

**CITY OF BONITA SPRINGS
ORDINANCE NO. 22- 06**

AN ORDINANCE OF THE CITY OF BONITA SPRINGS; RELATING TO BUILDING AND CONSTRUCTION CODES; AMENDING CHAPTER 10 – BUILDING CODES AND STANDARDS - ADOPTING LOCAL TECHNICAL AMENDMENTS TO THE *FLORIDA BUILDING CODE*; ADDING DEFINITIONS FOR DETERMINING REPETITIVE LOSS, COASTAL A ZONES; SUBSTANTIAL DAMAGE AND SUBSTANTIAL IMPROVEMENT; PROVIDING FOR CONFLICT OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

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, the Bonita Springs City Council is authorized pursuant to Section 166.01, Florida Statutes, to enact ordinances necessary for the exercise of its powers; and

WHEREAS, Lee County was accepted for participation in the National Flood Insurance Program on September 19, 1984, and the City of Bonita Springs was accepted for participation in the National Flood Insurance Program on August 16, 2002, and desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, Florida Statutes §553.73 establishes the state-wide unified building code known as the *Florida Building Code*; and

WHEREAS, Chapter 553, Florida Statutes, allows for local technical amendments to the *Florida Building Code* that provide for more stringent requirements than those specified in the Code and allows adoption of local administrative and local technical amendments to the *Florida Building Code* to implement the National Flood Insurance Program and incentives; and

WHEREAS, the City Council previously adopted certain local requirements, and pursuant to section Florida Statutes §553.73(5), the City Council now desires to format those requirements to coordinate with the *Florida Building Code*; and

WHEREAS, the fiscal impact of this ordinance is negligible because all development has been subject to the requirements of the local floodplain management ordinance adopted for participation in the National Flood Insurance Program, and there will be continued cost savings and benefits relating to flood insurance for our residents; and

WHEREAS, the City Council has determined that it is in the public interest to adopt the proposed local technical amendments to the *Florida Building Code* and the proposed amendments are not more stringent than necessary to address the need identified, do not discriminate against materials, products or construction techniques of demonstrated capabilities, are in compliance with section Florida Statutes §553.73(4); and

WHEREAS, it is declared that the provisions and regulations hereinafter contained and enacted are for the purpose of securing and promoting the public health, safety and welfare of the residents and property of the City of Bonita Springs.

THE CITY OF BONITA SPRINGS HEREBY ORDAINS:

Section 1. Recitals Adopted.

The above recitals are true and correct and incorporated herein by reference.

Section 2. Amending the Code of Ordinances.

Chapter 10 of the Bonita Springs Code of Ordinances is hereby amended, with deletions depicted by ~~strikethroughs~~ and additions depicted with underlining, as follows:

Sec. 10-22 Definitions. Florida Building Code Amendments

(a) Definitions. The *Florida Building Code*, Building and *Florida Building Code*, Existing Building, are hereby amended by the following technical amendments to the definitions.

REPETITIVE LOSS. Flood-related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term also includes buildings and structures that have experienced repetitive loss.

SUBSTANTIAL IMPROVEMENT. Any combination of repair, reconstruction, rehabilitation, alteration, addition or improvement of a building or structure taking place during a five-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. The five-year period of accumulation begins when the first improvement or repair of each building is permitted subsequent to November 18, 1992. The cost of replacing windows and doors with impact-resistant products, installation of impact-resistant storm shutters, or replacement roofs with code-compliant materials and methods, shall be assessed in the cumulative cost for only a one-year period. 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:

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.

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

- (b) The *Florida Building Code*, Building is further modified by the following technical amendment to Section 107.3.5:

107.3.5 Minimum plan review criteria for buildings.

Commercial Buildings: Building

8. Structural requirements shall include: Flood requirements in accordance with Section 1612, including lowest floor elevations, enclosures, declaration of land restriction (nonconversion agreement), flood damage-resistant materials.

Residential (one and two family):

6. Structural requirements shall include: Flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures, declaration of land restriction (nonconversion agreement), equipment, and flood damage-resistant materials.

- (c) The Florida Building Code, Building is further modified by the following technical amendment to Section 1612:

1612.4.1 Modification of ASCE 24. Reserved. Table 6-1 and Section 6.2.1 in ASCE 24 shall be modified as follows:

~~1. The title of Table 6.1 shall be "Minimum Elevation of Floodproofing, Relative to Base Flood Elevation (BFE) or Design Flood Elevation (DFE), in Coastal A Zones and in Other Flood Hazard Areas that are not High Risk Flood Hazard Areas."~~

~~2. Section 6.2.1 shall be modified to permit dry floodproofing in Coastal A Zones, as follows: "Dry floodproofing of nonresidential structures and nonresidential areas of mixed use structures shall not be allowed unless such structures are located outside of High Risk Flood Hazard areas and Coastal High Hazard Areas. Dry floodproofing shall be permitted in Coastal A Zones provided wave loads and the potential for erosion and local scour are accounted for in the design. Dry floodproofing of residential structures or residential areas of mixed use structures shall not be permitted."~~

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

- (d) The Florida Building Code, Residential is modified by the following technical amendment to Section R322:

R322.3.3 Foundations. Buildings and structures erected in coastal high-hazard areas and Coastal A Zones shall be supported on pilings or columns and shall be adequately anchored to such pilings or columns. The space below the elevated building shall be either

free of obstruction or, if enclosed with walls, the walls shall meet the requirements of Section R322.3.5. Piling shall have adequate soil penetrations to resist the combined wave and wind loads (lateral and uplift). Water-loading values used shall be those associated with the design flood. Wind-loading values shall be those required by this code. Pile embedment shall include consideration of decreased resistance capacity caused by scour of soil strata surrounding the piling. Pile systems design and installation shall be certified in accordance with Section R322.3.9. Spread footing, mat, raft or other foundations that support columns shall not be permitted where soil investigations that are required in accordance with Section R401.4 indicate that soil material under the spread footing, mat, raft or other foundation is subject to scour or erosion from wave-velocity flow conditions. If permitted, spread footing, mat, raft or other foundations that support columns shall be designed in accordance with ASCE 24.

~~**Exception:** Reserved. In Coastal A Zones, stem wall foundations supporting a floor system above and backfilled with soil or gravel to the underside of the floor system shall be permitted provided the foundations are designed to account for wave action, debris impact, erosion and local scour. Where soils are susceptible to erosion and local scour, stem wall foundations shall have deep footings to account for the loss of soil.~~

Section 3. Severability.

It is the Council's intent that if any section, subsection, clause or provision of this Ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion shall be considered a separate provision and shall not affect the remaining provisions of this Ordinance. The Council further declares its intent that this Ordinance would have been adopted if such invalid or unconstitutional provision was not included.

Section 4. Codification and Scrivener's Errors

City Council intends that this Ordinance be made part of the Bonita Springs Code of Ordinances and that sections of this Ordinance can be renumbered or re-lettered and the word "Ordinance" can be changed to "Section", "Article", or some other appropriate word or phrase to accomplish codification, and regardless of whether this Ordinance is ever codified, the Ordinance can be renumbered or re-lettered and typographical errors and clarification of ambiguous wording that do not affect the intent can be corrected with the authorization of the City Manager without the need for a public hearing.

Section 5. Conflicts of Law.

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements shall apply.

Section 6. Effective Date.

This Ordinance shall take effect immediately upon its adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 3rd day of August 2022.

AUTHENTICATION:




Mayor Rick Steinmeyer



City Clerk's Office

Approved as to form:



City Attorney's Office

Vote:

Carr	<u>Aye</u>	Purdon	<u>Aye</u>
Corrie	<u>Aye</u>	Quaremba	<u>Aye</u>
Forbes	<u>Aye</u>	Steinmeyer	<u>Aye</u>
Gibson	<u>Aye</u>		

Date filed with City Clerk: 8/8/2022