevation plus one (1) foot.
5. Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one (1) foot.

**5-121.248—5-121.250. Reserved.**

### ***DIVISION 3. SUBDIVISIONS***

**5-121.251. Minimum requirements.** Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

**5-121.252. Subdivision plats.** Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required in addition to the other items that are required to be shown on plats by the city:

1. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
2. Where the subdivision has more than 50 lots or is larger than five acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with section 5-121.82(1) of this section; and
3. Compliance with the site improvement and utilities requirements of division 4 of this article.

**5-121.253—5-121.260. Reserved.**

### ***DIVISION 4. SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS***

**5-121.261. Minimum requirements.** All proposed new development shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

**5-121.262. Sanitary sewage facilities.** All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for on-site sewage treatment and disposal systems in Ch. 64E-6, F.A.C. and ASCE 24 chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

**5-121.263. Water supply facilities.** All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Ch. 62-532.500, F.A.C. and ASCE 24 chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

**5-121.264. Limitations on sites in regulatory floodways.** No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in section 5-121.84(1) of this section demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

**5-121.265. Limitations on placement of fill.** Subject to the limitations of this section, nonstructural fill shall be the minimum necessary for the intended purpose and shall be designed to be stable under conditions of flooding, including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition, fill intended to support buildings and structures (Zone A only) shall comply with the requirements of the Florida Building Code.

**5-121.266. Limitations on sites in coastal high hazard areas (Zone V) and Coastal A Zones.** In coastal high-hazard areas and Coastal A Zones, alteration of sand dunes shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection, and alteration of mangrove stands shall be permitted only if permitted by sections 403.9321—403.9334, Florida Statutes, "Mangrove Trimming and Preservation Act", and alteration of environmentally sensitive lands shall be permitted only if permitted by the City of Tampa's Land Development Code Article VI, Division 4, Subdivision 6. - Upland Habitat, section 27-287.10 and only if the engineering analysis required by section 5-121.84(4) of this section demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with section 5-121.338(3) of this section.

**5-121.267—5-121.280. Reserved.**

## ***DIVISION 5. MANUFACTURED HOMES***

**5-121.281. General.** All manufactured homes installed in flood hazard areas shall be installed by a mobile home installer that is licensed pursuant to section 320.8249, Florida Statutes, and shall comply with the requirements of Ch. 15C-1, F.A.C. and the requirements of this section. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.

**5-121.282. Limitations on installations in coastal high hazard areas (Zone V) and Coastal A Zones.** New installations of manufactured homes in coastal high hazard areas and Coastal A Zones shall be permitted only in existing manufactured home parks and existing manufactured home subdivisions.

**5-121.283. Foundations.** All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

1. In flood hazard areas (Zone A) other than coastal high hazard areas and Coastal A Zones, are designed in accordance with the foundation requirements of the Florida Building Code, Residential section R322.2 and this section.
2. In coastal high hazard areas (Zone V) and Coastal A Zones, are designed in accordance with the foundation requirements of the Florida Building Code, Residential section R322.3 and this section.

**5-121.284. Anchoring.** All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

**5-121.285. Elevation.** Manufactured homes that are placed, replaced, or substantially improved shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential section R322.2 (Zone A) or section R322.3 (Zone V and Coastal A Zone).

**5-121.286. Enclosures.** Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322 for such enclosed areas, as applicable to the flood hazard area.

**5-121.287. Utility equipment.** Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential section R322, as applicable to the flood hazard area.

**5-121.288—5-121.300. Reserved.**

## ***DIVISION 6. RECREATIONAL VEHICLES AND PARK TRAILERS***

**5-121.301. Temporary placement.** Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

1. Be on the site for fewer than one hundred eighty (180) consecutive days; or
2. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

**5-121.302. Permanent placement.** Recreational vehicles and park trailers that do not meet the limitations in section 5-121.301 of this section for temporary placement shall meet the requirements of division 5 of this article for manufactured homes.

**5-121.303—5-121.310. Reserved.**

#### ***DIVISION 7. TANKS***

**5-121.311. Underground tanks.** Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

**5-121.312. Above-ground tanks, not elevated.** Aboveground tanks that do not meet the elevation requirements of section 5-121.313 of this section shall:

1. Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas (Zone V) and Coastal A Zones, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood borne debris.
2. Not be permitted in coastal high hazard areas (Zone V) and Coastal A Zones.

**5-121.313. Aboveground tanks, elevated.** Aboveground tanks in flood hazard areas shall be attached to and elevated to or above the designed flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the designed flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

**5-121.314. Tank inlets and vents.** Tank inlets, fill openings, outlets and vents shall be:

1. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

**5-121.315—5-121.330. Reserved.**

#### ***DIVISION 8. OTHER DEVELOPMENT***

**5-121.331. General requirements for other development.** All development, including manmade changes to improved or unimproved real estate for which specific provisions are not specified in this section or the Florida Building Code, shall:

1. Be located and constructed to minimize flood damage;
2. Meet the limitations of section 5-121.264 of this section if located in a regulated floodway;
3. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
4. Be constructed of flood damage-resistant materials; and
5. Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

**5-121.332. Fences in regulated floodways.** Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of section 5-121.264 of this section.

(Ord. No. 2021-8, § 2(Exh. A), 2-4-2021)

**5-121.333. Retaining walls, sidewalks and driveways in regulated floodways.** Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of section 5-121.264 of this section.

(Ord. No. 2021-8, § 2(Exh. A), 2-4-2021)

**5-121.334. Roads and watercourse crossings in regulated floodways.** Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of section 5-121.264 of this section. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of section 5-121.84(3) of this section.

**5-121.335. Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V) and Coastal A Zones.** In coastal high hazard areas and Coastal A Zones, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

1. Structurally independent of the foundation system of the building or structure;
2. Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
3. Have a maximum slab thickness of not more than four inches.

**5-121.336. Decks and patios in coastal high hazard areas (Zone V) and Coastal A Zones.** In addition to the requirements of the Florida Building Code, in coastal high hazard areas and Coastal

A Zones decks and patios shall be located, designed, and constructed in compliance with the following:

1. A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
2. A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
3. A deck or patio that has a vertical thickness of more than six (6) inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.
4. A deck or patio that has a vertical thickness of six (6) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

**5-121.337. Other development in coastal high hazard areas (Zone V) and Coastal A Zones.** In coastal high-hazard areas and Coastal A Zones, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

1. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
2. Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
3. On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.

**5-121.338. Nonstructural fill in coastal high hazard areas (Zone V) and Coastal A Zones.** In coastal high hazard areas and Coastal A Zones:

1. Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.

2. Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.
3. Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

**5-121.339—5-121.350. Reserved.**

#### ***DIVISION 9. HAZARDOUS MATERIALS***

**5-121.351. Manufacture and storage of hazardous materials.** Structures used for the manufacture or storage of hazardous materials shall not be permitted in any floodplain or floodway.

**5-121.352. Discharge of hazardous materials.** It shall be unlawful for any person to discharge, cause to be discharged, or allow to be discharged any hazardous materials within any floodplain or floodway.

#### **Technical Amendments to the Florida Building Code**

##### ***“Section 122. Definitions.***

**5-122.1. Words not defined.** Words not defined herein shall have the meaning stated in the Florida Building Code or other nationally recognized codes, or other documents, manuals or standards adopted elsewhere in this chapter. Words not defined in those documents shall have the meaning stated in the Webster's Ninth New Collegiate Dictionary, as revised.

**5-122.2.** In case of a conflict in definitions or codes, the appropriate definition (or code) to be applied shall be the one (1) applicable to the trade in question. In case of a conflict between different parts of this chapter, conflicts within the same code, or conflicts between codes, the more stringent requirements shall be applicable.

**5-122.3.** All other terms, phrases, etc. defined in Chapter 27.

*Abandon or abandonment.* (1) Termination of a construction project by a contractor without just cause or proper notification to the owner including the reason for termination or (2) failure of a contractor to perform work without just cause for ninety (90) days.

*Appraised value.* For the purpose of this section, the appraised value is defined as either (1) one hundred twenty (120) percent of the assessed value of the structure as indicated by the Hillsborough County Property Appraiser's Office or (2) the value as indicated in a certified appraisal from a certified appraiser.



***Assessed value.*** The value of real property and improvements thereon as established by the Hillsborough County Property Appraiser.

***Authorized agent.*** A person specifically authorized by the holder of a certificate of competency to obtain permits in his stead.

***Board.*** The appropriate Hillsborough County Board of Adjustment, Appeals and Examiners, unless otherwise specifically stated.

***Building component.*** An element or assembly of elements integral to or part of a building.

***Building shell.*** The structural components that completely enclose a building, including, but not limited to, the foundation, structural frame, floor slabs, exterior walls and roof system.

***Building system.*** A functionally related group of elements, components and/or equipment, such as the electrical, plumbing and mechanical systems of a building.

***Certification.*** The act or process of obtaining a certificate of competency from the state or municipality through the review of the applicant's experience and financial responsibility as well as successful passage of an examination.

***Certificate of completion (C. of C.).*** An official document evidencing that a building, structure, or building system satisfies the requirements of the jurisdiction for the completion of the building, structure and/or building system.

***Certificate of occupancy (C.O.).*** An official document evidencing that a building satisfies the requirements of the city for the occupancy of a building.

***Certificate of temporary occupancy (TCO).*** An official document evidencing that a building satisfies the requirements of the city for the temporary occupancy of a building for a specified period.

***Change of use*** shall have the same meaning as provided for in Chapter 27, City of Tampa Code of Ordinances.

***City.*** The City of Tampa.

***Commercial building.*** Any building, structure, improvement or accessory thereto, other than a one- or two-family dwelling.

***Construction services division.*** Division within the planning and development department is charged with enforcing the Code.

***Demolition.*** The act of razing, dismantling or removal of a building or structure, or portion thereof, to the ground level.

***Department.*** Development and Growth Management Department (DGM) Director. The director of the department of DGM.

***FCILB.*** The Florida Construction Industry Licensing Board.

***Imminent danger.*** Structurally unsound conditions of a structure or portion thereof that is likely to cause physical injury to a person entering the structure; or due to structurally unsound conditions, any portion of the structure is likely to fall, be carried by the wind, or otherwise detach or move, and in doing so cause physical injury or damage to a person on the property or to a person or property nearby; or the condition of the property is such that it harbors or is inhabited by pests, vermin, or organisms injurious to human health, the presence of which constitutes an immediate hazard to people in the vicinity.

***Inspection warrant.*** A court order authorizing the building official or his designee to perform an inspection of a particular property named in the warrant.

***Intensification of use.*** An increase in capacity or number of units of a residential or commercial building.

***Inter-local agreement.*** The inter-local agreement between Hillsborough County and the City of Tampa dated February 15, 1988, as amended, for administration of certificates of competency for the construction trades, enforcement of this chapter and penalizing unlicensed contractor activity.

***Licensed contractor.*** A contractor certified by the State of Florida, who has satisfied the requirements to be actively engaged in contracting, in accordance to Florida Statute Section 489.105. Market value. As defined in section 5-111.3, City of Tampa Code.

***Owner's agent.*** A person, firm or entity authorized in writing by the owner to act for or in place of the owner.

***Permit card or placard.*** A document issued by the City of Tampa evidencing the issuance of a permit.

***Remodeling.*** Work which changes the original size, location or material of the components of a building.

***Residential building.*** Any one or two-family building or accessory.

***Specialty contractor.*** A contractor whose services do not fall within the categories specified in section 489.105(3), Florida Statutes, as amended.

***Stop work order.*** An order by the building official, or his designee, which requires the immediate cessation of all work and work activities described in the order.

***Structural component.*** Any part of a system, building or structure, load bearing or non-load bearing, which is integral to the structural integrity thereof, including but not limited to walls, partitions, columns, beams and girders.

***Structural work or alteration.*** The installation or assembling of new structural components into a system, building or structure. Also, any change, repair or replacement of any existing structural component of a system, building or structure.

***Substantial completion.*** Where the construction work has been sufficiently completed in accordance with the applicable city, state and federal codes, so that the owner can occupy or utilize the project for the use for which it is intended.