

RESOLUTION NO. 21- 113

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, RELATING TO LOCAL TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR REVISED DEFINITIONS OF “SUBSTANTIAL DAMAGE” AND “SUBSTANTIAL IMPROVEMENT”; REQUIRING A MAINTENANCE PLAN FOR DRY FLOODPROOFED NONRESIDENTIAL BUILDINGS; REQUIRING CERTAIN CERTIFICATIONS FOR FLOOD RESISTANT CONSTRUCTION; REMOVING THE EXCEPTION ALLOWING STEM WALL FOUNDATIONS FOR RESIDENTIAL STRUCTURES IN COASTAL A ZONES; REQUIRING THAT ADDITIONS AND ALTERATIONS THAT DO NOT CONSTITUTE SUBSTANTIAL IMPROVEMENT BE NO LOWER THAN THE EXISTING STRUCTURE; RECOMMENDING ADOPTION OF SUCH LOCAL TECHNICAL AMENDMENTS BY THE PINELLAS COUNTY CONSTRUCTION LICENSING BOARD; PROVIDING FOR CODIFICATION OF SUCH AMENDMENTS PENDING ADOPTION BY THE PINELLAS COUNTY CONSTRUCTION LICENSING BOARD; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The Florida Building Codes Act, codified at Chapter 553, Part IV., Florida Statutes, authorizes State adoption and modification of the *Florida Building Code*;

WHEREAS, pursuant to Chapter 75-498, Laws of Florida, as amended, the Pinellas County Construction Licensing Board is the sole local governing body in Pinellas County authorized to adopt local technical amendments to the *Florida Building Code*, including those implementing the National Flood Insurance Program;

WHEREAS, consequently, any local technical amendments to the *Florida Building Code*, including those implementing the National Flood Insurance Program, must be adopted by the Pinellas County Construction Licensing Board to be effective in Pinellas County;

WHEREAS, County Staff proposes several local technical amendments to the *Florida Building Code* implementing the National Flood Insurance Program in unincorporated areas, summarized as follows:

WHEREAS, County Staff proposes revising the definitions of “substantial damage” and “substantial improvement” in the *Florida Building Code* to mirror recent revisions of said definitions in Chapter 158 (Floodplain Management) of the County Land Development Code;

WHEREAS, County Staff proposes requiring an operation, inspection, and maintenance plan for dry floodproofed nonresidential buildings;

WHEREAS, County Staff proposes requiring certain forms from design professionals certifying flood resistant construction;

WHEREAS, County Staff proposes removing the exception allowing stem wall foundations for residential structures in Coastal A Zones;

WHEREAS, County Staff proposes requiring that structural additions and alterations— that do not constitute “substantial improvement” – be no lower than the elevation of the existing structure;

WHEREAS, County Staff seeks the Board of County Commissioners’ approval to present such local technical amendments for adoption to the County Construction Licensing Board;

WHEREAS, County Staff seeks authorization from the Board of County Commissioners to codify such local technical amendments in Appendix E of the County Code, pending adoption by the County Construction Licensing Board; and

WHEREAS, the Board of County Commissioners wishes to grant such approval and authorization.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pinellas County, Florida that:

SECTION 1. The Pinellas County Board of County Commissioners hereby recommends adoption by the Pinellas County Construction Licensing Board of the following Local Technical Amendments to the *Florida Building Code*, exclusive to unincorporated areas of the County:

I. The Florida Building Code, Residential is hereby revised 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 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.

R322.3.6 Enclosed areas below the design flood elevation.

Enclosed areas below the design flood elevation shall be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms except for stairwells, ramps, elevators, and a storage area no larger than 100 square feet with one dimension not to exceed 6 feet.

Remainder unchanged.

II. The Florida Building Code, Building is hereby revised as follows:

Section 202 Definitions.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 49 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, rehabilitation, alteration, addition or other improvement of a building or structure taking place during a rolling one (1) year period, the cost of which equals or exceeds 49 percent of the market value of the structure before the improvement or repair is started. The rolling period of accumulation begins when the permit for the first improvement or repair of each building is finalized. 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.

1612.4.3 Additional requirements for enclosed areas. In addition to the requirements of ASCE 24, enclosed areas below the design flood elevation shall not be partitioned or finished into separate rooms except for stairwells, ramps, elevators, and a storage area no larger than 100 square feet with one dimension not to exceed 6 feet.

1612.5 Flood hazard documentation.

The following documentation shall be prepared and sealed by a registered design professional and submitted to the building official:

1. For construction in flood hazard areas other than coastal high hazard areas or coastal A zones:
 - 1.1. The elevation of the lowest floor, including the basement, as required by the lowest floor elevation inspection in Section 110.3, Building, 1.1 and for the final inspection in Section 110.3, Building, 5.1.
 - 1.2. For fully enclosed areas below the design flood elevation where provisions to allow for the automatic entry and exit of floodwaters do not meet the minimum requirements in Section 2.7.2.1 of ASCE 24, construction documents shall include a statement that the design will provide for equalization of hydrostatic flood forces in accordance with Section 2.7.2.2 of ASCE 24.

1.3. For dry floodproofed nonresidential buildings, construction documents shall include a statement that the dry floodproofing is designed in accordance with ASCE 24, as well as a detailed operation, inspection, and maintenance plan.

1.4 Together with the permit application, the design professional shall submit a completed FEMA Non-Residential Floodproofing Certification Form 086-0-34. Immediately following final inspection, the design professional shall submit a separate completed FEMA Non-Residential Flood Proofing Certification Form 086-0-34.

2. For construction in coastal high hazard areas and coastal A zones:

2.1. The elevation of the bottom of the lowest horizontal structural member as required by the lowest floor elevation inspection in Section 110.3, Building, 1.1 and for the final inspection in Section 110.3, Building, 5.1.

2.2. Construction documents shall include a statement that the building is designed in accordance with ASCE 24, including that the pile or column foundation and building or structure to be attached thereto is designed to be anchored to resist flotation, collapse and lateral movement due to the effects of wind and flood loads acting simultaneously on all building components, and other load requirements of Chapter 16.

2.3. For breakaway walls designed to have a resistance of more than 20 psf (0.96 kN/m²) determined using allowable stress design, construction documents shall include a statement that the breakaway wall is designed in accordance with ASCE 24.

2.4. Immediately following final inspection, the design professional shall submit an affidavit affirming that the as built construction complies with ASCE 24.

III. The Florida Building Code, Existing Building is hereby revised as follows:

Section 202 Definitions.

SUBSTANTIAL DAMAGE. For the purposes of determining compliance with the flood provisions of this code, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 49 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. For the purposes of determining compliance with the flood provisions of this code, any combination of repair, reconstruction, rehabilitation, alteration, addition or other improvement of a building or structure taking place during a rolling one (1) year period, the cost of which equals or exceeds 49 percent of the market value of the structure before the improvement or repair is started. The rolling period of accumulation begins when the permit for the first improvement or repair of each building is finalized. 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.

502.2 [Additions] Flood hazard areas.

For buildings and structures in *flood hazard* areas established in Section 1612.3 of the Florida Building Code, Building, or Section R322 of the Florida Building Code, Residential, as applicable, any *addition* that constitutes *substantial improvement* of the existing structure shall comply with the flood design requirements for new construction, and all aspects of the existing structure shall be brought into compliance with the requirements for new construction for flood design.

For buildings and structures in *flood hazard areas* established in Section 1612.3 of the Florida Building Code, Building, or Section R322 of the Florida Building Code, Residential, as applicable, any *additions* that do not constitute *substantial improvement* of the existing structure are not required to comply with the flood design requirements for new construction. The additions shall be no lower than the lowest floor elevation of the existing structure as determined by the Building Official.

503.2 [Alterations] Flood hazard areas.

For buildings and structures in *flood hazard areas* established in Section 1612.3 of the Florida Building Code, Building, or Section R322 of the Florida Building Code, Residential, as applicable, any *alteration* that constitutes *substantial improvement* of the existing structure shall comply with the flood design requirements for new construction, and all aspects of the existing structure shall be brought into compliance with the requirements for new construction for flood design.

For buildings and structures in *flood hazard areas* established in Section 1612.3 of the Florida Building Code, Building, or Section R322 of the Florida Building Code, Residential, as applicable, any alterations that do not constitute *substantial improvement* of the existing structure are not required to comply with the flood design requirements for new construction. The alterations shall be no lower than the lowest floor elevation of the existing structure as determined by the Building Official.

[End of SECTION 1 (Local Technical Amendments)]

SECTION 2. The Pinellas County Board of County Commissioners directs the Floodplain Administrator or County Attorney to submit the Local Technical Amendments included in Section 1 of this Resolution to Municode for codification in Appendix E of the Pinellas County Code **if and after** the Pinellas County Construction Licensing Board adopts such Local Technical Amendments. The Pinellas County Board of County Commissioners recognizes that minor alterations may be made to the Local Technical Amendments before adoption by the Pinellas County Construction Licensing Board.

SECTION 3. Except as expressly provided in this Resolution, nothing herein is intended to revise or repeal any existing Local Technical Amendments to the Florida Building Code.

SECTION 4. This Resolution is effective upon its adoption.

In a regular meeting duly assembled on the 12th day of October, 2021, Commissioner _____Peters_____ offered the foregoing Resolution and moved its adoption, which was seconded by Commissioner _____Flowers_____, and upon roll call the vote was:

AYES: Eggers, Justice, Flowers, Gerard, Long, Peters and Seel.

NAYS: None.

Absent and not voting: None.

APPROVED AS TO FORM

By: Brendan Mackesey
Office of the County Attorney