



**INDIAN RIVER COUNTY/CITY OF VERO BEACH  
BUILDING DIVISION**

1801 27<sup>th</sup> Street, Vero Beach, FL 32960 772 266-1260

# NOTICE

**From:** Scott McAdam, CBO, MCP, Building Official  
**To:** All Permit Applicants, Design Professionals, Contractors and General Public  
**Date:** 1/5/15  
**Subject:** Coastal Construction Substantial Improvement Definition Change  
**Effective Date:** Wednesday July 1, 2015\*

## Requirements

1. All Permit Applications applied for on or after Wednesday July 1, 2015 must comply with the following Coastal Construction substantial improvement definition change.

## Code Sections and Definitions

1. The definition for Coastal Construction substantial improvement changed in the 2010 Florida Building Code. Prior to the 2010 FBC the definition for “substantial improvement” found in the 2007 FBC section 3109.2 referenced the definition section found in Florida Statute 161.54(12).

### FS 161.54 Definitions.

(12) “Substantial improvement” means any repair, reconstruction, rehabilitation, or improvement of a structure when the actual cost of the improvement or repair of the structure to its pre-damage condition equals or exceeds 50 percent of the market value of the structure either:

- (a) Before the improvement or repair is started; or
- (b) If the structure has been damaged and is being restored, before the damage occurred.

The total cost does not include nonstructural interior finishings, including, but not limited to, finish flooring and floor coverings, base molding, nonstructural substrates, drywall, plaster, paneling, wall covering, tapestries, window treatments, decorative masonry, paint, interior doors, tile, cabinets, moldings and millwork, decorative metal work, vanities, electrical receptacles, electrical switches, electrical fixtures, intercoms, communications and sound systems, security systems, HVAC grills and decorative trim, freestanding metal fireplaces, appliances, water closets, tubs and shower enclosures,

\*Coincides with latest proposed effective date of the 5<sup>th</sup> Edition Florida Building Code FBC

lavatories, and water heaters, or roof coverings, except when determining whether the structure has been substantially improved as a result of a single improvement or repair.

For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

The 2010 Florida Building Code and the 5<sup>th</sup> Edition Florida Building Code section 3109 definition for “substantial improvement references “see section 1612.

**2010 FBC and 5<sup>th</sup> Edition FBC section 1612 indicates**

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, rehabilitation, *alteration*, addition or *other* improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. 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.

Red italic words per 5<sup>th</sup> Edition FBC

**IRC Ord. 401.11**

FBC section 1612.2 as amended in Indian River County Code of Ordinances section 401.11 indicates:

*Substantial improvement.* Any combination of repair, reconstruction, rehabilitation, *alteration*, addition, or other improvement of a building or structure taking place during a ten (10) year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started and determined no sooner than six (6) months before the work is started. For each building or structure, the 10-year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. If the structure has incurred "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 the alteration will not preclude the structure's continued designation as a historic structure.

Underlined words added per IRC Ord. 401.11

Bold Italic words from 5<sup>th</sup> Edition FBC

## Change

1. Prior to the FBC 2010 the total cost did not include nonstructural interior finishings, including, but not limited to, finish flooring and floor coverings, base molding, nonstructural substrates, drywall, plaster, paneling, wall covering, tapestries, window treatments, decorative masonry, paint, interior doors, tile, cabinets, moldings and millwork, decorative metal work, vanities, electrical receptacles, electrical switches, electrical fixtures, intercoms, communications and sound systems, security systems, HVAC grills and decorative trim, freestanding metal fireplaces, appliances, water closets, tubs and shower enclosures, lavatories, and water heaters, or roof coverings, except when determining whether the structure has been substantially improved as a result of a single improvement or repair.
2. The 2010 FBC and 5<sup>th</sup> Edition FBC now reference the FEMA definition which does include nonstructural interior finishings, including, but not limited to, finish flooring and floor coverings, base molding, nonstructural substrates, drywall, plaster, paneling, wall covering, tapestries, window treatments, decorative masonry, paint, interior doors, tile, cabinets, moldings and millwork, decorative metal work, vanities, electrical receptacles, electrical switches, electrical fixtures, intercoms, communications and sound systems, security systems, HVAC grills and decorative trim, freestanding metal fireplaces, appliances, water closets, tubs and shower enclosures, lavatories, and water heaters, or roof coverings.
3. Coastal Construction substantial improvements now will be handled the same way as Flood (FEMA) substantial improvements for purposes of determining the total cost. Non-structural items are now included in the total cost when determining the 50% substantial improvement.