

AN ORDINANCE BY THE PASCO COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE PASCO COUNTY CODE OF ORDINANCES TO CREATE SECTIONS 18-119, 120 AND 121 TO INCORPORATE PROVISIONS OF THE FLORIDA BUILDING CODE, RESIDENTIAL AND EXISTING RESIDENTIAL AND TO ADOPT LOCAL TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE PERTAINING TO THE DESIGN AND CONSTRUCTION OF FOUNDATIONS; PROVIDING FOR APPLICABILITY; REPEALER; SEVERABILITY; INCLUSION INTO THE CODE; AND AN EFFECTIVE DATE.

WHEREAS, the legislature of the State of Florida has in Chapter 125, Florida Statutes, delegated to local government units the responsibility to adopt regulations designed to protect the public health, safety and general welfare of its citizenry; and

WHEREAS, Chapter 553 Florida Statutes was adopted by the Florida Legislature to provide a mechanism for the uniform adoption, updating, amendment, interpretation and enforcement of a single, unified state building code, to be called the Florida Building Code; and

WHEREAS, Pasco County, through its Board of County Commissioners (hereinafter referred to as "Board"), has previously incorporated by reference sections of the Florida Building Code into the County Code of Ordinances and at this time seeks to incorporate section 18-119, Residential, and section 18-120, Existing Building; and

WHEREAS, Pasco County, through its Board at this time seeks to create section 18-121 for local technical amendments to the Florida Building Code; and

WHEREAS, Chapter 553 Florida Statutes allows for Local Technical Amendments to the Florida Building Code which provide for more stringent requirements than those specified in the Code; and

WHEREAS, the Board, based upon the review of local conditions and as demonstrated by evidence and data of a large number of ground settlement insurance claims being made within Pasco County, as collected pursuant to the requirements of Pasco County Ordinance. No. 07-04, has determined that there is a local need to strengthen the Florida Building Code in regards to minimum requirements for foundation bearing capacity to require additional strength and that the local need is addressed by the increase in minimum standards; and

WHEREAS, the Board has determined that it is in the public interest to adopt the proposed Local Technical Amendments to the 2007 Florida Building Code, that 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 and are in compliance with section 553.73(4)(b), Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pasco County, Florida, as follows:

Section 1. Recitals.

The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

Section 2. The Pasco County Code of Ordinances, Chapter 18, is hereby amended as follows to create new sections 18-119, Florida Building Code, Residential, and 18-120, Florida Building Code, Existing Building.

Sec. 18-119. Florida Building Code, Residential

The provisions of the Florida Building Code, Residential, and all subsequent amendments, are incorporated by reference and shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade in height with a separate means of egress and their accessory structures.

Sec. 18-120. Florida Building Code, Existing Residential

The provisions of the Florida Building Code, Existing Building, and all subsequent amendments, are incorporated by reference and shall apply to the repair, alteration, change of occupancy, addition and relocation of existing buildings.

Section 3. The following Local Technical Amendments to the Florida Building Code are hereby adopted by creating section 18-121.

Sec. 18-121. Florida Building Code, Local Technical Amendments

A. Florida Building Code, Building, Chapter 18, Soils and Foundations:

1805.4.1.3 Geologic Hazards. A design statement shall be required for commercial structures where a report by a soils engineer or professional geologist has determined that the subject soils cannot provide an allowable soil bearing pressure of at least 2000 pounds per square foot (psf) and/or the soils have characteristics that indicate the possibility of differential settlement. The design statement shall include: soil remediation (site preparation) methods that will bring the allowable bearing capacity of the resident soils up to a minimum of 2000 psf and/or assuage the stated concerns over differential settlement; or state that the foundation has been designed to provide adequate support for the structure regardless of the geologically hazardous conditions stated in the soils engineering report. Acceptable "design statements" are:

1. Statements in the soils report relating to site preparation techniques that will remediate the soils to provide a 2000 psf allowable bearing capacity. The report must be signed and sealed by the registered soils engineer or professional geologist appropriately registered in the State of Florida.
2. Clearly indicated design criteria on the signed and sealed building plans showing that the foundation systems were designed with an understanding of the geologically hazardous conditions prevalent at the site. Plans shall be signed and sealed by an architect or engineer appropriately registered in the State of Florida.

B. Florida Building Code, Residential, Chapter 4:

R401.4.3 Geologic Hazards. A design statement shall be required for residential structures where a report by a soils engineer or professional geologist has determined that the subject soils cannot provide an allowable soil bearing pressure of at least 2000 pounds per square foot (psf) and/or the soils have characteristics that indicate the possibility of differential settlement. The design statement shall include: soil remediation (site preparation) methods that will bring the allowable bearing capacity of the resident soils up to a minimum of 2000 psf and/or assuage the stated concerns over differential settlement; or indicate that the foundation has been designed to provide adequate support for the structure regardless of the geologically hazardous conditions stated in the soils engineering report. Acceptable "design statements" are:

1. Statements in the soils report relating to site preparation techniques that will remediate the soils to provide a 2000 psf allowable bearing capacity. The report must be signed and sealed by the registered soils engineer or professional geologist appropriately registered in the State of Florida.

2. Clearly indicated design criteria on the signed and sealed building plans showing that the foundation systems were designed with an understanding of the geologically hazardous conditions prevalent at the site. Plans shall be signed and sealed by an architect or engineer appropriately registered in the State of Florida.

Section 4. FISCAL IMPACT STATEMENT

In terms of design, plan application review, construction and inspection, the cost impact as an overall average is negligible in regard to this local technical amendment. In terms of a lesser numbers of potential claims, there would be a cost benefit to the consumer.

Section 5. APPLICABILITY.

For purposes of jurisdictional applicability, this Ordinance shall apply in all unincorporated areas of the county. This Ordinance shall apply to all building permit applications submitted on or after August 3, 2009.

Section 6. REPEALER.

Any and all ordinances in conflict herewith are hereby repealed to the extent of any conflict.

Section 7. SEVERABILITY.

It is declared to be the intent of the Board of County Commissioners of Pasco County, Florida, that if any section, subsection, sentence, clause, or provision of this ordinance is held invalid, the remainder of the ordinance shall be construed as not having contained the said section, subsection, sentence, clause, or provision and shall not be affected by such holding. It is further the intent of the Board that if this ordinance is held invalid with respect to a specific use of land and/or a specific property (i.e., the ordinance is successfully challenged on an "as applied" basis), the ordinance shall remain in effect as to other uses and/or properties where legally appropriate.

Section 8. INCLUSION INTO THE CODE.

It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Pasco County Code of Ordinances, and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

Section 9. EFFECTIVE DATE.

A certified copy of this ordinance shall be filed with the Department of State by the Clerk to the Board of County Commissioners within ten (10) days after adoption of this ordinance, and this ordinance shall take effect the date the ordinance is filed with the Department of State.

ADOPTED this 23rd day of June, 2009.

(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

ATTEST:

PAULA S. O'NEIL, CLERK &
COMPTROLLER

JACK MARIANO, CHAIRMAN