

Ordinance No. 2014- 4

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, CREATING ARTICLE VII OF CHAPTER 6 OF THE CLAY COUNTY CODE ENTITLED "LOCAL AMENDMENTS TO THE *FLORIDA BUILDING CODE*"; CREATING UNDER SAID ARTICLE VII NEW SEC. 6-141 THAT ESTABLISHES WITHIN THE COUNTY *FLORIDA BUILDING CODE*, *BUILDING* SECTION 107.6.1 AND PROVIDING THEREIN THAT CERTAIN AUTHORITY OF THE BUILDING OFFICIAL TO ACT ON THE BASIS OF AFFIDAVITS AND PLANS SHALL NOT EXTEND TO THE FLOOD LOAD AND FLOOD RESISTANCE CONSTRUCTION REQUIREMENTS OF THE *FLORIDA BUILDING CODE*; CREATING UNDER SAID ARTICLE VII NEW SEC. 6-142 THAT ESTABLISHES WITHIN THE COUNTY *FLORIDA BUILDING CODE*, *BUILDING* SECTION 117 AND SECTION 117.1 AND PROVIDING THEREIN THAT THE VARIANCE PROCEDURES ADOPTED IN THE COUNTY'S FLOODPLAIN MANAGEMENT REGULATIONS SHALL APPLY TO VARIANCE REQUESTS UNDER *FLORIDA BUILDING CODE*, *BUILDING* SECTION 1612.4 AND *FLORIDA BUILDING CODE*, *RESIDENTIAL* SECTION R322, BUT NOT *FLORIDA BUILDING CODE*, *BUILDING* SECTION 3109; AND CREATING UNDER SAID ARTICLE VII NEW SEC. 6-143 THAT AMENDS WITHIN THE COUNTY *FLORIDA BUILDING CODE*, *RESIDENTIAL* SECTION R322.2.1 TO REQUIRE THE LOWEST FLOORS AND BELOW GRADE BASEMENT FLOORS OF BUILDINGS AND STRUCTURES CONSTRUCTED IN CERTAIN FLOOD HAZARD AREAS TO BE AT LEAST ONE FOOT ABOVE THE HIGHER OF THE BASE FLOOD ELEVATION AND THE DESIGN FLOOD ELEVATION, AND TO PROVIDE FOR AN EXCEPTION THERETO; PROVIDING FOR APPLICABILITY; PROVIDING A STATEMENT AS TO COST IMPACT OF THE *FLORIDA BUILDING CODE* AMENDMENTS ESTABLISHED UNDER SAID ARTICLE VII; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**Recitals**

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

WHEREAS, Clay County participates in the National Flood Insurance Program, and adopted floodplain management regulations on July 2, 1981, in connection therewith; and

WHEREAS, Clay County has been advised by the Florida Division of Emergency Management that the adoption of certain local administrative amendments to the *Florida*

*Building Code* applicable within the County are necessary to coordinate said floodplain management regulations with the Florida Building Code; and

WHEREAS, Section 553.73(5), Florida Statutes, authorizes each county to adopt local administrative amendments to the *Florida Building Code* relating to flood resistance in order to implement the National Flood Insurance Program; and

WHEREAS, the Board of County Commissioners previously adopted a requirement to increase the minimum elevation requirement for buildings and structures in flood hazard areas and, pursuant to section 553.73(5), Florida Statutes, desires hereby to format that requirement to coordinate with the *Florida Building Code* by adopting a local technical amendment to the *Florida Building Code* consistent therewith.

**Be It Ordained by the Board of County Commissioners of Clay County:**

**Section 1.** Article VII of Chapter 6 of the Clay County Code is hereby created and entitled "Local Amendments to the *Florida Building Code*". Within said Article VII, Secs. 6-141, 6-142 and 6-143 are hereby created. Said Article VII, inclusive of said Secs. 6-141, 6-142 and 6-143, shall read as follows:

**ARTICLE VII. LOCAL AMENDMENTS TO THE *FLORIDA BUILDING CODE*.**

**Sec. 6-141. Establishment of *Florida Building Code*, Building Section 107.6.1.**

Pursuant to the authority provided in Section 553.73(5), Florida Statutes, within Clay County the *Florida Building Code, Building* is amended by the establishment of Section 107.6.1 thereof, to be inserted in Chapter 1 thereof immediately following Section 107.6 thereof, and to read 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 105.14 and Section 107.6, shall not extend to the flood load and flood resistance construction requirements of the *Florida Building Code*.

**Sec. 6-142. Establishment of *Florida Building Code*, Building Section 117 and Section 117.1.**

Pursuant to the authority provided in Section 553.73(5), Florida Statutes, within Clay County the *Florida Building Code, Building* is amended by the establishment of Section 117 and Section 117.1 thereof, to be inserted in Chapter 1 thereof immediately following Section 116 thereof, and to read as follows:

## SECTION 117 VARIANCES IN FLOOD HAZARD AREAS

### 117.1 Flood hazard areas.

Pursuant to section 553.73(5), Florida Statutes, the variance procedures adopted in the Floodplain Management Regulations of Clay County codified in Article XIII of the Clay County Land Development Code shall apply to requests submitted to the Building Official for variances to the provisions of Section 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*.

#### Sec. 6-143. Amendment to *Florida Building Code, Residential* Section R322.2.1.

Pursuant to the authority provided in Section 553.73(5), Florida Statutes, within Clay County Section R322.2.1 of the *Florida Building Code, Residential* is amended to read as follows:

#### R322.2.1 Elevation requirements.

1. Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.
2. Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.

**Exception:** 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 2.** For purposes of jurisdictional applicability, this ordinance and the provisions of Article VII of Chapter 6 of the Clay County Code established under Section 1 shall apply to all applications for building permits in flood hazard areas submitted on or after the effective date of this ordinance within unincorporated Clay County.

**Section 3.** 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 administrative and technical amendments to the *Florida Building Code* provided in Article VII of Chapter 6 of the Clay County Code established under Section 1 because all development has been subject to the requirements of the Floodplain Management Regulations of Clay County codified in Article XIII of the Clay County Land Development Code 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.** If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**Section 5.** This ordinance shall become effective on March 17, 2014.


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DULY ADOPTED by the Board of County Commissioners of Clay County, Florida, this  
11 day of Feb, 2014.

BOARD OF COUNTY COMMISSIONERS  
CLAY COUNTY, FLORIDA

By:   
Wendell D. Davis  
Its Chairman

ATTEST:

  
S. C. Kopelousis  
County Manager and Clerk of the  
Board of County Commissioners