

SUBPART A - GENERAL ORDINANCES
Chapter 14 - BUILDINGS AND BUILDING REGULATIONS

ARTICLE II. BUILDING CODES

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[Sec. 14-31. Adopted Construction Codes.](#)

[Sec. 14-32. Conflicts.](#)

[Sec. 14-33. Definitions.](#)

[Sec. 14-34. Penalty for violation.](#)

[Sec. 14-35. Amendments to building code.](#)

[Sec. 14-36. Building official's office created, duties.](#)

[Sec. 14-37. Building permits; professional plans; display of permits.](#)

[Sec. 14-38. Minimum floor elevation.](#)

[Sec. 14-39. Hurricane requirements.](#)

[Sec. 14-40. Permits in historic districts.](#)

[Secs. 14-41—14-65. Reserved. Cistern Safety Program](#)

[Sec. 14-42. Construction Site Requirements](#)

[Secs. 14-43 – 14-65. Reserved.](#)

Sec. 14-31. Adopted Construction Codes.

The most current editions as adopted by the State of Florida Building Commission of the Florida Building Code, Building; the Florida Building Code, Plumbing Code; the Florida Building Code, Mechanical Code; the Florida Building Code, Fuel Gas Code; the Florida Building Code, Existing Building; Test Protocols for High Velocity Hurricane Codes, and the International the Florida Building Code, Residential 1 & 2 Family Dwelling Code 2000 Edition ; NFPA 70, the National Electrical Code; the Florida Building Code, Energy Conservation and the Florida Building Code, Accessibility are hereby adopted and made a part of the Code of Ordinances.

(Code 1986, § 31.003; Ord. No. 01-19, § 1, 12-4-2001)

Sec. 14-32. Conflicts.

If any conflict occurs between the provisions of the building codes adopted in [section 14-31](#) and the applicable provisions of this Code of Ordinances, state law or city ordinances, rules or regulations, the more strict code shall prevail and be controlling.

(Code 1986, § 31.004)

Sec. 14-33. Definitions.

- (a) Whenever the word "municipality" or the word "city" is used in the codes adopted in [section 14-31](#), it shall be construed to mean the City of Key West, Florida.

SUBPART A - GENERAL ORDINANCES
Chapter 14 - BUILDINGS AND BUILDING REGULATIONS

ARTICLE II. BUILDING CODES

- (b) Whenever the term "corporate counsel" or "city attorney" is used in the codes adopted in [section 14-31](#), it shall be construed to mean the city attorney of this city.

(Code 1986, § 31.005)

Cross reference— Definitions generally, § 1-2.

Sec. 14-34. Penalty for violation.

Any person who shall violate any provision of the codes adopted by [section 14-31](#) and specific amendments thereto shall be deemed guilty of an offense and upon conviction shall be punished as provided in [section 1-15](#). Each day such violation continues shall be deemed a separate offense.

(Code 1986, § 31.006)

Sec. 14-35. Amendments to building code.

The Florida Building Code adopted by the provisions of section [14-31](#) is amended in the following respects:

Sec. 104.10.1, Florida Building Code, Building

Add a new Sec. 104.10.1 as follows:

104.10.1 Modifications of the strict application of the requirements of the Florida Building Code. The Building Official shall coordinate with the Floodplain Administrator to review requests submitted to the Building Official that seek approval to modify the strict application of the flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 117.

~~Section 107.4 Schedule of permit fees is amended to read as follows:~~

~~The office of the building official of the City of Key West, Florida, shall charge and collect for building permits at the rates set forth below:~~

~~(1) New buildings (including balconies, porches, additions, garages and accessory buildings):~~

~~(a) For each \$1,000.00 of value, or fractional part thereof, of enclosed space\$18.00~~

~~(b) Minimum fee60.00~~

~~(2) New structures other than buildings (including water towers, radio towers, water plants, bridges, cisterns, seawalls, docks and boat davits):~~

~~(a) For each \$1,000.00 of cost or fractional part thereof24.00~~

~~(b) Minimum fee60.00~~

~~(3) Repairs or remodeling to building~~

~~(a) Less than \$500.00 estimated cost, no permit required.~~

~~(b) For each \$1,000.00 of estimated cost or fractional part thereof24.00~~

~~(c) Minimum fee60.00~~

~~(4) Docks and decks:~~

SUBPART A - GENERAL ORDINANCES
Chapter 14 - BUILDINGS AND BUILDING REGULATIONS

ARTICLE II. BUILDING CODES

- ~~(a) For each \$1,000.00 of estimated cost of construction or fractional part thereof24.00~~
- ~~(b) Inspection80.00~~
- ~~(5) Concrete/asphalt (including driveways, patios, parking lots and sidewalks):~~
 - ~~(a) For each 1,000 square feet or fractional part thereof18.00~~
 - ~~(b) Coating of asphalt: for each 10,000 square feet or fractional part thereof15.00~~
 - ~~(c) Minimum fee60.00~~
- ~~(6) Fences (including wood, chainlink and concrete block):~~
 - ~~(a) For the first 100 linear feet or fractional part thereof75.00~~
 - ~~(b) For each additional linear foot after first 1000.50~~
- ~~(7) Roofing (includes repairs and new roofs):~~
 - ~~(a) For each 100 square feet or fractional part thereof12.00~~
 - ~~(b) Minimum fee60.00~~
- ~~(8) Swimming pools~~
 - ~~(a) Residential, flat fee250.00~~
 - ~~(b) Commercial, flat fee350.00~~
 - ~~(c) Spa/hot tub (up to 12' diameter)75.00~~
 - ~~(d) Repairs100.00~~
- ~~(9) Temporary tents, (temporary permit only, issued only for 30-day period); flat fee per tent50.00~~
- ~~(10) Moving building; for each \$1,000.00 of estimated cost of construction or fractional part thereof24.00~~
- ~~(11) Demolition of buildings; for each \$1,000.00 of estimated cost of construction or fractional part thereof30.00~~
- ~~(12) Tanks (gasoline, water, etc., all materials),~~
 - ~~(a) For each 1,000 gallons or fractional part thereof7.00~~
 - ~~(b) Minimum fee, per tank75.00~~
- ~~(13) Signs:~~
 - ~~(a) For each 50 square feet of each sign face or fractional part thereof35.00~~
 - ~~(b) [Reserved.]~~
- ~~(14) Mobile home installation:~~
 - ~~(a) Tiedown inspection for insurance purposes only75.00~~
 - ~~(b) Tiedowns, blocking, sewer connection, water connection, and electrical connection150.00~~
- ~~(15) Temporary trailer (construction and/or sales); maximum of 180 days (each)250.00~~
- ~~(16) Cisterns:~~
 - ~~(a) Residential100.00~~

SUBPART A - GENERAL ORDINANCES
Chapter 14 - BUILDINGS AND BUILDING REGULATIONS

ARTICLE II. BUILDING CODES

- ~~(b) Commercial (non-potable water only):~~
- ~~1. For each 1,000-gallon capacity or fractional part thereof10.00~~
 - ~~2. Minimum fee150.00~~
- ~~(17) Seawalls and riprap:~~
- ~~(a) For each 50 lineal feet or fractional part thereof25.00~~
 - ~~(b) Inspection80.00~~
 - ~~(c) Minimum fee60.00~~
- ~~(18) Excavation:~~
- ~~(a) For each \$1,000.00 of estimated cost of construction or fractional part thereof24.00~~
 - ~~(b) Minimum fee60.00~~
- ~~(19) Filling (on land and/or water):~~
- ~~(a) For each 100 cubic yards or fractional part thereof15.00~~
 - ~~(b) Inspection fee80.00~~
 - ~~(c) Minimum fee60.00~~
- ~~(20) Awnings and removable canopies:~~
- ~~(a) For each \$1,000.00 of estimated cost of construction or fractional part thereof24.00~~
 - ~~(b) Minimum fee60.00~~
- ~~(21) Hurricane shutters:~~
- ~~(a) For each \$1,000.00 of estimated cost of construction or fractional part thereof24.00~~
 - ~~(b) Minimum fee60.00~~
- ~~(22) Wood lattice and screening:~~
- ~~(a) For each \$1,000.00 of estimated cost of construction or fractional part thereof24.00~~
 - ~~(b) Minimum fee60.00~~
- ~~(23) Penalty. In the event that any work for which a permit is required is commenced or is in process prior to the issuance of a permit by the building department, then the fees specified for such work shall be doubled. The payment of a double fee shall not relieve any person from fully complying with the requirements of any applicable code. Notwithstanding the foregoing, the fee for work commenced without a permit shall be a minimum of \$250.00 if the value of the work (labor and materials) is found by the building official to exceed \$1,500.00.~~

Sec. 107.6.1, Florida Building Code, Building

Add a new Sec. 107.6.1 as follows:

107.6.1 Building permits issued on the basis of an affidavit. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), the authority granted to the Building Official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Section 105.14 and Section 107.6, shall not extend to the flood load and flood resistance construction requirements of the Florida Building Code.

SUBPART A - GENERAL ORDINANCES
Chapter 14 - BUILDINGS AND BUILDING REGULATIONS

ARTICLE II. BUILDING CODES

Sec. 117, Florida Building Code, Building

Add a new Sec. 117 as follows:

117 VARIANCES IN FLOOD HAZARD AREAS

117.1 Flood hazard areas. Pursuant to section 553.73(5), F.S., the variance procedures adopted in the local floodplain management ordinance shall apply to requests submitted to the Building Official for variances to the provisions of Section 1612.4 of the Florida Building Code, Building or, as applicable, the provisions of R322 of the Florida Building Code, Residential. This section shall not apply to Section 3109 of the Florida Building Code, Building.

Sec. 1612.2, Florida Building Code, Building

Amend Sec. 1612.2 as follows:

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. The term also includes flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a five-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the five-year period begins on the date of the first improvement or repair of that building or structure subsequent to 1986. 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.

1612.5 Flood hazard documentation. The following documentation shall be signed and sealed by a land surveyor and mapper licensed by the State of Florida, and shall be submitted to and approved by, the Floodplain Administrator:

1. For construction in flood hazard areas not subject to high-velocity wave action:
 - 1.1. A FEMA Elevation Certificate completed by a Florida licensed professional land surveyor, showing the lowest floor, including basement, as required by the foundation inspection and the final inspection in Section 110.3.
 - 1.2. For fully enclosed areas below the design flood elevation where provisions to allow for the automatic entry and exit of floodwaters do not meet the minimum requirements in Section 2.6.2.1, ASCE 24, construction documents shall include a statement that the design will provide for equalization of hydrostatic flood forces in accordance with Section 2.6.2.2 of ASCE 24, with an engineer's certification.
 - 1.3. For dry, floodproofed, nonresidential buildings, construction documents shall include a statement that the dry floodproofing is in accordance with ASCE 24.

SUBPART A - GENERAL ORDINANCES
Chapter 14 - BUILDINGS AND BUILDING REGULATIONS

ARTICLE II. BUILDING CODES

2. For construction in flood hazard areas subject to high-velocity wave action:
 - 2.1. A FEMA Elevation Certificate completed by a by a Florida licensed professional land surveyor and mapper, showing the bottom of the lowest horizontal structural member as required by the foundation inspection and the final inspection in Section 110.3.
 - 2.2. A city V-Zone Certification completed by a professional engineer.
 - 2.3. Construction documents shall include a statement that the building is designed in accordance with ASCE 24, including that the pile or column foundation and building or structure to be attached thereto is designed to be anchored to resist flotation, collapse and lateral movement due to the effects of wind and flood loads acting simultaneously on all building components, and other load requirements of Chapter 16.
 - 2.4. For breakaway walls designed to resist a nominal load of less than 10 psf (0.48 kN/m²) or more than 20 psf (0.96 kN/m²), construction documents shall include a statement that the breakaway wall is designed in accordance with ASCE 24.

The Florida Building Code, Existing Building is hereby amended by the following technical amendment.

Sec. 202, 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. The term also includes flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

(Code 1986, § 31.007; Ord. No. 01-19, § 2, 12-4-2001; Ord. No. 08-06, § 2, 6-3-2008; Ord. No. 13-05, § 2, 3-19-2013)

Sec. 14-36. Building official's office created, duties.

- (a) The office of chief building official of the city is created.
- (b) It shall be the duty of the chief building official to:
 - (1) Inspect all construction, mechanical, electric and plumbing that is under City jurisdiction.
 - (2) Enforce all of the laws, rules and regulations relating thereto.
- (b)(c)The duties and responsibilities of the **building plans examiners**, building inspectors and inspections required to be made by the building inspectors shall be ~~the duties and responsibilities of~~ **as assigned** by the chief building official.
- (d) It shall be unlawful for any person to hinder or interfere with the chief building official in the discharge of his duties under this article.

(Code 1986, § 31.008; **31.068**)

Cross reference— Officers and employees, § 2-116 et seq.

Sec. 14-37. Building permits; professional plans; display of permits.

- (a) *Building permit required; display.* Building permits shall be procured from the building official before performance of any work or construction of any character, whether permanent or temporary. Within 48 hours after it is issued, the applicant must cause the permit to be posted and displayed at the

SUBPART A - GENERAL ORDINANCES
Chapter 14 - BUILDINGS AND BUILDING REGULATIONS

ARTICLE II. BUILDING CODES

work site so that it is readily visible from an adjacent public street throughout the term of the work. No work shall be performed unless a proper permit is so posted.

Address numbers shall be a minimum of 4" high and clearly visible from the street.

Exception 1: Total contract price less than \$500.00 per FBC Sect.105.2.2 Minor Repairs. Ordinary minor repairs may be made with the approval of the chief building official without a building permit, provided the repairs do not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangements of parts of a structure affecting the egress requirements; additionally, ordinary minor repairs shall not include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electrical circuit wiring systems or mechanical equipment or other work affecting public health or general safety, and such repairs shall not violate any of the provisions of the technical codes.

Any new electrical circuits or wiring will require a permit.

Any new plumbing fixtures or piping will require a permit.

Exception 2: Painting, both interior and exterior, residential or commercial does not require a permit. Tile repair or installation, floor covering, including carpet, laminate, resilient, and wood, both residential and commercial, do not require a permit.

Work that falls under the \$500.00 threshold for a building permit may be performed only by the property owner or a licensed contractor. Unlicensed workers, including 'handymen' are not allowed to conduct any type of work to a residential or commercial structure.

(b) *Professional plans required.* Professional plans shall be required as follows:

- (1) Plans for work requiring a building permit shall be submitted in ~~duplicate or in triplicate if required by the state~~ **multiple sets** to the building official and shall be prepared by, and bear the seal of, an architect or structural engineer duly registered in the state, except if the work is by the owner-occupant upon a one- or two-family residence, and the work is cosmetic, nonstructural repair, alteration or addition.
- (2) Notwithstanding subsection (b)(1) of this section, plans for work which requires a building permit and which involves mechanical, plumbing or electrical repairs, alterations or additions shall be prepared by and shall bear the impress seal of an engineer duly registered in the state, as reasonably required in the interest of health and safety by the building official.

(3) The building official may waive the requirements in (b) (1) and/or (2) by special permission.

~~(c) *Work done by owner-occupant.* A building permit may be issued to the owner-occupant of real property to construct or cause to be constructed, while the owner-occupant is present on the site, a one- or two-family residential structure for his own use and not offered for sale or lease or to repair the structure without being required to be a qualified contractor himself in accordance with this article and without being required to employ a licensed contractor. The owner-occupant may not construct or repair or cause the construction or repair of more than one such structure during any one-year period.~~

(Code 1986, § 31.010)

SUBPART A - GENERAL ORDINANCES
Chapter 14 - BUILDINGS AND BUILDING REGULATIONS

ARTICLE II. BUILDING CODES

Sec. 14-38. Minimum floor elevation.

- (a) The floor of any **habitable residential or commercial** building which is erected at any location in the city shall be at least one foot above the crown of the closest street and in no instance less than the ~~base flood elevation.~~ **Floodplain requirements found in Chapter 34 Floods.**
- (b) **A total height certificate measured from the crown of the street to the rooftop or ridge shall be submitted prior to issuance of a certificate of occupancy on a new structure or addition.**

(Code 1986, § 31.011)

Sec. 14-39. Hurricane requirements.

- (a) A reinforced **cast-in-place concrete** tie beam shall be placed around the perimeter at each floor and roof level on bearing walls of masonry units. Reinforcing shall not be less than four no. 5 reinforcing bars with no. 3 stirrups at a minimum of 12 inches on-center spacing. Beam size shall not be less than eight inches in width and 12 inches in depth.
- (b) In hollow masonry unit construction, all corners shall be cast-in-place concrete and reinforced with five no. 5 reinforcing bars with no. 3 ties at 12 inches on-center spacing poured solid with concrete. One no. 5 reinforcing bar shall be placed in the voids at the sides of all doors and window openings in hollow masonry units and filled with cast-in-place concrete. Such reinforcing shall be properly tied into the ~~footing and spandrel beam.~~ **foundation system.**
- (c) **Hurricane strapping or engineered equivalent shall be required from rooftop to foundation creating a complete path of uplift resistance.**
- (d) **Structural design by a Florida Registered Architect or Professional Engineer complying with the FBC will be accepted as compliant with (a), (b) or (c).**

(Code 1986, § 31.012(b), (c))

Sec. 14-40. Permits in historic districts.

- (a) *Requirements.* No building or work permit required by this Code for work in the historic zoning districts of the city or in tidal waters contiguous to and within 600 feet of the historic zoning districts shall be issued until a certificate of appropriateness has been granted by vote of the historic architectural review commission (**HARC**), attested by signature of its presiding member, and until the ~~city manager~~ **chief building official** finds that the building or work permit conforms to all laws and regulations of the city.
- (b) *Contents.* All permits issued by the city shall show the nature and extent of the intended work in detail sufficient to demonstrate that the project is consistent with all city laws and regulations and of ~~the historic architectural review commission.~~ **HARC.**
- (c) **Building permit application shall be identical in scope, description and elevation views of the HARC project.**
- (d) *Stop work order; penalty.* The building official is authorized to post a signed and dated notice to stop work on any site on which work is being performed in violation of the city laws and regulations or of the historic architectural review commission **HARC**. Any person shall be guilty of an offense punishable as provided in [section 1-15](#) if the person:

SUBPART A - GENERAL ORDINANCES
Chapter 14 - BUILDINGS AND BUILDING REGULATIONS

ARTICLE II. BUILDING CODES

- (1) Performs work with actual or constructive knowledge that the work site has been posted by such notice, which notice has not been withdrawn by a dated, signed order of the building official; or
- (2) Removes, defaces, conceals or alters such notice to stop work, without a dated, signed authorization of the building official.

Where such offenses are of a continuing nature, no two separate offenses shall be charged against the same person within any one-hour period.

(Code 1986, §§ 31.013, 31.014, 31.016)

Sec. 14-41. Cistern Safety Program.

- (a) The Chief Building Official is hereby authorized to provide a cistern safety program to regulate existing inground cisterns, wells more than eight inches in diameter, septic tanks and other inground tank structures.
- (b) Records indicate that there may be many inground cisterns that are abandoned or in dilapidated condition. The Cistern Safety Program requires:
 - (1) Permit applications at no cost for 5 year permits that will regulate minimum safety standards for those inground structures over 20 years old.
 - (2) The application must include an accurate site plan showing the location and depth of the inground structure.
 - (3) If the inground structure is to be demolished a no cost inspection by the building department will be required to verify that the bottom has been broken up to prevent water accumulation and the cavity has been filled in with pea rock or sand.
 - (4) If the inground structure is to be kept and maintained then a Florida Professional Engineer will have to inspect the structural integrity of the structure and cover and provide a sealed and signed letter affirming the structural integrity along with a photograph of the cover.
 - (5) The City permit must be renewed every 5 years for those inground structures that have not been demolished. The above steps must be repeated in order to renew the permit.

Sec. 14-42. Construction Site Requirements.

A set of permit plans must be maintained on the project site. It must be a stamped-approved set issued as the field copy for inspections. Permits issued without approved plans should have the contractor's agent on-site to answer inspector questions. If approved plans are damaged or lost replacement approved plans must be obtained before work may receive inspection approval. Revision to the approved plans/permit is required when construction deviates from the approved plans or to the work description on the permit. No construction may be concealed until it has received inspection approval.

SUBPART A - GENERAL ORDINANCES
Chapter 14 - BUILDINGS AND BUILDING REGULATIONS

ARTICLE II. BUILDING CODES

- (a) Construction rough-in inspections of mechanical, electrical and plumbing must be approved before scheduling the building inspection.
- (b) Inspections must be scheduled not less than the weekday before.
- (c) A functional restroom or portable toilet facility shall be on-site in accordance with the FBC Plumbing Code.

Stop work order; penalty. The chief building official is authorized to post a signed and dated 'notice to stop work' on any site on which work is being performed in violation of the city laws and regulations or of HARC. Any person shall be guilty of an offense punishable as provided in section 1-15 if the person:

(a) Performs work with actual or constructive knowledge that the work site has been posted by such notice, which notice has not been withdrawn by a dated, signed order of the chief building official; or

(b) Removes, defaces, conceals or alters such notice to stop work, without a dated, signed authorization of the chief building official.

Where such offenses are of a continuing nature, no two separate offenses shall be charged against the same person within any one-hour period.

(Code 1986, §§ 31.013, 31.014, 31.016)