



**AGENDA
LOCAL PLANNING AGENCY
THURSDAY, OCTOBER 3, 2024
5:30 PM
ANNEX COUNCIL CHAMBERS**

- 1. CALL TO ORDER**
- 2. ROLL CALL/PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF MINUTES**
 - A. July 18, 2024 Minutes**
 - B. August 8, 2024 Minutes**
- 4. NEW BUSINESS**
 - A. Billboard Ordinance**
 - B. Floodplain Management LDC Amendment-Ordinance 24-12-LC**
 - C. Floodplain Management COO Amendment-Ordinance 24-18-CC**
 - D. Ordinance 24-14-LC- Unsafe Building Abatement LDC Amendment**
 - E. Ordinance 24-17-CC Property Maintenance Code**
- 5. PUBLIC COMMENTS** (Comments from the public on any matters considered at the meeting, or on any matters not on the agenda)
- 6. NEXT MEETING DATE: October 17, 2024**

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the City Clerk at (850) 837-4242 at least 48 hours prior to the hearing. If a person decides to appeal any decision made with respect to any matter considered at such meeting, such person will need a record of the proceeding and for such purpose may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. (Sec. 286.0105, Florida Statutes)

**LOCAL PLANNING AGENCY WORKSHOP
MEETING MINUTES
JULY 18, 2024 - 5:30 P.M.
DESTIN CITY HALL BOARDROOM**

1. CALL TO ORDER:

Vice Chairman Buhr called the Local Planning Agency Workshop to order on Thursday, July 18, 2024, at 5:30 p.m., in the Destin City Annex Chambers; with the Pledge of Allegiance immediately following.

2. ROLL CALL:

Members Present

James T. Wood, Jr.
Todd Buhr
Marcie Bell
Jay Purut
Corey Ledbetter

Members Absent

Gary Jarvis
Corey Ledbetter

Staff Members Present

Kimberly Montgomery Deputy City Clerk
Steven O'Connor Principal Planner
Daniel Butler Senior Planner
Joe Bodi Engineering Assistant
Tina Deater Planner
Kyle Bauman, City Attorney

3. APPROVAL OF MINUTES: None

4. NEW BUSINESS:

A. Draft Article 7 – Resource Conservation and Protection

Mr. Daniel Butler Senior Planner explained to the members this Article has been before them a couple of times for feedback and would be a three part discussion. He explained how staff has provided then information in their agenda item and packet the Draft Article 7 for their review and input.

➤ **Dock Length - Section 7.02 – Marina Siting**

Regarding dock length, Mr. Butler explained this section focuses on the proposed Marina Siting specific regulations and development standards. Section 7.02 lists all the development standards that an applicant must meet when proposing a residential or commercial dock. The language included in the proposed Marina Siting Section 7.02 is significantly less than what is currently in 11.05.00 – Marina Siting due to the reorganization of the LDC, i.e.:

- a.) Relocating the application and review procedures from the current Marina Siting regulations to Article 2 - Administration, and
- b.) Removing the language that is more appropriately suited to be in the Code of Ordinances.

Additionally, the Harbor & Waterways Board previously reviewed the Marina Siting regulations and provided positive feedback on what was presented, and at their April 24, 2024, meeting, Board member Hoey recommended a new way of determining “dock length” and where to begin the measurements. Currently, dock length is allowed within a “buffer” of the allowed length from mean high water line (MHWL). In Section 7.02.04, the existing regulations were reformatted into a table/chart for ease of use in the new draft. The recommended new measurement differs from the current method in that it no longer utilizes a buffer method for determining the dock length, but rather identifying the furthest waterward point of the property and then “boxing” the allowed length per the waterfrontage.

➤ **NPEB Fee**

Regarding the NPEB fee in the article, in order to be able to determine how to implement or change the existing NPEB fees and how a local business owner proposed an optional way that the city could collect for the fee.

He further explained, at the at an earlier Harbor & Waterways Board meeting the Board made the motion concerning the Net Positive Environmental Benefit (NPEB) fee. Staff brought the citizen recommended NPEB method of 10% of the project cost plus \$100 per slip every year. The Board considered that recommendation but ultimately came back to update their original recommendation to apply an NPEB fee at the following rate:

Category 3 Marine Project: 25% - Commercial

Category 2 Marine Project 10% - Residential but not self-certified

Category 1 Marine Project 10% - self certified dock

According to Mr. Butler, staff performed a slip count in the harbor to include the adjacent canals. The total estimated slip count in the Harbor is 1,476

- o Non-residential = 430 slips - 29%
- o Multi-family = 516 slips - 35%
- o Residential = 530 slips - 36%
- Total number of residential properties
 - o Multi-family = 26
 - o Single-Family = 430

The probable income of the NPEB, if it had been applied at 10% across the board and based on the average account balance from 2006 being \$24,000, Staff estimates the average balance would be \$9,000 - \$10,000 per year at a 10% rate. The estimated annual balance based off the slips using the \$24,500 a year collection, and the following assumes multi-family is a category 3 project:

- Commercial and Multifamily at 25% would be \$15,680
- Residential at 10% would be \$3,528

▪ Total collection would amount to \$19,208 based on the 25/10/10% recommendation which is roughly \$5k less than the current 25% across the board that they now access.

Agency member Buhr spoke of how he met and got the information from the Finance Director on what it would take to keep the account solvent but added, they should really be considering emergency situations for anything that may come up such as if the pump should stop working, of the need for an emergency dredge and feels that there needs to be a way to keep the fund solvent at all times. Therefore, he wants to make an entirely separate recommendation from the LPA to the City Council from what the Harbor & Waterways Board's motion for consideration.

According to Agency member Buhr, he wants to send forth an entirely separate recommendation to Council for their consideration.

Motion by Agency member Buhr to have a structure set up for nonresidential (430 docks) are charged \$100.00 per year, residential both multifamily and single family are charged \$50.00 per year, additionally he recommends two exemptions, one a homestead exemption that allows for 75% as well as an exemption for owners that have previously paid into the NPEB fee, however, it would be on the owner to provide staff with proof of payment towards their NPEB fee with documentation for the following:

- **If paid NPEB in 2024 - 10 year exemption per slip**
- **Paid in 2023 – 9 year exemption**
- **Paid in 2022 – 8 year exemption**
- **Paid in 2021 – 7 year exemption**
- **Paid in 2020 – 6 year exemption**
- **Paid in 2019 – 5 year exemption**
- **Paid in 2018 – 4 year exemption**
- **Paid in 2017 – 3 year exemption**
- **Paid in 2016 – 2 year exemption**
- **Paid in 2015 – 1 year exemption**

Agency member Bell provided the second.

In discussion, Agency member Buhr, he feels this would be an easy way for staff to regulate and enforce by working with the County and provide fund solvency.

Agency member Bell questioned how the other impacts regarding the usage of the harbor, that are not generated by any of these slips, factor in the equation. According to Agency member Buhr, that is a great question, however, it is currently not written into the current regs for collection towards the fund. Adding that is on Council to make those changes. **The motion passed 5-0.**

Providing incentives to encourage all new non-residential or multi-family waterfront

development to dedicate easements or donate land for use as public accessways to the shoreline. Additionally, staff is looking for direction from them as to the recommended methods of which projects could provide such scenic views, with possible incentives such as:

- a.) Additional density/intensity allowances
- b.) Reduced setbacks
- c.) Reduced open space
- d.) Other methods as deemed appropriate by the Local Planning Agency and City Council.

The City Attorney explained that they would not be able to increase density or intensity because of what the Comprehensive Plan dictates, however, she stated that she interpreted it that if you reduce setbacks and open space, you may be able to get higher density or intensity than what could have been allowed, if the setbacks and open space were met, but not greater than what the Comp Plan allows for.

Mr. O'Connor mentioned that there is a Comp Plan Policy that allows for reduced density is allowed if the project is an application process for a PUD in Article 2, by the LPA and any beach front property, it is required to provide public easements. He emphasizes that this policy should not be removed from the Comp Plan. Agency member Buhr suggested parking incentives as well. Chairman Wood stated that if staff would come up with some ideas for discussion, he may be willing to consider, but initially, he is not for the idea at all. Chairman Wood stated that

Agency member Buhr suggested adding parking reduction incentives. There was a lengthy discussion regarding language in the current Comprehensive Plan for density incentives and how they could be granted. Agency member Buhr suggested adding language, ***“Density and Intensity incentives are provided in the PUD process”*** and to include the hyperlink.

The Community Development Director informed the members that staff has an idea of the type of incentives they are referring to and will discuss and bring back information for their consideration and discussions.

B. Consideration of Proposed Ordinances 24-07-PC and 24-08-LC – Future Land Use and a Rezone from Calhoun Mixed Use-Village (CMU-V) to Calhoun Mixed Use (CMU). (LU-001395-2024 & LU-001400-2024) Map (FLUM) Amendment from Calhoun Mixed Use-Village (CMU-V) to Calhoun Mixed Use (CMU)

Mrs. Deater the members with the background to these ordinances.

Agency member Bell questioned if staff has heard anything from the public. According to Mrs. Deater, there were no public comments made, everything was advertised, and signage has been put up on the property. Additionally, since there was not a quorum for last month's meeting,

the signage was up longer than required.

Chairman Wood opened the hearing to the public and with no one coming forward, he closed the public portion of the hearing and asked the members for any additional discussion or a motion.

Agency member Bell made the recommended motion for the Local Planning Agency to recommend approval of Ordinances 24-07-PC and 24-08-LC by the City Council, with committee member Buhr providing the second. The motion passed unanimously.

C. Draft Luxury Recreational Vehicle Resort Ordinance – Ordinance 24-06-LC

According to Mrs. Deater, staff feels that the current language in the ordinance needs to be cleaned up to replace the term motor home with recreational vehicle, and to remove the limitation on the type of recreational vehicles that would be allowed and remove the redundant setback language.

Mr. Butler added that the language that also needs to be removed in regard to buffers that speak of unified development plan, which there is nothing related to that and has made it difficult for staff to be able to provide any insight to the requirements.

The City Attorney provided information that in discussions with the property owner of 1 Harbor Blvd., prior to the purchase, they had discussions about making language changes, even though it had nothing to do with the purchasing of the property, there was very outdated language that needed to be removed, and staff discussed and made the necessary changes.

There was discussions regarding the length of 180 day stays to 120 to keep from any loophole issues to prevent any long-term residency.

Agency member Buhr made the motion to recommend City Council adopt draft Ordinance 24-06-LC, with the modifications of reducing 180-days to 120-days with Agency member Bell providing the second. In discussion, Agency member Bell questioned the type of material used for RV pads and if they felt the material was appropriate for the usage and size requirements. According to Agency member Buhr, who frequently travels in his RV, stated that the size requirements proposed are for the larger luxury type RV's. With no further discussions, **Chairman Wood called for the vote on the motion and the motion passed 5-0.**

5. PUBLIC COMMENTS:

None

6. DIRECTOR'S REPORT:

A. SRS Survey Results

This was provided to the members for their review and will review and discuss at a later meeting.

The City Attorney explained staff is wanting to have one meeting in August and are looking at the 8th and asked the members if they were agreeable to the date. The members were agreeable with the date of the meeting in August.

7. ADJOURNMENT:

Having no further discussion at this time, the meeting adjourned at 7:00 p.m.

Adopted and approved this _____ day of _____ 2024.

James Wood, Jr. Chairman

Rey Bailey City Clerk

**LOCAL PLANNING AGENCY MEETING
MEETING MINUTES
AUGUST 8, 2024 - 5:30 P.M.
DESTIN CITY HALL BOARDROOM**

1. CALL TO ORDER:

Chairman Wood called the Local Planning Agency Meeting to order on Thursday, August 8, 2024, at 5:30 p.m., in the Destin City Annex Chambers; with the Pledge of Allegiance immediately following.

2. ROLL CALL:

Members Present

James T. Wood, Jr.
Jay Purut
Marcie Bell
Gary Jarvis
Corey Ledbetter

Members Absent

Todd Buhr

Staff Members Present

Kimberly Montgomery Deputy City Clerk
Steven O'Connor Principal Planner
Daniel Butler Senior Planner
Ryan Scott, City Engineer
Kimberly Kopp, City Attorney

3. APPROVAL OF MINUTES:

None

4. NEW BUSINESS:

A. Billboard discussion - Proposed Code Amendment in Progress

The City Attorney explained how Article 8, Signs has not been reviewed by the Board yet and by request of Lamar, the billboard section has been pulled and the Code Amendment has not been publicly advertised therefore tonight, it will just be a discussion, and then taken back, once formally advertised, for two public readings to City Council with their LPA recommendation. She explained further that the current code does not allow for such an agreement that is being proposed by Lamar and the amendment that will be discussed, will allow such an agreement.

Mr. O'Connor provided the members with some general guidelines and restrictions that is outlined in their Agenda Item.

Regarding height, Chairman Wood asked Mr. O'Connor to ensure that none of the billboards would extend the height limitations that is allowed in each zoning district they may reside. Mr. O'Connor stated that they will include the following language, ***"A maximum of 50-feet or whatever the highest is allowed, per zoning district, whichever is less."***

Agency member Purut asked if staff looked at other municipalities billboard ordinances and implemented any of their language into this proposed ordinance for their digital billboard

language. According to Mr. O'Connor, they have, regarding regulated language for time, place and manner.

Agency member Bell asked how many billboards are currently in Destin. According to Mr. O'Connor, less than fifteen and the ones that exist, came in prior to the original ordinance adopted around 1997 or so. Additionally, there are a few that are not in the city limits and reside in Unincorporated Okaloosa County.

Agency member Jarvis questioned the grandfathering terms for any that are already in place and if any are destroyed by a hurricane. According to Mr. O'Connor, in terms of nonconformities those would fall currently under Article 7, Non-Conforming Structures, where if destroyed by a storm, they could be replaced.

Chairman Wood opened the public portion of the hearing.

Mr. Stephen Sanford of Lamar Advertising spoke about the lighting for the signs and how his company prefers to measure light through foot candles and not nits, to ensure that their signs are not overly bright. He also explained how the manufacturer are the ones that set the brightness of signs, however, they are able to make changes to them, if necessary.

Mr. O'Connor concurred stating that measuring in foot candles is the preferred way of measuring, since it measures the amount of light spread.

Agency member Jarvis suggested for staff to have that language included in the code so that it is understood by everyone who is reading and comprehending the Code.

Mr. Sanford then read the replacement language to the members and stated how they are planning to remove six structures and keep seven existing structures and converting those to digital signs. Adding one is in the county jurisdiction but is located on Hwy. 98.

The City Attorney clarified for the record, so that there is no confusion, that the ordinance will come back before the LPA as an advertised public hearing, it will then go before Council for two advertised public hearings. Currently, staff is reviewing and determining if associated Comprehensive Plan Amendments need to be required.

B. Draft Article 6 and the Draft Destin Design Manual

According to Mr. O'Connor, this Article has been before them a few times and, there are some new items for their consideration, since their last review. He reminded the members that the Multimodal Transportation District (MMTD) is going away and explained the 5-foot common boundary buffer. He explained how the Design Manual is built in a way that has its own amendments and approval process so that when there needs to be a change made, it won't have to go through the entire process to get an approval for a simple change to the Code, and provided an example. He then explained to the members the following:

➤ **Buffers:**

Staff and the LPA have had previous discussions about the purpose of buffers and their application, specifically when it comes to the Common Boundary Buffer. The requirement for open space and setbacks essentially eliminates the need for buffers when it comes to the common boundary buffer on residential properties. Meaning, since buildings, primary or accessory, and can't be built within the setbacks, the additional buffers between properties are not necessary. In addition, the open space requirements for residential properties also help mitigate impacts between residential properties.

➤ **Fences:**

The MMTD is proposed to be removed from the LDC but many of the design requirements remain and are included in Article 6 and the Destin Design Manual. Currently, the Old Destin MMTD specifically exempts properties in this MMTD from the requirements of the Front Perimeter Landscape Buffer (FPLB). This means a fence up to 8' can be built right up to the property line within the Old Destin MMTD. The way the current Draft Article 6 is written, the FPLB would apply to all properties in the city and therefore now restricting the properties in the MMTD from building their fences along the property if taller than three feet (3'). This could potentially result in many existing fences being made into legal non-conforming uses.

Potential Solutions:

- Exempt residential properties in the Village, Harbor, and Holiday Isle Planning areas from the three-foot (3') fence limitation.
- Create a standard fence setback for anything taller than three feet (3') that applies to all properties within the city.
- Make allowance for corner or double frontage lots to allow fences taller than 3' not along the "primary frontage" (Currently only allowed through a Community Development Director Letter for approval).

The members and staff discussed at length the Common Boundary Buffer and buffers in general whether or not it is necessary. Once it was understood exactly what they are and what they were used for, the members all agreed that to remove the requirement out of the LDC.

➤ **View Corridors - Comp Plan Policy 7-1.2.5: Vertical Open Space and Scenic Vistas**

In this discussion, the members all agreed that since there are not any view corridors that exist in the city, they all agreed that this should be removed, and if there ever comes a time when some do open and exist, then the Council at that time could direct staff to add the language back into the Land Development Code.

➤ **Erosion Control & Stormwater Plan language**

Staff identified missing language and lack of enforceability concerning the maintenance of

Erosion Control & Stormwater Plans (ESCP), and has updated the following section with the language:

- **6.10.01.H. Maintenance of Erosion Control Devices**

(b.) The ESCP shall be implemented, installed, and maintained at all times throughout the entire duration of the project until issuance of a Certificate of Occupancy or Certificate of Completion, whichever is applicable. The members agreed to have this included into the LDC.

- **Inclusion or addition of Concurrency Management and Level of Service**

Staff added section 6.13 Concurrency Management and 6.14 Level of Service to the Draft Article 6. Previously, they had been removed because originally, concurrency was thought to not apply at the state level for much of what the city currently monitors, specifically transportation. Once adopted, transportation will be covered through the Mobility Plan. However, concurrency for potable water, sanitary sewer, and solid waste are still requirements of the State for municipalities to track. While the City does not provide those services, it is still mandated to maintain some record of those elements through partnerships with the three private entities that provide their services to the city. Further, this allows staff to review the Levels of Service (LOS) for drainage, recreation and open space, to ensure they are maintained or mitigated, if impacted. Originally, LOS was going to remain solely in the Comprehensive Plan; however, due to the Concurrency Management requirements, it is also appropriate to include it here in Article 6.

- **Destin Design Manual**

The Destin Design Manual (DDM) intends to implement the City's policies regarding aesthetics, infrastructure, and minimum design standards, along with processes that will help the City build the community to what the Comprehensive Plan envisions. He explained how the easiest way to remember is, the LDC is, "The What you must do," and the Design Manual is "How you must do" design it. The DDM covers a broad range of standards and processes to facilitate and promote the safe and smart development and redevelopment of the City of Destin. The DDM also provides specific guidance for site and Right-of-Way (ROW) development from landscaping to bollards, to waste facilities, that will help foster and maintain the evolving Best Management Practices (BMPs) for the Building, Engineering, and Planning industries. Beyond just the specifications for certain site elements and or design standards, the DDM provides approved drawings that meet the minimum LDC requirements for required development elements and can be utilized by design professionals, without having to draw the details themselves. This will help save time on plan development, Staff review, and the overall permitting timeline. Additionally, the DDM is not intended to live within the LDC for regulatory purposes, but rather will provide details on how elements are constructed, it must also be updated and audited more regularly to ensure the details meet the current best practices.

Accordingly, staff is requesting for the LPA to review and provide any feedback or comments about the Design Manual or any questions regarding how it is utilized and maintained. The proposed DDM is a different way of doing development review within the city and is a practice

that is happening across the country, as a best practice to help reduce review times, stay current with best practices and to distinguish the regulations from design minimums.

The City Engineer explained to the members how in the DDM, the sidewalks throughout the city along Hwy. 98 can be eight-foot-wide as long as they're on the East side of Indiana Trail in U.S 98. However, on the west side of 98 from Indian Bayou Trail, the sidewalks must ten foot everywhere else in the city, based on this table. Additionally, Mr. Scott explained the changes he made to the diagram and the maps from what they received in their packet for landscaping islands in parking lots and spoke of how the Public Works and Public Safety recommended taking them to ten foot in width, for more green space, necessary for trees to be able to survive and thrive.

Regarding Low-Speed Vehicle (LSV) parking, Mr. Scott provided the members with a concept for a hybrid type parking option as an incentive for developers in the city. He explained how the idea is to provide of two types of parking lot striping where either two LSV's could park neatly in one regular spot or one car. He spoke of how currently, when an LSV pulls into a parking space, they take up the entire space, but this would tighten it up some and make it neater, and a regular vehicle can still park in it as well. Currently, 9-foot-wide parking spots are required so they would need be a little wider than normal parking, and as a result, the developers are obviously going to lose parking spaces by doing this, unless there is some sort of incentive providing credit for LSV's. He added that this still needs to be worked out to what that incentive might be, in order to move forward. Mr. O'Connor referred the members to the graphic and explained how they would be stripped white for regular cars, like all parking spaces are painted, and internal the stripping for LSV's would be yellow. Adding that this would be only for areas in the city where there is an alternate access to properties and shopping centers that do not have only one access from Highway 98, such as Crystal Beach, and for those that are accessible by driving across 98, which is allowed, from Crystal Beach at traffic intersections.

The members agreed to incentivize the choices for the developers and have the parking spaces 10-feet long instead of 12 feet with two five-foot spaces within for LSV's.

C. Draft Article 7 – Resource Conservation, Protection, Resiliency, and Sustainability

According to Mr. Butler, staff was tasked to come up with some incentives to provide the public to enhance and preserve scenic views of the water from the public right-of-way, as well as to provide waterfront access. The language staff is proposing is, **“Any proposed waterfront, non-residential or multi-family development or redevelopment that provides a perpetual public access easement, dedication to the public from the public right-of-way to the Waterfront, that may reduce the required open space by 15 percent, provided the Perpetual Public Access Easement or the plot of dedication to the public shall be a minimum of five foot wide, and the development shall dedicate at least four vehicle parking spaces for the public to use as parking, while meeting ADA parking standards.”** He then explained the reason staff came up with this incentive was from a previous discussion about maximum intensity and density within the

Comprehensive Plan, the maximums are already in the Land Development Code, therefore, there is no room to increase either one.

Committee member Bell asked if there was a chance to make the width wider by two feet and make it 7-feet, pointing out the fact that where she lives, she has one nearby, and see the amount of stuff that people now take to the beach, five feet is not enough sometimes.

Agency member Ledbetter pointed out that sidewalks are generally five feet and if a developer is already providing five feet, asking for two additional feet may be asking too much. Mr. O'Connor agreed with Agency member Ledbetter asking for two additional feet might disincentivize the developer. Chairman Wood agreed.

Motion by Agency member Bell, seconded by Agency member Purut to recommend approval to the City Council of the Draft Article 7 - Resource Conservation and Protection, as presented and discussed. The motion passed unanimous vote of 5-0.

5. PUBLIC COMMENTS:

None

6. DIRECTOR'S REPORT:

A. Article 10 - Impact Fee Draft Update

Mr. O'Connor explained staff did make changes to Article 10 regarding Impact Fees and the Proportionate Fair Share Program. Explaining that when there is redevelopment, the Proportionate Fair Share Program, which takes into consideration existing impacts to a site when it's redeveloped. This allows for the existing impact to be counted towards a credit, even though a developer is not supposed to get credit for impact fees, but it's okay if the impacts are already in place. He provided, as an example, if the impact is a hundred, and they increase the impacts to 120, then the net of 20 is what the developer would be responsible for, which is what the Proportionate Fair Share Program is for the redevelopment. He informed the member that this will go to City Council in a workshop and if they agree, then staff will bring this back before the LPA in an ordinance, for a recommendation to adopt.

7. ADJOURNMENT:

Having no further discussion at this time, the meeting adjourned at 6:45 p.m.

Adopted and approved this _____ day of _____ 2024.

James Wood, Jr. Chairman

Kimberly Montgomery City Clerk

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: October 3, 2024
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Action Item
OUTLINE NUMBER: 4.A.

TO: Local Planning Agency

THRU: Tina Deater, Community Development Director
Kimberly Kopp, City Attorney

FROM: Steve O'Connor, Principal Planner

DATE: August 23, 2024

SUBJECT: Billboard Ordinance

I. BACKGROUND: In conjunction with the request of Lamar Outdoor Advertising for the Council to consider allowing them to exchange several of their current/static billboards for digital billboards, Staff is bringing forward an ordinance for consideration which would amend the Land Development Code to include a provision for the City Council to enter into agreements with billboard owners to allow them to replace some existing billboards with digital billboards, in exchange for removing others. Lamar previously went before the City Council to discuss the possibility of entering into this type of agreement; however, it was determined that it would require an amendment to the Land Development Code and Council directed the City Attorney to work with Staff to draft an ordinance.

II. DISCUSSION: Under the City's current sign regulations, billboards are classified as "off-premises" signs and are prohibited. Furthermore, structural repairs to existing non-conforming billboards are not permitted, which requires these signs to be removed as they become structurally unsound. Lamar Outdoor Advertising is requesting amendments to the City's sign regulations to allow billboard companies to enter into agreements with the City, which would allow them to replace some of their existing billboards with digital billboards, in exchange for removing other existing billboards.

The proposed changes to Article 16, Section 16.03.02, would allow for agreements to be established between a billboard operator and the City to replace existing billboards with digital billboards and maintain them. The requirements of the agreement would be the minimum that the operator would have to meet in order to request an agreement. The proposed amendment provides for the following:

SECTION 3. AMENDMENT OF LAND DEVELOPMENT CODE SECTION

16.03.02.

Section 16.03.02 of the Land Development Code is hereby amended as follows:

W. Off-premises signs. No off-premises sign (other than those signs which have already received City and FDOT permits for construction) shall be constructed or erected after the date of enactment of this ordinance, nor shall any existing off-premises sign be permitted to increase in sign face area or height, or change configuration or structure, or have improvements that would increase the overall height of the structure. Any such change or alteration is unlawful, constitutes a nuisance and shall be removed immediately at the expense of the owner thereof. In the event the owner fails to remove the off-premises sign within 30 days after being notified to do so by the Director of Community Development, the City may remove such sign at the owner's expense or may apply to any court having jurisdiction for such relief as may be appropriate to facilitate the removal of the sign and for such other and further relief as City may be entitled to.

Notwithstanding the foregoing, the City Council may approve an agreement permitting off-premises signs where the applicant agrees to remove at least forty-five percent (45%) of the signs in exchange for replacement of such signs with digital signs meeting all of the following criteria:

1. Cannot exceed 400 sq.ft. in sign face.
2. No billboard shall exceed the height limitation of the zoning district it is located or fifty feet (50') in height, as measured from the ground grade to any element at the top of the sign, whichever is lower.
3. No billboard foundation or leading edge shall be within half the distance of the height of the sign to the property line or right-of-way.
4. In no case shall any sign project more than 0.2 foot candles onto any residentially zoned or residentially used property, to include multi-family developments or mixed use developments with multi-family uses.
5. No sign or advertisement shall contain any moving, scrolling, flashing, or any perceivable motion element.
6. Each advertisement shall not change less than:
 1. Every 10 seconds from Marler Bridge to Airport Road along Harbor Blvd (35mph).
 2. Every 12 seconds from Airport to the Okaloosa/Walton County line along Emerald Coast Highway (45 mph).
7. All utilities to the billboard shall be undergrounded.
8. The billboard main support pole shall be covered in a manner to have a Northwest Coastal Florida Vernacular design approved by City Council at a public meeting.
 - a. All secondary support or display support structure shall be screened in a matching design.
9. All signs shall be maintained in a clean, working and operating manner at all times.
 1. If at any point any billboard is determined to violate this paragraph as determined by the City Manager, notice shall be sent to the billboard operator. The operator shall rectify the issue within thirty (30) calendar day from the date of the notice. If the issue is not rectified in thirty (30) calendar

days, the operate shall be found in direct violation of any agreement and the City Manager may require either:

1. Work to be completed to rectify the issue at the operators' or owners' expense, or
2. The removal of the sign at the operators' or owners' expense.

A. Link to Strategic Goals / Objectives: II. Enhanced quality of life and safety for families

IV. Effective, efficient, and aesthetically pleasing infrastructure

B. Effect on Budget (EOB): N/A

C. Level of Service (LOS): N/A

D. Legislative Sponsor:

III. CONCLUSION: Staff is requesting the LPA to make a decision to recommend to the City Council whether to approve or deny the proposed amendments to Article 16 concerning off-premise signs and the allowance and an agreement to allow them to remain in perpetuity. If the LPA finds that this amendment is in line with the "Purpose" statement of Article 16, then staff recommends approval, otherwise staff recommends denial.

The purpose of this Code is to provide the minimum control of signs necessary to promote the health, safety, and general welfare by lessening hazards to pedestrians and vehicular traffic, by preserving property values, by preventing unsightly and detrimental development that would detract from the tourist resort appeal of the community and lead to economic decline and blight, by preventing signs from reaching such excessive size or numbers that they obscure one another to the detriment of all concerned, by securing certain fundamentals of design that would strengthen the community's economic base, and by preserving the right of free speech.

IV. RECOMMENDED MOTION: Options:

I move that the LPA recommend approval of Ordinance 24-09-LC.

I move that the LPA recommend approval of Ordinance 24-09-LC with the modifications as discussed.

I move that the LPA recommend denial of Ordinance 24-09-LC.

Attachments:

1. Billboard Agreement Ordinance draft
10.3.2024 LPA

ORDINANCE NO. 24-09-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO SIGN REQUIREMENTS FOR PROHIBITED OFF-PREMISES SIGNS; PROVIDING FOR AMENDMENTS TO THE LAND DEVELOPMENT CODE RELATING TO BILLBOARDS AND DIGITAL BILLBOARDS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE AMENDMENT OF THE LAND DEVELOPMENT CODE ARTICLE 16 – SIGNS; AMENDING SECTION 16.03.00 – PROHIBITED SIGNS; PROVIDING FOR CRITERIA FOR COUNCIL APPROVAL OF AN AGREEMENT ALLOWING FOR SUCH OFF-PREMISES SIGNS PURSUANT TO SPECIFIED CRITERIA; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SERVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

SECTION 1. AUTHORITY.

The authority for enactment of this Ordinance is Article 1, Section 1.01 (b) of the City Charter, Section 166.021, Florida Statutes and Chapter 163, Part II, Florida Statutes.

SECTION 2. FINDINGS OF FACT.

WHEREAS, the City has determined it necessary and desirable to amend the Land Development Code, Section 16.03.02, to provide a limited exception to the prohibition of signs to allow certain off-premises signs when the City Council has approved an agreement based on the minimum code criteria established herein; and

WHEREAS, the proposed amendments to the Land Development Code will promote and protect public health safety and welfare and will help accomplish the goals, objectives and policies of the City Comprehensive Plan, as amended; and

WHEREAS, the general purpose and intent of this ordinance is to create, preserve and promote a community where all properties are maintained in a fashion that emphasizes an aesthetically pleasing city, that encourages community pride, reserves neighborhood integrity, ensures a comfortable, safe and clean environment, and maintain property values; and

WHEREAS, the Destin City Council recognizes the need to establish a set of standards for entering into agreements that involve modernizing existing billboards in exchange for a reduction in the overall number of billboards in the City; and

WHEREAS, it is not the purpose of this ordinance to regulate or control the message or the content of signs, or to afford greater protection to either commercial or noncommercial speech; and

WHEREAS, a public hearing has been conducted after due public notice by the Local Planning Agency and its recommendations reported to the City Council; and

WHEREAS, a public hearing has been conducted by the City Council after due public notice.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AS FOLLOWS:

NOTE: Language in all sections of this ordinance that is ~~strike-thru~~ is language proposed to be deleted, underline language is language to be added, language that is not in strike-thru or underlined is not to be changed. The symbol *** represents sections of the Land Development Code that have been skipped and remain unchanged.

SECTION 3. AMENDMENT OF LAND DEVELOPMENT CODE SECTION 16.03.02.

Section 16.03.02 of the Land Development Code is hereby amended as follows:

W. Off-premises signs. No off-premises sign (other than those signs which have already received City and FDOT permits for construction) shall be constructed or erected after the date of enactment of this ordinance, nor shall any existing off-premises sign be permitted to increase in sign face area or height, or change configuration or structure, or improvements that would increase the overall height of the structure. Any such change or alteration is unlawful, constitutes a nuisance and shall be removed immediately at the expense of the owner thereof. In the event the owner fails to remove the off-premises sign within 30 days after being notified to do so by the Director of Community Development, the City may remove such sign at the owner's expense or may apply to any court having jurisdiction for such relief as may be appropriate to facilitate the removal of the sign and for such other and further relief as City may be entitled to.

Notwithstanding the foregoing, the City Council may approve an agreement permitting off-premises signs where the applicant agrees to remove at least forty-five percent (45%) of the signs in exchange for replacement of such signs with digital signs meeting all of the following criteria:

1. Cannot exceed 400 sq.ft. in sign face.
2. No billboard shall exceed the height limitation of the zoning district it is located in or fifty feet (50') in height, as measured from the ground grade to any element at the top of the sign, whichever is lower.
3. No billboard foundation or leading edge shall be within half the distance of the height of the sign to the property line or right-of-way.
4. In no case shall any sign project more than 0.2 foot candles of light onto any residentially zoned or residentially used property, to include multi-family developments or mixed use developments with multi-family uses.

5. No sign or advertisement shall contain any moving, scrolling, flashing, or any perceivable motion element.
6. Each advertisement shall not change less than:
 - a. Every 10 seconds from Marler Bridge to Airport Road along Harbor Blvd (35mph).
 - b. Every 12 seconds from Airport to the Okaloosa/Walton County line along Emerald Coast Highway (45 mph).
7. All utilities to the billboard shall be undergrounded.
8. The billboard main support pole shall be covered in a manner to have a Northwest Coastal Florida Vernacular design approved by City Council at a public meeting.
 - a. All secondary support or display support structure shall be screened in a matching design.
9. All signs shall be maintained in a clean, working and operating manner at all times.
 - a. If at any point any billboard is determined to violate this paragraph as determined by the City Manager, notice shall be sent to the billboard operator. The operator shall rectify the issue within thirty (30) calendar days from the date of the notice. If the issue is not rectified in thirty (30) calendar days, the operator shall be found in direct violation of any agreement and the City Manager may require either:
 - i. Work to be completed to rectify the issue at the operators' or owners' expense, or
 - ii. The removal of the sign at the operators' or owners' expense.

SECTION 4. INCORPORATION INTO LAND DEVELOPMENT CODE. This ordinance shall be incorporated into the City of Destin's Land Development Code and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

SECTION 5. CONFLICTING PROVISIONS. Special Acts of the Florida Legislature applicable to the incorporated area of the City of Destin, City Ordinances and City Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

SECTION 6. SEVERABILITY. If any section, phase, 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 7. EFFECTIVE DATE. This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

ADOPTED this ____ day of _____, 2024.

_____,
Bobby Wagner, Mayor

ATTEST:

Rey Bailey, City Clerk

The form and legal sufficiency of the foregoing has been reviewed and approved for the City of Destin, only, by the City Attorney:

Kimberly Romano Kopp, City Attorney

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: October 3, 2024
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Action Item
OUTLINE NUMBER: 4.B.

TO: Local Planning Agency

THRU: Tina Deater, Community Development Director
Kimberly Kopp, City Attorney

FROM: Michael Burgess, Public Works Director

DATE: September 12, 2024

SUBJECT: Floodplain Management LDC Amendment-Ordinance 24-12-LC

I. BACKGROUND: The City of Destin participates in both the National Flood Insurance Program (NFIP) and the Community Rating System (CRS), which are administered by FEMA. From time to time, our Ordinance must be updated to reflect those edits required to either maintain our status in the NFIP or our Class Rating in the CRS.

II. DISCUSSION: The required revisions to our Floodplain Management Ordinance (attached) are primarily associated with accessory structures, the elevation of newly-placed manufactured homes, and adjustments to various definitions.

- A. Link to Strategic Goals / Objectives:** II. Enhanced Quality of Life and Safety for Families
- B. Effect on Budget (EOB):** n/a
- C. Level of Service (LOS):** Compliance with NFIP and CRS Class requirements.
- D. Legislative Sponsor:**

III. CONCLUSION: The changes to the Floodplain Management Ordinance are minimum Class 8 standards. If not adopted by City Council, the City's CRS status will retrograde to a Class 9 from our current Class 6. If we are retrograded to a Class 9, residents with policies that currently have a 20% discount now will have the discount lowered to 5%.

IV. RECOMMENDED MOTION: I move that the Local Planning Agency recommend that City Council adopt Ordinance 24-12-LC amending the Floodplain Management Ordinance found in the Land Development Code.

Attachments:

1. Flood Regs Ord 24-12-LC

ORDINANCE NO. 24-12-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA AMENDING LAND DEVELOPMENT CODE SECTION 11.04.00 FLOODPLAIN MANAGEMENT; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; AMENDING SECTIONS RELATING TO ELEVATION OF MANUFACTURED HOMES IN FLOOD HAZARD AREAS; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR A FISCAL IMPACT STATEMENT; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

SECTION 1. AUTHORITY. The authority for enactment of these regulations is Article 1, Section 1.01(b) of the City Charter, Section 166.021, Florida Statutes and Chapter 163, Part II, Florida Statutes.

SECTION 2. FINDINGS OF FACT.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 – Municipalities, 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, the City of Destin participates in the National Flood Insurance Program and participates in the NFIP's Community Rating System, a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements and achieved a CRS rating of Class Six (6), making citizens who purchase NFIP flood insurance policies eligible for premium discounts; and

WHEREAS, in 2020 the NFIP Community Rating System established certain minimum prerequisites for communities to qualify for or maintain class ratings of Class 8 or better; and

WHEREAS, to satisfy the prerequisite and for the City of Destin to maintain the current CRS rating, all manufactured homes installed or replaced in special flood hazard areas must be elevated to or above at least the base flood elevation plus 1 foot, which necessitates modification of the existing requirements; and

WHEREAS, the City of Destin determined that it is in the public interest to amend the floodplain management regulations to better protect manufactured homes and to continue participating in the Community Rating System at the current class rating; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Destin that the following floodplain management regulations are hereby adopted.

NOTE: *Language in this ordinance that is ~~struck through~~ is language proposed to be deleted, underlined language is language proposed to be added, language that is not ~~struck through~~ or underlined is not to be changed, and * * * represents sections of the Land Development Code that have been skipped and remain unchanged.*

SECTION 3. Section 11.04.00 of the City Land Development Code is hereby amended as follows:

* * *

11.04.00. - Floodplain management.

* * *

- D. *Coordination with the Florida Building Code.* ~~This ordinance is~~ These regulations are 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.
- E. *Warning.* The degree of flood protection required by ~~this ordinance~~ these regulations 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 man-made or natural causes. ~~This ordinance does~~ These regulations do 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, 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 ordinance~~ these regulations.
- F. *Disclaimer of liability.* These regulations shall not create liability on the part of the City Council of the City of Destin or by any officer or employee thereof for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

11.04.02. Administration—Applicability.

- A. *General.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- B. *Areas to which this applies.* These regulations shall apply to all flood hazard areas within the City of Destin, as established in section 11.04.02.C of these regulations.
- C. *Basis for establishing flood hazard areas.* The Flood Insurance Study for Okaloosa County, Florida, and Incorporated Areas dated March 9, 2021 ~~December 6, 2002~~ 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 by reference as a part of these regulations and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the City of Destin Annex located at 4100 Indian Bayou Trail, Destin, Florida.

11.04.07. Administration—Variances and Appeals.

- E. *Historic buildings/structures.* 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, Chapter ~~12~~ 14 Historic 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.

* * *

11.04.10. *Definitions.*

Accessory building. A building of not more than 100 square feet of gross floor area with a cost of not more than \$1,000.00 that is unfinished inside, constructed with flood-resistant materials, and used only for storage. ~~Accessory buildings as defined herein are Category I structures as specified in ASCE 24 and are not required to meet the building elevation requirements of ASCE 24 unless located in a Zone V and a Florida Licensed Professional Engineer does not certify that the accessory building failure would not create damaging debris or divert flood flows.~~

* * *

~~*Existing manufactured home park or subdivision.* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before July 6, 1988.~~

~~*Expansion to an existing manufactured home park or subdivision.* The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).~~

* * *

Historic buildings/structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter ~~12~~ 14 Historic Buildings.

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:

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.

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.

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.

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 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.

* * *

Market value. ~~The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in these regulations, the term refers to the market~~ The value of buildings and structures, excluding the land and other improvements on the parcel. Market value ~~may be established by a qualified independent appraiser, is the~~ actual cash value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value of the building or structure adjusted to approximate market value by a factor provided by the County Property Appraiser.

New construction. For the purposes of administration of these regulations and the building code, structures for which the "start of construction" commenced on or after July 6, 1988 and includes any subsequent improvements to such structures.

~~*New manufactured home park or subdivision.* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after July 6, 1988.~~

* * *

Substantial improvement. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a five-year ~~ten-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 five-year ~~ten-year~~ period begins on the date of the first improvement or repair of that building or structure subsequent to May 19, 2008. 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.

* * *

11.04.11. Flood resistant development—Buildings and structures.

- A. *Design and construction of buildings and structures exempt from the Florida Building Code.* Pursuant to section 11.04.04.C of these regulations, 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 11.04.17 of these regulations.
- 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:
 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.

2. Minor structures and non-habitable major structures as defined in F.S. § 161.054, shall be designed and constructed to comply with the intent and applicable provisions of section 11.04.00, floodplain management and ASCE 24.
- C. *Critical facilities.* Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA). Construction of new critical facilities may be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated at or above the elevation required by the Florida Building Code or three or more feet above the level of the base flood elevation at the site, whichever is higher. Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.
- D. Local Amendments to the Florida Building Code. Local amendments to the flood resistant construction provisions of the Florida Building Code are codified in the Code of Ordinance, Chapter 6, Article II Building Code.
- E. Non-elevated accessory buildings. Accessory buildings are permitted below elevations required by the Florida Building Code provided the accessory buildings are used only for parking or storage and:
- (1) If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas, are one-story and not larger than 100 sq. ft. and have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential.
 - (2) If located in coastal high hazard areas (Zone V/VE), are not located below elevated buildings, are not larger than 100 sq. ft., and Florida Licensed Professional Engineer certifies that failure of the accessory building will not create damaging debris or divert flood flows.
 - (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 (1) foot.
 - (5) Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one (1) foot.

11.04.14. *Flood resistant development—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 Chapter 15C-1, F.A.C. and the requirements of these regulations. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the 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, are designed in accordance the foundation requirements of the Florida Building Code, Residential Section R322.2 and these regulations.
 2. In floodways, are designed in accordance with ASCE 24.

3. In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3 and these regulations.
- 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 Section R322.3 (Zone V and Coastal A Zone). ~~Manufactured homes that are placed, replaced, or substantially improved shall comply with section 11.04.14.E or 11.04.14.F of these regulations, as applicable.~~
- E. ~~*General elevation requirement.* Unless subject to the requirements of section 11.04.14.F of these regulations, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, 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 Section R322.3 (Zone V).~~
- F. ~~*Elevation requirement for certain existing manufactured home parks and subdivisions.* Manufactured homes that are not subject to section 11.04.14.E of these regulations, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:~~
- ~~1. Bottom of the frame of the manufactured home 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 Section R322.3 (Zone V); or~~
 - ~~2. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.~~
- EG. *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.
- FH. *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.

* * *

SECTION 4. INCORPORATION INTO LAND DEVELOPMENT CODE. This ordinance shall be incorporated into the City of Destin's Land Development Code and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

SECTION 5. CONFLICTING PROVISIONS. Special Acts of the Florida Legislature applicable to the incorporated area of the City of Destin, City Ordinances and City Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

SECTION 6. SEVERABILITY. If any section, phase, 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 7. EFFECTIVE DATE. This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

ADOPTED this ____ day of November, 2024.

Bobby Wagnor, Mayor

ATTEST:

Rey Bailey, City Clerk

The form and legal sufficiency of the foregoing
has been reviewed and approved by the City
Attorney, for the City of Destin, only.

Kimberly Romano Kopp, City Attorney

First Reading:

Second Reading:

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: October 3, 2024
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Ordinance
OUTLINE NUMBER: 4.C.

TO: Local Planning Agency

THRU: Tina Deater, Community Development Director
Kimberly Kopp, City Attorney

FROM: Michael Burgess, Public Works Director

DATE: September 19, 2024

SUBJECT: Floodplain Management COO Amendment-Ordinance 24-18-CC

I. BACKGROUND: The City of Destin participates in both the National Flood Insurance Program (NFIP) and the Community Rating System (CRS), administered by FEMA. From time to time, our Ordinances must be updated to reflect those edits required to either maintain our status in the NFIP or our Class Rating in the CRS.

II. DISCUSSION: The required revisions to our Floodplain Management Ordinance (as they apply to the Florida Building Code, attached) are primarily associated with accessory structures, the elevation of newly-placed manufactured homes, and adjustments to various definitions.

- A. Link to Strategic Goals / Objectives:** II. Enhanced Quality of Life and Safety for Families
- B. Effect on Budget (EOB):** n/a
- C. Level of Service (LOS):** Compliance with NFIP and CRS Class requirements.
- D. Legislative Sponsor:**

III. CONCLUSION: The changes to the Floodplain Management Ordinance are minimum Class 8 standards. If not adopted by City Council, the City's CRS status will retrograde to a Class 9 from our current Class 6. If we are retrograded to a Class 9, residents with policies that currently have a 20% discount now will have the discount lowered to 5%.

IV. RECOMMENDED MOTION: I move that the Local Planning Agency recommend that City Council adopt Ordinance 24-18-CC amending the Code of Ordinances, Chapter 6 - Buildings and Building Regulations.

Attachments:

1. Ord 24-18-CC Blg_Flood

ORDINANCE NO. 24-18-CC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA AMENDING CHAPTER 6 “BUILDINGS AND BUILDING REGULATIONS” OF THE CODE OF ORDINANCES; AMENDING SECTIONS RELATING TO FLOOD HAZARD AREAS AND FLOODPLAIN MANAGEMENT; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR A FISCAL IMPACT STATEMENT; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. The authority for enactment of these regulations is Article 1, Section 1.01(b) of the City Charter, Section 166.021, Florida Statutes and Chapter 163, Part II, Florida Statutes.

SECTION 2. FINDINGS OF FACT.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166, 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, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to provide a mechanism for the uniform adoption, updating, amendment, interpretation and enforcement of a state building code, called the *Florida Building Code*; and

WHEREAS, section 553.73, Florida Statutes, allows adoption of local administrative and technical amendments to the *Florida Building Code*; 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 **City of Destin** previously adopted local amendments to the Florida Building Code to (1) require additional elevation of buildings in flood hazard areas; (2) limit materials used to enclose areas under elevated buildings and limit the size of such enclosures; and (3) to accumulate costs of improvements and repairs of buildings over a specified period of time, and is reformatting those amendments; and

WHEREAS, the **City of Destin** is modifying a previously adopted adopting amendment to the Florida Building code to reduce the period of time over which costs of improvements and repairs of buildings will be accumulated for the purpose of participating in the National Flood Insurance Program's Community Rating System and, pursuant to section 553.73(5), F.S., is formatting those requirement to coordinate with the Florida Building Code.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Destin that the following local administrative amendments and local technical amendments to the *Florida Building Code*, are hereby adopted.

NOTE: Language in this ordinance that is ~~strike thru~~ is language proposed to be deleted, underline language is language to be added, language that is not in strike-thru or underlined is not to be changed. The symbol *** represents sections of the Code that have been skipped and remain unchanged.

Chapter 6. Buildings and Building Regulations.

ARTICLE II. BUILDING CODE

Sec. 6-46. Florida Building Code.

(1) There is hereby adopted by the city, for the purpose of establishing rules and regulations for the construction, installation, alteration, removal, demolition, equipment, use and occupancy of buildings and structures, that certain building code known as the Florida Building Code, latest edition, and the provisions of such code shall be controlling in the construction, installation, alteration, removal, demolition, equipment, use and occupancy of buildings and structures in the corporate limits of the city. In the event of any conflict between the provisions of section 6-46 and section 6-47 of the City Code, the provisions of section 6-47 shall apply except as prohibited by law.

(2) The floodplain management regulations that govern development in flood hazard areas of the City are codified in the Land Development Code, Article 11.

Sec. 6-47. - Administrative amendments to the Florida Building Code.

SECTION 2. The Florida Building Code is hereby amended by the following ~~technical~~ amendments:

A. Florida Building Code technical amendment; cumulative substantial improvement. In the Florida Building Code, Building, and Florida Building Code, Existing Building, definitions for the term "Substantial Improvement" shall be as defined in Section 11.04.00 of the Land Development Code.

B. Florida Building Code administrative amendments; nonconversion agreements. Applications for dwellings with enclosures below the required elevation shall include signed declarations of land restrictions (nonconversion agreements), as defined in Section 11.04.00 of the Land Development Code:

1. If perimeter wall (crawlspace) taller than 4 feet.
2. If used for building access and storage.

C. Florida Building Code technical amendment; minimum building elevations. In all flood zones:

1. The minimum elevation for non-residential buildings in flood hazard areas shall be as specified in ASCE 24 or the base flood elevation plus two (2) feet, whichever is higher.
2. The minimum elevation for dwellings in flood hazard areas shall be the base flood elevation plus two (2) feet, whichever is higher, except for those properties located within the South Harbor Mixed Use and Calhoun Mixed Use Zoning Districts the lowest floor shall be elevated to or above the base flood elevation plus one (1) foot or the design flood elevation, whichever is higher.

D. Florida Building Code, Residential, technical amendment; enclosed areas below required elevation. In all flood zones, dwellings with enclosed areas below the required elevation that are:

1. Used for parking shall be enclosed with lattice, screening, or similar material that permits the unobstructed flow of floodwater.
2. Used for building access and storage shall be not more than 200 square feet in area, of which no more than 70 square feet is designated for storage.

Sec. 1612.2, Florida Building Code, Building

Modify the definition as follows:

~~**SUBSTANTIAL IMPROVEMENT.** Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a ten (10) 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 ten (10) year period begins on the date of the first improvement or repair of that building or structure subsequent to May 19, 2008. 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.~~

Sec. 1612.4, Florida Building Code, Building

~~**1612.4.2 Elevation requirements.** The minimum elevation requirements shall be as specified in ASCE 24 or the base flood elevation plus two (2) feet, whichever is higher.~~

Sec. R322.2.1, Florida Building Code, Residential

Modify as follows:

R322.2.1 Elevation requirements.

- ~~1. Buildings and structures in flood hazard areas including flood hazard areas designated as Coastal A Zones, shall have the lowest floors elevated to or above the base flood elevation plus 2 feet, or the design flood elevation, whichever is higher, except for those properties located within the South Harbor Mixed Use and Calhoun Mixed Use Zoning Districts the lowest floor shall be elevated to or above the base flood elevation plus one (1) foot or the design flood elevation, whichever is higher.~~
- ~~2. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated to a height above the highest adjacent grade of not less than the depth number specified in feet (mm) on the FIRM plus 2 feet, or not less than 4 feet if a depth number is not specified.~~
- ~~3. Basement floors that are below grade on all sides shall be elevated to or above base flood elevation plus 2 feet, or the design flood elevation, whichever is higher, except for those properties located within the South Harbor Mixed Use and Calhoun Mixed Use Zoning Districts the lowest floor shall be elevated to or above the base flood elevation plus one (1) foot or the design flood elevation, whichever is higher.~~

Exception: Enclosed areas below the design flood elevation, including basements with floors that are not below grade on all sides, shall meet the requirements of Section 322.2.2.

Sec. R322.2.2, Florida Building Code, Residential

Modify as follows:

~~R322.2.2 Enclosed area below design flood elevation.~~ Enclosed areas, including crawl spaces, that are below the design flood elevation shall:

- ~~1. Be used solely for parking of vehicles, building access or storage.~~
- ~~2. Be provided with flood openings that meet the following criteria and are installed in accordance with Section R322.2.2.1:~~
 - ~~2.1. The total net area of non-engineered openings shall be not less than 1 square inch (645 mm²) for each square foot (0.093 m²) of enclosed area where the enclosed area is measured on the exterior of the enclosure walls, or the openings shall be designed as engineered openings and the construction documents shall include a statement by a registered design professional that the design of the openings will provide for equalization of hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwaters as specified in Section 2.7.2.2 of ASCE 24.~~
 - ~~2.2. Openings shall be not less than 3 inches (76 mm) in any direction in the plane of the wall.~~
 - ~~2.3. The presence of louvers, blades, screens and faceplates or other covers and devices shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area.~~
- ~~3. If used for parking, be enclosed with lattice, screening, or similar material that permits the unobstructed flow of floodwater.~~
- ~~4. 3. If perimeter wall (crawl space) taller than 4 feet, the applicant shall submit a declaration of land restriction (nonconversion agreement).~~
- ~~5. 4. If used for building access and storage, be not more than 200 square feet in area, of which no more than 70 square feet is designated for storage; the applicant shall submit a declaration of land restriction (nonconversion agreement).~~

~~Sec. R322.3.2, Florida Building Code, Residential~~

Modify as follows:

~~R322.3.2 Elevation requirements.~~

- ~~1. Buildings and structures erected within coastal high hazard areas and Coastal A Zones, shall be elevated so that the bottom of the lowest horizontal structure members supporting the lowest floor, with the exception of pilings, pile caps, columns, grade beams and bracing, is elevated to or above the base flood elevation plus 2 feet or the design flood elevation, whichever is higher.~~
- ~~2. Basement floors that are below grade on all sides are prohibited.~~
- ~~3. The use of fill for structural support is prohibited.~~
- ~~4. Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.~~
- ~~5. Walls and partitions enclosing areas below the design flood elevation shall meet the requirements of Sections R322.3.4 and R322.3.5.~~

~~Sec. R322.3.56, Florida Building Code, Residential~~

Modify as follows:

~~**R322.3.56 Enclosed areas below design flood elevation.** Enclosed areas below the design flood elevation shall be used solely for parking of vehicles, building access or storage, and shall comply with Section R322.3.4. subject to the following limitations:~~

- ~~1. If used for parking, areas may be enclosed with lattice, screening, or similar material that permits the unobstructed flow of floodwater.~~
- ~~2. If used for building access and storage, shall comply with Section R322.3.4 and shall be not more than 200 square feet in area, of which no more than 70 square feet is designated for storage; the applicant shall submit a declaration of land restriction (nonconversion agreement).~~

Sec. 202, Florida Building Code, Existing Building

~~**SUBSTANTIAL IMPROVEMENT.** Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a ten 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 ten year period begins on the date of the first improvement or repair of that building or structure subsequent to May 19, 2008. 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.~~

* * *

SECTION XX. 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. Therefore, in terms of lower potential for flood damage, there will be continued savings and benefits to consumers.

SECTION 4. INCORPORATION INTO CODE OF ORDINANCES. This ordinance shall be incorporated into the City of Destin's Code of Ordinances and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

SECTION 5. CONFLICTING PROVISIONS. Special Acts of the Florida Legislature applicable to the incorporated area of the City of Destin, City Ordinances and City Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

SECTION 6. SEVERABILITY. If any section, phase, 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 7. EFFECTIVE DATE. This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

(Signature Page Follows)

ADOPTED this ____ day of November, 2024.

Bobby Wagnor, Mayor

ATTEST:

Rey Bailey, City Clerk

The form and legal sufficiency of the foregoing
has been reviewed and approved by the City
Attorney, for the City of Destin, only.

Kimberly Romano Kopp, City Attorney

First Reading:
Second Reading:

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: October 3, 2024
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Ordinance
OUTLINE NUMBER: 4.D.

TO: Local Planning Agency

THRU: Tina Deater, Community Development Director
Kimberly Kopp, City Attorney

FROM: Noell Bell, Chief Building Official

DATE: September 24, 2024

SUBJECT: Ordinance 24-14-LC- Unsafe Building Abatement LDC Amendment

I. BACKGROUND: As part of the current rewrite of the Land Development Code (LDC), Staff has determined that the type of structural maintenance regulations currently located in **LDC Article 20.06.00 Unsafe Building Abatement** are more appropriate in the Code of Ordinances because they are not regulations, but rather the enforcement of regulations post-development. Thus, we are creating **Article V. - Property Maintenance Code under Chapter 6 - Building and Building Regulations** in the Code of Ordinances and proposing to expand the scope of the regulations to also address general site conditions.

This agenda item, Ordinance 24-14-LC, removes **Article 20.06.00 Unsafe Building Abatement** from the Land Development Code, and an accompanying agenda item, Ordinance 24-17-CC, creates **Article V. - Property Maintenance Code under Chapter 6 - Building and Building Regulations** in the Code of Ordinances and expands the scope of the regulations to also address general site conditions.

II. DISCUSSION: While the Florida Building Code applies to new construction, it is important that standards are also in place for existing structures and premises, requiring owners of residential and non-residential properties to continue to maintain both the exterior of the property (yard) and the structural elements to ensure life safety and structural integrity.

To address these maintenance issues, Staff proposes the adoption of a **Property Maintenance Code**, modeled from the **International Code Council (ICC) 2024 Property Maintenance Code**. This Code will be located in the **Code of Ordinances Article V. - Property Maintenance Code under Chapter 6 - Building and Building Regulations**.

The scope of those regulations is expanded to apply to the entire property and includes all exterior elements (yard) and the existing structural elements, containing maintenance standards for both.

The appropriate location for these type of property maintenance regulations is in the Code of Ordinances; therefore, an amendment to the Land Development Code deleting the current regulations is required to allow the adoption of the new regulations in the Code of Ordinances. This agenda item, Ordinance 24-14-LC, removes **Article 20.06.00 Unsafe Building Abatement** from the Land Development Code, and an accompanying agenda item, Ordinance 24-17-CC, creates **Article V. - Property Maintenance Code under Chapter 6 - Building and Building Regulations** in the Code of Ordinances and expands the scope of the regulations to also address general site conditions.

- A. **Link to Strategic Goals / Objectives:** II. Enhanced Quality of life and safety for Families
- B. **Effect on Budget (EOB):** n/a
- C. **Level of Service (LOS):** Increased safety for residents and visitors.
- D. **Legislative Sponsor:**

III. CONCLUSION: One of Community Development's primary roles is to ensure all properties within the City of Destin are maintained in a manner that protects the health, safety, and welfare of both property owners and the public, as well as the preservation of neighborhoods and commercial areas. Adoption of a new Property Maintenance Code will assist us in fulfilling that role.

IV. RECOMMENDED MOTION: I move that the Local Planning Agency recommend City Council approve Ordinance 24-14-LC, deleting **Land Development Code (LDC) Article 20.06.00 Unsafe Building Abatement**, with the understanding a new **Property Maintenance Code** will replace it within the Code of Ordinance, once adopted.

Attachments:

1. Ordinance 24-14-LC Unsafe Building Abatement Removal

ORDINANCE NO. 24-14-LC

**AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA;
REMOVING SECTION 20.06.00 OF THE LAND DEVELOPMENT
CODE “UNSAFE BUILDING ABATEMENT”; PROVIDING FOR
FINDINGS OF FACT; PROVIDING FOR REMOVAL FROM THE
LAND DEVELOPMENT CODE; PROVIDING FOR
CONFLICTING PROVISIONS; PROVIDING FOR
SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

SECTION 1. AUTHORITY.

The authority for enactment of this Ordinance is Article 1, Section 1.01 (b) of the City Charter and Section 166.021, Florida Statutes.

SECTION 2. FINDINGS OF FACT.

WHEREAS, the City Council in providing for the health, safety and welfare of its citizens finds that the City should modify the regulations for unsafe building abatement and to remove such regulations from the Land Development Code, entirely; and

WHEREAS, the City Council desires to remove certain building-related regulations from the Land Development Code and to set forth all such provisions in the Code of Ordinances; and

WHEREAS, the City Council has determined that this ordinance is consistent with the adopted comprehensive plan and is in the best interests of the City and its citizens; and

WHEREAS, a public hearing has been conducted after due public notice by the Local Planning Agency and its recommendations reported to the City Council; and

WHEREAS, a public hearing has been conducted by the City Council after due public notice.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AS FOLLOWS:

NOTE: Language in EXHIBIT A of this ordinance that is ~~strike-thru~~ is language proposed to be deleted, underline language is language to be added, language that is not in strike-thru or underlined is not to be changed. The symbol * represents sections of the Land Development Code that have been skipped and remain unchanged.**

SECTION 3. AMENDMENTS TO LAND DEVELOPMENT CODE ARTICLE 20.06.00

Section 20.06.00 of the Land Development Code is hereby deleted in its entirety, as set forth in Exhibit “A” attached hereto and fully incorporated herein by this reference.

SECTION 4. INCORPORATION INTO LAND DEVELOPMENT CODE. This ordinance shall be incorporated into the City of Destin's Land Development Code and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

SECTION 5. CONFLICTING PROVISIONS. City Ordinances and City Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

SECTION 6. SEVERABILITY. If any section, phase, 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 7. EFFECTIVE DATE. This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

ADOPTED THIS _____ DAY OF _____, 2024.

By: _____
Bobby Wagner, Mayor

ATTEST:

The form and legal sufficiency of the foregoing has been reviewed and approved by the City Attorney, for the City of Destin, only.

Rey Bailey, City Clerk

Kimberly Romano Kopp, City Attorney

First Reading: _____

Second Reading: _____

EXHIBIT "A"

20.06.00 Reserved.

20.06.00. Unsafe Building Abatement – General.

~~All buildings, structures, premises, electrical, gas, mechanical or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, or which are otherwise unfit for human habitation, as may be further defined hereinbelow, are considered unsafe buildings. All such unsafe buildings, structures or premises are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of this Code or other applicable local ordinance.~~

20.06.01. *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~Unsafe Building.~~ Any building, structure or property that has any of the following conditions, such that life, health, property or safety of the general public or the building its occupants, either permanent or occasional, of the general public are endangered:

- ~~(1) Any means of egress or portion thereof is not of adequate size, or is not arranged to provide a safe path of travel in case of fire or panic, or otherwise does not conform to the Florida Building Code or Florida Life Safety Code as related to the requirements for existing buildings or to the approved plans, if any.~~
- ~~(2) Any means of egress or portion thereof, such as, but not limited to, fire doors, closing devices and fire resistive ratings, is in disrepair or in a dilapidated or nonworking condition such that the means of egress could be rendered unsafe in case of fire or panic.~~
- ~~(3) The stress in any material, member or portion thereof, due to all imposed loads including dead load exceeds the stress allowed in the Florida Building Code as related to the requirements for existing buildings.~~
- ~~(4) The building, structure or portion thereof has been damaged by fire, flood, earthquake, wind or other cause to the extent that the structural integrity of the building or structure is less than it was prior to the damage and is less than the minimum requirements established by the Florida Building Code as related to the requirements for existing buildings.~~
- ~~(5) Any exterior appendage or portion of the building or structure is not securely fastened, attached or anchored such that it is incapable of resisting wind, seismic or similar loads as required by the Florida Building Code as related to the requirements for existing buildings.~~
- ~~(6) If, for any reason, the building, structure or portion thereof is manifestly unsafe or unsanitary for the purpose for which it is being used.~~
- ~~(7) The building, structure or portion thereof as a result of damage, decay, deterioration or dilapidation is likely to fully or partially collapse.~~
- ~~(8) The building, structure or portion thereof has been constructed or maintained in violation of a specific requirement of the Florida Building Code, was not constructed according to the approved plans, if any, or was constructed without first obtaining a building construction permit, where a building permit was required.~~
- ~~(9) Any building, structure or portion thereof that is unsafe, unsanitary or not provided with~~

adequate egress, or which constitutes a fire hazard, or is otherwise dangerous to human life, or which in relation to existing use, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.

- (10) — Any building, structure or portion thereof that displays any of the above is in such a condition so as to constitute a public nuisance or an unsafe or dangerous attractive nuisance.
- (11) — Any building, structure or property rendered unsafe or dangerous to human health by the presence of unlawful hazardous materials or toxic substances.
- (12) — Any violation of Chapters 2 and 3 (except Section 309) of the Standard Housing Code, 1994 Edition, which is hereby adopted by the City for the purpose of establishing minimum rules and regulations for the use, occupancy and maintenance of buildings on residential properties; in addition to the provisions hereinabove, the provisions of such code shall be controlling as to the use, occupancy and maintenance of buildings on residential properties in the corporate limits of the City.

20.06.02. *Determination of Unsafe Building.* The Building Official (in consultation with and the Fire Official, where applicable) shall determine when a building is unsafe, or a portion of it may be unsafe. The Determination of Unsafe Building shall include a statement indicating the building or structure has been declared unsafe by the City and a detailed report documenting the conditions determined to have rendered the building or structure unsafe under the Code and shall be signed by the Building Official. Such determination shall be forwarded to the Code Enforcement Officer for further action according to the following procedures, and the procedures in Chapter 14, Article III, Code Enforcement Board; Special Magistrate, Destin Code of Ordinances.

20.06.03. *Notice.* The Code Enforcement Officer, upon receiving a Determination of Unsafe Building from the Building Official, shall prepare with coordination from the Building Official and issue a combined Notice of Unsafe Building and Notice of Violation directed to the owner of record of the building or structure. The Notice shall be provided as required in Section 14-84, Destin Code of Ordinances and shall also be posted in a conspicuous place on or about the structure. Once posted, it shall be unlawful for any person, firm, corporation, or other entity, or any agent thereof, to remove, deface or destroy the Notice of Unsafe Building and Notice of Violation without permission, or for any person to enter or otherwise occupy the building except for the purpose of making the required repairs or demolishing the building or structure based on applicable permitting and approvals by the Building Official. The Notice shall contain, but not be limited to, the following information:

- (1) — The street address or location on which road, if no address is assigned and the property I.D. of the structure, building or property.
 - (2) — The Determination of Unsafe Building shall be included in its entirety.
 - (3) — A statement advising that if the following required actions, as determined by the building official, are not commenced within or completed by the time specified, the matter will be referred to the Code Enforcement Board or Special Magistrate for a hearing, which may result in a finding of violation and an order imposing fine and costs and requiring that the building, structure or property will be repaired or ordered vacated and, if applicable, demolished and all costs incurred, together with any accrued fines; and that the order imposing fine and costs may be filed in the public records, and as such, thereafter will constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator.
- a. — If the building or structure is to be repaired, the notice shall require that all necessary permits be secured and the work commenced within 60 days and continue to completion within such time as allowed per code.

- b. ————— If the building or structure is to be vacated, the notice shall indicate the time within which vacation is to be completed and the building or structure secured against further occupancy, which time shall not exceed 30 days.
- c. ————— If the building or structure is to be demolished, the notice shall require that the premises be vacated within 30 days, that all required permits for demolition be secured in 60 days and completed within such time as allowed per code.
- (4) ————— A statement that the Building Official has the authority to authorize disconnection of utility service to any structure where necessary to eliminate an immediate hazard to life or property or when such utility connection was made without proper authorization.
- (5) ————— A statement providing notice that it is unlawful for any person, firm, corporation, or other entity, or any agent thereof, to remove, deface or destroy the Notice of Unsafe Building and Notice of Violation without the permission, or for any person to enter or otherwise occupy the building except for the purpose of making the required repairs or demolishing the building or structure based on applicable permitting and approvals by the Building Official.

2.06.04. Additional Powers and Duties of the Building and Fire Officials.

- (1) ————— The Building and Fire Officials may enter any building, structure or property at all reasonable times to make an inspection or enforce this code.
 - a. ————— When entering a building, structure or property that is occupied, the officials shall first identify themselves, present proper credentials and request entry.
 - b. ————— If the building, structure or property is unoccupied, the officials shall make a reasonable effort to locate the owner or other persons having charge of the building and demand entry.
 - c. ————— If the officials are unable to obtain authorization to enter and inspect a building, structure or property, the officials may enter and inspect such building, structure or property by any other lawful means, including through the inspection warrant process as provided in Chapter 933, Florida Statutes.
- (2) ————— The Building Official shall have the authority to authorize disconnection of utility service to any structure where necessary to eliminate an immediate hazard to life or property or when such utility connection is made without proper authorization. The Building Official shall notify the serving utility and, whenever possible, the owner or occupant of the structure, of the decision to disconnect such service prior to taking such action. The Building Official shall use best efforts to determine those instances where service is connected to more than one customer to avoid unintentional disconnection of utilities of innocent third parties.
- (3) ————— Regardless of whether notice has been issued by the Code Enforcement Officer as provided in Section 20.06.03 hereinabove, the Building Official is authorized to take the following emergency measures where, in the opinion of the Building Official, there is imminent danger of fire, failure, or collapse of a building or structure which endangers life, or when any portion of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the structure's occupants or those in proximity because of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases or materials:
 - a. ————— Disconnection of utility service as provided hereinabove.
 - b. ————— Order and require that the occupants vacate the building, structure or property immediately.
 - c. ————— Posting the building, structure or property at each entrance informing all persons that it is unlawful for any person to enter the building, structure or property except for the purpose of securing the building or structure, making an inspection, making required repairs, removing the hazardous condition, cleanup or remediation of hazardous materials or toxic

- substances, or for demolition and removal.
- d. Temporarily close or board up buildings or structures against further entry, or order the authority having jurisdiction to close sidewalks, streets, public rights of way, and places adjacent to such buildings, structures or property.
 - e. When there is an imminent danger due to the condition of the building, structure or property, order emergency work to reduce or eliminate such condition to be performed by the property owner, or if the owner fails to perform such work within such reasonable time as specified by the Building Official, take such steps as are necessary to eliminate such condition and present such costs to the Code Enforcement Board or Special Magistrate for an Order authorizing the placement of a lien to be recorded against the property for the costs of such work if the finding of imminent danger is confirmed by the code enforcement hearing.
- (4) The Notice of Unsafe Building shall be removed at such time as the defect or defects upon which the Notice is based have been eliminated.
- 20.06.05. *Code Enforcement Hearing.* Upon failure of the owner to comply with the remedial measures and actions as required in the Notice of Unsafe Building and Notice of Violation, the Code Enforcement Officer shall schedule the matter to be heard by the Code Enforcement Board or Special Magistrate as provided in Section 14-79, Destin Code of Ordinances. If the Code Enforcement Board or Special Magistrate determines that there is a violation and affirms the Code Enforcement Officer's Determination of Unsafe Building, the Board or Special Magistrate shall in its order provide a reasonable time for the owner to correct the unsafe or dangerous condition, subsequent to which the Code Enforcement Officer may be directed to take any necessary remedial measures to have the building, structure or property secured by repair, closing up all entrances, or demolition. All such costs of remedial measures incurred by the City shall be charged against the real property upon which the building or structure is located and shall be a lien upon such real estate, and upon any other real or personal property owned by the violator, and may be collected in any legal manner.
- 20.06.06. *Method of Demolition or Repair.*
- (1) The Code Enforcement Board or Special Magistrate shall order either the demolition or repair of a building or structure as follows:
 - a. Demolition and removal shall be ordered when any building or structure is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human habitation or occupancy to such an extent that it is unreasonable to repair the building or structure. Such order shall specify a time in which demolition is to be completed and shall require that the owner board up such building or structure pending demolition and removal.
 - b. Repair shall be ordered where such building or structure is capable of being made safe by repair. Such order shall specify the time in which such repairs are to be made and shall require the owner to board up the building or structure pending such repair.
 - (2) Boarding up a building or structure for future demolition or repair pursuant to an order of the Code Enforcement Board or Special Magistrate shall not extend beyond one year, unless approved by the Code Enforcement Board or Special Magistrate upon a showing of good cause.
 - (3) When any building or structure is to be demolished and removed by the City, the City, or any entity under contract to the City, may enter onto the real property that is the subject of the order and undertake such demolition by any lawful means. The City, or any entity under contract with the City, shall have the right to sell salvage and valuable materials at the highest price obtainable. The proceeds of the sale, after deducting the expenses of such demolition and removal, shall be promptly remitted to the owner with a report of

~~such sale of transaction, including the items of expense and the amounts deducted. If there is not surplus to remit to the owner, the report shall so state.~~

~~(Ord. No. 15-08 LC, §§ 4—15, 10-19-15)~~

~~Editor's note(s) Ord. No. 15-08 LC, §§ 5—15, adopted October 19, 2015, and enacted a new § 20.06.00 as set out herein. The former § 20.06.00 pertained to generally. See Code Comparative Table for complete derivation.~~

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: October 3, 2024
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Ordinance
OUTLINE NUMBER: 4.E.

TO: Local Planning Agency

THRU: Tina Deater, Community Development Director
Kimberly Kopp, City Attorney

FROM: Noell Bell, Chief Building Official

DATE: September 24, 2024

SUBJECT: Ordinance 24-17-CC Property Maintenance Code

I. BACKGROUND: Article 20.06.00 of the Land Development Code (LDC) – **Unsafe Building Abatement** was adopted in 2015 and was modeled from the **1985 Standard Unsafe Building Abatement Code**. Staff has found that these regulations do not fully capture all elements of public health, safety, welfare and the preservation of neighborhoods, as they apply only to structures and do not address a property's general site conditions. Due to the limits of these regulations, the City's Code Compliance efforts are limited. Therefore, Staff is seeking to expand the regulations to include the property as a whole, including all exterior elements (yard).

As part of the current rewrite of the Land Development Code (LDC), Staff has also determined that the type of structural maintenance regulations currently located in **LDC Article 20.06.00 Unsafe Building Abatement** are more appropriate in the Code of Ordinances because they are not regulations, but rather the enforcement of regulations post-development. Thus, we are creating **Article V. - Property Maintenance Code under Chapter 6 - Building and Building Regulations** in the Code of Ordinances and proposing to expand the scope of the regulations to also address general site conditions.

An accompanying agenda item, Ordinance 24-14-LC, removes **Article 20.06.00 Unsafe Building Abatement** from the Land Development Code to allow for the adoption of the new **Property Maintenance Code**.

II. DISCUSSION: While the Florida Building Code applies to new construction, it is important that standards are also in place for existing structures and premises, requiring owners of residential and non-residential properties to continue to maintain both the exterior of their property (yard) and the structural elements to ensure public health, safety,

welfare, the preservation of neighborhoods and structural integrity.

To address these issues, Staff proposes the adoption of a **Property Maintenance Code**, modeled from the **International Code Council (ICC) 2024 Property Maintenance Code**. This Code will be located in the **Code of Ordinances Article V. - Property Maintenance Code under Chapter 6 - Building and Building Regulations**. The scope of the regulations is expanded from what is currently in the Land Development Code to apply to the entire property and includes all exterior elements (yard) and the existing structural elements, containing maintenance standards for both.

- A. **Link to Strategic Goals / Objectives:** II. Enhanced Quality of life and safety for Families
- B. **Effect on Budget (EOB):** n/a
- C. **Level of Service (LOS):** Increased safety for residents and visitors
- D. **Legislative Sponsor:**

III. CONCLUSION: One of Community Development's primary roles is to ensure all properties within the City of Destin are maintained in a manner that protects the health, safety, and welfare of both property owners and the public, as well as the preservation of neighborhoods and commercial areas. Adoption of the proposed Property Maintenance Code will assist us in fulfilling that role.

IV. RECOMMENDED MOTION: I move that the Local Planning Agency recommend City Council approve and adopt the creation of **Ordinance 24-17-CC**, creating **Chapter 6, Article V. – Property Maintenance Code** in the Code of Ordinances.

Attachments:

1. Ordinance 24-17-CC Property Maintenance Code

ORDINANCE NO. 24-17-CC

**AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA;
AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES
TO CREATE A NEW ARTICLE 5, "PROPERTY
MAINTENANCE CODE"; PROVIDING FOR FINDINGS OF
FACT; PROVIDING FOR INCORPORATION INTO THE
CODE OF ORDINANCES; PROVIDING FOR
CONFLICTING PROVISIONS; PROVIDING FOR
SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE
DATE.**

SECTION 1. AUTHORITY.

The authority for enactment of this Ordinance is Article 1, Section 1.01 (b) of the City Charter and Section 166.021, Florida Statutes.

SECTION 2. FINDINGS OF FACT.

WHEREAS, the City Council in providing for the health, safety and welfare of its citizens finds that the City should create a property maintenance code; and

WHEREAS, the City Council desires amend the Code of Ordinances relating to adopt a property maintenance code; and

WHEREAS, City Council has determined that this ordinance is consistent with the adopted comprehensive plan and is in the best interests of the City and its citizens; and

WHEREAS, a public hearing has been conducted after due public notice by the Local Planning Agency and its recommendations reported to the City Council; and

WHEREAS, a public hearing has been conducted by the City Council after due public notice.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AS FOLLOWS:

NOTE: Language in all sections of this ordinance that is ~~strike-thru~~ is language proposed to be deleted, underline language is language to be added, language that is not in strike-thru or underlined is not to be changed. The symbol * represents sections of the Code of Ordinances that have been skipped and remain unchanged.**

SECTION 3. AMENDMENTS TO CHAPTER 6, CITY CODE OF ORDINANCES.

Chapter 6 of the Code of Ordinances is hereby amended as follows:

Chapter 6 – BUILDINGS AND BUILDING REGULATIONS

ARTICLE V. – PROPERTY MAINTENANCE CODE

SECTION 101

SCOPE AND GENERAL REQUIREMENTS

101.1 Title.

These regulations shall be known as the Property Maintenance Code of CITY OF DESTIN, hereinafter referred to as “this code.”

101.2 Scope.

The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of owners, an owner’s authorized agent, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

101.3 Purpose.

The purpose of this code is to establish minimum requirements to provide a reasonable level of health, safety, property protection and general welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a reasonable minimum level of health, safety and general welfare as required herein.

101.4 Severability.

If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 102

APPLICABILITY

102.1 General.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

102.2 Maintenance.

Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. An owner, owner’s authorized agent, operator or occupant shall not cause any service, facility, equipment or utility that is required under this section to be removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation

of fire protection and safety systems and devices in existing *structures*. Except as otherwise specified herein, the *owner* or the *owner's* authorized agent shall be responsible for the maintenance of buildings, *structures* and *premises*.

102.3 Application of other codes.

Repairs, additions or alterations to a *structure*, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the Land Development Code, Code of Ordinance's, *Florida Building Code, Florida Existing Building Code, Florida Energy Conservation Code, Florida Fire Code, Florida Fuel Gas Code, Florida Mechanical Code, Florida Residential Code, Florida Plumbing Code and NFPA 70 – National Electrical Code (NEC)*. Nothing in this code shall be construed to cancel, modify or set aside any provision of the local Destin Zoning Regulations.

102.4 Existing remedies.

The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any *structure* that is *dangerous*, unsafe or insanitary.

102.5 Workmanship.

Repairs, maintenance work, alterations or installations that are caused directly or indirectly by the enforcement of this code shall be executed and installed in a *workmanlike* manner and installed in accordance with the manufacturer's instructions.

102.6 Structural analysis.

Where structural analysis is used to assess a potentially unsafe structural condition, the analysis shall be permitted to use nominal strengths, nominal loads, load effects, required strengths and limit states in accordance with the requirements under which the *structure* was constructed or in accordance with any subsequent requirement.

102.7 Historic buildings.

The provisions of this code shall not be mandatory for existing buildings or *structures* designated as *historic buildings* where such buildings or *structures* are judged by the *code* official to be safe and in the public interest of health, safety and welfare.

102.8 Referenced codes and standards.

The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.8.1 and 102.8.2.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

102.8.1 Conflicts.

Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.8.2 Provisions in referenced codes and standards.

Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

102.9 Requirements not covered by code.

Requirements necessary for the strength, stability or proper operation of an existing fixture, *structure* or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the *code official*.

102.10 Application of references.

References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

102.11 Other laws.

The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

SECTION 103

CODE OFFICIAL

103.1 Code Official

The City Building Official and City Building Official's designee is also referred to as the *code official*. It is intended that the *code official* and Code Compliance Division/Department staff will work together for compliance with this Property Maintenance Code.

SECTION 104

FEES

104.1 Fees.

The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as established by the City Council.

SECTION 105

DUTIES AND POWERS OF THE CODE OFFICIAL

105.1 General.

The *code official* is hereby authorized and directed to enforce the provisions of this code. The code official, in his or her discretion, may authorize City Code Compliance staff to enforce the provisions of this code under his or her supervision.

105.2 Determination of compliance.

The *code official* shall have the authority to determine compliance with this code, to render interpretations of this code and to adopt policies and procedures in order to clarify the application of this code's provisions. Such interpretations, policies and procedures:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code or other applicable codes and ordinances.

105.3 Right of entry.

Where it is necessary to make an inspection to enforce the provisions of this code, or where the *code official* has reasonable cause to believe that there exists in a *structure* or on any *premises* a condition that is contrary to or in violation of this code that makes the *structure* or *premises* unsafe, *dangerous* or hazardous, the *code official* is authorized to enter the *structure* or *premises* at all reasonable times to inspect or perform the duties imposed by this code. If such *structure* or *premises* is occupied, the *code official* shall present credentials to the *occupant* and request entry. If such *structure* or *premises* is unoccupied, the *code official* shall first make a reasonable effort to locate the owner, *owner's* authorized agent or other *person* having charge or control of the *structure* or *premises* and request entry. If entry is refused, the *code official* shall have recourse to every remedy provided by law to secure entry.

105.3.1 Warrant.

Where the *code official* or code compliance staff has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an *owner*, the *owner's* authorized agent, *occupant* or *person* having charge, care or control of the *structure* or *premises* shall not fail or *neglect*, after proper a request is made as herein provided, to permit entry therein by the *code official* or code compliance staff for the purposes of inspection and examination pursuant to this code.

105.4 Identification.

The *code official* and code compliance staff shall carry proper identification when inspecting *structures* or *premises* in the performance of duties under this code.

105.5 Notices and orders.

The *code official* (or code compliance staff as directed by the *code official*), shall issue all necessary notices or orders to ensure compliance with this code, in accordance with Section 107.

105.6 Official records.

The City shall keep official records as required by Sections 105.6.1 through 105.6.2. Such official records shall be retained as required by Florida Statutes.

105.6.1 Approvals.

A record of approvals shall be maintained by the City and shall be available for public inspection during business hours in accordance with applicable laws.

105.6.2 Investigations/Inspections.

The *code official* (or code compliance staff as directed by the *code official*) shall have the authority to conduct investigation/inspections or shall accept reports of investigation/inspection by *approved* agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved agency* or by the responsible individual. The City shall keep a record of each

investigation/inspection made, including notices and orders issued, showing the findings and disposition of each.

SECTION 107

VIOLATIONS

107.1 Unlawful acts.

It shall be unlawful for a *person*, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

107.2 Notice of violation.

The *code compliance officer*, in collaboration with the *code official*, shall serve a notice of violation or order in accordance with Chapter 162, Florida Statutes.

107.3 Prosecution of violation.

Code Enforcement Hearing. Upon failure of the *owner* to comply with the remedial measures and actions as required in the Notice of Violation, the Code Compliance Officer shall schedule the matter to be heard by the Code Compliance Special Magistrate. If the Special Magistrate determines that there is a violation and affirms the violation, the Special Magistrate shall in its order provide a reasonable time for the *owner* to correct such violation, subsequent to which the Code Compliance Officer may be directed to take any necessary remedial measures to have the building, *structure* or property secured by repair, closing up all entrances, demolition or other means necessary to correct such violations. All such costs of remedial measures incurred by the City shall be charged against the real property upon which the building, *structure* or parcel is located and shall be a lien upon such real estate, and upon any other real or personal property owned by the violator and may be collected in any legal manner.

107.4 Violation penalties.

Any *person* who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

107.5 Abatement of violation.

The imposition of the penalties herein prescribed shall not preclude the City from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal *occupancy* of a building, *structure* or *premises*, or to stop an illegal act, conduct, business or utilization of the building, *structure* or *premises*.

SECTION 108

STOP WORK ORDER

108.1 Authority.

Where the *code official* finds any work regulated by this code or the Florida Building Codes being performed in a manner contrary to the provisions of these codes or in an unsafe manner, the *code official* is authorized to direct issuance of a stop work order.

108.2 Issuance.

The stop work order shall be in writing and shall be given to the *owner* of the property, to the *owner's* authorized agent, or to the *person* performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

108.3 Emergencies.

Where an emergency exists, the *code official* shall not be required to give a written notice prior to stopping the work.

108.4 Failure to comply.

Any *person* who shall continue any work after having been served with a stop work order, except such work as that *person* is directed to perform to remove a violation or unsafe condition, shall be subject to fines established by the authority having jurisdiction, shall be subject to enforcement pursuant to Chapter 162, Florida Statutes, and may be subject to enforcement to any other legal or equitable means available to the City pursuant to state law.

SECTION 109

UNSAFE STRUCTURES AND EQUIPMENT

109.1 Unsafe conditions.

When a *structure* or equipment is found by the *code official* to be unsafe, or when a *structure* is found unfit for human *occupancy*, or is found unlawful, such *structure* shall be *condemned* pursuant to the provisions of this code.

109.1.1 Unsafe structures.

An unsafe *structure* is one that is found to be hazardous to the life, health, property or safety of the public or the *occupants* of the *structure* by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such *structure* contains unsafe equipment or is *dangerous*.

109.1.2 Unsafe equipment.

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the *premises* or within the *structure* that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or *occupants* of the *premises* or *structure*.

109.1.3 Structure unfit for human occupancy.

A *structure* is unfit for human *occupancy* whenever the *code official* finds that such *structure* is unsafe, unlawful or, because of the degree to which the *structure* is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the *structure* constitutes a hazard to the *occupants* of the *structure* or to the public.

109.1.4 Unlawful structure.

An unlawful *structure* is one found in whole or in part to be occupied by more *persons* than permitted under this code, or was erected, altered or occupied contrary to law.

109.1.5 Hazardous structure or premises.

For the purpose of this code, any *structure* or *premises* that has any or all of the conditions or defects described as follows shall be considered to be hazardous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any building, structure or portion thereof that is dangerous.
4. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
5. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
6. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
7. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
8. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.
9. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

109.2 Closing of vacant structures.

If the *structure* is vacant and unfit for human habitation and *occupancy*, and is not in danger of structural collapse, the *code official* is authorized to direct posting a placard of *condemnation* on the *premises* and order the *structure* closed up so as not to be an attractive nuisance. Upon failure of the *owner* or *owner's* authorized agent to close up the *premises* within the time specified in the order, the *code official* shall cause the *premises* to be closed and secured through any available public agency or by contract or arrangement by private *persons* and the cost thereof shall be charged against the real estate upon which the *structure* is located and shall be a lien upon such real estate and shall be collected by any other legal resource.

109.2.1 Authority to disconnect service utilities.

The *code official* shall have the authority to authorize disconnection of utility service to the building, *structure* or system regulated by this code and the referenced codes and standards set forth in Section 102.8 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The *code official* shall notify the serving utility and, whenever possible, the *owner* or *owner's* authorized agent and *occupant* of the building, *structure* or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the *owner*, *owner's* authorized agent or *occupant* of the building *structure* or service system shall be notified in writing as soon as practical thereafter.

109.3 Record.

The *code official* shall cause a report to be filed on an unsafe condition. The report shall state the *occupancy* of the *structure* and the nature of the unsafe condition.

109.4 Notice.

Whenever the *code official* determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 109.4.1 and 109.4.2 to the *owner* or the *owner's* authorized agent, for the violation as specified in this code. Notices for *condemnation* procedures shall comply with this section.

109.4.1 Form.

Such notice shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *dwelling unit* or *structure* into compliance with the provisions of this code.
5. Inform the property *owner* or *owner's* authorized agent of the right to appeal.
6. Include a statement of the right to file a lien.

109.4.2 Method of service.

Such notice shall be deemed to be properly served where a copy thereof is served in accordance with Chapter 162, Florida Statutes.

109.5 Unauthorized tampering.

Signs, tags or seals posted or affixed placards, by the *code official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *code official*.

109.6 Transfer of ownership.

It shall be unlawful for the *owner* of any *dwelling unit* or *structure* who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such *dwelling unit* or *structure* to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* or the *owner's* authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *code official* and shall furnish to the *code official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

109.7 Placarding.

Upon failure of the *owner*, *owner's* authorized agent or *person* responsible to comply with the notice provisions within the time given, the *code official* shall authorize to post on the *premises* or on defective equipment a placard bearing the word “*Condemned*” and a statement of the penalties provided for occupying the *premises*, operating the equipment or removing the placard. Such notice shall be posted in a conspicuous place in or about the *structure* affected by such notice. If the notice pertains to equipment, it shall be placed on the *condemned* equipment.

109.7.1 Placard removal.

The *code official* shall remove the *condemnation* placard whenever the defect or defects upon which the *condemnation* and placarding action were based have been eliminated. Any *person* who defaces or removes a *condemnation* placard without the approval of the *code official* shall be subject to the penalties provided by this code.

109.8 Prohibited occupancy.

Any occupied *structure* condemned and placarded by the *code official* shall be vacated as ordered by the *code official*. Any *person* who shall occupy a placarded *premises* or shall operate placarded equipment, and any *owner* or *owner's* authorized agent who shall let anyone occupy a placarded *premises* or operate placarded equipment shall be liable for the penalties provided by this code.

109.9 Restoration or abatement.

The *structure* or equipment determined to be unsafe by the *code official* is permitted to be restored to a safe condition. The *owner*, *owner's* authorized agent, *operator* or *occupant* of a *structure*, *premises* or equipment deemed unsafe by the *code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action. To the extent that repairs, alterations, or additions are made, or a change of *occupancy* occurs during the restoration of the *structure*, such repairs, alterations, additions, or change of *occupancy* shall comply with the requirements of the Florida Existing Building Code.

SECTION 110

EMERGENCY MEASURES

110.1 Imminent danger.

When, in the opinion of the *code official*, there is *imminent danger* of failure or collapse of a building or *structure* that endangers life, or when any *structure* or part of a *structure* has fallen and life is endangered by the occupation of the *structure*, or when there is actual or potential danger to the building *occupants* or those in the proximity of any *structure* because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or *dangerous* equipment, the *code official* is hereby authorized and empowered to order and require the *occupants* to vacate the *premises* forthwith. The *code official* shall cause to be posted at each entrance to such *structure* a notice reading as follows: “This *Structure* Is Unsafe and Its *Occupancy* Has Been Prohibited by the *Code Official*.” It shall be unlawful for any *person* to enter such *structure* except for the purpose of securing the *structure*, making the required repairs, removing the hazardous condition or of demolishing the same.

110.2 Temporary safeguards.

Notwithstanding other provisions of this code, whenever, in the opinion of the *code official*, there is *imminent danger* due to an unsafe condition, the *code official* shall order the necessary work to be done, including the boarding up of openings, to render such *structure* temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the *code official* deems necessary to meet such emergency.

110.3 Closing streets.

When necessary for public safety, the *code official* shall temporarily close *structures* and close, or order the authority having jurisdiction to close, sidewalks, streets, *public ways* and places adjacent to unsafe *structures*, and prohibit the same from being utilized.

110.4 Emergency repairs.

For the purposes of this section, the *code official* shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

110.5 Costs of emergency repairs.

Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the *owner* of the *premises* or *owner’s* authorized agent where the unsafe *structure* is or was located for the recovery of such costs.

110.6 Hearing.

Any *person* ordered to take emergency measures shall comply with such order forthwith. Any affected *person* shall thereafter, upon petition directed to the Special Magistrate, be afforded a hearing as described in this code.

SECTION 111

DEMOLITION

111.1 General.

When the *code official* determines any *structure* is so old, dilapidated or has become so out of repair and is *dangerous, unsafe, insanitary* and otherwise unfit for human habitation or *occupancy* the *code official* can order either of the following:

1. The *code official* is permitted to authorize the *owner* or *owner's* authorized agent to make the *structure* safe by repairs in order to make the *structure* safe and sanitary. Where there has been a cessation of construction repairs of any *structure* for a period of more than 2 years the *structure* will be ordered demolished and removed.
2. The *code official* is permitted to order the *owner* or *owner's* authorized agent to demolish and remove any such *structure*.

111.2 Notices and orders.

Notices and orders shall comply with Section 109.

111.3 Failure to comply.

If the *owner* of a *premises* or *owner's* authorized agent fails to comply with a demolition order within the time prescribed, the *code official* shall cause the *structure* to be demolished and removed, either through an available public agency or by contract or arrangement with private *persons*, and the *cost* of such demolition and removal shall be charged against the real estate upon which the *structure* is located and shall be a lien upon such real estate.

111.4 Salvage materials.

Where any *structure* has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the *person* who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

SECTION 202

GENERAL DEFINITIONS.

The following definitions apply to Chapter 6, Article 5, of the Code of Ordinances (Property Maintenance Code):

ANCHORED. Secured in a manner that provides positive connection.

APPROVED. Acceptable to the *code official*.

APPROVED AGENCY. An established and recognized organization that is regularly engaged in conducting tests, furnishing inspection services or furnishing product evaluation or certification where such organization has been *approved* by the *code official*.

BASEMENT. That portion of a building that is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or *sleeping unit*.

CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDEMN. To adjudge unfit for *occupancy*.

COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS. The costs shall include the actual costs of the demolition or repair of the *structure* less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a *code official*, the governing body or board of appeals.

DANGEROUS. Any building, *structure* or portion thereof that meets any of the conditions described below shall be deemed *dangerous*:

1. The building or *structure* has collapsed, has partially collapsed, has moved off its foundation or lacks the necessary support of the ground.
2. There exists a significant risk of collapse, detachment or dislodgment of any portion, member, appurtenance or ornamentation of the building or *structure* under permanent, routine or frequent loads of wind, rain, flood, earthquake or other environmental loads when such loads are imminent.

DETACHED. When a structural element is physically disconnected from another, and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more *persons*, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT. That portion of land or property reserved for present or future use by a *person* or agency other than the legal fee *owner(s)* of the property. The *easement* shall be permitted to be for use under, on or above said lot or lots.

EMERGENCY ESCAPE AND RESCUE OPENING. An operable exterior window, door or other similar device that provides for a means of escape and access for rescue in the event of an emergency.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the *structure*.

EXTERIOR PROPERTY. The open space on the *premises* and on adjoining property under the control of *owners* or *operators* of such *premises*.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a *structure* for living, sleeping, eating or cooking. *Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas* are not considered *habitable spaces*.

HISTORIC BUILDING. Any building or *structure* that is one or more of the following:

1. Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.
2. Designated as historic under an applicable state or local law.
3. Certified as a contributing resource within a National Register or state or locally designated historic district.

HOUSEKEEPING UNIT. A room or group of rooms forming a single *habitable space* equipped and intended to be used for living, sleeping, cooking and eating that does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition that could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a *structure* or *premises* of insects, rodents, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle that cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, *approved agency* or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LET FOR OCCUPANCY or LET. To permit, provide or offer possession or *occupancy* of a dwelling, *dwelling unit, rooming unit, building, premise or structure* by a *person* who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

NEGLECT. The lack of proper maintenance for a building or *structure*.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation, and which opens directly to the outdoors.

OPERATOR. Any *person* who has charge, care or control of a *structure* or *premises* that is *let* or offered for *occupancy*.

OWNER. Any *person*, agent, *operator*, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such *person*, and the executor or administrator of the estate of such *person* if ordered to take possession of real property by a court.

PEER REVIEW. An independent and objective technical review conducted by an *approved* third party.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other *approved pest elimination* methods.

POWER SAFETY COVER. A pool cover that is placed over the water area and is opened and closed with a motorized mechanism activated by a control switch.

PREMISES. A lot, plot or parcel of land, *easement* or public way, including any *structures* thereon.

PUBLIC WAY. Any street, alley or other parcel of land that: is open to the outside air; leads to a street; has been deeded, dedicated or otherwise permanently appropriated to the public for public use; and has a clear width and height of not less than 10 feet (3048 mm).

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except *garbage*; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, *yard* trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

SAFETY COVER. A *structure*, fabric or assembly, along with attendant appurtenances and anchoring mechanisms, that is temporarily placed or installed over an entire pool, spa or hot tub and secured in place after all bathers are absent from the water.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a *dwelling unit* are not *sleeping units*.

STORM SHELTER. A building, *structure* or portion thereof, constructed in accordance with ICC 500, designated for use during hurricanes, tornadoes or other severe windstorms.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE. That which is built or constructed.

TENANT. A *person*, corporation, partnership or group, whether or not the legal *owner* of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

ULTIMATE DEFORMATION. The deformation at which failure occurs and that shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD. An open space on the same lot with a *structure*.

SECTION 301

GENERAL

301.1 Scope.

The provisions of this chapter shall govern the minimum conditions and the responsibilities of *persons* for maintenance of *structures*, equipment and *exterior property*.

301.2 Responsibility.

The *owner* of the *premises* shall maintain the *structures* and *exterior property* in compliance with these requirements and the code under which the building was constructed, except as otherwise provided for in this code. The *owner* or *owner's* agent shall be responsible to ensure that any repairs, additions or alterations to the building or portion thereof are performed or constructed in accordance with the *Florida Building Code*, *Florida Residential Code* or *Florida Existing Building Code*. A *person* shall not occupy as *owner-occupant* or permit another *person* to occupy *premises* that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit*, *rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit*, *rooming unit*, *housekeeping unit* or *premises* they occupy and control.

301.3 Vacant structures and land.

Vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302

EXTERIOR PROPERTY AREAS

302.1 Sanitation.

Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage.

Premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

302.3 Sidewalks and driveways.

Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.

302.4 Weeds.

Premises and exterior property shall be maintained free from weeds or excess grass growth of **NINE (9) INCHES**. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 107.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

302.5 Rodent harborage.

Structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents.

Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly on abutting or adjacent public or private property or that of another tenant.

302.7 Accessory structures.

Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles.

Except as provided for in other regulations, inoperative or unlicensed motor vehicles shall not be parked, kept or stored on any premises, and vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

302.9 Defacement of property.

A person shall not willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

SECTION 303

SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools.

Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures.

Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. An existing pool enclosure shall not be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exceptions:

1. Spas or hot tubs equipped with a lockable safety cover that complies with ASTM F1346.
2. Private swimming pools equipped with a power safety cover that complies with ASTM F1346 and is in working condition using the control switch.

SECTION 304

EXTERIOR STRUCTURE

304.1 General.

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Potentially unsafe conditions.

The following conditions shall be considered to be potentially unsafe, shall be assessed and shall be addressed in compliance with the Florida - Existing Building Code, the Florida - Residential Code or the Florida - Building Code:

1. Structural members have deterioration or distress that appears to reduce their load-carrying capacity.

2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations has deterioration or distress that appears to reduce its load-carrying capacity.
3. Structures or components thereof have deterioration or distress that appears to reduce their load-carrying capacity.
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or watertight.
5. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
6. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
7. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.
8. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects.
9. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
10. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
11. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
12. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted where approved by the code official.

304.2 Protective treatment.

Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and watertight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

304.3 Premises identification.

Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

304.4 Structural members.

Structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls.

Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls.

Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

304.7 Roofs and drainage.

The roof and flashing shall be sound, tight and not have defects that admit rain. 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.

304.8 Decorative features.

Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.9 Overhang extensions.

Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies.

Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers.

Chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards.

Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames.

Every window, skylight, door and frame shall be kept in sound condition, good repair and weathertight.

304.13.1 Glazing.

Glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows.

Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.14 Insect screens.

Every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

304.15 Doors.

Exterior doors, door assemblies, *operator* systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to *dwelling units* and *sleeping units* shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.18 Building security.

Doors, windows or hatchways for *dwelling units*, room units or *housekeeping units* shall be provided with devices designed to provide security for the *occupants* and property within.

304.18.1 Doors.

Doors providing access to an individual *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or *let* where equipped with a deadbolt lock, the deadbolt shall be designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

304.18.2 Windows.

Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a *dwelling unit, rooming unit* or *housekeeping unit* that is rented, leased or *let* shall be equipped with a window sash locking device.

304.19 Gates.

Exterior gates, gate assemblies, *operator* systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

SECTION 305

INTERIOR STRUCTURE

305.1 General.

The interior of a *structure* and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. *Occupants* shall keep that part of the *structure* that they occupy or control in a clean and sanitary condition. Every owner of a *structure* containing a *rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units* or two or more nonresidential *occupancies*, shall maintain, in a clean and sanitary condition, the shared or public areas of the *structure* and *exterior property*.

305.1.1 Potentially unsafe conditions.

The following conditions shall be considered to be potentially unsafe, shall be assessed and shall be addressed in compliance with the *Florida - Existing Building Code*, the *Florida - Residential Code* or the *Florida - Building Code*:

1. Structural members have *deterioration* or distress that appears to reduce their load-carrying capacity.
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations has *deterioration* or distress that appears to reduce its load-carrying capacity.
3. *Structures* or components thereof have *deterioration* or distress that appears to reduce their load-carrying capacity.
4. Stairs, landings, balconies and all similar walking surfaces, including *guards* and handrails, are not structurally sound, not properly *anchored* or are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
5. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

305.2 Structural members.

Structural members shall be maintained structurally sound and be capable of supporting the imposed loads.

305.3 Interior surfaces.

Interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces.

Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

305.5 Handrails and guards.

Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

305.6 Interior doors.

Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

SECTION 308

RUBBISH AND GARBAGE

308.1 Accumulation of rubbish or *garbage*.

Exterior *property* and *premises*, and the interior of every *structure*, shall be free from any accumulation of *rubbish* or *garbage*.

308.2 Disposal of rubbish.

Every *occupant* of a *structure* shall dispose of all *rubbish* in a clean and sanitary manner by placing such *rubbish* in *approved* containers.

308.2.2 Refrigerators.

Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on *premises*.

308.3 Disposal of *garbage*.

Every *occupant* of a *structure* shall dispose of *garbage* in a clean and sanitary manner by placing such *garbage* in an *approved garbage* disposal facility or *approved garbage* containers.

SECTION 309

PEST ELIMINATION

309.1 Infestation.

Structures shall be kept free from insect and rodent *infestation*. *Structures* in which insects or rodents are found shall be promptly exterminated by *approved* processes that will not be injurious to human health. After *pest elimination*, proper precautions shall be taken to prevent *reinfestation*.

309.2 Owner.

The *owner* of any *structure* shall be responsible for *pest elimination* within the *structure* prior to renting or leasing the *structure*.

309.3 Single occupant.

The *occupant* of a one-family dwelling or of a single-tenant nonresidential *structure* shall be responsible for *pest elimination* on the *premises*.

309.4 Multiple occupancy.

The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for pest elimination.

309.5 Occupant.

The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for pest elimination.

SECTION 310

ACCESSIBILITY

310.1 General.

A facility that is required to be accessible shall be maintained accessible during occupancy.

310.1.1 Maintenance.

The accessible features of a facility shall be maintained in good repair, in a clean, structurally sound and sanitary condition, and free from impediments to accessibility.

SECTION 401

GENERAL

401.1 Scope.

The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

401.2 Responsibility.

The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

401.3 Alternative devices.

In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the Florida Building Code shall be permitted.

SECTION 402

LIGHT

402.1 Habitable spaces.

Every habitable space shall have not less than one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be not less than 8 percent of the floor area of the interior room or space, or not less than 25 square feet (2.33 m²), whichever is greater. The exterior glazing area shall be based on the total floor area being served.

402.2 Common halls and stairways.

Every common hall and stairway in residential *occupancies*, other than in one-and two-family dwellings, shall be lighted at all times with not less than a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential *occupancies*, interior and exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with not less than 1 footcandle (11 lux) at floors, landings and treads.

402.3 Other spaces.

Other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe *occupancy* of the space and utilization of the appliances, equipment and fixtures.

SECTION 403 **VENTILATION**

403.1 Habitable Spaces.

Every *habitable space* shall have not less than one openable window. The total *openable area* of the window in every room shall be equal to not less than 45 percent of the minimum glazed area required in Section 402.1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be not less than 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The *ventilation* openings to the outdoors shall be based on a total floor area being ventilated.

403.2 Bathrooms and toilet rooms.

Every *bathroom* and *toilet room* shall comply with the *ventilation* requirements for *habitable spaces* as required by Section 403.1, except that a window shall not be required in such spaces equipped with a *mechanical ventilation* system. Air exhausted by a *mechanical ventilation* system from a *bathroom* or *toilet room* shall discharge to the outdoors and shall not be recirculated.

403.3 Cooking facilities.

Unless *approved* through the certificate of *occupancy*, cooking shall not be permitted in any *rooming unit* or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the *rooming unit* or dormitory unit.

Exceptions:

1. Where specifically *approved* in writing by the *code official*.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

403.4 Process ventilation.

Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust *ventilation* system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

403.5 Clothes dryer exhaust.

Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions.

Exception: Listed and labeled condensing (ductless) clothes dryers.

SECTION 404

OCCUPANCY LIMITATIONS

404.1 Privacy.

Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

404.2 Minimum room widths.

A habitable room, other than a kitchen, shall be not less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a minimum clear passageway of 3 feet (914 mm) between counter fronts and appliances or counter fronts and walls.

404.3 Minimum ceiling heights.

Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a minimum clear ceiling height of 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not greater than 6 inches (152 mm) below the required ceiling height.
2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a minimum ceiling height of 6 feet 8 inches (2033 mm) with a minimum clear height of 6 feet 4 inches (1932 mm) under beams, girders, ducts and similar obstructions.
3. In one- and two-family dwellings, rooms occupied exclusively for bathrooms, toilet rooms and laundry rooms having a minimum ceiling height of 6 feet 8 inches (2033 mm).
4. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a minimum clear ceiling height of 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of 5 feet (1524 mm) shall be included.

404.4 Habitable room requirements.

Every habitable room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

404.4.1 Room area.

Every habitable room shall contain not less than 70 square feet (6.5 m²) and every bedroom occupied by more than one person shall contain not less than 50 square feet (4.6 m²) of floor area for each occupant thereof.

404.4.2 Access from bedrooms.

Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

404.4.3 Water closet accessibility.

Every bedroom shall have access to not less than one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to not less than one water closet and lavatory located in the same story as the bedroom or an adjacent story.

404.4.4 Prohibited occupancy.

Kitchens and non-habitable spaces shall not be used for sleeping purposes.

404.4.5 Other requirements.
Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

404.5 Overcrowding.

Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

TABLE 404.5

MINIMUM AREA REQUIREMENTS

<u>SPACE</u>	<u>MINIMUM AREA IN SQUARE FEET</u>		
	<u>1-2 occupants</u>	<u>3-5 occupants</u>	<u>6 or more occupants</u>
<u>Living room^{a, b}</u>	<u>120</u>	<u>120</u>	<u>150</u>
<u>Dining room^{a, b}</u>	<u>No requirement</u>	<u>80</u>	<u>100</u>
<u>Bedrooms</u>	<u>Shall comply with Section 404.4.1</u>		

For SI: 1 square foot = 0.0929 m².

a. See Section 404.5.2 for combined living room/dining room spaces.

b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

404.5.1 Sleeping area.

The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. Sleeping areas shall comply with Section 404.4.

404.5.2 Combined spaces.

Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

404.6 Efficiency unit.

Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than one occupant shall have a minimum clear floor area of 120 square feet (11.2 m²). A unit occupied by not more than two occupants shall have a minimum clear floor area of 190 square feet (17.7 m²). A unit occupied by three occupants shall have a minimum clear floor area of 260 square feet (24.2 m²). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a minimum clear working space of 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
4. The maximum number of occupants shall be three.

404.7 Food preparation.

Spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

SECTION 501

GENERAL

501.1 Scope.

The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility.

The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises that does not comply with the requirements of this chapter.

SECTION 502

REQUIRED FACILITIES

502.1 Dwelling units.

Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink that shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

502.2 Rooming houses.

Not less than one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

502.3 Hotels.

Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each 10 occupants.

502.4 Employees' facilities.

Not less than one water closet, one lavatory and one drinking facility shall be available to employees.

502.4.1 Drinking facilities.

Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

502.5 Public toilet facilities.

Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with the Florida Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

SECTION 503

TOILET ROOMS

503.1 Privacy.

Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

503.2 Location.

Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

503.3 Location of employee toilet facilities.

Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

503.4 Floor surface.

In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

SECTION 504

PLUMBING SYSTEMS AND FIXTURES

504.1 General.

Plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. Plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

504.2 Fixture clearances.

Plumbing fixtures shall have adequate clearances for usage and cleaning.

504.3 Plumbing system hazards.

Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION 505 **WATER SYSTEM**

505.1 General.

Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Florida Plumbing Code.

505.2 Contamination.

The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

505.3 Supply.

The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

505.4 Water heating facilities.

Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature not less than 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

505.5 Non-potable water reuse systems.

Non-potable water reuse systems and rainwater collection and conveyance systems shall be maintained in a safe and sanitary condition. Where such systems are not properly maintained, the systems shall be repaired to provide for safe and sanitary conditions, or the system shall be abandoned in accordance with Section 505.5.1.

505.5.1 Abandonment of systems.

Where a non-potable water reuse system or a rainwater collection and distribution system is not maintained or the owner ceases use of the system, the system shall be abandoned in accordance with Section 1301.10 of the Florida Plumbing Code.

SECTION 506 **SANITARY DRAINAGE SYSTEM**

506.1 General.

Plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

506.2 Maintenance.

Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

506.3 Grease interceptors.

Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. Records of maintenance, cleaning and repairs shall be available for inspection by the code official.

SECTION 507 **STORM DRAINAGE**

507.1 General.

Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

SECTION 601

GENERAL

601.1 Scope.

The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility.

The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that does not comply with the requirements of this chapter.

SECTION 602

HEATING FACILITIES

602.1 Facilities required.

Heating facilities shall be provided in structures as required by this section.

602.2 Residential occupancies.

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the Florida Plumbing Code. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating. The installation of one or more portable space heaters shall not be used to achieve compliance with this section.

Exception: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

602.3 Heat supply.

Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from December 1 to March 1 to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the Florida Plumbing Code.
2. In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

602.4 Occupiable workspaces.

Indoor occupiable workspaces shall be supplied with heat during the period from December 1 to March 1 to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

602.5 Room temperature measurement.

The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

SECTION 603

MECHANICAL EQUIPMENT

603.1 Mechanical equipment and appliances.

Mechanical equipment, appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

603.2 Removal of combustion products.

Fuel-burning equipment and appliances shall be connected to an *approved* chimney or vent.

Exception: Fuel-burning equipment and appliances that are *labeled* for unvented operation.

603.3 Clearances.

Required clearances to combustible materials shall be maintained.

603.4 Safety controls.

Safety controls for fuel-burning equipment shall be maintained in effective operation.

603.5 Combustion air.

A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

603.6 Energy conservation devices.

Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless *labeled* for such purpose and the installation is specifically *approved*.

SECTION 604

ELECTRICAL FACILITIES

604.1 Facilities required.

Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.2 Service.

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. *Dwelling units* shall be served by a three-wire, 120/240 volt, single-phase electrical service having a minimum rating of 60 amperes.

604.3 Electrical system hazards.

Where it is found that the electrical system in a *structure* constitutes a hazard to the occupants or the *structure* by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, *deterioration* or damage, or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

604.3.1 Abatement of electrical hazards associated with water exposure.

The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

604.3.1.1 Electrical equipment.

Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the Florida Building Code.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated not more than 600 volts or less.
2. Busway, rated not more than 600 volts.
3. Panelboards, rated not more than 600 volts.
4. Switchboards, rated not more than 600 volts.
5. Fire pump controllers, rated not more than 600 volts.
6. Manual and magnetic motor controllers.
7. Motor control centers.
8. Alternating current high-voltage circuit breakers.
9. Low-voltage power circuit breakers.
10. Protective relays, meters and current transformers.
11. Low- and medium-voltage switchgear.
12. Liquid-filled transformers.
13. Cast-resin transformers.
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water.

15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water.
16. Luminaires that are listed as submersible.
17. Motors.
18. Electronic control, signaling and communication equipment.

604.3.2 Abatement of electrical hazards associated with fire exposure.

The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

604.3.2.1 Electrical equipment.

Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the Florida Building Code.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

SECTION 605

ELECTRICAL EQUIPMENT

605.1 Installation.

Electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and *approved* manner.

605.2 Receptacles.

Every *habitable space* in a dwelling shall contain not less than two separate and remote receptacle outlets. Every laundry area shall contain not less than one grounding-type receptacle or a receptacle with a ground fault circuit interrupter. Every *bathroom* shall contain not less than one receptacle. Any new *bathroom* receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

605.3 Luminaires.

Every public hall, interior stairway, *toilet room*, kitchen, *bathroom*, laundry room, boiler room and furnace room shall contain not less than one electric luminaire. Pool and spa luminaires over 15 V shall have ground fault circuit interrupter protection.

605.4 Wiring.

Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

SECTION 606

ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 General.

Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building operator or be posted in a publicly conspicuous location approved by the code official. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

606.2 Elevators.

In buildings equipped with passenger elevators, not less than one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

606.3 Private residence elevators.

Requirements for private residence elevators shall be in accordance with Sections 606.3.1 through 606.3.3.

606.3.1 General.

The maintenance of elevators in private residences shall conform to Section 5.3 of ASME A17.1/CSA B44.

606.3.2 Hoistway enclosures.

Hoistway enclosures shall comply with Section 5.3.1.1 of ASME A17.1/CSA B44.

606.3.3 Hoistway Opening Protection.

Hoistway landing doors for private residence elevators shall comply with Sections 5.3.1.8.1 through 5.3.1.8.3 of ASME A17.1/CSA B44 or Sections 10.1.4.1 through 10.1.4.3 of ASME A17.3.

SECTION 607

DUCT SYSTEMS

607.1 General.

Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

607.2 Clothes dryer exhaust duct system maintenance.

The lint trap, mechanical and heating components, and the exhaust duct system of a clothes dryer shall undergo periodic removal of accumulations of lint in accordance with the manufacturer's operating instructions to prevent obstruction of exhaust air and products of combustion.

SECTION 701

GENERAL

701.1 Scope.

The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

701.2 Responsibility.

The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

SECTION 702

MEANS OF EGRESS

702.1 General.

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the code under which the building was constructed.

702.2 Aisles.

The required width of aisles in accordance with the code under which the building was constructed shall be unobstructed.

702.3 Locked doors.

Means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the Florida Building Code.

702.4 Emergency escape and rescue openings.

Required emergency escape and rescue openings shall be maintained in accordance with the code in effect at the time of construction, and both of the following:

1. Required *emergency escape and rescue openings* shall be operational from the inside of the room without the use of keys or tools.
2. Bars, grilles, grates or similar devices are permitted to be placed over *emergency escape and rescue openings* provided that the minimum net clear opening size complies with the code that was in effect at the time of construction and the unit is equipped with smoke alarms installed in accordance with Section 907.2.11 of the Florida Building Code. Such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

SECTION 703

FIRE-RESISTANCE RATINGS

703.1 Fire-resistance-rated assemblies.

The provisions of this chapter shall govern maintenance of the materials, systems and assemblies used for structural fire resistance and fire-resistance-rated construction separation of adjacent spaces to safeguard against the spread of fire and smoke within a building and the spread of fire to or from buildings.

703.2 Unsafe conditions.

Where any components are not maintained and do not function as intended or do not have the fire resistance required by the code under which the building was constructed or altered, such components or portions thereof shall be deemed unsafe conditions in accordance with Section 115.1.1 of the Florida Fire Prevention Code. Components or portions thereof determined to be unsafe shall be repaired or replaced to conform to that code under which the building was constructed or altered. Where the condition of components is such that any building, *structure* or portion thereof presents an *imminent danger* to the occupants of the building, *structure* or portion thereof, the fire *code official* shall act in accordance with Section 115.2 of the Florida Fire Prevention Code.

703.3 Maintenance.

The required fire-resistance rating of fire-resistance-rated construction, including walls, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings and sprayed fire-resistant materials applied to structural members and joint systems, shall be maintained. Such elements shall be visually inspected annually by the *owner* and repaired, restored or replaced where damaged, altered, breached or penetrated. Records of inspections and repairs shall be maintained. Where concealed, such elements shall not be required to be visually inspected by the *owner* unless the concealed space is accessible by the removal or movement of a panel, access door, ceiling tile or entry to the space. Openings made therein for the passage of pipes, electrical conduit, wires, ducts, air transfer and any other reason shall be protected with *approved* methods capable of resisting the passage of smoke and fire. Openings through fire-resistance-rated assemblies shall be protected

by self- or automatic-closing doors of *approved* construction meeting the fire protection requirements for the assembly.

703.3.1 Fire blocking and draft stopping.

Required fire blocking and draft stopping in combustible concealed spaces shall be maintained to provide continuity and integrity of the construction.

703.3.2 Smoke barriers and smoke partitions.

Required smoke barriers and smoke partitions shall be maintained to prevent the passage of smoke. Openings protected with *approved* smoke barrier doors or smoke dampers shall be maintained in accordance with NFPA 105.

703.3.3 Fire walls, fire barriers, and fire partitions.

Required fire walls, fire barriers and fire partitions shall be maintained to prevent the passage of fire. Openings protected with *approved* doors or fire dampers shall be maintained in accordance with NFPA 80.

703.4 Opening protectives.

Opening protectives shall be maintained in an operative condition in accordance with NFPA 80. The application of field-applied labels associated with the maintenance of opening protectives shall follow the requirements of the *approved* third-party certification organization accredited for listing the opening protective. Fire doors and smoke barrier doors shall not be blocked or obstructed, or otherwise made inoperable. Fusible links shall be replaced whenever fused or damaged. Fire door assemblies shall not be modified.

703.4.1 Signs.

Where required by the *code official*, a sign shall be permanently displayed on or near each fire door in letters not less than 1 inch (25 mm) high to read as follows:

1. For doors designed to be kept normally open: FIRE DOOR – DO NOT BLOCK.
2. For doors designed to be kept normally closed: FIRE DOOR – KEEP CLOSED.

703.4.2 Hold-open devices and closers.

Hold-open devices and automatic door closers shall be maintained. During the period that such a device is out of service for repairs, the door it operates shall remain in the closed position.

703.4.3 Door operation.

Swinging fire doors shall close from the full-open position and latch automatically. The door closer shall exert enough force to close and latch the door from any partially open position.

703.5 Ceilings.

The hanging and displaying of salable goods and other decorative materials from acoustical ceiling systems that are part of a fire-resistance-rated horizontal assembly shall be prohibited.

703.6 Testing.

Horizontal and vertical sliding and rolling fire doors shall be inspected and tested annually to confirm operation and full closure. Records of inspections and testing shall be maintained.

703.7 Vertical shafts.

Interior vertical shafts, including stairways, elevator hoistways and service and utility shafts, which connect two or more stories of a building shall be enclosed or protected as required in Chapter 11 of the Florida Fire Prevention Code. New floor openings in existing buildings shall comply with the Florida Building Code.

703.8 Opening protective closers.

Where openings are required to be protected, opening protectives shall be maintained self-closing or automatic-closing by smoke detection. Existing fusible-link-type automatic door-closing devices shall be replaced if the fusible link rating exceeds 135°F (57°C).

SECTION 704

FIRE PROTECTION SYSTEMS

704.1 Inspection, testing and maintenance.

Fire protection and life safety systems shall be maintained in accordance with the Florida Fire Prevention Code in an operative condition at all times, and shall be replaced or repaired where defective.

704.1.1 Fire protection and life safety systems.

Fire protection and life safety systems shall be installed, repaired, operated and maintained in accordance with this code the Florida Fire Prevention Code and the Florida Building Code.

704.1.2 Required fire protection and life safety systems.

Fire protection and life safety systems required by this code, the Florida Fire Prevention Code or the Florida Building Code shall be installed, repaired, operated, tested and maintained in accordance with this code. A fire protection and life safety system for which a design option, exception or reduction to the provisions of this code, the Florida Fire Prevention Code or the Florida Building Code has been granted shall be considered to be a required system.

704.1.3 Fire protection systems.

Fire protection systems shall be inspected, maintained and tested in accordance with the following Florida Fire Prevention Code requirements.

1. Automatic sprinkler systems, see Section 903.5.
2. Automatic fire-extinguishing systems protecting commercial cooking systems, see Section 904.14.5.
3. Automatic water mist extinguishing systems, see Section 904.11.3.
4. Carbon dioxide extinguishing systems, see Section 904.8.
5. Carbon monoxide alarms and carbon monoxide detection systems, see Section 915.6.
6. Clean-agent extinguishing systems, see Section 904.10.
7. Dry-chemical extinguishing systems, see Section 904.6.
8. Fire alarm and fire detection systems, see Section 907.8.
9. Fire department connections, see Sections 912.4 and 912.7.
10. Fire pumps, see Section 913.5.
11. Foam extinguishing systems, see Section 904.7.
12. Halon extinguishing systems, see Section 904.9.
13. Single- and multiple-station smoke alarms, see Section 907.2.9.2.
14. Smoke and heat vents and mechanical smoke removal systems, see Section 910.5.
15. Smoke control systems, see Section 909.22.
16. Wet-chemical extinguishing systems, see Section 904.5.
17. Duct and air transfer openings, see Section 706.1.

704.2 Standards.

Fire protection systems shall be inspected, tested and maintained in accordance with the referenced standards listed in Table 704.2 and as required in this section.

TABLE 704.2 FIRE PROTECTION SYSTEM MAINTENANCE STANDARDS

<u>SYSTEM</u>	<u>STANDARD</u>
<u>Portable fire extinguishers</u>	<u>NFPA 10</u>
<u>Carbon dioxide fire-extinguishing system</u>	<u>NFPA 12</u>
<u>Halon 1301 fire-extinguishing systems</u>	<u>NFPA 12A</u>
<u>Dry-chemical extinguishing systems</u>	<u>NFPA 17</u>
<u>Wet-chemical extinguishing systems</u>	<u>NFPA 17A</u>
<u>Water-based fire protection systems</u>	<u>NFPA 25</u>
<u>Fire alarm systems</u>	<u>NFPA 72</u>
<u>Fire dampers</u>	<u>NFPA 80</u>
<u>Smoke dampers</u>	<u>NFPA 105</u>
<u>Smoke and heat vents</u>	<u>NFPA 204</u>
<u>Water-mist systems</u>	<u>NFPA 750</u>
<u>Clean-agent extinguishing systems</u>	<u>NFPA 2001</u>

704.2.1 Records.

Records shall be maintained of all system inspections, tests and maintenance in accordance with Section 109.3 of the Florida Fire Prevention Code.

704.2.2 Records information.

Initial records shall include the: name of the installation contractor; type of components installed; manufacturer of the components; location and number of components installed per floor; and manufacturers' operation and maintenance instruction manuals. Such records shall be maintained for the life of the installation.

704.3 Systems out of service.

Where a required fire protection system is out of service, the fire department and the fire *code official* shall be notified immediately and, where required by the fire *code official*, either the building shall be evacuated or an *approved* fire watch shall be provided for all occupants left unprotected by the shutdown until the fire protection system has been returned to service. Where utilized, fire watches shall be provided with not less than one *approved* means for notification of the fire department and shall not have duties beyond performing constant patrols of the protected *premises* and keeping watch for fires. Actions shall be taken in accordance with Section 901.7 of the Florida Fire Prevention Code to bring the systems back in service.

Exception: Facilities with an *approved* notification and impairment management program. The notification and impairment program for water-based fire protection systems shall comply with NFPA 25.

704.3.1 Emergency impairments.

Where unplanned impairments of fire protection systems occur, appropriate emergency action shall be taken to minimize potential injury and damage. The impairment coordinator shall implement the steps outlined in Section 901.7.4 of the Florida Fire Prevention Code.

704.4 Removal of or tampering with equipment.

It shall be unlawful for any *person* to remove, tamper with or otherwise disturb any fire protection or life safety system required by this code except for the purposes of extinguishing fire, training, recharging or making necessary repairs.

704.4.1 Removal of or tampering with appurtenances.

Locks, gates, doors, barricades, chains, enclosures, signs, tags and seals that have been installed by or at the direction of the fire *code official* shall not be removed, unlocked, destroyed or tampered with in any manner.

704.4.2 Removal of existing occupant-use hose lines.

The fire *code official* is authorized to permit the removal of existing occupant-use hose lines where all of the following apply:

1. The installation is not required by the Florida Fire Prevention Code or the Florida Building Code.
2. The hose line would not be utilized by trained personnel or the fire department.
3. The remaining outlets are compatible with local fire department fittings.

704.4.3 Termination of monitoring service.

For fire alarm systems required to be monitored by the Florida Fire Prevention Code, notice shall be made to the fire *code official* whenever alarm monitoring services are terminated. Notice shall be made in writing by the provider of the monitoring service being terminated.

704.5 Fire department connection.

Where the fire department connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an *approved* sign mounted on the street front or on the side of the building. Such sign shall have the letters “FDC” not less than 6 inches (152 mm) high and words in letters not less than 2 inches (51 mm) high or an arrow to indicate the location. Such signs shall be subject to the approval of the fire *code official*.

704.5.1 Fire department connection access.

Ready access to fire department connections shall be maintained at all times and without obstruction by fences, bushes, trees, walls or any other fixed or movable object. Access to fire department connections shall be *approved* by the fire chief.

Exception: Fences, where provided with an access gate equipped with a sign complying with the legend requirements of Section 912.5 of the Florida Fire Prevention Code and a means of emergency operation. The gate and the means of emergency operation shall be *approved* by the fire chief and maintained operational at all times.

704.5.2 Clear space around connections.

A working space of not less than 36 inches (914 mm) in width, 36 inches (914 mm) in depth and 78 inches (1981 mm) in height shall be provided and maintained in front of and to the sides of wall-mounted fire department connections and around the circumference of free-standing fire department connections.

704.6 Single- and multiple-station smoke alarms.

Single- and multiple-station smoke alarms shall be installed in existing Group I-1 and R occupancies in accordance with Sections 704.6.1 through 704.6.3.

Premium Code Insights:

704.6.1 Where required.

Existing Group I-1 and R occupancies shall be provided with single-station smoke alarms in accordance with Sections 704.6.1.1 through 704.6.1.4. Interconnection and power sources shall be in accordance with Sections 704.6.2 and 704.6.3.

Exceptions:

1. Where the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided.
2. Where smoke alarms have been installed in occupancies and dwellings that were not required to have them at the time of construction, additional smoke alarms shall not be required provided that the existing smoke alarms comply with requirements that were in effect at the time of installation.
3. Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.

704.6.1.1 Group R-1.

Single- or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:

1. In sleeping areas.
2. In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.
3. In each story within the sleeping unit, including basements. For sleeping units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

704.6.1.2 Groups R-2, R-3, R-4 and I-1.

Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
- room
2. In each used for sleeping purposes.
3. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

704.6.1.3 Installation near cooking appliances.

Smoke alarms shall be installed a minimum of 10 feet (3.0 m) horizontally from a permanently installed cooking appliance.

Exception: Smoke alarms shall be permitted to be installed a minimum of 6 feet (1.8 m) horizontally from a permanently installed cooking appliance where necessary to comply with Section 704.6.1.1 or 704.6.1.2.

704.6.1.4 Installation near bathrooms.

Smoke alarms shall be installed not less than 3 feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by Section 704.6.1.1 or 704.6.1.2.

704.6.2 Interconnection.

Where more than one smoke alarm is required to be installed within an individual dwelling or sleeping unit, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings that are not undergoing alterations, repairs or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for interconnection without the removal of interior finishes.

704.6.3 Power source.

Single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with

integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exceptions:

1. Smoke alarms are permitted to be solely battery operated in existing buildings where construction is not taking place.
2. Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.
3. Smoke alarms are permitted to be solely battery operated in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior walls or ceiling finishes exposing the *structure*, unless there is an attic, crawl space or *basement* available that could provide access for building wiring without the removal of interior finishes.

704.6.4 Smoke detection system.

Smoke detectors listed in accordance with UL 268 and provided as part of the building's fire alarm system shall be an acceptable alternative to single- and multiple-station smoke alarms and shall comply with the following:

1. The fire alarm system shall comply with all applicable requirements in Section 907 of the Florida Fire Prevention Code.
2. Activation of a smoke detector in a dwelling or *sleeping unit* shall initiate alarm notification in the dwelling or *sleeping unit* in accordance with Section 907.5.2 of the Florida Fire Prevention Code.
3. Activation of a smoke detector in a dwelling or *sleeping unit* shall not activate alarm notification appliances outside of the dwelling or *sleeping unit*, provided that a supervisory signal is generated and monitored in accordance with Section 907.6.6 of the Florida Fire Prevention Code.

704.7 Single- and multiple-station smoke alarms.

Single- and multiple-station smoke alarms shall be tested and maintained in accordance with the manufacturer's instructions and this code.

704.7.1 Replacement.

Smoke alarms shall be replaced where any of the following apply:

1. The smoke alarm fails to respond to operability tests.
2. Where the smoke alarm exceeds 10 years from the date of manufacture marked on the unit, unless an earlier replacement is specified in the manufacturer's instructions.

3. The smoke alarm end-of-life signal is sounded.

4. The smoke alarm date of manufacturer cannot be determined.

SECTION 705

CARBON MONOXIDE ALARMS AND DETECTION

705.1 General.

Carbon monoxide alarms shall be installed in dwellings in accordance with Section 1103.9 of the Florida Fire Prevention Code, except that alarms in dwellings covered by the Florida Residential Code shall be installed in accordance with Section R311 of that code.

705.2 Carbon monoxide alarms and detectors.

Carbon monoxide alarms and carbon monoxide detection systems shall be maintained in accordance with NFPA 72. Carbon monoxide alarms and carbon monoxide detectors that become inoperable or begin producing end-of-life signals shall be replaced.

SECTION 4. INCORPORATION INTO CODE OF ORDINANCES. This ordinance shall be incorporated into the City of Destin's Code of Ordinances and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

SECTION 5. CONFLICTING PROVISIONS. City Ordinances and City Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

SECTION 6. SEVERABILITY. If any section, phase, 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 7. EFFECTIVE DATE. This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

(Signature Page Follows)

ADOPTED THIS _____ DAY OF _____, 2024.

By: _____
Bobby Wagner, Mayor

ATTEST:

The form and legal sufficiency of the foregoing has been reviewed and approved by the City Attorney, for the City of Destin, only.

Rey Bailey, City Clerk

Kimberly Romano Kopp, City Attorney

First Reading: _____
Second Reading: _____