

**Agenda Item 15.A
Meeting of 12/4/24****ORDINANCE 2024-15508**

AN ORDINANCE AMENDING PARAGRAPHS (c), (d) AND (e) OF SECTION 16-112, FLORIDA BUILDING CODE ADOPTED; AMENDMENTS; AMENDING THE DEFINITION OF SUBSTANTIAL IMPROVEMENT IN SECTION 16-144, DEFINITIONS; AMENDING SUBPARAGRAPH (4)b OF SECTION 16-146, DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR OF ARTICLE III, BUILDING AND TECHNICAL CODES OF CHAPTER 16, CONSTRUCTION, REHABILITATION AND PROPERTY MAINTENANCE REGULATIONS OF THE CODE OF ORDINANCES, CITY OF NAPLES FOR THE PURPOSE OF ELIMINATING CUMULATIVE COSTS OF A ONE-YEAR "LOOKBACK PERIOD"; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER'S ERROR, CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Naples adopted local technical amendments to the Florida Building Code Section 202, Definitions for Substantial Improvement; and

WHEREAS, the one-year period within the Substantial Improvement definition was adopted in 2007 to discourage phasing of projects, but has not been shown to offer increased resiliency; and

WHEREAS, the National Flood Insurance Program's Community Rating System (CRS) does not offer CRS credit for less than a five-year or longer "lookback period"; and

WHEREAS, the Florida Building Code does not require foundations for dwellings in flood hazard areas other than Coastal High Hazard Areas and Coastal A Zones to be designed by a Registered Design Professional; and

WHEREAS, requiring certification of the design may yield CRS credit; and

WHEREAS, the City Council desires to require foundations for dwellings to be designed and certified by a Florida Registered Design Professional as currently required for all other foundation designs within the City of Naples; and

WHEREAS, the City Council desires to repeal the one-year "look back" period to restore the Substantial Improvement definition to match the Florida Building Code definition; and

WHEREAS, the City Council desires to reformat a retained amendment to the Florida Building Code; and

WHEREAS, approval of this Ordinance is in the best interests of the health, safety, and welfare of the residents of the City of Naples;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPLES, FLORIDA:

Section 1. That the above recitals ("Whereas" clauses) are true and correct and adopted hereby as legislative findings, purpose, and intent of the City Council.

Section 2. That paragraphs (c), (d) and (e) of Section 16-112, Florida Building Code adopted; amendments, of Article III, Building and Technical Codes of Chapter 16, Construction, Rehabilitation and Property Maintenance Regulations of the Code of Ordinances, City of Naples, Florida, is hereby amended to read as follows:

* * *

Chapter 16. Construction, Rehabilitation and Property Maintenance

Sec.16-112. Florida Building Code adopted; amendments.

* * *

(c) ~~The provisions of the Florida Building Code, Building is hereby amended by the following technical amendments:~~

~~Section 202, Definitions~~

~~*Substantial improvement.* Any combination of repair, reconstruction, rehabilitation, addition, or improvement of a building or structure taking place during a one year period from the date of permit issuance, 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 one year period begins on the date of the first improvement or repair of that building or structure subsequent to June 13, 2012. 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:~~

(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.~~

~~(d) The provisions of the Florida Building Code, Existing Building is hereby amended by the following technical amendments:~~

~~Section 202, Definitions~~

~~**Substantial improvement.** Any combination of repair, reconstruction, rehabilitation, addition, or improvement of a building or structure taking place during a one-year period from the date of permit issuance, 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 one-year period begins on the date of the first improvement or repair of that building or structure subsequent to June 13, 2012. 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:~~

~~(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.~~

(c)(e) The provisions of the Florida Building Code, Residential is hereby amended by the following technical amendments:

(1) Enclosed areas below the required elevation for dwellings in flood hazard areas shall be limited as follows:

a. The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for small mechanical rooms and stairwells, ramps, and elevators unless a partition is required by the fire code.

b. Where perimeter walls are permitted, the limitation on partitions does not apply to load-bearing walls interior to perimeter wall (crawl space) foundations.

(2) Construction documents for dwellings in flood hazard areas shall include documentation prepared and sealed by a

registered design professional that the foundation design accounts for site-specific flood loads.

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

~~(1) Be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed area must not be partitioned or finished into separate rooms except for building access and small mechanical rooms.~~

~~Section R322.3.5 Enclosed areas below design flood elevation. Enclosed areas below the design flood elevation must be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed area must not be partitioned or finished into separate rooms except for building access and small mechanical rooms.~~

Section 3. That the definition of Substantial Improvement in Section 16-144, Definitions, of Article III, Building and Technical Codes of Chapter 16, Construction, Rehabilitation and Property Maintenance Regulations of the Code of Ordinances, City of Naples, Florida, is hereby amended to read as follows:

Sec. 16-144. Definitions.

Substantial improvement means any combination of repair, reconstruction, rehabilitation, alteration, addition, or other improvement of a structure, ~~taking place during a one-year period from the date of permit issuance, in which the cumulative the cost of which equals or exceeds 50 percent of the current market value of the structure before the improvement or repair is started. For each building or structure, the one-year period begins on the date of the first improvement or repair of that building or structure subsequent to June 13, 2012.~~ This term includes structures that have incurred substantial damage regardless of the actual repair work performed. This term does not, however, include either:

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

Section 4. That Subparagraph 4b. of Section 16-146, Duties and powers of the floodplain administrator, Article III, Building and Technical Codes of Chapter 16, Construction, Rehabilitation and Property Maintenance Regulations of the Code of Ordinances, City of Naples, Florida, is hereby amended to read as follows (with underlining indicating additions and ~~strikethrough~~ indicating deletions):

- (4) *Substantial improvement and substantial damage determinations.* For permit applications to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the floodplain administrator, in coordination with the building official, will:

*** b. Compare the cost to perform the improvement; the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure; ~~the determination requires evaluation of previously issued permits for improvements and repairs as specified in the definition of substantial improvement;~~

Section 5. This Ordinance shall be codified in the Code of Ordinance of the City of Naples, Florida.

Section 6. All ordinances and parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

Section 7. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance as they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 8. The City Attorney may correct scrivener's errors found in this Ordinance by filing a corrected copy of this Ordinance with the City Clerk.

Section 9. This Ordinance is to be liberally construed to accomplish its objectives.

Section 10. This Ordinance shall be published in accordance with the requirements of law.

Section 11. This Ordinance shall take effect immediately upon adoption at second reading.

APPROVED AT FIRST READING AND PUBLIC HEARING THE 20TH DAY OF NOVEMBER 2024.

PASSED AND ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA THIS 4 DAY OF DECEMBER 2024.

Attest:



Patricia L. Rambosk, City Clerk



Teresa Lee Heitmann, Mayor

Approved as to form and legal sufficiency:



Matthew McConnell, City Attorney

Date filed with City Clerk: 12-18-24