



MEETING DATE

June 27, 2016

Subject: Ordinance – Adopting 2014 Fla. Building Code (5th edition) and amendments to Chapter 1 of Building Code

Department/Office: Community Development

AGENDA

Section: Public Hearing

Item #: 4

AGENDA REPORT

Requested Action or Motion: After receiving public input, move to adopt, upon 2nd reading and public hearing, the 2014 Fla. Building Code (5th edition) and local amendments to Chapter 1 of the Building Code. (This is the final action required for this item.)

Summary Explanation & Background: This proposed Ordinance, adopting the 2014 Florida Building Code (5th edition) and amendments to Chapter 1 of the Building Code, is a companion to the ordinance adopting the 2015 International Property Maintenance Code (IPMC). This proposed Ordinance references the 2015 IPMC, a model code established for purposes of maintenance of existing structures.

Since 1998, local governments have been required by Chapter 553, *Florida Statutes*, to follow and comply with the Florida Building Code (FBC), adopted by the Florida Building Commission. The Commission periodically updates the FBC, with the last update being in 2014 as the 5th edition. Local governments may adopt more stringent administrative amendments to Chapter 1 of the Building Code to address local conditions and their own needs. The Building Officials' Association of Florida (BOAF) provides model amendments to Chapter 1 of the FBC and did so in 2015 for the FBC 5th edition.

The attached Ordinance updates Section 5-2 of the City Code by adopting the 2014 Florida Building Code (5th edition) as it may be amended from time to time. The Section as proposed retains and restates the requirement that all building construction must be consistent with the goals, objectives, and policies of the City's Comprehensive Development Plan.

The City last adopted more stringent administrative amendments to Chapter 1 of the FBC in 2008, as codified in Section 5-3 of the City's Code. The attached Ordinance updates Section 5-3 of the City Code by adopting Chapter 1, 5th edition, of the FBC with amendments thereto which are more stringent than FBC Chapter 1. When considering how Chapter 1 of the FBC should be amended, the City carefully scrutinized the Model Administrative Code published by BOAF in 2015 and those administrative amendments which the City Council adopted in 2008 that are currently codified in Chapter 5-3. Attached to the proposed Ordinance is Chapter 1 of the FBC with amendments thereto taken from BOAF's Model Administrative Code and Section 5-3 of City's current Code.

(Summary continues on next page)

Fiscal Impact: None

Exhibits: (1) Ordinance – Adopting 2014 Fla. Building Code (5th edition) and amendments to Chapter 1 of Building Code; and (2) Chapter 1 of the Fla. Building Code.

Contact Person: Dick Wells, Community Development Director

Commission/Board:

Phone #: (407) 539-6211

Department Head

City Manager's Office

Reviewed by City Attorney

Yes N/A

Continued from page 1

Because the 5th edition of Chapter 1 of the FBC and other administrative amendments to be retained from the current City Code are lengthy, it was decided that Section 5-3 would reference the administrative amendments as being adopted, incorporated by reference, and available to the public through the City Clerk. The City will also publish the administrative amendments on the City's website.

Section 3 of the proposed Ordinance deletes Article II of Chapter 5 regarding building permit fees. The better practice of local governments is to adopt fees by resolution. Building permit fees will be presented to Council in the form of a resolution, should Council adopt this proposed Ordinance. Section 5-12 in Article II regarding enforcement is obsolete and is superseded by amendments to Chapter 1 of the Fla. Building Code proposed by this Ordinance.

Section 4 of the proposed Ordinance is deleted because Section 21 of Ch. 2016-129, *Laws of Florida*, effective July 1, 2016, prohibits the City from requiring any registration fees from contractors.

Section 5 of the proposed Ordinance directs that references in the Code to the "Standard Building Code" be replaced with "Florida Building Code." This Section is primarily directed to Municipal Code Corporation when the Ordinance is codified.

Section 553.73(4), *Florida Statutes*, requires that local governments adopting administrative amendments to Chapter 1 transmit a copy of the ordinance with amendments to the Building Commission within 30 days of enactment. Section 5 of the Ordinance directs City staff to transmit the Ordinance with amendments to the Commission in conformity with that requirement.

Two technical modifications that have been made to the building code following the first reading are: (1) addition of the swimming pool enclosure regulations (Section 108.5) which had been inadvertently omitted from the prior version of the code, and (2) clarification regarding the requirement for pool safety fencing to be inspected during all inspections.