

**CHAPTER SEVEN      BUILDING REGULATIONS**

**ARTICLE 7.1      BUILDING REGULATIONS**

**Section 7.1.1    General Provisions:**

**Section 7.1.2    Work Done By Homeowner:** Nothing herein contained shall prohibit any bona fide owner from performing work in his own home which would be subject to the regulations of this subchapter. The Building Official may require that:

(A) File with Building Official or his designated representative, approved plans and specifications.

(B) Satisfy the Building Official or his designated representative, as to his ability to perform work.

(C) Apply for and secure a building permit.

(D) Pay required fee.

(E) Do work in accordance with this subchapter.

**Section 7.1.3    Building Code:**

(A) **Adopted by Reference:** The 2001 Florida Building Code, as amended, and the amendments to the 2001 Florida Building Code as adopted by Palm Beach County are hereby adopted and incorporated as if set forth herein, except as amended in Section 7.1.2(B) of this Article. This Article also adopts the 1999 Windborne Debris Impact Standard (SSTD 12-99). If a later edition of this code or subsequent amendments are made to the applicable minimum code, then those revisions or amendments shall automatically become the adopted code under this chapter. **[Amd. Ord. 5-03 4/15/03]; [Amd. Ord. 21-96 7/9/96]**

(1) Appeals concerning interpretation or administration of the provisions of this chapter shall be heard by the Board of Adjustment. **[Amd. Ord. 47-07 10/16/07]; [Amd. Ord. 21-96 7/9/96]; [Amd. Ord. 21-91 2/26/91]**

(B) **Amendments and Additions to Code:** The following amendments and additions are made to the 2001 Florida Building Code adopted by this subchapter: **[Amd. Ord. 5-03 4/15/03]; [Amd. Ord. 21-96 7/9/96]**

## SECTION 7.1.3 (B) (1)

(1) **Unity of Title Declaration**: When it is found necessary in order to obtain a building site plan of sufficient size and dimension to meet the minimum applicable yard requirements, setback distances or lot area that separate lots, plots, parcels or portions thereof, must be combined, added or joined together the applicant for such building permit shall first place on file or record as a public document in the official records in the office of the Clerk of the Circuit Court of Palm Beach County, an instrument hereinafter referred to as a Unity of Title Declaration. Such Unity of Title Declaration shall be in a form and content sufficient to unequivocally state that the aforesaid combination of separate lots, plots, parcels, or portions thereof shall be regarded as unified under one title as an indivisible building site. Where a Unity of Title has been recorded and the owner abandons the project before utilizing the Unity of Title, the Chief Building Official is authorized to release the Unity of Title. **[Amd. Ord. 5-03 4/15/03]; [Amd. Ord. 21-96 7/9/96]**

(2) **Survey**: Before slab inspection or prior to framing, the Building Department shall be supplied two surveyors engineering plans certified by a Florida registered engineer or surveyor, showing setback distances from each property line to the stem walls or sills of the building or structure under construction. The Building Department shall also be furnish written certification from a Florida registered engineer or land surveyor, stating that the top of the floor slab is above the one hundred-year flood plain and a minimum of 18 inches above the crown of the road or measured to the bottom of the wood joists will be a minimum of 18 inches above the crown of the road. Should the property owner desire to set the floor elevation at less than 18 inches above the crown of the road, but above the one hundred-year storm or National Flood Insurance minimum elevations, then a variance may be granted by the City Engineer or designee if the applicant provides an acceptable justification letter from an engineering firm certifying the drainage conditions have been investigated, and the proposed floor elevation is above the flooding level. To determine whether the proposed floor elevation is above the flooding level, it must be shown that the structure has adequate drainage to ensure that flooding will not occur in a one hundred-year storm. No wall, however, shall be constructed which would exceed by over one foot the elevation of the floor slab before the stem wall survey has been submitted to the Building Department. **[Amd. Ord. 5-03 4/15/03]; [Amd. Ord. 21-96 7/9/96]**

(a) Any violations existing at this stage of construction must be corrected before the construction may proceed and before other inspections are made. **[Amd. Ord. 5-03 4/15/03]**

(3) **Handicapped Accessibility**: The requirements of this section shall apply to all levels and areas of buildings and structures except as modified by the Florida Accessibility Code for Building Construction as amended. Refer to the Fair Housing Act for application in the case of multiple family residential units consisting of condominium or rental units. **[Amd. Ord. 5-03 4/15/03]; [Amd. Ord. 21-96 7/9/96]**

(4) **Cooling Towers**: **[Amd. Ord. 5-03 4/15/03]; [Amd. Ord. 21-96 7/9/96]**

## SECTION 7.1.3 (B) (4) (a)

- (a) Cooling towers in excess of 250 square feet in base area or in excess of 15 feet in height, when located on buildings more than 50 feet in height in or out of the fire district, shall be noncombustible construction; except that drip boards may be of wood not less than one inch nominal thickness and the enclosing framework may be of wood, if covered on the exterior of the tower with noncombustible material. Cooling towers shall not exceed one-third of the supporting roof area. **[Amd. Ord. 5-03 4/15/03]**
- (b) Positive provisions shall be made for adequate disposal of bleed water overflow and maintenance draining or properly designed drywells. All cooling towers shall be sited or constructed to prevent any nuisance due to spray, spatter, foaming, drainage or excessive noise or the like onto any building, walk, alley, or street, or the public in general. When after erection such nuisance is found in the opinion of the Building Official to occur, it shall be abated within a period of 90 days. **[Amd. Ord. 5-03 4/15/03]**

### Section 7.1.4 Building And Property Maintenance; Hurricane Precautions:

(A) **Definition:** For the purpose of this subchapter the following definition shall apply unless the context clearly indicates or requires a different meaning.

(B) "**Debris**" Remains of anything broken down or destroyed, ruins, fragments, rubbish, trash, waste material, litter, and rubble.

#### (C) Maintenance Of Building And Property:

##### (1) Buildings:

- (a) The requirements contained in this code and incorporated codes covering the maintenance of buildings, shall apply to all buildings or structures now existing or hereafter erected. All buildings or structures and all parts thereof shall be maintained in a safe condition and all devices or safeguards which are required by this code shall be maintained in good working order.
- (b) This division shall not be construed as permitting the removal or non-maintenance of any existing devices or safeguards unless authorized by the Building Official.

## SECTION 7.1.4 (C) (2)

(2) **Property**: No debris of any kind shall remain on any lot or on a contiguous sidewalk or street resulting from a fire, windstorm, or from demolition or partial demolition of any building; nor shall any equipment, excess building materials, storage sheds, or debris remain on any lot, sidewalk, or street, upon completion of any new building upon the lot; nor shall any equipment, materials, tool shed, or debris be stored on any vacant or partially vacant lot, except as provided for in the zoning ordinances. It is hereby made the duty of the owner or his agent to remove or cause to be removed from the sidewalk, street or lot all equipment, materials, tool sheds, and debris within five days after written notice by the Building Official. For failure to comply with this notice after the period of five days, the owner or permit holder is subject to the penalties specified herein, the Certificate of Occupancy for the structure or structures may be revoked and the Building Official shall have the work done and public property restored and shall notify the legal authority, who shall institute the necessary action to have the costs placed as a lien against the property.

### (D) **Hurricane Precautions; Investigations And Inspections:**

#### (1) **Hurricane Precautions:**

- (a) During the periods of time as are designated by the United States Weather Service as being a hurricane warning or alert, the owner, occupant, or user of a property shall take precaution for the securing of buildings and equipment. Canvas awnings and swing signs shall be lashed to rigid construction, tents shall be taken down and stored or lashed to the ground, and other precautions shall be taken for the securing of buildings or structures or material or equipment as may be reasonably required.
- (b) During the periods of time designated by the United States Weather Service as being a hurricane warning or alert, all construction materials or equipment shall be secured against displacement by wind forces; provided that where a full complement of personnel is employed or otherwise in attendance, or engaged for protection purposes, normal construction procedures, or uses of materials or equipment may continue allowing a reasonable time as may be necessary to secure the materials or equipment before winds of hurricane force are anticipated. Construction materials and equipment shall be secured by guying and shoring, by tying down loose materials, equipment, and construction sheds.
- (c) During the periods of time designated by the United States Weather Service as a hurricane alert, all furniture, display rack, material, and similar loose objects in exposed outdoor locations shall be lashed to rigid construction or stored in buildings. Orders shall be oral or written

## SECTION 7.1.4 (D) (1) (c)

and shall be given to any person on the premises most logically responsible for maintenance and the orders shall be carried out before winds of hurricane velocity are anticipated.

### (2) **Special Hurricane Inspections:**

- (a) After winds of hurricane velocity are experienced and have subsided, the Building Official shall investigate to determine if damage has occurred to buildings or other structures.
- (b) No building or other structure or assembly or part thereof which was damaged or collapsed or out of plumb or line shall be repaired or altered or otherwise returned to its original position without inspection and approval by the Building Official or his designated representative.

### **Section 7.1.5 Numbering Of Building And Structures:**

(A) **Division Of City Into Sections:** The City is hereby divided into four sections, namely, northeast, northwest, southeast, and southwest. The focal point and dividing lines for the directional segregation of the City shall be the intersection of Atlantic Avenue and Swinton Avenue. That section which is bounded by North Swinton Avenue on the east and West Atlantic Avenue on the south is designated as the northwest section. That section which is bounded by North Swinton Avenue on the west and East Atlantic Avenue on the south is designated as the northeast section. That section which is bounded by South Swinton Avenue on the east and West Atlantic Avenue on the north is designated as the southwest section. That section which is bounded by South Swinton Avenue on the west and East Atlantic Avenue on the north is designated as the southeast section.

### (B) **System For Numbering Buildings Established:**

(1) Any building located on property lying adjacent to the avenues (except Atlantic Avenue) or other roadways in the City and which face east, shall have even numbers and any of the buildings facing west shall have odd numbers; any building located on property lying adjacent to streets or other roadways including Atlantic Avenue, in the City, and facing north shall have even numbers; and any building facing south shall have odd numbers. **[Amd. Ord. 21-96 7/9/96]**

(2) Any avenue, street, road, lane, alleyway, court, terrace, boulevard, or other roadway running in a diagonal direction from the focal point, of Swinton Avenue and Atlantic Avenue shall have even numbers on the southerly side, and shall have odd numbers on the northerly side. **[Amd. Ord. 21-96 7/9/96]**

## SECTION 7.1.5 (B) (3)

(3) Using the dividing lines of Swinton Avenue and Atlantic Avenue, numbers of buildings in each section of the City shall start with the number 1 for the first 25 feet, and shall have the next higher (odd or even as the case may be) for each additional 25 feet going away from the focal point; at each block intersection thereafter, going away from the focal point, building numbers shall be the sum of one for the first 25 feet and shall have the next higher numbers (odd or even as the case may be) for each additional 25 feet plus 100 for each grid intersection. Numbers will increase by 100 when the grid system would pass that point if extended. **[Amd. Ord. 21-96 7/9/96]**

(4) Any building located in the rear of any other building which faces an avenue, street, road, lane, alleyway, court, terrace, boulevard, or other roadway, shall take the number of the front building and add one-half.

(5) Numbering east of the Intracoastal Waterway shall begin with the number 1000 at Venetian Drive. At Seabreeze and Gleason the numbers will run from 1100 to Andrews Avenue on the north and Bronson Street on the south of Atlantic Avenue. From those points to the ocean the numbers shall run from 1200.

(6) For the purpose of this section Atlantic Avenue shall be intended to mean all that part of State Road No. 806 lying within the corporate limits of this City.

(C) **Proper Display Of Building, Bay, or Suite Numbers:** The owners of all properties having a building thereon shall install and maintain in a conspicuous place a correct street number of sufficient size, shape, and character as to be visible and readable from the adjacent street. The owners of all properties where any building is subdivided into suites or bays, shall install and maintain in a conspicuous place, a correct suite or bay designation. The suite and bay designations shall be of sufficient size, shape and character as to be visible and readable from the adjacent street. Street numbers, and suite or bay designations not meeting the requirements of this section shall be removed by the owner of the property on which the numbers, and suites or bay designations are located, and the numbers or designations meeting the requirements of this section shall be posted, within 30 days after notice by certified or registered mail. **[Amd. Ord. 26-92 8/11/92]**

(D) **Map Reflecting Building Numbers To Be Maintained:** The Chief Building Official shall establish and maintain a map of the City, reflecting the numbers on buildings as hereinabove provided.

### Section 7.1.6 **Threshold Buildings:**

(A) **Definitions:** For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

## SECTION 7.1.6 (A) (1)

(1) "**Special Inspector**" In accordance with F.S. S 553.79(5)(b), an individual:  
[Amd. Ord. 21-96 7/9/96]

- (a) Certified in accordance with Department of Business and Professional Regulations, Florida Statute 468, Part XVII. [Amd. Ord. 21-96 7/9/96]
- (b) Licensed or Registered Under Florida Statutes: Chapter 471 as an Engineer or Chapter 481 as an Architect; [Amd. Ord. 21-96 7/9/96]

(2) "**Threshold Building**"

- (a) In accordance with F.S. S 553.71, any building or structure which meets either of the following criteria:
- (b) Is greater than three stories or 50 feet in height;
- (c) Has an assembly occupancy classification that exceeds 5,000 square feet in area and an occupant content of greater than 500 persons.

(3) Alterations or additions to existing buildings which by themselves satisfy any of the standards for a "**Threshold Building**" are subject to this subchapter. This subchapter is also applicable to structures not intended for human occupancy such as transmission towers, antennae, signs, and the like.

(B) **Special Inspection Services; Procedures:** In accordance with F.S. 553.79(5)(a) which requires that a special inspector be present at the construction of and inspect the structural components of a threshold building pursuant to a structural inspection plan prepared by the engineer or architect of record, and shoring and reshoring plan as accepted by the Building Official:

(1) The Building Official shall not issue a building permit for a structure which meets the criteria for designation as a threshold building until the following documents have been filed with the Building Department.

- (a) A copy of the written agreement between the owner and the special inspector retaining the special inspector to provide services as described in Subsection 7.1.6(C) and required by any provision of this section.
- (b) Special inspectors preconstruction affidavit as set forth in Subsection 7.1.6(D).

## SECTION 7.1.6 (B) (1) (c)

- (c) A copy of the special inspectors professional liability insurance policy in an amount not less than \$500,000 to cover all liability arising from the activities and responsibilities of the special inspector in connection with the proposed project. **[Amd. Ord. 21-96 7/9/96]**
- (d) A structural inspection plan prepared by the engineer or architect of record must be submitted to and approved by the Building Official. The structural inspection plan shall provide inspection procedures and schedules so that the building can be adequately inspected for safety in compliance with permitted documents. The structural inspection plan shall also provide for inspection to determine conformity with all shoring and reshoring plans submitted to and accepted by the Building Official.

(2) The Building Official shall issue a stop work order upon notification that the special inspector has terminated his employment on the project and further work will not be permitted until a new special inspector's preconstruction affidavit with proof of insurance has been properly filed with the Building Department. In the absence of the notification, the Building Department shall not be responsible for ascertaining whether a special inspector continues to be employed. However, if the owner is unable to provide an affidavit of compliance as set forth in Subsection 7.1.6(E), at the completion of the project, the Building Department, in compliance with division (C) of this section, will be unable to issue a Certificate of Occupancy.

(3) The Building Official shall not issue a Certificate of Occupancy for any threshold building unless a special inspector's affidavit of compliance is on file for all components shown on the structural inspection plan and on the shoring and reshoring plans. The form of the affidavit of compliance is set forth in Subsection 7.1.6(E). The Building Official shall rely solely upon the affidavit of compliance regarding the structural components set forth in the structural inspection plan and in the shoring and reshoring plans for purposes of issuing a Certificate of Occupancy. Although the Building Department may keep on file for purposes of public information, the special inspector's inspection reports, those reports need not be consulted by the Building Official for purposes of issuing a Certificate of Occupancy.

### **(C) Responsibility Of Owner To Retain Special Inspector:**

(1) It shall be the responsibility of the owner to retain a special inspector to inspect the structural components of the threshold building in accordance with the structural inspection plan prepared by the engineer or architect of record and to inspect the shoring and reshoring plans.

(2) The owner shall execute a written agreement with the special inspector which sets forth the terms of employment, provides for adequate compensation, and which requires the special inspector to comply with the following requirements:

## **SECTION 7.1.6 (C) (2) (a)**

- (a) Have in force at all times during the inspector's contract with, or employment as, a special inspector on the threshold building, professional liability insurance in an amount not less than \$500,000 covering all liability arising from the employment and duties of the special inspector.
- (b) Complete the special inspectors preconstruction affidavit as set forth in Subsection 7.1.6(D).
- (c) Be present at the construction of, and inspect, the structural components of the threshold building in accordance with the structural inspection plan prepared by the engineer or architect of record as well as the shoring and reshoring plans. The licensed architect or registered engineer serving as the special inspector shall be permitted to send his duly authorized representative to the job site to perform the necessary inspections provided that all required written reports shall be prepared by and bear the seal of the special inspector and that these written reports shall be submitted to the enforcement agency.
- (d) Maintain adequate written records of each inspection indicating the name of the inspector, the date of inspection, the job site, the part of the structure prepared for placing, details on the actual placing operation, the materials used, whatever tests were conducted, information on curing, and whatever other information the special inspector deems necessary to show compliance or lack of compliance with the structural inspection plan and the shoring and reshoring plans. The owner shall require the special inspector to file copies of reports in accord with the directions of the Building Official, but in any event copies of all inspection reports shall be filed at the completion of the inspector's employment on the project.
- (e) Complete the special inspector's affidavit of compliance as set forth in Subsection 7.1.6(E) at the termination of the project, or the termination of the special inspector's employment on the project whichever occurs first.
- (f) In the case of termination of the inspector prior to the completion of the project, the employment agreement shall require the special inspector to:
  - (1) Immediately notify the Building Department in writing of his termination;
  - (2) Complete an affidavit of compliance for those portions of the structural components which he has inspected and which have been found to be in compliance;

## SECTION 7.1.6 (C) (2) (f) (3)

(3) Submit a true copy of reports on any and all inspections made on the threshold building to the Building Department.

(3) The owner may retain more than one special inspector during the course of the project. But, in any event the owner must be able to document to the Building Department by special inspector's affidavit of compliance as set forth in the structural inspection plan and shoring and reshoring plans have been inspected and have been found to be in compliance with specifications, plans, and applicable building codes

(4) Should the owner fail to comply with any requirement of this section, the Building Official may, as appropriate, deny a building permit for the threshold building, issue a stop work order on any or all phases of construction, deny a Certificate of Occupancy. **[Amd. Ord. 21-96 7/9/96]**

(D) **Preconstruction Affidavit:** In accordance with Subsection 7.1.6(B)(1) and (2) of this article, the owner shall require each individual or firm retained to provide services as a special inspector on a threshold building, to complete a special inspectors preconstruction affidavit which shall be filed with the Building Department and shall be in the following form: **[Amd. Ord. 21-96 7/9/96]**

I, (name)\_\_\_\_\_, hereby swear that I am a (professional qualification)\_\_\_\_\_, therefore qualified to be a special inspector for (name of building or project)\_\_\_\_\_ under Florida Statute 553.79(5)(b) which requires that a special inspector be a person certified, licensed or registered under Florida Statute, Chapter 471 as an engineer or Florida Statute, Chapter 481 as an architect, and qualified by the State Board of Building Codes and Standards.

I further declare that I have adequate knowledge and training to inspect, determine, and evaluate the structural components of the threshold building for safety and to verify in accordance with the structural inspection plans that they comply with permitted documents as well as shoring and reshoring plans. I also state that I am not an employee of the general contractor nor any subcontractor and neither are any special inspectors working under my direction.

I agree to be present, or to have a representative under any supervision and direction qualified to make inspections on my behalf present, in conformity with the structural inspection plan and as needed for determining compliance with shoring and reshoring plans, to conduct required inspections, and to keep a written report of the inspection. The report shall set forth in detail any lack of compliance with plans, specifications, or applicable Minimum Building Codes. I agree to file reports in accordance with the directions of the Building Official. I understand that I shall be permitted to send a duly authorized representative to the job site to perform the necessary inspection provided that all written reports shall be prepared and bear my seal and that such written reports will be submitted to the Building Official.

## SECTION 7.1.6 (D)

I understand that I will be required to file a second affidavit at the completion of the project which shall state that I was present and inspected all, or in some cases certain enumerated, structural components of the building as required by the structural inspection plan and shoring and reshoring plans and deem them to be safe and find that the materials and workmanship comply fully with the plans, specifications and applicable Minimum Building Codes.

I understand that my affidavit shall be relied upon completely by the City of Delray Beach in issuing a Certificate of Occupancy.

If my (our) employment as a special inspector on this project terminates prior to completion for any reason, I agree to turn over to the Building Department a copy of my written reports on whatever structural components I have inspected or supervised the inspection of, up to the time of my termination.

I understand that the City of Delray Beach, Florida has no obligation to compensate me for my services as a special inspector, or to determine the amount of my compensation. I also understand that I am neither an employee nor an agent of the City.

I have in force at this time professional liability insurance in an amount not less than \$500,000 to cover all liability arising from my (our) employment and duties as a special inspector on this project. I agree to hold harmless, save, indemnify and defend the City of Delray Beach from all liability arising out of my obligations, actions, failure to act and employment on this project.

### (E) **Affidavit Of Compliance:**

(1) In accordance with Subsection 7.1.6(B)(3) owner shall require each individual or firm retained to provide special inspection services on the threshold building to complete a special inspector's affidavit of compliance on any and all structural components which the special inspector has inspected and has found to be in conformity with plans, specifications, and applicable minimum building codes. The form of the special inspector's affidavit of compliance shall be as follows:

I, (name) \_\_\_\_\_, being a (professional qualification) \_\_\_\_\_ and therefore qualified under Florida Statute 553.79 to be a special inspector for the purposes of inspecting the structural components of the threshold building pursuant to the structural inspection plan on file with and accepted by the Building Department and the shoring and reshoring plans which have been accepted by the Building Department hereby swear that I, or my duly authorized representative have been present during the construction of and inspected the structural components of this building as required by the structural inspection plan and certify that the materials and workmanship of all such components have been safely constructed and comply fully with permitted documents and applicable Building Codes.

## SECTION 7.1.6 (E) (2)

(2) A Certificate of Occupancy will not be issued until a sworn-to special inspector's affidavit of compliance is on file for all items included in the structural inspection plan as well as the shoring and reshoring plan.

(F) **Submission Of Proposal To Install Alternate Structural Product Or System Required:** Any proposal to install an alternate structural product or system to which building codes apply, shall be submitted to the Building Official for review for compliance with the codes and made part of the Building Department's recorded set of permit documents.

(G) **Shoring And Reshoring Installation:** All shoring and reshoring procedures, plans, and details be submitted to the Building Department for recordkeeping. Each shoring and reshoring installation shall be supervised, inspected, and certified to be in compliance with the shoring documents by the contractor.

(H) **Plans To Comply With Applicable Minimum Building Codes:** All plans for threshold buildings and structures required to be signed and sealed by the architect or engineer of record shall contain a statement that, to the best of the architect's or engineer's knowledge, the plans and specifications comply with the applicable minimum building codes.

(I) **Permit To Be Issued To Licensed General Contractor:** The Building Department shall not issue a building permit for construction of any threshold building except to a licensed general contractor as defined in F.S. S 489.105(3)(a) or a licensed building contractor, within the scope of his practice, as defined in F.S. S 489.105(3)(b). The named contractor to whom the building permit is issued shall have the responsibility to supervise, direct, manage, and control construction activities on the project for which the building permit is issued. **[Amd. Ord. 21-96 7/9/96]**

### Section 7.1.7 **Seawalls:**

(A) **Permit Required; Approval:** In addition to the application procedures of Section 2.4.6, prior to the erection, construction, or alteration of any seawall or bulkhead, there shall first be submitted to the Chief Building Official an application in the form prescribed by the City, containing detailed plans and specifications for the structure at the proposed site, together with a plot plan showing the location of the proposed structure or alteration in conjunction with adjoining lands, waters and channels. The above shall be prepared and sealed by a registered professional engineer registered in the State of Florida. In addition, approval from the applicable reviewing agencies is required, prior to issuance of a building permit. Application to these agencies is the responsibility of the applicant. **[Amd. Ord. 5-03 4/15/03]**