

**ORDINANCE NO. 2024-03**

**AN ORDINANCE OF THE TOWN OF OCEAN RIDGE, FLORIDA, AMENDING ITS LAND DEVELOPMENT CODE AT CHAPTER 67, "BUILDING AND BUILDING REGULATIONS," ARTICLE III, "TECHNICAL CODES AND OTHER CONSTRUCTION STANDARDS," DIVISION 1, "GENERALLY," SECTION 67-31, "ADOPTION OF THE FLORIDA BUILDING CODE AMENDMENTS," TO CLARIFY THAT THE TOWN'S ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE ADOPTED BY RESOLUTION SHALL HAVE THE SAME FORCE AND EFFECT AS AN ORDINANCE WITHIN THE TOWN; AMENDING SECTION 67-39, "TECHNICAL AMENDMENTS," TO UPDATE AND MAKE CONSISTENT WITH THE PROVISIONS CONCURRENTLY UPDATED IN CHAPTER 66 REGARDING FLOOD DAMAGE PREVENTION AND TO DELETE INCONSISTENT PROVISIONS; AMENDING CHAPTER 67, "BUILDING AND BUILDING REGULATIONS," ARTICLE III, "TECHNICAL CODES AND OTHER CONSTRUCTION STANDARDS," DIVISION 2, "ADMINISTRATION AND ENFORCEMENT," SECTION 67-55, "CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS," TO CLARIFY WHO MAY HEAR VARIANCE REQUESTS FROM THE BUILDING CODE; AND DELETING CHAPTER 67, "BUILDING AND BUILDING REGULATIONS," ARTICLE III, "TECHNICAL CODES AND OTHER CONSTRUCTION STANDARDS," DIVISION 3, "AMENDMENTS TO THE FLORIDA BUILDING CODE," TO AVOID ANY CONFUSION WITH THE APPLICATION OF SECTION 67-31; AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE**

**WHEREAS**, the Town of Ocean Ridge, Florida ("Town") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, pursuant to subsection 67-31(a) of the Town Code of Ordinances ("Town Code"), the Florida Building Code as adopted by the state legislature, and as amended from time to time, is incorporated by reference and adopted as the building code for the town; and

**WHEREAS**, pursuant to subsection 67-31(b) of the Town Code, administrative amendments to the Florida Building Code are adopted by resolution of the Town Commission and are effective within the Town; and

**WHEREAS**, section 67-31 of the Town Code should be amended to clarify that administrative amendments to the Florida Building Code adopted by the Town Commission via resolution should have the same force and effect as a duly adopted Town ordinance; and

**WHEREAS**, section 67-60 of the Town Code, which is reserved for additional administrative amendments to the Florida Building Code, is duplicative of section 67-31 and should be deleted; and

**WHEREAS**, section 67-39 of the Town Code should be amended to be consistent with the concurrent amendments being made to Chapter 66 regarding flood damage prevention; and

**WHEREAS**, section 67-55 should be amended to clarify that in the event the Town Commission has not appointed members to the Construction Board of Adjustment and Appeals, the Board of Adjustment shall hear all variance requests from the Building Code; and

**WHEREAS**, this Ordinance has been reviewed by the Town's Planning and Zoning Commission, which recommended approval of the same; and

**WHEREAS**, nothing in this Ordinance is inconsistent with the goals and objectives of the Town's Comprehensive Plan; and

**WHEREAS**, the Town Commission for the Town of Ocean Ridge finds that this Ordinance serves a valid public purpose and is in the best interests of the Town of Ocean Ridge.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA, AS FOLLOWS:**

**SECTION 1 – Findings of Fact:** The **WHEREAS** clauses set forth above are adopted and incorporated herein as true findings of fact of the Town Commission and as an exercise of the Town's home-rule police power.

**SECTION 2 – Amendment:** Chapter 67, entitled "Building and Building Regulations," Article III, entitled "Technical Codes and Other Construction Standards," Division 1, entitled "Generally," Section 67-31, entitled "Adoption of the Florida Building Code and amendments," is hereby amended to read as follows (underline denotes added language; ~~strike-through~~ denotes deleted language):

## **Chapter 67 – BUILDING AND BUILDING REGULATIONS**

### **Article III. – TECHNICAL CODES AND OTHER CONSTRUCTION STANDARDS**

#### **Division 1 – GENERALLY**

##### **Sec. 67-31 Adoption of the Florida Building Code and amendments**

- (a) The Florida Building Code as adopted by the state legislature, and as amended from time to time, is hereby incorporated by reference and adopted as the building code for the town.
- (1) As required by paragraph 1609.3, of the Florida Building Code, wind speed lines in the area of jurisdiction of the town are hereby established as set forth on the basic wind speed map, which is hereby adopted and incorporated as if fully set forth herein, of which copies have been and are now filed in the office of the clerk of the town.
- (2) Pursuant to table 1604.5 of the Florida Building Code, entitled Risk Category of Buildings and Other Structures, figures 1609A, 1609B and 1609C, establishing ultimate design wind speeds respectively of 170 mph, 190 mph and 160 mph in the town, are hereby adopted and incorporated as if fully set forth herein, copies of which have been and are now filed in the office of the clerk of the town.
- (b) Administrative amendments to the Florida Building Code ~~may shall~~ be adopted by resolution of this town commission, ~~and shall have the same force and effect as an ordinance within the Town, be effective within the town and will be on file with the town clerk.~~

**SECTION 3 - Amendment:** Chapter 67, entitled "Building and Building Regulations", Article III, entitled "Technical Codes and Other Construction Standards", Division 1, entitled "Generally", Section 67-39, entitled "Technical Amendments", is hereby amended to read as follows (underline denotes added language; ~~strike through~~ denotes deleted language):

## **Chapter 67 – BUILDING AND BUILDING REGULATIONS**

### **Article III. – TECHNICAL CODES AND OTHER CONSTRUCTION STANDARDS**

#### **Division I. – GENERALLY**

##### **Section 67-39 –Technical amendments.**

- (a) Technical amendments to the Florida Building Code, Residential.

(1) Cumulative substantial improvement. In the Florida Building Code, Building, and Florida Building Code, Existing Building, definitions for the term "Substantial Improvement" shall be as defined in Section 66-25.

(2) Repetitive flood damage. In the Florida Building Code, Building, and Florida Building Code, Existing Building, definitions for the term "Substantial Damage" shall be as defined in Section 66-25.

(3) Substantial Damage. In the Florida Building Code, Building, and Florida Building Code, Existing Building, definitions for the term "Substantial Damage" shall be as defined in Section 66-25.

(4) Enclosures below required elevations.

a. Enclosed areas below elevated dwellings in coastal high hazard areas (Zone V) and Coastal A Zones are not permitted, except where enclosed by insect screening or open lattice.

b. Enclosed areas below elevated dwellings in flood hazard areas other than coastal high hazard areas (Zone V) and Coastal A Zones shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code. Where perimeter walls are permitted, the limitation on partitions does not apply to load bearing walls interior to perimeter wall (crawl space) foundations. Access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the building (stairway or elevator).

c. Enclosed areas below elevated buildings other than dwellings shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code.

#### **R322.2.1 Elevation requirements.**

- ~~1. Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.~~
- ~~2. Buildings and structures in flood hazard areas designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot (305 mm), or to the design flood elevation, whichever is higher.~~
- ~~3. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRMs plus 1 foot, or at least 3 feet if a depth number is not specified.~~
- ~~4. Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.~~  
**Exception:** Enclosed areas below the design flood elevation, including basements whose floors are not below grade on all sides, shall meet the requirements of Section R322.2.2.

**R322.2.2 Enclosed areas below design flood elevation.** Enclosed areas, including crawl spaces, that are below the design flood elevation shall:

- ~~1. Be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code. The limitation on partitions does not apply to load bearing walls interior to perimeter wall (crawl space) foundations. Access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the building (stairway or elevator).~~

**R322.3.4 Walls below design flood elevation.** Walls are permitted below the elevated floor, provided that such walls 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 design safe-loading resistance of not less than 10 (470 Pa) and no more than 20 pounds per square foot (958 Pa); or~~
4. ~~Where wind loading values of this code exceed 20 pounds per square foot (958 Pa), the construction documents shall include documentation prepared and sealed by a registered design professional that:~~
  - 4.1. ~~The walls below the design flood elevation have been designed to collapse from a water load less than that which would occur during the design 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 all building components (structural and nonstructural). Water loading values used shall be those associated with the design flood. Wind loading values used shall be those required by this code.~~

**~~R322.3.5 Enclosed areas below design flood elevation.~~** ~~Enclosed areas below the design flood elevation are not permitted.~~

**~~Exception:~~** ~~Areas enclosed by insect screening or open lattice.~~

~~(b) Technical amendments to the Florida Building Code, building.~~

**~~1612.4.2 Additional requirements for enclosed areas.~~** ~~In addition to the requirements of ASCE 24, enclosed areas below the design flood elevation shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators.~~

~~Change a definition as follows:~~

**~~SUBSTANTIAL IMPROVEMENT.~~** ~~Any combination of repair, reconstruction, rehabilitation, alteration, addition or improvement of a building or structure taking place during a 5-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. The period of accumulation begins when the first improvement or repair of each building is permitted subsequent to July 10, 2017. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:~~

1. ~~Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.~~
2. ~~Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.~~

**~~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.~~

~~(e) Technical amendments to the Florida Building Code, existing building.~~

~~**SUBSTANTIAL IMPROVEMENT.** Any combination of repair, reconstruction, rehabilitation, alteration, addition or improvement of a building or structure taking place during a 5-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. The period of accumulation begins when the first improvement or repair of each building is permitted subsequent to July 10, 2017. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:~~

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

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

~~**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.~~

**SECTION 4 - Amendment:** Chapter 67, entitled "Building and Building Regulations", Article III, entitled "Technical Codes and Other Construction Standards", Division 2, entitled "Administration and Enforcement", Section 67-55, entitled "Construction board of adjustment and appeals", is hereby amended to read as follows (underline denotes added language; ~~strike through~~ denotes deleted language):

## **Chapter 67 – BUILDING AND BUILDING REGULATIONS**

### **Article III. – TECHNICAL CODES AND OTHER CONSTRUCTION STANDARDS**

#### **Division 2 – CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS**

##### **Sec. 67-55 Construction board of adjustments and appeals**

There is hereby established a board, to be called the construction board of adjustments and appeals, which shall consist of five members. Such board, whenever possible, shall be composed of an architect, a general contractor or engineer, an electrical contractor, a plumbing

contractor, and a member at large from the building industry. Such board shall be appointed by the town commission to hold such appointment at its pleasure. The board shall have the power and duty prescribed in the standards and countywide amendments adopted in section 67-31. In lieu of the board established herein, during the term of any agreement between the town and the county wherein the county reviews and issues building permits in the town, the town commission may forward an appeal to be heard before the county construction board of adjustments and appeals, or similar duly authorized appellate body. Application fees and costs shall be as approved by the town commission by resolution. In the event this town commission has not appointed members to the construction board of adjustments and appeals, this town's board of adjustment shall hear all appeals and variance requests that would normally be heard by the construction board of adjustments and appeals.

**SECTION 5 – Amendment:** Chapter 67, entitled “Building and Building Regulations”, Article III, entitled “Technical Codes and Other Construction Standards”, Division 3, entitled “Amendments to the Florida Building Code”, is amended as follows: underline denotes added language; ~~strike through~~ denotes deleted language):

**DIVISION 3. – Reserved. AMENDMENTS TO THE FLORIDA BUILDING CODE**

Sec. 67-60. – ~~Reserved. Amendments adopted.~~

The amendments to the Florida Building Code, 2017 6<sup>th</sup> Edition, are hereby adopted by the town through a resolution adopted by the town commission.

**SECTION 6 - Codification:** This Ordinance shall be codified in the Code of Ordinances of the Town of Ocean Ridge, Florida.

**SECTION 7 - Repeal of Conflicting Ordinances:** All ordinances, resolutions or parts of ordinances and resolutions in conflict herewith are hereby repealed.

**SECTION 8 - Severability:** If any word, clause, sentence, paragraph, section, or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void, or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

**SECTION 9 - Effective Date:** This Ordinance shall become effective immediately upon adoption.

FIRST READING this 9<sup>th</sup> day of December 2024.

SECOND AND FINAL READING this 11<sup>th</sup> day of December, 2024.

Commissioner Hutchins offered the foregoing Ordinance and moved its adoption. The motion was seconded by Commissioner Cassidy and upon being put to a vote, the vote was as follows:



GEOFF PUGH, Mayor  
STEVE COZ, Vice Mayor  
CAROLYN CASSIDY, Commissioner  
DAVID HUTCHINS, Commissioner  
AINAR AIJALA JR., Commissioner

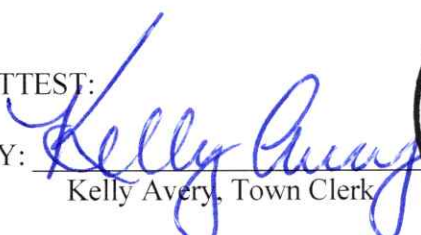
AYE	NAY
<u>X</u>	___
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<u>X</u>	___
<u>X</u>	___
<u>X</u>	___

The Mayor thereupon declared this Ordinance approved and adopted by the Town Commission of the Town of Ocean Ridge, Florida, on second reading, this 19<sup>th</sup> day of December, 2024.

TOWN OF OCEAN RIDGE, FLORIDA


BY:   
Geoff Pugh, Mayor

ATTEST:

BY:   
Kelly Avery, Town Clerk



APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

BY:   
Christy Goddeau, Town Attorney