

**CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 12 - BUILDING CODE AND ENGINEERING DESIGN STANDARDS**

1 **Sections:**

2

3 **Section 12.1.** Purpose, applicability, and definitions

4 **Section 12.2.** 2017 Florida Building Code, Building

5 **Section 12.3.** 2017 Florida Building Code, Existing Building

6 **Section 12.4.** International Property Maintenance Code, 2012 Edition

7

8 **Chapter 1. Adoption of codes: Florida Building Code, the National Electrical Code, International**
9 **Property Maintenance Code, and Engineering Design Standards.**

10

11 **Section 12.1. Purpose, applicability, and definitions.**

12

13 The following building codes are hereby adopted, incorporated herein by reference as fully as if set
14 out at length herein, and shall govern all construction, erection, alteration, repair, and demolition of
15 all buildings or other structures within the corporate limits of the city; and any appurtenances
16 attached thereto, except those portions of the adopted codes that are hereinafter deleted, modified,
17 or amended:

18

19 A. 2017 Florida Building Code. The family of codes adopted by the Florida Building Commission,
20 except as deleted, modified, or amended as indicated in Sections 12.2 and 12.3., below.

21

22 B. National Electrical Code, 2014 Edition.

23

24 C. International Property Maintenance Code, 2012 Edition, except as deleted, modified, or amended
25 as indicated in Section 12.4., below.

26

27 D. City of Cape Coral Engineering Design Standards, 2002, as amended.

28

29 **Section 12.2. 2017 Florida Building Code, Building.**

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31 Amendments to adopted code. All sections of the 2017 Florida Building Code, Building are in effect
32 except as amended as shown below:

33

34 A. Section 107. Submittal Documents.

35

36 107.6.1 Building permits issued on the basis of an affidavit. Pursuant to the requirements of
37 federal regulation for participation in the National Flood Insurance Program (44 C.F.R, Sections 59
38 and 60), the authority granted to the Building Official to issue permits, to rely on inspections, and
39 to accept plans and construction documents on the basis of affidavits and plans submitted
40 pursuant to Section 105-14 and Section 107.6. shall not extend to the flood load and flood
41 resistance construction requirements of the Florida Building Code.

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43 B. Section 115. Stop Work Orders.

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45 115.1 Authority. Whenever the building official finds any work regulated by this code being
46 performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the

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47 building official is authorized to issue a stop work order. In addition, the building official is
48 authorized to issue a stop work order for the failure to contain or remove construction refuse as
49 required in the Code of Ordinances, Chapter 9, Health and Sanitation.

50

51 115.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the
52 property involved, to the owner's agent, or to the person doing the work. Upon issuance of a stop
53 work order, all work on the construction site shall immediately cease. The stop work order shall
54 state the reason for the order, and the conditions under which the cited work will be permitted to
55 resume.

56

57 115.3 Unlawful continuance. Any person who shall continue any work after having been served
58 with a stop work order, except such work as that person is directed to perform to remove a
59 violation or unsafe condition, shall be subject to penalties as prescribed by law.

60

61 C. Section 117. Variances in Flood Hazard Areas.

62

63 117.1 Flood hazard areas. Pursuant to F.S. § 553.73, the variance procedures adopted in the City
64 of Cape Coral Floodplain Management Ordinance shall apply to requests submitted to the Building
65 Official for variances to the provisions of Section 1612.4 of the Florida Building Code, Building or,
66 as applicable, the provisions of R322 of the Florida Building Code, Residential. This section shall
67 not apply to Section 3109 of the Florida Building Code, Building.

68

69 D. Section 612. Flood Loads.

70

71 SUBSTANTIAL IMPROVEMENT. Any combination of repair, reconstruction, rehabilitation, addition
72 or improvement of a building or structure taking place during a five-year period, the cumulative
73 cost of which equals or exceeds 50 percent of the market value of the structure before the
74 improvement or repair is started. For each building or structure, the five-year period begins on
75 the date of the first improvement or repair of that building or structure subsequent to August 17,
76 1981. If the structure has sustained substantial damage, any repairs are considered substantial
77 improvement regardless of the actual repair work performed. The term does not, however,
78 include either:

79

80 1. Any project for improvement of a building required to correct existing health, sanitary or
81 safety code violations identified by the building official and that are the minimum necessary
82 to assure safe living conditions.

83

84 2. Any alteration of a historic structure provided that the alteration will not preclude the
85 structure's continued designation as a historic structure.

86

87 **Section 12.3 - 2017 Florida Building Code, Existing Building.**

88

89 All sections of 2017 Florida Building Code, Existing Building are in effect except as amended as shown
90 below:

91

92 A. Section 202. General Definitions

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95 or improvement of a building or structure taking place during a five-year period, the cumulative
96 cost of which equals or exceeds 50 percent of the market value of the structure before the
97 improvement or repair is started. For each building or structure, the five-year period begins on
98 the date of the first improvement or repair of that building or structure subsequent to August 17,
99 1981. If the structure has sustained substantial damage, any repairs are considered substantial
100 improvement regardless of the actual repair work performed. The term does not, however,
101 include either:

- 102
103 1. Any project for improvement of a building required to correct existing health, sanitary or
104 safety code violations identified by the building official and that are the minimum necessary
105 to assure safe living conditions.
106
107 2. Any alteration of a historic structure provided that the alteration will not preclude the
108 structure's continued designation as a historic structure.

109
110 **Section 12.4. International Property Maintenance Code, 2012 Edition.**

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112 The International Property Maintenance Code, 2012 Edition, a copy of which is on file in the City
113 Clerk's office, as published by the International Code Council, Inc., is adopted by reference as if totally
114 copied herein, with revisions to sections as follows:

- 115
116 A. Section 101.1. Insert: City of Cape Coral, Florida.
117
118 B. Section 103.1. Delete the words "department of property maintenance inspection is hereby
119 created", and insert in its place the words "City of Cape Coral Code Compliance Division has
120 been heretofore created". Further, wherever the words "department of property maintenance
121 inspection" or "code official" may appear, substitute the words "City of Cape Coral Code
122 Enforcement Department" and the words "Code Enforcement Manager, or the Manager's
123 designee", respectively.
124
125 C. Section 103.5. Insert: Fees to be amended, if applicable, at a later date.
126
127 D. Section 106.3. Insert at end of such section: The City of Cape Coral Code Enforcement Department
128 may, in addition or alternatively, to pursuing any such criminal or civil penalties of seeking
129 injunctive relief, bring violations for prosecution before the Code Enforcement Special Magistrate,
130 in accordance with §§ 2-81 through 2-96 of the City of Cape Coral Code of Ordinances.
131
132 E. Section 111. Delete.
133
134 F. Section 302.4. Insert: twelve (12) inches in height.
135
136 G. Section 304.14. Insert: January to December.
137
138 H. Section 602.3. Insert: September to May.

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- I. Section 602.4. Insert: September to May.

- J. All references to the building official in the International Property Maintenance Code, 2012 Edition, shall be construed as meaning the Department of Community Development Director or the Director's designee. All references in the International Property Maintenance Code, 2012 Edition to building, plumbing, mechanical, fuel gas, electric, fire safety or other codes or standards shall be construed to mean the 2017 Florida Building Code, National Electrical Code, 2008 Edition, and the Florida Fire Prevention Code, as applicable.