Agenda Item #: 40

may be viewed in Agrinistration PALM BEACH COUNTY **BOARD OF COUNTY COMMISSIONERS** AGENDA ITEM SUMMARY

Meeting Date: March 20, 2012 Regular Consent Workshop [X] Public Hearing

Planning, Zoning & Building

Department: Submitted By: Building **Submitted For:** Building

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends a motion to adopt.: An Ordinance of the Board of County Commissioners of Palm Beach County, Florida, **Repealing** Ordinance 2009-001 Palm Beach County Amendments to the Florida Building Code, 2007 Edition, Chapter 1 "Administration" and Section and Figure 1609.1 Basic Wind Speed Map of Palm Beach County, Appendix F "Proposed Construction Building Codes for Turf and Landscape Irrigation Systems" of the 2007 Florida Building Code, Plumbing Volume, with Palm Beach County Amendments "Exhibit A" of Ordinance 2009-002, and Sub-Section 7-36(B) of Article III, Sections 7-52, 7-53 and 7-55 Of Article IV, and Articles V, VII, VIII, X, And XI of the Palm Beach County Code of Ordinances; Adopting the Palm Beach County Amendments to the Florida Building Codes (FBC) 2010 Edition Chapter 1 "Administration" (FBC-Building) and Flood and Wind Provisions (FBC-Building and Residential), and Appendix F "Construction Building Codes for Turf and Landscape Irrigation Systems" (FBC-Plumbing) WITH Palm Beach County Amendments, and Sub-Section 7-36(b) of Article III Palm Beach County Code of Ordinances; Providing for Applicability; Providing for Repeal of Laws in Conflict; Providing for Inclusion in the Code of Laws and Ordinances; Providing for a Savings Clause; Providing for Severability; and Providing for An Effective Date.

Summary: The Legislature adopted F.S. 553.73, mandating a Statewide Florida Building Code (FBC), and allowing local governments to adopt their own Administrative Chapter of the FBC, 2010 Edition, applicable in the unincorporated area of Palm Beach County, and those municipalities having an Interlocal Agreement for the provision of County plan review and inspection services. Significant change in this administrative chapter is the ability to place a non- ad valorem assessment on a property for costs associated with abatement of unsafe buildings and other entities. This chapter is based upon recommendations of the Palm Beach County Building Code Advisory Board. Figures 1609 A, B, and C in the FBC are accurate for basic wind design to the County, and provides for local government to establish specific wind speed/wind borne debris lines using physical landmarks, whenever possible. As a result of landscape irrigation regulations adopted in the last code cycle, many cross connections of drinking water and irrigation systems have been abated, and proper water conservation designs have been implemented. Practical application brought forth some few areas where there was a redundancy of proper regulation. Those redundancies are being eliminated. The 2010 FBC will include flood resistant provisions applicable in flood hazard areas, a change from previous editions. The code refers to local floodplain management ordinances, that are required to be incorporated into the FBC 2010 Edition, in accordance with new legislation in 553.73, F.S. Unincorporated (AH)

Background and Policy Issues: Continued on page 3

Attachments:

- 1. Ordinance repealing Ordinance 2009-001 in its entirety and adopting the Palm Beach County Amendments to the Florida Building Codes 2010 Edition
 - Exhibit A Palm Beach County Amendments to the Florida Building Code, 2010 Edition, Administrative Code, Chapter 1
 - Exhibit B Palm Beach County Amendments to the Flood and Wind Provisions of the Florida Building Code, 2010 Edition
 - Exhibit C Appendix F of the 2007 Florida Building Code, Plumbing Volume, with Palm Beach County Amendments
 - Exhibit D Sub-Section 7-36(b) of Article III Palm Beach County Code of Ordinances

Recommended by:	W Barhon allin	2-24-12	
Approved By:	Executive Director	3/7/12	
	Deputy County Administrator	Date	

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of	Fiscal Im	pact:	,			
Fiscal Years	20 <u>12</u>	20 <u>13</u>	20 <u>14</u>	20 <u>15</u>	20 <u>16</u>	
Capital Expenditures Operating Costs External Revenues Program Income (County) In-Kind Match (County)						
NET FISCAL IMPACT	*	IAAA-071	<u> </u>	***		
No. ADDITIONAL FTE POSITIONS (Cumulative))				· .	
ls Item Included In Curren	t Budget?	Yes	No			
Budget Account No.: Fundant Reporting Category	d E)epartment	Unit _	Objec	t	
B. Recommended Sou The fiscal impact is Building Code, and c	indetermi	nable at thi	s time. The 0	Impact: Ordinance is	to amend the F	BC-Florida
C. Departmental Fisca	l Review:	fat	Dagas	tino_		·
		III. <u>REVIE</u>	W COMMENT	<u>rs</u>		
A. OFMB Fiscal and/o	r Contract	Dev. and C	Control Comm	nents:		
OFMB B. Legal Sufficiency:	540112	8/12 C3	ontract Dev	and Control	31710	2
Assistant County	$\frac{1}{2/8}$ Attorney	<u> </u>				
C. Other Department I	Review:					
Department Directo	or					

Continued from page 1

Background and Policy Issues:

On a periodic basis, the Building Code Advisory Board reviews the various construction standards to assure that:

- 1. The standards provide the greatest possible protection to the public, based on acceptable risk factors.
- 2. The standards reflect the most current construction technology to allow the greatest degree of flexibility.
- 3. The standards do not unnecessarily impact the cost of construction.
- 4. Any amendment to the State code is justified by local conditions.

The Building Code Advisory Board (BCAB) appointed a Committee on September 21, 2011 to draft an Administrative Chapter for the 2010 Florida Building Code. The committee conducted public meetings to propose the local Administrative Chapter to the new Florida Building Code, which will become effective on March 15, 2012. Input was solicited from the public, construction industry members, as well as local and county building officials. A goal of the committee was to reduce layers of regulations, potential costs, and confusion in the construction industry by standardizing the Administrative Chapter for the 2010 Building Code.

The Building Division has made an important Palm Beach County modification to the BCAB Model relative to recovery of costs spent in abating unsafe entities. The Building Division has a long history of abating unsafe buildings, structures, and systems by various means, including demolition and removal. Previous methods that have been employed to recover the funds expended for these abatements were through liens on the properties, that were frequently unsuccessful for several reasons. Some of those reasons include superior liens depleting funds generated in foreclosure or tax sales, and property values decreasing to a point where the property was valued at less than the costs of abatement. The financial challenges of the last several years exacerbated the number of abandoned structures, and therefore the number of buildings deteriorating or vandalized. The non-ad valorem assessments to recover costs of remedying unsafe scenarios, will help to replenish the funding needed to continue to abate unsafe structures and systems, to keep our communities safe.

Figures 1609 A, B, and C in the Florida Building Code are accurate for basic wind design to the County and provides for local government to establish specific wind speed/wind borne debris lines using physical landmarks whenever possible. Because of the many wind speed lines (8) of the multiple Risk Categories, there are not appropriate physical landmarks to provide an accurate and orderly reflection of these boundaries, and so we have developed separate Geographic Information Systems (GIS) tools for Risk Division each of the Categories, available the Building on website http://www.pbcgov.com/pzb/Building/Windspeed/index.htm . The local maps are reflections of the state maps with greater detail for the County and are being adopted as Figures 1609.1 A, B, and C.

The 2010 Florida Building Code (FBC) will include flood resistant provisions that apply to buildings and structures in flood hazard areas. This is a change from previous editions. In 2009, at the request of the Florida Division of Emergency Management (DEM), the Florida Building Commission appointed the Flood Resistant Standards Workgroup to develop recommendations for integrating the flood provisions of the 2009 International Code Series (I-Codes) in the 2010 Florida Building Code (including Building, Residential, Existing Building, Mechanical, Plumbing and Fuel Gas). DEM submitted code change proposals to implement the Workgroup's recommendations for Florida-specific amendments. The flood provisions in the 2010 FBC apply *only to buildings and structures* in flood hazard areas. Communities must continue to have local regulations that apply to other development activities in flood hazard areas. In terms of specific provisions that apply to buildings and structures, communities must ensure that the FBC requirements are met and that the more restrictive of the two sets of requirements are adopted in accordance with Section 553.73, F. S.

The Building Division has corrected many areas of concern in the improper installation of irrigation systems, since adopting these regulations in 2009. Since implementing, there have been few areas of redundant regulation discovered, including reclaimed water systems which are regulated by Palm Beach County Water Utilities Department in their areas of service, and irrigation systems in the rights of way maintained by Palm Beach County Engineering Department. In adopting the FBC-Plumbing 2010 Appendix F with Palm Beach County Amendments, these redundancies were eliminated from Building Division permitting.