

ORDINANCE NO. 2018-09

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, AMENDING THE FLAGLER COUNTY CODE OF ORDINANCES, TO AMEND SECTION 8-32 AMENDMENTS, OF ARTICLE II BUILDING CODE, OF CHAPTER 8 BUILDINGS AND CONSTRUCTION; TO ADOPT LOCAL TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 125, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, Flagler County participates in the National Flood Insurance Program, and adopted floodplain management regulations on May 7, 2018, effective June 6, 2018; and

WHEREAS, Section 553.73(5), Florida Statutes, allows adoption of local technical amendments to the *Florida Building Code* to implement the National Flood Insurance Program; and

WHEREAS, the Board of County Commissioners of Flagler County (the "Board") is adopting a requirement to require the accumulation of costs of improvements and repairs of buildings, over a 5-year period for buildings and structures in flood hazard areas, for the purpose of participating in the National Flood Insurance Program's Community Rating System and, pursuant to Section 553.73(5), Florida Statutes, is formatting that requirement to coordinate with the *Florida Building Code*; and

WHEREAS, the Board has further determined that it is in the best interest of the citizens of Flagler County to adopt the proposed local technical amendments to the *Florida Building Code* and that these proposed amendments are not more stringent than is necessary to address the need identified, do not discriminate against materials, products, or construction techniques of demonstrated capabilities, are in compliance with Section 553.73(4), Florida Statutes, where applicable, and the proposed amendments are in compliance with Section 553.73(5), Florida Statutes, where applicable; and

WHEREAS, the Board of County Commissioners approved this ordinance on first reading at its April 16, 2018 regular meeting; and

WHEREAS, public notice has been provided in accordance with Section 125.66, Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED by the Board that the following local technical amendments to the *Florida Building Code*, are hereby adopted.

SECTION 1. RECITALS.

- A. The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

SECTION 2. CODE AMENDMENT.

- A. The Flagler County Code of Ordinances, Chapter 8 Buildings and Construction, Article II Building Code, Section 8-32 Amendments, is hereby amended by the following technical amendment to the *Florida Building Code, Building*.

Sec. 202, *Florida Building Code, Building*

Modify a definition as follows (additions as underlined text, deletions as strikethrough text):

SUBSTANTIAL IMPROVEMENT. Any combination of repair, reconstruction, rehabilitation, alteration, addition or other improvement of a building or structure taking place during a 5-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the 5-year period begins on the date of the first improvement or repair of that building or structure subsequent to June 6, 2018. 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 is 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.

- B. The Flagler County Code of Ordinances Chapter 8 Buildings and Construction, Article II Building Code, Section 8-32 Amendments, is hereby amended by the following technical amendments to the *Florida Building Code, Existing Building*.

Sec. 202, *Florida Building Code, Existing Building*

Modify a definition as follows (additions as underlined text, deletions as strikethrough text):

SUBSTANTIAL IMPROVEMENT. For the purpose of determining compliance with the flood provisions of this code, any combination of repair, alteration, addition, or improvement of a building or structure taking place during a 5-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure, before the improvement or repair is started. For each building or structure, the 5-year period begins on the date of the first improvement or repair of that building or structure subsequent to June 6, 2018. 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 code official and that is the minimum necessary to ensure safe living conditions; or
2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

SECTION 3. FISCAL IMPACT STATEMENT.

In terms of design, plan application review, construction and inspection of buildings and structures, the cost impact as an overall average is negligible in regard to the local technical amendments because all development has been subject to the requirements of the local floodplain management ordinance adopted for participation in the National Flood Insurance

Program. In terms of lower potential for flood damage, there will be continued savings and benefits to consumers.

SECTION 4. APPLICABILITY.

For the purposes of jurisdictional applicability, this ordinance shall apply to all applications for building permits in flood hazard areas submitted on or after the effective date.

SECTION 5. CODIFICATION.

It is the intent of the Board that the provisions of this ordinance shall become and be made a part of the Flagler County Code of Ordinances, and that the sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. SEVERABILITY.


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

SECTION 7. EFFECTIVE DATE.

A certified copy of this Ordinance shall be filed with the Department of State within ten (10) days after enactment by the Board of County Commissioners and shall be effective on June 6, 2018.

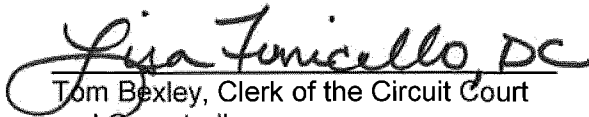
PASSED and ADOPTED in regular session, with a quorum present and voting, by the Board of County Commissioners of Flagler County, upon second and final reading this 7th day of May, 2018.

**FLAGLER COUNTY BOARD OF
COUNTY COMMISSIONERS**



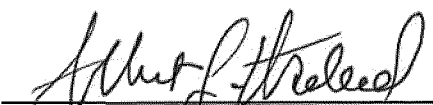
Gregory L. Hansen, Chair

ATTEST:

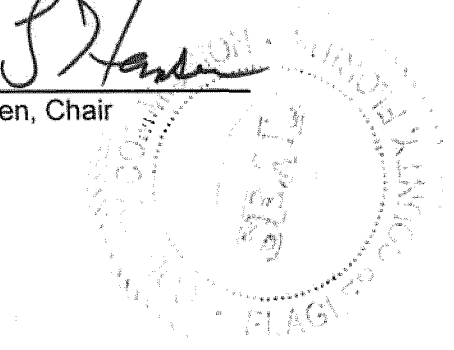


Tom Bexley, Clerk of the Circuit Court
and Comptroller

APPROVED AS TO FORM:



Albert J. Hadeed, County Attorney





FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

May 8, 2018

Honorable Tom Bexley
Clerk of the Circuit Court
Flagler County
1769 East Moody Boulevard, Building 1
Bunnell, Florida 32110

Attention: Ms. Lisa Funicello

Dear Mr. Bexley:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Flagler County Ordinance No. 2018-09, which was filed in this office on May 7, 2018.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb