

the ground floor. The developer of a multi-family project having less than 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. (Ord. No. 20-15, § 2, 2-27-20)

Sec. 18-65. Temporary roof coverings.

(a) *Generally.* Temporary roof coverings, including but not limited to, tarps and other emergency coverings located on all buildings and structures within the city, shall be removed within six months from the date of the event necessitating the utilization of such coverings. It is the intent of this section that damaged roofs be repaired or replaced within that same time period. Notwithstanding the preceding, all tarps and emergency coverings shall be and remain in good condition and without holes, rips, tears, excessive wear, staining, or other defects.

(b) *Extensions of time.* Owners and/or lessees of buildings and structures desiring additional time to comply with this section shall make written request to the city's building official prior to the expiration of the six-month period provided in subsection (a). Such request shall include, at a minimum, the address of the property, the reasons justifying the request, the requested length of time for the temporary covering to remain, and any actions taken by the owners and/or lessees to make the necessary repairs to

the structure or building that have required the utilization of temporary roof coverings. The city's building official or his/her designee may approve reasonable extension requests of the six-month time limitation for good cause based upon the building official or his/her designees' determinations as to the good faith attempts of the owners and/or lessees to correct or repair the building or structure, the length of the extension sought, existing or anticipated emergency conditions and weather events, labor and material shortages, and the financial ability or inability of the owners and/or lessees' to make the repairs or replacements required. (Ord. No. 21-33, § 2, 10-28-21)

Secs. 18-66—18-90. Reserved.

DIVISION 3. BUILDING PERMIT

Sec. 18-91. Required.

No building or structure shall be erected, moved, added to or structurally altered without a permit issued by the building official. All applications for building permits shall be in accordance with the requirements of this article. Unless upon written order from the planning and zoning board, no building permit shall be issued except in complete conformity with this article.

A permit issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter or set aside any of the provisions of the technical provisions of the building code, nor shall issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans, construction, or violations of the code. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Failure to obtain an approved inspection within 180 days of the previous approved inspection shall constitute suspension or abandonment. One or more extensions of time, for periods not more than 180 days each,

may be allowed by the building official for the permit, provided the extension is requested in writing and justifiable cause is demonstrated prior to the expiration date. The building official shall record the extension of time granted. (Code 1988, § 6-93; Ord. No. 02-04, § 2, 3-28-02)

Sec. 18-91.5. Work starting before permit issuance.

Upon approval of the building official and after the issuance of a permit, the certain site development work or foundation work as delineated in the building permit application and plans may be started prior to the final approval and issuance of the general project permit provided any work completed is entirely at risk of the permit applicant, and the work does not proceed past the first required inspection. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the building official's approval or the necessary permits shall be subject to a penalty of triple the basic permit fee. This provision does not apply if the building official determines that due to emergency work a delay would clearly have placed life or property in imminent danger the payment of a triple fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The building official may grant extensions of time or waive fees when justifiable cause has been demonstrated in writing.

(Ord. No. 02-04, § 2, 3-28-02)

Sec. 18-92. Application; plans.

(a) All applications for building permits shall be accompanied by plans, in triplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as may be required by the building official, including existing or proposed uses of the building and land; the number of families, housekeeping units or rental units the building is designed to accommodate; conditions existing on the lot; and such other

matters as may be necessary to determine conformance with and to provide for the enforcement of this article. Drawings shall show the location of the proposed building or structure and of every existing building or structure on the site or lot. The building official may require a boundary line survey prepared by a qualified surveyor.

(b) A minimum of three copies of such plans shall be marked as approved or disapproved and returned to the building official, and one copy shall be retained by the building official.

(c) The building permit application must include a set of all of the approved zoning documents as described in subsection (d) below, as well as signed and sealed construction documents to be considered a viable permit for review. The building official may require details, computations, stress diagrams, surveys and other data necessary to describe the construction or installation and the basis of calculations. This application may be submitted electronically and must be a complete application before plan reviews can begin.

(d) All applications for building permits requiring planning review are subject to obtaining a preapplication comprehensive planning, zoning and land development regulation review and approval by the planning department. No application for a building permit shall be accepted, processed or considered until and unless the development proposed in the application has been reviewed and approved by the planning department for compliance with the comprehensive planning, zoning and land development regulations. All applications for building permits filed with the city shall be accompanied by the planning department approval required by this subsection. If a subsequent building permit is not filed within six months of the issuance of the planning department's preapplication approval, it shall expire and another pre-application planning review will be required. (Code 1988, § 6-94; Ord. No. 02-04, § 2, 3-28-02; Ord. No. 23-17, § 2, 7-27-23)

Sec. 18-93. Application for certificate of occupancy prerequisite to issuance.

No permit for the erection, alteration, moving or repair of any building shall be issued until an application has been made for a certificate of occupancy.

(Code 1988, § 6-95; Ord. No. 02-04, § 2, 3-28-02)

Sec. 18-94. Expiration; special permit.

(a) If the work described in any building permit has not begun within 90 days from the date of issuance, the permit shall expire and be cancelled by the building official, and notice thereof shall be given in writing to the persons affected.

(b) If the work described in any building permit has not been substantially completed within one year of the date of issuance thereof, the permit shall expire and be cancelled by the building official, and notice thereof shall be given in writing to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a special building permit has been obtained.

(c) At the discretion of the building official, such special permit may be based on the original application or may require a new application. The special permit may include limitations on time allowed for substantial completion of the work and provisions for a performance bond, or other appropriate guarantee in the city's discretion, to ensure such completion within the time limit set.

(d) The special permit may be issued for certain activities, such as demolitions, special events, etc., for which time limitations and fees shall be determined by the building official based upon the construction valuation, the diligence with which the project has been pursued and will likely be pursued, and factors affecting the timing and difficulty of completing construction.

(Code 1988, § 6-96; Ord. No. 96-25, § I, 12-19-96; Ord. No. 02-04, § 2, 3-28-02)

Sec. 18-95. Revocation of permits.

The building official is authorized to suspend or revoke a permit issued under the provisions of this chapter wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any provisions of this chapter or the code.

(Ord. No. 02-04, § 2, 3-28-02)

Sec. 18-96. Misrepresentation of application.

The building official may revoke a permit or approval, issued under the provisions of this article, in a case where there has been a false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

(Ord. No. 02-04, § 2, 3-28-02)

Sec. 18-97. Violation of code provisions.

The building official may revoke a permit upon determination by the building official that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of this chapter or the code.

(Ord. No. 02-04, § 2, 3-28-02)

Sec. 18-98. Building permit valuations.

If, in the opinion of the building official, the valuation of building, alteration, structure, electrical, gas, mechanical or plumbing systems appears to be underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Permit valuations shall include total cost, such as electrical, gas, mechanical, plumbing equipment and other systems, including materials and labor. The permit valuation may be calculated using the latest Building Valuation Data published by the Southern Building Code Congress International or other applicable model code organization, at the option of the building official.

(Ord. No. 02-04, § 2, 3-28-02)

Sec. 18-99. Security bars/security grates.

(a) Definitions. The term security bars, security grilles and security grates mean bars, rods, and grates placed on or within the exterior or interior, or over all or a portion of, a building's or structure's doors, windows, breezeways or openings.

(b) No security bars, security grilles or security grates may be installed, constructed, placed or used to cover any door, window, breezeway or opening on commercial or industrial zoned properties that faces any street or public right-of-way and would be visible from any street or public right-of way.

(c) Removal of non-conforming security bars, security grilles and security grates. Any existing commercial or industrial zoned property that has security bars, security grilles and security grates that were properly permitted and installed in compliance with this Code and the Florida Building Code prior to the effective date of this section shall remove such bars, grilles and grates no later than October 31, 2021, or upon seeking a building permit for improvements or modifications to the structure(s) upon such property for improvements or modifications that exceed ten percent of the replacement cost of such structure(s). If any security bars, security grilles or security grates were not in compliance with this Code and the Florida Building Code as of the effective date of this section, then such are illegally non-conforming and shall be removed by the property owner on or before October 31, 2017. No non-conforming security bars, security grilles or security grates may be enlarged, repaired or replaced by another non-conforming fixture.

(d) Any violation of this section shall be prosecuted in accordance with section 18-4.
(Ord. No. 16-46, § I, 10-13-16)

Secs. 18-100—18-120. Reserved.**DIVISION 4. CERTIFICATE OF OCCUPANCY****Sec. 18-121. Required; recordation.**

(a) Until a certificate of occupancy shall have been issued by the building official, stating that the proposed use of the building or land conforms

to this article, no land or building shall be used or occupied except for agricultural purposes; nor shall any building erected, structurally altered, moved or extended; nor shall any land or building be changed in use.

(b) The building official shall maintain a record of all certificates of occupancy, and copies shall be furnished upon request to any person having an interest as proprietor or tenant in the premises affected.

(Code 1988, § 6-123; Ord. No. 02-04, § 2, 3-28-02)

Sec. 18-122. Application; issuance.

(a) *Generally.* Application for a certificate of occupancy shall be made at the same time as the application for a building permit, and the information required shall be included on the form for the building permit.

(b) *Single-family residences and duplexes.* Upon written request to the building official, the certificate of occupancy or certificate of completion shall be issued within three days after the erection or structural alteration of such building or part of the building has been completed in conformity with this article as per final inspections by the building department. In addition, the final lot grading survey must adhere to requirements for submitting plans for new and remodel residential construction. Copies of the publication pertaining to requirements are available upon request from the building department.

(c) *Multifamily, commercial, industrial and all buildings not otherwise provided for.* Upon written request to the building official, the certificate of occupancy or certificate of completion shall be issued within three days after the erection or structural alteration of such building or part of building has been completed in conformity with this article as per final inspections from the building department. Also required are final sign-offs from the engineering, fire and utility departments for their assigned inspections, if applicable.
(Code 1988, § 6-124; Ord. No. 96-25, § I, 12-19-96; Ord. No. 02-04, § 2, 3-28-02)

Sec. 18-123. Reserved.

Editor's note—Ord. No. 02-04, § 2, adopted March 28, 2002, reserved in its entirety § 18-123. Formerly said section pertained to certificates for nonconforming uses. See the Code Comparative Table.

Sec. 18-124. Temporary certificates.

Temporary certificate of occupancy may be issued by the building official for a period not exceeding 180 days during alterations or the partial occupancy of a building pending its completion, provided that such temporary certificate may require such conditions and safeguards as will protect the safety of the occupants and the public.
(Code 1988, § 6-126; Ord. No. 02-04, § 2, 3-28-02)

Secs. 18-125—18-150. Reserved.

DIVISION 5. DILAPIDATED, DANGEROUS, DECAYED STRUCTURES AND APPURTENANCES*

Sec. 18-151. Standard code adopted.

There is adopted by the city for the purposes of establishing rules and regulations pertaining to or in any related to any and all buildings, structures, electrical, gas, mechanical or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or unsafe service systems the Standard Unsafe Building Abatement Code as published by SBCCI, and as such may be amended, modified or updated by SBCCI (the "abatement code"). The abatement code is adopted and fully incorporated herein as if fully set out at length in this section, save and except such portions as are deleted, added, modified or amended in this article. One copy of the abatement code is on file in the office of the building official. All such unsafe buildings, structures or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of the abatement code, or other provisions of the building and property maintenance regulations of the city. All repairs shall be performed in accordance with the Florida Building Code.

(Ord. No. 02-04, § 2, 3-28-02)

Sec. 18-152. Condemnation—Authority.

The city shall have the authority and power to condemn and remove or cause to be removed all decayed, unsightly, dangerous and unlawful buildings, ruins, awnings, porches or structures within the corporate limits of the city.

(Code 1988, § 6-153; Ord. No. 02-04, § 2, 3-28-02)

Sec. 18-153. Same—Notice.

(a) When there exists any unsightly, dangerous and unlawful building, ruin, porch, awning or structure or when such may be constructed in violation of city ordinances, the building inspector

*Cross reference—Environment, ch. 38.

or such other officer or employee who may be authorized by the city manager shall condemn the building, porch, ruin, awning or structure.

(b) Such officer shall file with the building official notice of such condemnation, which notice shall contain the following:

- (1) The description of the building or structure condemned, together with the description by metes and bounds or by lot number of the property upon which such building or structure is located.
- (2) The names of the occupants of the property and the names, places of residence, legal disabilities, if any, and interest of owners, if known, or if any of these facts are unknown it shall be so stated.
- (3) The reason for condemning the building, ruin, awning, porch or structure.

(Code 1988, § 6-155; Ord. No. 02-04, § 2, 3-28-02)

Sec. 18-154. Same—Service of notice.

(a) A copy of the notice shall be served upon the occupant of any unsightly and unlawful building or other structure and on the owner thereof, if known and residing in the city, together with a summons to appear before the city commission in not less than five or more than 30 days. The notice shall be served by the chief of police or any city police officer or by any other officer or employee who may be authorized by the city manager. However, if such persons reside in the state and beyond the limits of the city, such notice and summons shall be served by the sheriff of the county in which the person resides, in accordance with the rules governing service of process in the circuit court.

(b) If the owners reside beyond the limits of the state, upon application by the city attorney the building official shall make an order of publication of notice to all persons having any interest or right, whether as owners, lienholders, or otherwise, in such real estate, which notice shall be addressed to all whom it may concern, requiring them on a day certain, to be fixed in such order, not less than 30 or more than 50 days from the date of the first publication, to appear before the city commission to show cause, if any, why the

order of condemnation made by the city building inspector should not be confirmed in all respects. Such notice shall be published for four consecutive weeks prior to the date fixed for such hearing, and a copy of the notice shall likewise be posted in a conspicuous place on the premises during the time of the advertisement of notice. If such order of publication shall be made and no appearance entered or protest is made to the confirmation of the order of condemnation, the owners of the property shall be forever foreclosed and barred of claiming any damage because of the destruction of the property described in the condemnation order.

(Code 1988, § 6-156; Ord. No. 02-04, § 2, 3-28-02)

Sec. 18-155. Conditions constituting hazards—Notice.

When there may be found to exist any condition of any building, land or premises or any condition in, upon or about any building, land or premises which constitutes or is likely to constitute a fire hazard or a hazard to the health, safety or welfare of the occupants or the public, (i.e., a public nuisance) the building inspector or such other authorized city officer or employee authorized and empowered shall file with the building official a notice which shall contain:

- (1) A description of the land, building, structure or premises in connection with which any such condition has been found to exist, which shall include, to the extent practicable, a description by metes and bounds or by lot number of such land.
- (2) The names of the occupants of the property, if any, and the names, places of residence, legal disabilities, if any, and interest of owners, if known, or if any of such facts are unknown it shall be so stated.
- (3) The condition found to exist, which constitutes a fire hazard or a hazard to the health, safety or welfare of the occupants or the public.
- (4) The matters and things required to be done to effect the removal or correction of such condition or structure; the removal

of any weeds, debris, waste, rubbish, or flammable material; or the accomplishment of other corrective procedures.
(Code 1988, § 6-157; Ord. No. 02-04, § 2, 3-28-02)

Sec. 18-156. Same—Service of notice.

(a) A copy of the notice in section 18-155 shall be served upon the occupant of such land, building or premises and upon the owner thereof, if known and residing in the city, together with a summons to appear before the city commission at any regular or special meeting thereof not less than five or more than 30 days from the date of service of the notice. The notice and summons shall be served by the chief of police or any city police officer or by any other officer or employee who may be authorized by the city manager. However, if such person resides in the state and beyond the limits of the city, such notice and summons shall be served by the sheriff of the county in which the person resides, in accordance with the rules governing service of process in the circuit court. If the occupant of such building cannot be found in the city, it shall be sufficient service upon such occupant to post a copy of such notice and summons in some conspicuous place upon such building or other structure.

(b) If the place of residence of the owner of such property cannot be determined or is found to be beyond the limits of the state, the city clerk shall make an order of publication of notice to all persons having any interest or right, whether as owners, lienholders, or otherwise, in such real estate. The notice shall be addressed to the owner by name, if known, and to all whom it may concern, requiring them on a day certain, to be fixed in such order, not less than 30 or more than 50 days from the date of the first publication of such notice, to appear before the city commission to show cause, if any, why the notice made and filed with the city clerk by the officer or employee making and filing the notice with respect to a hazardous condition found to exist and the matters and things set forth in the notice as being required to be done to remove or remedy such condition should not be confirmed in all respects. The notice shall be published once a week for four consecutive weeks prior to the date fixed for such

hearing. A copy of the notice shall be likewise posted in a conspicuous place on the premises during the time of the publication of the notice.

(c) If such order or publication shall be made and no appearance is entered or protest made to the confirmation of the notice filed with the city clerk with respect to such hazardous condition, the owner of the property and all persons having any interest or right therein, whether as lienholders or otherwise, shall be forever foreclosed and barred from claiming any damage because of the destruction or other disposition of the property described in the notice.

(Code 1988, § 6-158; Ord. No. 02-04, § 2, 3-28-02)

Sec. 18-157. Hearing; decision.

At the time fixed for the hearing required under this division, either in the summons or the order of publication, as the case may be, the city commission shall hear the cause and may sustain, reject or modify the action and recommendations of the officer or employee making and filing the notice with respect to the hazardous condition and shall order the removal, destruction, other disposition or repair of any such building or shall order such other matters or things to be done as may be necessary to remove or correct such hazardous condition, and shall order that such be done within such time as the city commission may determine.

(Code 1988, § 6-159; Ord. No. 02-04, § 2, 3-28-02)

Sec. 18-158. Enforcement of decision; costs.

Under this division, if any building or other structure is not removed or repaired as required in the order of the city commission or in the other matters and things required in the order for the removal or correction of such hazardous condition, the work may be done and performed by the city, and the costs and expenses thereof shall be a lien upon the property, which lien may be enforced by suit at law or proceeding in chancery.

(Code 1988, § 6-160; Ord. No. 02-04, § 2, 3-28-02)

Sec. 18-159. Public nuisances.

Public nuisances are defined in section 18-155. When nuisance conditions or hazards degenerate or cumulatively impact on structures, dwellings,

or other buildings regulated by this Code, to the extent that repair, removal, securing or demolition is necessary for the public health, safety and welfare, then the building official or his designee is authorized to order the property owner or city agents to repair, remove, secure, vacate or demolish such structures according to procedures outlined in the abatement code or as otherwise provided for in the Code. These powers are hereby declared to be remedial and essential for the public interest, and it is intended that such powers be liberally construed to effectuate the purposes stated herein.
(Ord. No. 02-04, § 2, 3-28-02)

Sec. 18-160. Vacant buildings.

No vacant building may be boarded up for a period of time exceeding 60 days unless granted a waiver by the building official. "Exterior walls", and all boards used to enclose the building must be neatly fitted within window and door openings and must be painted to blend in with the rest of the building.
(Ord. No. 02-04, § 2, 3-28-02)

Sec. 18-161. Requirements not covered by code.

Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the building official.
(Ord. No. 02-04, § 2, 3-28-02)

DIVISION 6. PORTABLE STORAGE BUILDING OR CONTAINER

Sec. 18-162. Definitions.

For the purpose of this section the following definitions shall apply:

Building official shall mean the director of code enforcement.

Code enforcement division manager shall mean the Manager of the Winter Garden Code Enforcement Division, or authorized designee.

Code enforcement inspector shall mean a code enforcement division inspector of the code enforcement division, and may include the code enforcement division manager.

City manager shall be the chief executive officer of the city and responsible to the city commission for the management of all city affairs.

Portable storage unit means any container designed for the storage of personal property which is typically rented to owners or occupants of property for their temporary use and which is delivered and removed by truck.

Site means a piece, parcel, tract, or plot of land occupied or to be occupied by one or more buildings or uses and their accessory buildings and accessory uses which is generally considered to be one unified parcel.
(Ord. No. 08-04, § 2, 1-20-08)

Sec. 18-163. Number, duration and removal.

(1) *Portable storage units for on-site storage.* There shall be no more than one portable storage unit per site no larger than eight feet wide, 16 feet long and eight feet high. No portable storage unit shall remain at a site in a residential district in excess of 14 consecutive days. No portable storage units for on-site storage are permitted on a site if any portable storage units for transport as defined in subsection (b) are on the site.

(2) *Portable storage units for transport.* There may be up to two portable storage units, no larger than five feet wide, seven feet long, and eight feet high each, at a site in a residential district for a period not in excess of 14 consecutive days when such units are being used for loading or unloading goods in connection with the transport of the goods, to or from storage, or, to or from another residential or nonresidential location. No portable storage units for transport are permitted on a site if any portable storage units for on-site storage as defined in subsection (a) are on the site.

(3) *Cumulative time restriction.* No portable storage units as defined in subsections (a) and (b) above shall be placed at any one site in a residential district in excess of 14 days in any calendar year. No portable storage unit as defined in subsections (a) and (b) above shall remain at a site in