

CHAPTER 88 – BUILDING REGULATIONS

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SECTION 1. IN GENERAL

1.1. Scope of Chapter

- A. Generally.** The City of Venice has the authority to adopt building regulations to provide for the safe regulation of the construction, alteration, repair, equipment, use, occupancy, location, maintenance, removal or demolition of every building or structure or any appurtenances connected or attached to such buildings or structures within the City. This Chapter may be referred to as the “building regulations” ~~code~~, or Chapter.

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1.2. Building Official

- A. General Duties and Responsibilities.** The Building Official (or designee) is an administrative official that leads the City’s building department. The Building Official is authorized to act through aides and assistants and is responsible for the processing of building permits, in accordance with Florida law. The Building Official may request the assistance of any appropriate officer ~~or~~ board ~~or agency~~ of the City.
- B. Specific Duties and Scope of Review Authority.** ~~The Building Official shall also have the authority to administer and coordinate the City’s building review processes with other applicable agencies and departments.~~

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~~1. Duties; scope of authority.~~

1. ~~The Building Official~~ shall be charged with the inspection of buildings and the enforcement of this ~~Chapter~~.
2. The ~~Building Official~~ shall require that the intent of this ~~Chapter~~ be observed in all matters affecting structures not especially set forth in this ~~Chapter~~, and order such reconstruction as may be deemed necessary for safety.
3. The ~~Building Official~~ shall have no power to amend this ~~Chapter~~ or the regulations of the building code. The ~~Building Official~~ shall not give engineering advice on plans and specifications submitted.
4. Right of entry. The ~~Building Official~~, including designees and all inspectors, so far as it may be necessary for the performance of duties, shall have the right, upon showing credentials of office, to enter any new or unoccupied building, or any building under construction, repair or alteration, or being moved, or being moved through or into the ~~City~~, or any building alleged to be unsafe or a menace to life, limb or property.

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1.2.3 Violations; ~~Jurisdiction of Code Enforcement Board~~

- A. Generally.** Any person, firm, corporation or agent who violates a provision of this Chapter, or fails to comply therewith, shall be guilty of a violation of this Chapter. Each such person, firm, corporation or agent 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 Chapter is committed or continued, and upon conviction of any such violation such person shall be punished within the limits and as provided by state laws.
- B. Enforcement.** The City may enforce this Chapter through the Code Enforcement Board or Special Magistrate in addition to any county or circuit court proceedings. In enforcing this Chapter, the Code Enforcement Board or Special Magistrate shall have the authority to levy such fines and penalties as are provided in [Chapter 2, Article VI of the City Code of Ordinances](#) ~~City of Venice, Florida, Chapter 2—Administration, article VI.~~

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1.43. Interfering with Enforcement

- A. Generally.** It shall be unlawful for any person to hinder or interfere with the rules, regulations, and duties under this Chapter.

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1.54. Addressing of Properties

- A. Generally.** To ensure the safety of the residents of the City, all residences, places of business and public buildings in the City, located on any established street, road, avenue or other thoroughfare in the City, are required to ~~be have~~ numbered, ~~numerical addresses~~. Owners shall comply with the terms and provisions of this Section before becoming entitled to a certificate of occupancy. Numbers shall:
- 1. Residential ~~Uses~~Addresses.** All buildings with a residential use shall be numbered with ~~Addresses shall be~~ numerals no less than three inches in height, ~~in residentially zoned districts or buildings with a residential use.~~
 - 2. Nonresidential ~~Uses~~Addresses.** All buildings with a nonresidential use or mixed-use shall be ~~numbered with~~ ~~Addresses shall be~~ numerals no less than six inches in height ~~in nonresidential or mixed-use zone districts.~~
 - 3. Generally Applicable Standards for Addresses.** Address numerals shall be:
 - ~~a. Be made of a durable material;~~
 - ~~b. Made of a durable material.~~
 - a.
 - b. Located as follows:
 1. Attached to or painted to or above the primary door entrance of the such building that is clearly visible from and facing the roadway; or
 2. Have the building number painted in the middle of the building entrance driveway or curb area nearest the entrance; or

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~~d.~~ 3. Painted above the garage overhead door when in plane with front façade and facing the roadway.

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~~e.c.~~ Maintained in perpetuity, or, if replaced, replaced in conformance with this Section include a numerical address.

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~~f.~~ Comply with the requirements of Chapter 87, Section 5.3: Signs.

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4. Alleys and Private Driveways ~~Rear Addresses~~. All multifamily housing complexes, and places of business which receive deliveries from an alley or any private driveway, shall attach or paint the numbers for the building on the rear door of such building or housing complex to conform ~~with~~ to the number on the front door.

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~~4.~~ All such numbers shall be conspicuously displayed at such designated places in accordance with plans adopted by the City Council for the systematic numbering of all such buildings. The owners of all such buildings which may be hereafter erected in the City shall, before becoming entitled to a certificate of occupancy as provided by this Chapter, comply with the terms and provisions of this Chapter. Such numbers shall be maintained in perpetuity, or, if replaced, replaced in conformance with this Chapter.

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1.65. Construction Site Operations ~~Maintenance~~

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A. Generally. Construction sites, defined as any property for which a permit has been issued pursuant to the Florida Building Code, shall comply with the ~~following~~ following minimum standards provided herein.

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B. Hours of Operation. Engines, pile drivers, motors and other noisy equipment for the use of builders may be installed subject to the ~~following~~ following restrictions herein as to the length of time and hours during which the equipment shall be used. Except in emergencies, and under a special permit therefor, such equipment shall not be operated between the hours of 8:00 p.m. and 6:00 a.m. upon any weekday or Saturday, and not at any time upon any legal holiday or Sunday. The special permit shall be on a form designated by the City and shall be reviewed by the Building Official. Such equipment shall be on the lot on which the building is being erected, or on public space immediately adjacent to such lot, and shall be used for and in connection with such building only.

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C. Construction and Demolition. Operating or causing the operation of any tools used in construction, drilling, repair, alteration or demolition work shall be prohibited between the hours of 9:00 p.m. and 6:00 a.m. on weekdays, ~~and/or~~ and/or between 9:00 p.m. and 9:00 a.m. on weekends or holidays, in or within 50 yards of any residential area or noise-sensitive zone, except for emergency work by public service utilities or by other variance approved by the Planning board or ~~the~~ Commission ~~or of the~~ of the City Council ~~empowered to grant variances~~. The use

of domestic power tools shall be as specified in [Chapter 34](#), Section 34-35(11) of the City Code of Ordinances.

- D. Trash and Site Debris.** All outdoor trash and debris shall be stored in an approved manner. The permit holder of any active or inactive construction project shall clean up and remove all construction debris or any other miscellaneous discarded articles prior to receiving final inspection approval. Construction job sites shall be kept clean, such that accumulation of construction debris must not remain on the property for a period of time exceeding 14 days. All debris shall be contained in such a manner as to prevent it from being spread on the property or adjacent property by any means. Trash and ~~for~~ debris shall not be buried on site. Air born particles leaving a construction site shall be mitigated. Necessary measures to abate ~~and~~ minimize air borne particles produced from concrete cutting and ~~for~~ other dust creating tools and processes shall be taken.
- E. Hurricane Preparation.** It shall be unlawful for any person to allow construction related materials to remain unsecured at a construction site from 24 hours after a hurricane watch has been issued until the hurricane watch or warning has been lifted. All such materials shall be either removed from the construction site or secured in such a manner as to minimize the danger of such materials causing damage to persons or property from high winds. Any person who violates this Chapter shall be guilty of a second-degree misdemeanor and subject to a fine of up to \$500.00 or imprisonment for a term not to exceed 60 days.
- F. Sanitary Facilities.** A minimum of one restroom facility shall be located on all construction sites. The facility shall be as far as reasonably possible from any residential uses.

1.6. Codes Adopted

A. — Generally. The Florida Building Codes, with the editions and associated technical codes as mandated by the state and in particular F.S. ch. 553, are hereby adopted by the City for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and structures and systems in the City. Each and all of the regulations, provisions, conditions and terms of such codes are hereby referred to, adopted and made a part of this Chapter as if fully set out in this Chapter; subject, however, to all provisions of this Chapter, and to all modifications to such codes contained in this Chapter.

B. — National Electrical Code. The National Electrical Code (NEC), with the edition as mandated by the state and in particular F.S. ch. 553, is hereby adopted by the City for regulating the electrical work in the construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use and maintenance of all buildings and structures and systems in the City. Each and all of the regulations, provisions, conditions and terms of the National Electrical Code, are hereby referred to, adopted and made a part of this Chapter as if fully set out in this Chapter; subject, however, to all provisions of this Chapter and all modifications to such code contained in this Chapter.

1.7. Codes Adopted

A. Generally. The Florida Building Codes, with the editions and associated technical codes as mandated by the state and in particular F.S. ch. 553, are hereby adopted by the City for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and structures and systems in the City. Each and all of the regulations, provisions, conditions and terms of such codes are hereby referred to, adopted and made a part of this Chapter as if fully set out in this Chapter; subject, however, to all provisions of this Chapter, and to all modifications to such codes contained in this Chapter.

B. National Electrical Code. The National Electrical Code (NEC), with the edition as mandated by the state and in particular F.S. ch. 553, is hereby adopted by the City for regulating the electrical work in the construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use and maintenance of all buildings and structures and systems in the City. Each and all of the regulations, provisions, conditions and terms of the National Electrical Code, are hereby referred to, adopted and made a part of this Chapter as if fully set out in this Chapter; subject, however, to all provisions of this Chapter and all modifications to such code contained in this Chapter.

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1.8.7 Supplements to the Florida Building Codes; Housing

- A. The Florida Building Codes adopted in Section 1.76 are hereby supplemented in the following particulars:
1. Upon state law mandating the adoption of a new Florida Housing Code and/or a new Florida Unsafe Building and Abatement Code and subsequent editions, such codes shall become law in the City on the date mandated by the state without any further amendment to this Chapter.

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1.98. Enforcement of Work

- A. It shall be the duty of the appropriate licensed inspector(s) under the direction of the Building Official, to enforce the provisions of this Chapter and the Florida Building Code.

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1.9. Other Amendments to the Florida Building Code

A. — Administrative Amendments.

~~Florida Building Code, Building.~~

~~The following amendments to the Florida Building Code, Building are hereby adopted: Add a new Section 107, subsection 107.3.5 as follows:~~

~~Section 104, subsection 104.10.1 Florida Building Code, Building.~~

~~Add a new section 104, subsection 104.10.1 as follows:~~

~~Reserved.~~

~~107.3.5 Minimum plan review criteria for buildings.~~

~~Commercial Buildings:~~

~~Buildings:~~

~~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:~~

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This section has been struck and replaced with the existing list of amendments found in current Sec. 98-48 through 98-51

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

~~Section 107, subsection 107.6.1, Florida Building Code, Building.~~

~~Add a new Section 107, subsection 107.6.1 as follows:~~

~~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, subsection 105.14 and Section 107, subsection 107.6, shall not extend to the flood load and flood resistance construction requirements of the Florida Building Code.~~

~~Section 117, Florida Building Code, Building.~~

~~Add a new Section 117 as follows:~~

~~117 VARIANCES IN SPECIAL FLOOD HAZARD AREAS.~~

~~117.1 Flood hazard areas. Pursuant to F.S. § 553.73(5), the variance procedures adopted in the local floodplain management Section shall apply to requests submitted to the Building Official for variances to the provisions of Section 1612 and subsection 1612.4 of the Florida Building Code, Building or, as applicable, the provisions of Section R322 of the Florida Building Code, Residential. This Section shall not apply to Section 3109 of the Florida Building Code, Building.~~

B. — Technical Amendments.

Florida Building Code, Building.

The following amendments to the Florida Building Code are hereby adopted:

~~Section 1612, subsection 1612.2, Florida Building Code, Building.~~

~~Modify a definition as follows: *Substantial improvement*. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a one 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 one year period begins on the date of the first improvement or repair of that building or structure subsequent to July 11, 1972. 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.

Florida Building Code, Existing.

Section 202, Florida Building Code, Existing Building.

Modify a definition as follows:

Substantial improvement. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a one-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 one-year period begins on the date of the first improvement or repair of that building or structure subsequent to July 11, 1972. 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.

Florida Building Code, Residential.

Section 322, subsection 322.2, Florida Building Code, Residential.

Add new Section R322, subsection R322.2.1 and renumber and modify the subsequent Section, as follows:

R322.2.1 Coastal A Zones. Buildings and structures in special flood hazard areas designated as Coastal A Zones shall be designed and constructed in accordance with Section R322.3.

R322.2.2 Elevation requirements.

1. ~~Buildings and structures in special flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the design flood elevation.~~
2. ~~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, or at least two feet (610 mm) if a depth number is not specified.~~
3. ~~Basement floors that are below grade on all sides shall be elevated to or above the design flood elevation. 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.~~

~~Section 322, subsection 322.3.4, Florida Building Code, Residential.~~

Modify Section R322, subsection R322.3.4 as follows:

~~R322.3.4 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 design safe loading resistance of not less than ten (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 and partitions 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.
5. If located in special flood hazard areas designated as Coastal A Zones, the walls are provided with flood openings that meet the criteria in Section R322.2.2.

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SECTION 2. ADMINISTRATION

2.1. Appeals and Variances

- A. Conditions for Appeals.** The owner of a building, structure or service system, or their duly authorized agent, may appeal a decision of the Building Official to the Florida Building Commission, per F.S. § 553.775, whenever any one of the following conditions are claimed to exist:
1. The Building Official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.
 2. The provisions of this Chapter do not apply to ~~the~~^{is} specific case.
 3. An equally good or more desirable form of installation can be employed in ~~any~~ specific case.
 4. The true intent and meaning of this Chapter or any of the regulations thereunder have been misconstrued or incorrectly interpreted.

B. Variances.

1. The Special Magistrate, when so appealed to and after a hearing, may vary the application of any provision of this Chapter to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this Chapter or the technical codes or the public interest, and also finds all of the following:
 - a. Special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.

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- b. ~~The special conditions and circumstances do not result from the action or inaction of the applicant.~~
- c. ~~Granting the variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other buildings, structures or service systems.~~
- d. ~~The variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.~~
- e. ~~The grant of the variance will be in harmony with the general intent and purpose of this Chapter and will not be detrimental to the public health, safety and general welfare.~~
- 2. ~~In granting the variance, the board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the board may prescribe appropriate conditions and safeguards in conformity with this Chapter. Violation of the conditions of a variance shall be deemed a violation of this Chapter.~~
- C. ~~Notice of Appeal. Notice of appeal shall be in writing and filed within 30 calendar days after the decision is rendered by the Building Official. Appeals shall be in a form acceptable to the Building Official.~~
- D. ~~Unsafe or Dangerous Buildings or Service Systems. In the case of a building, structure or service system which, in the opinion of the Building Official, is unsafe, unsanitary or dangerous, the Building Official may, in their order, limit the time for such appeals to a shorter period.~~

2.2. Permits and Fees

2.2.1. Generally

- A. **Permits Required.** It shall be unlawful to proceed with any work of any nature for which permits are required pursuant to F.S. § 553.79(1) until such permit has been duly issued by the City. Any person who intends to erect a structure, alter an existing structure, construct or demolish any structure, or change the occupancy of a building or structure, shall make application for a permit to the building division before the work is begun. This requirement includes any type of work which is regulated by the technical codes enforced by the City. The Building Official may approve minor repair work without the requirement of a permit provided such approval is not in violation of the technical codes.
- B. **Schedule of Permit Fees.** For all permits, fees shall be paid as required in this Chapter at the time of issuance of the permit. The fees listed in this Section may be changed by resolution of the City Council; however, the fees shall be subject to adjustment at the end of each fiscal year based on fluctuations in the revised Consumer Price Index without further action by City Council. ~~Bi annual adjustments may also be made, in accordance with the recommendations of~~

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~~the fee and cost allotment study.~~ Permit fees shall be posted in the office of the Building Official and on file in the office of the City Clerk.

1. Building permit fees. All building permit fees shall be pursuant to the latest fee schedule set by the City.

~~1-2.~~ Compliance with F.S. § 553.80(7). Building permit fees may be discounted by resolution of the city council when reserves are in excess of the amount permitted under Section 553.80(7)(a), Florida Statutes.

~~2-3.~~ Surcharge. A surcharge of 0.015 percent of the permit value is to be used for the education of staff who directly make decisions on permits and inspections. This surcharge shall be deposited into an educational fund established for this purpose.

~~3.~~ Building valuation. For purposes of determining building permit fees, the building valuation will be determined by the International Code Council Building Valuation Data which estimates per square foot value according to the type of construction and the predominate building use group occupancy. When there is any doubt as to the valuation, the building official may ask the applicant for any verification needed. Moving of a building or structure. For the moving of any building or structure, the fee shall be based on the value.

~~4.~~

~~4.~~ Demolition of a building or structure. For the demolition of any building or structure, the fee shall be based on the value.

~~5.~~ Valuation of cost and labor. For valuation of cost and labor for all improvements to be used to determine permit costs, construction costs shall be based on the International Code Council's Building Value Data (BVD) table. A copy of the construction contract shall be submitted, and the Building Official shall use the contract to set the value. When there is any doubt as to the value, the Building Official may ask for any verification needed.

5. Fire department fees. All fire department fees shall be pursuant to the latest fee schedule as set by the City.

~~6.~~ C. Time to Challenge. Any person challenging the validity of Section 2.2.1 must do so by filing a lawsuit with a court of competent jurisdiction within 30 days of the date of adoption. Absent the timely filing of a lawsuit in a court of competent jurisdiction within 30 days of the date of adoption, Section 2.2.1 shall be the final adjudication of all issues presented herein and not subject to challenge more than 30 days after adoption.

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2.2.2. Changes in Plans

A. No change in plans or construction shall be made until the permit therefor has been amended to conform to the change or a new permit has been obtained, and the fees paid to cover the amendment or the new permit.

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2.2.3. Plot Plan Required

- A. No building permit shall be issued for any building in the City unless there is attached to the application for the building permit a plot plan showing the location of driveways, sidewalks and parking strips.

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2.2.4. Minimum Floor Elevation (Not in Special Flood Hazard Area; FIRM Zone X)

- A. No building permit shall be issued unless the plans show that the finished floor is a minimum of 15 inches above the average crown of the finished street, unless [otherwise](#) allowed in writing by the Building Official.
- B. After completion of the lowest finished floor of the living space, the owner or their duly authorized agent shall deliver to the building division a finished floor elevation survey by a licensed surveyor of the state, which clearly shows that the floor has been built a minimum of 15 inches above the average crown of the finished street.
- C. The control of stormwater runoff during and after construction shall conform to Section 74-2654 of the City Code.

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SECTION 3. PROPERTY MAINTENANCE STANDARDS

3.1. Responsibility for Property Maintenance

- A. Every owner of real property within the City of Venice is required to maintain such property in a manner so as not to violate the provisions of this Chapter, and such owner remains liable for violations thereof regardless of any contract or agreement with any third party regarding such property.
 - 1. Property maintenance standards shall not apply to that which the Florida Building Code applies, such as construction, alteration repair, change of occupancy or use, removal and demolition of commercial and residential structures.
 - 2. A separation between that to which the FBC applies, and post construction regulation, shall be maintained. Refer to F.S. Sec. 553.71 (3) Housing Code.
 - 3. If buildings are on the Local or National Register, are a contributing structure to a local or National Historic District, or are deemed eligible for listing on the local or National Register, the standards of Chapter 87, Section 79, shall also apply.
 - 4. For both residential and nonresidential properties, wherever a permitted construction site is inactive and an approved building permit has expired, all partial construction shall be removed from the site and the site shall be restored to pre-construction condition.
- B. Properties and improvements existing as of the effective date of this Chapter and maintained in accordance with prior permits shall not be deemed in violation of this Chapter.

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3.2. Responsibilities for Residential Properties: Properties, Structures, Vacant Buildings, Vacant Structures, and Vacant or Unimproved Lots

- A. All dwellings units (i.e. residential structures) whether occupied or unoccupied, shall comply with the following requirements of this Section:
 - 1. Sanitary Facilities Required. Every dwelling unit shall contain not less than one (1) kitchen sink, one (1) lavatory basin, one (1) tub or shower, and one (1) commode, all in good working condition and properly connected to an approved water and sanitary sewer system as permitted by the City of Venice or applicable utility provider. Every plumbing fixture and

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water and wastewater pipe connection shall be properly installed in accordance with the Plumbing Code and maintained in good sanitary working condition, free from defects, leaks and obstructions. Every plumbing fixture shall be located within the dwelling unit, and be accessible to the occupants of the dwelling unit.

C-2. Hot and Cold Water Supply. Every dwelling, or dwelling unit, shall have connected to the kitchen sink, lavatory basin, tub or shower an adequate supply of both hot and cold water, all in good working condition.

D-3. Water Heating Facilities. Every dwelling unit shall have water heating facilities which are properly installed and maintained in a safe and good working condition.

E-4. Garbage Disposal Facilities. Every dwelling unit shall have adequate garbage or rubbish disposal facilities or garbage or rubbish storage containers.

F-5. Bathroom. Every bathroom of a dwelling unit shall comply with the minimum light and ventilation requirements for habitable rooms.

G-6. Electric Lights and Outlets. Every dwelling unit shall be wired for electric lights and convenience outlets.

H-7. Electrical Systems. All fixtures, convenience receptacles, equipment and wiring of a dwelling or dwelling unit shall be installed, maintained, and connected to the source of electrical power.

I-8. Exterior and Interior Structures of Dwelling Units. All the following components of a dwelling unit shall be maintained in good condition in accordance with the building codes in effect at the time of construction.

- a. **Foundation.** The building foundation walls or other structural elements shall be maintained in a safe manner and be capable of supporting the load which normal use may place thereon
- b. **Exterior Walls.** The exterior walls shall be maintained free from holes, breaks and loose or rotting material. Such exterior walls shall also be substantially weather tight and weatherproof, and surfaces properly coated as needed to prevent infestation and deterioration. Any graffiti shall be removed or repainted to match existing surfaces.
- c. **Roofs and Drainage.** The roof and flashing shall be sound, tight and not have defects that admit rain. Tarp use for weather protection may not exceed 60 days unless there is an active building permit for roof repair or replacement. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

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- d. **Means of Ingress/Egress.** The dwelling or dwelling unit shall have a safe, unobstructed means of ingress/egress in accordance with the Building and Fire Code.
- e. **Stairs, Porches, and Appurtenances.** Every inside and outside stairway, stair, porch, and any appurtenance thereto, shall be maintained in a safe condition, capable of supporting a load that normal use may place thereon, and in accordance with the Florida Building Code.
- f. **Protective/Guard Railings.** Protective/guard railings shall be maintained in good condition and be capable of bearing normally imposed loads.
- g. **Handrails.** Handrails shall be maintained in good working condition.
- h. **Windows and Exterior Doors.** Every window and exterior door, shall be properly fitted within its frame, provided with lockable hardware, and shall be weather-tight and weatherproof, and maintained in good repair. Every window required for light and ventilation for habitable rooms shall be capable of being opened easily and secured in a position by window hardware. Windowpanes or approved substitutes shall be maintained without cracks or holes. Boarding of windows and doors shall be consistent with Section 3.6.
- i. **Screens.** Screens for openings shall be maintained in good condition without holes or tears in the screens.
- j. **Protective Treatment.** All exterior surfaces other than decay-resistant woods shall be protected from the elements by painting or other protective covering according to manufacturer's specifications.
- k. **Accessory Structure.** All accessory structures shall be maintained and kept in good repair and sound structural condition.
- l. **Interior Doors.** Every interior door shall be properly fitted within its frame.
- m. **Interior Floor, Walls and Ceiling.** Every floor and interior wall shall be free from infestation and maintained in good repair to prevent deterioration and shall be capable of supporting the load which normal use may cause to be placed thereon.
- n. **Structural Supports.** Every structural element of a dwelling unit shall be maintained in good repair and show no evidence of deterioration which would render it incapable of carrying loads which normal use may cause to be placed thereon.
- o. **Gutters and Downspouts.** Gutters and downspouts shall be maintained in good repair.

4.9. Pool, Maintenance, Private. All swimming pools, spas and architectural pools, ponds or other decorative bodies of water, not otherwise regulated by the Health Department, shall be properly maintained so as not to create a safety hazard or harbor insect infestation. Water shall not be allowed to stagnate or become polluted. All pools shall be free from

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unsightly appearance, including but not limited to, free of mold, litter and debris. A child safety barrier (i.e. fence) around existing pools constructed prior to adoption of pool safety codes within the FBC is required.

10. Dangerous Fences and Structures. All premises within the City shall be maintained free of any fence or other structure which is in a sagging, leaning, fallen, decayed or otherwise dilapidated, unmaintained, or in an unsafe condition.

B. ~~(Note: if above is turned into numbers, this would become B.)~~ All parcels or lots, whether improved or unimproved, shall comply with the following requirements:

1. The premises shall be kept in clean and sanitary condition, including yards, lawn, courts and driveways. Any dead or dying landscaping must be replaced and maintained. Uneven or damaged surfaces with or without holes must be repaired.
2. The premises shall be kept free from the excessive growth of weeds, grass and other flora.
3. Any parcel or lot previously improved or occupied shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, except for permitted storm water management detention/retention purposes.
4. Unauthorized motor vehicles are prohibited from parking on or driving across any portion of a vacant lot, except for areas designated for such use by the City through an approved site and development plan or other applicable permit.
5. The premises shall be kept reasonably free from rodents, insects and vermin.
6. The roof of every building or structure shall be well drained of rainwater.
7. All exterior surfaces shall be properly maintained and protected from the elements by paint or other approved protective coating applied in a workmanlike fashion.
8. Any unauthorized, obsolete, non-complying or deteriorated signs, posters and graffiti shall be removed.
9. All signs must be maintained and comply with the provisions of the Land Development Code.
10. If vacant or unoccupied, all entrances and all other openings of a building or structure shall be secured and maintained including, but not limited to, windows, doorways, and swimming pool areas.

~~K.~~

3.3. Responsibilities for Nonresidential Properties, Structures, Vacant Buildings, Vacant Structures, and Vacant or Unimproved Lots.

~~A.~~ All owners of nonresidential structures, vacant buildings, and vacant structures and vacant or unimproved lots shall comply with the following requirements of this Section. Structures,

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~~attached or unattached to the principal structure, which are found by the Building Official to be structurally deficient, shall be repaired or demolished within the timeframe set by the notice of such condition.~~

B.A. ~~Nonresidential Structures:~~

1. All nonresidential structures shall be watertight, weather-tight, insect-proof and in good repair.
2. Every foundation, exterior wall and roof shall be reasonably watertight, weather-tight and rodent-proof, shall adequately support the building at all times, and shall be in a workmanlike state of maintenance and repair.
3. Every interior partition, wall, floor and ceiling shall be reasonably tight and maintained in a workmanlike state of repair and in a clean and sanitary condition
4. Every window and exterior door shall be reasonably weather-tight, watertight, rodent-proof and shall be maintained in sound condition and repair, and secured with proper hardware.
5. Every inside and outside stairway, every porch, and every appurtenance thereto shall be constructed to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be maintained in sound condition and repair.
6. Every supplied plumbing fixture and water and waste pipe shall be properly installed and maintained in sanitary working condition, free from defect, leaks, and obstruction.
7. Every toilet, restroom and bathroom floor shall be constructed and maintained so as to be reasonably impervious to water, and such floors shall be kept in a clean and sanitary condition.
8. Every supplied facility, piece of equipment or utility which is required under this Chapter shall be so constructed and installed that it will function safely, and effectively, and shall be maintained in good working condition.
9. All exterior surfaces shall be protected from decay by painting or other protective covering or treatment. Substantial evidence of molding or chipping of the exterior surface will be required to be treated, repainted or both. All siding shall be weather-resistant and watertight.
10. Exterior Lighting. All outdoor lighting shall ensure that non-vehicular light sources that shine into the eye of drivers of vehicles or pedestrians which could impair safe traverse are prohibited; and all lighting shall be shielded and aimed at owner's premises or sidewalk and shall not create an adverse effect on adjacent properties.

~~11. Accessory Structures. Garages, storage buildings and all other accessory structures shall be maintained in good repair and sound structural condition. Maintenance of accessory structures shall comply with the following:~~

~~a.11. The exterior of the building and premises to include but not be limited to parking areas and landscaping areas shall be maintained in a sound, clean and neat condition.~~

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12. Signs shall be maintained in good condition. ~~If the property is vacant~~Where the sign structure remains, the sign faces ~~shall~~are to be replaced with blank panels (permit required).

13. ~~All nonresidential and commercial properties must provide~~Parking facilities in accordance with the City of Venice Land Development Code or as previously permitted. ~~Such facilities must~~shall be maintained in good condition. Parking shall be limited to designated areas (striped parking spaces) as permitted, and said areas must be clearly marked. At no time should the rights-of-way be utilized for storage or parking of customer, employee or company vehicles parking, nor shall any item(s) be placed, abandoned or allowed to remain in any right-of-way unless otherwise permitted.

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~~C.B.~~All parcels or lots, whether improved or unimproved, shall comply with the following requirements.~~Vacant Buildings and Unimproved Lots:~~

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1. ~~Every owner of a vacant building, structure or lot, shall keep t~~The premises shall be kept in clean and sanitary condition, including yards, lawn, courts and driveways. Any dead or dying landscaping must be replaced and maintained. Uneven or damaged surfaces with or without holes must be repaired.
2. ~~The~~Exterior premises shall be kept free from the excessive growth of weeds, grass and other flora.
3. ~~Any parcel or lot~~Every owner of a building, structure or lot, previously improved or occupied, shall be graded and maintained the exterior premises so as to prevent the accumulation of stagnant water thereon, except for permitted storm water management detention/retention purposes.
4. Unauthorized motor vehicles are prohibited from parking on or driving across any portions of a vacant lot, except for areas designated for such use by the City through an approved site and development plan or other applicable permit.
5. ~~Every owner of a building, structure or lot shall keep t~~The premises shall be kept reasonably free from rodents, insects and vermin.
6. The roof of every building or structure shall be well drained of rainwater.
7. All exterior surfaces shall be properly maintained and protected from the elements by paint or other approved protective coating applied in a workmanlike fashion.
8. ~~Every owner of a building, structure or lot, shall be responsible for removing a~~Any unauthorized, obsolete, non-complying or any deteriorated signs, posters and graffiti shall be removed from the building's exterior.

9. All signs must be maintained and comply with the provisions of the Land Development Code. Should a wall sign be removed, the wall surface must be painted in a workmanlike fashion in the same color as the adjacent exterior walls of the building to remove any shadowing created by the removed sign.

~~10. All materials used to board or secure a vacant building against entry shall be in accordance with Section 3.6.~~

~~11.10. Every owner of a building or structure that is~~ vacant ~~or unoccupied, and unsecured shall secure and maintain in secure condition~~ all entrances and all other openings of ~~such a~~ building or structure shall be secured and maintained including, but not limited to, windows, doorways, and swimming pool areas.

~~12.11.~~ Ground floor windows of a vacant commercial storefront shall not have shattered, cracked, missing or broken, glass or other visible material degradation.

3.4. Standards for the Repair or Demolition of Hazardous Building by the City.

~~A. —Repair or Demolition. If the owner fails to repair the hazardous condition within thirty (30) days of service of the notice that a hazardous condition exists, or within fifteen (15) days of the final determination by the Code Enforcement Board or Special Magistrate that a hazardous condition exists, then the Building Official shall, in ordering the repair or demolition of the dangerous building, be guided by the following:~~

- ~~1. Whether the interior walls or other vertical structure members list, lean or buckle to the extent that plumb line passing through its center of gravity falls outside of the middle third of its base; or~~
- ~~2. Whether the non-supporting, enclosing, or outside walls or covering, exclusive of the foundation, evidence 33% or greater damage to or deterioration; or~~
- ~~3. Whether a structure exists in violation of any provision of this Chapter, or any other ordinance of the City. If the building is unoccupied and it is deemed that demolition is not feasible, the building should be secured in accordance with this Chapter.~~

~~B. —Assessment of Costs to Owner When Abatement Executed by City. If the owner fails to remedy the hazardous condition, the City shall remedy the hazardous condition and notify the owner of the expense incurred by certified mail, return receipt requested at the address of the owner as listed in the tax collector's office for tax notices. The Building Official shall then certify to the Code Enforcement Board or Special Magistrate the expense incurred in remedying the violation, whereupon such expense shall become payable within thirty (30) days. If the owner fails to pay the expense incurred within the prescribed time limit, the Code Enforcement Board or Special Magistrate shall assess a lien and charge upon the property which shall be payable with interest at the legal rate as of the date of certification by the Building Official. If the owner feels that the~~

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~~expense certified by the Building Official for correcting the hazardous condition is excessive, he may appeal the amount assessed by filing a written notice of appeal Code Enforcement Board or Special Magistrate, with a copy to the Building Official, within ten (10) working days after the notice of assessment. The owner may then appear before the Code Enforcement Board or Special Magistrate and present facts supporting his position. Thereafter, the decision of the Code Enforcement Board or Special Magistrate shall be final. The City shall keep complete records relating to the amount payable for liens, and the amount of such liens.~~

~~C. **Notice for the Vacation of Hazardous Buildings.** If a dangerous or hazardous building exists, to the extent that it causes danger of imminent peril to life and health, the Building Official, Code Enforcement Board or Special Magistrate may order the building to be vacated.~~

3.45. Unsafe Buildings

- A. All buildings or structures which are unsafe, unsanitary, fail to provide proper egress, constitute ~~per~~ fire hazard ~~protection, and/or fail to meet the standards of this Chapter which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment,~~ are declared to be unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and illegal and may be abated by repair and rehabilitation or by demolition in accordance with the following procedure:
1. Whenever the Building Official ~~shall~~ find any building or structure or portion thereof to be unsafe, as defined in this Chapter, the Building Official shall notify Community Resources Unit and give the owner, agent or person in control of such building or structure written notice stating the defects thereof of the finding. This notice shall require the owner within a stated period of time to either complete specified repairs or improvements, or to demolish and remove the building or structure or portion thereof to remedy the unsafe determination.
 2. If necessary, such notice shall also require the building, structure or portion thereof to be vacated forthwith and not reoccupied until the specified repairs and improvements are completed, inspected and approved by the Building Official or their designee. The Building Official ~~or~~ designee shall cause to be posted at each entrance to such building a notice stating: "THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY IS PROHIBITED BY THE BUILDING OFFICIAL." Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person or their agents, employees or other servants to remove such notice without written permission of the Building Official ~~or~~ for any person to enter the building or structure except for the purpose of making the required repairs or demolishing the building or structure. Determination of structural

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capacity or soundness shall be determined by a professional Florida licensed architect or engineer, which services shall be retained by the property owner.

3. The notice required in subsection 1., above, shall:

- a. Be in writing;
- b. Include a statement of the reasons why it is being issued;
- c. Allow sixty (60) days for the performance of any work it ~~requires~~requires;
- d. State that if such repair, reconstruction, alteration, removal or demolition is not voluntarily completed within the time period set forth in the notice, the City shall institute legal proceedings charging the person or agent with a violation of ~~this~~the Code; and
- ~~2.e.~~ Be delivered to the owner personally, or by leaving the notice at the usual place of abode of the owner with a person of his family above 15 years of age and informing such person of the contents of the notice; or be deposited in the United States mail, certified, return receipt ~~requested~~requested, addressed to the owner at his known address, with postage prepaid ~~thereon~~thereon; or be posted for 24 hours in a conspicuous place on the premises to be repaired or demolished.

~~3.4.~~ The owner, agent or person in control shall have fifteen (15) days from receipt of the noticethe right to appeal from the decision of the Building Official. Upon the City's receipt of an appeal, a public hearing will be scheduled before the City Council at which the owner, agent or person in control shall show cause why he should not comply with the notice. as provided in this Chapter, and to appear before the special magistrate at a specified time and place to show cause why he should not comply with the notice for decisions and interpretations of the Building Official in enforcement of the FBC. Any action for appeal under this Section (Property Maintenance Standards) shall be presented to the Code Enforcement Board of Special Magistrate.

~~4.5.~~ If the owner, agent or person in control of any unsafe building or structure shall fail, neglect or refuse to comply with the notice to repair, rehabilitate, or demolish and remove the building or structure or portion thereof within the stated time limit, the City shall be authorized to obtain equitable or legal relief from any court of competent jurisdiction to abate the public nuisance through demolition or other appropriate means. In such proceedings where the City is the prevailing party, the City shall be entitled to recover its costs, including administrative cost, cost of demolition, court costs, and reasonable attorney's fees for trial and appellate services. Such costs and fees shall, upon recordation of a certified copy of a judgment in the county public records, become a lien upon the real property upon which the unsafe building or structure was located, and shall bear interest at

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the rate permitted by law for judgments. The City shall also be entitled to recover costs and reasonable attorney's fees for trial and appellate services in foreclosing any such liens.

5-6. In the event of an emergency, the Building Official or designee may reduce a notice time period ~~provision~~ or, in cases of extraordinary danger, after notice to the owner, enter the property and cause such repairs as may be necessary to protect the public. The costs of such emergency repairs shall be the responsibility of the owner. Determination of structural capacity or soundness shall be determined by a professional Florida licensed architect or engineer.

3.5. Standards for Securing Buildings

A. Securing a building or structure through boarding of the doors, windows, or other openings, or any other means of securing, other than by the conventional method used in the original construction and design of the building or structure, shall comply with the specifications as required in Section 3.6 or as otherwise required by Building or Fire Codes.

3.6. Registration Required for Boarding Buildings

A. Certificate of Boarding. ~~A registration of boarding is required for all buildings that are boarded for longer than five days. A fee for registration of boarding may be established by resolution of the City Council.~~ Unless exempt, no person shall erect, install, place, or maintain boards over the doors, windows, or other openings of any building or structure or otherwise secure such openings by a means other than the conventional method used in the original construction and design of the building or structure for a period of longer than five (5) days without receiving a certificate of boarding from registration by the City. A fee for a certificate of boarding may be established by resolution of the City Council.

B. Exemptions:

1. A certificate of boarding is not required during a declared state of emergency by the City.

2. A certificate of boarding is not required during hurricane season.

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3. Temporary boarding to secure structures not to exceed five days.

3. Temporary covering of windows and doors of non-residential windows buildings or structures is exempt (see Section 3.7 – Temporary Covering of Non-Residential Windows and Doors for additional standards).

C. Request for Certificate of Boarding Registration. ~~A request for a Certificate of he written registration for boarding shall be submitted to the Planning and Zoning Department division on the appropriate City of Venice form. Upon submittal of all required registration materials and any~~

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applicable fee in compliance with this Section, a ~~Certificate of registration for b~~Boarding may be issued ~~by the Director for~~ a period of no greater than six (6) months from the date of the issuance.

- D. Initial Renewal of ~~Certificate of Boarding Registration~~.** A property owner or their representative or contractor seeking renewal of ~~a Certificate of the b~~Boarding ~~registration~~ must file ~~such~~the written request ~~with the Planning and Zoning Department~~ no later than ten (10) business days prior to the expiration of the original ~~Certificate of Boarding registration~~. The issuance of a ~~Renewed~~
~~Certificate of b~~Boarding ~~by the Director registration~~ shall be subject to all of the following conditions:

1. The boarding or other method of securing the building or structure has been done in compliance with this Section.
2. The owner or their authorized representative or contractor has submitted to the City, ~~10 days prior to the expiration of the original certificate,~~ a detailed plan for correction, repair, or rehabilitation of violations of state or local building and housing standards and for the securing of the doors, windows, and other openings by the conventional method used in the original construction and design of the building or structure or, alternatively, a detailed plan for sale of the property to another person or entity with provision in the sale for correction, repair, or rehabilitation.
3. The renewal may be revoked by the City if the owner fails to comply with the plan for such work ~~identified in subsection 2., above,~~ or fails to adhere to the submitted timeline.

- E. ~~Additional For the Renewal of Certificate of Boarding Certificate~~.** A ~~Renewed Certificate of b~~Boarding ~~registration~~ may not be ~~further~~ extended ~~beyond the renewal period~~ except upon demonstration ~~to the Director~~ that good cause for further renewal exists. Good cause shall require a showing by the owner that the ~~certificate~~ renewal is made necessary by conditions or events beyond the owner's control, such as inability to obtain financing for repair or rehabilitation, unanticipated delays in construction or rehabilitation, or unanticipated damage to the property. In addition, where appropriate, good cause shall also require a showing by the owner that the owner has exercised reasonable and due diligence in attempting to complete the needed correction, repair, or rehabilitation, or is attempting to sell the property. If the ~~Director Code Enforcement Board or Special Magistrate~~ determines that there exists good cause to further renew the ~~e~~Certificate ~~of Boarding~~, the ~~e~~Certificate may be renewed ~~by the Code Enforcement Board or the Special Magistrate~~ for a period of up to, but not more than, an additional six (6) months, subject to all of the same conditions imposed on the original ~~R~~Renewed ~~e~~Certificate.
- F. Boarding Period.** No occupied building shall be permitted to be boarded for a period greater than 60 days.

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3.7. Temporary Covering of Non-Residential Windows and Doors

- A. The purpose of this section is to require the temporary covering of certain windows in non-residential buildings and structures within the city to screen the interior from view while the property is unoccupied due to vacancy, abandonment, or renovation.
- B. For purposes of this section, windows shall include, but not be limited to, individual panes and glass in display windows, exterior doors and transoms.
- C. This section shall only apply to non-residential buildings and structures, or portions thereof, that are unoccupied for 30 days or more.
- D. Temporary window coverings are only required on those windows that are ground level and front or abut a public right-of-way or publicly accessible road or sidewalk.
- E. Temporary window coverings shall be one or more of the following materials:
 - 1. Printed vinyl or similar material, with or without a decorative design. Any proposed decorative design is subject to review and approval by the city manager or his designee. Any vinyl graphics shall be of the same type or style in all windows of the building or structure, the intent being uniformity in style and appearance.
 - 2. Sheet plywood painted to match the primary color of the building or structure.
 - 3. Paper, either white or a uniform shade of brown/tan, affixed neatly and securely to the inside of a window or door and trimmed to match the width and height of the window or door.
- F. Temporary window covers shall not be comprised of any of the following:
 - 1. Blank or incomplete painters' canvas;
 - 2. Plastic garbage bags or other plastic sheets or coverings;
 - 3. Tarps;
 - 4. Hand-written signage;
 - 5. Real estate signage;
 - 6. Soap solution;
 - 7. Paint;
 - 8. Newspapers;
 - 9. Torn construction paper and masking tape;
 - 10. Clear plastic or fabric drop cloths.
- G. Temporary window coverings under this Section shall not be considered signs.
- H. Exceptions. Any provision of this Section may be waived or modified due to hardship or unique circumstances at the discretion of the City Manager or his designee.
- I. Violations of this Section shall be subject to the code enforcement provisions and procedures provided in Section 1-14 and Chapter 2, Article VI of the City Code of Ordinances.

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3.8. Defects and Maintenance Standards

A. ~~It is declared unlawful and a public nuisance for any owner of any property in the City to allow any vacant and unoccupied building to have doors, windows, or other openings broken or missing, allowing access to the interior, on their property which is not secured in compliance with this Chapter.~~

3.9. Standards for Securing Building

A. ~~Compliance with City Specifications. Securing a building or structure through boarding of the doors, windows, or other openings, or any other means of securing, other than by the conventional method used in the original construction and design of the building or structure, shall comply with the specifications as required in Section 3.6 or as otherwise required by Building or Fire Codes.~~

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SECTION 4. CONTRACTORS

4.1. Generally

4.1.1. Classifications

A. For purposes of this Chapter, the classifications for contractor shall be as those listed in F.S. § 489.105(3), and the actual scope and duties shall conform to those classifications in F.S. § 489.113(3) and are meant to include all those certifications contained therein. The provisions of this Chapter do not apply to an authorized representative of the United States government, the State, the county, the City, or any political corporation or subdivision thereof, if the operation of a trade is done by its own salaried employees, nor to anyone exempt pursuant to State or federal law.

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4.1.2. Unlawful Acts

A. It shall be unlawful for any contractor operating within the City, whether licensed individually or as a firm and through its officers, directors or qualified representatives, to commit any one or more of the following acts or omissions:

1. To perform work outside the scope of operations in which a contractor is licensed for;
2. To depart from approved plans;
3. To misrepresent any material fact;
4. To commit any willful or fraudulent act; or
5. To have negligence, incompetence or misconduct in the practice of contracting within this Chapter.

4.1.3. Responsibilities of Licensed Contractors

- A. Responsibilities.** Every contractor licensed or registered by the City shall have all of the following responsibilities with respect to any work within the City done by the contractor or under the contractor's direction or by the contractor's employees or subcontractors:
 1. To see that all such work shall fully conform to the requirements of the applicable provisions of this Code and other ordinances of the City pertaining or relating to such work, including but not limited to the Florida Building Code and all associated technical codes, the National Electrical Code, now or hereafter adopted by the City.
 2. To see that all such work is done in full conformity with the plans and specifications covering the work.
 3. To see that all progressive or other payments made by or for the owner on account of any such work are properly applied in payment of labor and material bills in accordance with the Florida Mechanics' Lien Law, F.S. ch. 713.
 4. To see that all workers are covered by workers' compensation insurance at all times when and to the extent required by law.
 5. To see that no alternate materials are substituted for those called for by the plans or specifications, without the prior written consent of the City Building Official or designee concerned with such work.
- B. Personal Attendance.** The personal attendance and presence on the job of the contractor or their designated agent is required from time to time, and for such length of time, as to ensure the proper fulfillment of such responsibilities.
- C. Authority of License.** The fact that the building permit or other permit for a particular job or part of a job is issued to the owner or other third party shall not be deemed to diminish the responsibilities of any contractor as set out in this Chapter where the work is being done by the contractor or the contractor's employees or under the authority of the license.
- D. Partnership.** Where any contractor does business as a partnership, at least one partner shall be certified as a contractor's employee or under the authority of a contractor's partnership, and at least one general partner shall be certified as a contractor. Where any contractor is incorporated, at least one of the chief executive officers of the corporation shall be certified as a contractor.

4.2. Contractor Registration

4.2.1. Required; Eligibility for Permits

- A.** Every person desiring to engage in the business of a general contractor, building contractor, residential contractor, electrical contractor, plumbing contractor, mechanical contractor, air conditioning contractor (classes A, B and C), roofing contractor, commercial pool contractor or

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residential pool contractor, and all specialty contractors within the City, shall, before so doing, obtain a contractor registration from the Building Division.

- B. Before a contractor shall be issued a permit, the contractor shall be required to be registered with the City for the class appropriate to include the structure for which such building permit is sought. It shall be unlawful for any contractor to undertake any work not within the permitted scope of the category or certification the contractor holds. Permits will only be issued to those contractors referred to in Section 4.1.1.

4.2.2. *Application; Liability Insurance*

- A. Every person required to have a contractor registration by this Chapter shall first make application to the Building Official or their designee on a form to be provided by the official. Every such application shall contain the applicant's full name and current business address and such other information as may reasonably be required to carry out the intent of this Chapter.
- B. Where application for a contractor registration is made by any person doing business under a trade or fictitious name, the application shall show the name, residence and mailing address of each person owning any interest in the business being conducted under the trade or fictitious name. If the applicant is a corporation doing business under a name different from the corporate name, the application shall contain the name and principal place of business of the corporation applicant.
- C. Every application for a contractor registration shall be accompanied by proof of liability insurance in amounts of no less than \$100,000.00/\$300,000.00 for personal injury and in the amount of no less than \$10,000.00 for property damage.

4.2.3. ~~Registration Fee; Exemption for State Certified Contractors~~

~~RESERVED~~ Examinations

- A. Every applicant for a city contractor registration who is not a state certified contractor pursuant to F.S. ch. 489 shall submit proof to the building division that he has taken the examination for the applicable classification (see section 90-141) which was prepared, proctored and graded by H. H. Block or an equal agency, and has received a passing grade on such examination, it being the intent of this section that the applicant shall have taken an examination based substantially on the codes and laws which will affect his work. A passing grade shall be deemed to be such a grade as the testing agency may set from time to time as passing for the particular examination involved.

4.2.4. *Issuance of Citations for Unlicensed Contracting and/or Unpermitted Work*

- A. **Violations of State Law Incorporated by Reference.** Any person(s) who violates F.S. §§ 489.127, 489.132(1), or 489.531, as may be amended from time to time, shall also be in violation of this Section.

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- B. Enforcement Officers.** The City Building Official, City Community Resource Unit officers and any other persons designated by the City Building Official as enforcement officers are authorized to issue citations for violations of this Section when the enforcement officer has reasonable and probable grounds to believe that a violation has occurred.
- C. Contents of Citations.** A citation issued by an enforcement officer shall state:
1. The time and date of issuance.
 2. The name and address of the person to whom the citation is issued.
 3. The time and date of the violation.
 4. A brief description of the violation and the facts constituting reasonable cause.
 5. The name of the enforcement officer.
 6. The procedure for the person to follow in order to pay the civil penalty or to contest the citation.
 7. The applicable civil penalty if the person elects not to contest the citation.
- D. Civil Penalties.** The civil penalties for violation of this Section shall be as adopted by resolution of the City Council. A person cited for a violation of this Section is deemed to be charged with a noncriminal infraction and must pay a civil penalty of not less than the amount set forth in the citation but not more than \$2,000.00. Each day a willful, knowing violation continues shall constitute a separate offense under the provisions of this Section. Monies collected pursuant to this Section shall be retained and set aside in a specific fund to support future enforcement activities against unlicensed contractors.
- E. Administrative Remedies.** The person charged with the violation shall elect either to correct the violation and pay the civil penalty in the manner indicated on the citation or, within ten days of receipt of the citation, exclusive of weekends and legal holidays, request an administrative hearing before the Special Magistrate ~~(SM)~~ to appeal the issuance of the citation by the enforcement officer.
- F. Conduct.** Hearings shall be conducted in the following manner:
1. Hearings shall be held before the ~~SM~~Special Magistrate and shall be conducted pursuant to the requirements of F.S. §§ 162.07 and 162.08.
 2. Failure of a violator to appeal the citation within the time period set forth above shall constitute a waiver of the violator's rights to an administrative hearing. A waiver of the right to an administrative hearing shall be deemed an admission of the violation and penalties may be imposed accordingly.
 3. If the person issued the citation, or his designated representative, shows that the citation is invalid or that the violation has been corrected prior to appearing before the ~~SM~~Special Magistrate, the ~~SM~~Special Magistrate may dismiss the citation unless the violation is irreparable or irreversible.

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4. If the SMSpecial Magistrate finds that a violation exists, the SMSpecial Magistrate may order the violator to pay a civil penalty of not less than the amount set forth in the citation, but not more than \$2,500.00 per day for each violation. Monies collected pursuant to this Section shall be retained and set aside in a specific fund to support future enforcement activities against unlicensed contractors. In determining the amount of the penalty, the SMSpecial Magistrate shall consider the following factors:
 - a. The gravity of the violation;
 - b. Any actions taken by the violator to correct the violation; and
 - c. Any previous violations committed by the violator.
- G. **Failure to Contest the Citation.** Upon written notification from the enforcement officer that a violator has not contested the citation or paid the civil penalty within the time frame allowed in the citation, the SMSpecial Magistrate shall enter an order ordering the violator to pay the civil penalty set forth on the citation. A hearing shall not be necessary for the issuance of such order.
- H. **Order Imposing Fine.** A certified copy of an order imposing a civil penalty pursuant to this Section may be recorded in the public records and thereafter shall constitute a lien against any real or personal property owned by the violator in the county of recordation. Upon petition to the circuit court, such order may be enforced in the same manner as a court judgment by the sheriffs of this state, including a levy against personal property. A civil penalty imposed hereunder shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose on such lien, whichever occurs first. After three months from the filing of any such lien which remains unpaid, the City attorney is authorized to foreclose on the lien. No such lien may be foreclosed on real property which is a homestead under Section 4, article X of the state Constitution.
- I. **Appeal.** An aggrieved party, including the City, may appeal a final administrative order of the SMSpecial Magistrate to the circuit court pursuant to F.S. ch. 162. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within 30 days of the execution of the order to be appealed.
- J. **Notice Procedures.** All notices required by this Section shall be provided to the alleged violator in the same manner as provided for in F.S. ch. 162.
- K. **Refusal to Sign Citation.** Pursuant to F.S. §§ 489.127(4)(m) and 489.531(4)(n), any person who willfully refuses to sign and accept a citation issued by an enforcement officer commits a misdemeanor of the second degree, punishable as provided in F.S. §§ 775.082 or 775.083.

4.2.5. *Certificate Required Prior to Issuance of Occupational License*

- A. No occupational license shall be issued to any contractor unless the contractor holds a current contractor registration issued by the building Chapter.

4.2.6. *Appeals*

- A. Any applicant for a contractor registration under this Chapter who is denied such registration by the Building Official may appeal the decision to the Special Magistrate; provided, however, that such appeal shall be filed in writing with the building division within 15 days of receipt of notification in writing of the denial of the contractor registration.

- B. The appeal procedure shall be substantially the same as is set forth in Section 2-1-8, Appeal procedure.

1. ~~(1)~~ The special magistrate shall hold a public hearing after proper notice. Notice of the hearing shall be given, in writing, by the building division, to the contractor not less than ten days prior to the date set for the hearing. The notice shall specifically set forth the grounds for the proposed action and the time and place for the hearing. When proper notice of the hearing has been provided to the contractor, a hearing may proceed even in the absence of the contractor.
2. ~~(2)~~ At the hearing, the burden of proof shall be upon the contractor to show by the greater weight of the evidence that the contractor registration should be issued.
3. ~~(3)~~ All testimony shall be under oath and shall be recorded. The formal rules of evidence shall not apply, but fundamental due process should be observed and govern the proceedings. Upon determination of the special magistrate, immaterial or unduly repetitious evidence may be excluded. The special magistrate may consider testimony presented by the contractor, the city or any other witnesses.
4. ~~(4)~~ The special magistrate shall render a decision based upon the evidence entered into the record.
5. ~~(5)~~ The special magistrate's decision shall be entered in writing, including findings of fact and conclusions of law, and be sent by certified mail to the contractor.
6. ~~(6)~~ Any aggrieved party, including the city, may appeal an order of the special magistrate entered pursuant to this section to the circuit court of the county. Such appeal shall not be a hearing de novo but shall be a petition for a writ of certiorari, and the court shall be limited to appellate review of the record created before the special magistrate. Any appeal shall be considered timely if it was filed within 30 days after the written order filed with the city clerk. The city may assess a reasonable charge for the preparation of the record, to be paid by the appellant in accordance with F.S. § 119.07.

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7. ~~(7)~~ All notices required by this section shall be by certified mail, return receipt requested, or, when mail is not effective, by hand delivery by a sheriff's deputy or other authorized person pursuant to rule 1.410(c), Florida Rules of Civil Procedure, or by public notice in an appropriate newspaper.

A. —

4.2.7. Use of Certificate ~~By~~ Persons Employed By City

- A. It shall be unlawful for the holder of a certificate of registration pursuant to this Chapter to use or allow the use of any such certificate during the period of time that such holder is an employee of the City with the Building Division on a full-time basis as an inspector or otherwise employed by the City in a capacity using the skills for which the holder is certified or registered.

4.2.9. Reciprocity

- A. Any general contractor, electrical contractor, plumbing contractor or mechanical contractor who has been examined and is licensed by any incorporated municipality or county of the state, where such municipality or county has adopted and is administering building, plumbing, electrical and mechanical codes which are equal to the standards set forth in the codes adopted by the City, as now exist or may hereafter be amended, and where such municipality or county enters into an interlocal agreement with the City as to general, electrical, plumbing or mechanical contractors duly licensed by that jurisdiction, shall be eligible to apply to the Building Division for a contractor registration.

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SECTION 5. ELECTRICAL, PLUMBING, GAS, MECHANICAL AND POOL REGULATIONS

5.1. Electrical Work

- A. Enforcement.** It shall be the duty of the inspector, licensed in the appropriate category as required in F.S. ch. 468, under the direction of the Building Official, to enforce the provisions of this Chapter and the National Electrical Code adopted in this Code.
- B. Supervision of Work.** No work requiring the issuance of an electrical permit shall be done without on-the-job supervision by the holder of either a state certification or City certificate of registration.

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5.2. Electrical Permits and Fees

- A.** A permit will be required to do any electrical work in the City. The repairing of damage to broken fixtures or equipment and the ordinary work necessary for the proper maintenance of equipment is exempt from the permit requirement.
- B.** All electrical permit fees shall be pursuant to the latest fee schedule as set by the City.

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5.3. Permission to Furnish Power

- A.** It shall be unlawful for any person to supply electric current for lights or power to their distribution system unless explicitly permitted by state law. The electrical inspector may authorize the electric company to energize the circuits for temporary power or testing purposes for a period of not exceeding 180 days if, in their opinion, such wiring, apparatus or fixtures are in such condition that current may safely be connected therewith. A written application needs to be filed with the inspector requesting such temporary power.

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5.4. Plumbing Work

- A.** It shall be the duty of the inspector, licensed in the appropriate category as required per F.S. ch. 468, under the direction of the Building Official, to enforce the provisions of this Chapter and the Florida Plumbing Code adopted in this [Chapter code](#).

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5.5. Plumbing Permits and Fees

- A.** A permit will be required to do any plumbing work in the City.
- B.** It shall be unlawful for any person to connect, or cause to be connected, any building, lot, premises or establishment with any water main or with any service pipe for water, or any house sewer or septic tank, or with any subway or conduit or any other public or private underground

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structure, in public or private space, or for the purpose of repairing or extending any present water or drainage system, without a permit obtained from the City Building Division, before commencing any part of such work. The provisions of this Section shall apply to all water mains, sewers, septic tanks and water service pipes, plumbing and systems of drainage or piping, whether on private property or in any public street or alley, and to each separate building, whether situated on the same or different lots, and connected or proposed to be connected directly or indirectly with any water main, water service pipe, public or house sewer, septic tank or subway, conduit or other underground structure.

- C. All plumbing fees shall be pursuant to the latest fee schedule as set by the City.

5.6. Connection to City Water System

- A. Wherever City water is available to a building site, the required tap fee and meter deposit shall be paid at the time the plumbing permit is issued.
- B. All water supply and distribution piping shall be connected to the City water meter at time of rough-in and water shall thenceforth remain on the system throughout the balance of the construction period except as necessary in completing the piping system and installing fixtures. All water meter boxes shall be at grade before final inspection.

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5.7. Gas Enforcement

- A. It shall be the duty of the inspector, licensed in the appropriate category as required pursuant to F.S. ch. 468, under direction of the Building Official, to enforce the provisions of this Chapter and the Florida Fuel Gas Code adopted in this [Chapter](#).

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5.8. Gas Permits and Fees

- A. A permit will be required to do any gas work in the City.
- B. All gas permit fees shall be pursuant to the latest fee schedule as set by the City.

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5.9. Mechanical Code Enforcement

- A. It shall be the duty of the inspector, licensed in the appropriate category as required pursuant to F.S. ch. 468, under direction of the Building Official, to enforce the provisions of this Chapter and the Florida Mechanical Code adopted in [Section 4-1.7](#).

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5.10. Mechanical Permits and Fees

- A. A permit will be required to do any mechanical, heating, ventilation and air-conditioning work in the City.
- B. All mechanical permit fees shall be pursuant to the latest fee schedule as set by the City.

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5.11. Pool Code and Definitions

- A. Swimming pools, private or public, shall conform to the requirements and definitions of the Florida Building Code ~~as~~ adopted in this ~~Chapter~~code.

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SECTION 6. FLOODPLAIN MANAGEMENT

6.1. General

- A. Title. These regulations shall be known as the Floodplain Management Article of the City of Venice, hereinafter referred to as "this article."
- B. Scope. The provisions of this article 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.
- C. Intent. The purposes of this article 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; and
 2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage; and
 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; and
 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; and
 5. Minimize damage to public and private facilities and utilities; and
 6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas; and
 7. Minimize the need for future expenditures of public funds for flood control projects and response to and recovery from flood events; and
 8. Meet requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, section 59.22.

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D. Coordination with the Florida Building Code. This article 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.

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E. Warning. The degree of flood protection required by this article and the Florida Building Code, as amended by this community, 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 article does not imply that land outside of mapped special 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 Title 44 Code of Federal Regulations, sections 59 and 60 may be revised by the Federal Emergency Management Agency (FEMA), requiring this community 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 article.

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F. Disclaimer of liability. This article shall not create liability on the part of the city or by any officer or employee thereof for any flood damage that results from reliance on this article or any administrative decision lawfully made hereunder.

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(Ord. No. 2013-27, § 2, 8 27-13)

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6.2. Applicability

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A. General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

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B. Areas to which this article applies. This article shall apply to all flood hazard areas within the city as established in subsection 6.2.C.

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C. Basis for establishing flood hazard areas. The Flood Insurance Study for Sarasota County, Florida, and Incorporated Areas dated November 4, 2016, 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 as part of this article and shall serve as the minimum basis for establishing flood hazard areas. In all cases, the highest conservative base flood elevation determined from the FIRM and Flood Insurance Study shall be used. Studies and maps that establish flood hazard areas are on file at the office of the city clerk, 401 West Venice Avenue, Venice, Florida.

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D. Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, pursuant to section 6.5, the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community 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 article 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 that removes the area from the special flood hazard area.

E. **Other laws.** The provisions of this article shall not be deemed to nullify any provisions of local, state or federal law.

F. **Abrogation and greater restrictions.** This article supersedes any article in effect for management of development in flood hazard areas, however, it is not intended to repeal or abrogate any existing articles including but not limited to, land development regulations, zoning articles, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this article and any other article, the more restrictive shall govern. This article shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this article.

G. **Interpretation.** In the interpretation and application of this article, all provisions shall be:

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

(Ord. No. 2013-27, § 2, 8-27-13; Ord. No. 2017-11, § 2, 6-13-17)

6.3. Duties and Powers of the Floodplain Administrator

A. **Designation.** The building official or his designee is designated as the floodplain administrator. The floodplain administrator may delegate performance of certain duties to other employees.

B. **General.** The floodplain administrator is authorized and directed to administer and enforce the provisions of this article. The floodplain administrator shall have the authority to render interpretations of this article consistent with the intent and purpose of this article 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 article without the granting of a variance pursuant to section 6.7.

C. **Applications and permits.** The floodplain administrator, in coordination with other pertinent offices of the community, shall:

1. Review applications and plans to determine whether proposed new development will be located in flood hazard areas; and
2. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this article; and
3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation; and
4. Provide available flood elevation and flood hazard information; and

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5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant; and
6. Review applications to determine whether proposed development will be reasonably safe from flooding; and
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 article is demonstrated, or disapprove the same in the event of noncompliance; 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 article.
9. Ensure that for projects proposing to enclose areas under elevated buildings, a signed declaration of land restriction (nonconversion agreement) has been recorded on the property prior to issuance of the certificate of occupancy.

D. Substantial improvement and substantial damage determinations. 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; and
2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure; and
3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement"; and
4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood-resistant construction requirements of the Florida Building Code and this article is required.

E. 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

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requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to section 6.7.

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F. 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 article.

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G. Inspections. The floodplain administrator shall make the required inspections as specified in section 6.6 for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The floodplain administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

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H. Other duties of the floodplain administrator. The floodplain administrator shall have other duties, including but not limited to:

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1. Establish, in coordination with the building official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to subsection 6.3.D; and

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2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to FEMA; and

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; and

4. Review required design certifications and documentation of elevations specified by this article and the Florida Building Code and this article to determine that such certifications and documentations are complete; and

5. Notify FEMA when the corporate boundaries of the city 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."

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I. 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 article 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

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of elevations specified by the Florida Building Code and this article; 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 article and the flood-resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at the Office of the City Clerk, 401 West Venice Avenue, Venice, Florida.

(Ord. No. 2013-27, § 2, 8-27-13; Ord. No. 2017-11, § 2, 6-13-17)

6.4. Permits

- A. Permits required.** Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this article, 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 floodplain administrator, and the building official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this article and all other applicable codes and regulations has been satisfied.
- B. Floodplain development permits or approvals.** Floodplain development permits or approvals shall be issued pursuant to this article 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.
- C. 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 C.F.R. sections 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 article:
 1. Railroads and ancillary facilities associated with the railroad.
 2. Nonresidential farm buildings on farms, as provided in F.S. § 604.50.
 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 F.S. § 366.02, 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 paragraph, 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.

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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 F.S. § 553.73(10)(k), are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on Flood Insurance Rate Maps.
- D. Application for a permit or approval. To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. 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 section 6.5.
 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.
- E. Validity of permit or approval. The issuance of a floodplain development permit or approval pursuant to this article shall not be construed to be a permit for, or approval of, any violation of this article, the Florida Building Codes, or any other article of this community. 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.
- F. 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.
- G. 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 article or any other article, regulation or requirement of this community.
- H. 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; F.S. § 373.036.

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2. Florida Department of Health for on-site sewage treatment and disposal systems; F.S. § 381.0065 and ch. 64E-6, Florida Administrative Code.
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; F.S. § 161.141.
4. Florida Department of Environmental Protection for activities subject to the joint coastal permit; F.S. § 161.055.
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.

(Ord. No. 2013-27, § 2, 8-27-13)

6.5. Site Plans and Construction Documents

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

1. Delineation of flood hazard areas, floodway 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 subsection 6.5.B.2 or 6.5.B.3.
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 subsection 6.5.B.1.
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. Location, extent, amount, and proposed final grades of any filling, grading, or 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 or mangrove stands provided such alteration is approved by the Florida Department of Environmental Protection.
9. Existing and proposed alignment of any proposed alteration of a watercourse.

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The floodplain administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this article 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 article.

B. 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 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 feet.
4. 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.

C. 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 subsection 6.5.D 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

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floodways have not been designated, hydrologic and hydraulic analyses that demonstrates 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 more than one foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

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 subsection 6.5.D.

4. For activities that propose to alter sand dunes or 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.

D. **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.

(Ord. No. 2013-27, § 2, 8-27-13; Ord. No. 2021-24, § 8, 7-13-21)

6.6. Inspections

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

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

C. **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 article and the conditions of issued floodplain development permits or approvals.

D. **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

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2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with subsection 6.5.B.3.b, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

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E. 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 subsection 6.6.D.

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F. Manufactured homes. The building official or his designee shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this article and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the building official or his designee.

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(Ord. No. 2013-27, § 2, 8-27-13)

6.7. Variances and appeals

A. General. The special magistrate shall hear and decide on requests for appeals and requests for variances from the strict application of this article. Pursuant to F.S. § 553.73(5), the special magistrate shall hear and decide on requests for appeals and requests for variances from the strict application of the flood-resistant construction requirements of this article and the Florida Building Code. This section does not apply to section 3109 of the Florida Building Code, Building.

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B. Appeals. The special magistrate 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 article. Any aggrieved party, including the city, may appeal an order of the special magistrate entered pursuant to this section to the circuit court of the county, as provided by Florida Statutes. Such appeal shall not be a hearing denovo but shall be a petition for writ of certiorari, and the court shall be limited to appellate review of the record created before the special magistrate. Any appeal shall be considered timely if it was filed within 30 days after the written order filed with the city clerk. The city may assess a reasonable charge for the preparation of the record, to be paid by the appellant in accordance with F.S. § 119.07.

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C. Limitations on authority to grant variances. The special magistrate shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in subsection 6.7.G, the conditions of issuance set forth in subsection 6.7.H, and the comments and recommendations of the floodplain administrator and the building official. The special magistrate has the right to attach such conditions as it deems necessary to further the purposes and objectives of this article.

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D. 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 subsection 6.5.C.

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E. 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, Historic

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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.

F. Functionally dependent uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this article, provided the variance meets the requirements of subsection 6.7.D, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

G. Considerations for issuance of variances. In reviewing requests for variances, the special magistrate shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this article, 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.

H. 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 article or the required elevation standards;
2. Determination by the special magistrate 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;
 - 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 articles; and
 - c. The variance is the minimum necessary, considering the flood hazard, to afford relief.

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3. If the variance is granted, it shall be recorded by the city clerk in the office of the clerk of the circuit 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 (up to amounts as high as \$25.00 for \$100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

(Ord. No. 2013-27, § 2, 8-27-13; Ord. No. 2021-24, § 9, 7-13-21)

6.8. Violations

- A. **Violations.** Any development that is not within the scope of the Florida Building Code but that is regulated by this article that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this article, shall be deemed a violation of this article. 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 article or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.
- B. **Authority.** For development that is not within the scope of the Florida Building Code but that is regulated by this article 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.
- C. **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.

(Ord. No. 2013-27, § 2, 8-27-13)

6.9. Definitions

6.9.1. General

- A. **Scope.** Unless otherwise expressly stated, the following words and terms in Section 6.9.2 shall, for the purposes of this article, have the meanings shown in this division.
- B. **Terms defined in the Florida Building Code.** Where terms are not defined in this article 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 article or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

(Ord. No. 2013-27, § 2, 8-27-13)

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6.9.2. Definitions

Accessory structure: A structure on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For floodplain management purposes, the term includes only accessory structures used for parking and storage.

Alteration of a watercourse: 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: A request for a review of the floodplain administrator's interpretation of any provision of this article or a request for a variance.

ASCE 24: 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 (ASCE), Reston, VA.

Base flood: A flood having a one percent chance of being equaled or exceeded in any given year. The base flood is commonly referred to as the "100-year flood" or the "one-percent-annual chance flood." [Also defined in Florida Building Code, Building, B, section 1612, subsection 1612.2.]

Base flood elevation: The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in Florida Building Code, Building, B, section 1612, subsection 1612.2.]

Basement: The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in Florida Building Code, Building, B, section 1612, subsection 1612.2.]

Coastal A Zone: Flood hazard areas that have been delineated as subject to wave heights between 1½ feet (457 mm) and three feet (914 mm). Such areas are seaward of the limit of moderate wave action shown on the Flood Insurance Rate Map.

Coastal construction control line: The line established by the State of Florida pursuant to F.S. § 161.053, and duly filed in the public records of Sarasota County Clerk of the Circuit Court, 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: 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. The Florida Building Code (FBC), B defines and uses the term "flood hazard areas subject to high velocity wave action" and the Florida Building Code, R uses the term "coastal high hazard areas."

Declaration of land restriction (nonconversion agreement): A form provided by the floodplain administrator to be signed by the owner and recorded on the property in the official records of the Sarasota County Clerk of Circuit Court, for the owner to agree not to convert or modify in any manner

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that is inconsistent with the terms of the building permit and these regulations, enclosures below elevated buildings and dwellings.

Design flood: The flood associated with the greater of the following two areas: [Also defined in Florida Building Code, Building B, section 1612, subsection 1612.2.]

- (1) Area with a floodplain subject to a one 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: The elevation of the "design flood," including wave height, relative to the datum specified on the community'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 two feet. [Also defined in Florida Building Code, Building B, section 1612, subsection 1612.2.]

Development: 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.

Encroachment: 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.

Existing building and existing structure: Any buildings and structures for which the "start of construction" commenced before July 30, 1971. [Also defined in Florida Building Code, Building B, section 1612, subsection 1612.2.]

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

Flood or flooding: A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in Florida Building Code, Building B, section 1612, subsection 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: 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 Florida Building Code, Building B, section 1612, subsection 1612.2.]

Flood hazard area: The greater of the following two areas: [Also defined in Florida Building Code, Building B, section 1612, subsection 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.

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Flood Insurance Rate Map (FIRM): 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 Florida Building Code, Building B, section 1612, subsection 1612.2.]

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Flood Insurance Study (FIS): The official report provided by FEMA 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 Florida Building Code, Building B, section 1612, subsection 1612.2.]

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Floodplain administrator: The office or position designated and charged with the administration and enforcement of this article (may be referred to as the floodplain manager).

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Floodplain development permit or approval: An official document or certificate issued by the community, 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 article.

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Floodway: 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 Florida Building Code, Building B, section 1612, subsection 1612.2.]

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Floodway encroachment analysis: 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.

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Florida Building Code: 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; and Florida Building Code, Fuel Gas.

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Functionally dependent use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

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

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Historic structure: Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Historic Buildings.

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Letter of map change (LOMC): 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:

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(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.

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(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.

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(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 community's floodplain management regulations.

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(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 National Flood Insurance Program (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.

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Light duty truck: As defined in 40 Code of Federal Regulations (C.F.R.) 86.082-2, any motor vehicle rated at 8,500 pounds gross vehicular weight rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

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(1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle; or

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(2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or

(3) Available with special features enabling off-street or off-highway operation and use.

Limit of moderate wave action: A line shown on FIRMs to indicate the inland limit of the 1½ foot breaking wave height during the base flood.

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Lowest floor: The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, 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 Florida Building Code, Building B, section 1612, subsection 1612.2.]

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Manufactured home: A structure, transportable in one or more sections, which is eight feet or more in width and greater than 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 ch. 15C-1.0101, F.A.C.]

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

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Market value: The actual cash value (like-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser or tax assessment value adjusted to approximate market value by a factor provided by the property appraiser.

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New construction: For the purposes of administration of this article and the flood-resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after July 30, 1971 and includes any subsequent improvements to such structures.

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Park trailer: A transportable unit which has a body width not exceeding 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 F.S. § 320.01.]

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Recreational Vehicle: A vehicle, including a park trailer, which is: [Defined in F.S. § 320.01.]

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(1) Built on a single chassis;

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(2) Four hundred square feet or less when measured at the largest horizontal projection;

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(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: A naturally occurring accumulation of sand in ridges or mounds landward of the beach.

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Special flood hazard area: 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 Florida Building Code, Building B section 1612, subsection 1612.2.]

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Start of construction: The date of issuance for new construction and substantial improvements to existing structures, 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 on a site (including a manufactured home), such as the pouring of slab or footings, the installation of piles, or 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 Florida Building Code, Building B section 1612, subsection 1612.2.]

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Substantial damage: 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 exceeds 50 percent of the market value of the building or structure before the damage occurred. [Also defined in Florida Building Code, Building B, section 1612, subsection 1612.2.]

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Substantial improvement: Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a one-year period, the cumulative cost of which equals or exceed 50 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the one-year period begins on the date of the first improvement or repair of that building or structure subsequent to July 11, 1972. 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:

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(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.

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

Variance: A grant of relief from the requirements of this article, 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 article or the Florida Building Code.

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

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(Ord. No. 2013-27, § 2, 8-27-13; Ord. No. 2017-11, § 3, 6-13-17; Ord. No. 2021-24, § 10, 7-13-21)

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6.10. Flood Resistant Development

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6.10.1. Buildings and Structures

A. Design and construction of buildings, structures and facilities exempt from the Florida Building Code. Pursuant to subsection 6.4.C., 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 section 6.10.7.

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B. 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:

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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.

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2. Minor structures and nonhabitable major structures as defined in F.S. § 161.54, shall be designed and constructed to comply with the intent and applicable provisions of this article and ASCE 24.

C. Accessory structures are permitted below the base flood elevation provided the accessory structures are used only for parking or storage, and:

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1. If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas, are one-story and not larger than 600 square feet and have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential.

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2. If located in coastal high hazard areas (Zone V/VE and Coastal A), 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 foot.

5. Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one foot.

(Ord. No. 2013-27, § 2, 8-27-13; Ord. No. 2021-24, § 11, 7-13-21)

6.10.2. Subdivisions.

- A. 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.
- B. 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:
1. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats and final 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 subsection 6.5.B.1.; and
 3. Compliance with the site improvement and utilities requirements of section 6.10.3.

(Ord. No. 2013-27, § 2, 8-27-13)

6.10.3. Site Improvements, Utilities and Limitations.

- A. 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.
- B. 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 ch. 7, to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into floodwaters, and impairment of the facilities and systems.
- C. 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 ch. 7, to minimize or eliminate infiltration of floodwaters into the systems.
- D. 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 subsection 6.5.C.1 demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.
- E. Limitations on placement of fill.** Subject to the limitations of this article, fill 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 to

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these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.

- F. Limitations on sites in coastal high hazard areas (Zone V) and coastal A Zone.** In coastal high hazard areas and coastal A Zones, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by subsection 6.5.C.4., 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 subsection 6.10.7.H.3.

(Ord. No. 2013-27, § 2, 8-27-13; Ord. No. 2021-24, § 12, 7-13-21)

6.10.4. Manufactured Homes

- A. General.** All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to F.S. § 320.8249, and shall comply with the requirements of ch. 15C-1, F.A.C. and the requirements of this article. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.
- B. 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 article.
 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 article.
- C. 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.
- D. Elevation.** All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas 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 R322.3 (Zone V and Coastal A Zone).
- E. 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.
- F. 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.

(Ord. No. 2013-27, § 2, 8-27-13; Ord. No. 2021-24, § 13, 7-13-21)

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6.10.5. *Recreational Vehicles and Park Trailers*

A. Temporary placement. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

1. Be on the site for fewer than 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.

B. Permanent placement. Recreational vehicles and park trailers that do not meet the limitations in subsection 6.10.5.A for temporary placement shall meet the requirements of section 6.10.4 of this article for manufactured homes.

(Ord. No. 2013-27, § 2, 8-27-13)

6.10.6. *Tanks*

A. 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.

B. Above ground tanks, not elevated. Above ground tanks that do not meet the elevation requirements of subsection 6.10.6. shall:

1. Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas 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.

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

D. 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.

(Ord. No. 2013-27, § 2, 8-27-13; Ord. No. 2021-24, § 14, 7-13-21)

6.10.7. *Other Development*

A. 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 article or the Florida Building Code, shall:

1. Be located and constructed to minimize flood damage;
2. Meet the limitations of subsection 6.10.3.D if located in a regulated floodway;

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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.
- B. 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 subsection 6.10.3.D.
- C. 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 subsection 6.10.3.D.
- D. 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 subsection 6.10.3.D. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of subsection 6.5.C.3.
- E. 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.
- F. 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 12 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

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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 12 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.

G. 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.

H. 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.

(Ord. No. 2013-27, § 2, 8-27-13)

SECTION 7. ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE, BUILDING

6.11. Administrative Amendments to the Florida Building Code, Building

6.11.1. Florida Building Code, Building.

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The following amendments to the Florida Building Code, Building are hereby adopted:

Section 104, subsection 104.10.1 Florida Building Code, Building.

Add a new section 104, subsection 104.10.1 as follows:

Reserved.

Add a new section 107, subsection 107.3.5 as follows:

107.3.5 Minimum plan review criteria for buildings.

Commercial Buildings:

Buildings:

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.

(Ord. No. 2013-27, § 2, 8-27-13; Ord. No. 2017-11, § 4, 6-13-17; Ord. No. 2021-24, § 15, 7-13-21)

SECTION 86.12. Technical Amendments to the Florida Building Code, Building, Existing Building and Residential

68.12.1. Florida Building Code, Building.

The following amendments to the Florida Building Code are hereby adopted:

(a) Section 1612, subsection 1612.2, Florida Building Code, Building.

Modify a definition as follows:

Substantial improvement. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a one-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 one-year period begins on the date of the first improvement or repair of that building or structure subsequent to July 11, 1972. 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.

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

(b) Section 1612, subsection 1612.4, Florida Building Code, Building.

Modify as follows:

1612.4.1 Modification of ASCE 24. Reserved.

1612.4.3 Modification of ASCE 24 (Coastal A Zone). Stem walls shall not be permitted in Coastal A Zones.

6(Ord. No. 2013-27, § 2, 8-27-13; Ord. No. 2017-11, § 5, 6-13-17; Ord. No. 2021-24, § 16, 7-13-21)

§6.12.2. Florida Building Code, Existing Building.

Section 202, Florida Building Code, Existing Building.

Modify a definition as follows:

Substantial improvement. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a one-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 one-year period begins on the date of the first improvement or repair of that building or structure subsequent to July 11, 1972. 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.

6(Ord. No. 2013-27, § 2, 8-27-13; Ord. No. 2017-11, § 5, 6-13-17)

§6.12.3. Florida Building Code, Residential.

Modify section R322.3.3, as follows:

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 R322.3.5. 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

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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.

~~A. (Ord. No. 2013-27, § 2, 8-27-13; Ord. No. 2021-24, § 17, 7-13-21)~~

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