

ARTICLE III. TECHNICAL CODES AND OTHER CONSTRUCTION STANDARDS*

***Cross references:** Coastal construction code, § 67-16 et seq.; building standards, § 67-171 et seq.

State law references: Construction standards, F.S. ch. 553.

DIVISION 1. GENERALLY

Sec. 67-31. Adoption of the Florida Building Code and Countywide Amendments.

(a) The Florida Building Code as adopted by the state legislature, is hereby incorporated by reference and adopted as the building code for the town.

(b) The county amendments to the Florida Building Code as most recently adopted by the board of county commissioners of the county, are adopted and shall be effective within the town.

(Code 1993, § 14-26)

Cross references: Coastal construction code, § 67-16 et seq.

State law references: Florida Building Code mandated, F.S. § 553.73.

Sec. 67-32. Floor elevations.

(a) *Finished floor elevations.* Finished floor elevations shall be established as follows:

(1) Where the crown of the highest road abutting such property is at or below an elevation of 6.7 feet NGVD, the lowest first floor elevation of the structure shall be established at not lower than eight feet above zero elevation.

(2) Where the crown of the highest road abutting such property is above an elevation of 6.7 feet NGVD, the lowest first floor elevation of the structure shall be established at not lower than 16 inches above the crown of the road, or not lower than eight feet above zero elevation, whichever is higher.

(3) The maximum finished floor elevation of the structure shall be established as the average floor elevation of all areas (by square foot area) of the first floor, which average shall be no higher than one foot above the established minimum floor elevation.

(4) At the outside perimeter of a building, the grade shall not have a gradation drop of more than two inches per foot to the edge of the property.

(5) Nothing in this subsection (a) shall be construed to prohibit the construction of basements, garages, or porches; provided, however, that all enclosed areas shall have a minimum finished floor elevation of not less than eight feet above zero elevation as established by the U.S. Coastal and Geodetic Survey and, except as otherwise provided in subsection (c)(2) of this section, a maximum finished floor elevation as required by subsection (a)(3) of this section. The artificial filling of land to create a basement is

expressly prohibited.

(b) *Finished grade of slab.* The minimum finished grade of the first floor or slab for residential structures located within the town shall be not less than eight feet above zero elevation as set by the U.S. Coastal and Geodetic Survey, and such grade level shall not be in excess of nine feet above zero elevation.

(c) *Maximum elevation.*

(1) Where the natural elevation of a lot, prior to the placement of any fill, is higher than nine feet above zero elevation, the maximum elevation of the first floor or slab shall be established at not more than 12 inches above the average natural elevation of the lot.

(2) Where the natural grade differential of a lot is sufficient to build a basement or garage with a minimum of a ten-foot grade differential, then the height of the structure is determined from the first floor living elevation.

(3) For lots that are located east of the CCCL, the first floor living elevation shall be determined pursuant to state law and Florida Department of Environmental Protection regulations.

(d) *Variance.* Where applicable, preemptive county ordinance, or state or federal law (e.g., Florida Building Code), require a floor elevation other than as specified in this section, then the administrative official or building official may permit such floor elevation, and the property owner shall not be required to apply for a variance in order to obtain such permit.

(Ord. No. 540, 3-13-2003)

Cross references: Flood damage prevention, § 66-16 et seq.

Sec. 67-33. Drainage, required; swales; construction of driveways.

(a) *Drainage required.* New construction of single or multifamily buildings, or any other new building made on any lot within the town or any addition of or removal of fill or grade alteration on a lot shall require a drainage system adequate to detain, retain and transport volumes of runoff as may be regulated from time to time by federal, state and county laws and regulations and this Code. The required drainage system shall not cause additional runoff to discharge to adjacent properties. Swales shall be installed where public or private rights-of-way are wide enough to accommodate both the roadway and a viable swale. Such swales shall be no less than six inches below the elevation of the nearest edge of the roadway, and the normal design shall be not less than eight feet in width with a contour slope of 1:8. It is at all times prohibited to plant trees or bushes on swales or otherwise obstruct the flow of water in any swale system. Variations in these criteria may be made by the building code administrator to accommodate individual property limitations. Where it is not practical to install a swale, other means of retaining, detaining and transporting runoff shall be made with the approval of the building code administrator.

(b) *Driveways; change of grade.* No person shall cause the changing of a street or road grade abutting any property or cause the right-of-way to be changed in grade in any manner which blocks or impedes proper or adequate drainage along the swale of such road. No driveway or approach shall interfere with public drainage. Where grading of a right-of-way is required, approval by the building code administrator shall be required prior to changing any grade of the swale within the right-of-way.

(c) *Trench drains; required.* A trench drain, as used herein, is any drainage structure approved by the building code administrator for the transport of runoff, which is below grade, and which crosses a driveway or other impervious structure, and which also allows for the collection of runoff from the surface elevation. It may include perforated pipe, a grade and trough, or other

approved means. Any construction or reconstruction of a driveway, other than resurfacing, patching or top dressing, shall require the placement of a trench drain across the driveway at a suitable point where the driveway crosses the public right-of-way, if surface swaling is either insufficient to carry the drainage flow, or the angle of elevation of the driveway without a trench drain would otherwise impede normal vehicular use.

(Code 1993, §14-28)

Cross references: Streets and sidewalks, ch. 46; driveway access requirements, § 64-45.

Sec. 67-34. Flood damage prevention for utility systems.

All water systems and other utilities constructed within the town after February 17, 1973, shall be designed and located consistent with the need to minimize possible flood damage in time of hurricane or other disaster.

(Code 1993, § 14-29)

Cross references: Utilities, ch. 58; flood damage prevention, § 66-16 et seq.

Sec. 67-35. Stilt construction.

Any construction with open space between the first floor and the finish grade, other than garage doors, ventilation vents or basement exits, shall not be permitted.

(Code 1993, § 14-30)

Sec. 67-36. Balconies not to extend into required yards.

All balconies above the first floor level shall be constructed so that the exterior edge of the balcony does not protrude or extend into the required front yard setback, side yard setback or rear yard setback.

(Code 1993, § 14-31)

Sec. 67-37. Roof systems.

(a) It shall be unlawful to construct or maintain for longer than three months a roof system consisting of tar paper or felt without approved exterior shingles or other covering.

(b) Flat roof restrictions: The flat roof area of a single or multifamily residential structure shall not exceed 20 percent of the total horizontal ground surface area covered by roof including, but not limited to, all living areas, porches, patios, garages, porte cacheres, carports, entrances, and balconies. The remaining roof system shall have a minimum slope of four in 12 (rise to run).

(Code 1993, § 14-32)

Sec. 67-38. Hot water required.

Every interior lavatory basin and bathtub or shower shall be supplied with hot running water at all times.

(Code 1993, § 14-33)

Secs. 67-39--67-50. Reserved.

DIVISION 2. ADMINISTRATION AND ENFORCEMENT*

***Cross references:** Administration, ch. 2.

Sec. 67-51. Permit required.

No construction, alteration,, remodeling or demolition of any improvement on any lot may be commenced without a permit issued by the town building official.

Sec. 67-52. Commencement and duration of construction.

Construction shall commence within six months from the date of issuance of a building permit. If construction has not commenced within six months, the building permit shall expire. Following commencement of construction pursuant to a building permit, all construction shall be completed within one year, unless extended for no more than one six-month period by the administrative official, upon a showing of good cause. Subsequent to the granting of one administrative extension, any additional extensions may be granted by the town commission upon a showing of good cause.

Sec. 67-53. Issuance.

No building permit or certificate of occupancy shall be issued by the town for any purpose except in compliance with the provisions of this land development code and other applicable ordinances and laws of the Town, a decision of the board of adjustment or court order.

Sec. 67-54. Violation of article.

A person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this article is committed or continued. Upon conviction of any such violation, such person shall be punished within the limits as provided in this land development code and by the laws of the state.

(Code 1993, § 14-51)

Sec. 67-55. Construction board of adjustments and appeals.

There is hereby established a board, to be called the construction board of adjustments and appeals, which shall consist of five members. Such board, whenever possible, shall be composed of an architect, a general contractor or engineer, an electrical contractor, a plumbing contractor and a member at large from the building industry. Such board shall be appointed by the town commission to hold such appointment at its pleasure. The board shall have the power and duty prescribed in the standards and countywide amendments adopted in section 67-31. In lieu of the board established

herein, during the term of any agreement between the town and the county wherein the county reviews and issues building permits in the town, the town commission may forward an appeal to be heard before the county construction board of adjustments and appeals, or similar duly authorized appellate body. Application fees and costs shall be as approved by the town commission by resolution.

(Code 1993, § 14-52)

Cross references: Construction board of adjustment, § 63-34.

Sec. 67-56. Signature and seal of registered architect or engineer required on certain plans.

Each plan for new construction and any construction plan for work shall require the signature and seal of a registered architect licensed by the state for construction costing more than \$25,000.00 and the signature and seal of a professional engineer licensed by the state for construction costing more than \$10,000.00, who shall also include a statement that the plan conforms to all applicable town codes.

(Ord. No. 540, 3-13-2003)

Sec. 67-57. Authority to require engineering review and survey.

(a) Whenever the building official determines that a technical aspect of plan review so requires, the building official is hereby authorized to require the owner, architect, builder or other person applying under section 64-96 et seq. pertaining to subdivisions, or applying for a building permit, to furnish, at such person's sole expense, a professional engineer's opinion and approval of plans prior to issuing a building permit.

(b) Where such opinion is required, the engineer shall certify that soil boring tests have been taken and that the plan and design as submitted will properly support the structure to be erected. The building official shall also require that at the time of slab inspection, but prior to the pouring of slab concrete, a stemwall survey by a professional engineer or registered land surveyor be furnished, to include the following:

- (1) The grade elevation at the top of two courses of blocks.
- (2) The distance from the outer face of the stemwall to all four property lines.
- (3) The elevation of the top of the form board showing the top of the concrete slab.

(c) In lieu of or in addition to the requirements set forth in subsections (a) and (b) of this section, the building official is authorized to have the proposed plans and specifications submitted for review and opinion by the town engineer or a consulting professional engineer selected by the town manager, the fee for which shall be charged to the applicant, in an amount not to exceed \$500.00. Such fee shall be paid prior to the issuance of a building permit. If fees for engineering review exceed \$500.00, the fees shall only be assessed to the owner, architect, builder or other person when authorized by the town commission.

(Code 1993, § 14-54)

Sec. 67-58. Permit fees.

(a) Fees for permits established in this article shall be as provided by resolution of the town commission. Such fees are on file in the town clerk's office.

(b) The minimum fee for permit applications made under this article which the town

commission can establish pursuant to subsection (a) above shall not be less than \$45.00.

(c) If any person commences any work on a building or structure before obtaining the necessary permit under this article, the fee for the permit, when obtained, shall be double the total amount of the fee otherwise required.

(Ord. No. 540, 3-13-2003; Ord. No. 542, § 1, 10-6-2003)

Sec. 67-59. Posting of permits.

Upon the issuance of any construction permit by the building code administrator, such permit(s), or a notice thereof, shall be posted forthwith, by the building code administrator, or other person designated by the building code administrator, which may include the permittee, on the real property where the construction is to occur, in such a manner that the permit or notice shall be visible and readable from the public right of way. The permittee shall furnish a suitable location, and reasonably protected facility for the posting of permits. The building code administrator shall approve the location and posting of all permits, and may relocate or require the relocation of such permits. The permit shall remain posted continuously until final approval or acceptance of the improvement by the town. Removal, destruction, or defacement of a posted construction permit by any person prior to the issuance of a certificate of completion, a certificate of occupancy or unless otherwise removed by the building code administrator, shall constitute a violation of this section, and such person shall be required to pay a fine of \$100.00 for the first offense in any 12-month period, and further violation shall be subject to applicable law.

(Code 1993, § 14-56)

Secs. 67-60--67-70. Reserved.