

## ORDINANCE NO. 02-14

**AN ORDINANCE OF THE CITY OF DEBARY, FLORIDA, AMENDING THE CITY OF DEBARY CODE OF ORDINANCES, CHAPTER 14, ARTICLE II ADOPTION OF BUILDING AND OTHER TECHNICAL CODES, DIVISION 1. GENERALLY TO CREATE A NEW SECTION 14-33 ADOPTING LOCAL ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the Legislature of the State of Florida has, in **Chapter 166**, 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**, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of **City of DeBary** 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 DeBary** (as previously part of unincorporated Volusia County) was accepted for participation in the National Flood Insurance Program on November 23, 1973 and the **City of DeBary 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**, 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**, section 553.73(5), Florida Statutes, allows adoption of local administrative amendments to the *Florida Building Code* to implement the National Flood Insurance Program; and

**WHEREAS**, the **DeBary City Council** adopted a requirement to increase the minimum elevation requirement for buildings and structures in flood hazard areas prior to July 1, 2010 and, pursuant to section 553.73(5), F.S., is formatting that requirement to coordinate with the Florida Building Code; and

**WHEREAS**, the **DeBary City Council** has determined that it is in the public interest to adopt the proposed floodplain management regulations that are coordinated with the *Florida Building Code* and the local administrative amendments to the 2010 *Florida Building Code* as set forth in this Ordinance.

**IT IS HEREBY ORDAINED BY THE CITY OF DEBARY AS FOLLOWS:**

### **SECTION 1. RECITALS.**

The foregoing whereas clauses are incorporated herein by reference and made a part hereof as legislative findings of the City Council.

**SECTION 2. ADOPTION.** The City of DeBary, Florida, Code of Ordinances, Chapter 14, Buildings and Building Regulations, Article II, Adoption of Building and Other Technical Codes, Division 1 Generally, is hereby amended to add new Section 14-33 adopting administrative amendments to the *Florida Building Code* to read as follows:

**“Section. 14-33 Local Administrative Changes to the Florida Building Code.** The following administrative amendments to the Florida Building Code are hereby adopted and shall apply within the city (underlined language are additions, ~~stricken through~~ language are deletions, provisions not referenced are not being modified by this section):

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

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

## **117 VARIANCES IN FLOOD HAZARD AREAS**

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

Modify Sec. R322.2.1 as follows:

### **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 or 12 inches above the crown of all adjacent roads, whichever is higher.
2. Buildings and structures in flood hazard areas designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot (305 mm), or to the design flood elevation, whichever is higher.
3. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM plus 1 foot, or at least 3 feet ~~2 feet~~ (610 mm) if a depth number is not specified, or 12 inches

above the crown of all adjacent roads, whichever is higher.

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, or 12 inches above the crown of all adjacent roads, 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.

Modify Sec. R322.3.2 as follows:

**R322.3.2 Elevation requirements.**

1. All buildings and structures erected within coastal high-hazard areas shall be elevated so that the lowest portion of all structural members supporting the lowest floor, with the exception of mat or raft foundations, piling, pile caps, columns, grade beams and bracing, is:
  - 1.1 Located at or above the base flood elevation plus 1 foot, the design flood elevation, or 12 inches above the crown of all adjacent roads, whichever is higher, if the lowest horizontal structural member is oriented parallel to the direction of wave approach, where parallel shall mean less than or equal to 20 degrees (0.35 rad) from the direction of approach, or
  - 1.2 Located at the base flood elevation plus 2 feet 1-foot (305 mm), or the design flood elevation, whichever is higher, if the lowest horizontal structural member is oriented perpendicular to the direction of wave approach, where perpendicular shall mean greater than 20 degrees (0.35 rad) from the direction of approach.
2. Basement floors that are below grade on all sides are prohibited.
3. The use of fill for structural support is prohibited.
4. Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.

**Exception:** Walls and partitions enclosing areas below the design flood elevation shall meet the requirements of Sections R322.3.4 and R322.3.5."

**SECTION 3. FISCAL IMPACT STATEMENT.**

In terms of design, plan application review, construction and inspection of buildings and structures, the cost impact as an overall average is negligible in regard to the local technical amendments because all development has been subject to the requirements of the local floodplain management article adopted for participation in the National Flood Insurance Program. In terms of lower potential for flood damage, there will be continued savings and benefits to consumers.

**SECTION 4. CODIFICATION.** *It is the intent of this Ordinance to show the underline and strike through edits referenced in new Section 14-33 in the codification of said section so that it is clear what local administrative changes are being made to the Florida Building Code. Section 2 of this Ordinance shall be codified as a part of the City of DeBary Code of Ordinances, such provisions may be renumbered or re-lettered to accomplish such intention or to correct scrivener's errors, and the word "Ordinance" or similar words, may be changed to "Section," "Division," "Article," or other appropriate word. The City Clerk is granted liberal authority to codify the provisions of this Ordinance as contemplated herein.*

**SECTION 5. SEVERABILITY.**

If any section, subsection, sentence, clause or phrase of this article is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the article as a whole, or any part thereof, other than the part so declared.

**SECTION 6.EFFECTIVE DATE.**

This Ordinance shall take effect within ten (10) days from its adoption.

**PASSED** on first reading **January 15, 2014.**

**PASSED and ADOPTED** by the **City of DeBary City Council**, upon second and final reading this **February 5, 2014.**

**CITY OF DEBARY  
CITY COUNCIL**

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Bob Garcia, Mayor

**ATTEST:**

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Stacy Tebo, City Clerk