

**CITY OF ORLANDO
COUNCIL AGENDA ITEM**

H/O 2nd Rd
#2

Items Types:

Hearings/Ordinances/2nd Read

District: ALL

Contract ID:

Exhibits: Yes

Grant Received by City?: No

For Meeting of:

December 6, 2021

From:

Document Number:

On File (City Clerk) : Yes

Draft Only: No

Subject:

Ordinance No. 2021-65 Amending the City's Code Chapter 13 (Public Works)

Summary:

Ordinance No. 2021-65 will update the City's Code Chapter 13 to be consistent with Chapter 63 and 65 Amendment per the direction of the Florida Division of Emergency Management, Bureau of Mitigation, State Floodplain Management Office.

Fiscal & Efficiency Data:

No fiscal impact.

Recommended Action:

Adopting Ordinance No. 2021-65 and authorizing the Mayor and City Clerk to execute on behalf of the City upon final review and approval by the City Attorney.

Agenda Item attachment(s) on file in the City Clerks Office.

Note: All agenda items must be in the City Clerk's office by Noon Friday, six(6) business days prior to the regular Monday City Council meeting.

Contact: Nat Prapinpongsonone, nat.prap@cityoforlando.net, 407-246-2535; Matthew Soss, matthew.soss@cityoforlando.net

Approved By:

Department

Budget Outside Routing Approval

City Clerk

Date and Time

11/16/2021 5:00 PM

11/18/2021 3:41 PM

ATTACHMENTS:

Name:	Description:	Type:
 Amendments to Chapter 13 v.9.20.21.pdf	Ordinance No. 2021-65	Ordinance

"Enhance the quality of life in the City by delivering public services in a knowledgeable, responsive and financially responsible manner."

City Council Meeting: 12-6-21

Item: 12-2 Documentary: 2112061202

ORDINANCE NO. 2021-65

1
2 **AN ORDINANCE OF THE CITY OF ORLANDO, FLORIDA,**
3 **RELATING TO THE FLORIDA BUILDING CODE;**
4 **AMENDING ARTICLE I, CHAPTER 13, ORLANDO CITY**
5 **CODE, PROVIDING LOCAL ADMINISTRATIVE**
6 **AMENDMENTS AND LOCAL TECHNICAL**
7 **AMENDMENTS TO THE FLORIDA BUILDING CODE;**
8 **PROVIDING FOR APPLICABILITY, TRANSMITTAL TO**
9 **THE FLORIDA BUILDING COMMISSION,**
10 **SEVERABILITY, CODIFICATION, CORRECTION OF**
11 **SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**
12

13 **WHEREAS,** the Legislature of the State of Florida has conferred upon local
14 governments the authority to adopt regulations designed to promote the public health, safety, and
15 general welfare of its citizenry; and
16

17 **WHEREAS,** the Florida Building Code contains or incorporates by reference all laws
18 and rules which pertain to and govern the design, construction, erection, alteration, modification,
19 repair, and demolition of public and private buildings, structures, and facilities; and
20

21 **WHEREAS,** the Florida Building Code is adopted, modified, updated, interpreted, and
22 maintained by the Florida Building Commission and enforced by authorized state and local
23 government enforcement agencies; and
24

25 **WHEREAS,** Chapter 553, Florida Statutes, allows for local technical amendments to the
26 Florida Building Code that provide for more stringent requirements than those specified in the
27 Code and allows adoption of local administrative and local technical amendments to the Florida
28 Building Code to implement the National Flood Insurance Program and incentives; and
29

30 **WHEREAS,** the City Council is adopting a new requirement to require declarations of
31 land restriction (nonconversion agreements) for enclosures below elevated buildings in flood
32 hazard areas for the purpose of participating in the National Flood Insurance Program's
33 Community Rating System and, pursuant to section 553.73(5), F.S., is formatting that
34 requirement to coordinate with the Florida Building Code; and
35

36 **WHEREAS,** the City Council has determined that it is in the public interest to adopt the
37 proposed local technical amendments to the Florida Building Code and the proposed
38 amendments are not more stringent than necessary to address the need identified, do not
39 discriminate against materials, products or construction techniques of demonstrated capabilities,
40 are in compliance with section 553.73(4), Florida Statutes.
41

42 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE**
43 **CITY OF ORLANDO, FLORIDA:**
44

45 **SECTION 1. ARTICLE I, CHAPTER 13, AMENDED.** Article I, Chapter 13, Code
46 of the City of Orlando, Florida, is hereby amended as follows:

ARTICLE I. GENERAL

Sec. 13.2. Local administrative amendments.

Pursuant to section 553.73(4)(a), Florida Statutes (~~2020~~), the following local amendments are hereby adopted to the administrative provisions of the building code:

(a) *Section 104 amended.* Subsection 104.1 of the *Building* volume of the building code is hereby amended to read as follows:

104.1 *General.* The building official is hereby designated as an enforcement officer pursuant to Chapter 14, Orlando City Code, and as a code inspector for purposes of section 5.04(1), Orlando City Code.

(b) *Section 104 amended.* Section 104 of the Building volume of the building code is hereby amended by adding subsection 104.12, to read as follows:

104.12 Unsafe structures. Buildings and other structures regulated by this code, including support systems such as plumbing, electrical, gas, and mechanical, that are unsafe or unsanitary are hereby made unlawful and shall be abated by repair or demolition by the building official pursuant to the Orlando City Code.

(c) *Section 105 amended.* Subsection 105.4.1.4 of the *Building* volume of the building code is hereby amended to read as follows:

105.4.1.4 The fee for renewal, reissuance, or extension of a permit shall be set forth by the administrative authority. The building official may extend a permit no more than eight times and each extension may not exceed 90 days. The building official may require extension applicants to make their request on a form provided for such purpose.

(d) *Section 105 amended.* Section 105 of the Building volume of the building code is hereby amended by adding subsection 105.4.1.5, to read as follows:

105.4.1.5 Permit transfer. A permit may be transferred from one holder to another, and such transfer may occur before or after work has commenced. The building official shall transfer a permit upon receipt of a written, signed, and notarized request to do so from the owner of the real property to which the permit applies, and the payment of a fee set by resolution of Council and equal to the reasonably estimated administrative cost of transferring a permit. The building official may require transfer applicants to make their request on a form provided for such purpose.

(e) *Section 107 amended.* Section 107.3.5 of the Building volume of the building code is hereby amended to read as follows:

Commercial Buildings: Building

ORDINANCE NO. 2021-65

8. Structural requirements shall include:

Flood requirements in accordance with Section 1612, including lowest floor elevations, enclosures, declaration of land restriction (nonconversion agreement), flood damage-resistant materials.

Residential (one- and two-family):

6. Structural requirements shall include:

Flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures, declaration of land restriction (nonconversion agreement), equipment, and flood damage-resistant materials.

(e) (f) *Section 109 amended.* Subsection 109.6 of the *Building* volume of the building code is hereby amended to read as follows:

109.6 Refunds. The building official may refund permit fees if the permit has not expired, the project is cancelled, and no work has been done under the permit. The building official may require refund applicants to make their request on a form provided for such purpose. Refunds are subject to a fee set by resolution of Council and equal to the reasonably estimated administrative cost of refunding the permit fee and of the work conducted by the building official in the issuance of the permit.

(f)(g) *Section 110.3 amended.* Subsection 110.3 of the *Building* volume of the building code is hereby amended to read as follows:

Building (partial)

1.1 In flood hazard areas, upon placement of the lowest floor, including basement, and prior to further vertical construction, the FEMA elevation certification (FEMA Form 086-0-33) shall be submitted to the authority having jurisdiction.

5.1 In flood hazard areas, as part of the final inspection, a final FEMA elevation certification (FEMA Form 086-0-33) of the lowest floor elevation shall be submitted to the authority having jurisdiction.

Sec. 13.3. Ultimate Design Wind Speeds.

(a) Pursuant to "Note 2," *Figure 1609A*, of the *Building* volume of the building code, the ultimate design wind speeds for Risk Category II buildings and other structures within the City is hereby interpolated as 135 miles per hour.

(b) Pursuant to "Note 2," *Figure 1609B*, of the *Building* volume of the building code, the ultimate design wind speeds for Risk Category III and IV buildings and other structures within the City is hereby interpolated as 145 miles per hour.

139 (c) Pursuant to "Note 2," *Figure 1609C*, of the *Building* volume of the building code, the
140 ultimate design wind speeds for Risk Category I buildings and other structures within the City is
141 hereby interpolated as 125 miles per hour.
142

143 **Sec. 13.4 Technical Amendments to the Florida Building Code, Building.**
144

145 Pursuant to sections 553.73(4)(a) and 553.73(5), Florida Statutes, the following local
146 amendments are hereby adopted to the technical provisions of the building code:
147

148 Section 1612 amended. Section 1612 of the Building volume of the building code is
149 hereby amended to read as follows:
150

151 ~~1612.4.2~~ 1612.4.3 **Limitations on enclosures below elevated buildings. In addition to**
152 **the requirements of ASCE 24 for enclosures below elevated buildings:**
153

- 154 1. Enclosed areas below the design flood elevation shall not be partitioned or
155 finished into separate rooms except for stairwells, ramps, and elevators unless
156 a partition is required by the fire code. The limitation on partitions does not
157 apply to load bearing walls interior to perimeter wall (crawl space)
158 foundations.
- 159 2. No more than one switch and one outlet connected to a ground-fault interrupt
160 breaker are permitted below the elevated building.
- 161 3. Access to enclosed areas shall be the minimum necessary to allow for the
162 parking of vehicles (garage door) or limited storage of maintenance equipment
163 used in connection with the premises (standard exterior door) or entry to the
164 building (stairway or elevator).
165

166 **1612.5 Flood hazard documentation.** The following documentation shall be prepared
167 and sealed by a registered design professional and submitted to the building official:
168

- 169 1. For construction in flood hazard areas other than coastal high hazard areas:
170
 - 171 1.1 The elevation of the lowest floor, including basement, as required by
172 the foundation inspection and the final inspection in Section 110.3.
 - 173 1.2 For fully enclosed areas below the design flood elevation where
174 provisions to allow for the automatic entry and exit of floodwaters do
175 not meet the minimum requirements in Section ~~2.6.2.1~~ 2.7.2.1 of
176 ASCE 24, construction documents shall include a statement that the
177 design will provide for equalization of hydrostatic flood forces in
178 accordance with Section ~~2.6.2.2~~ 2.7.2.2 of ASCE 24 including
179 individual signed and sealed certification by a registered Florida
180 professional engineer or International Code Council Evaluation
181 Service, Inc. (ICC-ES) Evaluation Report.
182
 - 183 1.3 For dry floodproofed nonresidential buildings, construction documents
184 shall include a FEMA Floodproofing Certificate (FEMA Form 086-0-

185 34) that the dry floodproofing is designed in accordance with ASCE
186 24.
187

188 ****
189

190 **SECTION 2. FISCAL IMPACT STATEMENT.** In terms of design, plan application
191 review, construction and inspection of buildings and structures, the cost impact as an overall
192 average is negligible in regard to the local technical amendments because all development has
193 been subject to the requirements of the local floodplain management ordinance adopted for
194 participation in the National Flood Insurance Program. In terms of lower potential for flood
195 damage, there will be continued savings and benefits to consumers.
196

197 **SECTION 3. TRANSMITTAL.** In accordance with section 553.73(4)(a), Florida
198 Statutes, this ordinance, containing local administrative amendments to the Florida Building
199 Code, shall be transmitted to the Florida Building Commission by the City Clerk within 30 days
200 of its enactment.
201

202 **SECTION 4. SEVERABILITY.** If any provision of this ordinance or its application to
203 any person or circumstance is held invalid, the invalidity does not affect other provisions or
204 applications of this ordinance which can be given effect without the invalid provision or
205 application, and to this end the provisions of this ordinance are severable.
206

207 **SECTION 5. CODIFICATION.** The City Clerk and the City Attorney shall cause the
208 Code of the City of Orlando, Florida, to be amended as provided by Section 1 of this ordinance
209 and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to
210 facilitate the finding of the law.
211

212 **SECTION 6. SCRIVENER'S ERROR.** The City Attorney may correct scrivener's
213 errors found in this ordinance by filing a corrected copy of this ordinance with the City Clerk.
214

215 **SECTION 7. EFFECTIVE DATE.** This ordinance takes effect immediately upon final
216 passage.
217

218 **DONE, THE FIRST READING,** by the City Council of the City of Orlando, Florida, at
219 a regular meeting, this 8 day of NOVEMBER, 2021.
220

221 **DONE, THE PUBLIC NOTICE,** in a newspaper of general circulation in the City of
222 Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this 23 day of
223 NOVEMBER, 2021.
224

225 **DONE, THE SECOND READING, AND ENACTED ON FINAL PASSAGE,** by an
226 affirmative vote of a majority of a quorum present of the City Council of the City of Orlando,
227 Florida, at a regular meeting, this 6 day of DECEMBER, 2021.
228
229
230

ORDINANCE NO. 2021-65

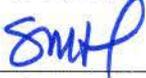
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BY THE MAYOR OF THE CITY OF ORLANDO,
FLORIDA:



Mayor

ATTEST, BY THE CLERK OF THE
CITY COUNCIL OF THE CITY OF
ORLANDO, FLORIDA:



City Clerk

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND RELIANCE OF THE
CITY OF ORLANDO, FLORIDA:



Assistant City Attorney

City Council Meeting: 12-6-21
Item: 12-2 Documentary: 2112061202

Orlando Sentinel

Published Daily
ORANGE County, Florida

Sold To:

City of Orlando - CU00118969
400 S Orange Ave, Fl 2
Orlando, FL 32801-3360

Bill To:

City of Orlando - CU00118969
400 S Orange Ave, Fl 2
Orlando, FL 32801-3360

**State Of Florida
County Of Orange**

Before the undersigned authority personally appeared Rose Williams, who on oath says that he or she is an Advertising Representative of the ORLANDO SENTINEL, a DAILY newspaper published at the ORLANDO SENTINEL in ORANGE County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter of 11150-Public Hearing Notice was published in said newspaper in the issues of Nov 23, 2021.

Affiant further says that the said ORLANDO SENTINEL is a newspaper Published in said ORANGE County, Florida, and that the said newspaper has heretofore been continuously published in said ORANGE County, Florida, each day and has been entered as periodicals matter at the post office in ORANGE County, Florida, in said ORANGE County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.



Rose Williams

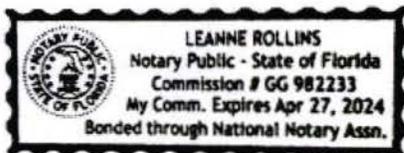
Signature of Affiant

Name of Affiant

Sworn to and subscribed before me on this 24 day of November, 2021,
by above Affiant, who is personally known to me (X) or who has produced identification ().



Signature of Notary Public



Name of Notary, Typed, Printed, or Stamped

NOTICE OF PROPOSED ENACTMENT

On Monday December 6, 2021, the Orlando City Council will consider proposed ordinance #2021-65, entitled: AN ORDINANCE OF THE CITY OF ORLANDO, FLORIDA, RELATING TO THE FLORIDA BUILDING CODE; AMENDING ARTICLE I, CHAPTER 13, ORLANDO CITY CODE, PROVIDING LOCAL ADMINISTRATIVE AMENDMENTS AND LOCAL TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR APPLICABILITY, TRANSMITTAL TO THE FLORIDA BUILDING COMMISSION, SEVERABILITY, CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE. A public hearing on this ordinance will be held during Council's regular meeting beginning at 2:00 p.m., in Council Chamber, 2nd floor, Orlando City Hall, 400 S. Orange Ave., Orlando, Florida. Interested parties may appear at the meeting and be heard with respect to the proposed ordinance. All pertinent information about meeting access and participation instructions will be available on orlando.gov/councilmeeting at least 3 days prior to the meeting. Additionally, interested parties are invited to watch the meeting live and may participate by providing public comment during the meeting or submitting written public comment in advance regarding the proposed ordinance. The opportunity to provide public comment is available until the designated public comment portion of the item is closed. All items received are public record. The proposed ordinance may be inspected at the Office of the City Clerk located on the 2nd floor, Orlando City Hall, 400 S. Orange Ave., Orlando, Florida or online at orlando.gov. Anyone who desires to appeal an official decision made at this meeting, if an appeal is permitted by law, may need to obtain a verbatim record of the proceedings that includes the testimony and evidence upon which the appeal is based. The City of Orlando is committed to reasonably accommodating the communication needs of persons with disabilities. Persons with disabilities who need reasonable accommodations to participate in this meeting, contact no later than 24 hours in advance of the meeting, the Office of the City Clerk at 407.246.2251 or cityclerk@orlando.gov.

7084372

11/23/2021

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