

## Add Flood Provisions to the 2010 FBC, Existing Building® (Adopted Unanimously by the Workgroup May 29, 2009)

### *Proposal to retain from IEBC [retains last sentence of exception]*

**101.5 Compliance methods.** The repair, alteration, change of occupancy, addition or relocation of all existing buildings shall comply with one of the methods listed in Sections 101.5.1 through 101.5.3 as selected by the applicant. Application of a method shall be the sole basis for assessing the compliance of work performed under a single permit unless otherwise approved by the code official. Sections 101.5.1 through 101.5.3 shall not be applied in combination with each other.

**Exception:** Alterations complying with the laws in existence at the time the building or the affected portion of the building was built shall be considered in compliance with the provisions of this code unless the building has sustained substantial structural damage as defined in Section 506.2, or the building is undergoing more than a limited structural alteration as defined in Section 807.5.3. New structural members added as part of the repair or alteration shall comply with the *International Florida Building Code*. Repairs and alterations of existing buildings in flood hazard areas shall comply with Sections 501.4 and 601.3, respectively.

### *Proposal to delete per statutory authority re modifications*

~~**104.10 Modifications.** Wherever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the Department of Building Safety.~~

~~**104.10.1 Flood hazard areas.** For existing buildings located in flood hazard areas for which the repairs, alterations, and additions constitute substantial improvement, the code official shall not grant modifications to provisions related to flood resistance unless a determination is made that~~

- ~~1. The applicant has presented good and sufficient cause that the unique characteristics of the size, configuration or topography of the site render compliance with the flood-resistant construction provisions inappropriate.~~
- ~~2. Failure to grant the modification would result in exceptional hardship.~~
- ~~3. The granting of the modification will not result in increased flood heights, additional threats to public safety, extraordinary public expense nor create nuisances, cause fraud on or victimization of the public or conflict with existing laws or ordinances.~~
- ~~4. The modification is the minimum necessary to afford relief, considering the flood hazard.~~
- ~~5. A written notice will be provided to the applicant specifying, if applicable, the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk~~

resulting from the reduced floor elevation and that construction below the design flood elevation increases risks to life and property.

*Proposal to delete from IEBC (captured by Sec. 101.1 reference to FBC, B Chapter 1]*

**109.3.3 Lowest floor elevation.** For additions and substantial improvements to existing buildings in flood hazard areas, upon placement of the lowest floor, including basement, and prior to further vertical construction, the elevation documentation required in the *International Building Code* shall be submitted to the code official.

*Proposal to add to IEBC*

**EXISTING STRUCTURES (for flood hazard areas).** See Section 1627.2.

*Proposal to retain from IEBC*

**FLOOD HAZARD AREA.** The greater of the following two areas:

1. The area within a flood plain subject to a 1-percent or greater chance of flooding in any year, or
2. The area designated as a flood hazard area on a community's flood hazard map, or otherwise legally designated.

*Proposal to modify from IEBC*

**HISTORIC BUILDING (for flood hazard areas).** Any building or structure that is listed in the State or National Register of Historic Places; designated as a historic property under local or state designation, law, or survey; certified as a contributing resource within a National Register listed or locally designated historic district; or with an opinion or certification that the property is eligible to be listed on the National or State Registers of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places.

*Proposal to retain from IEBC*

**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, or as defined in a local floodplain management ordinance.

**SUBSTANTIAL IMPROVEMENT.** Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started, or as defined in a local floodplain management ordinance. 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.

*Proposal to modify IEBC*

**Section 302 Additions, Alterations or Repairs**

**302.1.1 Flood hazard areas.** For buildings and structures in flood hazard areas established in Section ~~1627.3~~ 4612.3 of the *Florida Building Code, Building. International Building Code*, any additions, alterations or repairs that constitute substantial improvement of the existing structure, as defined in Section ~~1627.2~~ 4612.2 of the *Florida Building Code, Building. International Building Code*, shall comply with the flood design requirements for new construction and all aspects of the existing structure shall be brought into compliance with the requirements for new construction for flood design.

*Proposal to retain from IEBC*

**302.1.2 Flood hazard areas.** For buildings and structures in flood hazard areas established in Section ~~1627.3~~ 4612.3, any additions, alterations or repairs that do not constitute substantial improvement or substantial damage of the existing structure, as defined in Section ~~1627.2~~ 4612.2, are not required to comply with the flood design requirements for new construction.

*Proposal to delete as part of FBC referral to Chapter 11, Historic Buildings*

**Section 306 Historic Buildings**

**306.2 Flood hazard areas.** Within flood hazard areas established in accordance with Section 1612.3 of the *International Building Code*, where the work proposed constitutes substantial improvement as defined in Section 1612.2 of the *International Building Code*, the building shall be brought into conformance with Section 1612 of the *International Building Code*.

**Exception:** Historic buildings that are:

1. ~~Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places; or~~
2. ~~Determined by the Secretary of the U.S. Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district; or~~
3. ~~Designed as historic under a state or local historic preservation program that is approved by the Department of Interior.~~

*Proposal to modify from IEBC*

**501.4 Flood hazard areas.** In flood hazard areas, repairs that constitute substantial improvement shall require that the building comply with Section ~~1627~~ 4612 of the *Florida Building Code, Building. International Building Code*.

**Chapter 5 Repairs**

**506.2.5 [Repairs to damaged buildings] Flood hazard areas.** In flood hazard areas, buildings that have sustained substantial damage shall be brought into compliance with Section ~~1627~~ 4612 of the *Florida Building Code, Building. International Building Code*.

Chapter 6 Alterations – Level 1

**601.3 Flood hazard areas.** In flood hazard areas, alterations that constitute substantial improvement shall require that the building comply with Section ~~1627~~ 4612 of the *Florida Building Code, Building. International Building Code*

## Chapter 10 Additions

**1003.5 Flood Hazard Areas.** Additions and foundations in flood hazard areas shall comply with the following requirements:

1. For horizontal additions that are structurally interconnected to the existing building:
  - 1.1 If the addition and all other proposed work, when combined, constitute substantial improvement, the existing building and the addition shall comply with Section ~~1627~~ ~~4612~~ of the *Florida Building Code, Building, International Building Code*.
  - 1.2 If the addition constitutes substantial improvement, the existing building and the addition shall comply with Section ~~1627~~ ~~4612~~ of the *Florida Building Code, Building, International Building Code*.
2. For horizontal additions that are not structurally interconnected to the existing building:
  - 2.1 The addition shall comply with Section ~~1627~~ ~~4612~~ of the *Florida Building Code, Building, International Building Code*.
  - 2.2 If the addition and all other proposed work, when combined, constitute substantial improvement, the existing building and the addition shall comply with Section ~~1627~~ ~~4612~~ of the *Florida Building Code, Building, International Building Code*.
3. For vertical additions and all other proposed work, when combined, that constitute substantial improvement, the existing building shall comply with Section ~~1627~~ ~~4612~~ of the *Florida Building Code, Building, International Building Code*.
4. For a new, replacement, raised, or extended foundation, if the foundation work and all other proposed work, when combined, constitute substantial improvement, the existing building shall comply with Section ~~1627~~ ~~4612~~ of the *Florida Building Code, Building, International Building Code*.

### *Proposal to retain from IEBC*

## Chapter 11 Historic Building

**1101.3 (IBC 1101.4) Flood hazard areas.** In flood hazard areas, if all proposed work, including repairs, work required because of a change of occupancy, and alterations, constitutes substantial improvement, then the existing building shall comply with Section ~~1627~~ ~~4612~~ of the *Florida Building Code, Building, International Building Code*.

**Exception:** If a historic building will continue to be a historic building after the proposed work is completed, then the proposed work is not considered to be a substantial improvement. For the purposes of this exception, a historic building is:

1. Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places; or
2. Determined by the Secretary of the U.S. Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district; or
3. Designated as historic under a state or local historic preservation program that is approved by the Department of Interior.

*Proposal to modify IEBC*

**Chapter 12 Relocated or Moved Buildings**

**1202.6 Flood hazard areas.** If relocated or moved into a flood hazard area, structures shall comply with Section ~~1627~~ 4612 of the *Florida Building Code, Building, International Building Code*.

**Chapter 13 Compliance Alternatives**

**1301.3.3 Compliance with flood hazard provisions.** In flood hazard areas, buildings that are evaluated in accordance with this section shall comply with Section ~~1627~~ 4612 of the *Florida Building Code, Building, International Building Code*; if the work covered by this section constitutes substantial improvement.