

ORDINANCE NO. 20-15

AN ORDINANCE BY THE CITY WINTER GARDEN, FLORIDA, AMENDING CHAPTER 18, ARTICLE II OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES TO CREATE LOCAL AMENDMENTS TO THE FLORIDA BUILDING CODE; CREATING A NEW SECTION 18-63 TO REQUIRE MASONRY BLOCK, METAL, OR CONCRETE EXTERIOR AND INTERIOR LOAD BEARING WALLS IN CERTAIN STRUCTURES; CREATING A NEW SECTION 18-64 TO REQUIRE VERTICAL ACCESSIBILITY IN CERTAIN MULTI-FAMILY STRUCTURES HAVING TWO OR MORE FLOORS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, TRANSMITTAL AND AN EFFECTIVE DATE.

WHEREAS, the City of Winter Garden ("City") recognizes that chapter 553, Florida Statutes, allows local governments to adopt and enact local administrative amendments to the Florida Building Code that are more stringent than the minimum standards described therein so long as such amendments are transmitted to the Florida Building Commission within thirty days after enactment and are made available to the general public in a useable format; and

WHEREAS, the City recognizes that chapter 553, Florida Statutes, allows local governments to adopt and enact local technical amendments to the Florida Building Codes Act that address local needs requiring the strengthening of the requirements of the Florida Building Codes subject to the requirements of section 553.73(4)(b), Florida Statutes; and

WHEREAS, the City finds that such local technical amendments to the Florida Building Code adopted pursuant to this Ordinance meet the requirements for local amendments pursuant to section 553.73(4)(b), Florida Statutes; and

WHEREAS, the City finds that such local technical amendments adopted pursuant to this Ordinance are no more stringent than necessary to address the local needs for same, the additional requirements are not discriminatory against materials, products, or construction techniques of demonstrated capabilities, and the additional requirements do not introduce a new subject not addressed in the Florida Building Code; and

WHEREAS, the City has determined that all technical amendments enacted hereby are based upon a review of local conditions, which review demonstrates by evidence or data that the City exhibits a local need to strengthen the Florida Building Code beyond the needs or regional variation addressed by the Florida Building Code; and

WHEREAS, the City has and shall make readily available, in usable format, all technical amendments adopted as referenced herein, and the City has considered and shall include in its transmittal to the Florida Building Commission a fiscal impact statement which documents the

costs and benefits of the proposed technical amendment. Such fiscal impact state includes the impact to local government relative to enforcement, the impact to property and building owners, as well as to industry, relative to the cost of compliance; and

WHEREAS, the City finds that it is in the best interest of the health, safety and general welfare of the residents of Winter Garden and the general public that the exterior and interior load bearing walls of the first story of all structures constructed after adoption of this Ordinance be constructed using masonry block, concrete, or metal except as excluded from such requirements as set forth herein; and

WHEREAS, the City finds that it is in the best interest of the health, safety and general welfare of the residents of Winter Garden and the general public that certain multi-family structures with two or more floors provide elevators for vertical accessibility.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1. Recitals. The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

SECTION 2. City Code Amendment. Article II of Chapter 18 of the Code of Ordinances of the City of Winter Garden relating to the Building Code is hereby amended to create local amendments to the Florida Building Code by adding new Section 18-63 and Section 18-64 as follows (words that are underlined are additions; words that are stricken are deletions; and all other provisions of Chapter 18 shall remain unchanged):

Sec. 18-63. – First Story Wall Material Requirements. The Florida Building Code as adopted by this chapter as it pertains to the construction of structures within the city is hereby amended to require that the exterior walls and interior load bearing walls of the first floor (or story) of all structures intended for human habitation or public access must be constructed using masonry block, concrete, or metal, except that this requirement does not apply to single-family structures, duplex structures, tri-plex structures, quad-plex structures or other residential structures having four (4) or fewer dwelling units.

Sec. 18-64. – Vertical Accessibility. The Florida Building Code as adopted by this chapter as it pertains to the construction of structures within the city is hereby amended to require that for multi-family structures having two (2) or more floors (or stories or levels), containing ten (10) or more dwelling units and with primary access to the interior of one or more dwelling units being on the second or higher floor of such structure, such structure must provide an elevator for vertical accessibility from the ground floor to and from the second floor and higher floors to ensure that each dwelling unit within the structure has vertical accessibility to and from the ground floor. The developer of a multi-family project having less than fifty (50) total dwelling units may apply for a waiver of this requirement upon good cause shown why the vertical accessibility requirements of this section are not feasible for the project and not providing such will not limit housing options

for persons with disabilities. Further, the developer of a multi-family development having a substantial component of its dwelling units as affordable housing may apply for a waiver of this requirement upon good cause shown why the vertical accessibility requirements of this section are not feasible for the project. Request for waivers under this section are to be decided by the City Commission. This requirement applies regardless of whether the multi-family project or structure(s) is funded with private or public funds. In addition, whenever an elevator or lift is used in the construction of residential structures, such is required to have operational hard-wired telephone service to the interior of the elevator or lift for emergency communications purposes.

SECTION 3. Codification. Section 2 of this Ordinance shall be incorporated into the Winter Garden City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance and the City Code may be freely made.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 5. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

SECTION 6. Transmittal. This Ordinance enacting technical and administrative amendments to the Florida Building Code shall be transmitted to the Florida Building Commission within 30 days after enactment.

SECTION 7. Effective Date. This Ordinance shall not become effective until 30 days after this Ordinance has been received by and the amendments set forth in Section 2 of this Ordinance are published by the Florida Building Commission.

FIRST READING: FEBRUARY 13, 2020

SECOND READING: FEBRUARY 27, 2020

ADOPTED this 27 day of FEBRUARY, 2020, by the City Commission of the City of Winter Garden, Florida.

CITY COMMISSION

CITY OF WINTER GARDEN



John Rees, Mayor/Commissioner

ATTEST:



Angela Grimmage, City Clerk

