



Mayor
ROB MEDINA
Deputy Mayor
KENNY JOHNSON
Councilmembers
JEFF BAILEY
RANDY FOSTER
DONNY FELIX

AGENDA

Regular Council Meeting 2020-43 Thursday

**December 17, 2020 - 7:00 PM
Council Chambers, 120 Malabar Road SE, Palm Bay FL 32907**

CALL TO ORDER:

INVOCATION:

1. Pastor Tom Walker - Centerpointe Church, Palm Bay.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

1. Two (2) vacancies on the Disaster Relief Committee.++
2. One (1) vacancy on the Youth Advisory Board (represents 'at-large student member' position).++
3. One (1) vacancy on the Business Improvement District Board (represents 'bank or financial institution' position).++

AGENDA REVISIONS:

CONSENT AGENDA:

There will be no separate discussion on those items listed under Consent Agenda (indicated with asterisks(*)). They will be enacted by the City Council on one motion. If discussion is desired by the City Council, that item will be removed from the Consent Agenda by Council and will be considered in the order that it appears on the agenda.

1. Adoption of Minutes: Regular Council Meeting 2020-42; December 3, 2020.
2. Contract: Cityworks enterprise license agreement, renewal – Utilities and Public Works Departments (Azteca Systems, LLC - \$50,000 annually (three-year term)(sole source)).
3. Contract: Nutrient removal facilities, North Regional Water Reclamation Facility, Change Order 2 – Utilities Department (TLC Diversified, Inc. - \$59,474).
4. Miscellaneous: Design, permitting, and bidding services for water distribution system

improvements and modifications, eleven (11) locations, Task Order 21-02-IS – Utilities Department (Infrastructure Solutions Services, LLC (ISS) - \$220,870).

5. Ordinance 2020-85, amending the Code of Ordinances, Chapter 39, Community and Economic Development, by including additional provisions for the Economic Development Division and adding the Business Improvement District as a departmental division, first reading.
6. Ordinance 2020-86, amending the Code of Ordinances, Chapter 92, Noise, by modifying definitions contained therein, first reading.
7. Consideration of utilizing two (2) Local Housing Assistance Plan (LHAP) strategies (owner-occupied rehab and special needs) to fund repairs for a single-family rehabilitation at 1498 Ranger Road.
8. Consideration of reallocating State Housing Initiative Partnership Program funds to meet the needs of wait-listed residents for the single-family rehabilitation and utility hook-up assistance programs (\$426,019).
9. Consideration of travel and training for specified employees (Fire Department).

PRESENTATION

1. Nancy Peltonen, President and CEO, Greater Palm Bay Chamber of Commerce – quarterly update.
2. Frank Watanabe, Public Works Director - road paving program update.

PUBLIC COMMENTS/RESPONSES:

Public comments will be heard by the City Council on non-agenda issues. Speakers must complete 'Public Comment Cards' (orange) and are limited to three (3) minutes each.

PUBLIC HEARINGS:

1. Ordinance 2020-82, amending the Code of Ordinances, Chapter 37, Growth Management Department, by modifying provisions related to the Land Development Division (T-35-2020, City of Palm Bay), final reading.
2. Ordinance 2020-83, amending the Code of Ordinances, Chapter 40, Building Department, by modifying duties and responsibilities of the department (T-35-2020, City of Palm Bay), final reading.
3. Ordinance 2020-84, amending the Code of Ordinances, Chapter 174, Floodplain and Stormwater Management, Subchapter 'Floodplain Management', by modifying provisions contained therein (T-35-2020, City of Palm Bay), final reading.
4. Ordinance 2020-58, amending the Code of Ordinances, Chapter 170, Construction Codes and Regulations, Subchapter 'Building Code', by eliminating the requirement for a building permit for accessory structures 120 square feet or less in residential districts associated with single-family dwellings and revising provisions contained therein (Case T-20-2020, City of Palm Bay), first reading. (Councilman Bailey) (CONTINUED FROM 09/03/20 RCM and 11/04/20 P&Z)
5. Request by Palladio Development, LLC, for a variance to allow the east side of a proposed single-family home to exceed the allowable finish floor elevation by a maximum of 2.2 feet, as established by Section 174.073(A)(3), Palm Bay Code of Ordinances (0.23 acres) (V-26-2020) (Quasi-Judicial Proceeding). (CONTINUED FROM RCM - 12/03/20, first occurrence)
6. Ordinance 2020-87, amending the Code of Ordinances, Chapter 185, Zoning Code,

Subchapter 'District Regulations', by modifying front yard building setbacks and parking areas, and reducing the minimum side corner building setback in RC (Restricted Commercial District) zoning (Case T-33-2020, City of Palm Bay), first reading. (Councilman Bailey)

7. Ordinance 2020-88, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapters 'General Provisions' and 'District Regulations', by including additional definitions and providing provisions for small-box discount stores in NC (Neighborhood Commercial District) zoning (Case T-34-2020, City of Palm Bay), first reading. (Deputy Mayor Johnson)

PROCUREMENTS:

1. Award of Bid: Residential Brokerage Services – IFB 06-0-2021 – Community and Economic Development Department (Ellingson Properties, LLC – commissions from proceeds of sales).
2. Award of Bid: Road Bond Paving, Units 1, 2, 3, 4, 27, 35, 43, and 47 – IFB 14-0-2021 – Public Works Department (VA Paving, Inc. - \$3,370,209).

UNFINISHED AND OLD BUSINESS:

1. Appointment of two (2) members to the Infrastructure Advisory and Oversight Board.
2. Appointment of one (1) member to the Recreation Advisory Board.
3. Appointment of one (1) member to the Disaster Relief Committee.

COMMITTEE AND COUNCIL REPORTS:

1. Committee/Council Reports

NEW BUSINESS:

1. Resolution 2020-62, supporting U.S. Space Force Command in Brevard County. (Mayor Medina)
2. Consideration of a subordination policy for the City's state and federal housing grant programs.
3. Consideration of councilmembers serving as representatives to other agencies/organizations/committees.

ADMINISTRATIVE AND LEGAL REPORTS:

PUBLIC COMMENTS/RESPONSES: Speakers are limited to 3 minutes.

ADJOURNMENT:

Councilmembers who are members of the Space Coast Transportation Planning Organization (TPO) may discuss TPO issues which may subsequently be addressed by the TPO.

If an individual decides to appeal any decision made by the City Council with respect to any matter considered at this meeting, a record of the proceedings will be required, and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based (FS 286.0105). Such person must provide a method for recording the proceedings verbatim.

Any aggrieved or adversely affected person desiring to become a party in the quasi-judicial proceeding shall provide written notice to the City Clerk which notice shall, at a

minimum, set forth the aggrieved or affected person's name, address, and telephone number, indicate how the aggrieved or affected person qualifies as an aggrieved or affected person and indicate whether the aggrieved or affected person is in favor of or opposed to the requested quasi-judicial action. The required notice must be received by the Clerk no later than five (5) business days at the close of business, which is 5 p.m., before the hearing. (Section 59.03, Palm Bay Code of Ordinances).

In accordance with the Americans with Disabilities Act, persons needing special accommodations for this meeting shall, at least 48 hours prior to the meeting, contact the Office of the City Clerk at (321) 952-3414 or Florida Relay System at 711.

Pursuant to Council Policies and Procedures, members of the public wishing to use electronic media when addressing City Council must provide the electronic file to staff for screening no later than 2:00 P.M. on the day of the meeting; audio presentations must be submitted to the City Clerk at least twenty-four (24) hours prior to the meeting.

THIS MEETING IS BROADCAST LIVE ON THE CITY'S WEBSITE AND TELEVISED ON THE SPACE COAST GOVERNMENT TV CHANNEL.



LEGISLATIVE MEMORANDUM

DATE: 12/17/2020

RE: Adoption of Minutes: Regular Council Meeting 2020-42; December 3, 2020.

ATTACHMENTS:

Description

Minutes - RCM 2020-42

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2020-42

Held on Thursday, the 3rd day of December 2020, at the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Office of the City Clerk, City Hall, Palm Bay, Florida.

The meeting was called to order at the hour of 7:01 P.M.

Bishop Merton L. Clark, Truth Revealed International Ministries, Palm Bay, gave the invocation which was followed by the Pledge of Allegiance to the Flag.

ROLL CALL:

MAYOR:	Robert Medina	Present
DEPUTY MAYOR:	Kenny Johnson	Present
COUNCILMEMBER:	Jeff Bailey	Present
COUNCILMEMBER:	Randy Foster	Present
COUNCILMEMBER:	Donny Felix	Present
ACTING CITY MANAGER:	Suzanne Sherman	Present
CITY ATTORNEY:	Patricia Smith	Present
DEPUTY CITY CLERK:	Terri Lefler	Present

CITY STAFF: Present was Laurence Bradley, Growth Management Director; Frank Watanabe, Public Works Director/City Engineer; Joan Junkala-Brown, Community Planning and Economic Development Director; Chris Little, Utilities Director; Fred Poppe, Parks and Recreation Director; Nelson Moya, Police Chief.

ANNOUNCEMENT(S):

Deputy Mayor Johnson announced the following vacancies and terms expiring, and solicited applications for same:

- 1. Two (2) terms expiring on the Infrastructure Advisory and Oversight Board (represents 'at-large' positions).++**
- 2. One (1) vacancy on the Recreation Advisory Board (represents 'at-large' position).++**
- 3. One (1) vacancy on the Business Improvement District Board (represents 'bank or financial institution' position).++**
- 4. Three (3) vacancies on the Disaster Relief Committee.++**

5. One (1) vacancy on the Youth Advisory Board (represents 'at-large student member' position).++

AGENDA REVISION(S):

1. Ms. Sherman announced the following revisions to the agenda:

a. There were corrections to the Funding Appropriations on Item 2, under New Business, relating to the legislative priorities:

1) For the Utilities Department, the total funding appropriation request was increased from \$1,125,000 to \$1,630,500, due to the utility impact fees effective January 1st; and

2) The funding appropriation for the Information Technology Department should have reflected \$660,000.

b. The subject on the Legislative Memorandum of Item 3, under New Business, was revised to include Deputy Mayor Johnson's name as well as an expanded description for consideration of a lease agreement with Brevard Public Schools for development of a disc golf course.

CONSENT AGENDA:

All items of business under the 'Consent Agenda' heading were enacted by the following motion:

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, that the Consent Agenda be approved with the removal of Item 6, from consent. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

1. Adoption of Minutes: Regular Council Meeting 2020-39; November 5, 2020.

The minutes, considered under Consent Agenda, were approved as presented.

2. Adoption of Minutes: Regular Council Meeting 2020-40; November 19, 2020.

The minutes, considered under Consent Agenda, were approved as presented.

3. Adoption of Minutes: Special Council Meeting 2020-41; November 23, 2020.

The minutes, considered under Consent Agenda, were approved as presented.

4. Award of Bid: Drainage pipe connection, St. Johns Heritage Parkway to Fire Station retention pond – IFB 12-0-2021 – Public Works Department (MJC Land Development, LLC - \$145,163).

Staff Recommendation: Award the bid for drainage pipe connection, from the St. Johns Heritage Parkway to the Fire Station retention pond, to MJC Land Development, LLC, in the amount of \$145,163.

The item, considered under Consent Agenda, was approved as recommended by City staff.

5. Resolution 2020-61, naming a park site located at the northeast corner of Wake Forest Road and Barnes Avenue as ‘West Pine Estates Park’.

The City Attorney read the resolution in caption only.

The item, considered under Consent Agenda, was approved as recommended by City staff.

6. Consideration of the sale of nine (9) surplus escheated properties in Holiday Park (\$51,570).

Staff Recommendation: Authorize the Acting City Manager to execute the sale contracts for all nine (9) properties for a total of \$51,570 in sale proceeds.

Mr. Bailey was concerned that the offer was too low, especially since they had water and sewer services. He said that a lot of payments were written off and not collected, and felt that the properties could be sold at a higher cost in order to recover the debt. He said the City was in process of securing a residential broker within the next thirty (30) days and suggested waiting until that time to try and get better offers. Mr. Bailey suggested a counteroffer of \$15,000 per property and if any properties were not sold, they could be handled by the broker. Otherwise, Council should reject the current offers and allow the broker to sell the properties.

Deputy Mayor Johnson supported either option. Mr. Felix agreed that the offers were very low and felt all offers should be rejected and have the broker perform a fair valuation of each property. Mayor Medina and Mr. Foster concurred.

Sheree Morris, District Manager, Holiday Park Recreation District (District), said it was the District’s intent to remove the derelict homes. She said the District was not trying to make any money and she felt the City had put a lot of money into the properties already.

The properties were a nuisance and the District just wanted to clean up the neighborhood and make it a better community for the seniors. Ms. Morris asked that Council reconsider its stance.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to reject all offers and allow the City's broker to handle the sale of the properties.

Mr. Bailey clarified that offers had not been accepted, only received. He said that it would be a month or so for the broker to be secured and then the properties could be advertised accordingly.

Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

7. Consideration of utilizing additional funding from the General Fund Undesignated Fund balance for the increased estimates of eleven (11) replacement vehicles for the Police Department (\$21,646).

Staff Recommendation: Approve the use of an additional \$21,646 from the General Fund Undesignated Fund balance towards the increased estimates of the eleven (11) replacement vehicles for the Police Department.

The item, considered under Consent Agenda, was approved as recommended by City staff.

8. Consideration of appropriation of funds from Building Department Undesignated Fund Balance for new positions within the Building Department (\$133,651).

Staff Recommendation: Approve a budget amendment from the Building Department Undesignated Fund Balance for new positions within the Building Department, in the amount of \$133,651.

The item, considered under Consent Agenda, was approved as recommended by City staff.

9. Consideration of appropriation of funds for engineering and other contractual services for removal of an abandoned water main at Jupiter bridge/C-1 canal (\$35,000).

Staff Recommendation: Approve the appropriation of funds for engineering and other contractual services for removal of an abandoned water main at Jupiter bridge/C-1 canal, in the amount of \$35,000.

The item, considered under Consent Agenda, was approved as recommended by City staff.

10. Consideration of a grant application to Firehouse Subs Public Safety Foundation to obtain dive equipment for the Police Department dive team.

Staff Recommendation: Approve the submittal of a grant application to Firehouse Subs Public Safety Foundation for the purpose of obtaining dive equipment for the Police Department dive team and to re-submit quarterly, if needed, to continue competitive efforts to secure the grant funding in 2021.

The item, considered under Consent Agenda, was approved as recommended by City staff.

11. Consideration of travel and training for specified employee (Fire Department).

Staff Recommendation: Approve the travel and training as specified.

The item, considered under Consent Agenda, was approved as recommended by City staff.

RECOGNITIONS AND PROCLAMATIONS:

The proclamation was read.

1. Proclamation: Family Christmas Day Extravaganza - December 19, 2020. (Mayor Medina)

PUBLIC COMMENT(S)/RESPONSE(S): (Non-agenda Items Only)

1. Garnell McAfee Jr., resident, asked Council to pass a resolution/proclamation similar to the City of Asheville, North Carolina, which supported community reparations for the black community.

2. Angela Moore, resident, commented on the increased costs with Republic Services versus Waste Management for solid waste services at her commercial property. She asked Council to revisit the contract with Republic Services.

PUBLIC HEARING(S):

1. Ordinance 2020-82, amending the Code of Ordinances, Chapter 37, Growth Management Department, by modifying provisions related to the Land Development Division (T-35-2020, City of Palm Bay), first reading.

The Planning and Zoning Board recommended that the request be approved.

The City Attorney read the ordinance in caption only. The public hearing was opened. Ms. Sherman presented the request to Council. The public hearing was closed.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to approve Ordinance 2020-82. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

2. Ordinance 2020-83, amending the Code of Ordinances, Chapter 40, Building Department, by modifying duties and responsibilities of the department (T-35-2020, City of Palm Bay), first reading.

The Planning and Zoning Board recommended that the request be approved.

The City Attorney read the ordinance in caption only. The public hearing was opened. Ms. Sherman presented the request to Council. The public hearing was closed.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to approve Ordinance 2020-83. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

3. Ordinance 2020-84, amending the Code of Ordinances, Chapter 174, Floodplain and Stormwater Management, Subchapter 'Floodplain Management', by modifying provisions contained therein (T-35-2020, City of Palm Bay), first reading.

The Planning and Zoning Board recommended that the request be approved.

The City Attorney read the ordinance in caption only. The public hearing was opened. Ms. Sherman presented the request to Council. The public hearing was closed.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to approve Ordinance 2020-84. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

4. Resolution 2020-58, granting approval of a Planned Unit Development (PUD) Preliminary Development Plan of a single-family residential subdivision to be known as ‘Gardens of Waterstone Phase 1 PUD’, which property is located west of and adjacent to Mara Loma Boulevard, in the vicinity south of Melbourne Tillman Water Control District Canal 38 (44.65 acres) (Case PD-32-2020, Waterstone Farms, LLC) (Quasi-Judicial Proceeding).

The Planning and Zoning Board recommended that the request be approved, subject to the staff comments contained in the staff report.

The City Attorney read the resolution in caption only. The public hearing was opened. Rochelle Lawandales, representative for the applicant, presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to adopt Resolution 2020-58, subject to the staff comments contained in the staff report and the following items being submitted with a Final PUD application: 1) a preliminary subdivision plat and a boundary and title opinion; 2) deed restrictions establishing development standards and minimum dwelling sizes; 3) Specific layout and architectural drawings illustrating the amenities and walking trails; and 4) the technical comments generated by the Development Review Staff shall be observed and incorporated into all future subdivision designs. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

5. Resolution 2020-59, granting a conditional use to allow an assisted living facility to be known as ‘Hampton Manor of Palm Bay’ in IU (Institutional Use District) zoning on property located in the vicinity south of Koutnik Road, between Ruffin and Buffing Circles (20.19 acres) (Case CU-30-2020, DSG, LLC and Gus & Son, LLC) (Quasi-Judicial Proceeding).

The Planning and Zoning Board recommended that the request be approved, subject to the staff comments contained in the staff report.

The City Attorney read the resolution in caption only. The public hearing was opened.

Jake Wise, representative for the applicant, presented the request to Council. He stated that the proposed project would occupy 7.65 acres of the 20-acre parcel.

Mr. Bailey asked about the material to be used for the opaque fence. Mr. Wise answered that it would be vinyl PVC. Mr. Bailey asked how many residents attended the public meeting. Mr. Wise said it was approximately twenty-five (25) people.

Bill Battin, resident, asked what would be done with the remaining 12.51 acres on the property. He said there was nothing to stop another phase to be developed on the property.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to adopt Resolution 2020-59, subject to the following conditions: 1) submittal of a traffic impact analysis; 2) the developer shall pay their Proportionate Fair Share of the cost of all necessary traffic improvements; 3) construct a porte-cochere at the main entrance to the building; 4) the opaque perimeter fence shall be constructed of either wood or PVC, and extended on the west side of the property north to Pilgrim Lane; 5) the building height shall be restricted to a maximum of twenty-five (25) feet; 6) the developer shall work closely with city staff to save as many existing specimen trees as practical; and 7) construct an emergency access to Satz Street for future development.

Mr. Bailey responded to the comment that if this request was approved, the property owners would require additional approvals to develop the remaining 12.51 acres. He clarified that the remaining wooded area could be cleared in the future for development. He felt that the applicant had met all criteria and supported the request.

Mayor Medina said he visited the site and did not agree with the traffic counts provided. He felt it would disrupt and change the community and did not support the request. Mr. Bailey asked to reopen the public hearing so that staff could address the emergency access to Satz Street. Mayor Medina said the public hearing had been closed and would not be reopened. He asked for any further discussion from Council.

Deputy Mayor Johnson supported staff's recommendation. He said the traffic impact would be minimal.

Mr. Foster agreed that there would not be a lot of traffic as the individuals housed at the facility would not be driving, only receiving visits from family and friends. He supported the request with the additional access.

Mayor Medina said an official traffic study had not been performed as yet. He said an additional access, regardless of it being emergency vehicles, would impact the residents and neighborhood on the east side of the site. Mr. Bailey said that pursuant to the ordinance, a traffic impact analysis was required at the time of the proposed development of the site. However, under Item G of the Staff Report, the ITE Trip Generation Informational Report reflected that assisted living facilities (ALFs) were generally a low producer of overall traffic. He said that if Council were to deny the request based on Item G, competent evidence would be required to support the denial. Mayor Medina said his denial was based on what he had seen with other ALFs throughout the community and the traffic generated for same.

Motion carried with members voting as follows:

Mayor Medina	Nay
Deputy Mayor Johnson	Yea
Councilman Bailey	Yea
Councilman Foster	Yea
Councilman Felix	Yea

6. Resolution 2020-60, granting a conditional use to allow for an automotive fuel dispensary in LI (Light Industrial and Warehousing District) zoning on property located at the southeast corner of Taylor Avenue and Kirby Circle (1.6 acres) (Case CU-31-2020, WJJ Land Holdings, LLC) (Quasi-Judicial Proceeding).

The Planning and Zoning Board recommended that the request be approved.

The City Attorney read the resolution in caption only. The public hearing was opened. The applicant presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Resolution 2020-60. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

7. Request by Palladio Development, LLC, for a variance to allow the east side of a proposed single-family home to exceed the allowable finish floor elevation by a maximum of 2.2 feet, as established by Section 174.073(A)(3), Palm Bay Code of Ordinances (0.23 acres) (V-26-2020) (Quasi-Judicial Proceeding).

The Planning and Zoning Board recommended that the request be approved.

The public hearing was opened. The applicant was not present.

Stephen Stomber, resident, was located adjacent to the property and opposed the request. He said the increased elevation would cause additional water runoff and erosion onto his property.

Mr. Watanabe said that the finished floor elevations were established by Brevard County when they set the septic system. He said that as homes were being built, Brevard County was setting the elevations higher and higher, and the older homes were at lower elevations as was established at the time that those homes were built. Mr. Watanabe explained that during the process of permitting the driveway and reviewing the drainage, staff would assess and try to manage any erosion issues. Staff would work with developers to ensure that the grading went toward the front of the house and to the street versus the back. Mayor Medina suggested that Mr. Stomber work with City staff.

Bill Battin, resident, called a Point of Order as a resident was permitted to speak twice on the issue and others were given the opportunity to speak when his name was called to make his comment. He said the applicant stated that it would be favorably economical to request the additional elevation. However, it would cost more for the adjacent properties that were of lower elevation to deal with flooding issues.

Sean Hartley, resident and realtor, said that Mr. Stomber's home was built a year ago and he did not understand how Brevard County would have modified its regulations to increase the elevations in such a short period of time. He had experienced the devalue of homes with lower elevations due to buyers' concerns of flooding.

Mr. Foster asked if there had been excessive flooding in that area. Mr. Watanabe said it varied as there were low lying flood areas, but as long as the swales and canals were properly maintained, the water would flow appropriately. Mr. Foster requested information on the flood zone of the area.

Mr. Bailey asked if the item could be continued due to the absence of the applicant, even though the public hearing had been opened. Ms. Smith said that Council should continue the request as the applicant had to be allowed to provide any necessary evidence. Mr. Bailey said that Council typically continued the first hearing if the applicant was not in attendance.

Phil Weinberg, resident and Chairman of the Planning and Zoning Board (P&Z), advised that P&Z had recommended approval of this request because the home to the west was at a higher elevation than the request presented tonight.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to continue the request to the next regular Council meeting on December 17, 2020. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

8. Request by Dale Herscher, for a variance to allow a proposed covered carport to encroach 6.5 feet into the 8-foot side interior building setback as established by Section 185.033(F)(7)(b), Palm Bay Code of Ordinances (0.23 acres) (V-28-2020) (Quasi-Judicial Proceeding).

The Planning and Zoning Board recommended that the request be approved.

The public hearing was opened. The applicant presented the request to Council. The public hearing was closed.

Bill Battin, resident, understood the purpose of the request, but said the runoff from the roof of the carport would fall right onto the property line and could cause issues for the adjacent property owner. The applicant said he would install a gutter if needed.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to approve the request, with the condition that a gutter be installed to prevent flooding onto the neighboring property. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

PROCUREMENTS:

1. Award of Bid: Malabar Road pipe repair – IFB 05-0-2021 – Public Works Department (Insituform Technologies, LLC - \$1,151,152).

Staff Recommendation: Approve the award for Malabar Road pipe repair to Insituform Technologies, LLC (Chesterfield, Missouri), in the amount of \$1,151,152.40.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to award the bid as requested. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

2. Award of Bid: Road bond paving, Unit 17 – IFB 07-0-2021 – Public Works Department (Ranger Construction Industries - \$1,569,051.75).

Staff Recommendation: Approve the award for road bond paving, Unit 17, to Ranger Construction Industries (Fort Pierce), in the amount of \$1,426,410.75 plus \$142,641 for the contingency change orders.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to award the bid as requested. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

COUNCIL REPORTS:

Councilmembers addressed various subject.

1. Deputy Mayor Johnson advised that he was working with staff on an Adopt-A-Park Program, which would be for volunteers and local organizations. The purpose would be to adopt a park for a year and keep it clean. Signage honoring the organization/individual would be posted as well. The program would be for ages ten (10) and older, with at least one adult supervisor, and a minimum of ten (10) clean-ups for the year. He wanted to ensure that the Palm Bay Chamber was involved as well.

2. Mayor Medina made the following reports:

a) Requested a workshop with the Federal Bureau of Investigation (FBI) regarding an anti-corruption briefing. He wanted to have it sometime in the first quarter of 2021.

b) Advised that he wanted to purchase “challenge coins”, similar to those distributed by the military, and utilize the City logo. He said the coins would be given to employees and residents as encouragement or praise. Council concurred.

Deputy Mayor Johnson said he was not opposed to the workshop but asked if it was common practice to have a workshop of this nature. Mr. Foster asked if Mayor Medina had spoken to anyone in the FBI. Mayor Medina said he had a contact at the FBI that would be available. Mr. Foster asked if it was different from the Florida Commission on Ethics. Mayor Medina said it would be a briefing on different aspects, such as contracts, and review potential pitfalls and related case studies. Mr. Bailey supported having the workshop and felt it would be interesting, but also thought it was unorthodox. He asked if this had been done at any other municipalities and, if so, that information from those

meetings be provided to Council. Mayor Medina said this type of meeting had occurred in other cities. He said the workshop was more of an informative session. Mr. Felix supported the workshop, especially for public perception.

NEW BUSINESS:

1. Consideration of adopting Christmas Eve (December 24) as an official holiday observed by the City of Palm Bay. (Deputy Mayor Johnson)

Staff Recommendation: Adopt Christmas Eve (December 24th) as an official holiday observed by the City of Palm Bay.

Ms. Sherman advised that the estimated cost for this year was \$97,925. Deputy Mayor Johnson said that all but two municipalities, as well as Brevard County, were closed on Christmas Eve.

Robert Burns, Viera resident, asked if the expense was in addition to the funding already budgeted and, if denied by Council, if those monies could be utilized for other purposes. Ms. Sherman said it was an additional cost that was not in the existing budget. She said that funding from current position vacancies would be used this year to offset the expense.

Mr. Bailey said that previous Council had concurred that if the holiday fell on a Tuesday or Thursday, then the Monday or Friday would automatically be budgeted as a day off for that year.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to adopt December 24th as an official holiday.

Mr. Bailey understood that the majority of cities were closed and added that Palm Bay employees received a floating day for their birthday. He recommended swapping the floating birthday, Presidents Day or Labor Day and there would be no fiscal impact. He said that some cities had swapped Martin Luther King Jr. Day.

Mr. Foster disagreed and felt it should be a permanent holiday. Mr. Felix concurred with Councilman Foster. Mayor Medina was pleased that the City had flexibility right now to afford the day off but cautioned that the City may not be in the same position in the future. He supported approving for this year only and discuss with staff for future years.

Mr. Bailey said that swapping the day with another holiday or floating day would keep the number of annual holidays for employees at eleven (11) which was in line with the other municipalities.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to amend the motion to approve Christmas Eve off for this year and for Council to consider Christmas Eve as a holiday during the Fiscal Year 2021-2022 budget process.

Motion carried with members voting as follows:

Mayor Medina	Yea
Deputy Mayor Johnson	Yea
Councilman Bailey	Nay
Councilman Foster	Yea
Councilman Felix	Yea

2. Consideration of the City's state legislative priorities.

Staff Recommendation: Approve the 2021 Legislative Priorities of the City and authorize City staff, in coordination with the City's state lobbying firm, to pursue the City's legislative agenda and seek legislative support and sponsorship from the Brevard Delegation; and approve the request for \$200,000 in General Fund reserves to serve as local match for Funding Appropriation Request 3 relating to cybersecurity.

Mrs. Junkala-Brown detailed the six (6) priorities: three (3) funding appropriation requests and three (3) legislation/policy recommendations. Shawn Foster and Sam Wagoner, Sunrise Consulting Group (City's state lobbying firm), reviewed proposed items for the upcoming Legislative Session.

Mr. Bailey asked if items could be moved around, such as the request from the Procurement Department being moved to Priority 1. Mr. Shawn Foster said Council could prioritize as desired.

Deputy Mayor Johnson said his priorities were the septic-to-sewer conversions and baffle boxes to protect and support the Indian River Lagoon (IRL).

Mr. Wagoner advised of a new rule in the Florida House of Representatives (House) known as the Fifty Percent Rule. In order for a project to be considered by the House, it must be funded at fifty percent (50%) or more of the amount proposed in the bill.

Mr. Felix supported any projects that would help the IRL.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to approve the 2021 state legislative priorities and the request for \$200,000 for local match.

As there was a public comment, Mr. Bailey withdrew his second to the motion and Deputy Mayor Johnson withdrew his motion.

Bill Battin, resident, asked the location of the 150 residential parcels that would benefit from the septic-to-sewer conversion; if the property owners would be required to connect to the system; if new roads would be torn up to install the lines; and if the City or the residents had to pay for the connection. Ms. Sherman advised that the selected parcels were located in the vicinity of Turkey Creek and the IRL; it would be a mandatory hook-up; new services would not be extended in the area so roads would not be affected; and the funding would pay for the entirety of the hook-up, but she was unsure if it included the abandonment and removal of the septic tank and drain field. However, if the removal was not included, then funding could be obtained through Save Our Indian River Lagoon (SOIRL).

Mr. Little said it was set up for those that had sewer available but were not connected. The homeowner would abandon the septic tank and connect. The exact properties had not been identified but the parcels would not necessarily be at Turkey Creek or within the SOIRL area. Many were along canals that may go into St. Johns Water Management District or towards Turkey Creek. Mr. Bailey asked about costs for connection from the roadway to the house. Mr. Little said that impact fees would remain as is; the main line extension (MLE) fees would be waived; and fees for septic system abandonment and plumbing for connection from road to house were included. Costs to the property owner would be little to nothing.

Mr. Foster asked if there was a state law for mandatory connection. Mr. Little said that Florida Statutes stated that the utility had to notify the property owner when services were available and that they would have to connect within one year. Deputy Mayor Johnson added that the issue was there was no way to enforce the law.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to approve the 2021 state legislative priorities and the request for the \$200,000 local match.

Mr. Bailey asked that the Procurement Department's request, under Legislation/Policy Priorities, be moved from Priority 3 to Priority 1 and explained his reasons for same. He felt that the septic-to-sewer could be moved down as there was no enforcement mechanism.

Mayor Medina felt that staff prioritized the items for a reason and after discussing these issues with staff, he was confident that all items would be addressed as if they were Priority 1. Deputy Mayor Johnson said his motion would remain as stated.

Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

3. Consideration of an interlocal agreement with Brevard Public Schools for the purpose of sharing the use of sports and recreational facilities (Deputy Mayor Johnson); and consideration of a lease agreement with Brevard Public Schools for development of a disc golf course.

Staff Recommendation: Authorize and approve the Acting City Manager to execute the interlocal and lease agreements.

Deputy Mayor Johnson and Mr. Poppe presented the interlocal agreement request to Council. Council supported the request.

Mr. Poppe presented the lease agreement request to Council. Mr. Bailey supported the request but questioned if the fence would still have to be installed if the City did not develop the site. Mr. Poppe felt the intent was that the fence would be in place to protect private properties from activities of the golf course.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to authorize and approve the Acting City Manager to execute the agreements as requested. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

4. Consideration of a pay adjustment for sworn and communications center personnel within the Police Department (\$478,350).

Staff Recommendation: Approve the implementation of the pay adjustments and corresponding related expenditures for sworn and communications center personnel within the Police Department, up to \$478,350.

Chief Moya provided a salary study of sworn and communications center personnel. Over the last year, twelve (12) police officers had resigned for law enforcement positions at other agencies or in private sector; and seven (7) telecommunicators had left for positions within the City in the previous eighteen (18) months. Officer vacancies spread across all four (4) patrol shifts as well as in each of the specialty units, which created increased workload demands on the remaining personnel. Chief Moya said that challenges included the City being at the lower end of the pay scale; aging vehicle fleet; and restricted one-time bonus for Certified Police Officers. He said the request for sworn personnel was for a pay adjustment equivalent to the value of two (2) steps for all Officers, Sergeants and

Lieutenants; change Telecommunicator to Communications Officer Training and then to progress to Communications Officer upon certification; and change Communications Shift Supervisor from Grade M to Grade P.

Mr. Bailey said that many of the municipalities had a higher turnover rate than Palm Bay, with only Satellite Beach possibly being lower. He said that the City of Cocoa offered 2.25% per year of experience, up to five (5) years, as an incentive and asked if that would be an option. Chief Moya said he had reviewed that option but felt that a one-time bonus of \$1,000 per year, up to \$4,000 for four (4) years of prior experience, was more suitable. Mr. Bailey asked if the cost of the Pension Obligation Bonds were included. Chief Moya answered that the bonds were not captured in the Police Department's budget. Mr. Bailey reviewed salary comparisons to include benefits and commented on the large Pension Obligation Bond. He said that as Palm Bay had a lower turnover, maybe employees were leaving due to promotional opportunities and not salary. Chief Moya answered further questions posed by councilmembers.

Deputy Mayor Johnson felt this was an easy ask. He understood the fiscal impact but questioned the impact to the community and knew that it would be far more substantial.

Mr. Foster knew from experience how salary increases stopped the issues of retention. He supported the request and stated his reasons for same. He said it was not about pension, but about pay and competing with other law enforcement agencies.

Mr. Felix felt the ask was fair and supported the request.

Mayor Medina said that the Chief was tasked to equip the men and women of the Police Department with a higher morale and that could not be done if there was dissention and staff was leaving the department.

An individual spoke in favor of the request.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve the pay adjustments as requested.

Mr. Bailey said that one of his concerns was that there were three percent (3%) increases at the bottom level, and nine percent (9%) at the top. He understood the data was there to support it, but funding the police was not just salary, it was the equipment, the vehicles and the compensation. When all of those figures were added together, Palm Bay was at

the top of the comparison chart. He commended staff and said they all do a great job, but there was not enough evidence to approve the item and it should be handled during negotiations.

Mayor Medina said he had questioned the recruitment bonus and asked the findings from the City Attorney. Ms. Smith said there was a question regarding the applicability of Section 215.425, Florida Statutes, as it related to extra compensation. She cited Attorney General Opinion 2005-30, which stated that the City could adopt a policy which would authorize an employment bonus as an incentive for employees to accept employment with the city. If such policy is adopted prior to the hiring of the officer or employee, no extra compensation was being paid after the services had been rendered; rather, it is part of the offer of employment and the provisions of Sections 215.425 and 166.021, Florida Statutes, would not appear to be implicated. Mayor Medina asked if the incentive was being offered when the City went through the recent audit from the State. Ms. Smith confirmed same and said the City was not found to be in violation.

Mr. Bailey clarified that he was in support of the adjustments for the telecommunicator staff.

Motion carried with members voting as follows:

Mayor Medina	Yea
Deputy Mayor Johnson	Yea
Councilman Bailey	Nay
Councilman Foster	Yea
Councilman Felix	Yea

ADMINISTRATIVE AND LEGAL REPORTS:

1. Ms. Sherman requested a workshop to provide an overview of the Council-Manager form of government and City Charter on Thursday, December 10, 2020, at 6:00 P.M. Council concurred.

2. Ms. Sherman advised that the total valuation of new commercial activity last year was \$36 million and \$22 million so far for this year.

PUBLIC COMMENTS/RESPONSES:

A resident made a general comment.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 11:45 p.m.

Robert Medina, MAYOR

ATTEST:

Terri J. Lefler, DEPUTY CITY CLERK



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Christopher A. Little, P.E.; Juliet Misconi

DATE: 12/17/2020

RE: Contract: Cityworks enterprise license agreement, renewal – Utilities and Public Works Departments (Azteca Systems, LLC - \$50,000 annually (three-year term)(sole source)).

On February 20, 2007, the City entered into an Enterprise License Agreement (ELA) with Azteca Systems, Inc for Cityworks. Cityworks is the computerized maintenance management system (CMMS) for asset and work order management utilized by the Utilities Department. The City's geographic information system (ESRI) provides the core platform for Cityworks.

Since the initial ELA approval, the ELA has been renewed for subsequent three-year terms. The current Citywide ELA was approved by City Council on March 15, 2018 and will expire on February 28, 2021. Azteca Systems, LLC – Cityworks has submitted an ELA for the new three-year term to begin on March 1, 2021 and end on February 29, 2024.

Under the current Citywide ELA, the annual cost was \$75,000 and split between the Utilities and Public Works Departments. The ELA has been amended to remove Public Works. The amount will now be \$50,000 annually for the next three years for the AMS (Asset Management System) Standard Cityworks Departmental ELA. This will be for the Utilities Department only.

As Azteca Systems is the only provider of maintenance and support of their Cityworks software, and per the Procurement Ordinance, 38.06, maintenance and support of existing software/hardware is excluded from the competitive procurement process.

REQUESTING DEPARTMENT:

Utilities, Procurement

FISCAL IMPACT:

The annual cost will be \$50,000, total cost for three years will be \$150,000. Funds are available in Utilities Department's Operating Fund 421-8013-536-4604.

RECOMMENDATION:

Motion to approve the three-year AMS Standard Cityworks Departmental ELA with Azteca Systems, LLC – Cityworks located in Sandy, Utah.

ATTACHMENTS:

Description

Azteca Systems, LLC - Cityworks Quote



Azteca Systems, LLC - Cityworks
11075 S State St, Suite 24 | Sandy, UT 84070
801-523-2751 | Fax # 801-523-3734

Quote Number Q-11799-2
Created Date 11/23/2020
Expiration Date 2/5/2021

Contact Information

Contact Name: Adam Beard
Organization: Palm Bay (FL), City of
Contact Address: 250 Osmosis Dr SE
Palm Bay, FL
32905

Prepared By Name: Jon Hansen
Prepared By Phone: (801) 523-2751

Quote Lines

Product Name	Quantity/ Population	Net Unit Price
ELA - Server AMS STANDARD	1.00	USD 50,000.00
TOTAL:		USD 50,000.00

Notes

Year 1 Dollar Value	USD 50,000.00	Year 1 Date Range	03/01/2021 - 02/28/2022
Year 2 Dollar Value	USD 50,000.00	Year 2 Date Range	03/01/2022 - 02/28/2023
Year 3 Dollar Value	USD 50,000.00	Year 3 Date Range	03/01/2023 - 02/29/2024

Quote Notes:

Quote amends City of Palm Bay Citywide Server AMS Standard Cityworks Enterprise License Agreement (ELA) dtd approx. 04/02/2018 to a Departmental Server AMS Standard Cityworks Enterprise License Agreement (ELA) for the City of Palm Bay Utilities Department only.

Updated License:

Server AMS Standard Cityworks Departmental Enterprise License Agreement (ELA), Includes Unlimited Quantities of the Identified Products for Utilities Department Only:

Office
Respond
Mobile Native Apps (for iOS/Android)

--Includes the following Add-ons:

Storeroom
Equipment Checkout
Contracts
Cityworks for Excel
Cityworks Analytics for AMS
eURL (Enterprise URL)
Workload
Web Hooks
CCTV Interface for PACP
Pavement Management
Local Government Templates (LGT)
Use of Cityworks AMS Application Programming Interfaces (APIs) with commercially available Cityworks-centric applications that are licensed and maintained by authorized Cityworks partners

Annual fee herein is based on 100,001 - 150,000 population range

Terms and Conditions

Payment Terms

Payment due within 30 days

Authorized to Invoice 30 days prior to renewal.

All quotations are valid for ninety-days (90) from the date above, unless otherwise stated in this quotation form. All prices quoted are in USD, unless specifically provided otherwise, above. These prices and terms are valid only for items purchased for use and delivery within the United States.

Unless otherwise referenced, this quotation is for the Cityworks software products referenced above only. Pricing for implementation services (installation, configuration, training, etc.), or other software applications is provided separately and upon request.

The procurement, installation and administration of the Esri software utilized in conjunction with Cityworks will be the responsibility of the customer.

The procurement, installation and administration of the RDBMS utilized in conjunction with Cityworks will be the responsibility of the customer. Currently, Cityworks supports Oracle and SQL Server. The procurement, installation and administration of the infrastructure (hardware and networking) utilized in conjunction with Cityworks will be the responsibility of the customer.

This quotation information is confidential and proprietary and may not be copied or released other than for the express purpose of the current system selection and purchase. This information may not be given to outside parties or used for any other purpose without written consent from Azteca Systems, LLC.

Software Licensing

All Azteca Systems software offered in this quotation are commercial off-the-shelf (COTS) software developed at private expense, and is subject to the terms and conditions of the "Cityworks Software License Agreement" and any and all addendums or amendments thereto. A fully executed copy of the Software License Agreement and any addendum(s) is required before delivery and installation and usage of the software is subject to the terms of the current license agreement.

Delivery method is by way of download through Azteca Systems, LLC. customer support web portal.

Taxes

Prices quoted do not include any applicable state, sales, local, or use taxes unless so stated. In preparing your budget and/or Purchase Order, please allow for any applicable taxes, including, sales, state, local or use taxes as necessary. Azteca Systems reserves the right to collect any applicable sales, use or other taxes tax assessed by or as required by law. Azteca Systems reserves the right to add any applicable tax to the invoice, unless proof with the order is shown that your organization or entity is tax exempt or if it pays any applicable tax directly.

International Customers

These items are controlled by the U.S. government and authorized for export only to the country of ultimate destination for use by the ultimate consignee or end-user(s) herein identified. They may not be resold, transferred, or otherwise disposed of, to any other country or to any person other than the authorized ultimate consignee or end-user(s), either in their original form or after being incorporated into other items, without first obtaining approval from the U.S. government or as otherwise authorized by U.S. law and regulations.

Your signature indicates your acceptance of this Quote, and that you have read and accepted the Terms and Conditions set forth above.

Accepted by:

Title

_____/_____/_____
Date



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Christopher A. Little, P.E.; Yvonne McDonald, Finance

DATE: 12/17/2020

RE: Contract: Nutrient removal facilities, North Regional Water Reclamation Facility, Change Order 2 – Utilities Department (TLC Diversified, Inc. - \$59,474).

On February 20, 2020 Council approved the award of Invitation for Bid #12-0-2020/JG, North Regional Water Reclamation Facility (NRWRF) Nutrient Removal Facilities in the amount of \$3,367,000 to TLC Diversified Inc. This facility will aid in reducing pollutants reaching the Indian River Lagoon. On April 5, 2018 Council approved the execution of an Interlocal Agreement with Brevard County to accept funding for the design and construction of the nutrient removal facilities. The Save Our Indian River Lagoon (SOIRL) Project Cost-Share Funding Interlocal Agreement SOIRL 18-17 was executed in April 2018.

TLC Diversified Inc., has submitted Change Order (CO) # 2. The CO includes modifications to the 16-inch Feed Forward piping required due to unforeseen conditions at the treatment plant's headworks structure, amount \$75,778.94. This cost will be offset by credits due to the City for modifications to the original design. These modifications are for raising the influent piping elevation, credit amount -\$944.18; and furnishing and installing and 8-inch silencer in lieu of the 16-inch, credit amount -\$15,361.29. Net CO amount is \$59,473.47. This CO also includes a time extension of 30 days. The Interlocal Agreement will be amended for the time extension.

The Department's Engineer of Record for this project, Wade Trim, reviewed the CO and provided a summary letter for the work. Staff has reviewed this summary and requests approval for CO #2. The cost for CO #2 will not be included for reimbursement via the Interlocal Agreement.

CO #1 was approved June 1, 2020 for extension of time due increased lead-times for the procurement of components, there was no change to project cost.

REQUESTING DEPARTMENT:

Utilities, Finance

FISCAL IMPACT:

Total construction cost will be increased by \$59,473.47; for a revised construction cost \$3,426,473.47. A budget amendment will be submitted. Pending approval of the budget amendment, funds will be available in the Utilities Department's Operating Fund 421-8034-535-6221, project 17WS16.

RECOMMENDATION:

Motion to approve the appropriation of funds on the next scheduled budget amendment in the amount of \$59,474 for Change Order #2, IFB #12-0-2020/JG, NRWRF Nutrient Removal Facilities to TLC Diversified Inc., located in Palmetto, Florida.

ATTACHMENTS:

Description

Change Order #2 - NRWRF Nutrient Removal Facilities

SECTION 00830 CHANGE ORDER

PROJECT: NRWRF Nutrient Removal Facilities
Invitation for Bid #12-0-2020/JG

CHANGE ORDER NUMBER: 2 **DATED:** 11/24/2020

CONTRACTOR: TLC Diversified, Inc.

ADDRESS: 2719 17th Street East, Palmetto, Fl. 34220

JUSTIFICATION:

The Contractor has identified unforeseen conflicts at the North Regional Water Reclamation Facility's (NRWRF) headworks structure that will prevent the subsurface installation of the new 16" Feed Forward piping as depicted in the Contract Drawings. These conflicts include concrete footings, electrical lines, and water lines. To avoid these conflicts, the Contractor has proposed to install a portion of the piping above ground. This work will require additional piping, concrete work, and labor. The City's Engineer of Record (Wade Trim) has reviewed the Contractor's Change Order request and concurs with the conflict resolution.

Additional Contract time has been requested for the procurement of the required construction materials.

CONTRACT PRICE AND TIME IMPACT:

CURRENT CONTRACT AMOUNT:	<u>\$ 3,367,000.00</u>
INCREASE/DECREASE IN CONTRACT AMOUNT:	<u>\$ 59,473.47</u>
NEW CONTRACT AMOUNT:	<u>\$ 3,426,473.47</u>
CURRENT CONTRACT COMPLETION DATE:	<u>09/23/2021</u>
INCREASE/DECREASE IN CONTRACT TIME:	<u>30 DAYS</u>
NEW CONTRACT COMPLETION DATE:	<u>10/22/2021</u>

ORDERED BY THE CITY OF PALM BAY**ACCEPTED BY THE CONTRACTOR**

Juliet Misconi, CPPO, CPPB
Chief Procurement Officer

Printed Name & Title

Date

Signature

Date



Wade Trim, Inc.

3790 Dixie Highway NE, Suite D • Palm Bay, FL 32905
321.728.3389 • www.wadetrim.com

November 18, 2020

Christopher A. Little, P.E.
Utilities Director
City of Palm Bay Utilities Department
250 Osmosis Drive SE
Palm Bay, FL 32909

RE: Change Order No. 2 – Feed Forward Piping (Revised) & Credits
Palm Bay Nutrient Removal Project

Dear Mr. Little:

The Palm Bay City Utilities staff and Wade Trim conducted a follow-up meeting with the Contractor, TLC Diversified, Inc., on November 4, 2020 for the purpose of reviewing the proposed change order for the 16-inch feed forward piping located underneath the headworks structure at the North Regional Water Reclamation Facility. This letter summarizes the results of the meeting and provides the City with a revised cost for the proposed piping change.

Background. A change order was submitted by the Contractor to furnish and install a portion of the 16-inch Feed Forward piping above grade in lieu of below grade as originally shown on the contract drawings. This modification will be required due to unforeseen conditions which exist around the treatment plant's headworks structure that include conflicts with concrete footings, buried power, and water lines.

Wade Trim's engineers have reviewed the project site conditions based on additional excavation work performed by the Contractor and found that approximately 65% of the existing influent piping lies directly beneath concrete footings which support the headworks structure. The actual pipe locations, as well as the footing dimensions, were not accurately shown on the City's as-built drawings, thereby prohibiting the Contractor from installing the new piping without comprising the headworks structure.

Feed Forward Piping (Change Order No. 2). Based on our follow-up meeting, the Contractor's revised change order price, including all labor, materials and equipment required for this work, is equivalent to \$75,778.94 (see Attachment 1). The Contractor's cost estimate includes an itemized summary of the proposed labor as well as a credit for the original below grade labor in the subject area. The Contractor's change order also includes a request for an additional 30 days be added to the contract for the procurement of materials.

Credits. Wade Trim has negotiated two credits with the Contractor for the project which are described below:

Attachment No. 2: Pipe Elevation Credit – a pipe elevation credit will result from allowing the Contractor to raise the influent piping from elevation 11.25' to 14.00'. The proposed area for

this change is shown in Attachment 2. This change will result in a credit to the City in the amount of \$944.18.

Attachment No. 3: Silencer Credit – this credit results from furnishing and installing an 8-inch silencer in lieu of the 16-inch silencer as originally shown on the contract drawings. This change results in a credit to the City in the amount of \$15,361.29 as described in Attachment No. 3.

Cost Summary. The table below provides a cost summary of the proposed Change Order No. 2 (Feed Forward Piping) in addition to the two credits provided by the Contractor as previously described. The net change order cost is equal to \$59,473.47.

Description	Cost
Change Order No. 2 – Feed Forward Piping	\$75,778.94
Pipe Elevation Credit	(\$944.18)
Silencer Credit	(\$15,361.29)
Net Change Order Cost	\$59,473.47

Your approval of the proposed change order and associated credits is requested. Should you wish to recoup this cost under the City's agreement with the Save Our Indian River Lagoon program, Wade Trim will be happy to assist you upon completion of the project.

Should you have any questions, please feel free to contact me.

Respectfully,



Daniel G. Burden, Ph.D., P.E.
Senior Project Manager

DGB:db

PBU2127.01L

Attachments (3)

cc: Daniel Cordona, Palm Bay Utilities
Tim Roberts, Palm Bay Utilities
Travis Parsons, P.E., Wade Trim
Oscar Duarte, P.E., Wade Trim

Wade Trim
November 18, 2020

ATTACHMENT 1

Change Order No. 2 – Feed Forward Piping



TLC Diversified, Inc.
Keeping Water Moving.

Environmental Construction
Professionals Serving the Water
& Wastewater Industry

CG C041816
CU C053963

November 10, 2020

Wade Trim
3790 Dixie Highway, NE, Suite D
Palm Bay, FL 32905
Attn: Daniel Burden, Ph.D., P.E.

RE: 2004 – Palm Bay Nutrient Removal
Change Proposal 02 – Feed Forward Piping

Mr. Burden,

Please see attached our proposal for furnishing and installing a portion of the 16-inch Feed Forward Line above grade in lieu of below grade due to unforeseen site conditions around the existing Headworks, buried power and water lines.

We have included all, labor, equipment and materials necessary to complete the following:

1. Feed Forward Piping

- Furnishing and installing a portion of the 16-inch Feed Forward Line above grade for the lump sum price of Seventy Five Thousand Seven Hundred Seventy Eight Dollars and 94 Cents: **(\$75,778.94)**

The Contractor is also asking for an extension of contract for 30 calendar days for the procurement and installation of the above additional work.

We appreciate the opportunity to work with you on this project. Should you have any questions please feel free to contact us, thanks.

Respectfully,

Michael McCarty
Sr. Project Manager
TLC Diversified, Inc.
561-315-5688

Palmetto Office (HQ)
2719 17th Street East
Palmetto, FL 34221

Oldsmar Office
3980 Tampa Rd. - Suite 205
Oldsmar, FL 34677

East Coast Office
7233 Southern Blvd, Suite B-1
West Palm Beach, FL 33413

☎ 941-722-0621
☎ 941-722-1382
🌐 www.tlcdiversified.com

Owner's Signature:



QUOTATION

Quote Number: Q10276AR
 Quote Date: Sep 28, 2020
 Page: 1

PO BOX 16039
 TAMPA, FL 33687-6039
 Voice: (813) 740-1144
 Fax: (813) 627-9387

Quoted To:
TLC DIVERSIFIED INC 2719 17TH STREET EAST PALMETTO, FL 34221

Ship To:
TLC DIVERSIFIED INC. @NRWRF NUTRIENT REMOVAL FAC. 1105 CLEARMONT ST. N.E. PALM BAY, FL 32905

Payment Terms	F.O.B / Freight	Estimated Freight	Sales Rep
Net 30 Days	B/W-FFA	\$	JOHN P. BUNN

Quantity	Item	Description	Unit Price	Amount
1.00		12" 06'-06" FLG X FLG DIP, 401 LINED, PC	1,307.40	1,307.40
1.00		12" X 05'-00" FLG X FLG DIP, 401 LINED, PC	1,091.47	1,091.47
2.00	401FT1612	16" X 12" FLG TEE, 401 LINED, P/C	1,585.26	3,170.52
1.00		16" X 02'-00" FLG X FLG DIP, 401 LINED, PC	955.64	955.64
3.00		16" X 14'-00" FLG X FLG DIP, 401 LINED, PC	3,371.05	10,113.15
2.00		16" X 20'-00" FLG X FLG DIP, 401 LINED, PC	4,445.00	8,890.00
2.00		16" FLG 11-1/4 401 LINED, P/C	1,183.00	2,366.00
10.00	FAS316SSB8ML	10/12" FAS, 316SS B8M B & N KIT, L/GASKET	118.30	1,183.00
10.00	FFRR12	12" X 1/8" FF RED RUBBER GASKET, 125/150# DRILLING-NC		
18.00	FAS316SSB8ML	16" FAS, 316SS B8M B & N KIT, L/GASKET	248.00	4,464.00
18.00	FFRR16	16" X 1/8" FF RED RUBBER GASKET, 125/150# DRILLING-NC		
10.00	MJBNS16	16" MJ BOLT & GASKET ACCYS, (12-3/4" X 4 1/2" T-BOLTS AND NUTS) *** MATERIAL BELOW ADDED PER MIKE***	30.00	300.00
4.00	401FB9016	16" FLG 90, 401 LINED, P/C	1,341.20	5,364.80
2.00		12" FORD SERIES 1400 WEDGE ACTION RESTRAINER FOR DIP UFR1400-D-12-I	98.45	196.90
4.00		16" X 06'-00" FLG X PE DIP, 401, PC ***BELOW ADDED FROM QUOTE Q10275 FOR PALM BAY 2004***	1,471.23	5,884.92
4.00	CMJC18	18" C153 MJ CAP, L/ACCYS	218.00	872.00

Subtotal	Continued
Sales Tax	Continued
Freight	
TOTAL	Continued

DISCLAIMERS

Thank you we appreciate your business! Please review your quote for accuracy.
 Non-Stock (Special Orders) items are considered non-returnable. Non-Stock items cannot be canceled once the Purchase Order has been issued and placed with our vendor. Please note lead times are approximate, in business days. All prices are based upon quantities quoted and are subject to change if the quantity is modified. McDade reserves the right to submit a revised quotation. This quotation is valid for 15 days. Service Charge of 1.5% per month will be applied to past due invoices.

AS-Red



QUOTATION

Quote Number: Q10276AR
 Quote Date: Sep 28, 2020
 Page: 2

PO BOX 16039
 TAMPA, FL 33687-6039
 Voice: (813) 740-1144
 Fax: (813) 627-9387

Quoted To:
TLC DIVERSIFIED INC 2719 17TH STREET EAST PALMETTO, FL 34221

Ship To:
TLC DIVERSIFIED INC. @NRWRF NUTRIENT REMOVAL FAC. 1105 CLEARMONT ST. N.E. PALM BAY, FL 32905

Payment Terms	F.O.B / Freight	Estimated Freight	Sales Rep
Net 30 Days	B/W-FFA	\$	JOHN P. BUNN

Quantity	Item	Description	Unit Price	Amount
4.00	MJBNS18	18" MJ BOLT & GASKET ACCYS, (12-3/4" X 4 1/2" T-BOLTS AND NUTS)	34.32	137.28
4.00	MJG18	18" MJ GLAND	42.80	171.20
4.00	401CMJ9016	16" C153 MJ 90, 401 LINED, L/ACCYS	928.94	3,715.76

Subtotal	50,184.04
Sales Tax	3,512.88
Freight	
TOTAL	53,696.92

DISCLAIMERS

Thank you we appreciate your business! Please review your quote for accuracy. Non-Stock (Special Orders) items are considered non-returnable. Non-Stock items cannot be canceled once the Purchase Order has been issued and placed with our vendor. Please note lead times are approximate, in business days. All prices are based upon quantities quoted and are subject to change if the quantity is modified. McDade reserves the right to submit a revised quotation. This quotation is valid for 15 days. Service Charge of 1.5% per month will be applied to past due invoices.

AS-Red

Exceletech Coatings Applications, LLC

Fax Bid Form

To: Michael

Company: TLC Diversified -

Fax #: 941/722-1382 Phone #: 941/722-0621

From: Nolan Schaubert Direct Phone: 813/267-5355 Email: Nolan@excecoatings.com

Bid Date 13-Oct-20 2:00 PM Submitted Date 13-Oct-20

Project: Palm Bay Nutrient Removal RFI # 5 & RFI #05

Division	Description of Work (Listed by Area)	Amount
9900 - Painting,	Revised Feed Forward Pump Piping RFI # 5	\$2,444
9900 - Painting,	Revised Feed Forward Pump Piping RFI # 05	\$6,594
General Conditions, Submittals & Mobilization		
Bond Cost (If Needed)		
TOTAL PROPOSED AMOUNT		\$9,038
		\$6,594.00

	Yes	No		Yes	No
Bonds Included?	<u> </u>	<u>XX</u>	Materials & Labor	<u>XX</u>	<u> </u>
Sales Tax Included?	<u>XX</u>	<u> </u>	Labor Only	<u> </u>	<u>XX</u>
Per Plans & Specs?	<u>XX</u>	<u> </u>	Terms 2% NET 10, NET 15	<u>XX</u>	<u> </u>
Certified MBE or WBE?	<u> </u>	<u>XX</u>	Retainage Held @ 5%	<u>XX</u>	<u> </u>
Visited Job-Site?	<u> </u>	<u>XX</u>	Crew Days	<u> </u>	<u>8</u>

221 N Hwy 27 Suite I Clermont, Florida 34711 Phone (352) 394-2155 Fax (352) 394-5422

Exceletech Coatings Applications, LLC

Project Scope of Work

Estimator : Nolan Schaubert
Phone # 813 / 287-5355

Provided herein is the scope of work that Exceletech Coating. intends to perform on the

Palm Bay Nutrient Removal RFI # 5 & RFI #05

Please review the items listed to ensure that our interpretation of the project documents will meet the needs of your proposal.
This confidential information is not intended for distribution. Please acknowledge receipt and contact us if there is any conflicts.

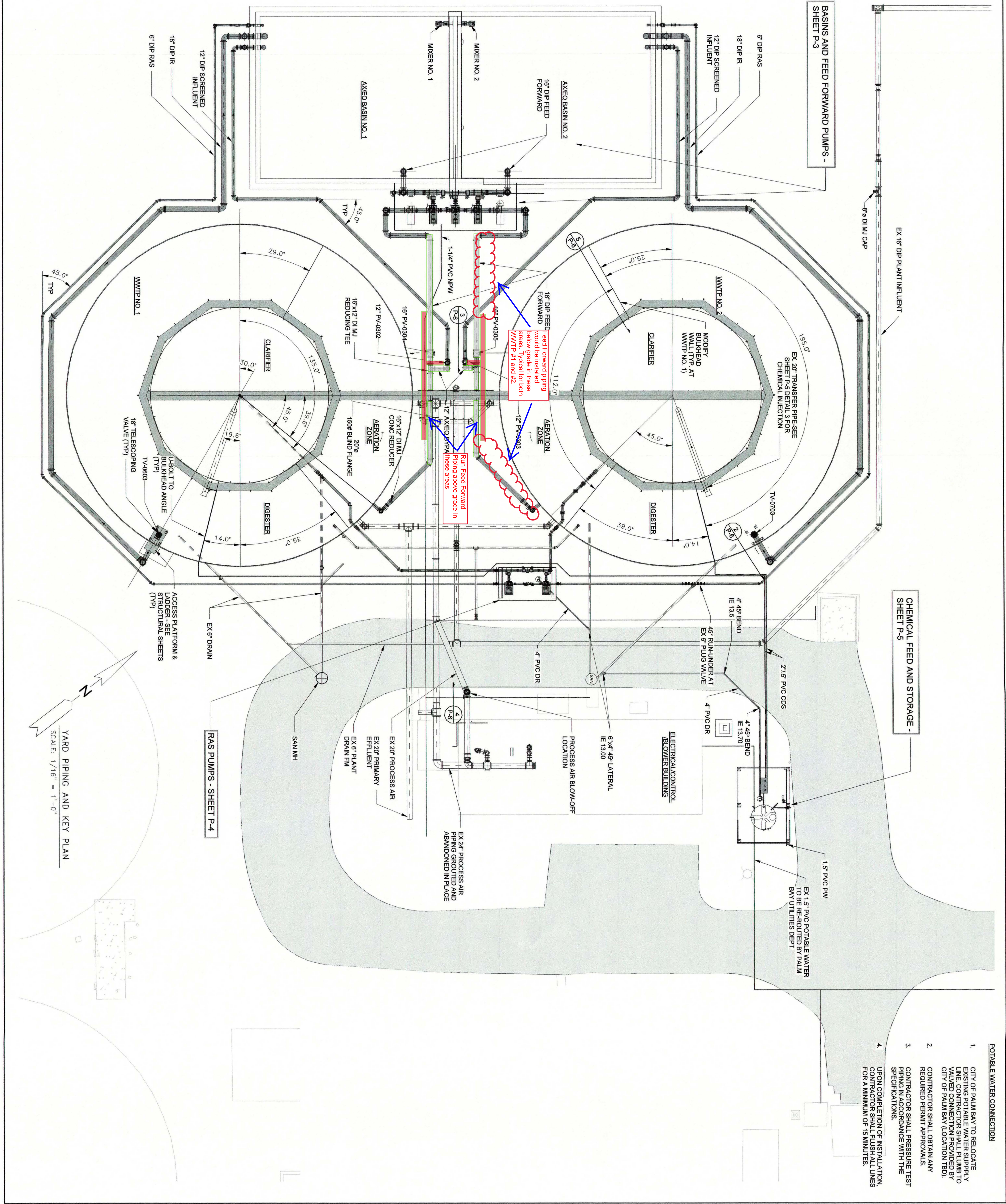
Revised Feed Forward Pump Piping RFI # 5	Division / System	Notes
Metal (P&E) Exterior, Revised DI Piping		
Metal (P&E) Submerged, Revised DI Piping		

Revised Feed Forward Pump Piping RFI # 05	Division / System	Notes
Metal (P&E) Exterior, 80 LF of 16" DI Piping		

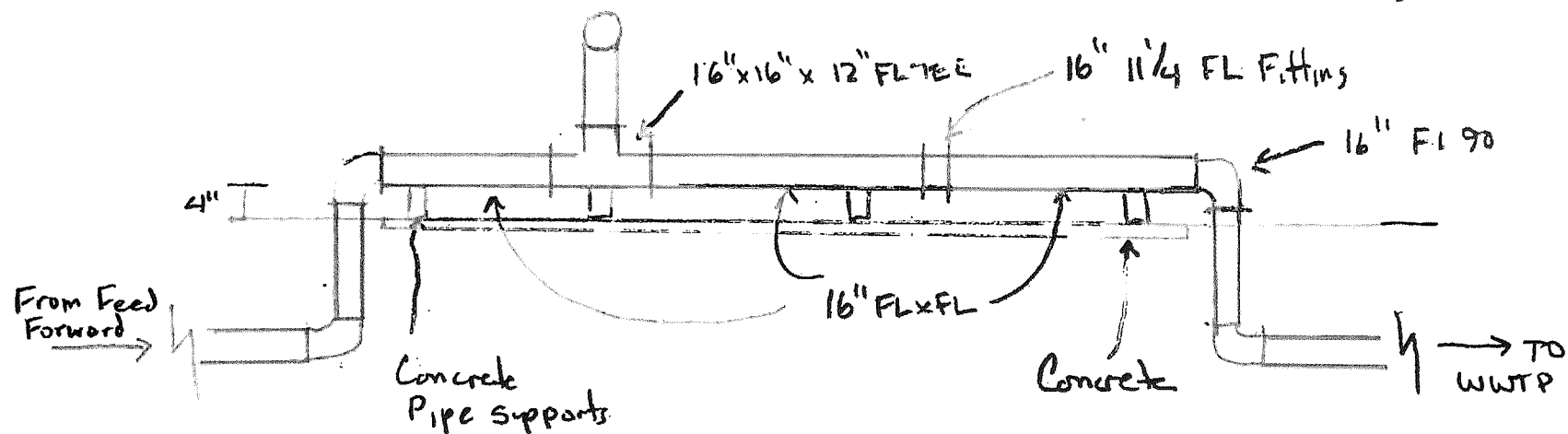
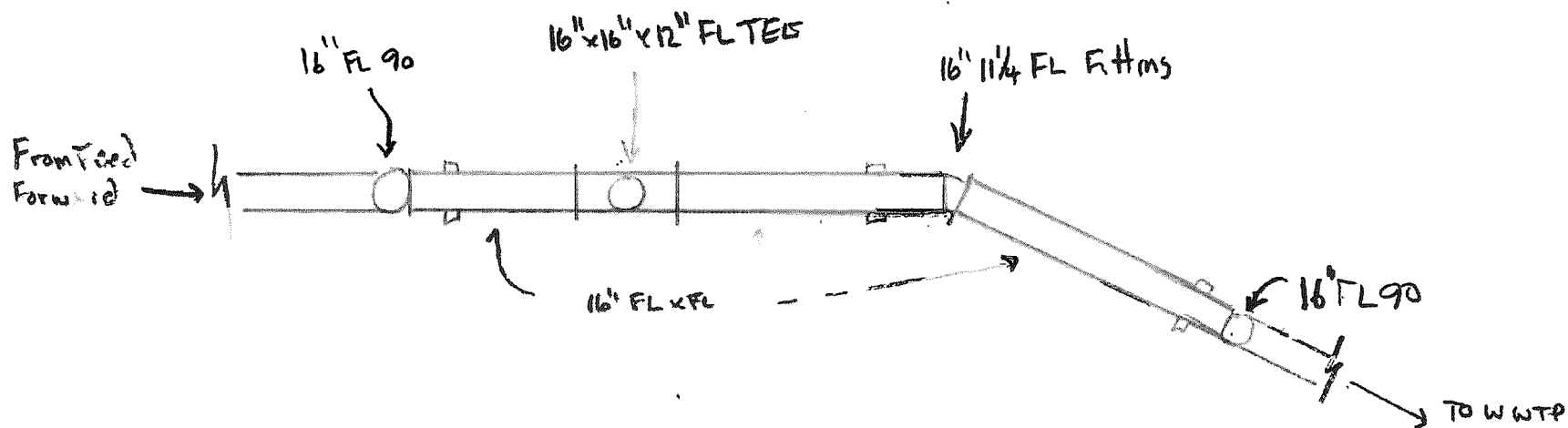
Exclusions/Notes:

Proposal is based on a 40-hour workweek,
Electricity and Water shall be supplied by others,
All Metals are to be prepared and shop primed by others,
Exclude Aluminum in contact with concrete,
Exclude all Manholes unless stated above,
Exclude all labels other than stencils and self-adhesive pipe markers ,
Exclude all pipe interiors,
Exclude all tank floors/bottom unless otherwise stated,
All water retaining structures shall be clean and maintained dry by others,
All crane lifts and assistance with unloading materials and equipment shall be provide by others,
Exclude FRP Ducts, Piping & Scrubbers,
Payments beyond 45 days is subject to a 1.5% Fee,
This proposal and work scope shall become part of the contract and any unlisted work shall be done on a change order,
Guarantee shall be 1 year from date of acceptance not to exceed 18 months from date of installation,
Bid price based on Exceletech Coatings standard wages. If Davis Bacon required, please contact us prior to bid date.,
Exclude all below grade pipe,
Exclude all lead and asbestos abatement ,
All damaged/abraded field welded and beyond maximum re-coat window items that were shop/factory pre-finished will,
be repaired on a T&M basis,
if factory/shop primed items are noncompatible with the specified paint system, the barrier coat or removal and reprime,
shall be done on a T&M basis,
No Environment Controls,weather has not been included. Ambient and Substate Temperature must be within manufacturers ,
products data sheets,

		Only FF Piping	
		Crew	Piping
		Hrs	Qty/LF Total Hrs
FF Suction	4 – 16" FL 90	6.000	4 24.00
	2 – 12" Uni-flanges	1.034	2 2.07
	4 – 16" FL x FL @ 1' – 6"	6.000	
	2 - 16" FL x WC x FL @ 2' – 6"	7.103	
	2 - 16" FL x FL @ 2' – 0"	6.000	
	2 – 16" Flares	6.000	
	1 – 16" x 8" Conc Reducer	6.000	
	1 – 8" PV (same as PV-0504)	5.000	
	1 – 8" Camlock Pump-out Connection	2.034	
FF Pipe	1 - 12" FL x FL @ 6' - 6"	6.000	1 6.00
	1 - 12" FL x FL @ 5' - 0"	6.000	1 6.00
	2 – 16" x 16" x 12" FL TEE	6.000	2 12.00
	1 – 16" FL x FL @ 2' – 0"	7.103	1 7.10
	3 - 16" FL x FL @ 14' – 0"	7.103	3 21.31
	2 - 16" FL x FL @ 20' – 0"	7.103	2 14.21
	2 – 16" FL 11-1/4	6.000	2 12.00
	4 – 16" FL x PE @ 6' – 0"	7.103	4 28.41
	4 - 18" MJ caps	6.000	4 24.00
	Fill 18" with grout	8.000	2 16.00
CREDITS	4 - 16" MJ 90 - Needed for above	6.000	4 24.00
	2- 16" FL x PE @ 6' - 0"	7.103	0.00
	16" TFLEX Pipe	0.500	
	16" TFLEX Pipe	0.500	80 (40.00)
	2 - 12" x 16" MJ Tee	6.000	2 (12.00)
	2 - 12" MJ 90	3.552	2 (7.10)
	12" TFLEX Pipe	0.500	10 (5.00)
	Excav Trench 0-4'	0.500	(20.00)
			113.00



- POTABLE WATER CONNECTION
- CITY OF PALM BAY TO RELOCATE EXISTING POTABLE WATER SUPPLY LINE. CONTRACTOR SHALL PLUMB TO VALVED CONNECTOR PROVIDED BY CITY OF PALM BAY (LOCATION TBD).
 - CONTRACTOR SHALL OBTAIN ANY REQUIRED PERMIT APPROVALS.
 - CONTRACTOR SHALL PRESURE TEST PIPING IN ACCORDANCE WITH THE SPECIFICATIONS.
 - UPON COMPLETION OF INSTALLATION, CONTRACTOR SHALL FLUSH ALL LINES FOR A MINIMUM OF 15 MINUTES.



Section A
(Not to Scale)

Wade Trim
November 18, 2020

ATTACHMENT 2

Pipe Elevation Credit (TLC Change Proposal 05)



TLC Diversified, Inc.
Keeping Water Moving.

Environmental Construction
Professionals Serving the Water
& Wastewater Industry

CG C041816
CU C053963

November 6, 2020

Wade Trim
3790 Dixie Highway, NE, Suite D
Palm Bay, FL 32905
Attn: Daniel Burden, Ph.D., P.E.

RE: 2004 – Palm Bay Nutrient Removal
Change Proposal 05 – Pipe Elevation Credit

Mr. Burden,

Please see attached our deductive proposal for reducing the amount of excavation required for the Influent Pipe by raising the elevation from 11.25' to 14.00'.

We have included all, labor, equipment and materials necessary to complete the following:

1. Pipe Elevation Credit

- reducing the amount of excavation required for the Influent Pipe by raising the elevation from 11.25' to 14.00' for the deductive lump sum price of Nine Hundred Forty Four Dollars and 18 Cents: **(\$944.18)**

We appreciate the opportunity to work with you on this project. Should you have any questions please feel free to contact us, thanks.

Respectfully,

Michael McCarty
Sr. Project Manager
TLC Diversified, Inc.
561-315-5688

Palmetto Office (HQ)
2719 17th Street East
Palmetto, FL 34221

Oldsmar Office
3980 Tampa Rd. - Suite 205
Oldsmar, FL 34677

East Coast Office
7233 Southern Blvd, Suite B-1
West Palm Beach, FL 33413

☎ 941-722-0621
☎ 941-722-1382
🌐 www.tlcdiversified.com



TLC Diversified, Inc.
Keeping Water Moving
Environmental Construction
Professionals Serving the Water
& Wastewater Industry
CG C041816
CU C053963

Daniel G. Burden, Ph.D., P.E., Senior Project Manager
Wade Trim
3790 Dixie Highway, NE, Suite D
Palm Bay, FL 32905

Date:	11/6/2020
Owner:	City of Palm Bay FL
Project Number:	2004 - 17WS16
Project:	Palm Bay North Regional Water Reclamation Facility Nutrient Removal Facilities

Item	Description	Quantity	UOM	Labor	Material	Subcontractor	Equipment	Other
01	Revise pipe elevation from 11.25' to 14.00'							
	a. 81.48 cy divided by 7 cy/hr	11.46	hr	(\$653.22)				
	b. Compation not required	6.00	hr	(\$246.00)				
	TOTAL PER COLUMN:			(\$899.22)	\$0.00	\$0.00	\$0.00	\$0.00

Date of Acceptance:

6% Sales Tax Material/Equipment	\$0.00
5% Markup on Subcontractors	\$0.00
5% Markup on Labor/Material/Equip	(\$44.96)
Additional Bond	\$0.00
Total Change Order Amount:	(\$944.18)

Michael McCarty

Owner's Signature:



TLC Diversified Inc
7233 Southern Blvd.
West Palm Beach, Florida 33413
Phone: (561) 478-2025

Project: 200401 - Palm Bay Nutrient Rem
1080 Clearmont Street
Palm Bay, Florida 32905

Pipe Elevations

TO:	Daniel Burden (Wade Trim)	FROM:	Michael McCarty (TLC Diversified Inc)
DATE INITIATED:	10/28/2020		2719 17th Street East Palmetto, Florida 34221
LOCATION:		STATUS:	Open
PROJECT STAGE:		DUE DATE:	11/05/2020
SUB JOB:		COST CODE:	
COST IMPACT:	TBD	SCHEDULE IMPACT:	TBD
DRAWING NUMBER:		SPEC SECTION:	
LINKED DRAWINGS:		REFERENCE:	
RECEIVED FROM:	Kevin School (TLC Diversified Inc)		
COPIES TO:	Logan Carstens (TLC Diversified Inc), Travis Parsons (Wade Trim), Kevin School (TLC Diversified Inc)		

Question from Michael McCarty (TLC Diversified Inc) at 01:08 PM on 10/28/2020

Dan,

Due to the depth and location of the of the new 12-inch influent lines under the existing Headworks, TLC is requesting to raise the pipe elevation from 11.25 to 14.00. This will allow the installation of the new pipe without undermining the Headworks. In addition, TLC would like to raise the piping elevation to the new AX/EQ Basin to 14.00 allow the three line to be installed in the same trench.

please let us know if this is acceptable.

Awaiting an Official Response

All Replies:

BY

DATE

COPIES TO

Wade Trim
November 18, 2020

ATTACHMENT 3

Silencer Credit (TLC Change Proposal 04)



TLC Diversified, Inc.
Keeping Water Moving.

Environmental Construction
Professionals Serving the Water
& Wastewater Industry

CG C041816
CU C053963

November 6, 2020

Wade Trim
3790 Dixie Highway, NE, Suite D
Palm Bay, FL 32905
Attn: Daniel Burden, Ph.D., P.E.

RE: 2004 – Palm Bay Nutrient Removal
Change Proposal 04 – Silencer Credit

Mr. Burden,

Please see attached our deductive proposal for furnishing and installing an 8-inch silencer in lieu of a 16-inch silencer.

We have included all, labor, equipment and materials necessary to complete the following:

1. Silencer Credit

- Furnishing and installing an 8-inch silencer in lieu of a 16-inch silencer for the deductive lump sum price of Fifteen Thousand Three Hundred Sixty One Dollars and 29 Cents: **(\$15,361.29)**

We appreciate the opportunity to work with you on this project. Should you have any questions please feel free to contact us, thanks.

Respectfully,

Michael McCarty
Sr. Project Manager
TLC Diversified, Inc.
561-315-5688

Palmetto Office (HQ)
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Palmetto, FL 34221

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🌐 www.tlcdiversified.com



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Environmental Construction
Professionals Serving the Water
& Wastewater Industry
CG C041816
CU C053963

Daniel G. Burden, Ph.D., P.E., Senior Project Manager
Wade Trim
3790 Dixie Highway, NE, Suite D
Palm Bay, FL 32905

Date:	11/6/2020
Owner:	City of Palm Bay FL
Project Number:	2004 - 17WS16
Project:	Palm Bay North Regional Water Reclamation Facility Nutrient Removal Facilities

Item	Description	Quantity	UOM	Labor	Material	Subcontractor	Equipment	Other
01	Credit for furnishing and installing an 8-inch silencer in lieu of a 16-inch silencer.							
	a. 16-inch Silencer	1.00	ls		(\$22,689.00)			
	b. 8-inch Silencer	1.00	ls		\$8,850.00			
	TOTAL PER COLUMN:			\$0.00	(\$13,839.00)	\$0.00	\$0.00	\$0.00

Total Price of Work in accordance with the specifications for the deductive lump sum amount of :
Fifteen Thousand Three Hundred Sixty One Dollars and 29/100

6% Sales Tax Material/Equipment	(\$830.34)
5% Markup on Subcontractors	\$0.00
5% Markup on Labor/Material/Equip	(\$691.95)
Additional Bond	\$0.00
Total Change Order Amount:	(\$15,361.29)

The above prices, specifications and consideration are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Contractor's Signature: Michael McCarty

Owner's Signature: _____

Company:	Wade Trim	PROPOSAL NO:	Q201855
Attn:	Travis Parsons	DATE:	4/27/2020
Email:	tparsons@wadetrim.com	CUSTOMER REF:	
Phone:	304.882.4373	JOB/LOCATION:	

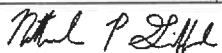
<i>Item</i>	<i>Qty</i>	<i>Description</i>	<i>Estimated Weight</i>	<i>Sale Price (USD)</i>
A	1	ACA-8 Absorptive Silencer with a 8" 150# ANSI RFSO inlet and outlet and fiberglass acoustical packing. All 316SS construction. External finish is bare mill. Dimensions: 18" I.D. x 36" O.A.L.	170 Lbs.	\$8,850 Net Each

Commercial Terms

Alternate silencer supports and/or paint systems are available at additional cost.

Burgess-Aarding reserves the right to manufacture at one of our wholly owned facilities or to subcontract all or part of this equipment to audited and authorized facilities which will be monitored to insure compliance with Burgess-Aarding fabrication and quality standards.

Burgess-Aarding cannot accept any purchase order that holds us responsible to consequential damages and/or a total liability that exceeds the purchase price of the product.

Payment Terms:	10% upon PO 20% upon release to manufacture 30% upon receipt of materials at factory 40% upon readiness for shipment All payments Net 30 days	Documentation/Drawings:	4 weeks ARO
		Shipment:	10-12 weeks ADA
		Incoterms:	F.C.A. Factory USA
		Signed:	 Nathanael P. Gifford
Bid Validity:	30 Days	Title:	Application Engineer

Legal entity: Aarding Thermal Acoustics U.S.A. Inc.

2711 Transit Road, Suite 125
Elma, NY 14059
The United States of America

Phone: +1 (716) 662 65 40
aarding@onececo.com
www.cecoenviro.com

Bank of America Merrill Lynch,
Chicago IL 60603, Account #:
8670209063


ABA Routing #: 071000039
Tax ID #: 32-0294798

Subject to CECO Environmental Terms and Conditions of Sale

Company: Wade Trim		PROPOSAL NO: Q196253	
Attn: Travis Parsons		DATE: 2/14/2019	
Email: tparsons@wadetrim.com		CUSTOMER REF:	
Phone: (813) 882-4373		JOB/LOCATION:	
Item	Qty	Description	Estimated Weight
A	1	ACA-16 Absorptive Silencer with a 15" 150# ANSI RFSO inlet and outlet, and fiberglass acoustical packing. All 316 stainless steel construction. External finish is bare mill. Dimensions: 28" I.D. x 64" O.A.L.	570 lbs.
			\$22,689.00 Net Each

Commercial Terms Alternate silencer supports and/or paint systems are available at additional cost.

With regards to the shipping point, please note that Burgess-Aarding reserves the right to manufacture at one of our wholly owned facilities or to subcontract all or part of this equipment to audited and authorized facilities which will be monitored to insure compliance with Burgess-Aarding fabrication and quality standards.

Documentation/ Drawings:	3 weeks ARO	For further information contact the undersigned or your local sales agent:	
Shipment:	14-16 weeks ADA		
Incoterms:	F.C.A. Factory		
Terms:	Net 30 Days –With approved credit	Signed:	 Jeffrey R. Ceier
Bid Validity:	30 Days	Title:	Application Engineer

Legal entity: Aarding Thermal Acoustics U.S.A. Inc.

50 Cobham Drive
Orchard Park, NY 14127
The United States of America

Phone: +1 (716) 662 65 40
aarding@onececo.com
www.cecoenviro.com

Bank of America Merrill Lynch,
Chicago IL 60603, Account #:
8670209063

ABA Routing #: 071000039
Tax ID #: 32-0294798

Subject to CECO Environmental Terms and Conditions of Sale



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Christopher A. Little, P.E.; Juliet Misconi

DATE: 12/17/2020

RE: Miscellaneous: Design, permitting, and bidding services for water distribution system improvements and modifications, eleven (11) locations, Task Order 21-02-IS – Utilities Department (Infrastructure Solutions Services, LLC (ISS) - \$220,870).

The Utilities Department has budgeted for water distribution system improvements and modifications. The work is required to address various issues in the distribution system, including dead-ends lines and abandoned, aged, damaged, or undersized pipes. These improvements will restore the service life of the pipes and will provide improvements to water quality and fire flow protection.

Due to the relatively small size of eleven (11) budgeted projects, the department has determined that combining these projects for design, permitting and bidding will be a more cost-effective approach to complete the work.

Infrastructure Solutions Services (ISS) has submitted Task Order 21-02-IS for design, permitting and bidding services for the projects. Staff has reviewed the scope of work and requests council approval to proceed with Task Order 21-02-IS in the amount of \$220,870.

In accordance with the provisions of Section 287.055, Florida Statutes for Consultants Competitive Negotiation Act (CCNA), the Procurement Department solicited and accepted qualification submittals, under RFQ 36-0-2020/JG, from firms to provide continuing consulting services for water and wastewater engineering services for the Utilities Department. On July 2, 2020 Council approved the award of RFQ 36-0-2020/JG to two firms (ISS and Wade Trim) and authorized City staff to negotiate Master Consultant Agreements. On August 7, 2020 a Master Agreement was executed with ISS. Task Order 21-02-IS is in accordance with the Master Agreement.

REQUESTING DEPARTMENT:

Utilities, Procurement

FISCAL IMPACT:

The total amount is \$220,870. Funding is available in the Utilities Department's funds as noted on below. The amount will be split 50/50 for projects with two account numbers:

Project Name	Project #	Account #	Amount
Garvey Rd WM loop	19WS15	425-8021-533-6324	\$12,869.22

Port Malabar Unit 3 WM Replacement	20WS07	423-8021-533-6324 424-8022-533-6324	\$31,209.56
Mandarin DR WM Extension and Replacement	20WS08	423-8021-533-6324 424-8022-533-6324	\$14,584.61
Cadez ST WM Replacement and Upgrade	20WS09	423-8021-533-6324 424-8022-533-6324	\$26,864.41
Port Malabar RWM Replacement	20WS10	424-8022-533-6324	\$19,194.26
Walmsley ST WM Extension	20WS15	425-8021-533-6324	\$9,219.29
Unit 21 Water System Looping	20WS16	425-8021-533-6324	\$28,337.98
Turkey Creek to Port Malabar Blvd WM Replacement	21WS19	424-8022-533-6324	\$33,249.90
Eaglerock WM Upgrading and looping	21WS22	423-8021-533-6324 424-8022-533-6324	\$5,289.76
Pace Dr WM Looping	21WS23	425-8021-533-6324	\$34,761.25
Jupiter Bridge/C-1 Abandon WM Removal	21WS24	421-8020-533-3121	\$5,289.76
		Total	\$220,870.00

RECOMMENDATION:

Motion to authorize the execution of ISS Task Order 21-02-IS for Miscellaneous Water System Improvements at 11 Locations Design, Permitting, and Bidding Services, amount \$220,870, against Master Agreement 36-0-2020.

ATTACHMENTS:

Description

ISS Task Order 21-02-IS

CITY OF PALM BAY, FL

**MISCELLANEOUS WATER SYSTEM IMPROVEMENTS AT 11 LOCATIONS
DESIGN, PERMITTING, AND BIDDING SERVICES**

In accordance with City Master Contract #36-0-2020/JG

December 7, 2020

TASK ORDER NO. 21-02-IS

SECTION I. BACKGROUND

The City of Palm Bay Utilities Department, hereinafter referred to as "City", has identified to need to design and permit water distribution system improvements or modifications at eleven (11) locations within the City. These improvements are being undertaken to replace old undersized lines, eliminate dead ends, replacement of deteriorating lines experiencing leaks, and remove abandon lines on bridges. These projects will benefit the system by replacing water lines that have reached the end of their useful life and will improve water quality or fire flow. A listing and a description of the proposed scope of work for each location can be found in ATTACHMENT A.

The City requested Infrastructure Solution Services (ISS), hereinafter referred to as "Consultant", to provide design and permitting services for the miscellaneous water system improvements at eleven locations as described in this Task Order.

The following are the details of the scope:

SECTION II. SCOPE OF WORK

Infrastructure Solution Services agrees to perform the following tasks:

TASK A: FINAL DESIGN SERVICES

- a) Review project scope and provided data such as surveying drawings, geotechnical report, etc. and provide a data request to the City.
- b) Have a project kick-off meeting with the City personnel to discuss the scope, data provided by the City, the City Standards, and any other relevant information provided by the City.
- c) Perform engineering data collection of the project locations (topography, utility locations, locations of above-grade features, etc) within public Right of Ways.
- d) Perform site visits to determine existing conditions.
- e) Perform a specific purpose engineering survey of the proposed project locations to locate the approximately location of existing underground utilities using Ground Penetrating Radar per American Society of Civil Engineering Standard 38-02, Quality Level B and Sunshine 811 services. Locations of utilities will be collected via aerial drone and/or GPS coordinates.
- f) Prepare 60% design documents package including design drawings and opinion of probable cost. Submit a 60% design documents package to the City.
- g) Attend a 60% design review meeting with the City.
- h) Coordinate and perform subsurface utility investigations (through a subconsultant) of critical utility crossing, where required for the design.
- i) Coordinate and perform geotechnical investigations (through a subconsultant).

- j) Coordinate and perform preliminary environmental assessment of the watermain routes to identify any environmental concerns including threatened and endangered species or wetlands (through a subconsultant).
- k) Prepare 90% design documents, including technical specifications, incorporating comments from the 60% design review, soft dig information, and geotechnical evaluation into the design. Prepare an updated opinion of probable cost.
- l) Attend a 90% design review meeting with the City.
- m) Submit final design drawings and specifications incorporating comments from the 90% design review and permitting agency comments.
- n) Submit an Engineer's Opinion of Probable Cost with the final design submittal.

TASK B: PERMITTING SERVICES

- a) Prepare Florida Department of Environmental Protection (FDEP) Notice of Intent to Use the General Permit for Construction of Water Main Extensions for PWSs with attachments/ exhibits, duly signed and sealed by the engineer-of-record. Submit to the City for signatures. Consultant will submit permitting documentation to FDEP. Separate permitting will be required for each project location.
- b) Prepare Melbourne-Tilman Water Control District Application for Permit (as required canal crossing locations) with attachments/ exhibits, duly signed and sealed by the engineer-of-record. Submit to the City for signatures. Consultant will submit permitting documentation to Melbourne-Tilman Water Control District.
- c) Prepare City of Palm Bay Right of Way Use permit application(s) with attachments/ exhibits, duly signed and sealed by the engineer-of-record. Submit to the City for signatures. Consultant will submit permitting documentation to City. Separate permitting will be required for each project location.
- d) Address comments received as Request for Additional Information (RAI) from the permitting agencies. Response to one RAI is anticipated from each permitting jurisdiction and is included in this task order.
- e) Prepare FDEP Certification of Construction Completion and Request for Clearance to Place PWS Components into Operation with attachments/ exhibits, duly signed and sealed by the engineer-of-record. Submit to the City for signatures. Consultant will submit permitting documentation to FDEP.

TASK C: BIDDING SERVICES

- a) Attend the pre-bid meeting.
- b) Prepare answers to bidder questions for the City to use in preparation and distribution of bid addenda.
- c) Review bids and investigate bidder qualifications.
- d) Prepare a written recommendation for award of the construction contract.

TASK D: ENGINEERING SERVICES DURING CONSTRUCTION

Engineering Services during Construction will be provided under a separate Task Order.

SECTION III: PROJECT REPRESENTATIVES

City of Palm Bay Utilities:

Christopher A. Little, PE
321-952-3420

Christopher.Little@palmbayflorida.org

SECTION IV: PERMITTING

The following permitting is included in this Task Order:

- 1) Water Main Extensions for PWSs permit through FDEP
- 2) Right of Way permit through Melbourne-Tilman Water Control District for canal crossings
- 3) Right of Way Use permit through City of Palm Bay

SECTION V: CITY'S RESPONSIBILITY

The following items are required from the CITY to complete the Task Order as mentioned above:

- a) Reasonable access to the site.
- b) Reasonable access to operations, maintenance, and engineering staff.
- c) Copies of available record drawings.
- d) Copies of available operating reports and maintenance records.
- e) FDOT bridge inspection reports for bridge crossing projects
- f) Payment of permit fees.
- g) Coordination with other City offices and federal and state regulatory agencies.
- h) Review of 60 percent and 90 percent design document submittals.

SECTION VI: CONSULTANT SERVICES SPECIFICALLY NOT INCLUDED

- a) Environmental services related to unknown threatened and endangered species, wetlands, or regulated solid wastes encountered on the site.
- b) Services related to the acquisition of real property, easements, or rights-of-way.
- c) Hydraulic modeling or other revisions to the City's water distribution system model.
- d) Engineering Services during Construction.

SECTION VII: DELIVERABLES

The following results shall be delivered by the Consultant:

All deliverables shall be provided only in electronic PDF format unless otherwise noted.

Design documents will be prepared assuming all project locations will be bid for construction as a single procurement.

Watermain design drawings will be prepared depicting plan views only unless plan and section views are required due to the proposed method of construction or regulatory requirements.

Generally –

- a) Monthly activity reports.
- b) Meeting minutes from meetings and conferences with City staff and regulatory agencies.
- c) Timely invoices concurrent with the work.

Task A -- Final Design Services

- a) Design drawings and technical specifications.
- b) Final design drawings in PDF and AutoCAD format with X-refs and plot styles.
- c) One hard copy and one half sized signed and sealed final design drawings.

- d) Technical Specifications (as required) in PDF format.
- e) Engineer's Opinion of Probable Cost at 60%, 90% and final design.

Task B – Permitting Services

- a) FDEP permit application with supporting information. Provide in .pdf and hard copies as required.
- b) Melbourne Tilman Water Control District Application for Permit with supporting information. Provide in .pdf and hard copies as required.
- c) City of Palm Bay Right of Way Use permit application with supporting information. Provide in .pdf and hard copies as required.

SECTION VIII: SCHEDULE

Milestone	Calendar Days to Complete	Sum of Days from NTP
Mobilization	5	5
60% Design Package	60	65
City review of 60% Design Package	14	79
90% Design Package (Including permit applications)	42	121
City review of 90% Design Package	14	135
Permitting	30	165
Address Permitting Review Comments and Resubmit	14	179
Final Design Package (100% plans and technical specifications)	30	209

SECTION IX: BASIS OF COMPENSATION

The lump sum fee for the scope of work described in Section II shall not exceed a total of \$ **220,870.00** as shown in the table below. The subconsultants fee is estimated and shall be billed on a cost not to exceed basis. The City shall periodically compensate the Consultant a portion of the task fee based on mutually agreed upon percentages of completion of each task.

TASK	DESCRIPTION	FEE
A	Final Design Services	\$165,510.00
B	Permitting Services	\$ 11,280.00
C	Bidding Services	\$ 6,080.00
	Subconsultants	\$ 38,000.00
	Total	\$220,870.00

At the direction of the City, ISS may be requested to provide additional services. These additional serviced will be billed at ISS standard rates.

SECTION X: ESTIMATED COST OF CONSTRUCTION

Based upon the design and construction services experience of Infrastructure Solution Services in Brevard County during the past several years, the estimated construction cost for the Miscellaneous Water System Improvements projects being undertaken under this Task Order is approximately \$1.84 million dollars.

SECTION XI: ACCEPTANCE

If the above scope and feed meet your approval, please indicate by your signature in the space provided below and return one signed copy, which will constitute an "Agreement and Notice to Proceed" for the accomplishment of this work.

INFRASTRUCTURE SOLUTION SERVICES, LLC.

CITY OF PALM BAY, FLORIDA



Brian M. Stahl, PE
Managing Member

Juliet Misconi, CPPO, CPPB
Chief Procurement Officer

12/07/20

Date

Date

Professional Engineering Services for the City of Palm Bay, Florida
Miscellaneous Water System Improvements at 11 Locations
Task Order No. 21-02-IS
ISS Project Number: PBU004



Project Hourly Labor Breakdown Estimate for Engineering Services									
Task Name	Senior Technical Professional	Professional Engineer 3	Engineer 3	Technician 5	1 Person Survey Crew	Administrative / Clerical 3	Total Hours	Total Dollars	
	\$180	\$160	\$110	\$110	\$110	\$60			
Task A: Final Design Services									
Review project scope and data. Prepare data request to City		2	4				6	\$760	
Project kickoff meeting	2	2	4				8	\$1,120	
Perform site visits to determine existing site conditions		16	16				32	\$4,320	
Perform engineering data collection of the project locations	2	8	8	45	300		363	\$40,470	
Coordinate and perform utility locates		4	4		16		20	\$2,200	
Prepare 60% design documents package	29	80	158	282			549	\$66,420	
Attend 60% design review meeting	2	2	4				8	\$1,120	
Coordinate and perform subsurface utility investigations		4	4		16		20	\$2,200	
Prepare 90% design documents	15	40	79	141			275	\$33,300	
Attend 90% design review meeting	2	2	4				8	\$1,120	
Prepare final design documents	5	14	27	47			93	\$11,280	
Prepare Engineer's Opinion of Probable Construction Costs		2	8				10	\$1,200	
Task A: Total	57	168	320	515	332	0	1,392	\$165,510	
Task B: Permitting									
Prepare and Submit FDEP WM Permit		4	20	16			40	\$4,600	
Prepare and Submit MLWCD ROW Permit		2	8	8			18	\$2,080	
Prepare and Submit City of Palm Bay ROW Permit		4	20	16			40	\$4,600	
Task B: Total	0	10	48	40	0	0	98	\$11,280	
Task C: Bidding Services									
Attend the pre-bid meeting		2	4				6	\$760	
Prepare answers to bidder questions for the City to use in preparation and distribution of bid addenda		8	24				32	\$3,920	
Review bids and investigate bidder qualifications		4	4				8	\$1,080	
Prepare a written recommendation for award of the construction contract		2					2	\$320	
Task C: Total	0	16	32	0	0	0	48	\$6,080	
Total Labor Hours	57	194	400	555	332	0	1,490		
% OF Total Labor Hours	3.8	13.0	26.8	37.2	22.3	0.0	103.2		
Total Labor Fee	\$10,260	\$31,040	\$44,000	\$61,050	\$36,520	\$0	\$182,870	\$182,870	

Subconsultants	Total
Utility Locates - GPRS, Inc, ECHO UES, Inc, or Blood Hound, LLC	\$ 10,000
Subsurface Investigation (Soft Digs) Assume 40 site - ECHO UES, Inc.	\$ 15,000
Geotechnical (@ DD sites 4@15 ft) - Universal Engineering Services, Inc.	\$ 3,000
Preliminary Environmental Assessment - Atlantic Environmental of Florida, LLC.	\$ 10,000
Total Subconsultant Fees	\$ 38,000

Summary of Task Estimate		Total
ISS Labor Estimate Total		\$182,870
Subconsultant Fees		\$38,000
ISS Expenses Estimate Total		\$0
Total Estimated Cost		\$220,870

**MISCELLANEOUS WATER SYSTEM IMPROVEMENTS AT 11 LOCATIONS
DESIGN AND PERMITTING
TASK ORDER NO. 21-02-ISS**

ATTACHMENT A

Professional Engineering Services for the City of Palm Bay, Florida
Miscellaneous Water System Improvements at 11 Locations
Task Order No. 21-02-IS
ISS Project Number: PBU004



Project Details						
Project ID	City Project Number	City Project Name	City Budget	Estimated Construction Cost	Scope of Work	Special Issues
A	19WS15	Garvey Rd WM Loop	\$85,150	\$239,750	Install 1,370 LF of 12-in WM on Garvey Rd SW from the existing dead end to Malabar Rd	
B	20WS07	Port Malabar Unit 3 WM Replacement	\$206,500	\$319,000	Replace 2,200 LF of 2-in WM with 6-in WM on Sailfish St. NE, Cabot Dr. NE, and Bailey Terrace NE	
C	20WS08	Mandarin Dr WM Extension & Replacement	\$96,500	\$93,750	Replace existing undersized WM with 750 LF of 6-in WM on Mandarin Dr NE and extend to connect with 16-in WM on Clearmont St.	
D	20WS09	Cadez St WM Replacement & Upgrade	\$177,750	\$192,000	Replacement of 1,200 of 4-in AC WM with 6-in on Cadez St NE	
E	20WS10	Port Malabar RWM Replacement	\$127,000	\$100,000	Replacement of 375 LF of 12-in steel RWM on bridge crossing	Bridge Crossing
F	20WS15	Walmsley St WM Extension	\$61,000	\$140,000	Install 1,120 LF of 6-in WM on Tonkin Rd SW from Garvey Rd SW to Walmsley ST SW. 6-in WM on Walmsely ST SW to Garvey Rd SW already installed.	
G	20WS16	Unit 21 Water System Looping	\$187,500	\$150,000	Install 450 LF of 6-in WM via DD under C74 Canal between Kyle Ct NE to Nemo Circle NE. Install 480 LF of 6-in WM via DD under C74 Canal between Carol Dr NE to Narragansett St NE	Melbourne-Tilman Water Control District Canal Crossing
H	21WS19	Turkey Creek to Port Malabar Blvd WM Replacement	\$220,000	\$175,000	Replace 1,000 LF of WM from Turkey Creek to Port Malabar Blvd NE	
I	21WS22	Eaglerock WM Upgrade & Looping	\$35,000	\$50,000	Replace 400 LF of 2-in WM with 6-in WM on Eaglerock ST NE and Install 200 LF of new 6-in WM to connection with 6-in WM at end of Fourth Ave. NE	Land Acquisition Required
J	NA	Jupiter Bridge/C-1 Abandon WM Removal	\$35,000	\$30,000	Removal of abandon 370 LF of 12-in WM mounted to bridge structure.	Removal of Abaandon WM on Bridge Crossing
K	TBD	Pace Dr WM Looping	\$230,000	\$350,000	Install 2,000 LF of 12-in WM on Pace Dr from proposed Palm Vista Subdivision to C-59 Canal	
		Subtotal	\$1,461,000	\$1,840,000		

Legend

- Existing Water Main
- Proposed Water Main

MALABAR RD

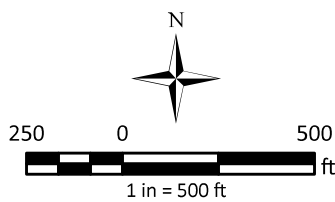
PROJECT A
PROPOSED
WATER MAIN

JUPITER BLVD

GARVEY RD

PROJECT F
PROPOSED
WATER MAIN

State of Florida, GeoEye, Maxar, Microsoft





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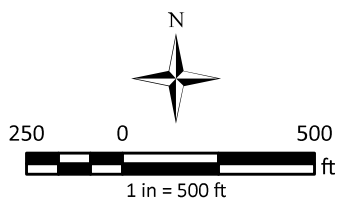


Legend

- Existing Water Main
- Replacement Water Main

PORT MALABAR BLVD

PROJECT D
REPLACEMENT
WATER MAIN



State of Florida, GeoEye, Mawar, Microsoft

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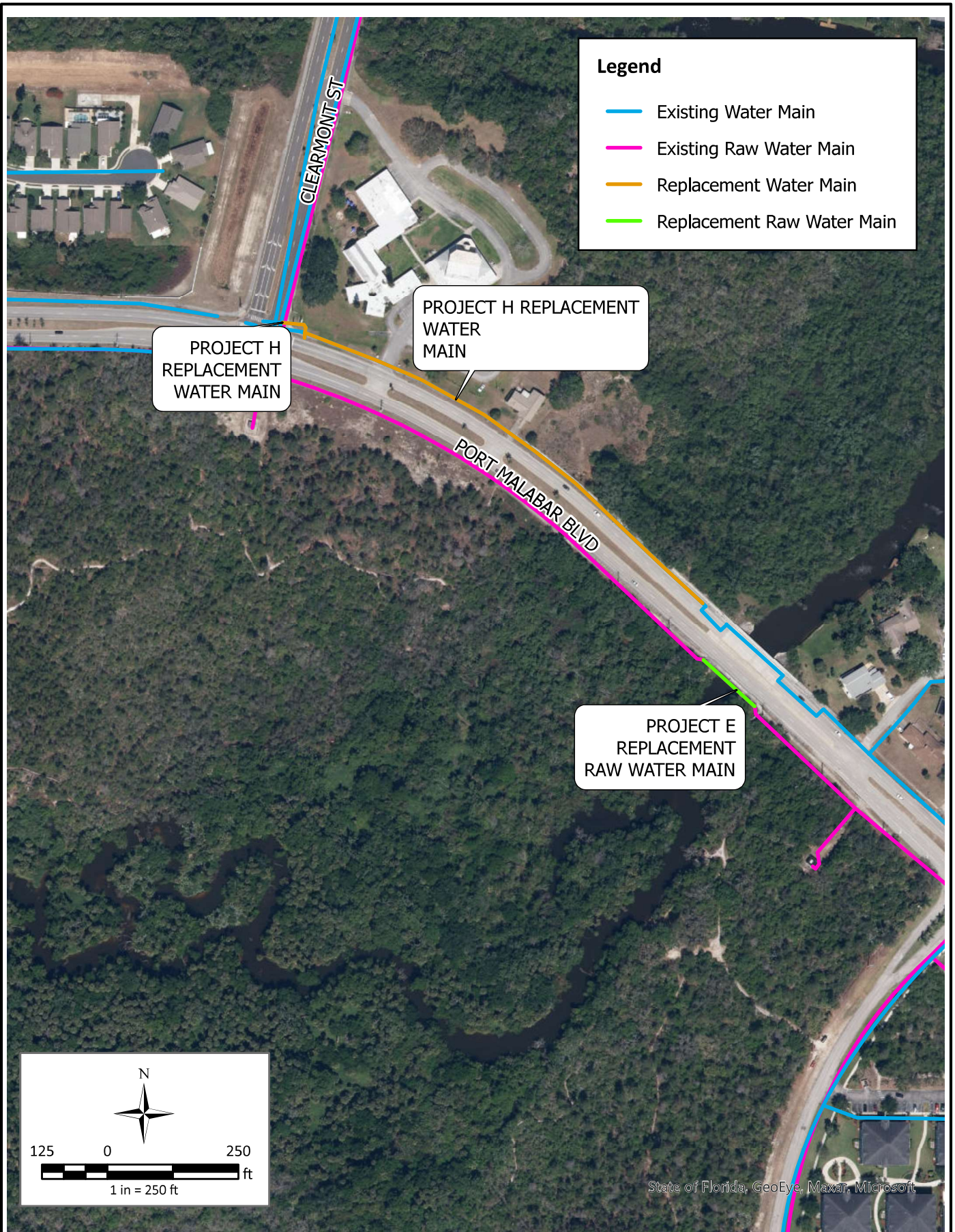


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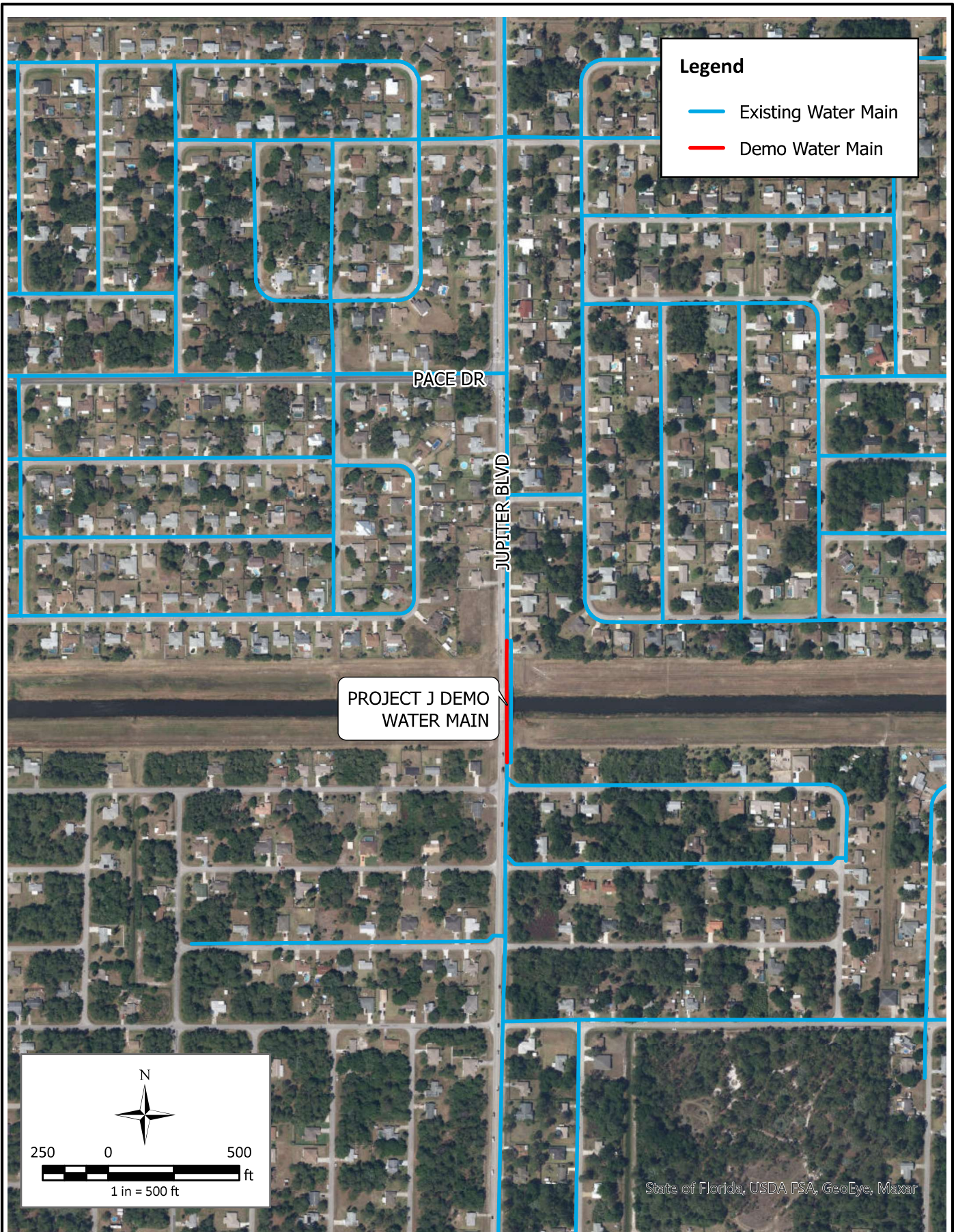
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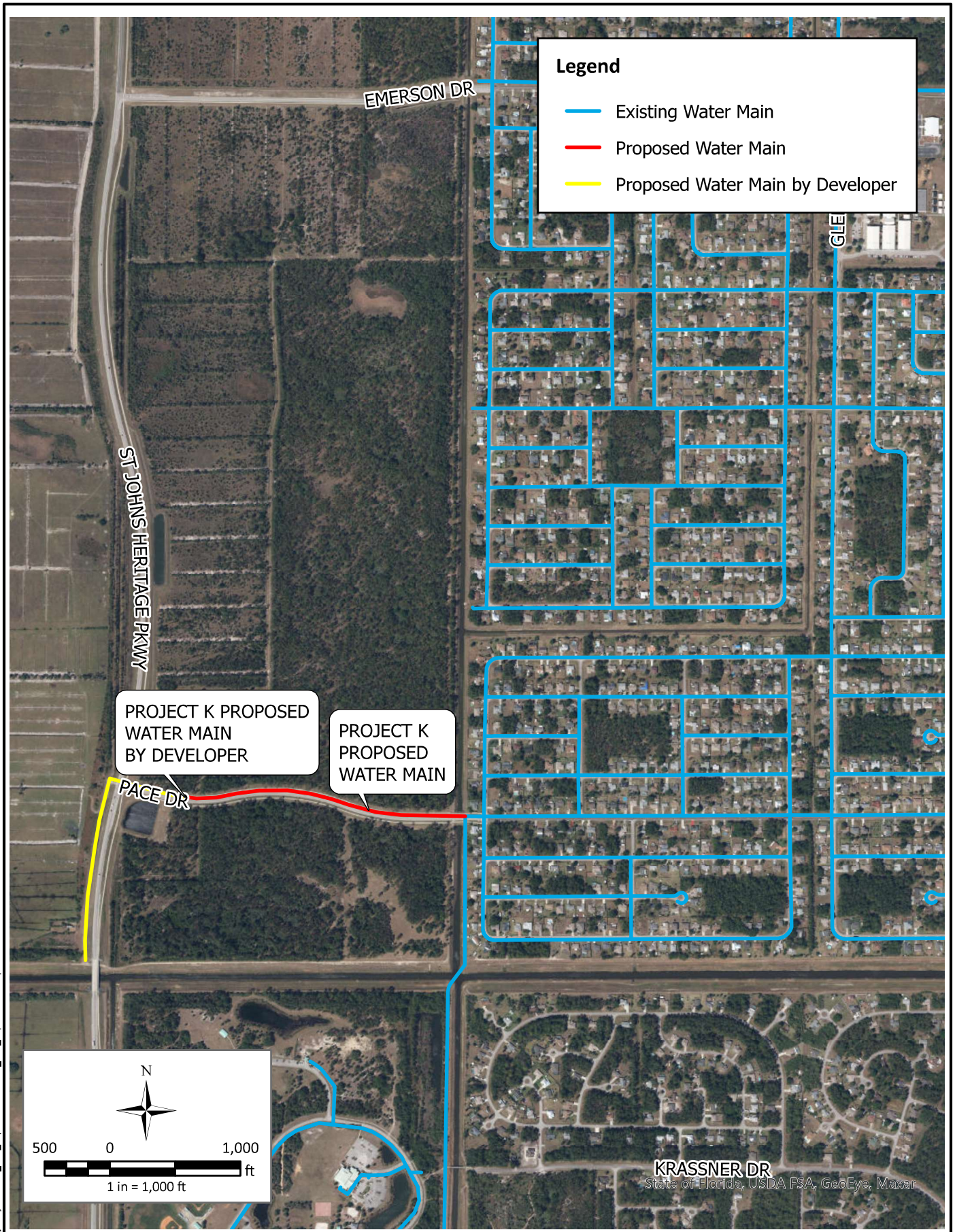




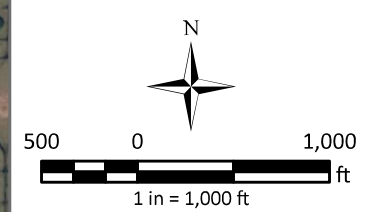
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LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Joan A. Junkala-Brown, Community & Economic Development

DATE: 12/17/2020

RE: Ordinance 2020-85, amending the Code of Ordinances, Chapter 39, Community and Economic Development, by including additional provisions for the Economic Development Division and adding the Business Improvement District as a departmental division, first reading.

Staff wishes to amend Chapter 39 of the Code of Ordinances of the City of Palm Bay pertaining to the Community and Economic Development Department to include the Business Improvement District as a special dependent district of the City and the additional responsibility of the Department to serve as a liaison to the Sustainability Board.

REQUESTING DEPARTMENT:
Community & Economic Development

FISCAL IMPACT:
There is no fiscal impact.

RECOMMENDATION:
Motion to approve an ordinance amending Chapter 39, Code of Ordinances of the City of Palm Bay.

ATTACHMENTS:

Description
Ordinance 2020-85

ORDINANCE 2020-85

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE III, ADMINISTRATION, CHAPTER 39, COMMUNITY AND ECONOMIC DEVELOPMENT, BY INCLUDING ADDITIONAL PROVISIONS FOR THE ECONOMIC DEVELOPMENT DIVISION; AND ADDING THE BUSINESS IMPROVEMENT DISTRICT AS A DEPARTMENTAL DIVISION; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The City of Palm Bay Code of Ordinances, Title III, Administration, Chapter 39, Community and Economic Development Department, Section 39.03, Departmental Divisions, is hereby amended and shall henceforth read as follows:

“Section 39.03 DEPARTMENTAL DIVISIONS.

(A) *Economic Development.*

(1) Responsible for attracting, retaining, and providing favorable conditions for the growth of target industry and business that provides high quality employment opportunities for the citizens of Palm Bay and enhances the economic tax base of the City. Staff members of the Division serve as liaisons to the >>Bayfront Community Redevelopment Agency,<< Business Improvement District>>, and Sustainability Board<<.

* * *

>>(E) *Business Improvement District.*

(1) Provides for capital improvements, services, programs, opportunities, and initiatives that generate business development and redevelopment, and that foster job creation, business growth and expansion as authorized by Chapter 189, Part II, of the Florida Statutes, and in accordance with the Business Corridor Improvement Plan. The Department Director serves as a liaison to the Business Improvement District Board.<<”

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 3. It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of Ordinances and the sections may be renumbered to accomplish such intention.

SECTION 4. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

SECTION 5. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2020-_____, held on _____, 2020; and
read in title only and duly enacted at Meeting 2020-_____, held on _____, 2020.

Robert Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Patricia Smith, City Attorney

THRU: Erich Messenger

DATE: 12/17/2020

RE: Ordinance 2020-86, amending the Code of Ordinances, Chapter 92, Noise, by modifying definitions contained therein, first reading.

Ordinance 2020-56 that created Chapter 92, titled "Noise" contained a typo that became a part of the Noise Ordinance adopted by the City Council.

The typo in the Noise Ordinance reads: "'Weekday' means Monday through Thursday, and Sunday if it precedes a holiday." "'Weekend' means Friday, Saturday or the Sunday before a holiday." Instead, the Noise Ordinance should be amended to read:

"'Weekday' means Sunday through Thursday, excluding any day that immediately precedes a holiday."
"'Weekend' means Friday, Saturday, and any day that immediately precedes a holiday."

REQUESTING DEPARTMENT:

Police Department, City Attorney's Office

FISCAL IMPACT:

None

RECOMMENDATION:

Motion to approve the ordinance.

ATTACHMENTS:

Description

Ordinance 2020-86

ORDINANCE 2020-86

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE IX, GENERAL REGULATIONS, CHAPTER 92, NOISE, BY MODIFYING DEFINITIONS CONTAINED THEREIN; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The City of Palm Bay Code of Ordinances, Title IX, General Regulations, Chapter 92, Noise, Section 92.02, Definitions, is hereby amended and shall henceforth read as follows:

“Section 92.02 DEFINITIONS.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Definitions of technical terms used in this chapter, which are not defined in this section, shall be obtained from publications of acoustical terminology issued by ANSI or its successor body.

* * *

WEEKDAY. ~~Monday~~**>>Sunday<<** through Thursday, and ~~Sunday if it~~**>>excluding any day that immediately<<** precedes a holiday.

WEEKEND. Friday, Saturday ~~or the Sunday before~~**>>, and any day that immediately precedes<<** a holiday.”

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 3. It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of ordinances and the sections may be renumbered to accomplish such intention.

SECTION 4. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

SECTION 5. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2020-_____, held on _____, 2020; and read in title only and duly enacted at Meeting 2020-_____, held on _____, 2020.

Robert Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

~~Strikethrough~~ words shall be deleted; highlighted words that will be included will be placed in between two arrow symbols (>> <<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Joan Junkala-Brown, Community & Economic Development Director

DATE: 12/17/2020

RE: Consideration of utilizing two (2) Local Housing Assistance Plan (LHAP) strategies (owner-occupied rehab and special needs) to fund repairs for a single-family rehabilitation at 1498 Ranger Road.

On May 18, 2017, City Council adopted Resolution 2017-20 approving the Local Housing Assistance Plan (LHAP) for Fiscal Years 2017-2018, 2018-2019, and 2019-2020. The City's LHAP provides a plan for administering the City's State Housing Initiative Partnership (SHIP) grant allocations for various housing strategies, to include Owner-Occupied (also known as Single-Family) Rehabilitation, Purchase (also known as Down Payment) Assistance, Utility Hookup Assistance and Special Needs Programs. The LHAP also provides maximum award thresholds for each housing strategy.

The LHAP 2017-2020 provides for a maximum award of \$50,000 per homeowner under the SHIP Owner-Occupied Rehab (OOR) Program, which addresses repairs or improvements needed for safety and sanitary habitation and/or correction of substantial code violation for very-low, low, and moderate-income residents. Additionally, the City's LHAP provides for a maximum award of \$20,000 for Special Needs, as defined by F.S. 420.907. The Special Needs strategy allows for repairs to the home for eligible household members with special needs. Such repairs enable the resident to remain independent in their home.

Staff is requesting to utilize two LHAP strategies, Owner-Occupied Rehabilitation and Special Needs for rehabilitation to a single-family residence located at 1498 Ranger Road SE. The homeowner has been certified as very-low income and is also eligible to be served under the SHIP Special Needs Program per the Statute. Due to the extent of the repairs required to bring the home into safe, accessible and sanitary living conditions, staff is requesting to utilize both the OOR (\$50,000 maximum) and Special Needs (only \$4,581 of the total maximum award) programs to assist the resident with repairs to the home. The utilization of two LHAP strategies/programs would provide the needed additional \$4,581 to address multiple accessibility modifications to the home which will allow the homeowner to maintain physical accessibility within the home.

The single-family home at 1498 Ranger Road SE is in need of significant repairs as well as accessibility modifications for persons with special needs. These repairs include various electrical work, replacing oven and range hood, repairs to bathroom and installation of grab bars in master bath, replacing dishwasher, replacing HVAC equipment and ducts, replacing front door and trim, replacing garage door (to include opener), installing impact rated windows and sliding glass door, removing all carpeted rooms and installing tile in all floors, and

replacing shingled roof covering and installing leaf guards at gutters.

Due of the extent of the repairs required, the lowest contractor's estimate received is \$49,745, which does not include contingencies for potential unknown factors which could be identified as contractors make repairs nor project delivery costs associated with such programs, i.e. title search, recordation of liens, inspections, etc.

REQUESTING DEPARTMENT:

Community & Economic Development

FISCAL IMPACT:

If approved, staff will encumbered a total of \$54,581, to include \$50,000 from the SHIP Single Family Rehab account (111-3353-554-3807) and \$4,581 from the SHIP Special Needs account (111-3353-554-3821).

RECOMMENDATION:

Motion to authorize staff to utilize two SHIP LHAP strategies, Owner-Occupied Rehab and Special Needs, to fund repairs to 1498 Ranger Road SE.

ATTACHMENTS:

Description

Resolution 2017-20 LHAP 2017-2018, 2018-2019, and 2019-2020

RESOLUTION NO 2017-20

A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, APPROVING THE CITY OF PALM BAY LOCAL HOUSING ASSISTANCE PLAN (LHAP) FOR FISCAL YEARS 2017/2018, 2018/2019, AND 2019/2020, AS REQUIRED BY THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM ACT, SUBSECTIONS 420 907-420 9079, FLORIDA STATUTES, AND RULE CHAPTER 67-37, FLORIDA ADMINISTRATIVE CODE, APPROVING THE CITY OF PALM BAY'S HOUSING DELIVERY GOALS FOR STATE FISCAL YEARS 2018 THROUGH 2020, AUTHORIZING THE MAYOR TO EXECUTE ANY NECESSARY DOCUMENTS AND CERTIFICATIONS NEEDED BY THE STATE, AUTHORIZING THE SUBMISSION OF THE LOCAL HOUSING ASSISTANCE PLAN FOR REVIEW AND APPROVAL BY THE FLORIDA HOUSING FINANCE CORPORATION, PROVIDING FOR AN EFFECTIVE DATE

WHEREAS the State of Florida enacted the William E Sadowski Affordable Housing Act, Chapter 92-317 of Florida Session Laws allocating a portion of documentary stamp taxes on deeds to local governments for the development and maintenance of affordable housing and

WHEREAS the State Housing Initiatives Partnership (SHIP) Act, §§ 420-907-420-9079, Florida Statutes (1992) and Rule 67-37 Florida Administrative Code, requires local governments to develop a one to three-year Local Housing Assistance Plan outlining how SHIP funds will be used and (Act") created the State Housing Initiative Partnership (SHIP) Program, which provides for the development and preservation of affordable housing in Florida Counties and Community Development Block Grant (CDBG) Entitlement Cities and

WHEREAS the SHIP Act requires local governments to establish the maximum SHIP funds allowable for each strategy and

WHEREAS the SHIP Act further requires local governments to establish an average area purchase price for new and existing housing benefitting from awards made pursuant to the Act, the methodology and purchase prices used are defined in the attached Local Housing Assistance Plan, and

WHEREAS, as required by *section 420 9075 F S* the City finds that 5 percent of the local housing distribution plus 5 percent of program income is insufficient to adequately pay the necessary costs of administering the local housing assistance plan. The cost of administering the program may not exceed 10 percent of the local housing distribution plus 5 percent of program income deposited into the trust fund, except that small counties, as defined in s 120.52(17), and eligible municipalities receiving a local housing distribution of up to \$350,00 may use 10 percent of program income for administrative costs, and

WHEREAS, the Housing and Neighborhood Services (HANDS) Division of the City of Palm Bay has prepared a three year Local Housing Assistance Plan, for submission to the Florida Housing Finance Corporation and

WHEREAS the City Council finds that it is in the best interest of the public for the City of Palm Bay to submit the Local Housing Assistance Plan for review and approval so as to qualify for said documentary stamp tax funds

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, that

SECTION 1. The City Council of the City of Palm Bay hereby approves the Local Housing Assistance Plan as attached and incorporated hereto as Exhibit "A" for submission to the Florida Housing Finance Corporation as required by § 420.907-420.9079, Florida Statutes, for fiscal years 2017/2018, 2018/2019, and 2019/2020

SECTION 2. The City of Palm Bay hereby finds that the cost of administering the Program shall exceed 5 percent of Program funds, and pursuant to the Act, the City hereby authorizes expenditure of no more than 10 percent of Program funds plus 5 percent of Program Income funds for implementation of the Program

SECTION 3. The Mayor is hereby designated and authorized to execute any documents and certifications required by the Florida Housing Finance Corporation as related to the Local Housing Assistance Plan and to do all things necessary and proper to carry out the terms and conditions of said program

SECTION 4 This Resolution shall take effect immediately upon the enactment date

This resolution was duly enacted at Meeting No 2017 12 of the City Council of the City of Palm Bay, Brevard County Florida held on May 18, 2017

ATTEST

Terese M Jones CITY CLERK

William Capote MAYOR



City of Palm Bay



SHIP LOCAL HOUSING ASSISTANCE PLAN (LHAP)

2017-2018, 2018-2019 and 2019-2020

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C Housing Delivery Goals Chart (HDGC) For Each Fiscal Year Covered in the plan	26
D Signed LHAP Certification	29
E Signed, dated, witnessed or attested adopting resolution	31
F Ordinance (If changed from the original creating ordinance)	N/A
G Interlocal Agreement	N/A

I Program Details

A Name of the participating local government City of Palm Bay

Is there an Interlocal Agreement Yes _____ No X

B Purpose of the program

- 1 Meeting the housing needs of the very low, low and moderate income households of the City of Palm Bay
- 2 Expanding production and preservation of affordable housing and
- 3 Furthering the housing element of the local government comprehensive plan specific to affordable housing

C Fiscal years covered by the Plan 2017 2018, 2018-2019 and 2019-2020

D Governance

The SHIP Program is established in accordance with Section 420.907-9079, Florida Statutes and Chapter 67-37 Florida Administrative Code Cities and Counties must be in compliance with these applicable statutes, rules and any additional requirements as established through the Legislative process

E Local Housing Partnership

The SHIP Program encourages building active partnerships between government, lending institutions, builders and developers, not for profit and community based housing providers and service organizations, providers of professional services related to affordable housing, advocates for low income persons, real estate professionals persons or entities that can provide housing or support services and lead agencies of the local continuums of care

The City of Palm Bay continues its partnership with the following agencies

Community Housing Initiative, Inc

F Leveraging

The Plan is intended to increase the availability of affordable residential units by combining local resources and cost saving measures into a local housing partnership and using public and private funds to reduce the cost of housing SHIP funds may be leveraged with or used to supplement other Florida Housing Finance Corporation programs and to provide local match to obtain federal housing grants or programs

G Public Input

Public input was solicited through face to face meetings with housing providers social service providers and local lenders and neighborhood associations

Public input was solicited through the Florida Today in the advertising of the Local Housing Assistance Plan and the Notice of Funding Availability

H Advertising and Outreach

The City, or its administrative representative, shall advertise the notice of funding availability in the Florida Today at least 30 days before the beginning of the application period. If no funding is available due to a waiting list, no notice of funding availability is required.

I Waiting List/Priorities

A waiting list will be established when there are eligible applicants for strategies that no longer have funding available. Those households on the waiting list will be notified of their status. Applicants will be maintained in an order that is consistent with the time applications were submitted as well as any established funding priorities as described in this plan. Priorities for funding described/listed here apply to all strategies unless otherwise stated in the strategy.

The City of Palm Bay recognizes combat-wounded veterans as a local priority for assistance.

J Discrimination

In accordance with the provisions of ss 760.20-760.37, it is unlawful to discriminate on the basis of race, color, religion, sex, national origin, age, handicap, or marital status in the award application process for eligible housing.

K Support Services and Counseling

Support services are available from various sources. Available support services may include but are not limited to: Homeownership Counseling (Pre and Post), Credit Counseling, Tenant Counseling, Foreclosure Counseling and Transportation.

L. Purchase Price Limits

The sales price or value of new or existing eligible housing may not exceed 90% of the average area purchase price in the Palm Bay Melbourne Titusville Statistical Area. Such average area purchase price may be that calculated for any 12 month period beginning not earlier than the fourth calendar year prior to the year in which the award occurs. The sales price of new and existing units, which can be lower but may not exceed 90% of the median area purchase price established by the U.S. Treasury Department or as described above.

The methodology used is

- ☒ U.S. Treasury Department
☐ Local HFA Numbers

M Income Limits, Rent Limits and Affordability

The Income and Rent Limits used in the SHIP Program are updated annually by the Department of Housing and Urban Development and posted at www.floridahousing.org.

"Affordable" means that monthly rents or mortgage payments including taxes and insurance do not exceed 30 percent of that amount which represents the percentage of the median annual gross income for the households as indicated in Sections 420.9071, F.S. However, it is not the intent to limit an individual household's ability to devote more than 30% of its income for housing, and housing for which a household devotes more than 30% of its income shall be deemed Affordable if the first institutional mortgage lender is satisfied that the household can afford mortgage payments in excess of the 30% benchmark and in the case of rental housing does not exceed those rental limits adjusted for bedroom size

N Welfare Transition Program.

Should an eligible sponsor be used a qualification system and selection criteria for applications for Awards to eligible sponsors shall be developed, which includes a description that demonstrates how eligible sponsors that employ personnel from the Welfare Transition Program will be given preference in the selection process

O Monitoring and First Right of Refusal

In the case of rental housing, the staff and any entity that has administrative authority for implementing the local housing assistance plan assisting rental developments shall annually monitor and determine tenant eligibility or to the extent another governmental entity provides periodic monitoring and determination, a municipality, county or local housing financing authority may rely on such monitoring and determination of tenant eligibility. However, any loan or grant in the original amount of \$10,000 or less shall not be subject to these annual monitoring and determination of tenant eligibility requirements. Tenant eligibility will be monitored annually for no less than 15 years or the term of assistance whichever is longer unless as specified above. Eligible sponsors that offer rental housing for sale before 15 years or that have remaining mortgages funded under this program must give a first right of refusal to eligible nonprofit organizations for purchase at the current market value for continued occupancy by eligible persons

P Administrative Budget

A line item budget of proposed Administrative Expenditures is attached as Exhibit A

The City of Palm Bay finds that the moneys deposited in the local housing assistance trust fund shall be used to administer and implement the local housing assistance plan

Section 420.9075 Florida Statute and Chapter 67-37, Florida Administrative Code, states "A county or an eligible municipality may not exceed the 5 percent limitation on administrative costs, unless its governing body finds, by resolution, that 5 percent of the local housing distribution plus 5 percent of program income is insufficient to adequately pay the necessary costs of administering the local housing assistance plan "

Section 420.9075 Florida Statute and Chapter 67-37, Florida Administrative Code, further states: "The cost of administering the program may not exceed 10 percent of the local housing distribution plus 5 percent of program income deposited into the trust fund, except that small counties, as defined in s 120.52(19), and eligible municipalities receiving a local housing distribution of up to \$350,000 may use up to 10 percent of program income for administrative costs." The applicable local jurisdiction has adopted the above findings in the resolution attached as **Exhibit E.**

Q. Program Administration

Administration of the local housing assistance plan will be wholly performed and maintained by the City of Palm Bay

Should a third party entity or consultant contract for all or part of the administrative or other functions of the program the City of Palm Bay will provide, in detail, the duties, qualifications and selection criteria

R Project Delivery Costs

Project delivery costs for the City's Rehabilitation strategies will include initial inspections, work write ups/cost estimates, and construction inspections

S Essential Service Personnel Definition.

Per F.A.C Chapter 67 37.00(8) and 420.9075(3)(a) F.S., essential personnel are defined as persons whose income does not exceed 120% of AMI, as updated annually by the Florida Housing Finance Corporation and adjusted for family size including teachers and educators, other school district and university employees, police and fire personnel, health care personnel, construction industry personnel, Federal, State, County, and local government personnel and retail and tourism industry personnel

T Describe efforts to incorporate Green Building and Energy Saving products and processes

The City of Palm Bay will encourage green building requirements in its

construction specifications for all new construction and rehabilitation projects to include, but not limited to, the following Energy Star rated windows, appliances, hot water heater and ceiling fans Low flow plumbing fixtures, insulated exterior doors, increased insulation for walls and ceiling, higher efficiency HVAC units and programmable thermostats

In building design for redevelopment activities, green building principles will be considered in addition to energy efficiency features The City will encourage green design features such as native plant landscaping to conserve water, previous parking surfaces (where permitted), use of natural gas where available, orientation of buildings to reduce energy demand, and bicycle, pedestrian, and bus amenities to encourage alternatives to automobile transportation The City will also encourage housing developers to reduce on site impact on natural resources and preserve patriarch trees (36" diameter)

U Describe efforts to meet the 20% Special Needs set-aside

The City will continue to work with Aging Matter, Inc and Helping Seniors of Brevard, Inc., both local elderly/disabled services agency to receive qualified referral of households containing an adult member with special needs and/or other disability for its Special Needs Rehabilitation Program

V Describe efforts to reduce homelessness

The City of Palm Bay routinely works with and coordinates homeless efforts with the Brevard Homeless Coalition

Section II. LHAP Strategies

A

Purchase Assistance with Rehabilitation	1
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a Summary of Strategy

This strategy will award loans to assist homebuyers with the purchase of a home by providing down payment and/or closing cost assistance to ensure affordable first mortgage loan payments. The assistance will be for new and existing homes in Palm Bay and granted via a first ready to purchase-first ready served criteria. Participants are required to attend a First Time Homebuyer Education class offered by a HUD-certified Housing Counseling Agency. All applicant requirements are contained within the City's Purchase Assistance Policy and Procedures handbook.

b Fiscal Years Covered

2017-2018 2018-2019 and 2019 2020

c Income Categories to be served

Very Low-, Low-, and Moderate

d Maximum award

\$30,000.00

e Terms

- 1 Deferred loan secured by a subordinate mortgage
- 2 Interest Rate 0%
- 3 Term 30 years. Recipient must own and occupy the property as their primary residence during the subordinate mortgage term
- 4 Forgiveness/Repayment The City's Purchase Assistance mortgage has a principle reduction of one thirtieth (1/30th) per year. The pro-rated balance of the loan is due upon sale or transfer of the property or if cash is taken out within the thirty (30) year loan term
- 5 Default/Recapture If the home is sold, default of the first mortgage occurs, subordination requirements are not met, title is transferred, if cash equity is taken out, death of all recipients on the mortgage or the home ceases to be the primary residence of the recipient, the pro-rated balance at the time of default will become due and payable. All eligible loans repaid to the City shall be considered Program Income.

f Recipient Selection Criteria

Applicants are selected on a first-qualified, first-served basis and must be certified as Very-Low, Low, or Moderate Income as a result of third party verification of assets and income

The homebuyer is required to obtain first mortgage financing from a mortgage lender and must complete a HUD-certified First Time Homebuyers education course

The applicant must be a first-time homebuyer defined as a person who has not owned a home within the last three (3) years Homeowners who have lost their home through bankruptcy or foreclosure within the previous three (3) years will not be eligible to receive SHIP Purchase Assistance Exceptions will be made for applicants who are defined by HUD as Single Parent, Displaced Homemaker, An applicant living in a substandard dwelling that costs more to rehabilitate than to build a new dwelling to bring the structure into compliance with local building and housing codes or an applicant whose dwelling was destroyed as a result of a declared disaster

g Sponsor/Developer Selection Criteria

If electing to permit a Sponsor/Developer to implement this Strategy, the City of Palm Bay will advertise for eligible sponsors that are interested in participating in the City's Purchase Assistance program

The eligible sponsor will be chosen by a Request for Proposal (RFP) process The successful respondent will have a proven record of administration of very low, low and moderate income housing rehabilitation programs In addition they will have successfully demonstrated capacity to handle the administrative process for the anticipated number of loans and will ensure that all SHIP criteria have been met for each assisted client The ability to leverage other funding/in kind services will be an advantage to the successful respondent

The eligible sponsor/developer will be selected using criteria such as, but not limited to

- Eligible sponsors/developers must be charitable non for profit organizations
- Eligible sponsors must have demonstrated the capacity and experience to administer the program
- Eligible sponsors that hire personnel from the Welfare Transition Program, or that have personnel currently on staff that were hired from the Welfare Transition Program will be given priority over those sponsors that do not employ personnel from this program

h Additional Information

Actual assistance will be based on need but shall not exceed \$30,000 for Very Low, Low and Moderate Income applicants

All homes purchased by eligible applicants under this Strategy must provide documentation that rehabilitation/repairs were made to the home no more than twelve (12) months prior to purchase

Although construction/rehabilitation is a requirement for this Strategy it does not provide additional funding for these activities

Maximum sales price for a new or existing home is \$262,317 Maximum subsidy represents the maximum to be used for down payment and closing cost expenses Actual assistance may be adjusted based on need and may not exceed the posted maximum per income level

Purchased home must be a single-family detached home townhome individual condominium unit, or manufactured home owned in fee simple title Only post 1994 manufactured homes that bear the Florida Department of Economic Opportunity (DEO) Insignia Seal will be eligible for assistance Mobile homes not meeting this requirement are not eligible for SHIP assistance

B

<i>Owner Occupied Rehabilitation</i>	3
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a Summary of Strategy

This Strategy will award loans to assist homeowners with needed repairs as defined by Chapter 67 37, Florida Administrative Code Rehabilitation is defined as repairs or improvements needed for safety and sanitary habitation and/or correction of substantial code violations, such as

- Necessary repairs to correct substantial code violations,
- Repairs or alterations that improve health, safety and well being or that contribute to the structural integrity and preservation of the unit,
- Air conditioning, heating, or water heating systems,
- Egress or physically disabled accessibility repairs, improvements, or assistive devices, including wheelchair ramps, steps, landings, handrails, and other barrier removal modifications, or other healthy and safety measures,
- Plumbing, pump, wells, septic systems and line repairs to ensure safe drinking water and sanitary sewer

- Electrical, roofing, and structural repairs needed to remove present hazardous conditions,
- Broken or inoperable windows, screens exterior doors, or other structural hazards rendering the dwelling unfit for habitation.
- Repair or replacement of unsafe or non functioning appliances

b. Fiscal Years Covered

2017 2018 2018-2019 and 2019 2020

c Income Categories to be served

Very-Low, Low and Moderate

d Maximum award

\$50,000

e Terms

- 1 Deferred loan secured by a subordinate mortgage Subordinate mortgage may be only 2nd lien position behind an existing first mortgage (except where the homeowner has an existing Reverse Mortgage that maintains first and second lien position) Recipient must own and occupy the property as their principle residence during the mortgage term All property taxes, hazard insurance premiums (and flood insurance if required) and first mortgage payments must be current Owner must have owned the home for at least one year before becoming eligible to apply for this assistance
- 2 Interest Rate 0%
- 3 Term 10 years
- 4 Forgiveness/Repayment The City's Owner Occupied Rehabilitation Assistance mortgage has a principle reduction of one-tenth (1/10th) per year

The pro rated balance of the loan is due upon sale or transfer of the property or if cash equity is taken out within the ten (10) year loan term

Recipients of Owner Occupied Rehabilitation Assistance must agree to return the pro rated balance of SHIP assistance according to the following

Upon death of the client during the mortgage term, the pro rated mortgage balance shall become due in full, unless at the time of

death a spouse or child is residing in the home. An eligible spouse or child residing in the home may have the option of assuming the existing mortgage upon determination of current income and asset eligibility. Otherwise, the City will require repayment of the current pro-rated mortgage balance at the time the property is refinanced, sold or transferred. After 90 days, if no refinance, sale or transfer of the property occurs, the mortgage shall begin to accrue interest at 5% per annum. The lien will continue against the property until repayment plus interest is satisfied.

5. **Default/Recapture.** If the recipient defaults on the City's Owner-Occupied Rehabilitation Assistance loan within the 10-year loan term, the pro-rated balance at the time of default will become due and payable. All eligible loans repaid to the City shall be considered Program Income.

If the home is sold, subordination requirements are not met, title is transferred, if cash equity is taken out, or the home ceases to be the primary residence of the recipient, the pro-rated amount of assistance must be repaid.

f Recipient Selection Criteria

Participants must meet and fulfill SHIP requirements in terms of income levels. Applicants will be accepted by the City and upon review, eligible participants will be selected for assistance based on a first qualified/first served criteria.

g Sponsor/Developer Selection Criteria.

Implementation of this Strategy will be provided by the City of Palm Bay Housing and Neighborhood Development Services staff.

If electing to permit a Sponsor/Developer to implement this Strategy, the City of Palm Bay will advertise for eligible sponsors that are interested in participating in the City's Owner Occupied Rehabilitation program.

The eligible sponsor will be chosen by a Request for Proposal (RFP) process. The successful respondent will have a proven record of administration of very low, low and moderate income housing rehabilitation programs. In addition, they will have successfully demonstrated capacity to handle the administrative process for the anticipated number of loans and will ensure that all SHIP criteria have been met for each assisted client. The ability to leverage other funding/in-kind services will be an advantage to the successful respondent.

The eligible sponsor/developer will be selected using criteria such as, but not limited to

- Eligible sponsors/developers must be charitable non for-profit organizations
- Eligible sponsors must have demonstrated the capacity and experience to administer the program

Eligible sponsors that hire personnel from the Welfare Transition Program, or that have personnel currently on staff that were hired from the Welfare Transition Program will be given priority over those sponsors that do not employ personnel from this program

h Additional Information

Assisted home must be a single-family detached home, townhome individual condominium unit, or manufactured home owned in fee-simple title Only post-1994 manufactured homes that bear the Florida Department of Economic Opportunity (DEO) Insignia Seal will be eligible for assistance Mobile homes not meeting this requirement are not eligible for SHIP assistance

C

Emergency Repair	6
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a Summary of Strategy

SHIP funds will be used to provide assistance to owner-occupied households that have income at or below very low income (VLI) to make emergency repairs The maximum award for this strategy is \$10,000

b Fiscal Years Covered

2017-2018, 2018-2019 and 2019-2020

c Income Categories to be served

Very-Low Income

d Maximum award

\$20,000*

*The City Manager may approve exceeding this maximum on a case by-case basis if conditions so warrant as recommended by the HANDS staff

e Terms

- 1 Deferred loan secured by a subordinate mortgage
- 2 Interest Rate 0%

- 3 Term 5 years Recipient must own and occupy the property as their principle residence during the subordinate mortgage term
- 4 Forgiveness/Repayment The mortgage has a principle reduction of one-fifth (1/5th) per year The pro-rated balance of the loan is due upon sale or transfer of the property or if cash equity is taken out within the five (5) year loan term
- 5 Default/Recapture If the home is sold default of the first mortgage occurs, subordination requirements are not met title is transferred if cash equity is taken out death of all recipients on the mortgage or the home ceases to be the primary residence of the recipient, the pro rated balance at the time of default will become due and payable All eligible loans repaid to the City shall be considered Program Income

f Recipient Selection Criteria

Participants must meet and fulfill SHIP requirements in terms of income level Applicants will be accepted by the City and upon review eligible participants will be selected for assistance based upon a first qualified/ first served criteria.

g Sponsor/Developer Selection Criteria

Implementation of this Strategy will be provided by the City of Palm Bay Housing and Neighborhood Development Services staff

If electing to permit a Sponsor/Developer to implement this Strategy the City of Palm Bay will advertise for eligible sponsors that are interested in participating in the City's Emergency Assistance program

The eligible sponsor will be chosen by a Request for Proposal (RFP) process The successful respondent will have a proven record of administration of very low low and moderate income housing rehabilitation programs In addition, they will have successfully demonstrated capacity to handle the administrative process for the anticipated number of loans and will ensure that all SHIP criteria have been met for each assisted client The ability to leverage other funding/in-kind services will be an advantage to the successful respondent

The eligible sponsor/developer will be selected using criteria such as, but not limited to

- Eligible sponsors/developers must be charitable non-for-profit organizations

- Eligible sponsors must have demonstrated the capacity and experience to administer the program

Eligible sponsors that hire personnel from the Welfare Transition Program, or that have personnel currently on staff that were hired from the Welfare Transition Program will be given priority over those sponsors that do not employ personnel from this program

h Additional Information.

Assisted home must be a single-family detached home, townhome individual condominium unit, or manufactured home owned in fee-simple title Only post 1994 manufactured homes that bear the Florida Department of Economic Opportunity (DEO) Insignia Seal will be eligible for assistance Mobile homes not meeting this requirement are not eligible for SHIP assistance

D

<i>Special Needs Rehabilitation</i>	11
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a Summary of Strategy

Palm Bay will address the repair needs of owner occupied households with special needs (as defined in Florida Statute 420.907 9079) particularly developmental disabilities Those needing to make modifications, including technological enhancements and devices, which will allow the household member with Special Needs to remain independent in their own home will be given priority

b Fiscal Years Covered

2017 2018, 2018-2019 and 2019 2020

c Income Categories to be served

Very-Low, Low and Moderate

d Maximum award

\$20,000

e Terms

- 1 Deferred loan secured by a lien against the property
- 2 Interest Rate 0%
- 3 Term 5years
- 4 Forgiveness/Repayment forgiven at 20% per year

5 Default/Recapture

Recipients of this Strategy must agree to repay the City according to the following.

- In the event of foreclosure
- Death of the recipient (whether homeowner or household member)
- Rental of the property prior to the 5-year loan term expiration
- Sale of the property prior to the 5 year loan term expiration

If the recipient defaults for any of the above reasons within the 5-year loan term, the pro-rated balance at the time of default will become due and payable. All eligible loans repaid to the City shall be considered Program Income.

f Recipient Selection Criteria

Participants must meet and fulfill all SHIP requirements in terms of income levels. Applicants will be accepted by the City and upon review eligible participants will be selected for assistance based on a first ready, first-served criteria. Assistance will be distributed to those who apply, meet SHIP requirements, and are ready to proceed when funds are available.

g Sponsor/Developer Selection Criteria

Implementation of this Strategy will be provided by City of Palm Bay Housing and Neighborhood Development Services staff.

If electing to permit a Sponsor/Developer to implement this Strategy, the City of Palm Bay will advertise for eligible sponsors that are interested in participating in the City's Owner Occupied Rehabilitation program.

The eligible sponsor will be chosen by a Request for Proposal (RFP) process. The successful respondent will have a proven record of administration of very low, low and moderate income housing rehabilitation programs. In addition, they will have successfully demonstrated capacity to handle the administrative process for the anticipated number of loans and will ensure that all SHIP criteria have been met for each assisted client. The ability to leverage other funding/in-kind services will be an advantage to the successful respondent.

The eligible sponsor/developer will be selected using criteria such as, but not limited to:

- Eligible sponsors/developers must be charitable non-for profit organizations
- Eligible sponsors must have demonstrated the capacity and experience to administer the program

Eligible sponsors that hire personnel from the Welfare Transition Program, or that have personnel currently on staff that were hired from the Welfare Transition Program will be given priority over those sponsors that do not employ personnel from this program

h Additional Information

Assisted home must be a single-family detached home townhome individual condominium unit, or manufactured home owned in fee simple title Only post 1994 manufactured homes that bear the Florida Department of Economic Opportunity (DEO) Insignia Seal will be eligible for assistance Mobile homes not meeting this requirement are not eligible for SHIP assistance

E

Utility Hook Up Assistance	3
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a Summary of Strategy

This Strategy provides loans to Extremely Low, Very Low, Low, and Moderate Income homeowners to assist with connection to water and/or sewer systems The funds may be used for construction costs necessary to connect to the systems, pay the connection fees and to abandon the private well and septic system

b Fiscal Years Covered

2017 2018, 2018-2019 and 2019 2020

c Income Categories to be served

Extremely Low Very Low Low and Moderate

d Maximum award

\$15,000

e Terms.

- 1 Deferred loan secured by a subordinate mortgage Subordinate mortgage may be only 2nd lien position behind an existing first mortgage (except where the homeowner has an existing Reverse Mortgage that maintains first and second lien position) Recipient must own and occupy the property as their primary residence during the mortgage term All property taxes, hazard insurance premiums (and flood insurance, if required) and first mortgage payments must be current Owner must have owned the home for at least one year before becoming eligible to apply for this assistance

- 2 Interest Rate 0%
- 3 Term 5 years
- 4 Forgiveness/Repayment The City's Utility Hook Up Assistance mortgage has a principle reduction of one-fifth (1/5th) per year

The pro rated balance of the loan is due upon sale or transfer of the property or if cash equity is taken out within the five (5) year loan term

Recipients must agree to return the pro-rated balance of SHIP assistance according to the following

Upon death of the client during the mortgage term the pro-rated balance shall become due in full, unless at the time of death a spouse or child is residing in the home. An eligible spouse or child residing in the home may have the option of assuming the existing mortgage upon determination of current income and asset eligibility. Otherwise, the City will require repayment of the current pro rated mortgage balance at the time the property is refinanced, sold or transferred. After 90 days if no refinance sale or transfer of the property occurs, the mortgage shall begin to accrue interest at 5% per annum. The lien will continue against the property until repayment plus interest is satisfied.

- 5 Default/Recapture If the recipient defaults on the City's loan within the 5-year loan term, the pro rated balance at the time of default will become due and payable. All eligible loans repaid to the City shall be considered Program Income.

If the home is sold subordination requirements are not met title is transferred, if cash equity is taken out, or the home ceases to be the primary residence of the recipient, the pro rated amount of assistance must be repaid.

f Recipient Selection Criteria

Participants must meet and fulfill SHIP requirements in terms of income levels. Applicants will be accepted by the City and upon review eligible participants will be selected for assistance based on a first qualified/first served criteria.

g Sponsor/Developer Selection Criteria

Implementation of this Strategy will be provided by City of Palm Bay Housing and Neighborhood Development Services staff.

h Additional Information

Assisted home must be a single family detached home, townhome, individual condominium unit, or manufactured home owned in fee-simple title Only post 1994 manufactured homes that bear the Florida Department of Economic Opportunity (DEO) Insignia Seal will be eligible for assistance Mobile homes not meeting this requirement are not eligible for SHIP assistance

F

Disaster Repair/Mitigation	5
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a Summary of Strategy

The Disaster Strategy provides assistance to households following a disaster as declared by the President of the United States or Governor of the State of Florida This Strategy will only be implemented in the event of a natural disaster using any funds that have not yet been encumbered or additional disaster funds issued by Florida Housing Finance Corporation Funds will be used for:

- a) Purchase of emergency supplies for eligible households to weatherproof damaged homes,
- b) Interim repairs to avoid further damage such as tree and debris removal to make the individual housing unit habitable,
- c) Deductible assistance up to \$2,500
- d) Other activities as proposed by the City of Palm Bay and approved by Florida Housing Finance Corporation

b Fiscal Years Covered

2017 2018, 2018 2019 and 2019 2020

c Income Categories to be served.

Very-Low, Low and Moderate

d Maximum award

\$15,000

e Terms

1 All SHIP funds awarded under this Strategy are provided to eligible households in the form of a grant and are not subject to recapture

2 Interest Rate N/A

- 3 Term N/A
- 4 Forgiveness/Repayment N/A
- 5 Default/Recapture N/A

f Recipient Selection Criteria

Applicants must own and occupy the assisted property as their principle residence and may not own additional homes. The residence must have been damaged in a declared or man made disaster Applicants must be income eligible and will be served on a first-qualified, first served basis while funds remain available The property must be located within city limits of Palm Bay Applicants must provide evidence that mortgage payments, property taxes and homeowners insurance are current

g Sponsor/Developer Selection Criteria N/A

h Additional Information

Assisted home must be a single family detached home, townhome, individual condominium unit, or manufactured home owned in fee-simple title Only post 1994 manufactured homes that bear the Florida Department of Economic Opportunity (DEO) Insignia Seal will be eligible for assistance Mobile homes not meeting this requirement are not eligible for SHIP assistance

G

<i>New Construction Rental</i>	21
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a Summary of Strategy

This Strategy is designed to provide assistance to eligible sponsor organizations for the production of affordable rental housing This Strategy will provide for partnering with for-profit affordable housing developers and non-profit sponsor agencies for the construction/rehabilitation of rental units to serve income qualified residents within the City The units assisted in this Strategy will comply with all resale provisions and applicable monitoring requirements including those set forth in Section 420.9075(3)€ and (4)(f) F.S

b Fiscal Years Covered

2017 2018, 2018 2019 and 2019 2020

c Income Categories to be served.

Very-Low and Low

d Maximum award
\$25,000/unit

e Terms

- 1 Deferred loan secured by a mortgage and note
- 2 Interest Rate 0%
- 3 Term 15 years
- 4 Forgiveness/Repayment The deferred loan requires no monthly payment and is forgiven as long as default/recapture provisions are not triggered
- 5 Default/Recapture The mortgage will be recaptured upon any of the following events occurring prior to the 15-year term. If the property is transferred before the fifteen-year affordability period, the sponsor agency must return the funds to the City. If the new buyer is eligible for the program, the mortgage may be assumed as long as all other SHIP requirements are met. All SHIP assisted rental properties offered for sale prior to 15 years or the term of assistance, whichever is longer, must be subject to the right of first refusal for purchase at the current market value less the amount of the SHIP subsidy, by eligible nonprofit sponsor organization who would provide continued occupancy by eligible persons. An annual report of tenants and income certification is required for the 15 year period.

f Recipient Selection Criteria
Recipients under this Strategy will be served on a first qualified first served basis.

g Sponsor/Developer Selection Criteria
All sponsors assisting the City with implementing this Plan will be selected through a publicly advertised competitive application process. This process involves a thirty (30) day public notification of the availability of funding, a written application delineating program requirements, a request for proposal (RFP), an open and objective evaluation process and a formal award through a written contract. Sponsor selection outside of the advertised competitive application may be encumbered by the local government at their discretion when funding is being requested as a match for Florida Housing Finance Corporation or Federal competitive cycles.

Eligible sponsors will at a minimum, meet the following criteria

- Eligible sponsors will be a non-profit, community based organization having obtained official designation as 501(c)(3) and in operation for more than 12 months or a for profit corporation organized and established under the laws of the State of Florida
- Eligible sponsors will have an established record of construction and/or rehabilitation of affordable housing
- Eligible sponsors will be required to provide substantial evidence of its ability to construct or otherwise deliver a completed project within a reasonable timetable
- Preference will be given to non profit and for-profit organizations which hire personnel from Welfare Transition, Workforce Development Initiatives and other employment assistance programs
- The non-profit or for profit corporation must have financial accountability standards that permit the City of Palm Bay Housing and Neighborhood Development Services Division to account for and audit SHIP funds

h Additional Information

All assisted units must be rented at affordable rates (i.e rents will not exceed those limits adjusted for number of bedrooms published by HUD and distributed by the Florida Housing Finance Corporation) to qualified applicants for a period of fifteen (15) years

III LHAP Incentive Strategies

In addition to the **required Incentive Strategy A and Strategy B**, include all adopted incentives with the policies and procedures used for implementation as provided in Section 420.9076, F S.

A Name of the Strategy Expedited Permitting

Established policy and procedures Chapter 169 of the City of Palm Bay's Code of Ordinances adopted Ordinance 2010-86 providing for expedited permitting and expedited site plan review for affordable housing projects

The City of Palm Bay clearly identifies affordable housing projects through coordination of the builder/developer and the HANDS Division A letter is issued from the HANDS Division to the City's Building Division which identifies the project as affordable and specifically requests expedited processing and issuance of building permits The Building Division has pledge that all permit applications that are identified in this manner will receive expedited processing and issuance

B Name of the Strategy Ongoing Review Process

Established policy and procedures The City of Palm Bay's Community Development Advisory Board acts in the capacity of a local affordable housing task force that meets as needed to discuss updates on current SHIP Strategies and issues which may affect affordable housing In addition this Board also reviews policies ordinances, regulations, and plan revisions, prior to adoption that could impact continued production of housing, and more particularly, affordable housing

C Name of the Strategy **Locally Owned Public Land Inventory**

Established policy and procedures City of Palm Bay Ordinance 2008 39 stipulates that the City of Palm Bay will create and maintain a printed inventory of locally owned public land suitable for affordable housing development This inventory is updated at least annually

IV EXHIBITS

A Administrative Budget for each fiscal year covered in the Plan **Exhibit A**

B Timeline for Estimated Encumbrance and Expenditure **Exhibit B**

C Housing Delivery Goals Chart (HDGC) For Each Fiscal Year Covered in the plan **Exhibit C**

D Signed LHAP Certification **Exhibit D**

E. Signed, dated, witnessed or attested adopting resolution **Exhibit E**

F Ordinance (If changed from the original creating ordinance) **N/A. No changes to Original Ordinance**

G Interlocal Agreement **N/A No Interlocal Agreement**

H Other Documents Incorporated by Reference **N/A**

Exhibit A

City of Palm Bay

Fiscal Year 2017-2018		
Estimated Allocation for Calculating	\$	509,625.00
Salaries and Benefits	\$	38,000.00
Office Supplies and Equipment	\$	150.00
Travel Per diem Workshops, etc	\$	500.00
Advertising	\$	100.00
Other* Professional Services	\$	12,212.00
Total	\$	50,962.00
Fiscal Year 2018-2019		
Estimated Allocation for Calculating	\$	509,625.00
Salaries and Benefits	\$	38,950.00
Office Supplies and Equipment	\$	150.00
Travel Per diem Workshops, etc	\$	400.00
Advertising	\$	100.00
Other* Professional Services	\$	11,362.00
Total	\$	50,962.00
Fiscal Year 2019-2020		
Estimated Allocation for Calculating	\$	509,625.00
Salaries and Benefits	\$	42,000.00
Office Supplies and Equipment	\$	150.00
Travel Per diem Workshops, etc	\$	400.00
Advertising	\$	100.00
Other* Professional Services	\$	8,312.00
Total	\$	50,962.00

Details: Professional Services may include hiring of contract consultants and experts to assist the City of Palm Bay in certain aspects of compliant SHIP administration. If unexpended, this amount will be reprogrammed for use in the City's existing SHIP Strategies.

Exhibit B
Timeline for SHIP Expenditures

The **CITY OF PALM BAY** affirms that funds allocated for these fiscal years will meet the following deadlines

Fiscal Year	Encumbered	Expended	1st Year AR	2nd Year AR	Closeout AR
2017 2018	6/30/2019	6/30/2020	9/15/2018	9/15/2019	9/15/2020
2018 2019	6/30/2020	6/30/2021	9/15/2019	9/15/2020	9/15/2021
2019-2020	6/30/2021	6/30/2022	9/15/2020	9/15/2021	9/15/2022

If funds allocated for these fiscal years is not anticipated to meet any of the deadlines in the table above Florida Housing Finance Corporation will be notified according to the following chart

Fiscal Year	Funds Not Encumbered	Funds Not Expended	1st Year AR Not Submitted	2nd Year AR Not Submitted	Closeout AR Not Submitted
2017 2018	3/30/2019	3/30/2020	6/15/2018	6/15/2019	6/15/2020
2018-2019	3/30/2020	3/30/2021	6/15/2019	6/15/2020	6/15/2021
2019-2020	3/30/2021	3/30/2022	6/15/2020	6/15/2021	6/15/2022

FLORIDA HOUSING FINANCE CORPORATION
HOUSING DELIVERY GOALS CHART
2017-2018

Please check applicable box

New Plan:

Amendment:

Name of Local Government:

City of Palm Bay

Allocation: \$509,625.00

[illegible]

FLORIDA HOUSING FINANCE CORPORATION HOUSING DELIVERY GOALS CHART 2018-2019										LHAP Exhibit C 2018 Please check applicable box New Plan: <input checked="" type="checkbox"/> X Amendment: Fiscal Yr. Closeout:					
Name of Local Government: City of Palm Bay										Estimated Funds: \$509,625.00					
Code	HOME OWNERSHIP STRATEGIES (strategy title must be same as the title used in plan text.)	VJ Units	Max. SHIP Award	LI Units	Max. SHIP Award	MI Units	Max. SHIP Award	A Award	Max. SHIP Award	A New Construction SHIP Dollars	B Rehab/Repair SHIP Dollars	C without Construction SHIP Dollars	D Total SHIP Dollars	E Total Percentage	F Total Units
1	Purchase Assistance w/Rehab	0	\$30,000	2	\$30,000	0	\$30,000	0	\$30,000		\$58,663.00		\$58,663.00	11.51%	2
3	Owner Occupied Rehabilitation	1	\$50,000	2	\$50,000	0	\$50,000	0	\$50,000		\$122,000.00		\$122,000.00	23.94%	3
6	Emergency Repair	2	\$20,000	2	\$20,000	0	\$20,000	0	\$20,000		\$75,000.00		\$75,000.00	14.72%	4
10	Special Needs Rehabilitation	3	\$20,000	3	\$20,000	1	\$20,000	1	\$20,000		\$128,000.00		\$128,000.00	25.12%	7
3	Utility Hook Up Assistance	2	\$15,000	2	\$15,000	0	\$15,000	0	\$15,000		\$50,000.00		\$50,000.00	9.81%	4
5	Disaster Repair/Mitigation	0	\$15,000	0	\$15,000	0	\$15,000	0	\$15,000				\$0.00	0.00%	0
													\$0.00	0.00%	0
													\$0.00	0.00%	0
	Subtotal 1 (Home Ownership)	8		11		1				\$0.00	\$433,663.00	\$0.00	\$433,663.00	85.09%	20
	RENTAL STRATEGIES	VJ Units	Max. SHIP Award	LI Units	Max. SHIP Award	MI Units	Max. SHIP Award	A Award	Max. SHIP Award	A New Construction SHIP Dollars	B Rehab/Repair SHIP Dollars	C without Construction SHIP Dollars	D Total SHIP Dollars	E Total Percentage	F Total Units
21	New Construction Rental	25	\$25,000							\$25,000.00			\$25,000.00	4.91%	25
													\$0.00	0.00%	0
													\$0.00	0.00%	0
													\$0.00	0.00%	0
	Subtotal 2 (Non-Home Ownership)	25		0		0				\$25,000.00	\$0.00	\$0.00	\$25,000.00	4.91%	25
	Administration Fees													10.00%	
	Admin. From Program Income													0.00%	
	Home Ownership Counseling													0.00%	
	GRAND TOTAL														
	Add Subtotals 1 & 2, plus all Admin. & H	33		11		1				\$25,000.00	\$433,663.00	\$0.00	\$509,625.00	100.00%	45
	Percentage Construction/Rehab	Calculate %													
	Maximum Allowable Purchase Price:	New Existing \$262,317 \$262,317 90%													
	Allocation Breakdown	Amount	%												
	Very-Low Income	\$205,000.00	40.2%												
	Low Income	\$245,663.00	48.2%												
	Moderate Income	\$8,000.00	1.6%												
	TOTAL	\$458,663.00	90.0%												
	Projected Program Income:	\$0.00		Max Amount Program Income For Admin \$0.00											
	Projected Recaptured Funds:	\$0.00													
	Distribution:	\$509,625.00													
	Total Available Funds:	\$509,625.00													

Exhibit D

CERTIFICATION TO FLORIDA HOUSING FINANCE CORPORATION

Local Government CITY OF PALM BAY

- (1) The local government will advertise the availability of SHIP funds pursuant to Florida Statutes
- (2) All SHIP funds will be expended in a manner which will insure that there will be no discrimination on the basis of race, creed, religion color age, sex, familial or marital status, handicap, or national origin
- (3) A process for selection of recipients for funds has been developed
- (4) The eligible municipality or county has developed a qualification system for applications for awards
- (5) Recipients of funds will be required to contractually commit to program guidelines
- (6) The Florida Housing Finance Corporation will be notified promptly if the local government (or interlocal entity) will be unable to comply with the provisions the plan
- (7) The Local Housing Assistance Plan shall provide for the expenditure of SHIP funds including allocation program income and recaptured funds within 24 months following the end of the State fiscal year in which they are received
- (8) The plan conforms to the Local Government Comprehensive Plan, or that an amendment to the Local Government Comprehensive Plan will be initiated at the next available opportunity to insure conformance with the Local Housing Assistance Plan
- (9) Amendments to the approved Local Housing Assistance Plan shall be provided to the Corporation within 21 days after adoption
- (10) The trust fund shall be established with a qualified depository for all SHIP funds as well as moneys generated from activities such as interest earned on loans
- (11) Amounts on deposit in the local housing assistance trust fund shall be invested as permitted by law
- (12) The local housing assistance trust fund shall be separately stated as a special revenue fund in the local governments audited financial statements, copies of the audits will be

forwarded to the Corporation as soon as available

- 13) An interlocal entity shall have its local housing assistance trust fund separately audited for each state fiscal year, and the audit forwarded to the Corporation as soon as possible
- 14) SHIP funds will not be pledged for debt service on bonds or as rent subsidies
- 15) Developers receiving assistance from both SHIP and the Low Income Housing Tax Credit (LIHTC) Program shall comply with the income affordability and other LIHTC requirements, similarly, any units receiving assistance from other federal programs shall comply with all Federal and SHIP program requirements
- 16) Loans shall be provided for periods not exceeding 30 years, except for deferred payment loans or loans that extend beyond 30 years which continue to service eligible persons
- 17) Rental Units constructed or rehabilitated with SHIP funds shall be monitored at least annually for 15 years for compliance with tenant income requirements and affordability requirements or as required in Section 420.9075 (3)(e)
- 18) The Plan meets the requirements of Section 420-907 9079 FS, and Rule Chapter 67 37 FAC, and how each of those requirements shall be met
- 19) The provisions of Chapter 83-220, Laws of Florida has or **X** has not been implemented

Witness

William Capote
Chief Elected Official or designee

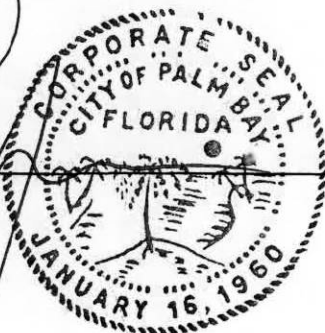
Witness

William Capote, Mayor
Type Name and Title

June 6, 2017
Date

OR

Attest
(Seal)



RESOLUTION NO _____

A RESOLUTION OF THE CITY OF PALM BAY APPROVING THE CITY OF PALM BAY 2017-2019 LOCAL HOUSING ASSISTANCE PLAN (LHAP) AS REQUIRED BY THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM ACT, SUBSECTIONS 420.907 420.9079, FLORIDA STATUTES AND RULE CHAPTER 67-37, FLORIDA ADMINISTRATIVE CODE APPROVING THE CITY OF PALM BAY'S HOUSING DELIVERY GOALS FOR STATE FISCAL YEARS 2017 THROUGH 2019 AUTHORIZING THE MAYOR TO EXECUTE ANY NECESSARY DOCUMENTS AND CERTIFICATIONS NEEDED BY THE STATE, AUTHORIZING THE SUBMISSION OF THE LOCAL HOUSING ASSISTANCE PLAN FOR REVIEW AND APPROVAL BY THE FLORIDA HOUSING FINANCE CORPORATION AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the State of Florida enacted the William E Sadowski Affordable Housing Act Chapter 92-317 of Florida Session Laws allocating a portion of documentary stamp taxes on deeds to local governments for the development and maintenance of affordable housing and

WHEREAS, the State Housing Initiatives Partnership (SHIP) Act, §§ 420-907–420 9079, Florida Statutes (1992) and Rule 67 37 Florida Administrative Code, requires local governments to develop a one- to three-year Local Housing Assistance Plan outlining how SHIP funds will be used and ("Act") created the State Housing Initiative Partnership (SHIP) Program, which provides for the development and preservation of affordable housing in Florida Counties and CDBG Entitlement Cities, and

WHEREAS, the SHIP Act requires local governments to establish the maximum SHIP funds allowable for each strategy and

WHEREAS, the SHIP Act further requires local governments to establish an average area purchase price for new and existing housing benefitting from awards made pursuant to the Act the methodology and purchase prices used are defined in the attached Local Housing Assistance Plan, and

WHEREAS as required by *section 420.9075, F.S* the City finds that 5 percent of the local housing distribution plus 5 percent of program income is insufficient to adequately pay the necessary costs of administering the local housing assistance plan The cost of administering the program may not exceed 10 percent of the local housing distribution plus 5 percent of program income deposited into the trust fund, except that small counties, as defined in s 120 52(17) and eligible municipalities receiving a local housing distribution of up to \$350,00 may use 10 percent of program income for administrative costs, and

WHEREAS, the Housing and Neighborhood Services (HANDS) Division of the City of Palm Bay has prepared a three-year Local Housing Assistance Plan, for submission to the Florida Housing Finance Corporation, and

WHEREAS the City Council finds that it is in the best interest of the public for the City of Palm Bay to submit the Local Housing Assistance Plan for review and approval so as to qualify for said documentary stamp tax funds,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM BAY that.

Section 1. The City Council of the City of Palm Bay hereby approves the Local Housing Assistance Plan, as attached and incorporated hereto as Exhibit "A" for submission to the Florida Housing Finance Corporation as required by § 420.907-420-9079 Florida Statutes for fiscal years 2013/2014 2014/2015 and 2015/2016

Section 2. The City of Palm Bay hereby finds that the cost of administering the Program shall exceed 5 percent of Program funds, and pursuant to the Act, the City hereby authorizes expenditure of no more than 10 percent of Program funds plus 5 percent of Program Income funds for implementation of the Program

Section 3. The Mayor, is hereby designated and authorized to execute any documents and certifications required by the Florida Housing Finance Corporation as related to the Local Housing Assistance Plan, and to do all things necessary and proper to carry out the terms and conditions of said program

Section3. This Resolution shall take effect immediately upon its adoption

ADOPTED in Regular Session this ____ day of _____ 2017

Attest

City Council
City of Palm Bay, Florida

Terese Jones
City Clerk

William Capote
Mayor



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Joan Junkala-Brown, Community & Economic Development Director

DATE: 12/17/2020

RE: Consideration of reallocating State Housing Initiative Partnership Program funds to meet the needs of wait-listed residents for the single-family rehabilitation and utility hook-up assistance programs (\$426,019).

The Community & Economic Development Department is requesting to reallocate a total of \$426,019 in State Housing Initiatives Partnership Program (SHIP) funding from accounts 111-3353-554-6201 Buildings (\$307,874), 111-3353-554-3804 Emergency Assistance (\$45,000), and 111-3353-554-3803 Down Payment Assistance (\$73,145). The majority of this funding is tied to prior year projects that were not fully expended, specifically Project 14CD01 (Homes for Warriors) and 16CD01 (Down Payment Assistance). The funds are being moved to meet the needs of City residents who are on the wait list for the single family rehabilitation and utility hook up assistance programs.

Through a Budget Amendment, staff is requesting to reallocate said SHIP funding to Project 20CD06/Single Family Rehab account 111-3353-554-3807 (\$396,019) and Utility Hook Up Assistance 111-3353-554-3822 (\$30,000).

REQUESTING DEPARTMENT:
Community & Economic Development

FISCAL IMPACT:
The Budget Amendment reduces SHIP account 111-3353-554-6201 Buildings/Project 14CD01 by \$307,874; reduces account 111-3353-554-3804 Emergency Assistance/Project 20CD07 by \$45,000; and reduces account 111-3353-554-3803 Down Payment Assistance/Project 16CD01 by \$73,145.

The Budget Amendment increases account 111-3353-554-3807 Single Family Rehab/Project 20CD06 by \$396,019, and account 111-3353-554-3822 Utility Hook Up Assistance by \$30,000.

RECOMMENDATION:
Motion to approve a budget amendment reallocating \$369,019 to Project 20CD06/Single Family Rehab (account 111-3353-554-3807) and \$30,000 to Utility Hook Up Assistance (account 111-3353-554-3822).

ATTACHMENTS:

Description

Budget Amendment for SHIP reallocation

City Council Approval Date

Justification for Budget Amendment Request

--

Justification, if "No" →

Budget Office Representative

H.T.E. Entry Date
Entered By
Date Journalized



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Leslie Hoog, Fire Chief

DATE: 12/17/2020

RE: Consideration of travel and training for specified employees (Fire Department).

The Palm Bay Fire Rescue Department requests authorization to send six officers to Pensacola from January 10 through 16, 2021 to attend an Officer Development course. The course will be presented by three prominent fire officers and authors who will provide critical education in management/leadership, tactics and training practices. The total estimated cost is \$2465.40.

REQUESTING DEPARTMENT:

Fire Department

FISCAL IMPACT:

Funding is available in Account Number 001-6012-552-5501 in the amount of \$1200.00, and Account Number 001-6012-522-4001 in the amount of \$1265.40.

RECOMMENDATION:

Motion to authorize travel for Fire personnel as stated.

ATTACHMENTS:

Description

Travel Requests



CITY OF PALM BAY, FLORIDA

Travel Request/Advance Request

Contact/Ext Marvena Petty 4676

Control # _____

Request Date: 12/10/2020

Name: <u>Allen Howard</u>	Destination: <u>Pensacola, FL</u>
Department/Division: <u>Fire Rescue</u>	Departure: <u>1/10/2021</u> Return: <u>1/16/2021</u> Date of: Time of: <u>12:00 PM</u> <u>5:00 PM</u>
Account To Be Charged: <u>001-6012-552-5501 \$200.00</u>	Estimated Cost: before mileage reimbursement \$200.00

Purpose of Travel (Specify Conference, School or Other Reason) - **ATTACH ITINERARY**

To attend an Officer Development Program

Date Approved By Council: _____

Transportation: **boldface** or circle choice(s) POV - Estimated Mileage City Vehicle
Common Carrier (complete below)

PREPAID EXPENSES	VENDOR/ADDRESS	EXPLANATION	AMOUNT	FINANCE USE ONLY	
Registration	County Fire Tactics	Registration	\$200.00	Vendor #	Check #
Due Date _____				Date	
Hand Carry Y N				Pay with P-card	
Lodging	Share with Jamie Hall	Rate _____		Vendor #	Check #
Due Date _____		# Nights _____		Date	
Hand Carry Y N					
Common Carrier (if applicable)				Vendor #	Check #
Due Date _____				Date	
Hand Carry Y N					
Other Expenses				Vendor #	Check #
Due Date <u>P-card</u>				Date	
Hand Carry Y N					
Other Expenses				Vendor #	Check #
Due Date _____				Date	
Hand Carry Y N					
PER DIEM ADVANCE: Advanced or Upon Return (circle one) Refer to www.gsa.gov for rates - <u>attach proof of rate</u> (Lodging prepaid - receipt required)				Vendor #	Check #
Breakfast _____	@	\$13.00 =	\$0.00		Date
Lunch _____	@	\$15.00 =	\$0.00		
Dinner _____	@	\$23.00 =	\$0.00		
Incidentals _____	@	\$5.00 =	\$0.00		
			\$0.00		

TRAVEL APPROVALS

[Signature]
 Department Head

12-10-2020
 Date

Finance _____ Date

(if applicable)

City Manager _____ Date



CITY OF PALM BAY, FLORIDA

Travel Request/Advance Request

Control #

Request Date: 12/10/2020

Contact/Ext Marvena Petty 4676

Name: Michael McHale		Destination: Pensacola, FL			
Department/Division: Fire Rescue		Departure		Return	
		Date of: 1/10/2021		1/16/2021	
Account To Be Charged: 001-6012-552-5501 \$200.00		Time of: 12:00 PM		5:00 PM	
Account To Be Charged:		Estimated Cost: before mileage reimbursement \$200.00			
Purpose of Travel (Specify Conference, School or Other Reason) - ATTACH ITINERARY To attend an Officer Development Program					
Date Approved By Council: _____					
Transportation: boldface or circle choice(s) POV - Estimated Mileage City Vehicle Common Carrier (complete below)					
PREPAID EXPENSES	VENDOR/ADDRESS	EXPLANATION	AMOUNT	FINANCE USE ONLY	
Registration	County Fire Tactics	Registration		Vendor #	Check #
Due Date _____					Date
Hand Carry Y N	Pay with P-card		\$200.00		
Lodging	Share with Jason Rivas	Rate _____		Vendor #	Check #
Due Date _____		# Nights _____			Date
Hand Carry Y N					
Common Carrier (if applicable)				Vendor #	Check #
Due Date _____					Date
Hand Carry Y N					
Other Expenses				Vendor #	Check #
Due Date P-card					Date
Hand Carry Y N					
Other Expenses				Vendor #	Check #
Due Date _____					Date
Hand Carry Y N					
PER DIEM ADVANCE: Advanced or Upon Return (circle one) Refer to www.gsa.gov for rates - attach proof of rate (Lodging prepaid - receipt required)				Vendor #	Check #
Breakfast _____	@	\$13.00 =	\$0.00		Date
Lunch _____	@	\$15.00 =	\$0.00		
Dinner _____	@	\$23.00 =	\$0.00		
Incidentals _____	@	\$5.00 =	\$0.00		
			\$0.00		

TRAVEL APPROVALS

Department Head

 12-10-2020
Date

Finance

Date

(if applicable)

City Manager

Date



CITY OF PALM BAY, FLORIDA

Travel Request/Advance Request

Control # _____

Request Date: 12/10/2020

Contact/Ext Marvena Petty 4676

Name: John Lindsey		Destination: Pensacola, FL			
Department/Division: Fire Rescue		Departure Date of: 1/10/2021 Time of: 12:00 PM		Return 1/16/2021 5:00 PM	
Account To Be Charged: 001-6012-552-5501 \$200.00		Estimated Cost: before mileage reimbursement \$200.00			
Purpose of Travel (Specify Conference, School or Other Reason) - ATTACH ITINERARY To attend an Officer Development Program					
Date Approved By Council: _____					
Transportation: boldface or circle choice(s) POV - Estimated Mileage City Vehicle Common Carrier (complete below)					
PREPAID EXPENSES	VENDOR/ADDRESS	EXPLANATION	AMOUNT	FINANCE USE ONLY	
Registration	County Fire Tactics	Registration		Vendor #	Check #
Due Date _____					Date
Hand Carry Y N	Pay with P-card		\$200.00		
Lodging	Share with Scott McCulloch	Rate _____ # Nights _____		Vendor #	Check #
Due Date _____					Date
Hand Carry Y N					
Common Carrier (if applicable)				Vendor #	Check #
Due Date _____					Date
Hand Carry Y N					
Other Expenses				Vendor #	Check #
Due Date P-card					Date
Hand Carry Y N					
Other Expenses				Vendor #	Check #
Due Date _____					Date
Hand Carry Y N					
PER DIEM ADVANCE: Advanced or Upon Return (circle one) Refer to www.gsa.gov for rates - attach proof of rate (Lodging prepaid - receipt required)				Vendor #	Check #
Breakfast _____	@	\$13.00 =	\$0.00		Date
Lunch _____	@	\$15.00 =	\$0.00		
Dinner _____	@	\$23.00 =	\$0.00		
Incidentals _____	@	\$5.00 =	\$0.00		
			\$0.00		

TRAVEL APPROVALS

Department Head

12-10-2020
Date

Finance

Date

(if applicable)

City Manager

Date



CITY OF PALM BAY, FLORIDA

Travel Request/Advance Request

Control # _____
Request Date: 12/10/2020

Contact/Ext Marvena Petty 4676

Name: Jamie Hall		Destination: Pensacola, FL			
Department/Division: Fire Rescue		Departure Date of: 1/10/2021		Return Date of: 1/16/2021	
Account To Be Charged: 001-6012-552-5501 \$200.00		Time of: 12:00 PM		Time of: 5:00 PM	
Account To Be Charged: 001-6012-552-4001 \$421.80		Estimated Cost: before mileage reimbursement \$621.80			
Purpose of Travel (Specify Conference, School or Other Reason) - ATTACH ITINERARY To attend an Officer Development Program					
Date Approved By Council: _____					
Transportation: boldface POV - Estimated Mileage _____ City Vehicle or circle choice(s) Common Carrier (complete below)					
PREPAID EXPENSES	VENDOR/ADDRESS	EXPLANATION	AMOUNT	FINANCE USE ONLY	
Registration	County Fire Tactics	Registration		Vendor #	Check #
Due Date _____					Date
Hand Carry Y N				Pay with P-card	\$200.00
Lodging	Share with Allen Howard	Rate	\$70.30	Vendor #	Check #
Due Date _____					Date
Hand Carry Y N		# Nights	6	\$421.80	
Common Carrier (if applicable)				Vendor #	Check #
Due Date _____					Date
Hand Carry Y N					
Other Expenses				Vendor #	Check #
Due Date P-card					Date
Hand Carry Y N					
Other Expenses				Vendor #	Check #
Due Date _____					Date
Hand Carry Y N					
PER DIEM ADVANCE: Advanced or Upon Return (circle one) Refer to www.gsa.gov for rates - <u>attach proof of rate</u> (Lodging prepaid - receipt required)				Vendor #	Check #
Breakfast _____	@	\$13.00	=	\$0.00	Date
Lunch _____	@	\$15.00	=	\$0.00	
Dinner _____	@	\$23.00	=	\$0.00	
Incidentals _____	@	\$5.00	=	\$0.00	
				\$0.00	

TRAVEL APPROVALS

Department Head

12-10-2020

Date

Finance

Date

(if applicable)

City Manager

Date

(ATTACH TO EXPENSE REPORT UPON RETURN)



CITY OF PALM BAY, FLORIDA

Travel Request/Advance Request

Control # _____

Request Date: 12/10/2020

Contact/Ext Marvena Petty 4676

Name: Scott McCulloch		Destination: Pensacola, FL			
Department/Division: Fire Rescue		Departure Date of: 1/10/2021 Time of: 12:00 PM		Return 1/16/2021 5:00 PM	
Account To Be Charged: 001-6012-552-5501 \$200.00		Estimated Cost: before mileage reimbursement \$681.00			
Account To Be Charged: 001-6012-552-4001 \$421.80					
Purpose of Travel (Specify Conference, School or Other Reason) - ATTACH ITINERARY To attend an Officer Development Program					
Date Approved By Council: _____					
Transportation: boldface or circle choice(s) POV - Estimated Mileage _____ City Vehicle _____					
Common Carrier (complete below)					
PREPAID EXPENSES	VENDOR/ADDRESS	EXPLANATION	AMOUNT	FINANCE USE ONLY	
Registration	County Fire Tactics	Registration		Vendor #	Check #
Due Date _____					Date
Hand Carry Y N	Pay with P-card		\$200.00		
Lodging	Share with John Lindsey	Rate _____ \$70.30		Vendor #	Check #
Due Date _____		# Nights _____ 6	\$421.80		Date
Hand Carry Y N	Pay with P-card				
Common Carrier (if applicable)				Vendor #	Check #
Due Date _____					Date
Hand Carry Y N					
Other Expenses				Vendor #	Check #
Due Date _____ P-card					Date
Hand Carry Y N					
Other Expenses				Vendor #	Check #
Due Date _____					Date
Hand Carry Y N					
PER DIEM ADVANCE: Advanced or Upon Return (circle one) Refer to www.gsa.gov for rates - attach proof of rate (Lodging prepaid - receipt required)				Vendor #	Check #
Breakfast _____	@	\$13.00 =	\$0.00		Date
Lunch _____	@	\$15.00 =	\$0.00		
Dinner _____	@	\$23.00 =	\$0.00		
Incidentals _____	@	\$5.00 =	\$0.00		
			\$0.00		

TRAVEL APPROVALS



Department Head

Date

Finance

Date

(if applicable)

City Manager

Date

**CITY OF PALM BAY, FLORIDA**

Travel Request/Advance Request

Contact/Ext Marvena Petty 4676

Control # _____

Request Date: 12/10/2020

Name: <u>Jason Rivas</u>		Destination: <u>Pensacola, FL</u>			
Department/Division: <u>Fire Rescue</u>		Departure		Return	
		Date of: <u>1/10/2021</u>		<u>1/16/2021</u>	
Account To Be Charged: <u>001-6012-552-5501 \$200.00</u>		Time of: <u>12:00 PM</u>		<u>5:00 PM</u>	
Account To Be Charged: <u>001-6012-552-4001 \$421.80</u>		Estimated Cost: before mileage reimbursement \$681.00			
Purpose of Travel (Specify Conference, School or Other Reason) - ATTACH ITINERARY To attend an Officer Development Program					
Date Approved By Council: _____					
Transportation: boldface or circle choice(s) <u>POV - Estimated Mileage</u> <u>City Vehicle</u>					
Common Carrier (complete below)					
PREPAID EXPENSES	VENDOR/ADDRESS	EXPLANATION	AMOUNT	FINANCE USE ONLY	
Registration	County Fire Tactics	Registration	\$200.00	Vendor #	Check #
Due Date _____				Date	
Hand Carry Y N					
Lodging	Share with Michael McHale	Rate _____	\$421.80	Vendor #	Check #
Due Date _____		# Nights _____		Date	
Hand Carry Y N					
Common Carrier (if applicable)				Vendor #	Check #
Due Date _____				Date	
Hand Carry Y N					
Other Expenses				Vendor #	Check #
Due Date <u>P-card</u>				Date	
Hand Carry Y N					
Other Expenses				Vendor #	Check #
Due Date _____				Date	
Hand Carry Y N					
PER DIEM ADVANCE: Advanced or Upon Return (circle one) Refer to www.gsa.gov for rates - <u>attach proof of rate</u> (Lodging prepaid - receipt required)				Vendor #	Check #
Breakfast _____	@	\$13.00	=	\$0.00	Date
Lunch _____	@	\$15.00	=	\$0.00	
Dinner _____	@	\$23.00	=	\$0.00	
Incidentals _____	@	\$5.00	=	\$0.00	
			\$0.00		

TRAVEL APPROVALS
Department Head12-10-2020
Date

Finance

Date

(if applicable)

City Manager

Date



Officer Development Program (ODP) 2021

Investment \$550

Chief John Norman, Chief Frank Viscuso, and Chief Curt Isakson to teach Officer Development Program on Pensacola Beach at the Hilton from January 11-15, 2021.

Chief John Norman will teach his book The Fire Officer's Handbook of Tactics (5th Edition). Chief Frank Viscuso will teach his books Step Up and Lead and Step Up Your Teamwork. Chief Isakson will teach "Tactics Put Out Fires" covering rural, suburban, & county fire tactics.

This is a five day/40 Hour Officer Development Program designed for all Ranks from Firefighter to Chief. This is a once in a career opportunity to academically dive into the world of Strategy & Tactics to include Leadership. This program will take someone of any rank to a new level in the understanding of Fireground Size Up and Assigning/Deploying the proper tactics based on staffing & available resources. Time Delayed Tactics will be covered based on the large number of FDs that have limited staffing & resources. This program will also assist those that seek future promotion to any rank.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Laurence Bradley, AICP, Growth Management Director

DATE: 12/17/2020

RE: Ordinance 2020-82, amending the Code of Ordinances, Chapter 37, Growth Management Department, by modifying provisions related to the Land Development Division (T-35-2020, City of Palm Bay), final reading.

A public hearing is to be held on the above subject ordinance and the caption read for the second and final time at tonight's Council meeting.

The City of Palm Bay (Growth Management Department) has submitted a textual amendment to the Code of Ordinances, Title XVII, Land Development Code (LDC) for changes to the Floodplain Ordinance (Section 174) to recognize an upcoming revision in the FEMA Flood Insurance Rate Maps (FIRM) effective January 29, 2021, which includes a new Coastal High Hazard Zone (V-Zone) and a new Limit of Moderate Wave Action (LiMWA) Line. Also, changes to Section 37 and Section 40 to acknowledge the relocation of the Floodplain Administrator/CRS Coordinator from the Growth Management Department to the Building Department. These changes are required by FEMA for the City's continued participation in the National Flood Insurance Program (NFIP). The City participates in FEMA's Community Rating System (CRS) which currently allows property owners within the City to receive a 15-percent reduction in their flood insurance rates.

In 2018, the Federal Emergency Management Agency (FEMA) conducted a Flood Insurance Study (FIS) for all of Brevard County, and as a result, the FIRM maps have been updated. The maps now show Coastal High Hazard Zones in Palm Bay along the shoreline of the Indian River. In a letter dated July 29, 2020, FEMA directed the City to make the appropriate changes to its Floodplain Ordinance. Both the maps and floodplain ordinance are being revised to accommodate these changes. It should be noted that no existing enclosed residential or commercial structures will be impacted by these new maps.

Given that the new FIRM maps will become effective on January 29, 2021, changes to the LDC should also have the same effective date.

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Motion to to approve Case T-35-2020, as described in the staff report with an effective date of January 29, 2021.

Planning and Zoning Board Recommendation:

Unanimous approval of the request as described in the staff report with an effective date of January 29, 2021.

ATTACHMENTS:**Description**

Case T-35-2020

Board Minutes

Ordinance 2020-82



STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: 321-733-3042

landdevelopmentweb@palmabayflorida.org

Prepared by

Laurence Bradley, AICP, Growth Management Director

CASE NUMBER

T-35-2020

PLANNING & ZONING BOARD HEARING DATE

November 4, 2020

PROPERTY OWNER & APPLICANT

City of Palm Bay, Growth Management
Department

PROPERTY LOCATION/ADDRESS

Not Applicable

SUMMARY OF REQUEST

Changes to the Floodplain Ordinance (Sec. 174) to recognize an upcoming revision in the FEMA Flood Insurance Rate Maps (FIRM) effective January 29, 2021 which includes a new Coastal High Hazard Zone (V-Zone) and a new Limit of Moderate Wave Action (LiMWA) Line. Also, changes to Sec. 37 and Sec. 40 to acknowledge the relocation of the Floodplain Administrator/CRS Coordinator from the Growth Management Department to the Building Department. These changes are required by FEMA for the City's continued participation in the National Flood Insurance Program (NFIP).

Existing Zoning

Not Applicable

Existing Land Use

Not Applicable

Site Improvements

Not Applicable

Site Acreage

Not Applicable

APPLICABILITY

Citywide

COMPREHENSIVE PLAN**COMPATIBILITY**

Not Specifically Addressed

BACKGROUND:

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code (LDC), changes to the Floodplain Ordinance (Sec. 174) to recognize an upcoming revision in the FEMA Flood Insurance Rate Maps (FIRM) effective January 29, 2021 which includes a new Coastal High Hazard Zone (V-Zone) and a new Limit of Moderate Wave Action (LiMWA) Line. Also, changes to Sec. 37 and Sec. 40 to acknowledge the relocation of the CRS Coordinator from the Growth Management Department to the Building Department. These changes are required by FEMA for the City's continued participation in the National Flood Insurance Program (NGIP).

On July 29, 2020 the City of Palm Bay received a letter from the Federal Emergency Management Agency (FEMA) which directed the City to make changes to its Floodplain Ordinance as a condition of the City's continued participation in the National Flood Insurance Program (NFIP). The City of Palm Bay also participates in the Community Rating System (CRS). CRS is a voluntary program from FEMA which allows participating municipalities to lower flood insurance rates for their residents by promoting awareness and taking proactive measures to reduce the community's risk of flood hazards. The FEMA CRS program ranks communities on a scale of 1 to 10 with level 10 being the lowest grade and level 1 being the highest grade. Each grade level that a community achieves lowers the flood insurance rates by 5% for each level. The City of Palm Bay is currently rated as a grade 7, which allows property owners within the City to receive a 15% reduction in their flood insurance rates.

Periodically, FEMA updates the FIRM maps by conducting new Flood Insurance Studies (FIS). An FIS uses updated engineering and storm data to reassess the risk of flooding within the study area. In 2018, FEMA conducted a new FIS for all of Brevard County and as a result the FIRM maps have been updated. The updated maps now show Coastal High Hazard Zones in Palm Bay along the shoreline of the Indian River; thus, both the maps and floodplain ordinance need revisions to recognize these changes.

Proposed language for this amendment in legislative style with additions between >>arrow<< symbols and deletions in strikethrough format, is attached.

ANALYSIS:

In August 2020, the Acting City Manager proposed several reorganizational changes. One of these changes was to create a separate Building Department out of the Growth Management Department. Thus, the role of the Floodplain Administrator and CRS Coordinator was shifted from the Land Development Division of Growth Management to the Building Department. The changes proposed in Chapter 37 and Chapter 40 of the City Code of Ordinances are being requested to have these chapters match the new staff assignments established by the CMO for the Floodplain and CRS functions.

The remainder of the proposed changes are all within the Floodplain Ordinance (Sec. 174). FEMA provided to the City the actual text that is required to be adopted. These revisions are being made to recognize the changes that need to be made when the FIRM maps become effective on January 29, 2021. The current FIRMs were adopted on March 17, 2014, but they did not contain any Coastal High Hazard Areas (V-Zone), thus the Floodplain ordinance did not have within it the necessary definitions or design standards to properly regulate structures within V-Zones.

It should be noted that although the maps are being revised, no inhabited structures are located in the V-zone. The FIRM maps have different flood zones. They include several different categories including: V-zones (Coastal High Hazard Zones), A-Zone (High Risk Zones) and X-Zones (Low to Moderate Risk Zones). These zones have very different design standards and regulatory requirements. Many of these standards have also been incorporated into the Florida Building Code.

There is also a category designated as a "Coastal A-Zone" which is regulated using V-Zone standards. The Coastal A-Zones can be found on the FIRM maps located waterward of the LiMWA-Line which, will be shown on the new maps. Within the City of Palm Bay only one permissible structure (an open-air pavilion at Castaway Point Park) is located partially waterward of the LiMWA line. Also, one property proposed for future development on Bay Boulevard, as part of the Steamboat Landing project, is located partially waterward of the LiMWA line.

The remaining impacts associated with these changes in the FIRM maps and Floodplain Ordinance do not contain any habitable structures adjacent to the Indian River Lagoon. Impacts include the development and design standards for the placement of fill and the construction of accessory structures such as docks, decks and patios, walls and fences, retaining walls, and seawalls. Construction of these types of structures will need to be reviewed by the Floodplain Manager by applying the new standards that will be adopted as part of this amendment.

Given that the new FIRM maps will become effective on January 29, 2021, changes to the LDC should also have the same effective date.

STAFF RECOMMENDATION:

Staff is recommending approval of the proposed changes as described herein with an effective date of January 29, 2021.

TITLE III: ADMINISTRATION

CHAPTER 37: GROWTH MANAGEMENT DEPARTMENT

§ 37.03 DEPARTMENTAL DIVISIONS.

(A) *Land Development Division.*

(1) Maintains the City of Palm Bay's Comprehensive Plan, revisions to the Land Development Code, administrative review of site plans, tracks Census data, ~~oversees the FEMA CRS program~~, and provide data and analysis. Staff members of the Division serve as liaison to the Planning and Zoning Board/Local Planning Agency.

CHAPTER 40: BUILDING DEPARTMENT

§ 40.03 DUTIES AND RESPONSIBILITIES.

The Building Department is responsible for the review and issuance of permits for new and existing buildings in accordance with the Florida Building Code to ensure construction meets the requirements of all state, city and fire prevention codes for the safety and welfare of the citizens. >>The Floodplain Administrator within the department oversees the FEMA CRS program.<<

TITLE XVII: LAND DEVELOPMENT CODE

CHAPTER 174: FLOODPLAIN MANAGEMENT

PART 1 - ADMINISTRATION

§ 174.002 APPLICABILITY.

(C) *Basis for establishing flood hazard areas.* The Flood Insurance Study for Brevard County, Florida, and Incorporated Areas, dated >>January 29, 2021<< ~~March 17, 2014~~, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the City Hall Annex Building, 120 Malabar Road SE, Palm Bay, Florida 32907.

§ 174.003 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR.

(A) *Designation.* The Floodplain Administrator in the >>Building<< ~~Growth Management~~ Department is designated to administer the floodplain management program for the City of Palm Bay. The Floodplain Administrator may delegate performance of certain duties to other employees.

(H) *Other duties of the Floodplain Administrator.* The Floodplain Administrator shall have other duties, including but not limited to:

(1) Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to § [174.003](#)(D), of this ordinance;

(2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);

(3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six (6) months of such data becoming available;

(4) Review required design certifications and documentation of elevations specified by this ordinance and the Florida Building Code to determine that such certifications and documentations are complete; and

(5) Notify the Federal Emergency Management Agency when the corporate boundaries of City of Palm Bay are modified, >>and<<:

>>(6) Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."<<

§ 174.005 SITE PLANS AND CONSTRUCTION DOCUMENTS.

(A) *Information for development in flood hazard areas.* The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:

(1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.

(2) Where base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with subsection (C)(2) or (3) of this section.

(3) Where the parcel on which the proposed development will take place will have more than fifty (50) lots or is larger than five (5) acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with subsection (C)(1) of this section.

(4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures>>; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.<<

(5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.

(6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.

>>(7) Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.<<

>>(8)<< (7) Existing and proposed alignment of any proposed alteration of a watercourse.

(D) *Additional analyses and certifications.* As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

(1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in § [174.005](#)(E), of this ordinance and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.

(2) For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

(3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in subsection (E) of this section.

>>(4) For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.<<

>>(5)<<(4) For new principal residential and non-residential structures proposed to be located in a special flood hazard area, the applicant shall submit an application for a Letter of Map Amendment (LOMA) or a Letter Of Map Revision based on Fill (LOMR-F) to FEMA, and a copy of the applicants' submitted application to FEMA shall be submitted to the Floodplain Administrator prior to issuance of the certificate of occupancy. Substantially improved or substantially damaged buildings or structures are exempt from this requirement.

PART 2 - DEFINITIONS

§ 174.020 DEFINITIONS.

>>**COASTAL HIGH HAZARD AREA.** A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V.<<

~~**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before September 3, 1980.~~

~~**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).~~

~~**NEW MANUFACTURED HOME PARK OR SUBDIVISION.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after September 3, 1980.~~

>>**SAND DUNES.** Naturally occurring accumulations of sand in ridges or mounds landward of the beach.<<

§ 174.032 SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS.

>>(F) *Limitations on sites in coastal high hazard areas (Zone V).* In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by Section 105.3(4) of this ordinance demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Section 307.8(3) of this ordinance.<<

§ 174.033 MANUFACTURED HOMES.

(A) All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to Fla. stat. § 320.8249, and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance.

(B) *Foundations.* All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that >>:<<

>>(1) In flood hazard areas (Zone A) other than coastal high hazard areas, << are designed in accordance with the foundation requirements of the *Florida Building Code*, Residential Section R322.2 and this ordinance.

>>(2) In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the *Florida Building Code*, Residential Section R322.3 and this ordinance.<<

(C) *Anchoring.* All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

(D) *Elevation.* >>All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V). << ~~Manufactured homes that are placed, replaced, or substantially improved shall comply with subsection (E) or (F) of this section, as applicable.~~

~~(E) *General elevation requirement.* Unless subject to the requirements of subsection (F) of this section, all manufactured homes that are placed, replaced, or substantially improved on sites located: (1) outside of a manufactured home park or subdivision; (2) in a new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or (4) in an existing manufactured home park or subdivision upon~~

which a manufactured home has incurred “substantial damage” as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code*, Residential Section R322.2 (Zone A).

~~(F) Elevation requirement for certain existing manufactured home parks and subdivisions.~~ Manufactured homes that are not subject to subsection (E) of this section, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

~~(1) Bottom of the frame of the manufactured home is at or above the elevation required in the *Florida Building Code*, Residential Section R322.2 (Zone A); or~~

~~(2) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than thirty-six (36) inches in height above grade.~~

>>(E)<< ~~(G)~~ *Enclosures.* Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code*, Residential Section R322 >>or R322.3<< for such enclosed areas: >>, as applicable to the flood hazard area.<<

>>(F)<< ~~(H)~~ *Utility equipment.* Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code*, Residential Section R322: >>, as applicable to the flood hazard area.<<

§ 174.035 TANKS.

(B) *Above-ground tanks, not elevated.* Above-ground tanks that do not meet the elevation requirements of subsection (C) of this section shall be >>:<<

>>(1) Be<< permitted in flood hazard areas >>(Zone A) other than coastal high hazard areas,<< provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

>>(2) Not permitted in coastal high hazard areas (Zone V).<<

§ 174.036 OTHER DEVELOPMENT.

>>(F) *Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V).* In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

- (1) Structurally independent of the foundation system of the building or structure;
- (2) Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
- (3) Have a maximum slab thickness of not more than four (4) inches.

(G) *Decks and patios in coastal high hazard areas (Zone V).* In addition to the requirements of the *Florida Building Code*, in coastal high hazard areas, decks and patios shall be located, designed, and constructed in compliance with the following:

(1) A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.

(2) A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.

(3) A deck or patio that has a vertical thickness of more than twelve (12) inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.

(4) A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

(H) *Other development in coastal high hazard areas (Zone V).* In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

(1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;

(2) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and

(3) On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.

(l) *Nonstructural fill in coastal high hazard areas (Zone V).* In coastal high hazard areas:

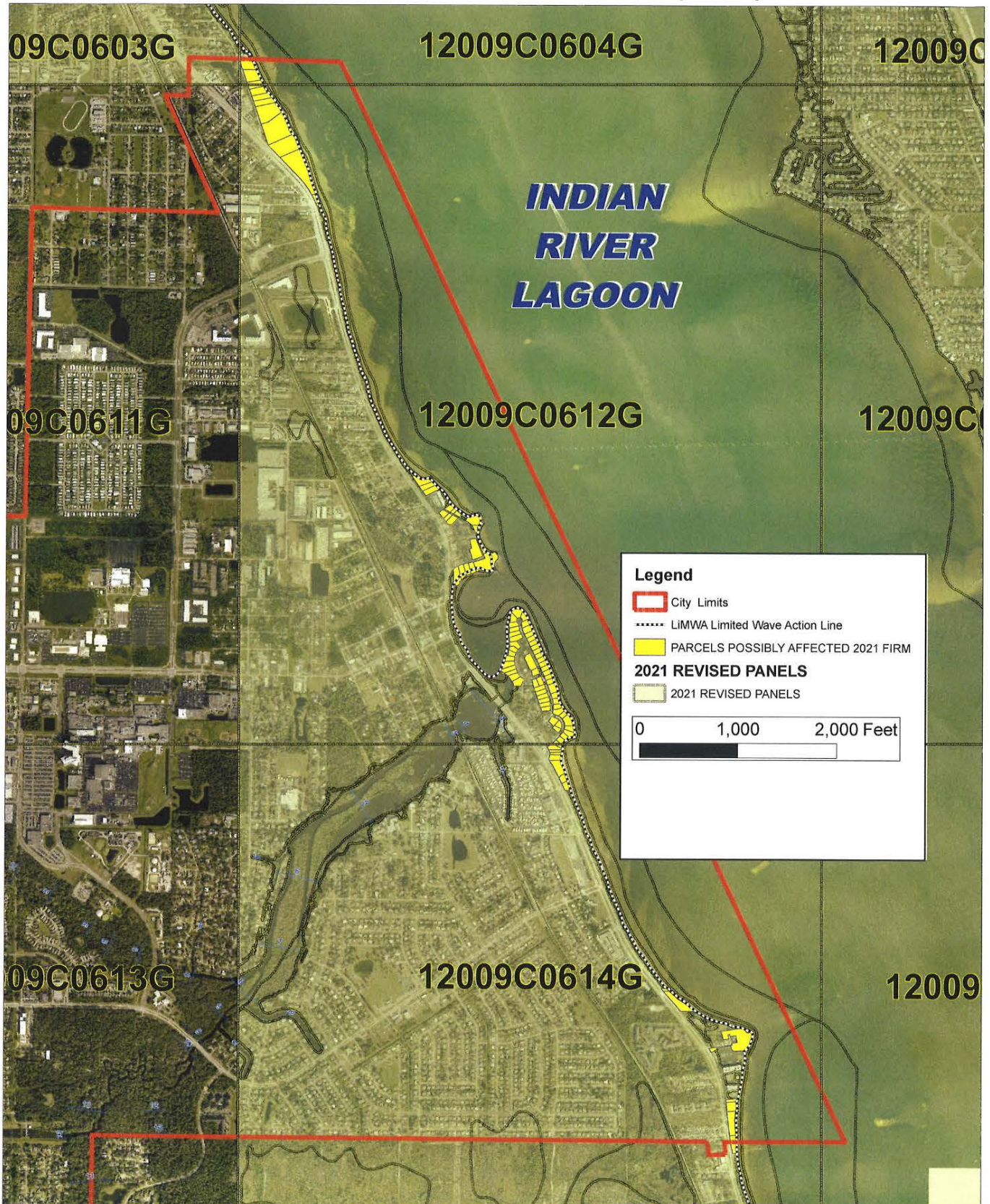
(1) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.

(2) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.

(3) Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.<<



100 PARCELS POSSIBLY AFFECTED BY NEW 2021 COASTAL FLOOD INSURANCE RATE MAP (FIRM)

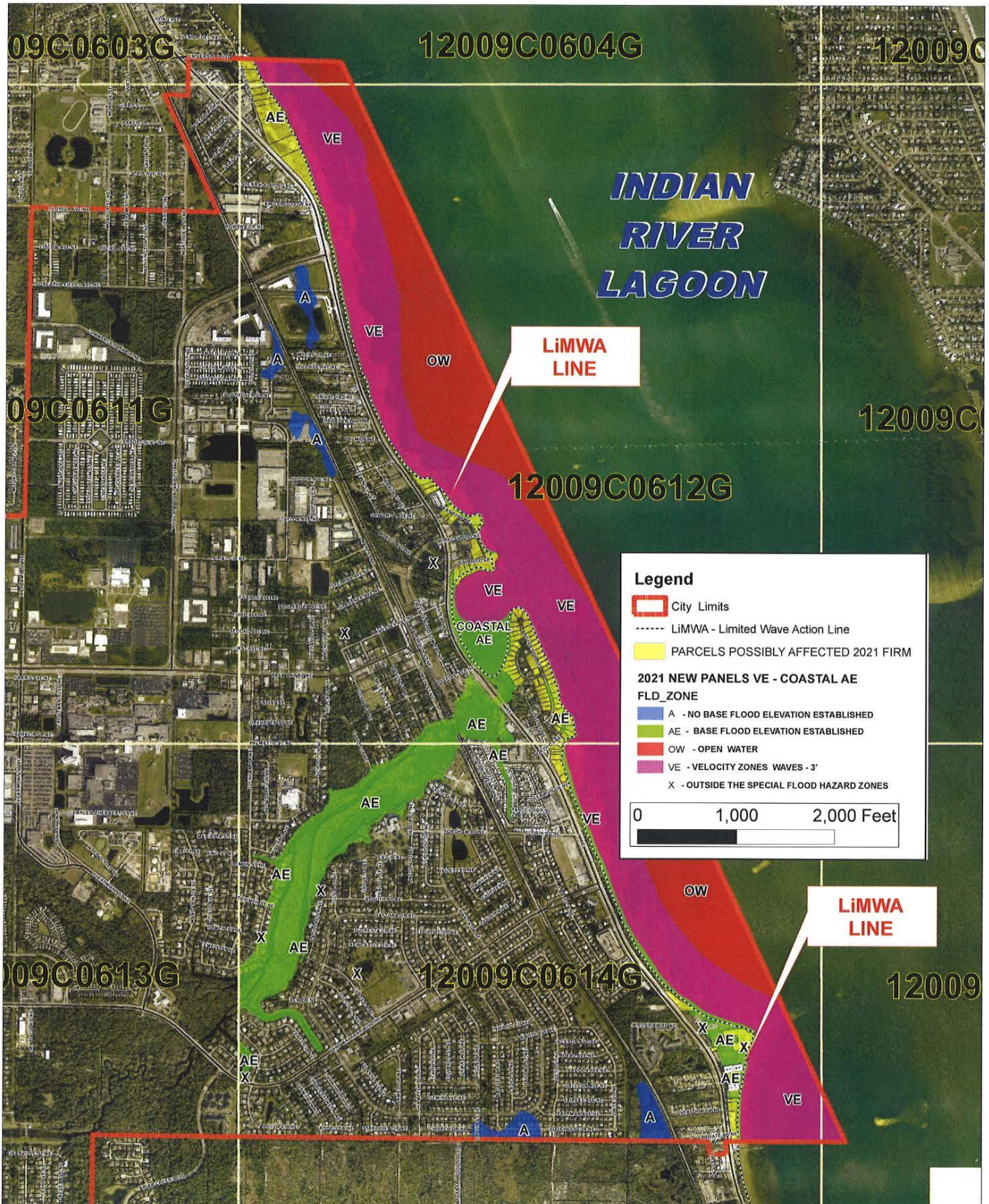


Legend

- City Limits
- LIMWA Limited Wave Action Line
- PARCELS POSSIBLY AFFECTED 2021 FIRM
- 2021 REVISED PANELS**
- 2021 REVISED PANELS

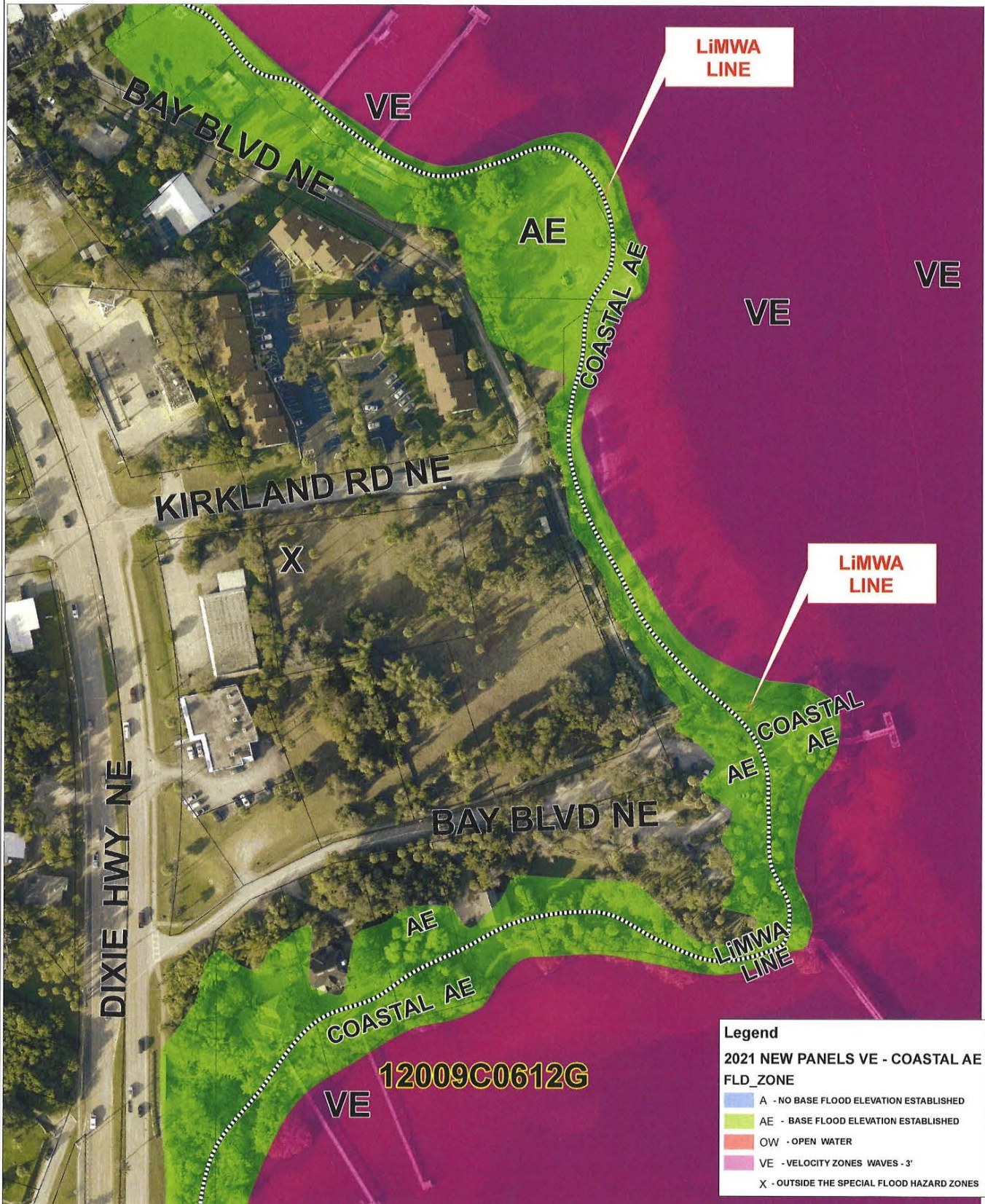
0 1,000 2,000 Feet

NEW COASTAL AE ZONES ARE AE ZONES LOCATED EAST OF LIMWA LINE 2021 FLOOD INSURANCE RATE MAP (FIRM)





TURKEY BAY -
CASTAWAY POINT PARK - SHORELINE
2021 COASTAL
FLOOD INSURANCE RATE MAP





ANGLERS POINT NE 2021 COASTAL FLOOD INSURANCE RATE MAP





GRAN AVE NE 2021 COASTAL FLOOD INSURANCE RATE MAP





LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042
Landdevelopmentweb@palmbayflorida.org

CODE TEXTUAL AMENDMENT APPLICATION

This application must be deemed complete and legible, and must be returned by the first day of the month during division office hours, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, to be processed for consideration the following month at the earliest by the Planning and Zoning Board. The application will then be referred by the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, unless otherwise stated.

ORDINANCE SECTION(S) PROPOSED TO BE CHANGED:

Section 37.03;
Section 40.03; and
Sections 174.002, 174.003, 174.005, 174.020, 174.032, 174.033, 174.035, and 174.036

PROPOSED LANGUAGE (attach addendum if necessary):

See attached.

JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary)

The amendment will adopt the revised flood insurance study and flood insurance rate maps, incorporate requirements for coastal high hazard areas, providing for applicability, severability, and an effective date of January 29, 2021.

CITY OF PALM BAY, FLORIDA
CODE TEXTUAL AMENDMENT APPLICATION
PAGE 2 OF 2

THE APPLICATION FEE MUST BE SUBMITTED WITH APPLICATION TO PROCESS THIS REQUEST:

☐

***\$1,500.00 Application Fee. Make Check payable to "City of Palm Bay."**

I, the undersigned understand that this application must be complete and accurate before consideration by the Planning and Zoning Board/Local Planning Agency and certify that all the answers the questions in said application, and all data and matter attached to and made a part of said application are honest and true to the best of my knowledge and belief.

Under penalties of perjury, I declare that I have read the foregoing code textual amendment application and that the facts stated in it are true.

Signature of Applicant Laurence Bradley Digitally signed by Laurence Bradley
DN: dc=org, dc=palmbayflorida, ou=Community
Planning & Economic Development, ou=Land
Development, cn=Laurence Bradley
Date: 2020.10.16 09:43:03 -04'00' Date 10/13/2020

Printed Name of Applicant Laurence Bradley, AICP, Growth Management Director

Full Address 120 Malabar Road SE, Palm Bay, FL 32907

Telephone (321) 733-3042 Email laurence.bradley@palmbayflorida.org

PERSON TO BE NOTIFIED (If different from above):

Printed Name _____

Full Address _____

Telephone _____ Email _____

***NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY**

CITY OF PALM BAY, FLORIDA
PLANNING AND ZONING BOARD/m
LOCAL PLANNING AGENCY
REGULAR MEETING 2020-13

Held on Wednesday, November 4, 2020, in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Land Development Division, Palm Bay, Florida. The minutes are not a verbatim transcript but a brief summary of the discussions and actions taken at this meeting.

Mr. Philip Weinberg called the meeting to order at approximately 7:00 p.m.

Mr. Richard Hill led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRPERSON:	Philip Weinberg	Present
VICE CHAIRPERSON:	Leeta Jordan	Present
MEMBER:	Donald Boerema	Present
MEMBER:	Donny Felix	Present
MEMBER:	Richard Hill	Present
MEMBER:	Khalilah Maragh	Present
MEMBER:	Rainer Warner	Present
NON-VOTING MEMBER:	David Karaffa	Present
	(School Board Appointee)	

CITY STAFF: Present were Mr. Laurence Bradley, Growth Management Director; Mr. Patrick Murphy, Assistant Growth Management Director; Mr. Christopher Balter, Senior Planner; Ms. Chandra Powell, Recording Secretary; Ms. Jennifer Cockcroft, Deputy City Attorney.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2020-12; October 7, 2020. Motion by Ms. Maragh, seconded by Mr. Felix to approve the minutes as presented. The motion carried with members voting unanimously.

6. T-33-2020 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT – REQUESTED BY COUNCILMAN JEFF BAILEY)
(REQUEST TO CONTINUE TO DECEMBER 2, 2020)

Mr. Weinberg stated that Councilman Jeff Bailey had requested a continuance of Case T-33-2020 to the December 2, 2020 Planning and Zoning Board meeting. Board action was required to continue the case.

Motion by Ms. Jordan, seconded by Mr. Warner to continue Case T-33-2020 to the December 2, 2020 Planning and Zoning Board meeting. The motion carried with members voting unanimously.

City Council will hear Case T-33-2020 on December 17, 2020.

7. T-34-2020 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT – REQUESTED BY DEPUTY MAYOR KENNY JOHNSON)
(REQUEST TO CONTINUE TO DECEMBER 2, 2020)

Mr. Weinberg stated that Deputy Mayor Kenny Johnson had requested a continuance of Case T-34-2020 to the December 2, 2020 Planning and Zoning Board meeting. Board action was required to continue the case.

Motion by Mr. Felix, seconded by Ms. Maragh to continue Case T-34-2020 to the December 2, 2020 Planning and Zoning Board meeting. The motion carried with members voting unanimously.

City Council will hear Case T-34-2020 on December 17, 2020.

8. T-35-2020 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)

Mr. Bradley presented the staff report for Case T-35-2020. The applicant had requested a textual amendment to the Code of Ordinances, Title III: Administration, to transfer the Federal Emergency Management Agency Community Rating System (FEMA CRS) program from Chapter 37, Growth Management Department to Chapter 40, Building Department; and to amend Title XVII, Land Development Code, Chapter 174: Floodplain Management, to adopt the revised flood insurance study and flood insurance rate maps, incorporate requirements for coastal high hazard

areas, providing for applicability, severability, and an effective date of January 29, 2021. Staff recommended Case T-35-2020 for approval with an effective date of January 29, 2021.

The board had no comments regarding the request.

The floor was opened and closed for public comments; there were no comments from the audience and there was no correspondence in the file.

Motion by Mr. Hill, seconded by Mr. Boerema to submit Case T-35-2020 to City Council for approval of a textual amendment to the Code of Ordinances, Title III: Administration, to transfer the Federal Emergency Management Agency Community Rating System (FEMA CRS) program from Chapter 37, Growth Management Department to Chapter 40, Building Department; and to amend Title XVII, Land Development Code, Chapter 174: Floodplain Management, to adopt the revised flood insurance study and flood insurance rate maps, incorporate requirements for coastal high hazard areas, providing for applicability, severability, and an effective date of January 29, 2021. The motion carried with members voting unanimously.

OTHER BUSINESS:

1. The board congratulated Mr. Donny Felix on his election to the City Council.

ADJOURNMENT:

The meeting was adjourned at approximately 8:23 p.m.

Philip Weinberg, CHAIRPERSON

Attest:

Chandra Powell, SECRETARY

**Quasi-Judicial Proceeding.

ORDINANCE 2020-82

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE III, ADMINISTRATION, CHAPTER 37, GROWTH MANAGEMENT DEPARTMENT, BY MODIFYING PROVISIONS RELATED TO THE LAND DEVELOPMENT DIVISION; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The City of Palm Bay Code of Ordinances, Title III, Administration, Chapter 37, Growth Management Department, Section 37.03, Departmental Divisions, is hereby amended and shall henceforth read as follows:

“Section 37.03 DEPARTMENTAL DIVISIONS.

(A) *Land Development Division.*

(1) Maintains the City of Palm Bay's Comprehensive Plan, revisions to the Land Development Code, administrative review of site plans, tracks Census data, ~~oversees the FEMA CRS program,~~ and provide data and analysis. Staff members of the Division serve as liaison to the Planning and Zoning Board/Local Planning Agency.

* * *

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 3. It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of ordinances and the sections may be renumbered to accomplish such intention.

SECTION 4. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

SECTION 5. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2020-_____, held on _____, 2020; and
read in title only and duly enacted at Meeting 2020-_____, held on _____, 2020.

Robert Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

~~Strikethrough~~ words shall be deleted; highlighted words that will be included will be placed in between two arrow symbols (>> <<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Laurence Bradley, AICP, Growth Management Director

DATE: 12/17/2020

RE: Ordinance 2020-83, amending the Code of Ordinances, Chapter 40, Building Department, by modifying duties and responsibilities of the department (T-35-2020, City of Palm Bay), final reading.

A public hearing is to be held on the above subject ordinance and the caption read for the second and final time at tonight's Council meeting.

The City of Palm Bay (Growth Management Department) has submitted a textual amendment to the Code of Ordinances, Title XVII, Land Development Code (LDC) for changes to the Floodplain Ordinance (Section 174) to recognize an upcoming revision in the FEMA Flood Insurance Rate Maps (FIRM) effective January 29, 2021, which includes a new Coastal High Hazard Zone (V-Zone) and a new Limit of Moderate Wave Action (LiMWA) Line. Also, changes to Section 37 and Section 40 to acknowledge the relocation of the Floodplain Administrator/CRS Coordinator from the Growth Management Department to the Building Department. These changes are required by FEMA for the City's continued participation in the National Flood Insurance Program (NFIP). The City participates in FEMA's Community Rating System (CRS) which currently allows property owners within the City to receive a 15-percent reduction in their flood insurance rates.

In 2018, the Federal Emergency Management Agency (FEMA) conducted a Flood Insurance Study (FIS) for all of Brevard County, and as a result, the FIRM maps have been updated. The maps now show Coastal High Hazard Zones in Palm Bay along the shoreline of the Indian River. In a letter dated July 29, 2020, FEMA directed the City to make the appropriate changes to its Floodplain Ordinance. Both the maps and floodplain ordinance are being revised to accommodate these changes. It should be noted that no existing enclosed residential or commercial structures will be impacted by these new maps.

Given that the new FIRM maps will become effective on January 29, 2021, changes to the LDC should also have the same effective date.

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Motion to to approve Case T-35-2020, as described in the staff report with an effective date of January 29, 2021.

Planning and Zoning Board Recommendation:

Unanimous approval of the request as described in the staff report with an effective date of January 29, 2021.

ATTACHMENTS:**Description**

Case T-35-2020

Board Minutes

Ordinance 2020-83



STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: 321-733-3042

landdevelopmentweb@palmabayflorida.org

Prepared by

Laurence Bradley, AICP, Growth Management Director

CASE NUMBER

T-35-2020

PLANNING & ZONING BOARD HEARING DATE

November 4, 2020

PROPERTY OWNER & APPLICANT

City of Palm Bay, Growth Management
Department

PROPERTY LOCATION/ADDRESS

Not Applicable

SUMMARY OF REQUEST

Changes to the Floodplain Ordinance (Sec. 174) to recognize an upcoming revision in the FEMA Flood Insurance Rate Maps (FIRM) effective January 29, 2021 which includes a new Coastal High Hazard Zone (V-Zone) and a new Limit of Moderate Wave Action (LiMWA) Line. Also, changes to Sec. 37 and Sec. 40 to acknowledge the relocation of the Floodplain Administrator/CRS Coordinator from the Growth Management Department to the Building Department. These changes are required by FEMA for the City's continued participation in the National Flood Insurance Program (NFIP).

Existing Zoning

Not Applicable

Existing Land Use

Not Applicable

Site Improvements

Not Applicable

Site Acreage

Not Applicable

APPLICABILITY

Citywide

COMPREHENSIVE PLAN

COMPATIBILITY

Not Specifically Addressed

BACKGROUND:

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code (LDC), changes to the Floodplain Ordinance (Sec. 174) to recognize an upcoming revision in the FEMA Flood Insurance Rate Maps (FIRM) effective January 29, 2021 which includes a new Coastal High Hazard Zone (V-Zone) and a new Limit of Moderate Wave Action (LiMWA) Line. Also, changes to Sec. 37 and Sec. 40 to acknowledge the relocation of the CRS Coordinator from the Growth Management Department to the Building Department. These changes are required by FEMA for the City's continued participation in the National Flood Insurance Program (NGIP).

On July 29, 2020 the City of Palm Bay received a letter from the Federal Emergency Management Agency (FEMA) which directed the City to make changes to its Floodplain Ordinance as a condition of the City's continued participation in the National Flood Insurance Program (NFIP). The City of Palm Bay also participates in the Community Rating System (CRS). CRS is a voluntary program from FEMA which allows participating municipalities to lower flood insurance rates for their residents by promoting awareness and taking proactive measures to reduce the community's risk of flood hazards. The FEMA CRS program ranks communities on a scale of 1 to 10 with level 10 being the lowest grade and level 1 being the highest grade. Each grade level that a community achieves lowers the flood insurance rates by 5% for each level. The City of Palm Bay is currently rated as a grade 7, which allows property owners within the City to receive a 15% reduction in their flood insurance rates.

Periodically, FEMA updates the FIRM maps by conducting new Flood Insurance Studies (FIS). An FIS uses updated engineering and storm data to reassess the risk of flooding within the study area. In 2018, FEMA conducted a new FIS for all of Brevard County and as a result the FIRM maps have been updated. The updated maps now show Coastal High Hazard Zones in Palm Bay along the shoreline of the Indian River; thus, both the maps and floodplain ordinance need revisions to recognize these changes.

Proposed language for this amendment in legislative style with additions between >>arrow<< symbols and deletions in strikethrough format, is attached.

ANALYSIS:

In August 2020, the Acting City Manager proposed several reorganizational changes. One of these changes was to create a separate Building Department out of the Growth Management Department. Thus, the role of the Floodplain Administrator and CRS Coordinator was shifted from the Land Development Division of Growth Management to the Building Department. The changes proposed in Chapter 37 and Chapter 40 of the City Code of Ordinances are being requested to have these chapters match the new staff assignments established by the CMO for the Floodplain and CRS functions.

The remainder of the proposed changes are all within the Floodplain Ordinance (Sec. 174). FEMA provided to the City the actual text that is required to be adopted. These revisions are being made to recognize the changes that need to be made when the FIRM maps become effective on January 29, 2021. The current FIRMs were adopted on March 17, 2014, but they did not contain any Coastal High Hazard Areas (V-Zone), thus the Floodplain ordinance did not have within it the necessary definitions or design standards to properly regulate structures within V-Zones.

It should be noted that although the maps are being revised, no inhabited structures are located in the V-zone. The FIRM maps have different flood zones. They include several different categories including: V-zones (Coastal High Hazard Zones), A-Zone (High Risk Zones) and X-Zones (Low to Moderate Risk Zones). These zones have very different design standards and regulatory requirements. Many of these standards have also been incorporated into the Florida Building Code.

There is also a category designated as a "Coastal A-Zone" which is regulated using V-Zone standards. The Coastal A-Zones can be found on the FIRM maps located waterward of the LiMWA-Line which, will be shown on the new maps. Within the City of Palm Bay only one permissible structure (an open-air pavilion at Castaway Point Park) is located partially waterward of the LiMWA line. Also, one property proposed for future development on Bay Boulevard, as part of the Steamboat Landing project, is located partially waterward of the LiMWA line.

The remaining impacts associated with these changes in the FIRM maps and Floodplain Ordinance do not contain any habitable structures adjacent to the Indian River Lagoon. Impacts include the development and design standards for the placement of fill and the construction of accessory structures such as docks, decks and patios, walls and fences, retaining walls, and seawalls. Construction of these types of structures will need to be reviewed by the Floodplain Manager by applying the new standards that will be adopted as part of this amendment.

Given that the new FIRM maps will become effective on January 29, 2021, changes to the LDC should also have the same effective date.

STAFF RECOMMENDATION:

Staff is recommending approval of the proposed changes as described herein with an effective date of January 29, 2021.

TITLE III: ADMINISTRATION

CHAPTER 37: GROWTH MANAGEMENT DEPARTMENT

§ 37.03 DEPARTMENTAL DIVISIONS.

(A) *Land Development Division.*

(1) Maintains the City of Palm Bay's Comprehensive Plan, revisions to the Land Development Code, administrative review of site plans, tracks Census data, ~~oversees the FEMA CRS program~~, and provide data and analysis. Staff members of the Division serve as liaison to the Planning and Zoning Board/Local Planning Agency.

CHAPTER 40: BUILDING DEPARTMENT

§ 40.03 DUTIES AND RESPONSIBILITIES.

The Building Department is responsible for the review and issuance of permits for new and existing buildings in accordance with the Florida Building Code to ensure construction meets the requirements of all state, city and fire prevention codes for the safety and welfare of the citizens. >>The Floodplain Administrator within the department oversees the FEMA CRS program.<<

TITLE XVII: LAND DEVELOPMENT CODE

CHAPTER 174: FLOODPLAIN MANAGEMENT

PART 1 - ADMINISTRATION

§ 174.002 APPLICABILITY.

(C) *Basis for establishing flood hazard areas.* The Flood Insurance Study for Brevard County, Florida, and Incorporated Areas, dated >>January 29, 2021<< ~~March 17, 2014~~, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the City Hall Annex Building, 120 Malabar Road SE, Palm Bay, Florida 32907.

§ 174.003 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR.

(A) *Designation.* The Floodplain Administrator in the >>Building<< ~~Growth Management~~ Department is designated to administer the floodplain management program for the City of Palm Bay. The Floodplain Administrator may delegate performance of certain duties to other employees.

(H) *Other duties of the Floodplain Administrator.* The Floodplain Administrator shall have other duties, including but not limited to:

(1) Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to § [174.003](#)(D), of this ordinance;

(2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);

(3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six (6) months of such data becoming available;

(4) Review required design certifications and documentation of elevations specified by this ordinance and the Florida Building Code to determine that such certifications and documentations are complete; and

(5) Notify the Federal Emergency Management Agency when the corporate boundaries of City of Palm Bay are modified, >>and<<:

>>(6) Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."<<

§ 174.005 SITE PLANS AND CONSTRUCTION DOCUMENTS.

(A) *Information for development in flood hazard areas.* The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:

(1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.

(2) Where base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with subsection (C)(2) or (3) of this section.

(3) Where the parcel on which the proposed development will take place will have more than fifty (50) lots or is larger than five (5) acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with subsection (C)(1) of this section.

(4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures>>; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.<<

(5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.

(6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.

>>(7) Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.<<

>>(8)<< (7) Existing and proposed alignment of any proposed alteration of a watercourse.

(D) *Additional analyses and certifications.* As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

(1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in § [174.005](#)(E), of this ordinance and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.

(2) For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

(3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in subsection (E) of this section.

>>(4) For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.<<

>>(5)<<(4) For new principal residential and non-residential structures proposed to be located in a special flood hazard area, the applicant shall submit an application for a Letter of Map Amendment (LOMA) or a Letter Of Map Revision based on Fill (LOMR-F) to FEMA, and a copy of the applicants' submitted application to FEMA shall be submitted to the Floodplain Administrator prior to issuance of the certificate of occupancy. Substantially improved or substantially damaged buildings or structures are exempt from this requirement.

PART 2 - DEFINITIONS

§ 174.020 DEFINITIONS.

>>**COASTAL HIGH HAZARD AREA.** A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V.<<

~~**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before September 3, 1980.~~

~~**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).~~

~~**NEW MANUFACTURED HOME PARK OR SUBDIVISION.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after September 3, 1980.~~

>>**SAND DUNES.** Naturally occurring accumulations of sand in ridges or mounds landward of the beach.<<

§ 174.032 SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS.

>>(F) *Limitations on sites in coastal high hazard areas (Zone V).* In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by Section 105.3(4) of this ordinance demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Section 307.8(3) of this ordinance.<<

§ 174.033 MANUFACTURED HOMES.

(A) All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to Fla. stat. § 320.8249, and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance.

(B) *Foundations.* All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that >>:<<

>>(1) In flood hazard areas (Zone A) other than coastal high hazard areas, << are designed in accordance with the foundation requirements of the *Florida Building Code*, Residential Section R322.2 and this ordinance.

>>(2) In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the *Florida Building Code*, Residential Section R322.3 and this ordinance.<<

(C) *Anchoring.* All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

(D) *Elevation.* >>All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V). << ~~Manufactured homes that are placed, replaced, or substantially improved shall comply with subsection (E) or (F) of this section, as applicable.~~

~~(E) *General elevation requirement.* Unless subject to the requirements of subsection (F) of this section, all manufactured homes that are placed, replaced, or substantially improved on sites located: (1) outside of a manufactured home park or subdivision; (2) in a new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or (4) in an existing manufactured home park or subdivision upon~~

which a manufactured home has incurred “substantial damage” as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code*, Residential Section R322.2 (Zone A).

~~(F) Elevation requirement for certain existing manufactured home parks and subdivisions.~~ Manufactured homes that are not subject to subsection (E) of this section, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

~~(1) Bottom of the frame of the manufactured home is at or above the elevation required in the *Florida Building Code*, Residential Section R322.2 (Zone A); or~~

~~(2) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than thirty-six (36) inches in height above grade.~~

>>(E)<< ~~(G)~~ *Enclosures.* Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code*, Residential Section R322 >>or R322.3<< for such enclosed areas: >>, as applicable to the flood hazard area.<<

>>(F)<< ~~(H)~~ *Utility equipment.* Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code*, Residential Section R322: >>, as applicable to the flood hazard area.<<

§ 174.035 TANKS.

(B) *Above-ground tanks, not elevated.* Above-ground tanks that do not meet the elevation requirements of subsection (C) of this section shall be >>:<<

>>(1) Be<< permitted in flood hazard areas >>(Zone A) other than coastal high hazard areas,<< provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

>>(2) Not permitted in coastal high hazard areas (Zone V).<<

§ 174.036 OTHER DEVELOPMENT.

>>(F) *Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V).* In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

- (1) Structurally independent of the foundation system of the building or structure;
- (2) Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
- (3) Have a maximum slab thickness of not more than four (4) inches.

(G) *Decks and patios in coastal high hazard areas (Zone V).* In addition to the requirements of the *Florida Building Code*, in coastal high hazard areas, decks and patios shall be located, designed, and constructed in compliance with the following:

(1) A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.

(2) A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.

(3) A deck or patio that has a vertical thickness of more than twelve (12) inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.

(4) A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

(H) *Other development in coastal high hazard areas (Zone V).* In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

(1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;

(2) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and

(3) On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.

(l) *Nonstructural fill in coastal high hazard areas (Zone V).* In coastal high hazard areas:

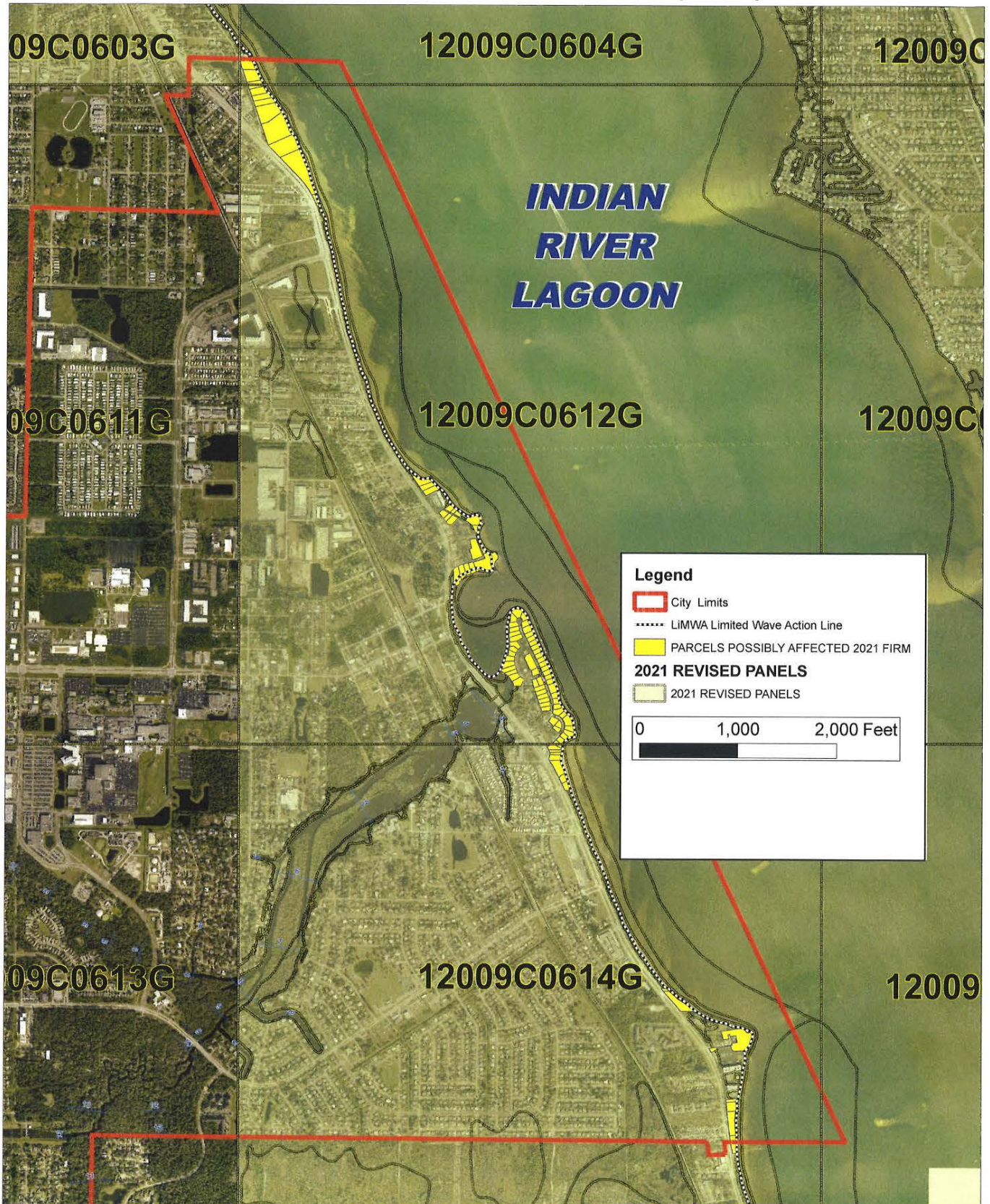
(1) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.

(2) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.

(3) Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.<<



100 PARCELS POSSIBLY AFFECTED BY NEW 2021 COASTAL FLOOD INSURANCE RATE MAP (FIRM)

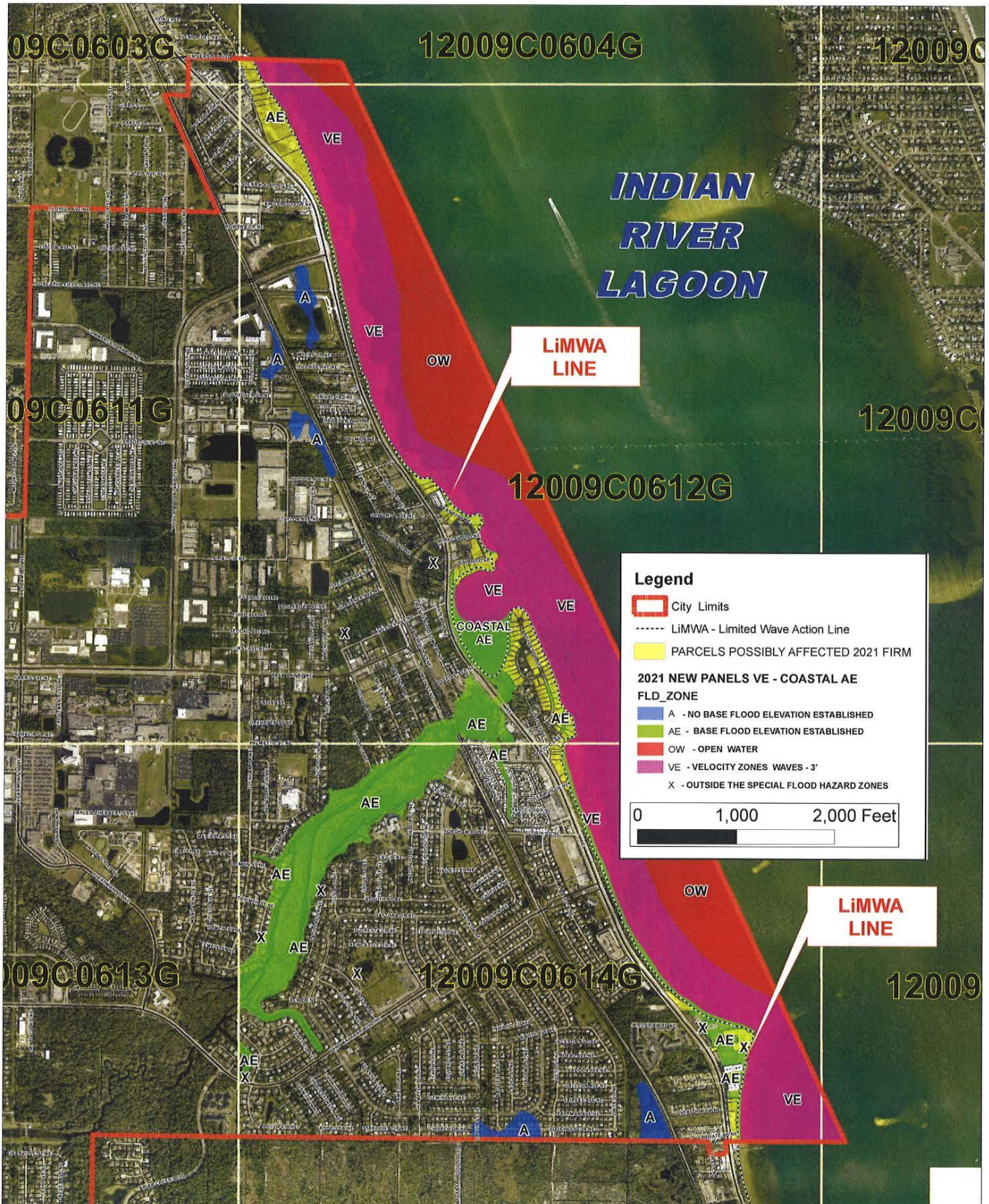


Legend

- City Limits
- LIMWA Limited Wave Action Line
- PARCELS POSSIBLY AFFECTED 2021 FIRM
- 2021 REVISED PANELS**
- 2021 REVISED PANELS

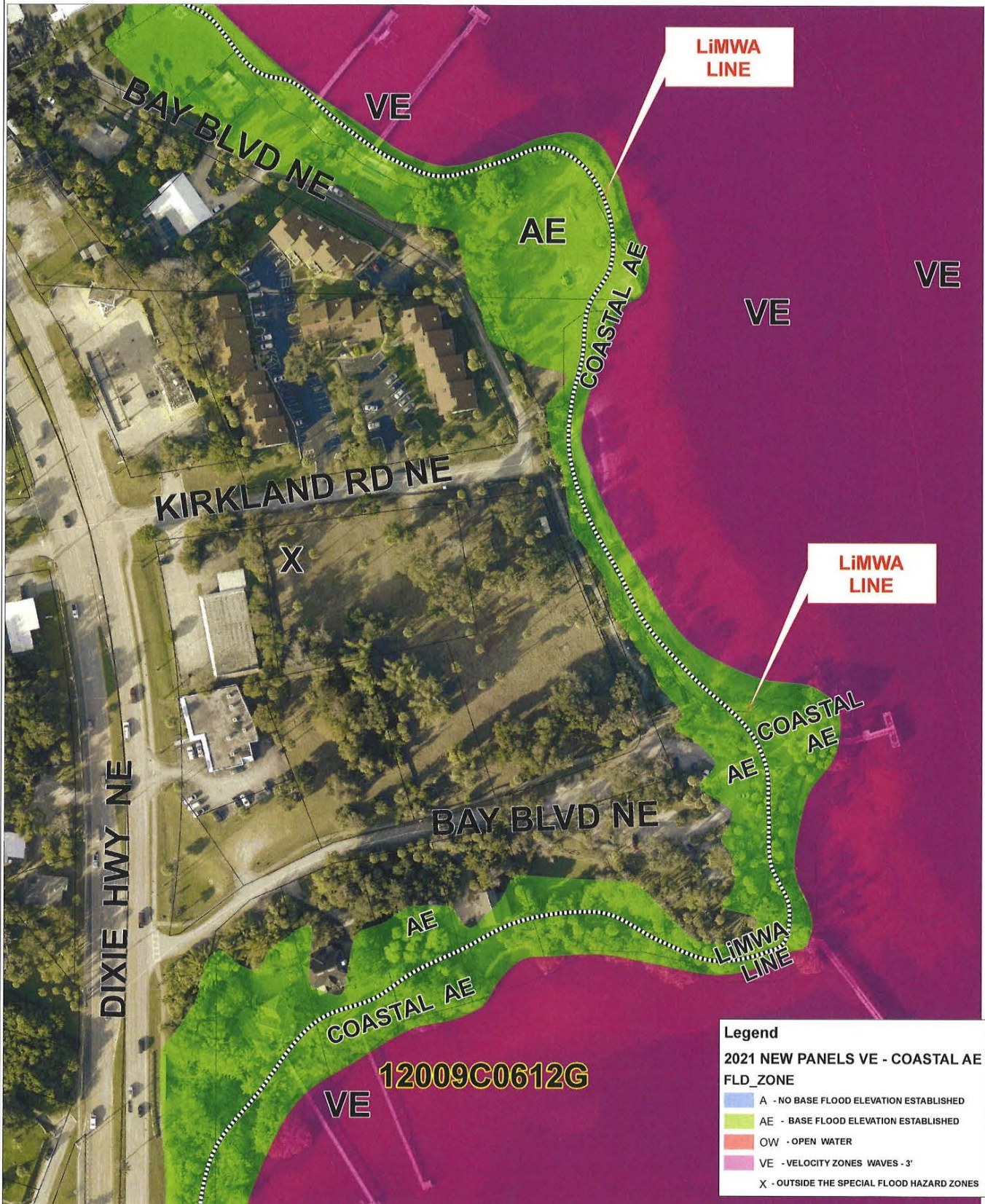
0 1,000 2,000 Feet

NEW COASTAL AE ZONES ARE AE ZONES LOCATED EAST OF LIMWA LINE 2021 FLOOD INSURANCE RATE MAP (FIRM)





TURKEY BAY -
CASTAWAY POINT PARK - SHORELINE
2021 COASTAL
FLOOD INSURANCE RATE MAP





ANGLERS POINT NE 2021 COASTAL FLOOD INSURANCE RATE MAP





GRAN AVE NE 2021 COASTAL FLOOD INSURANCE RATE MAP





LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042
Landdevelopmentweb@palmbayflorida.org

CODE TEXTUAL AMENDMENT APPLICATION

This application must be deemed complete and legible, and must be returned by the first day of the month during division office hours, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, to be processed for consideration the following month at the earliest by the Planning and Zoning Board. The application will then be referred by the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, unless otherwise stated.

ORDINANCE SECTION(S) PROPOSED TO BE CHANGED:

Section 37.03;
Section 40.03; and
Sections 174.002, 174.003, 174.005, 174.020, 174.032, 174.033, 174.035, and 174.036

PROPOSED LANGUAGE (attach addendum if necessary):

See attached.

JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary)

The amendment will adopt the revised flood insurance study and flood insurance rate maps, incorporate requirements for coastal high hazard areas, providing for applicability, severability, and an effective date of January 29, 2021.

CITY OF PALM BAY, FLORIDA
CODE TEXTUAL AMENDMENT APPLICATION
PAGE 2 OF 2

THE APPLICATION FEE MUST BE SUBMITTED WITH APPLICATION TO PROCESS THIS REQUEST:

☐ ***\$1,500.00 Application Fee. Make Check payable to "City of Palm Bay."**

I, the undersigned understand that this application must be complete and accurate before consideration by the Planning and Zoning Board/Local Planning Agency and certify that all the answers the questions in said application, and all data and matter attached to and made a part of said application are honest and true to the best of my knowledge and belief.

Under penalties of perjury, I declare that I have read the foregoing code textual amendment application and that the facts stated in it are true.

Signature of Applicant Laurence Bradley Digitally signed by Laurence Bradley
DN: dc=org, dc=palmbayflorida, ou=Community
Planning & Economic Development, ou=Land
Development, cn=Laurence Bradley
Date: 2020.10.16 09:43:03 -04'00' Date 10/13/2020

Printed Name of Applicant Laurence Bradley, AICP, Growth Management Director

Full Address 120 Malabar Road SE, Palm Bay, FL 32907

Telephone (321) 733-3042 Email laurence.bradley@palmbayflorida.org

PERSON TO BE NOTIFIED (If different from above):

Printed Name _____

Full Address _____

Telephone _____ Email _____

***NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY**

CITY OF PALM BAY, FLORIDA
PLANNING AND ZONING BOARD/m
LOCAL PLANNING AGENCY
REGULAR MEETING 2020-13

Held on Wednesday, November 4, 2020, in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Land Development Division, Palm Bay, Florida. The minutes are not a verbatim transcript but a brief summary of the discussions and actions taken at this meeting.

Mr. Philip Weinberg called the meeting to order at approximately 7:00 p.m.

Mr. Richard Hill led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRPERSON:	Philip Weinberg	Present
VICE CHAIRPERSON:	Leeta Jordan	Present
MEMBER:	Donald Boerema	Present
MEMBER:	Donny Felix	Present
MEMBER:	Richard Hill	Present
MEMBER:	Khalilah Maragh	Present
MEMBER:	Rainer Warner	Present
NON-VOTING MEMBER:	David Karaffa	Present
	(School Board Appointee)	

CITY STAFF: Present were Mr. Laurence Bradley, Growth Management Director; Mr. Patrick Murphy, Assistant Growth Management Director; Mr. Christopher Balter, Senior Planner; Ms. Chandra Powell, Recording Secretary; Ms. Jennifer Cockcroft, Deputy City Attorney.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2020-12; October 7, 2020. Motion by Ms. Maragh, seconded by Mr. Felix to approve the minutes as presented. The motion carried with members voting unanimously.

6. **T-33-2020 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT – REQUESTED BY COUNCILMAN JEFF BAILEY)**
(REQUEST TO CONTINUE TO DECEMBER 2, 2020)

Mr. Weinberg stated that Councilman Jeff Bailey had requested a continuance of Case T-33-2020 to the December 2, 2020 Planning and Zoning Board meeting. Board action was required to continue the case.

Motion by Ms. Jordan, seconded by Mr. Warner to continue Case T-33-2020 to the December 2, 2020 Planning and Zoning Board meeting. The motion carried with members voting unanimously.

City Council will hear Case T-33-2020 on December 17, 2020.

7. **T-34-2020 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT – REQUESTED BY DEPUTY MAYOR KENNY JOHNSON)**
(REQUEST TO CONTINUE TO DECEMBER 2, 2020)

Mr. Weinberg stated that Deputy Mayor Kenny Johnson had requested a continuance of Case T-34-2020 to the December 2, 2020 Planning and Zoning Board meeting. Board action was required to continue the case.

Motion by Mr. Felix, seconded by Ms. Maragh to continue Case T-34-2020 to the December 2, 2020 Planning and Zoning Board meeting. The motion carried with members voting unanimously.

City Council will hear Case T-34-2020 on December 17, 2020.

8. **T-35-2020 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)**

Mr. Bradley presented the staff report for Case T-35-2020. The applicant had requested a textual amendment to the Code of Ordinances, Title III: Administration, to transfer the Federal Emergency Management Agency Community Rating System (FEMA CRS) program from Chapter 37, Growth Management Department to Chapter 40, Building Department; and to amend Title XVII, Land Development Code, Chapter 174: Floodplain Management, to adopt the revised flood insurance study and flood insurance rate maps, incorporate requirements for coastal high hazard

areas, providing for applicability, severability, and an effective date of January 29, 2021. Staff recommended Case T-35-2020 for approval with an effective date of January 29, 2021.

The board had no comments regarding the request.

The floor was opened and closed for public comments; there were no comments from the audience and there was no correspondence in the file.

Motion by Mr. Hill, seconded by Mr. Boerema to submit Case T-35-2020 to City Council for approval of a textual amendment to the Code of Ordinances, Title III: Administration, to transfer the Federal Emergency Management Agency Community Rating System (FEMA CRS) program from Chapter 37, Growth Management Department to Chapter 40, Building Department; and to amend Title XVII, Land Development Code, Chapter 174: Floodplain Management, to adopt the revised flood insurance study and flood insurance rate maps, incorporate requirements for coastal high hazard areas, providing for applicability, severability, and an effective date of January 29, 2021. The motion carried with members voting unanimously.

OTHER BUSINESS:

1. The board congratulated Mr. Donny Felix on his election to the City Council.

ADJOURNMENT:

The meeting was adjourned at approximately 8:23 p.m.

Philip Weinberg, CHAIRPERSON

Attest:

Chandra Powell, SECRETARY

**Quasi-Judicial Proceeding.

ORDINANCE 2020-83

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE III, ADMINISTRATION, CHAPTER 40, BUILDING DEPARTMENT, BY MODIFYING DUTIES AND RESPONSIBILITIES OF THE DEPARTMENT; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The City of Palm Bay Code of Ordinances, Title III, Administration, Chapter 40, Building Department, Section 40.03, Duties and Responsibilities, is hereby amended and shall henceforth read as follows:

“Section 40.03 DUTIES AND RESPONSIBILITIES.

The Building Department is responsible for the review and issuance of permits for new and existing buildings in accordance with the Florida Building Code to ensure construction meets the requirements of all state, city and fire prevention codes for the safety and welfare of the citizens. >>The Floodplain Administrator within the department oversees the FEMA CRS program.<<”

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 3. It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of ordinances and the sections may be renumbered to accomplish such intention.

SECTION 4. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

SECTION 5. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2020- , held on , 2020; and
read in title only and duly enacted at Meeting 2020- , held on , 2020.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

~~Strikethrough~~ words shall be deleted; highlighted words that will be included will be placed in between two arrow symbols (>> <<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Laurence Bradley, AICP, Growth Management Director

DATE: 12/17/2020

RE: Ordinance 2020-84, amending the Code of Ordinances, Chapter 174, Floodplain and Stormwater Management, Subchapter 'Floodplain Management', by modifying provisions contained therein (T-35-2020, City of Palm Bay), final reading.

A public hearing is to be held on the above subject ordinance and the caption read for the second and final time at tonight's Council meeting.

The City of Palm Bay (Growth Management Department) has submitted a textual amendment to the Code of Ordinances, Title XVII, Land Development Code (LDC) for changes to the Floodplain Ordinance (Section 174) to recognize an upcoming revision in the FEMA Flood Insurance Rate Maps (FIRM) effective January 29, 2021, which includes a new Coastal High Hazard Zone (V-Zone) and a new Limit of Moderate Wave Action (LiMWA) Line. Also, changes to Section 37 and Section 40 to acknowledge the relocation of the Floodplain Administrator/CRS Coordinator from the Growth Management Department to the Building Department. These changes are required by FEMA for the City's continued participation in the National Flood Insurance Program (NFIP). The City participates in FEMA's Community Rating System (CRS) which currently allows property owners within the City to receive a 15-percent reduction in their flood insurance rates.

In 2018, the Federal Emergency Management Agency (FEMA) conducted a Flood Insurance Study (FIS) for all of Brevard County, and as a result, the FIRM maps have been updated. The maps now show Coastal High Hazard Zones in Palm Bay along the shoreline of the Indian River. In a letter dated July 29, 2020, FEMA directed the City to make the appropriate changes to its Floodplain Ordinance. Both the maps and floodplain ordinance are being revised to accommodate these changes. It should be noted that no existing enclosed residential or commercial structures will be impacted by these new maps.

Given that the new FIRM maps will become effective on January 29, 2021, changes to the LDC should also have the same effective date.

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Motion to to approve Case T-35-2020, as described in the staff report with an effective date of January 29, 2021.

Planning and Zoning Board Recommendation:

Unanimous approval of the request as described in the staff report with an effective date of January 29, 2021.

ATTACHMENTS:**Description**

Case T-35-2020

Board Minutes

Ordinance 2020-84



STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: 321-733-3042

landdevelopmentweb@palmabayflorida.org

Prepared by

Laurence Bradley, AICP, Growth Management Director

CASE NUMBER

T-35-2020

PLANNING & ZONING BOARD HEARING DATE

November 4, 2020

PROPERTY OWNER & APPLICANT

City of Palm Bay, Growth Management
Department

PROPERTY LOCATION/ADDRESS

Not Applicable

SUMMARY OF REQUEST

Changes to the Floodplain Ordinance (Sec. 174) to recognize an upcoming revision in the FEMA Flood Insurance Rate Maps (FIRM) effective January 29, 2021 which includes a new Coastal High Hazard Zone (V-Zone) and a new Limit of Moderate Wave Action (LiMWA) Line. Also, changes to Sec. 37 and Sec. 40 to acknowledge the relocation of the Floodplain Administrator/CRS Coordinator from the Growth Management Department to the Building Department. These changes are required by FEMA for the City's continued participation in the National Flood Insurance Program (NFIP).

Existing Zoning

Not Applicable

Existing Land Use

Not Applicable

Site Improvements

Not Applicable

Site Acreage

Not Applicable

APPLICABILITY

Citywide

COMPREHENSIVE PLAN**COMPATIBILITY**

Not Specifically Addressed

BACKGROUND:

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code (LDC), changes to the Floodplain Ordinance (Sec. 174) to recognize an upcoming revision in the FEMA Flood Insurance Rate Maps (FIRM) effective January 29, 2021 which includes a new Coastal High Hazard Zone (V-Zone) and a new Limit of Moderate Wave Action (LiMWA) Line. Also, changes to Sec. 37 and Sec. 40 to acknowledge the relocation of the CRS Coordinator from the Growth Management Department to the Building Department. These changes are required by FEMA for the City's continued participation in the National Flood Insurance Program (NGIP).

On July 29, 2020 the City of Palm Bay received a letter from the Federal Emergency Management Agency (FEMA) which directed the City to make changes to its Floodplain Ordinance as a condition of the City's continued participation in the National Flood Insurance Program (NFIP). The City of Palm Bay also participates in the Community Rating System (CRS). CRS is a voluntary program from FEMA which allows participating municipalities to lower flood insurance rates for their residents by promoting awareness and taking proactive measures to reduce the community's risk of flood hazards. The FEMA CRS program ranks communities on a scale of 1 to 10 with level 10 being the lowest grade and level 1 being the highest grade. Each grade level that a community achieves lowers the flood insurance rates by 5% for each level. The City of Palm Bay is currently rated as a grade 7, which allows property owners within the City to receive a 15% reduction in their flood insurance rates.

Periodically, FEMA updates the FIRM maps by conducting new Flood Insurance Studies (FIS). An FIS uses updated engineering and storm data to reassess the risk of flooding within the study area. In 2018, FEMA conducted a new FIS for all of Brevard County and as a result the FIRM maps have been updated. The updated maps now show Coastal High Hazard Zones in Palm Bay along the shoreline of the Indian River; thus, both the maps and floodplain ordinance need revisions to recognize these changes.

Proposed language for this amendment in legislative style with additions between >>arrow<< symbols and deletions in strikethrough format, is attached.

ANALYSIS:

In August 2020, the Acting City Manager proposed several reorganizational changes. One of these changes was to create a separate Building Department out of the Growth Management Department. Thus, the role of the Floodplain Administrator and CRS Coordinator was shifted from the Land Development Division of Growth Management to the Building Department. The changes proposed in Chapter 37 and Chapter 40 of the City Code of Ordinances are being requested to have these chapters match the new staff assignments established by the CMO for the Floodplain and CRS functions.

The remainder of the proposed changes are all within the Floodplain Ordinance (Sec. 174). FEMA provided to the City the actual text that is required to be adopted. These revisions are being made to recognize the changes that need to be made when the FIRM maps become effective on January 29, 2021. The current FIRMs were adopted on March 17, 2014, but they did not contain any Coastal High Hazard Areas (V-Zone), thus the Floodplain ordinance did not have within it the necessary definitions or design standards to properly regulate structures within V-Zones.

It should be noted that although the maps are being revised, no inhabited structures are located in the V-zone. The FIRM maps have different flood zones. They include several different categories including: V-zones (Coastal High Hazard Zones), A-Zone (High Risk Zones) and X-Zones (Low to Moderate Risk Zones). These zones have very different design standards and regulatory requirements. Many of these standards have also been incorporated into the Florida Building Code.

There is also a category designated as a "Coastal A-Zone" which is regulated using V-Zone standards. The Coastal A-Zones can be found on the FIRM maps located waterward of the LiMWA-Line which, will be shown on the new maps. Within the City of Palm Bay only one permissible structure (an open-air pavilion at Castaway Point Park) is located partially waterward of the LiMWA line. Also, one property proposed for future development on Bay Boulevard, as part of the Steamboat Landing project, is located partially waterward of the LiMWA line.

The remaining impacts associated with these changes in the FIRM maps and Floodplain Ordinance do not contain any habitable structures adjacent to the Indian River Lagoon. Impacts include the development and design standards for the placement of fill and the construction of accessory structures such as docks, decks and patios, walls and fences, retaining walls, and seawalls. Construction of these types of structures will need to be reviewed by the Floodplain Manager by applying the new standards that will be adopted as part of this amendment.

Given that the new FIRM maps will become effective on January 29, 2021, changes to the LDC should also have the same effective date.

STAFF RECOMMENDATION:

Staff is recommending approval of the proposed changes as described herein with an effective date of January 29, 2021.

TITLE III: ADMINISTRATION

CHAPTER 37: GROWTH MANAGEMENT DEPARTMENT

§ 37.03 DEPARTMENTAL DIVISIONS.

(A) *Land Development Division.*

(1) Maintains the City of Palm Bay's Comprehensive Plan, revisions to the Land Development Code, administrative review of site plans, tracks Census data, ~~oversees the FEMA CRS program~~, and provide data and analysis. Staff members of the Division serve as liaison to the Planning and Zoning Board/Local Planning Agency.

CHAPTER 40: BUILDING DEPARTMENT

§ 40.03 DUTIES AND RESPONSIBILITIES.

The Building Department is responsible for the review and issuance of permits for new and existing buildings in accordance with the Florida Building Code to ensure construction meets the requirements of all state, city and fire prevention codes for the safety and welfare of the citizens. >>The Floodplain Administrator within the department oversees the FEMA CRS program.<<

TITLE XVII: LAND DEVELOPMENT CODE

CHAPTER 174: FLOODPLAIN MANAGEMENT

PART 1 - ADMINISTRATION

§ 174.002 APPLICABILITY.

(C) *Basis for establishing flood hazard areas.* The Flood Insurance Study for Brevard County, Florida, and Incorporated Areas, dated >>January 29, 2021<< ~~March 17, 2014~~, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the City Hall Annex Building, 120 Malabar Road SE, Palm Bay, Florida 32907.

§ 174.003 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR.

(A) *Designation.* The Floodplain Administrator in the >>Building<< ~~Growth Management~~ Department is designated to administer the floodplain management program for the City of Palm Bay. The Floodplain Administrator may delegate performance of certain duties to other employees.

(H) *Other duties of the Floodplain Administrator.* The Floodplain Administrator shall have other duties, including but not limited to:

(1) Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to § [174.003](#)(D), of this ordinance;

(2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);

(3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six (6) months of such data becoming available;

(4) Review required design certifications and documentation of elevations specified by this ordinance and the Florida Building Code to determine that such certifications and documentations are complete; and

(5) Notify the Federal Emergency Management Agency when the corporate boundaries of City of Palm Bay are modified, >>and<<:

>>(6) Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."<<

§ 174.005 SITE PLANS AND CONSTRUCTION DOCUMENTS.

(A) *Information for development in flood hazard areas.* The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:

(1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.

(2) Where base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with subsection (C)(2) or (3) of this section.

(3) Where the parcel on which the proposed development will take place will have more than fifty (50) lots or is larger than five (5) acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with subsection (C)(1) of this section.

(4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures>>; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.<<

(5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.

(6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.

>>(7) Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.<<

>>(8)<< (7) Existing and proposed alignment of any proposed alteration of a watercourse.

(D) *Additional analyses and certifications.* As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

(1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in § [174.005](#)(E), of this ordinance and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.

(2) For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

(3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in subsection (E) of this section.

>>(4) For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.<<

>>(5)<<(4) For new principal residential and non-residential structures proposed to be located in a special flood hazard area, the applicant shall submit an application for a Letter of Map Amendment (LOMA) or a Letter Of Map Revision based on Fill (LOMR-F) to FEMA, and a copy of the applicants' submitted application to FEMA shall be submitted to the Floodplain Administrator prior to issuance of the certificate of occupancy. Substantially improved or substantially damaged buildings or structures are exempt from this requirement.

PART 2 - DEFINITIONS

§ 174.020 DEFINITIONS.

>>**COASTAL HIGH HAZARD AREA.** A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V.<<

~~**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before September 3, 1980.~~

~~**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).~~

~~**NEW MANUFACTURED HOME PARK OR SUBDIVISION.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after September 3, 1980.~~

>>**SAND DUNES.** Naturally occurring accumulations of sand in ridges or mounds landward of the beach.<<

§ 174.032 SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS.

>>(F) *Limitations on sites in coastal high hazard areas (Zone V).* In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by Section 105.3(4) of this ordinance demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Section 307.8(3) of this ordinance.<<

§ 174.033 MANUFACTURED HOMES.

(A) All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to Fla. stat. § 320.8249, and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance.

(B) *Foundations.* All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that >>:<<

>>(1) In flood hazard areas (Zone A) other than coastal high hazard areas, << are designed in accordance with the foundation requirements of the *Florida Building Code*, Residential Section R322.2 and this ordinance.

>>(2) In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the *Florida Building Code*, Residential Section R322.3 and this ordinance.<<

(C) *Anchoring.* All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

(D) *Elevation.* >>All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V). << ~~Manufactured homes that are placed, replaced, or substantially improved shall comply with subsection (E) or (F) of this section, as applicable.~~

~~(E) *General elevation requirement.* Unless subject to the requirements of subsection (F) of this section, all manufactured homes that are placed, replaced, or substantially improved on sites located: (1) outside of a manufactured home park or subdivision; (2) in a new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or (4) in an existing manufactured home park or subdivision upon~~

which a manufactured home has incurred “substantial damage” as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code*, Residential Section R322.2 (Zone A).

~~(F) Elevation requirement for certain existing manufactured home parks and subdivisions.~~ Manufactured homes that are not subject to subsection (E) of this section, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

~~(1) Bottom of the frame of the manufactured home is at or above the elevation required in the *Florida Building Code*, Residential Section R322.2 (Zone A); or~~

~~(2) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than thirty-six (36) inches in height above grade.~~

>>(E)<< ~~(G)~~ *Enclosures.* Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code*, Residential Section R322 >>or R322.3<< for such enclosed areas: >>, as applicable to the flood hazard area.<<

>>(F)<< ~~(H)~~ *Utility equipment.* Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code*, Residential Section R322: >>, as applicable to the flood hazard area.<<

§ 174.035 TANKS.

(B) *Above-ground tanks, not elevated.* Above-ground tanks that do not meet the elevation requirements of subsection (C) of this section shall be >>:<<

>>(1) Be<< permitted in flood hazard areas >>(Zone A) other than coastal high hazard areas,<< provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

>>(2) Not permitted in coastal high hazard areas (Zone V).<<

§ 174.036 OTHER DEVELOPMENT.

>>(F) *Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V).* In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

- (1) Structurally independent of the foundation system of the building or structure;
- (2) Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
- (3) Have a maximum slab thickness of not more than four (4) inches.

(G) *Decks and patios in coastal high hazard areas (Zone V).* In addition to the requirements of the *Florida Building Code*, in coastal high hazard areas, decks and patios shall be located, designed, and constructed in compliance with the following:

(1) A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.

(2) A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.

(3) A deck or patio that has a vertical thickness of more than twelve (12) inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.

(4) A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

(H) *Other development in coastal high hazard areas (Zone V).* In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

(1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;

(2) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and

(3) On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.

(l) *Nonstructural fill in coastal high hazard areas (Zone V).* In coastal high hazard areas:

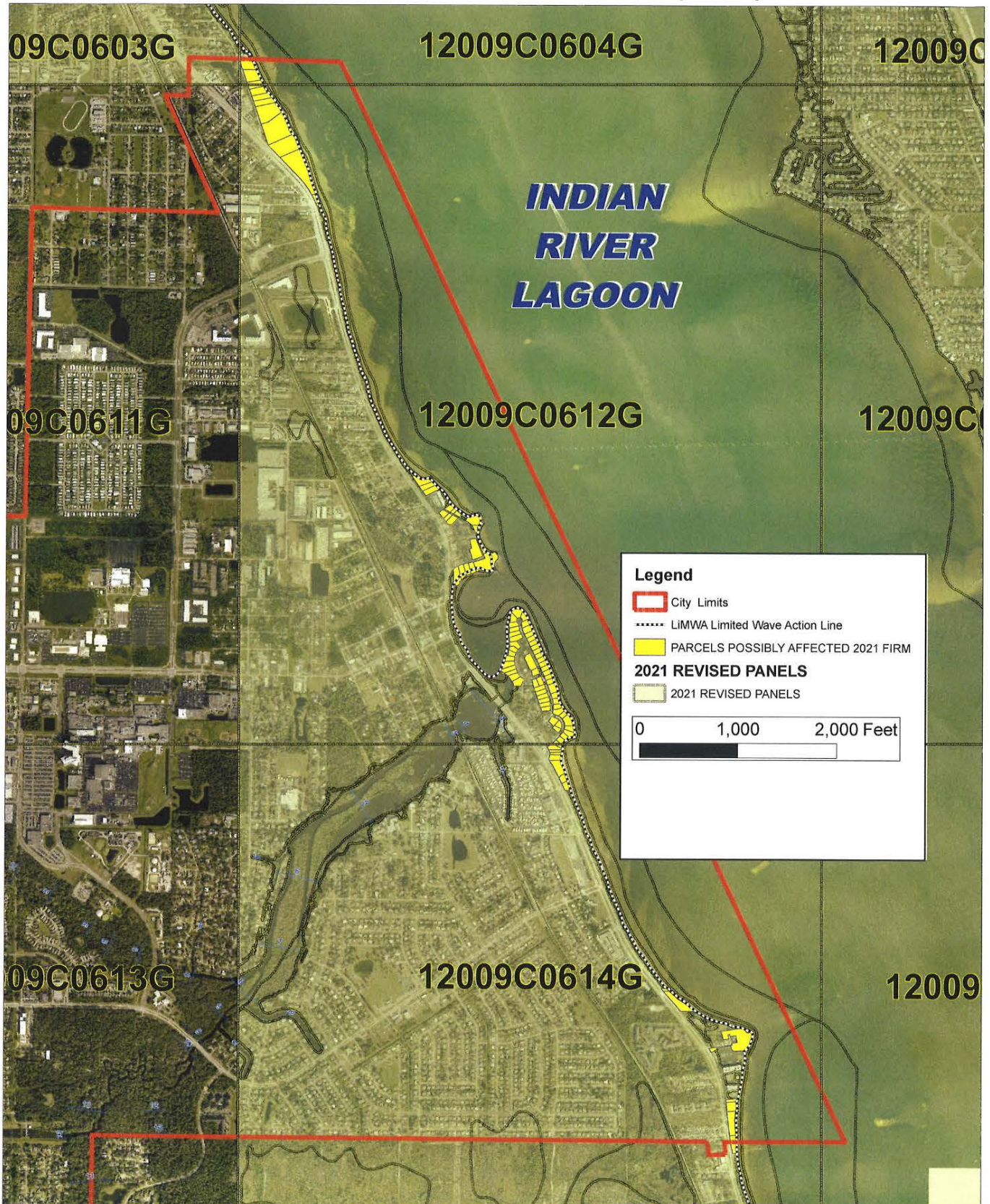
(1) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.

(2) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.

(3) Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.<<



100 PARCELS POSSIBLY AFFECTED BY NEW 2021 COASTAL FLOOD INSURANCE RATE MAP (FIRM)

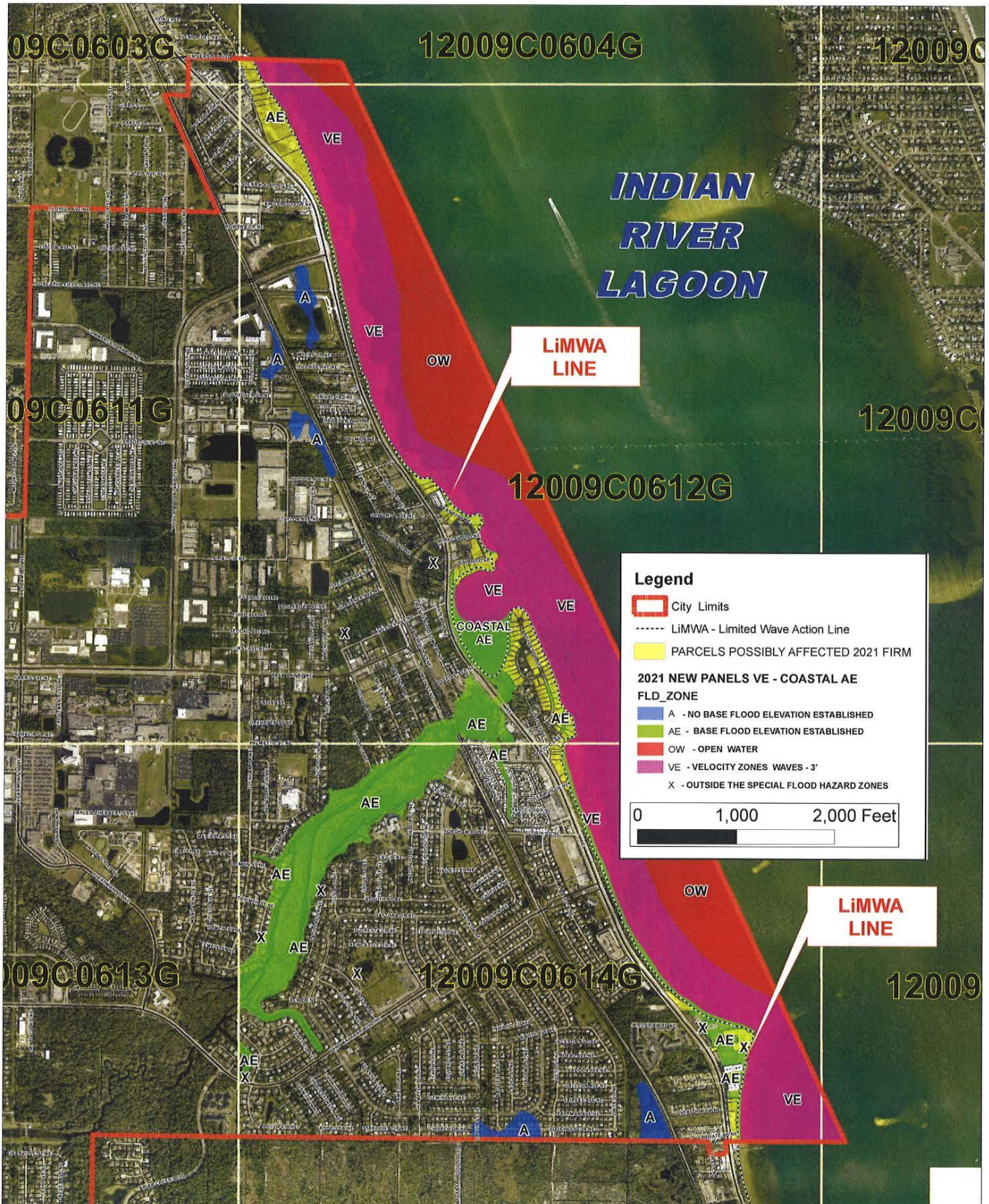


Legend

- City Limits
- LIMWA Limited Wave Action Line
- PARCELS POSSIBLY AFFECTED 2021 FIRM
- 2021 REVISED PANELS**
- 2021 REVISED PANELS

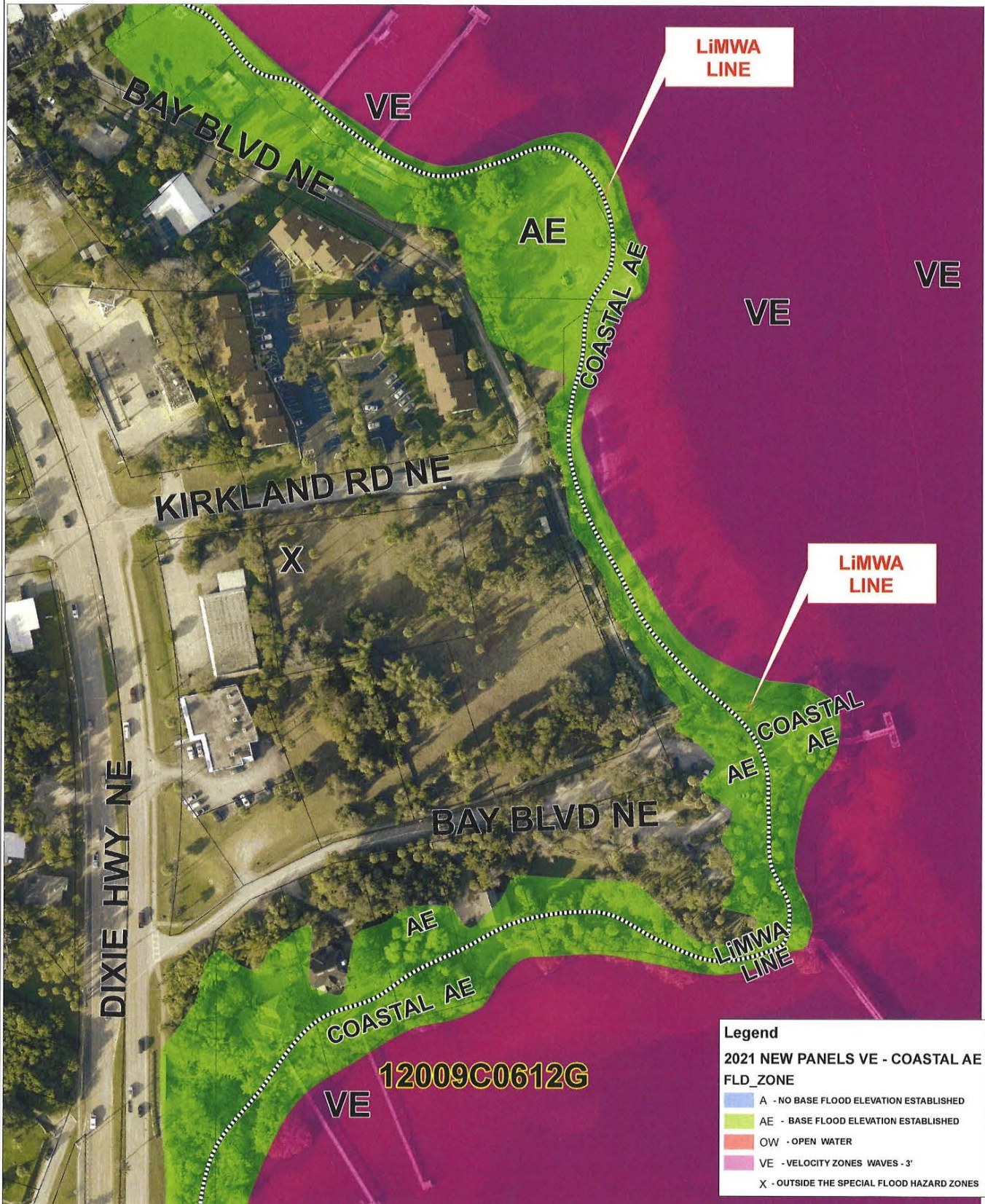
0 1,000 2,000 Feet

NEW COASTAL AE ZONES ARE AE ZONES LOCATED EAST OF LIMWA LINE 2021 FLOOD INSURANCE RATE MAP (FIRM)





TURKEY BAY -
CASTAWAY POINT PARK - SHORELINE
2021 COASTAL
FLOOD INSURANCE RATE MAP





ANGLERS POINT NE 2021 COASTAL FLOOD INSURANCE RATE MAP





GRAN AVE NE 2021 COASTAL FLOOD INSURANCE RATE MAP





LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042
Landdevelopmentweb@palmbayflorida.org

CODE TEXTUAL AMENDMENT APPLICATION

This application must be deemed complete and legible, and must be returned by the first day of the month during division office hours, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, to be processed for consideration the following month at the earliest by the Planning and Zoning Board. The application will then be referred by the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, unless otherwise stated.

ORDINANCE SECTION(S) PROPOSED TO BE CHANGED:

Section 37.03;
Section 40.03; and
Sections 174.002, 174.003, 174.005, 174.020, 174.032, 174.033, 174.035, and 174.036

PROPOSED LANGUAGE (attach addendum if necessary):

See attached.

JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary)

The amendment will adopt the revised flood insurance study and flood insurance rate maps, incorporate requirements for coastal high hazard areas, providing for applicability, severability, and an effective date of January 29, 2021.

CITY OF PALM BAY, FLORIDA
CODE TEXTUAL AMENDMENT APPLICATION
PAGE 2 OF 2

THE APPLICATION FEE MUST BE SUBMITTED WITH APPLICATION TO PROCESS THIS REQUEST:

☐

***\$1,500.00 Application Fee. Make Check payable to "City of Palm Bay."**

I, the undersigned understand that this application must be complete and accurate before consideration by the Planning and Zoning Board/Local Planning Agency and certify that all the answers the questions in said application, and all data and matter attached to and made a part of said application are honest and true to the best of my knowledge and belief.

Under penalties of perjury, I declare that I have read the foregoing code textual amendment application and that the facts stated in it are true.

Signature of Applicant Laurence Bradley Digitally signed by Laurence Bradley
DN: dc=org, dc=palmbayflorida, ou=Community
Planning & Economic Development, ou=Land
Development, cn=Laurence Bradley
Date: 2020.10.16 09:43:03 -04'00' Date 10/13/2020

Printed Name of Applicant Laurence Bradley, AICP, Growth Management Director

Full Address 120 Malabar Road SE, Palm Bay, FL 32907

Telephone (321) 733-3042 Email laurence.bradley@palmbayflorida.org

PERSON TO BE NOTIFIED (If different from above):

Printed Name _____

Full Address _____

Telephone _____ Email _____

***NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY**

CITY OF PALM BAY, FLORIDA
PLANNING AND ZONING BOARD/m
LOCAL PLANNING AGENCY
REGULAR MEETING 2020-13

Held on Wednesday, November 4, 2020, in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Land Development Division, Palm Bay, Florida. The minutes are not a verbatim transcript but a brief summary of the discussions and actions taken at this meeting.

Mr. Philip Weinberg called the meeting to order at approximately 7:00 p.m.

Mr. Richard Hill led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRPERSON:	Philip Weinberg	Present
VICE CHAIRPERSON:	Leeta Jordan	Present
MEMBER:	Donald Boerema	Present
MEMBER:	Donny Felix	Present
MEMBER:	Richard Hill	Present
MEMBER:	Khalilah Maragh	Present
MEMBER:	Rainer Warner	Present
NON-VOTING MEMBER:	David Karaffa	Present
	(School Board Appointee)	

CITY STAFF: Present were Mr. Laurence Bradley, Growth Management Director; Mr. Patrick Murphy, Assistant Growth Management Director; Mr. Christopher Balter, Senior Planner; Ms. Chandra Powell, Recording Secretary; Ms. Jennifer Cockcroft, Deputy City Attorney.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2020-12; October 7, 2020. Motion by Ms. Maragh, seconded by Mr. Felix to approve the minutes as presented. The motion carried with members voting unanimously.

6. T-33-2020 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT – REQUESTED BY COUNCILMAN JEFF BAILEY)
(REQUEST TO CONTINUE TO DECEMBER 2, 2020)

Mr. Weinberg stated that Councilman Jeff Bailey had requested a continuance of Case T-33-2020 to the December 2, 2020 Planning and Zoning Board meeting. Board action was required to continue the case.

Motion by Ms. Jordan, seconded by Mr. Warner to continue Case T-33-2020 to the December 2, 2020 Planning and Zoning Board meeting. The motion carried with members voting unanimously.

City Council will hear Case T-33-2020 on December 17, 2020.

7. T-34-2020 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT – REQUESTED BY DEPUTY MAYOR KENNY JOHNSON)
(REQUEST TO CONTINUE TO DECEMBER 2, 2020)

Mr. Weinberg stated that Deputy Mayor Kenny Johnson had requested a continuance of Case T-34-2020 to the December 2, 2020 Planning and Zoning Board meeting. Board action was required to continue the case.

Motion by Mr. Felix, seconded by Ms. Maragh to continue Case T-34-2020 to the December 2, 2020 Planning and Zoning Board meeting. The motion carried with members voting unanimously.

City Council will hear Case T-34-2020 on December 17, 2020.

8. T-35-2020 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)

Mr. Bradley presented the staff report for Case T-35-2020. The applicant had requested a textual amendment to the Code of Ordinances, Title III: Administration, to transfer the Federal Emergency Management Agency Community Rating System (FEMA CRS) program from Chapter 37, Growth Management Department to Chapter 40, Building Department; and to amend Title XVII, Land Development Code, Chapter 174: Floodplain Management, to adopt the revised flood insurance study and flood insurance rate maps, incorporate requirements for coastal high hazard

areas, providing for applicability, severability, and an effective date of January 29, 2021. Staff recommended Case T-35-2020 for approval with an effective date of January 29, 2021.

The board had no comments regarding the request.

The floor was opened and closed for public comments; there were no comments from the audience and there was no correspondence in the file.

Motion by Mr. Hill, seconded by Mr. Boerema to submit Case T-35-2020 to City Council for approval of a textual amendment to the Code of Ordinances, Title III: Administration, to transfer the Federal Emergency Management Agency Community Rating System (FEMA CRS) program from Chapter 37, Growth Management Department to Chapter 40, Building Department; and to amend Title XVII, Land Development Code, Chapter 174: Floodplain Management, to adopt the revised flood insurance study and flood insurance rate maps, incorporate requirements for coastal high hazard areas, providing for applicability, severability, and an effective date of January 29, 2021. The motion carried with members voting unanimously.

OTHER BUSINESS:

1. The board congratulated Mr. Donny Felix on his election to the City Council.

ADJOURNMENT:

The meeting was adjourned at approximately 8:23 p.m.

Philip Weinberg, CHAIRPERSON

Attest:

Chandra Powell, SECRETARY

**Quasi-Judicial Proceeding.

ORDINANCE 2020-84

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 174, FLOODPLAIN AND STORMWATER MANAGEMENT, SUBCHAPTER 'FLOODPLAIN MANAGEMENT', BY MODIFYING PROVISIONS CONTAINED THEREIN; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 174, Floodplain and Stormwater Management, Subchapter 'Floodplain Management, Part 1 – Administration', is hereby amended and shall henceforth read as follows:

"Section 174.001 TITLE.

* * *

Section 174.002 APPLICABILITY.

* * *

(C) *Basis for establishing flood hazard areas.* The Flood Insurance Study for Brevard County, Florida, and Incorporated Areas, dated ~~March 17, 2014~~ >>January 29, 2021<<, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the City Hall Annex Building, 120 Malabar Road SE, Palm Bay, Florida 32907.

* * *

Section 174.003 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR.

(A) *Designation.* The Floodplain Administrator in the **Growth Management >>Building<<** Department is designated to administer the floodplain management program for the City of Palm Bay. The Floodplain Administrator may delegate performance of certain duties to other employees.

* * *

(H) *Other duties of the Floodplain Administrator.* The Floodplain Administrator shall have other duties, including but not limited to:

* * *

(4) Review required design certifications and documentation of elevations specified by this ordinance and the Florida Building Code to determine that such certifications and documentations are complete; **and**

(5) Notify the Federal Emergency Management Agency when the corporate boundaries of City of Palm Bay are modified; **>>, and<<**

>>(6) Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."<<

* * *

Section 174.005 SITE PLANS AND CONSTRUCTION DOCUMENTS.

(A) *Information for development in flood hazard areas.* The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:

* * *

(4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures**>>; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.<<**

* * *

>>(7) Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.<<

(7)>8<<) Existing and proposed alignment of any proposed alteration of a watercourse.

* * *

(D) *Additional analyses and certifications.* As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

* * *

>>(4) For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.<<

(4)>5<<) For new principal residential and non-residential structures proposed to be located in a special flood hazard area, the applicant shall submit an application for a Letter of Map Amendment (LOMA) or a Letter Of Map Revision based on Fill (LOMR-F) to FEMA, and a copy of the applicants' submitted application to FEMA shall be submitted to the Floodplain Administrator prior to issuance of the certificate of occupancy. Substantially improved or substantially damaged buildings or structures are exempt from this requirement.

* * *¹¹

SECTION 2. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 174, Floodplain and Stormwater Management, Subchapter 'Floodplain Management, Part 2 – Definitions', is hereby amended and shall henceforth read as follows:

"Section 174.020 DEFINITIONS.

(A) Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ordinance, have the meanings shown in this section.

* * *

>>**COASTAL HIGH HAZARD AREA.** A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or

seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V.<<

* * *

~~**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.**~~ A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before September 3, 1980.

~~**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.**~~ The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

* * *

~~**NEW MANUFACTURED HOME PARK OR SUBDIVISION.**~~ A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after September 3, 1980.

* * *

>>**SAND DUNES.** Naturally occurring accumulations of sand in ridges or mounds landward of the beach.<<

* * *"

SECTION 3. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 174, Floodplain and Stormwater Management, Subchapter 'Floodplain Management, Part 3 – Flood Resistant Development', is hereby amended and shall henceforth read as follows:

"Section 174.030 BUILDINGS AND STRUCTURES.

* * *

Section 174.032 SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS.

* * *

>>(F) *Limitations on sites in coastal high hazard areas (Zone V).* In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by Section 105.3(4) of this ordinance demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Section 307.8(3) of this ordinance.<<

Section 174.033 MANUFACTURED HOMES.

* * *

(B) *Foundations.* All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that >>:<<

>>(1) In flood hazard areas (Zone A) other than coastal high hazard areas,<< are designed in accordance with the foundation requirements of the *Florida Building Code*, Residential Section R322.2 and this ordinance.

>>(2) In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the *Florida Building Code*, Residential Section R322.3 and this ordinance.<<

* * *

(D) *Elevation.* ~~Manufactured homes that are placed, replaced, or substantially improved shall comply with subsection (E) or (F) of this section, as applicable.~~ >>All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V).<<

(E) ~~General elevation requirement.~~ Unless subject to the requirements of subsection (F) of this section, all manufactured homes that are placed, replaced, or substantially improved on sites located: (1) outside of a manufactured home park or subdivision; (2) in a new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or (4) in an

existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code*, Residential Section R322.2 (Zone A);

(F) — *Elevation requirement for certain existing manufactured home parks and subdivisions.* Manufactured homes that are not subject to subsection (E) of this section, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

(1) — Bottom of the frame of the manufactured home is at or above the elevation required in the *Florida Building Code*, Residential Section R322.2 (Zone A); or

(2) — Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than thirty-six (36) inches in height above grade.

(G) — *Enclosures.* Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code*, Residential Section R322 or R322.3 for such enclosed areas, as applicable to the flood hazard area.

(H) — *Utility equipment.* Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code*, Residential Section R322, as applicable to the flood hazard area.

* * *

Section 174.035 TANKS.

* * *

(B) *Above-ground tanks, not elevated.* Above-ground tanks that do not meet the elevation requirements of subsection (C) of this section shall be:

(1) Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement

resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

>>(2) Not permitted in coastal high hazard areas (Zone V).<<

* * *

Section 174.036 OTHER DEVELOPMENT.

* * *

>>(F) *Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V).* In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

(1) Structurally independent of the foundation system of the building or structure;

(2) Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and

(3) Have a maximum slab thickness of not more than four (4) inches.

(G) *Decks and patios in coastal high hazard areas (Zone V).* In addition to the requirements of the *Florida Building Code*, in coastal high hazard areas, decks and patios shall be located, designed, and constructed in compliance with the following:

(1) A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.

(2) A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.

(3) A deck or patio that has a vertical thickness of more than twelve (12) inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.

(4) A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

(H) *Other development in coastal high hazard areas (Zone V).* In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

(1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;

(2) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and

(3) On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.

(I) *Nonstructural fill in coastal high hazard areas (Zone V).* In coastal high hazard areas:

(1) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.

(2) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.

(3) Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.<<"

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 5. It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of ordinances and the sections may be renumbered to accomplish such intention.

SECTION 6. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

SECTION 7. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2020- , held on , 2020; and
read in title only and duly enacted at Meeting 2020- , held on , 2020.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

~~Strikethrough~~ words shall be deleted; highlighted words that will be included will be placed in between two arrow symbols (>> <<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Laurence Bradley, AICP, Growth Management Director

DATE: 12/17/2020

RE: Ordinance 2020-58, amending the Code of Ordinances, Chapter 170, Construction Codes and Regulations, Subchapter 'Building Code', by eliminating the requirement for a building permit for accessory structures 120 square feet or less in residential districts associated with single-family dwellings and revising provisions contained therein (Case T-20-2020, City of Palm Bay), first reading. (Councilman Bailey) (CONTINUED FROM 09/03/20 RCM and 11/04/20 P&Z)

The City of Palm Bay (Growth Management Department) has submitted a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, to eliminate the requirement for a Building Permit for accessory structures 120 square feet or less, associated with single-family dwellings. The structures must be no more than one-story, have no utilities, water, electric, etc. It cannot be used for human habitation, may not be placed on a poured concrete slab, and must be pre-certified to be compliant with State of Florida approved construction standards. All structures must still comply with Section 185.118 (Accessory Structures). The amendment also updates Section 170.005 to acknowledge the 7th Edition of the Florida Building Code, or as amended. The Building Official is also requesting that a new Exhibit A be adopted to update "Chapter 1 – Administration," the City's local portion of the Florida Building Code. This textual amendment was developed at the request of Councilman Jeff Bailey.

On September 3, 2020, the City Council voted to send the original textual amendment back to the Planning and Zoning Board so that the allowable area of the accessory structures could be reduced from 400 square feet to 120 square feet. The change has been incorporated into the amendment, and it should be noted that the Building Officials Association of Florida (BOAF) supports exemptions of up to 120 square feet.

All accessory structures currently require a building permit, and any electrical, mechanical, or plumbing work will still require a permit. The benefits of having the Building Department continue to issue permits for accessory structures is the assurance that all applicable City and state codes are met and effortlessly enforceable. The permits ensure that licensed contractors and owner-builders are held to the same set of standards, the integrity of structures, and the recording of installations for future reference. The permits currently generate \$25,000 to \$35,000 annually in fees.

The final reading of this code amendment cannot occur until the Florida Building Commission reviews and

approves the change as an Administrative Amendment to Chapter 1 of the Florida Building Code.

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Request for consideration that if Case T-20-2020 is approved, a zoning review remain as a requirement.

Planning and Zoning Board Recommendation:

Approval of the request by a vote of 3 to 2, with the recommendation that a zoning review remain as a requirement.

Planning and Zoning Board minutes are not fully transcribed at this time; the following is an excerpt:

Motion by Mr. Hill, seconded by Ms. Jordan to submit Case T-20-2020 to City Council for approval of a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, Section 170.005 Adopted, to exempt accessory structures associated with a single-family residence, that meet certain criteria, from the requirement of obtaining a building permit and to adopt the 7th Edition of the Florida Building Code. The motion carried with members voting as follows: Mr. Weinberg, nay; Ms. Jordan, aye; Mr. Boerema, aye; Mr. Hill, nay; Ms. Maragh, aye. Mr. Warner was not present.

ATTACHMENTS:

Description

Case T-20-2020

Exhibit A – BOAF Model Admin Code Chapter 1 FBC 7th Edition

Ordinance 2020-58



REVISED

STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: 321-733-3042

landdevelopmentweb@palmbayflorida.org

Prepared by

Laurence Bradley, AICP, Growth Management Director

CASE NUMBER

T-20-2020

PLANNING & ZONING BOARD HEARING DATE

December 2, 2020

PROPERTY OWNER & APPLICANT

City of Palm Bay, Growth Management
Department

PROPERTY LOCATION/ADDRESS

Not applicable

SUMMARY OF REQUEST

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, to eliminate the requirement for a Building Permit for accessory structures **400 >> 120<<** square feet or less, in residential districts accessory to single-family dwellings. The structures must be no more than 1-story, have no utilities, water, electric, etc., **and** not be used for human habitation, **>>may not be placed on a poured concrete slab, and must be pre-certified to be compliant with State of Florida approved construction standards.<<** All structures must still comply with Section 185.118 (Accessory Structures). The amendment also updates Section 170.005 to acknowledge the 7th Edition of the Florida Building Code or as amended. The applicant for this amendment is the City of Palm Bay. **>>Further, the Building Official is requesting that a new Exhibit A be adopted which will update "Chapter 1 – Administration" of the Florida Building Code.<<** This amendment was developed at the request of a member of the City Council.

COMPREHENSIVE PLAN COMPATIBILITY

Not specifically addressed.

BACKGROUND:

The Growth Management Department, acting upon a request by a member of the City Council, has submitted this proposed textual amendment. >>This amendment was recommended for denial by Planning & Zoning on August 5, 2020 by a vote of 4 to 1. On September 3, 2020 the City Council vote to table this item and send it back to Planning & Zoning for a revision from 400 square feet to 120 square feet. Also, based upon discussions with Building Official the provisions about not being placed on a poured concrete slab and Florida construction standards were added. The amendment is going back to Planning & Zoning on December 2, 2020 and back to City Council for new first reading on December 17, 2020.<<

The amendment would eliminate the requirement to obtain a building permit for accessory structures 400 >>120<< square feet or less, in residential districts accessory to single-family dwellings. The structures would be limited to one story and would not be allowed, without a permit, to have electrical or plumbing installed, >>may not be placed on a poured concrete slab, and must be pre-certified to be compliant with State of Florida approved construction standards.<< The structures could not be used for human habitation. The structures would still have to comply with Section 185.118 (Accessory Structures).

The proposed amendment would require a review by staff to confirm compliance with the Land Development Code Section 185.118 (Accessory Structures), but it would be done at no charge and no building permit would be required. Also, accessory structures located on properties with on-site wells and/or septic systems will require permits from the Florida Department of Health (FDOH). Staff has confirmed with FDOH that permits from the agency will be required. Growth Management staff will request a copy of the FDOH permit as part of its review.

Chapter 1 (Scope & Administration) of the Florida Building Code allows local municipalities to adopt amendments to that chapter. >>Since the changes now proposed comply with BOAF recommendations these changes do not need to be reviewed by the Florida Building Commission (FBC). Also, proposed by the Building Official will be a new "Chapter 1 – Administration" which will update the City's local portion of the Florida Building Code.<<Amendments to Chapter 1 must be submitted by the Building Official to the Florida Building Commission (FBC) after preliminary action by the City Council. Thus, after the first reading but prior to the second reading, this amendment must be reviewed and approved by the FBC and an Administrative Amendment issued. Attached to this report is the proposed wording, which will modify Section 105.2 of the Florida Building Code.

Proposed language for this amendment is attached in legislative style with additions between >>arrow<< symbols and deletions in strikethrough format.

ANALYSIS:

Currently all accessory structures require a building permit. Also, any electrical, mechanical, or plumbing work must receive a permit for such work. All accessory structures are issued a Certificate of Completion after they have been inspected by a Building Inspector.

>>The new changes in the proposed ordinance reduce the allowable area from 400 square feet to 120 square feet, restriction placement to not be on a poured concrete slab and require that the construction be pre-certified to State of Florida approved construction standards. These are beneficial changes as they reduce potential hazards from larger structures and uncertified construction without a review by the Building Official.

It should also be noted that the Building Officials Association of Florida (BOAF) publicly supports exemptions of up to 120 square feet so this change is in accord with their recommendation.

The changes as now proposed in this revised text are better since the size has been reduced the original proposal of 400 square feet to the BOAF recommended size of 120 square feet. It should be noted that a Zoning Review will be required and FDOH permit issued if applicable. It is also an improvement over the earlier wording exempt structures must be pre-certified to state standards.<<

There are some benefits to having the Building Division continue to issue permits for accessory structures. These include:

- 1) Staff reviews the paperwork to make sure that the accessory structure complies with all of the requirements of the Land Development Code and if applicable, a FDOH permit has been issued. While a zoning review will still be required the fact that a building permit is not required makes enforcement of other requirements potentially more difficult.
- 2) By issuing a Building Permit for accessory structures they must be installed by a licensed contractor or an owner-builder who agrees to abide by the same requirements as a licensed contractor.
- 3) Building Inspectors can check the installation and structural integrity of the structure as part of their inspection.
- 4) When a permit is issued the City has a record of when the structure was installed which is useful, especially when it is not being properly maintained and Code Compliance needs to seek a remedy.

- 5) The Building Division issues hundreds of these permits per year. The average cost of an accessory structure permit for a standard size single-family lot is approximately between \$80 to \$100. Thus, the fiscal impact of this text amendment would be approximately between \$25,000 to \$35,000 per year.

STAFF RECOMMENDATION:

If this amendment is approved, staff recommends that a zoning review remain as a requirement. The final reading of this code amendment cannot occur until after the Florida Building Commission reviews and approves the change as an Administrative Amendment to Chapter 1 of the Florida Building Code.

TITLE XVII: LAND DEVELOPMENT CODE

CHAPTER 170: CONSTRUCTION CODES AND REGULATIONS

BUILDING CODE

§ 170.005 ADOPTED.

(A) *Florida Building Code* >>7<< *5th Edition* >>or as amended<< - Building mandated by the State of Florida, and exclusive of Chapter 1 - Administration, is hereby recognized as the Building Code for the city.

(1) The city's administrative amendments to the Florida Building Code - Building, Chapter 1, Administration, are hereby adopted, and by reference, incorporated herein as Exhibit A (03-04-14) >>(01-07-21)<< and made a part of this section as if fully set forth herein.

(2) The city's administrative amendments to the *Florida Building Code* - Building, are hereby adopted, and by reference, incorporated herein as Exhibit B >>A<< (03-04-14) >>(01-07-21)<< and made a part of this section as if fully set forth herein.

(B) *Florida Building Code* >>7<< *5th Edition* >>or as amended<< - Residential mandated by the State of Florida, and exclusive of Chapter 1 - Administration, is hereby recognized as the Residential Building Code for the city.

(1) The city's administrative amendments to the *Florida Building Code* - Residential, are hereby adopted, and by reference, incorporated herein as Exhibit A (03-04-14) >>(01-07-21)<< and made a part of this section as if fully set forth herein.

(C) *Florida Building Code* >>7<< *5th Edition* >>or as amended<< - Plumbing mandated by the State of Florida, and exclusive of Chapter 1 - Administration, is hereby recognized as the Plumbing Code for the city.

(D) *Florida Building Code* >>7<< *5th Edition* >>or as amended<< - Mechanical mandated by the State of Florida, and exclusive of Chapter 1 - Administration, is hereby recognized as the Mechanical Code for the city.

(E) *Florida Building Code* >>7<< *5th Edition* >>or as amended<< - Fuel Gas mandated by the State of Florida, and exclusive of Chapter 1 - Administration, is hereby recognized as the Fuel Gas Code for the city.

(F) *Florida Building Code* >>7<< *5th Edition* >>or as amended<< - Existing Building mandated by the State of Florida, and exclusive of Chapter 1 - Administration, is hereby recognized as the Existing Building Code for the city.

(1) The city's administrative amendments to the *Florida Building Code* - Existing Building, are hereby adopted, and by reference, incorporated herein as Exhibit A ~~(03-04-14)~~ >>(01-07-21)<< and made a part of this section as if fully set forth herein.

(G) *Florida Building Code* >>7<< 5th Edition >>or as amended<< - Accessibility mandated by the State of Florida is hereby recognized as the Accessibility Code for the city.

(H) *Florida Building Code* >>7<< 5th Edition >>or as amended<< - Energy Conservation mandated by the State of Florida is hereby recognized as the Energy Conservation Code for the city.

(I) ~~2011~~ >>2014 or as amended<< *National Electrical Code* - Electrical mandated by the State of Florida is hereby recognized as the Electrical Code for the City.

>>(J) Pursuant to Section 105.2 of the Florida Building Code, structures in Residence Zones accessory to a single-family residence shall be exempt from the requirement to obtain a Building Permit provided that the structure:

- (1) does not exceed 400 >>120<< square feet
- (2) does not exceed 1-story
- (3) has no utilities (water, electric, etc.)
- (4) is not used for human habitation
- (5) >>is not placed on top of a poured concrete slab
- (6) is pre-certified to be compliant with State of Florida approved construction standards
- (7)<< complies with Section 185.118 of the Zoning Code<<

FLORIDA BUILDING CODE – BUILDING, 6th EDITION (2017)

Chapter 1 – Scope & Administration

105.2 Work exempt from permit. Exemptions from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code. *Permits* shall not be required for the following:

>>Building:

1. One-story detached accessory structures not used for human habitation, which have no utilities – water, electric, etc., provided the floor area does not exceed 400 square feet (20 m²).<<<



LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042
Landdevelopmentweb@palmbayflorida.org

CODE TEXTUAL AMENDMENT APPLICATION

This application must be deemed complete and legible, and must be returned by the first day of the month during division office hours, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, to be processed for consideration the following month at the earliest by the Planning and Zoning Board. The application will then be referred by the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, unless otherwise stated.

ORDINANCE SECTION(S) PROPOSED TO BE CHANGED:

Section 170.005 (A) through (I) and the creation of (J).

PROPOSED LANGUAGE (attach addendum if necessary):

See attached

JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary)

Per City Council direction, to allow the exemption from the requirement to obtain a Building Permit for structures accessory to a single-family residence that meet certain criteria.

CITY OF PALM BAY, FLORIDA
CODE TEXTUAL AMENDMENT APPLICATION
PAGE 2 OF 2

THE APPLICATION FEE MUST BE SUBMITTED WITH APPLICATION TO PROCESS THIS REQUEST:

☐ *\$1,500.00 Application Fee. Make Check payable to "City of Palm Bay."

I, the undersigned understand that this application must be complete and accurate before consideration by the Planning and Zoning Board/Local Planning Agency and certify that all the answers the questions in said application, and all data and matter attached to and made a part of said application are honest and true to the best of my knowledge and belief.

Under penalties of perjury, I declare that I have read the foregoing code textual amendment application and that the facts stated in it are true.

Signature of Applicant Laurence Bradley Digitally signed by Laurence Bradley
DN: dc=org, dc=palmbayflorida, ou=Community
Planning & Economic Development, ou=Land
Development, cn=Laurence Bradley
Date: 2020.07.16 09:44:48 -04'00' Date 7/16/20

Printed Name of Applicant Laurence Bradley, AICP, Growth Management Director

Full Address 120 Malabar Road SE, Palm Bay, FL 32907

Telephone (321) 733-3042 Email laurence.bradley@palmbayflorida.org

PERSON TO BE NOTIFIED (If different from above):

Printed Name _____

Full Address _____

Telephone _____ Email _____

***NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY**

EXHIBIT A



BOAF MODEL ADMINISTRATIVE CODE CHAPTER 1
FOR THE 7th Edition (2020) FLORIDA BUILDING CODE

**Approved by the BOAF Board of Directors
October 1, 2020**

BOAF Model Administrative Code – 7th Edition (2020)

The Building Officials Association of Florida is proud to present this model document for use by its members as a tool to facilitate the uniform and consistent application of local amendments to the administrative provisions of the Florida Building Code. Every effort has been made to present the amendments in mandatory language format. The language that is shaded represents those text revisions approved by the BOAF Board of Directors.

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CHAPTER 1 SCOPE AND ADMINISTRATION

PART 1—SCOPE AND APPLICATION SECTION 101 GENERAL

[A] 101.1 Title. These regulations shall be known as the *Florida Building Code*, hereinafter referred to as “this code.”

[A] 101.2 Scope. The provisions of this code shall apply to the construction, *alteration*, relocation, enlargement, replacement, *repair*, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exceptions:

1. Detached one-and two-family *dwelling*s and multiple single-family *dwelling*s (*townhouses*) not more than three *stories above grade plane* in height with a separate *means of egress*, and their accessory structures not more than three *stories above grade plane* in height, shall comply with the *Florida Building Code, Residential*.
2. Code requirements that address snow loads and earthquake protection are pervasive; they are left in place but shall not be utilized or enforced because Florida has no snow load or earthquake threat.

[A] 101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted. *Appendix J, Appendix Q*

101.2.2 Florida Building Code, Residential Construction standards or practices which are not covered by Florida Building Code, Residential volume shall be in accordance with the provisions of Florida Building Code, Building.

[A] 101.3 Intent. The purpose of this code is to establish the minimum requirements to provide a reasonable level of safety, public health and general welfare through structural strength, *means of egress* facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide a

reasonable level of safety to fire fighters and emergency responders during emergency operations.

101.3.1 Quality control. Quality control of materials and workmanship is not within the purview of this code except as it relates to the purposes stated herein.

101.3.2 Warranty and Liability. The permitting, plan review or inspection of any building, system or plan by this jurisdiction, under the requirements of this code, shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. This jurisdiction shall not be liable in tort for damages or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.

[A] 101.4 Referenced codes. The other codes listed in Sections 101.4.1 through 101.4.9 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

[A] 101.4.1 Gas. The provisions of the *Florida Building Code, Fuel Gas* shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

[A] 101.4.2 Mechanical. The provisions of the *Florida Building Code, Mechanical* shall apply to the installation, *alterations*, *repairs* and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy related systems.

[A] 101.4.3 Plumbing. The provisions of the *Florida Building Code, Plumbing* shall apply to the installation, *alteration*, *repair* and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all

aspects of a medical gas system.

[A] 101.4.4 Property maintenance The provisions of the City of *Palm Bay Code of Ordinances* shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

[A] 101.4.5 Fire prevention. For provisions related to fire prevention, refer to the *Florida Fire Prevention Code*. The *Florida Fire Prevention Code* shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, *repair, alteration* or removal of fire suppression, *automatic sprinkler systems* and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

[A] 101.4.6 Energy. The provisions of the *Florida Building Code, Energy Conservation* shall apply to all matters governing the design and construction of buildings for energy efficiency.

[A] 101.4.7 Existing buildings. The provisions of the *Florida Building Code, Existing Building* shall apply to matters governing the *repair, alteration*, change of occupancy, *addition* to and relocation of existing buildings.

101.4.8 Accessibility. For provisions related to accessibility, refer to the *Florida Building Code, Accessibility*.

101.4.9 Manufactured buildings. For additional administrative and special code requirements, see Section 458, *Florida Building Code, Building*, and Rule 61-41 F.A.C.

SECTION 102 APPLICABILITY

[A] 102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

102.1.1 The *Florida Building Code* does not apply to, and no code enforcement action shall be brought with respect to, zoning requirements, land use requirements and owner specifications or programmatic requirements which do not pertain to and govern the design, construction, erection, alteration, modification, repair or demolition of public or private buildings, structures or facilities or to programmatic requirements that do not pertain to enforcement of the *Florida Building Code*.

Additionally, a local code enforcement agency may not administer or enforce the *Florida Building Code, Building* to prevent the siting of any publicly owned facility, including, but not limited to, correctional facilities, juvenile justice facilities, or state universities, community colleges, or public education facilities, as provided by law.

102.2 Building. The provisions of the *Florida Building Code* shall apply to the construction, erection, alteration, modification, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every public and private building, structure or facility or floating residential structure, or any appurtenances connected or attached to such buildings, structures or facilities. Additions, alterations, repairs and changes of use or occupancy group in all buildings and structures shall comply with the provisions provided in the *Florida Building Code, Existing Building*. The following buildings, structures and facilities are exempt from the *Florida Building Code* as provided by law, and any further exemptions shall be as determined by the legislature and provided by law:

- (a) Building and structures specifically regulated and preempted by the federal government.
- (b) Railroads and ancillary facilities associated with the railroad.
- (c) Nonresidential farm buildings on farms.
- (d) Temporary buildings or sheds used exclusively for construction purposes.
- (e) Mobile or modular structures used as temporary offices, except that the provisions of Part II (Sections 553.501-553.513, *Florida Statutes*) relating to accessibility by persons with disabilities shall apply to such mobile or modular structures. Permits shall be required for structural support and tie-down, electric supply and all other such utility connections to such mobile or modular structures as required by this jurisdiction.
- (f) Those structures or facilities of electric utilities, as defined in Section 366.02, *Florida Statutes*, which are directly involved in the

generation, transmission, or distribution of electricity.

- (g) Temporary sets, assemblies, or structures used in commercial motion picture or television production, or any sound-recording equipment used in such production, on or off the premises.
- (h) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other nonwood features.
- (i) Family mausoleums not exceeding 250 square feet (23 m²) in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- (j) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
- (k) A building or structure having less than 1,000 square feet (93 m²) which is constructed and owned by a natural person for hunting and which is repaired or reconstructed to the same dimension and condition as existed on January 1, 2011, if the building or structure:
 - 1. Is not rented or leased or used as a principal residence;
 - 2. Is not located within the 100-year flood plain according to the Federal Emergency Management Agency's current Flood Insurance Rate Map; and
 - 3. Is not connected to an off-site electric power or water supply.

102.2.1 In addition to the requirements of Sections 553.79 and 553.80, *Florida Statutes*, facilities subject to the provisions of Chapter 395, *Florida Statutes*, and Part II of Chapter 400, *Florida Statutes*, shall have facility plans reviewed and construction surveyed by the state agency authorized to do so under the requirements of Chapter 395, *Florida Statutes*, and Part II of Chapter 400, *Florida Statutes*, and the certification requirements of the federal government.

102.2.2 Residential buildings or structures moved into or within a county or municipality shall not be required to be brought into compliance with the state minimum building code in force at the time the building or structure is moved, provided:

- 1. The building or structure is structurally sound

and in occupiable condition for its intended use;

- 2. The occupancy use classification for the building or structure is not changed as a result of the move;
- 3. The building is not substantially remodeled;
- 4. Current fire code requirements for ingress and egress are met;
- 5. Electrical, gas and plumbing systems meet the codes in force at the time of construction and are operational and safe for reconnection; and
- 6. Foundation plans are sealed by a professional engineer or architect licensed to practice in this state, if required by the *Florida Building Code, Building* for all residential buildings or structures of the same occupancy class.

102.2.3 The *building official* shall apply the same standard to a moved residential building or structure as that applied to the remodeling of any comparable residential building or structure to determine whether the moved structure is substantially remodeled. The cost of the foundation on which the moved building or structure is placed shall not be included in the cost of remodeling for purposes of determining whether a moved building or structure has been substantially remodeled.

102.2.4 This section does not apply to the jurisdiction and authority of the Department of Agriculture and Consumer Services to inspect amusement rides or the Department of Financial Services to inspect state-owned buildings and boilers.

102.2.5 Each enforcement district shall be governed by a board, the composition of which shall be determined by the affected localities.

- 1. At its own option, each enforcement district or local enforcement agency may adopt rules granting to the owner of a single-family residence one or more exemptions from the *Florida Building Code* relating to:
 - a. Addition, alteration, or repairs performed by the property owner upon his or her own property, provided any addition or alteration shall not exceed 1,000 square feet (93 m²) or the square footage of the primary structure, whichever is less.
 - b. Addition, alteration, or repairs by a nonowner within a specific cost limitation set by rule, provided the total cost shall not exceed \$5,000 within any 12-month period.
 - c. Building and inspection fees.

2. However, the exemptions under subparagraph 1 do not apply to single-family residences that are located in mapped flood hazard areas, as defined in the code, unless the enforcement district or local enforcement agency has determined that the work, which is otherwise exempt, does not constitute a substantial improvement, including the repair of substantial damage, of such single-family residences.
3. Each code exemption, as defined in sub-subparagraphs 1a, 1b, and 1c shall be certified to the local board 10 days prior to implementation and shall only be effective in the territorial jurisdiction of the enforcement district or local enforcement agency implementing it.

102.2.6 This section does not apply to swings and other playground equipment accessory to a one- or two-family dwelling.

Exception: Electrical service to such playground equipment shall be in accordance with Chapter 27 of this code.

[A] 102.3 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

[A] 102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.4.1 and 102.4.2.

[A] 102.4.1 Conflicts. Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

[A] 102.4.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code or the Florida Codes listed in Section 101.4, the provisions of this code or the Florida Codes listed in Section 101.4, as applicable, shall take precedence over the provisions in the referenced code or standard.

[A] 102.5 Partial invalidity. In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or

illegal any of the other parts or provisions.

[A] 102.6 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code, the *Florida Building Code, Existing Building*, , *City of Palm Bay Code of Ordinances* or the *Florida Fire Prevention Code*.

[A] 102.6.1 Buildings not previously occupied. A building or portion of a building that has not been previously occupied or used for its intended purpose in accordance with the laws in existence at the time of its completion shall comply with the provisions of the *Florida Building Code, Building* or *Florida Building Code, Residential*, as applicable, for new construction or with any current *permit* for such occupancy.

[A] 102.6.2 Buildings previously occupied. The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code, the *Florida Fire Prevention Code*, *City of Palm Bay Code of Ordinances* or as is deemed necessary by the *building official* for the general safety and welfare of the occupants and the public.

102.7 Relocation of manufactured buildings.

- (1) Relocation of an existing manufactured building does not constitute an alteration.
- (2) A relocated building shall comply with wind speed requirements of the new location, using the appropriate wind speed map. If the existing building was manufactured in compliance with the Standard Building Code (prior to March 1, 2002), the wind speed map of the Standard Building Code shall be applicable. If the existing building was manufactured in compliance with the *Florida Building Code* (after March 1, 2002), the wind speed map of the *Florida Building Code* shall be applicable.
- (3) A relocated building shall comply with the flood hazard area requirements of the new location, if applicable.

102.8 Existing mechanical equipment. An agency or local government may not require that existing mechanical equipment located on or above the surface of a roof be installed in compliance with the requirements of the *Florida Building Code* except during reroofing when the equipment is being replaced or moved and is not in compliance with

the provisions of the *Florida Building Code* relating to roof-mounted mechanical units.

PART 2—ADMINISTRATION AND ENFORCEMENT

SECTION 103 DEPARTMENT OF BUILDING SAFETY

103.1 Creation of enforcement agency. The Department of Building Safety is hereby created and the official in charge thereof shall be known as the *building official*.

103.2 Appointment. The *building official* shall be appointed by the chief appointing authority of the jurisdiction.

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the *building official* shall have the authority to appoint a deputy *building official*, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the *building official*.

For the maintenance of existing properties, see the, *City of Palm Bay Code of Ordinances*

SECTION 104 DUTIES AND POWERS OF BUILDING OFFICIAL

[A] 104.1 General. The *building official* is hereby authorized and directed to enforce the provisions of this code. The *building official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2 Applications and permits. The *building official* shall receive applications, review *construction documents* and issue *permits* for the erection, and *alteration*, demolition and moving of buildings and structures, inspect the premises for which such *permits* have been issued and enforce compliance with the provisions of this code.

104.2.1 Determination of substantially improved or substantially damaged existing buildings and

structures in flood hazard areas. For applications for reconstruction, rehabilitation, *repair*, *alteration*, *addition* or other improvement of existing buildings or structures located in *flood hazard areas*, the *building official* shall determine if the proposed work constitutes substantial improvement or *repair* of *substantial damage*. Where the *building official* determines that the proposed work constitutes *substantial improvement* or *repair* of *substantial damage*, and where required by this code, the *building official* shall require the building to meet the requirements of Section 1612 or R322 of the Florida Building Code, Residential, as applicable.

[A] 104.3 Notices and orders. The *building official* shall issue all necessary notices or orders to ensure compliance with this code.

[A] 104.4 Inspections. The *building official* shall make all of the required inspections, or the *building official* shall have the authority to accept reports of inspection by *approved agencies* or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved agency* or by the responsible individual. The *building official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

[A] 104.5 Identification. The *building official* shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

[A] 104.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the *building official* has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the *building official* is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the *building official* shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the *building official* shall have recourse to the remedies

provided by law to secure entry.

[A] 104.7 Department records. The *building official* shall keep official records of applications received, *permits* and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records per FS 119.

104.8 Liability. The *building official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be civilly or criminally rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The *building official* or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

[A] 104.8.1 Legal defense. Any suit or criminal complaint instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representatives of the jurisdiction until the final termination of the proceedings. The *building official* or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

[A] 104.9 Approved materials and equipment. Materials, equipment and devices *approved* by the *building official* shall be constructed and installed in accordance with such approval.

[A] 104.9.1 Used materials and equipment. The use of used materials that meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless *approved* by the *building official*.

[A] 104.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the *building official* shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the *building official* shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

104.10.1 Flood hazard areas. 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.

[A] 104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material, design or method of construction shall be *approved* where the *building official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, *fire resistance*, durability and safety. Where the alternative material, design or method of construction is not *approved*, the *building official* shall respond in writing, stating the reasons why the alternative was not *approved*.

[A] 104.11.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

[A] 104.11.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in

order to substantiate claims for alternative materials or methods, the *building official* shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *building official* shall approve the testing procedures. Tests shall be performed by an *approved agency*. Reports of such tests shall be retained by the *building official* for the period required for retention of public records.

104.12 Requirements not covered by code. Any requirements necessary for 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 or other technical codes, shall be determined by the *building official*.

SECTION 105 PERMITS

[A] 105.1 Required. Any owner or owner's authorized agent who intends to construct, enlarge, alter, *repair*, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, *repair*, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the *building official* and obtain the required *permit*.

[A] 105.1.1 Annual facility permit. In lieu of an individual *permit* for each *alteration* to an existing electrical, gas, mechanical, plumbing or interior nonstructural office system(s), the *building official* is authorized to issue an annual *permit* for any occupancy to facilitate routine or emergency service, repair, refurbishing, minor renovations of service systems or manufacturing equipment installations/relocations. The *building official* shall be notified of major changes and shall retain the right to make inspections at the facility site as deemed necessary. An annual facility *permit* shall be assessed with an annual fee and shall be valid for one year from date of issuance. A separate *permit* shall be obtained for each facility and for each construction trade, as applicable. The *permit* application shall contain a general description of the parameters of work intended to be performed

during the year.

[A] 105.1.2 Annual Facility permit records. The person to whom an annual *permit* is issued shall keep a detailed record of *alterations* made under such annual *permit*. The *building official* shall have access to such records at all times or such records shall be filed with the *building official* as designated.

105.1.3 Food permit. In accordance with Section 500.12, *Florida Statutes*, a food *permit* from the Department of Agriculture and Consumer Services is required of any person who operates a food establishment or retail store.

105.1.4 Public swimming pool. The local enforcing agency may not issue a building permit to construct, develop, or modify a public swimming pool without proof of application, whether complete or incomplete, for an operating *permit* pursuant to Section 514.031, *Florida Statutes*. A certificate of completion or occupancy may not be issued until such operating *permit* is issued. The local enforcing agency shall conduct their review of the building *permit* application upon filing and in accordance with Chapter 553, *Florida Statutes*. The local enforcing agency may confer with the Department of Health, if necessary, but may not delay the building *permit* application review while awaiting comment from the Department of Health.

[A] 105.2 Work exempt from permit. Exemptions from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction, to include work in any special flood hazard area. Exemptions granted under this section do not relieve the owner or contractor from their duty to comply with applicable provisions of the Florida Building Code, and requirements of the *local floodplain management ordinance*. *Permits* shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m²), is not placed on top of poured concrete slab and is pre-certified to be compliant with State of Florida approved construction standards. Complies with Section 185.118 of the City of Palm Bay Zoning Code.
2. Fences not over 6 feet (1829 mm) high and not part of a Pool Barrier.

3. Oil derricks.
4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 925 L) and the ratio of height to diameter or width does not exceed 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or *story* below and are not part of an *accessible route*.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family *dwellings*.
12. Window *awnings* supported by an *exterior wall* that do not project more than 54 inches (1372 mm) from the *exterior wall* and do not require additional support, of Groups R-3 and U occupancies.
13. Non fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Electrical:

Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of *approved* portable electrical equipment to *approved* permanently installed receptacles.

Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of

towers and antennas.

Temporary testing systems: A *permit* shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (0.75 kW) or less.
8. The installation, replacement, removal or metering of any load management control device.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a *permit* shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

[A] 105.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the *permit* application shall be submitted within the next working business day to the *building official*.

[A] 105.2.2 Minor repairs. Ordinary minor repairs may be made with the approval of the *building official* without a *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 rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include *addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric 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.

[A] 105.2.3 Public service agencies. A *permit* shall not be required for the installation, *alteration* or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

[A] 105.3 Application for *permit*. To obtain a *permit*, the applicant shall first file an application therefor in writing on a form furnished by the building department for that purpose.

Permit application forms shall be in the format prescribed by a local administrative board, if applicable, and must comply with the requirements of Sections 713.135(5) and (6), *Florida Statutes*.

Each application shall be inscribed with the date of application, and the code in effect as of that date. For a building *permit* for which an application is submitted prior to the effective date of the *Florida Building Code*, the state minimum building code in effect in the permitting jurisdiction on the date of the application governs the permitted work for the life of the *permit* and any extension granted to the *permit*.

Effective October 1, 2017, a local enforcement agency shall post each type of building *permit* application on its website. Completed applications must be able to be submitted electronically to the appropriate building department. Accepted methods of electronic submission include, but are not limited to, e-mail submission of applications in portable document format or submission of applications through an electronic fill-in form available on the building department's website or through a third-party submission management software. Payments, attachments, or drawings required as part of the application may be submitted in person in a nonelectronic format, at

the discretion of the *building official*.

[A] 105.3.1 Action on application. The *building official* shall examine or cause to be examined applications for *permits* and amendments thereto within a reasonable time after filing. If the application or the *construction documents* do not conform to the requirements of pertinent laws, the *building official* shall reject such application in writing, stating the reasons therefor. If the *building official* is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the *building official* shall issue a *permit* therefor as soon as practicable. When authorized through contractual agreement with a school board, in acting on applications for *permits*, the *building official* shall give first priority to any applications for the construction of, or addition or renovation to, any school or educational facility.

105.3.1.1 If a state university, Florida college or public school district elects to use a local government's code enforcement offices, fees charged by counties and municipalities for enforcement of the *Florida Building Code* on buildings, structures, and facilities of state universities, state colleges, and public school districts shall not be more than the actual labor and administrative costs incurred for plans review and inspections to ensure compliance with the code.

105.3.1.2 No *permit* may be issued for any building construction, erection, alteration, modification, repair, or addition unless the applicant for such *permit* provides to the enforcing agency which issues the *permit* any of the following documents which apply to the construction for which the *permit* is to be issued and which shall be prepared by or under the direction of an engineer registered under Chapter 471, *Florida Statutes*:

1. Plumbing documents for any new building or addition which requires a plumbing system with more than 250 fixture units or which costs more than \$125,000.
2. Fire sprinkler documents for any new building or addition which includes a fire sprinkler system which contains 50 or more sprinkler heads. Personnel as authorized by chapter 633 *Florida Statutes*, may design a fire sprinkler system of 49 or fewer heads and may design the alteration of an existing fire sprinkler system if the alteration consists of the relocation, addition or deletion of not more than 49 heads, notwithstanding the size of the

- existing fire sprinkler system.
3. Heating, ventilation, and air-conditioning documents for any new building or addition which requires more than a 15-ton-per-system capacity which is designed to accommodate 100 or more persons or for which the system costs more than \$125,000. This paragraph does not include any document for the replacement or repair of an existing system in which the work does not require altering a structural part of the building or for work on a residential one-, two-, three-, or four-family structure.

An air-conditioning system may be designed by an installing air-conditioning contractor certified under Chapter 489, *Florida Statutes*, to serve any building or addition which is designed to accommodate fewer than 100 persons and requires an air-conditioning system with a value of \$125,000 or less; and when a 15-ton-per system or less is designed for a singular space of a building and each 15-ton system or less has an independent duct system. Systems not complying with the above require design documents that are to be sealed by a professional engineer.

Example 1: When a space has two 10-ton systems with each having an independent duct system, the contractor may design these two systems since each unit (system) is less than 15 tons.

Example 2: Consider a small single-story office building which consists of six individual offices where each office has a single three-ton package air conditioning heat pump. The six heat pumps are connected to a single water cooling tower. The cost of the entire heating, ventilation and air-conditioning work is \$47,000 and the office building accommodates fewer than 100 persons. Because the six mechanical units are connected to a common water tower, this is considered to be an 18-ton system.

Note: It was further clarified by the Commission that the limiting criteria of 100 persons and \$125,000 apply to the building occupancy load and the cost for the total air-conditioning system of the building.

4. Any specialized mechanical, electrical, or plumbing document for any new building or addition which includes a medical gas, oxygen, steam, vacuum, toxic air filtration, halon, or fire

detection and alarm system which costs more than \$5,000.

5. Electrical documents. See *Florida Statutes* 471.003(2)(h). Any electrical or plumbing or air-conditioning and refrigeration system meeting the following thresholds are required to be designed by a Florida Registered Engineer. The system, Requires an electrical system with a value of over \$125,000; and Requires an aggregate service capacity of over 600 amperes (240 volts) on a residential electrical system or over 800 amperes (240 volts) on a commercial or industrial electrical system;
NOTE: It was further clarified by the Commission that the limiting factor of 240 volt or over is required to be designed by an Engineer. Documents requiring an engineer seal by this part shall not be valid unless a professional engineer who possesses a valid certificate of registration has signed, dated, and stamped such document as provided in Section 471.025, *Florida Statutes*.
6. All public swimming pools and public bathing places defined by and regulated under Chapter 514, *Florida Statutes*.

[A] 105.3.2 Time limitation of application. An application for a *permit* for any proposed work shall be deemed to have been abandoned becoming null and void 180 days after the date of filing, unless such application has been pursued in good faith or a *permit* has been issued; except that the *building official* is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

105.3.3 An enforcing authority may not issue a building *permit* for any building construction, erection, alteration, modification, repair or addition unless the *permit* either includes on its face or there is attached to the *permit* the following statement: "NOTICE: In addition to the requirements of this *permit*, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional *permits* required from other governmental entities such as water management districts, state agencies, or federal agencies."

105.3.4 A building *permit* for a single-family residential dwelling must be issued within 30 working days of application therefor unless unusual circumstances require a longer time for processing

the application or unless the *permit* application fails to satisfy the *Florida Building Code* or the enforcing agency's laws or ordinances.

105.3.5 Identification of minimum premium policy. Except as otherwise provided in Chapter 440, *Florida Statutes*, Workers' Compensation, every employer shall, as a condition to receiving a building *permit*, show proof that it has secured compensation for its employees as provided in Sections 440.10 and 440.38, *Florida Statutes*.

105.3.6 Asbestos removal. Moving, removal or disposal of asbestos-containing materials on a residential building where the owner occupies the building, the building is not for sale or lease, and the work is performed according to the owner-builder limitations provided in this paragraph. To qualify for exemption under this paragraph, an owner must personally appear and sign the building *permit* application. The permitting agency shall provide the person with a disclosure statement in substantially the following form:

Disclosure Statement: State law requires asbestos abatement to be done by licensed contractors. You have applied for a *permit* under an exemption to that law. The exemption allows you, as the owner of your property, to act as your own asbestos abatement contractor even though you do not have a license. You must supervise the construction yourself. You may move, remove or dispose of asbestos-containing materials on a residential building where you occupy the building and the building is not for sale or lease, or the building is a farm outbuilding on your property. If you sell or lease such building within 1 year after the asbestos abatement is complete, the law will presume that you intended to sell or lease the property at the time the work was done, which is a violation of this exemption. You may not hire an unlicensed person as your contractor. Your work must be done according to all local, state and federal laws and regulations which apply to asbestos abatement projects. It is your responsibility to make sure that people employed by you have licenses required by state law and by county or municipal licensing ordinances.

105.3.7 Applicable Code for Manufactured Buildings. Manufacturers should be permitted to complete all buildings designed and approved prior to the effective date of a new code edition, provided a clear signed contract is in place. The contract shall provide specific data mirroring that

required by an application for *permit*, specifically, without limitation, date of execution, building owner or dealer, and anticipated date of completion. However, the construction activity must commence within 6 months of the contract's execution. The contract is subject to verification by the Department of Business and Professional Regulation.

105.3.8 Public right of way. A *permit* shall not be given by the *building official* for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has received a right of way *permit* from the authority having jurisdiction over the street, alley or public lane.

105.4 Conditions of the *permit*. The issuance or granting of a *permit* shall not be construed to be a *permit* for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. *Permits* presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a *permit* based on *construction documents* and other data shall not prevent the *building official* from requiring the correction of errors in the *construction documents* and other data. The *building official* is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinance of this jurisdiction.

105.4.1 *Permit* intent. 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 codes, nor shall issuance of a *permit* prevent the *building official* from thereafter requiring a correction of errors in plans, construction or violations of this code. Every *permit* issued shall become invalid unless the work authorized by such *permit* is commenced within 6 months after its issuance, or if the work authorized by such *permit* is suspended or abandoned for a period of 6 months after the time the work is commenced.

105.4.1.1 If work has commenced and the *permit* is

revoked, becomes null and void, or expires because of lack of progress or abandonment, a new *permit* covering the proposed construction shall be obtained before proceeding with the work.

105.4.1.2 If a new *permit* is not obtained within 180 days from the date the initial *permit* became null and void, the *building official* is authorized to require that any work which has been commenced or completed be removed from the building site. Alternately, a new *permit* may be issued on application, providing the work in place and required to complete the structure meets all applicable regulations in effect at the time the initial *permit* became null and void and any regulations which may have become effective between the date of expiration and the date of issuance of the new *permit*.

105.4.1.3 Work shall be considered to be in active progress when the *permit* has received an approved inspection within 180 days. This provision shall not be applicable in case of civil commotion or strike or when the building work is halted due directly to judicial injunction, order or similar process.

105.4.1.4 The fee for renewal reissuance and extension of a *permit* shall be set forth by the administrative authority.

105.5 Expiration. Every *permit* issued shall become invalid unless the work on the site authorized by such *permit* is commenced within 180 days after its issuance, or if the work authorized on the site by such *permit* holder and property owner shall be responsible to either complete all work in accordance with the permitted plans and inspection or remove any partially completed work in a safe and code compliant manner. The *building official* is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated as determined by the *building official*.

105.5.1 Additional options for closing a *permit*. Pursuant to Section 553.79(15), Florida Statutes, a property owner, regardless of whether the property owner is the one listed on the application for the building *permit*, may close a building *permit* by complying with the following requirements:

1. The property owner may retain the original contractor listed on the permit or hire a different contractor appropriately licensed in this state to perform the work necessary to

satisfy the conditions of the permit and to obtain any necessary inspection in order to close the *permit*. If a contractor other than the original contractor listed on the *permit* is hired by the property owner to close the permit, such contractor is not liable for any defects in the work performed by the original contractor and is only liable for the work that he or she performs.

2. The property owner may assume the role of an owner-builder, in accordance with Sections 489.103(7) and 489.503(6), *Florida Statutes*.
3. If a building *permit* is expired and its requirements have been substantially completed, as determined by the local enforcement agency, the *permit* may be closed without having to obtain a new building *permit*, and the work required to close the *permit* may be done pursuant to the building code in effect at the time the local enforcement agency received the application for the *permit*, unless the contractor has sought and received approval from the local enforcement agency for an alternative material, design or method of construction.
4. A local enforcement agency may close a building *permit* 6 years after the issuance of the *permit*, even in the absence of a final inspection, if the local enforcement agency determines that no apparent safety hazard exists.

For purposes of this section, the term "close" means that the requirements of the *permit* have been satisfied.

105.5.2 For the purposes of this subsection, a *closed permit* shall mean a *permit* for which all requirements for completion have been satisfied or a *permit* that has been administratively closed by the *building official*.

105.5.3 For the purposes of this subsection, an *open permit* shall mean a *permit* that has not satisfied all requirements for completion as defined in 105.5.1.1.

[A] 105.6 Denial or revocation. Whenever a *permit* required under this section is denied or revoked because the plan, or the construction, erection, alteration, modification, repair, or demolition of a building, is found by the local enforcing agency to be not in compliance with the *Florida Building Code*, the local enforcing agency shall identify the specific plan or project features that do not comply with the applicable codes, identify the specific code chapters

and sections upon which the finding is based, and provide this information to the *permit* applicant. If the local building code administrator or inspector finds that the plans are not in compliance with the *Florida Building Code*, the local building code administrator or inspector shall identify the specific plan features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the local enforcing agency. The local enforcing agency shall provide this information to the *permit* applicant.

105.6.1 Pursuant to Section 553.79(16), Florida Statutes, a local enforcement agency may not deny issuance of a building *permit* to; issue a notice of violation to; or fine, penalize, sanction or assess fees against an arm's-length purchaser of a property for value solely because a building *permit* applied for by a previous owner of the property was not closed. The local enforcement agency shall maintain all rights and remedies against the property owner and contractor listed on the *permit*.

105.6.2 Pursuant to Section 553.79(16), Florida Statutes, a local enforcement agency may not deny issuance of a building *permit* to a contractor solely because the contractor is listed on other building *permits* that were not closed. A local enforcement agency has the authority to deny a new *permit* application from an applicant for other reasons.

[A] 105.7 Placement of *permit*. The building *permit* or copy shall be kept on the site of the work until the completion of the project.

105.8 Notice of commencement. In accordance with Section 713.135, *Florida Statutes*, when any person applies for a building *permit*, the authority issuing such *permit* shall print on the face of each *permit* card in no less than 14-point, capitalized, boldfaced type: "WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT."

105.9 Asbestos. The enforcing agency shall require

each building *permit* for the demolition or renovation of an existing structure to contain an asbestos notification statement which indicates the owner's or operator's responsibility to comply with the provisions of Section 469.003, *Florida Statutes*, and to notify the Department of Environmental Protection of his or her intentions to remove asbestos, when applicable, in accordance with state and federal law.

105.1 Certificate of protective treatment for prevention of termites. A weather-resistant job-site posting board shall be provided to receive duplicate treatment certificates as each required protective treatment is completed, providing a copy for the person the *permit* is issued to and another copy for the building *permit* files. The treatment certificate shall provide the product used, identity of the applicator, time and date of the treatment, site location, area treated, chemical used, percent concentration and number of gallons used, to establish a verifiable record of protective treatment. If the soil chemical barrier method for termite prevention is used, final exterior treatment shall be completed prior to final building approval.

105.11 Notice of termite protection. A permanent sign which identifies the termite treatment provider and need for reinspection and treatment contract renewal shall be provided. The sign shall be posted near the water heater or electric panel.

105.12 Work starting before *permit* issuance. Upon approval of the *building official*, the scope of work delineated in the building *permit* application and plan may be started prior to the final approval and issuance of the *permit*, provided any work completed is entirely at risk of the *permit* applicant and the work does not proceed past the first required inspection.

105.13 Phased *permit* approval. After submittal of the appropriate construction documents, the *building official* is authorized to issue a *permit* for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted. The holder of such *permit* for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a *permit* for the entire structure will be granted. Corrections may be required to meet the requirements of the technical codes.

105.14 *Permit* issued on basis of an affidavit.

Whenever a *permit* is issued in reliance upon an affidavit or whenever the work to be covered by a *permit* involves installation under conditions which, in the opinion of the *building official*, are hazardous or complex, the *building official* shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity to the *permit*, provide copies of inspection reports as inspections are performed, and upon completion make and file with the *building official* written affidavit that the work has been done in conformity to the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the *building official*. The *building official* shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, *Florida Statutes*, and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, *Florida Statutes*.

Exception: *Permit* issued on basis of an affidavit shall not extend to the flood load and flood resistance requirements of the *Florida Building Code*.

105.15 Opening protection. When any activity requiring a building *permit*, not including roof covering replacement or repair work associated with the prevention of degradation of the residence, that is applied for on or after July 1, 2008, and for which the estimated cost is \$50,000 or more for a site built single-family detached residential structure that is located in the wind-borne debris region as defined in this code and that has an insured value of \$750,000 or more, or, if the site built single-family detached residential structure is uninsured or for which documentation of insured value is not presented, has a just valuation for the structure for purposes of ad valorem taxation of \$750,000 or more; opening protections as required within this code or *Florida Building Code, Residential* for new construction shall be provided.

Exception: Where defined wind-borne debris regions have not changed, single family residential structures permitted subject to the *Florida Building Code* are not required to comply with this section.

105.16 Inspection of existing residential building not impacted by construction.

(a) A local enforcing agency, and any local building

code administrator, inspector, or other official or entity, may not require as a condition of issuance of a one- or two-family residential building *permit* the inspection of any portion of a building, structure, or real property that is not directly impacted by the construction, erection, alteration, modification, repair, or demolition of the building, structure, or real property for which the *permit* is sought.

- (b) This subsection does not apply to a building *permit* sought for:
1. A substantial improvement as defined in s. 161.54, *Florida Statutes* or as defined in the *Florida Building Code*.
 2. A change of occupancy as defined in the *Florida Building Code*.
 3. A conversion from residential to nonresidential or mixed use pursuant to s. 553.507(2)(a), *Florida Statutes* or as defined in the *Florida Building Code*.
 4. A historic building as defined in the *Florida Building Code*.
- (c) This subsection does not prohibit a local enforcing agency, or any local building code administrator, inspector, or other official or entity, from:
1. Citing any violation inadvertently observed in plain view during the ordinary course of an inspection conducted in accordance with the prohibition in paragraph (a).
 2. Inspecting a physically nonadjacent portion of a building, structure, or real property that is directly impacted by the construction, erection, alteration, modification, repair, or demolition of the building, structure, or real property for which the *permit* is sought in accordance with the prohibition in paragraph (a).
 3. Inspecting any portion of a building, structure, or real property for which the owner or other person having control of the building, structure, or real property has voluntarily consented to the inspection of that portion of the building, structure, or real property in accordance with the prohibition in paragraph (a).
 4. Inspecting any portion of a building, structure, or real property pursuant to an inspection warrant issued in accordance with ss. 933.20-933.30, *Florida Statutes*.

105.17 Streamlined low-voltage alarm system installation permitting.

- (1) As used in this section, the term:
- (a) "Contractor" means a person who is

- qualified to engage in the business of electrical or alarm system contracting pursuant to a certificate or registration issued by the department under Part II of Chapter 489, *Florida Statutes*.
- (b) "Low-voltage alarm system project" means a project related to the installation, maintenance, inspection, replacement, or service of a new or existing alarm system, as defined in s. 489.505, *Florida Statutes*, that is hardwired and operating at low voltage, as defined in the *National Electrical Code* Standard 70, Current Edition, or a new or existing low-voltage electric fence, and ancillary components or equipment attached to such a system, or fence, including, but not limited to, home-automation equipment, thermostats, closed-circuit television systems, access controls, battery recharging devices, and video cameras.
- (c) "Low-voltage electric fence" means an alarm system, as defined in s. 489.505, that consists of a fence structure and an energizer powered by a commercial storage battery not exceeding 12 volts which produces an electric charge upon contact with the fence structure.
- (d) "Wireless alarm system" means a burglar alarm system of smoke detector that is not hardwired.
- (2) Notwithstanding any provision of this code, this section applies to all low-voltage alarm system projects for which a *permit* is required by a local enforcement agency. However, a *permit* is not required to install, maintain, inspect, replace, or service a wireless alarm system, including any ancillary components or equipment attached to the system.
- (3) A low-voltage electric fence must meet all of the following requirements to be permitted as a low-voltage alarm system project and no further *permit* shall be required for the low-voltage alarm system project other than as provided in this section:
- (a) The electric charge produced by the fence upon contact must not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of International Electrotechnical Commission Standard No. 60335-2-76, Current Edition.
- (b) A nonelectric fence or wall must completely enclose the low-voltage electric fence. The low-voltage electric fence may be up to 2 feet higher than the perimeter nonelectric fence or wall.
- (c) The low-voltage electric fence must be identified using warning signs attached to the fence at intervals of not more than 60 feet.
- (d) The low-voltage electric fence shall not be installed in an area zoned exclusively for single-family or multi-family residential use.
- (e) The low-voltage electric fence shall not enclose the portions of a property which are used for residential purposes.
- (4) This section does not apply to the installation or replacement of a fire alarm if a plan review is required.
- (5) A local enforcement agency shall make uniform basic *permit* labels available for purchase by a contractor to be used for the installation or replacement of a new or existing alarm system at a cost as indicated in s. 553.793, *Florida Statutes*. The local enforcement agency may not require the payment of any additional fees, charges, or expenses associated with the installation or replacement of a new or existing alarm.
- (a) A local enforcement agency may not require a contractor, as a condition of purchasing a label, to submit information other than identification information of the licensee and proof of registration or certification as a contractor.
- (b) A label is valid for 1 year after the date of purchase and may only be used within the jurisdiction of the local enforcement agency that issued the label. A contractor may purchase labels in bulk for one or more unspecified current or future projects.
- (6) A contractor shall post an unused uniform basic *permit* label in a conspicuous place on the premises of the low-voltage alarm system project site before commencing work on the project.
- (7) A contractor is not required to notify the local enforcement agency before commencing work on a low-voltage alarm system project. However, a contractor must submit a Uniform Notice of a Low-Voltage Alarm System Project as provided under subsection (7) to the local enforcement agency within 14 days after completing the project. A local enforcement agency may take disciplinary action against a contractor who fails to timely submit a Uniform Notice of a Low-Voltage Alarm

- System Project.
- (8) The Uniform Notice of a Low-Voltage Alarm System Project may be submitted electronically or by facsimile if all submissions are signed by the owner, tenant, contractor, or authorized representative of such persons. The Uniform Notice of a Low-Voltage Alarm System Project shall be in the format prescribed by the local enforcement agency and must comply with the requirements of s. 553.793(7), *Florida Statutes*.
 - (9) A local enforcement agency may coordinate directly with the owner or customer to inspect a low-voltage alarm system to ensure compliance with applicable codes and standards. If a low-voltage alarm system project fails an inspection, the contractor must take corrective action as necessary to pass inspection.
 - (10) A municipality, county, district, or other entity of local government may not adopt or maintain in effect any ordinance or rule regarding a low-voltage alarm system project that is inconsistent with this section.
 - (11) A uniform basic *permit* label shall not be required for the subsequent maintenance, inspection, or service of an alarm system that was permitted in accordance with this section. The provisions of this act are not intended to impose new or additional licensure requirements on persons licensed in accordance with the applicable provisions of Chapter 489, *Florida Statutes*.

SECTION 106 FLOOR AND ROOF DESIGN LOADS

[A] 106.1 Live loads posted. In commercial or industrial buildings, for each floor or portion thereof designed for *live loads* exceeding 50 psf (2.40 kN/m²), such design *live loads* shall be conspicuously posted by the owner or the owner's authorized agent in that part of each *story* in which they apply, using durable signs. It shall be unlawful to remove or deface such notices.

[A] 106.2 Issuance of certificate of occupancy. A certificate of occupancy required by Section 111 shall not be issued until the floor load signs, required by Section 106.1, have been installed.

[A] 106.3 Restrictions on loading. It shall be unlawful to place, or cause or *permit* to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by

this code.

SECTION 107 SUBMITTAL DOCUMENTS

[A] 107.1 General. Submittal documents consisting of *construction documents*, statement of *special inspections*, geotechnical report and other data shall be submitted in two or more sets with each *permit* application. The *construction documents* shall be prepared by a *registered design professional* where required by Chapter 471, *Florida Statutes* & 61G15 Florida Administrative Code or Chapter 481, *Florida Statutes* & 61G1 Florida Administrative Code. Where special conditions exist, the *building official* is authorized to require additional *construction documents* to be prepared by a *registered design professional*.

Exception: The *building official* is authorized to waive the submission of *construction documents* and other data not required to be prepared by a *registered design professional* if it is found that the nature of the work applied for is such that review of *construction documents* is not necessary to obtain compliance with this code.

[A] 107.2 Construction documents. *Construction documents* shall be in accordance with Sections 107.2.1 through 107.2.6.

107.2.1 Information on construction documents. *Construction documents* shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted where *approved by the building official*. *Construction documents* shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the *building official*. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the technical codes. Such information shall be specific, and the technical codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.

[A] 107.2.2 Fire protection system shop drawings.

Shop drawings for the *fire protection system(s)* shall be submitted to indicate conformance to this code and the *construction documents* and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9.

[A] 107.2.3 Means of egress. The *construction documents* shall show in sufficient detail the location, construction, size and character of all portions of the *means of egress* including the path of the *exit discharge* to the *public way* in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the *construction documents* shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

[A] 107.2.4 Exterior wall envelope. *Construction documents* for all buildings shall describe the *exterior wall envelope* in sufficient detail to determine compliance with this code. The *construction documents* shall provide details of the *exterior wall envelope* as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

The *construction documents* shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the *construction documents* maintain the weather resistance of the *exterior wall envelope*. The supporting documentation shall fully describe the *exterior wall* system that was tested, where applicable, as well as the test procedure used.

107.2.5 Exterior balcony and elevated walking surfaces. Where balcony or other elevated walking surfaces are exposed to water from direct or blowing rain, snow or irrigation, and the structural framing is protected by an impervious moisture barrier, the *construction documents* shall include details for all elements of the impervious moisture barrier system. The *construction documents* shall include manufacturer's installation instructions.

[A] 107.2.6 Site plan. The *construction documents* submitted with the application for *permit* shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from *lot lines*, the

established street grades and the proposed finished grades and, as applicable, *flood hazard areas*, *floodways*, and *design flood elevations*; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The *building official* is authorized to waive or modify the requirement for a site plan where the application for *permit* is for *alteration* or *repair* or where otherwise warranted.

[A] 107.2.6.1 Design flood elevations. Where *design flood elevations* are not specified, they shall be established in accordance with Section 1612.3.1.

107.2.6.2 For the purpose of inspection and record retention, site plans for a building may be maintained in the form of an electronic copy at the worksite. These plans must be open to inspection by the *building official* or a duly authorized representative, as required by the *Florida Building Code*.

[A] 107.2.7 Structural information. The *construction documents* shall provide the information specified in Section 1603.

[A] 107.3 Examination of documents. The *building official* shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

Exceptions:

1. Building plans approved pursuant to Section 553.77(5), *Florida Statutes*, and state-approved manufactured buildings are exempt from local codes enforcing agency plan reviews except for provisions of the code relating to erection, assembly or construction at the site. Erection, assembly and construction at the site are subject to local permitting and inspections. Photocopies of plans approved according to Rule 61-41.009, *Florida Administrative Code*, shall be sufficient for local *permit* application documents of record for the modular building portion of the permitted project.
2. Industrial construction on sites where design, construction and fire safety are supervised by appropriately licensed design and inspection professionals and which contain adequate in-house fire departments and rescue squads is

exempt, subject to approval by the *building official*, from review of plans and inspections, providing the appropriate licensed design and inspection professionals certify that applicable codes and standards have been met and supply appropriate approved drawings to local building and fire-safety inspectors.

[A] 107.3.1 Approval of construction documents.

When the *building official* issues a *permit*, the *construction documents* shall be *approved*, in writing or by stamp, as "Reviewed for Code Compliance." One set of *construction documents* so reviewed shall be retained by the *building official*. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the *building official* or a duly authorized representative.

[A] 107.3.2 Previous approvals. This code shall not require changes in the *construction documents*, construction or designated occupancy of a structure for which a lawful *permit* has been heretofore issued or otherwise law-fully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

[A] 107.3.3 Phased approval. The *building official* is authorized to issue a *permit* for the construction of foundations or any other part of a building or structure before the *construction documents* for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such *permit* for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a *permit* for the entire structure will be granted.

[A] 107.3.4 Design professional in responsible charge. Where it is required that documents be prepared by a *registered design professional*, the *building official* shall be authorized to require the *owner* or the *owner's* authorized agent to engage and designate on the building *permit* application a *registered design professional* who shall act as the *registered design professional in responsible charge*. If the circumstances require, the *owner* or the *owner's* authorized agent shall designate a substitute *registered design professional in responsible charge* who shall perform the duties required of the original *registered design professional in responsible charge*. The *building*

official shall be notified in writing by the *owner* or *owner's* authorized agent if the *registered design professional in responsible charge* is changed or is unable to continue to perform the duties.

The *registered design professional in responsible charge* shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

107.3.4.1 Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the *building official*.

Deferral of any submittal items shall have the prior approval of the *building official*. The *registered design professional in responsible charge* shall list the deferred submittals on the *construction documents* for review by the *building official*.

Documents for deferred submittal items shall be submitted to the *registered design professional in responsible charge* who shall review them and forward them to the *building official* with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been *approved* by the *building official*.

107.3.4.2 Certifications by contractors authorized under the provisions of Section 489.115(4)(b), *Florida Statutes*, shall be considered equivalent to sealed plans and specifications by a person licensed under Chapter 471, *Florida Statutes*, or Chapter 481, *Florida Statutes*, by local enforcement agencies for plans review for permitting purposes relating to compliance with the wind-resistance provisions of the code or alternate methodologies approved by the Florida Building Commission for one- and two-family dwellings. Local enforcement agencies may rely upon such certification by contractors that the plans and specifications submitted conform to the requirements of the code for wind resistance. Upon good cause shown, local government code enforcement agencies may accept or reject plans sealed by persons licensed under Chapters 471, 481 or 489, *Florida Statutes*.

107.3.5 Minimum plan review criteria for

buildings. The examination of the documents by the *building official* shall include the following minimum criteria and documents: a floor plan; site plan; foundation plan; floor/roof framing plan or truss layout; all fenestration and building envelope penetrations; flashing; and rough opening dimensions; and all exterior elevations:

Commercial Buildings:

Building:

1. Site requirements:
 - Parking Fire access
 - Vehicle loading
 - Driving/turning radius
 - Fire hydrant/water supply/post indicator valve (PIV)
 - Set back/separation (assumed property lines)
 - Location of specific tanks, water lines and sewer lines
 - Flood hazard areas, flood zones, and design flood elevations
2. Occupancy group and special occupancy requirements shall be determined (with cross check with the energy code submittal).
3. Minimum type of construction shall be determined (see Table 503).
4. Fire-resistant construction requirements shall include the following components:
 - Fire-resistant separations
 - Fire-resistant protection for type of construction
 - Protection of openings and penetrations of rated walls
 - Fireblocking and draftstopping* and calculated fire resistance
5. Fire suppression systems shall include:
 - Early warning smoke evacuation systems
 - Schematic fire sprinklers
 - Standpipes
 - Pre-engineered systems
 - Riser diagram.
6. Life safety systems shall be determined and shall include the following requirements:
 - Occupant load and egress capacities
 - Early warning
 - Smoke control
 - Stair pressurization
 - Systems schematic
7. Occupancy load/egress requirements shall include:
 - Occupancy load
 - Gross
 - Net
 - Means of egress
 - Exit access
 - Exit
 - Exit discharge
 - Stairs construction/geometry and protection
8. Structural requirements shall include:
 - Soil conditions/analysis
 - Termite protection
 - Design loads
 - Wind requirements
 - Building envelope
 - Impact resistant coverings or systems
 - Structural calculations (if required)
 - Foundation
 - Flood requirements in accordance with Section 1612, including lowest floor elevations, enclosures, flood damage-resistant materials
 - Wall systems Floor systems
 - Roof systems
 - Threshold inspection plan
 - Stair systems
9. Materials shall be reviewed and shall at a minimum include the following:
 - Wood
 - Steel
 - Aluminum
 - Concrete
 - Plastic
 - Glass
 - Masonry
 - Gypsum board and plaster Insulating (mechanical)
 - Roofing
 - Insulation
 - Building envelope portions of the Energy Code (including calculation and mandatory requirements)
10. Accessibility requirements shall include the following:
 - Site requirements
 - Accessible route
 - Vertical accessibility
 - Toilet and bathing facilities
 - Drinking fountains
 - Equipment
 - Special occupancy requirements
 - Fair housing requirements
11. Interior requirements shall include the following:
 - Interior finishes (flame spread/smoke development)
 - Light and ventilation (including corresponding portion of the energy code)
 - Sanitation
12. Special systems:
 - Doors
 - Emergency lighting and exit signs
 - Specific occupancy requirements
 - Construction requirements
 - Horizontal exits/exit passageways

- Elevators
- Escalators
- Lifts
- 13. Swimming pools:
 - Barrier requirements
 - Spas
 - Wading pools
- 14. Location and installation details. The specific location and installation details of each fire door, fire damper, ceiling damper and smoke damper shall be shown and properly identified on the building plans by the designer.

Electrical:

1. Electrical:
 - Wiring
 - Services
 - Feeders and branch circuits
 - Overcurrent protection
 - Grounding
 - Wiring methods and materials
 - GFCIs
 - Electrical portions of the Energy Code (including calculation and mandatory requirements)
2. Equipment
3. Special occupancies
4. Emergency systems
5. Communication systems
6. Low voltage
7. Load calculations
8. Design flood elevation

Plumbing:

1. Minimum plumbing facilities
2. Fixture requirements
3. Water supply piping
4. Sanitary drainage
5. Water heaters
6. Vents
7. Roof drainage
8. Back flow prevention
9. Irrigation
10. Location of water supply line
11. Grease traps
12. Environmental requirements
13. Plumbing riser
14. Design flood elevation
15. Water/plumbing portions of the Energy Code (including calculation and mandatory requirements)

Mechanical:

1. Mechanical portions of the Energy calculations
2. Exhaust systems: Clothes dryer exhaust
Kitchen equipment exhaust
Specialty exhaust systems
3. Equipment

4. Equipment location
5. Make-up air
6. Roof-mounted equipment
7. Duct systems
8. Ventilation
9. Combustion air
10. Chimneys, fireplaces and vents
11. Appliances
12. Boilers
13. Refrigeration
14. Bathroom ventilation
15. Laboratory
16. Design flood elevation

Gas:

1. Gas piping
2. Venting
3. Combustion air
4. Chimneys and vents
5. Appliances
6. Type of gas
7. Fireplaces
8. LP tank location
9. Riser diagram/shutoffs
10. Design flood elevation
11. Gas portions of the Energy Code (including calculation and mandatory requirements)

Demolition:

1. Asbestos removal

Residential (one- and two-family):

1. Site requirements:
 - Set back/separation (assumed property lines)
 - Location of septic tanks
2. Fire-resistant construction (if required)
3. Fire
4. Smoke detector locations
5. Egress:
 - Egress window size and location stairs construction requirements
6. Structural requirements shall include:
 - Wall section from foundation through roof, including assembly and materials connector tables wind requirements structural calculations (if required)
 - Termite protection
 - Design loads
 - Wind requirements
 - Building envelope
 - Foundation
 - Wall systems
 - Floor systems
 - Roof systems
 - Flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures,

equipment, and flood damage-resistant materials

7. Accessibility requirements:
 - Show/identify
 - Accessible bath
8. Impact resistant coverings or systems
9. Residential Energy Code submittal (including calculation and mandatory requirements)

Manufactured buildings/housing:

1. Site requirements
 - Setback/separation (assumed property lines)
 - Location of septic tanks (if applicable)
2. Structural
 - Wind zone
 - Anchoring
 - Blocking
3. Plumbing
 - List potable water source and meter size (if applicable)
4. Mechanical
 - Exhaust systems
 - Clothes dryer exhaust
 - Kitchen equipment exhaust
5. Electrical exterior disconnect location

Exemptions: Plans examination by the building official shall not be required for the following work:

1. Replacing existing equipment such as mechanical units, water heaters, etc.
2. Reroofs
3. Minor electrical, plumbing and mechanical repairs
4. Annual maintenance *permits*
5. Prototype plans:
 - Except for local site adaptations, siding, foundations and/or modifications.
 - Except for structures that require waiver.
6. Manufactured buildings plan except for foundations and modifications of buildings on site and as listed above in manufactured buildings/housing.

[A] 107.4 Amended construction documents. Work shall be installed in accordance with the *approved construction documents*, and any changes made during construction that are not in compliance with the *approved construction documents* shall be resubmitted for approval as an amended set of *construction documents*.

[A] 107.5 Retention of construction documents. One set of *approved construction documents* shall be retained by the *building official* for a period of not less than 180 days from date of completion of

the permitted work, or as required by state or local laws.

107.6 Affidavits. The *building official* may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The *building official* may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the *building official* copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes. Where the building official relies upon such affidavit, the architect or engineer shall assume full responsibility for compliance with all provisions of the technical codes and other pertinent laws or ordinances. The *building official* shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, *Florida Statutes*, and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, *Florida Statutes*.

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. Parts 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 Sections 105.14 and 107.6, shall not extend to the flood load and flood-resistance construction requirements of the *Florida Building Code*.

SECTION 108 TEMPORARY STRUCTURES AND USES

[A] 108.1 General. The *building official* is authorized to issue a *permit* for temporary structures and temporary uses. Such *permits* shall be limited as to time of service, but shall not be permitted for more than 180 days. The *building official* is authorized to grant extensions for demonstrated cause.

[A] 108.2 Conformance. Temporary structures and

uses shall comply with the requirements in Section 3103.

[A] 108.3 Temporary power. The *building official* is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in NFPA 70.

[A] 108.4 Termination of approval. The *building official* is authorized to terminate such *permit* for a temporary structure or use and to order the temporary structure or use to be discontinued.

SECTION 109 FEES

[A] 109.1 Payment of fees. A *permit* shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a *permit* be released until the additional fee, if any, has been paid.

[A] 109.2 Schedule of *permit* fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or *alterations* requiring a *permit*, a fee for each *permit* shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

109.2.1 Types of Fees Enumerated. Fees may be charged for but not limited to the following:

- *Permits*;
- Plans examination;
- Certificates of competency (including fees for applications, examinations, renewal, late renewal, and reciprocity);
- Re-inspections;
- Administrative fees (including fees for investigative and legal costs incurred in the context of certain disciplinary cases heard by the board);
- Variance requests;
- Administrative appeals;
- Violations; and
- Other fees as established by local resolution or ordinance.

[A] 109.3 Building permit valuations. The applicant for a *permit* shall provide an estimated *permit* value

at time of application. *Permit* valuations shall include total value of work, including materials and labor, for which the *permit* is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the *building official*, the valuation is underestimated on the application, the *permit* shall be denied, unless the applicant can show detailed estimates to meet the approval of the *building official*. Final building *permit* valuation shall be set by the *building official*.

[A] 109.4 Work commencing before *permit* issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary *permits* or without prior approval from the *building official* as permitted in Section 105.2.2 or 105.12 shall be subject to a fee established by the *building official* that shall be in addition to the required *permit* fees or as provided by local ordinance. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger. But in all such cases the required *permit(s)* must be applied for within three (3) business days and any unreasonable delay in obtaining those *permit(s)* shall result in the charge of a double fee. The payment of a double 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.

[A] 109.5 Related fees. The payment of the fee for the construction, *alteration*, removal or demolition for work done in connection to or concurrently with the work authorized by a building *permit* shall not relieve the applicant or holder of the *permit* from the payment of other fees that are prescribed by law.

[A] 109.6 Refunds. The *building official* is authorized to establish a refund policy.

SECTION 110 INSPECTIONS

[A] 110.1 General. Construction or work for which a *permit* is required shall be subject to inspection by the *building official* and such construction or work shall remain exposed and provided with access for inspection purposes until *approved*. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this

code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the *owner* or the owner's authorized agent to cause the work to remain exposed and provided with access for inspection purposes. The *building official* shall be permitted to require a boundary line survey prepared by a Florida licensed professional surveyor and mapper whenever the boundary lines cannot be readily determined in the field. Neither the *building official* nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

110.1.1 Manufacturers and fabricators. When deemed necessary by the *building official*, he/she shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violations of the technical codes.

110.1.2 Inspection service. The *building official* may make, or cause to be made, the inspections required by Section 110. He or she may accept reports of department inspectors, independent inspectors or of recognized inspection services, provided that after investigation he/she is satisfied as to their licensure, qualifications and reliability. A certificate required by any provision of this code shall not be based on such reports unless the same are recorded by the building code inspector or the architect or engineer performing building code inspections in a manner specified by the *building official*. The *building official* shall ensure that all persons making such inspections shall be certified in accordance to Chapter 468 Florida Statutes.

[A] 110.2 Preliminary inspection. Before issuing a *permit*, the *building official* is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

[A] 110.3 Required inspections. The *building official* upon notification from the *permit* holder or his or her agent shall make the following inspections, or any other such inspection as deemed necessary and shall either release that portion of the construction or shall notify the *permit* holder or his or her agent of any violations which must be corrected in order to comply with the technical codes. The *building official* shall determine the timing and sequencing

of when inspections occur and what elements are inspected at each inspection.

Building

1. Foundation inspection. To be made after trenches are excavated, any required reinforcing steel is in place, forms erected and shall at a minimum include the following building components:
 - Stem-wall
 - Monolithic slab-on-grade
 - Piling/pile caps
 - Footers/grade beams
 - 1.1. Slab Inspection: Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.
 - 1.2. A foundation/form board survey prepared and certified by a Florida licensed professional surveyor and mapper may be required, prior to approval of the slab inspection. The survey shall certify placement of the building on the site, illustrate all surrounding setback dimensions and shall be available at the job site for review by the building inspector. In lieu of providing a survey, the contractor may elect to uncover all property line markers and string-up all property lines in preparation for inspection.
 - 1.3. In flood hazard areas, upon placement of the lowest floor, including basement, and prior to further vertical construction, the elevation certification shall be submitted to the authority having jurisdiction.
2. Framing inspection. To be made after the roof, all framing, fireblocking and bracing is in place, all concealing wiring, all pipes, chimneys, ducts and vents are complete and the rough electrical, plumbing, heating wires, pipes and ducts are *approved* and shall at a minimum include the following building components:
 - Window/door framing
 - Window U-factor/SHGC (as indicated on approved energy calculations)
 - Vertical cells/columns
 - Lintel/tie beams
 - Framing/trusses/bracing/connectors (including truss layout and engineered

- drawings)
- *Draftstopping/fireblocking*
- Curtain wall framing
- Energy insulation (Insulation R-factor as indicated on approved energy calculations)
- Accessibility
- Verify rough opening dimensions are within tolerances.
- Window/door buck attachment
- 2.1 Insulation Inspection: To be made after the framing inspection is approved and the insulation is in place, according to approved energy calculation submittal. Includes wall and ceiling insulation.
- 2.2 Lath and gypsum board inspection for fire-resistance rated or shear assemblies. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before ant plastering is applied or gypsum board joints and fasteners are taped and finished.
- 3. Sheathing inspection. To be made either as part of a dry-in inspection or done separately at the request of the contractor after all roof and wall sheathing and fasteners are complete and shall at a minimum include the following building components:
 - Roof sheathing
 - Wall sheathing
 - Continuous air barrier
 - Exterior siding/cladding
 - Sheathing fasteners
 - Roof/wall dry-in

NOTE: Sheathing fasteners installed and found to be missing the structural member (shiners) shall be removed and properly reinstalled prior to installation of the dry-in material.
- 4. Exterior wall coverings. Shall at a minimum include the following building components in progress inspections:
 - Exterior wall coverings and veneers
 - Soffit coverings
- 5. Roofing inspection. Shall at a minimum be made in at least two inspections and include the following building components:
 - Dry-in
 - Insulation
 - Roof coverings (including In Progress as necessary)
 - Insulation on roof deck (according to submitted energy calculation)
- Flashing
- 5.1 Re-roof sheathing inspection. An affidavit with a notarized signature of a state or locally licensed roofing contractor for the installation of additional sheathing fasteners as required by the Existing Building Code may be accepted at the discretion of the *building official*.
- 6. Final inspection. To be made after the building is completed and ready for occupancy.
 - 6.1. In flood hazard areas, as part of the final inspection, a final certification of the lowest floor elevation shall be submitted to the authority having jurisdiction.
- 7. Swimming pool inspection. First inspection to be made after excavation and installation of reinforcing steel, bonding and main drain and prior to placing of concrete.
 - a. Steel reinforcement inspection
 - b. Underground electric inspection
 - c. Underground piping inspection including a pressure test.
 - d. Underground electric inspection under deck area (including the equipotential bonding)
 - b. Underground piping inspection under deck area
 - c. Deck inspection: to be made prior to installation of the deck material (with forms, deck drains, and any reinforcement in place
 - d. Safety Inspection; Made prior to filling the pool with the bonding connections made, the proper drain covers installed and the final barriers installed.
 - e. Final pool piping
 - f. Final Electrical inspection
 - g. Final inspection to be made when the swimming pool is complete and all required enclosure requirements are in place.
In order to pass final inspection and receive a certificate of completion, a residential swimming pool must meet the requirements relating to pool safety features as described in Section 454.2.17 of this code.
- 8. Demolition inspections. First inspection to be made after all utility connections have been dis- connected and secured in such manner that no unsafe or unsanitary conditions shall

exist during or after demolition operations. Final inspection to be made after all demolition work is completed.

9. Manufactured building inspections. The building department shall inspect construction of foundations; connecting buildings to foundations; installation of parts identified on plans as site installed items, joining the modules, including utility cross-overs; utility connections from the building to utility lines on site; and any other work done on site which requires compliance with the *Florida Building Code*. Additional inspections may be required for public educational facilities (see Section 453.27.20 of this code).
10. Where impact-resistant coverings or impact-resistant systems are installed, the *building official* shall schedule adequate inspections of impact-resistant coverings or impact-resistant systems to determine the following:
The system indicated on the plans was installed.
The system is installed in accordance with the manufacturer's installation instructions and the product approval.

Electrical

1. Underground inspection. To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.
2. Rough-in inspection. To be made after the roof, framing, *fireblocking* and bracing is in place and prior to the installation of wall or ceiling membranes.
3. Final inspection. To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.
4. Existing Swimming Pools. To be made after all repairs or alterations are complete, all required electrical equipment, GFCI protection, and equipotential bonding are in place on said alterations or repairs.

Plumbing

1. Underground inspection. To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.
2. Rough-in inspection. To be made after the roof, framing, *fireblocking* and bracing is in place and all soil, waste and vent piping is complete, and prior to this installation of wall or ceiling membranes.
Includes plumbing provisions of the energy code and approved energy calculation provisions.

3. Final inspection. To be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

Note: See Section 312 of the *Florida Building Code, Plumbing* for required tests.

Mechanical

1. Underground inspection. To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.
2. Rough-in inspection. To be made after the roof, framing, *fireblocking* and bracing are in place and all ducting, and other concealed components are complete, and prior to the installation of wall or ceiling membranes. Includes mechanical provisions of the energy code and approved energy calculation provisions.
3. Final inspection. To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

Gas

1. Rough piping inspection. To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected. Includes gas provisions of the energy code and approved energy calculation provisions.
2. Final piping inspection. To be made after all piping authorized by the *permit* has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.
3. Final inspection. To be made on all new gas work authorized by the *permit* and such portions of existing systems as may be affected by new work or any changes, to ensure compliance with all the requirements of this code and to assure that the installation and construction of the gas system is in accordance with reviewed plans.

Site Debris

1. The contractor and/or owner of any active or inactive construction project shall be responsible for the clean-up and removal of all construction debris or any other miscellaneous discarded articles during the course of the construction project and prior to receiving final inspection approval. Construction job sites must be kept clean and in a safe condition at all

- times.
2. All debris shall be kept in such a manner as to prevent it from being spread by any means.

[A] 110.3.1 Footing and foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

[A] 110.3.2 Concrete slab and under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

[A] 110.3.3 Lowest floor elevation. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.4 and Section R322 of the Florida Building Code, Residential, shall be submitted to the *building official*.

[A] 110.3.4 Frame inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, *fireblocking* and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are *approved*.

[A] 110.3.5 Lath, gypsum board and gypsum panel product inspection. Lath, gypsum board and gypsum panel product inspections shall be made after lathing, gypsum board and gypsum panel products, interior and exterior, are in place, but before any plastering is applied or gypsum board and gypsum panel product joints and fasteners are taped and finished.

Exception: Gypsum board and gypsum panel products that are not part of a fire-resistance-rated assembly or a shear assembly.

110.3.6 Weather-exposed balcony and walking surface waterproofing. Where balcony or other elevated walking surfaces are exposed to water from direct or blowing rain, snow or irrigation, and the structural framing is protected by an impervious

moisture barrier, all elements of the impervious-moisture-barrier system shall not be concealed until inspected and *approved*.

[A] 110.3.7 Fire and smoke-resistant penetrations. Protection of joints and penetrations in *fire-resistance-rated* assemblies, *smoke barriers* and smoke partitions shall not be concealed from view until inspected and *approved*.

[A] 110.3.8 Energy efficiency inspections. Inspections shall be made to determine compliance with *FBC, Energy Conservation* and confirm with the approved energy code submittal (by appropriate trade) and corresponding mandatory requirements and shall include, but not be limited to, inspections for: corresponding envelope insulation R- and U-values, fenestration U-value, and Solar Heat Gain Coefficient, duct system R-value, and HVAC, lighting, electrical and water-heating equipment efficiency.

[A] 110.3.9 Other inspections. In addition to the inspections specified in Sections 110.3 through 110.3.8, the *building official* is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

[A] 110.3.10 Special inspections. Reserved.

110.3.11 Final inspection. The final inspection shall be made after all work required by the building *permit* is completed.

110.3.11.1 Flood hazard documentation. If located in a *flood hazard area*, documentation of the elevation of the lowest floor as required in Section 1612.5 and Section R322 of the Florida Building Code, Residential, shall be submitted to the *building official* prior to the final inspection.

110.3.11.2 Commercial Energy Code documentation. If required by energy code path submittal, confirmation that commissioning result requirements have been received by building owner.

110.3.11.3 Residential Energy Code documentation. If required by energy code path submittal (R405), confirmation that the duct test requirements shall be received by building official.

110.3.12 Termites. Building components and building surroundings required to be protected from termite damage in accordance with Section 1503.7, Section 2304.12.9 or Section 2304.12.4, specifically required to be inspected for termites in accordance with Section 2114, or required to have chemical soil treatment in accordance with Section 1816 shall not be covered or concealed until the release from the *building official* has been received.

110.3.13 Impact-resistant coverings or systems. Where impact-resistant coverings or systems are installed to meet requirements of this code, the *building official* shall schedule adequate inspections of impact-resistant coverings or systems to determine the following:

1. The system indicated on the plans was installed.
2. The system is installed in accordance with the manufacturer's installation instructions and the product approval.

[A] 110.4 Inspection agencies. The *building official* is authorized to accept reports of *approved* inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

[A] 110.5 Inspection requests. It shall be the duty of the holder of the building *permit* or their duly authorized agent to notify the *building official* when work is ready for inspection. It shall be the duty of the *permit* holder to provide access to and means for inspections of such work that are required by this code.

[A] 110.6 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *building official*. The *building official*, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the *permit* holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the *building official*.

110.7 Shoring. For threshold buildings, shoring and associated formwork or falsework shall be designed and inspected by a Florida licensed professional engineer prior to any required mandatory inspections by the threshold building inspector.

110.8 Threshold building.

110.8.1 During new construction or during repair or restoration projects in which the structural system or structural loading of a building is being modified, the enforcing agency shall require a special inspector to perform structural inspections on a threshold building pursuant to a structural inspection plan prepared by the engineer or architect of record. The structural inspection plan must be submitted to the enforcing agency prior to the issuance of a building *permit* for the construction of a threshold building. The purpose of the structural inspection plans is to provide specific inspection procedures and schedules so that the building can be adequately inspected for compliance with the permitted documents. The special inspector may not serve as a surrogate in carrying out the responsibilities of the *building official*, the architect, or the engineer of record. The contractor's contractual or statutory obligations are not relieved by any action of the special inspector.

110.8.2 The special inspector shall determine that a professional engineer who specializes in shoring design has inspected the shoring and reshoring for conformance with the shoring and reshoring plans submitted to the enforcing agency. A fee simple title owner of a building, which does not meet the minimum size, height, occupancy, occupancy classification, or number-of-stories criteria which would result in classification as a threshold building under s. 553.71(7), *Florida Statutes* may designate such building as a threshold building, subject to more than the minimum number of inspections required by the *Florida Building Code*.

110.8.3 The fee owner of a threshold building shall select and pay all costs of employing a special inspector, but the special inspector shall be responsible to the enforcement agency. The inspector shall be a person certified, licensed or registered under Chapter 471, *Florida Statutes*, as an engineer or under Chapter 481, *Florida Statutes*, as an architect.

110.8.4 Each enforcement agency shall require that, on every threshold building:

110.8.4.1 The special inspector, upon completion of the building and prior to the issuance of a certificate of occupancy, file a signed and sealed statement with the enforcement agency in substantially the following form: "To the best of my knowledge and belief, the above described construction of all structural load-bearing components complies with

the permitted documents, and the shoring and reshoring conforms to the shoring and reshoring plans submitted to the enforcement agency.”

110.8.4.2 Any proposal to install an alternate structural product or system to which building codes apply be submitted to the enforcement agency for review for compliance with the codes and made part of the enforcement agency’s recorded set of *permit* documents.

110.8.4.3 All shoring and reshoring procedures, plans and details be submitted to the enforcement agency for recordkeeping. Each shoring and reshoring installation shall be supervised, inspected and certified to be in compliance with the shoring documents by the contractor.

110.8.4.4 All plans for the building which are required to be signed and sealed by the architect or engineer of record 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 and the applicable fire-safety standards as determined by the local authority in accordance with this section and Chapter 633, *Florida Statutes*.

110.8.5 No enforcing agency may issue a building *permit* for construction of any threshold building except to a licensed general contractor, as defined in Section 489.105(3)(a), *Florida Statutes*, or to a licensed building contractor, as defined in Section 489.105(3)(b), *Florida Statutes*, within the scope of her or his license. The named contractor to whom the building *permit* is issued shall have the responsibility for supervision, direction, management and control of the construction activities on the project for which the building *permit* was issued.

110.8.6 The building department may allow a special inspector to conduct the minimum structural inspection of threshold buildings required by this code, Section 553.73, *Florida Statutes*, without duplicative inspection by the building department. The *building official* is responsible for ensuring that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, *Florida Statutes*, or certified as a special inspector under Chapter 471 or 481, *Florida Statutes*. Inspections of threshold buildings required by Section 553.79(5), *Florida Statutes*, are in addition to the minimum inspections required by this code.

SECTION 111

CERTIFICATE OF OCCUPANCY

[A] 111.1 Use and occupancy. A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the *building official* has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

Exception: Certificates of occupancy are not required for work exempt from *permits* in accordance with Section 105.2.

[A] 111.2 Certificate issued. After the *building official* inspects the building or structure and does not find violations of the provisions of this code or other laws that are enforced by the department of building safety, the *building official* shall issue a certificate of occupancy that contains the following:

1. The building *permit* number.
2. The address of the structure.
3. The name and address of the *owner* or the *owner’s* authorized agent.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. For buildings and structures in flood hazard areas, a statement that documentation of the as-built lowest floor elevation has been provided and is retained in the records of the authority having jurisdiction
7. The name of the *building official*.
8. The edition of the code under which the *permit* was issued.
9. The use and occupancy, in accordance with the provisions of Chapter 3.
10. The type of construction as defined in Chapter 6.
11. The design *occupant load*.
12. If an *automatic sprinkler system* is provided, whether the sprinkler system is required.
13. Any special stipulations and conditions of the building *permit*.

[A] 111.3 Temporary occupancy. The *building official* is authorized to issue a temporary certificate of occupancy before the completion of the entire

work covered by the *permit*, provided that such portion or portions shall be occupied safely. The *building official* shall set a time period during which the temporary certificate of occupancy is valid.

[A] 111.4 Revocation. The *building official* is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

111.5 Certificate of completion. A certificate of completion is proof that a structure or system is complete and for certain types of *permits* is released for use and may be connected to a utility system. This certificate does not grant authority to occupy a building, such as shell building, prior to the issuance of a certificate of occupancy.

SECTION 112 SERVICE UTILITIES

[A] 112.1 Connection of service utilities. A person shall not make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a *permit* is required, until released by the *building official*.

[A] 112.2 Temporary connection. The *building official* shall have the authority to authorize the temporary connection of the building or system to the utility, source of energy, fuel or power.

[A] 112.3 Authority to disconnect service utilities. The *building official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 101.4 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Section 112.1 or 112.2. The *building official* shall notify the serving utility, and wherever possible the *owner* and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the *owner* or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

SECTION 113

BOARD OF APPEALS Reserved

SECTION 114 VIOLATIONS

114.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

114.2 Notice of violation. The *building official* is authorized to serve a notice of violation or order on the person responsible for the erection, construction, *alteration*, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a *permit* or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

114.3 Prosecution of violation. If the notice of violation is not complied with promptly, the *building official* is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

114.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or of a *permit* or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

SECTION 115 STOP WORK ORDER

[A] 115.1 Authority. Where the *building official* finds any work regulated by this code being performed in a manner either contrary to the

provisions of this code or dangerous or unsafe, the *building official* is authorized to issue a stop work order.

[A] 115.2 Issuance. The stop work order shall be in writing and shall be given to the *owner* of the property involved, the owner's authorized agent or the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason

SECTION 116 UNSAFE STRUCTURES AND EQUIPMENT

116.1 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate *means of egress* facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the *building official* deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

116.2 Record. The *building official* shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

116.3 Notice. If an unsafe condition is found, the *building official* shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to

SECTION 117 VARIANCES IN FLOOD HAZARD AREAS

117.1 Flood hazard areas. Pursuant to Section 553.73(5), *Florida Statutes*, the variance procedures adopted in the local flood plain management ordinance shall apply to requests submitted to the *building official* for variances to the provisions of

for the order and the conditions under which the cited work will be permitted to resume.

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

the *building official* acceptance or rejection of the terms of the order.

116.4 Method of service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

116.5 Restoration. Where the structure or equipment determined to be unsafe by the *building official* is restored to a safe condition, to the extent that repairs, *alterations* or *additions* are made or a change of occupancy occurs during the restoration of the structure, such *repairs, alterations, additions* and change of occupancy shall comply with the requirements of Section 105.2.2 and the *Florida Building Code, Existing Building*. requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the *building official* acceptance or rejection of the terms of the order.

Section 1612.4 of the *Florida Building Code, Building* or, as applicable, the provisions of Section R322 of the *Florida Building Code, Residential*. This section shall not apply to Section 3109 of the *Florida Building Code, Building*.

ORDINANCE 2020-58

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 170, CONSTRUCTION CODES AND REGULATIONS, SUBCHAPTER 'BUILDING CODE', BY ELIMINATING THE REQUIREMENT FOR A BUILDING PERMIT FOR ACCESSORY STRUCTURES 400>>120<< SQUARE FEET OR LESS IN RESIDENTIAL DISTRICTS ASSOCIATED WITH SINGLE-FAMILY DWELLINGS AND REVISING PROVISIONS CONTAINED THEREIN; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 170, Construction Codes and Regulations, Subchapter 'Building Code', Section 170.005, Adopted, is hereby amended and shall henceforth read as follows:

"Section 170.005 ADOPTED.

(A) Florida Building Code 5>>7<<th Edition >>or as amended<< - Building mandated by the State of Florida, and exclusive of Chapter 1 - Administration, is hereby recognized as the Building Code for the city.

(1) The city's administrative amendments to the Florida Building Code - Building, Chapter 1, Administration, are hereby adopted, and by reference, incorporated herein as Exhibit A (03-04-14)>>(01-07-21)<< and made a part of this section as if fully set forth herein.

(2) The city's administrative amendments to the Florida Building Code - Building, are hereby adopted, and by reference, incorporated herein as

Exhibit B ~~(03-04-14)~~ >>(01-07-21)<< and made a part of this section as if fully set forth herein.

(B) Florida Building Code 5>>7<<th Edition >>or as amended<< - Residential mandated by the State of Florida, and exclusive of Chapter 1 - Administration, is hereby recognized as the Residential Building Code for the city.

(1) The city's administrative amendments to the Florida Building Code - Residential, are hereby adopted, and by reference, incorporated herein as Exhibit A ~~(03-04-14)~~ >>(01-07-21)<< and made a part of this section as if fully set forth herein.

(C) Florida Building Code 5>>7<<th Edition >>or as amended<< - Plumbing mandated by the State of Florida, and exclusive of Chapter 1 - Administration, is hereby recognized as the Plumbing Code for the city.

(D) Florida Building Code 5>>7<<th Edition >>or as amended<< - Mechanical mandated by the State of Florida, and exclusive of Chapter 1 - Administration, is hereby recognized as the Mechanical Code for the city.

(E) Florida Building Code 5>>7<<th Edition >>or as amended<< - Fuel Gas mandated by the State of Florida, and exclusive of Chapter 1 - Administration, is hereby recognized as the Fuel Gas Code for the city.

(F) Florida Building Code 5>>7<<th Edition >>or as amended<< - Existing Building mandated by the State of Florida, and exclusive of Chapter 1 - Administration, is hereby recognized as the Existing Building Code for the city.

(1) The city's administrative amendments to the Florida Building Code - Existing Building, are hereby adopted, and by reference, incorporated herein as Exhibit A ~~(03-04-14)~~ >>(01-07-21)<< and made a part of this section as if fully set forth herein.

(G) Florida Building Code 5>>7<<th Edition >>or as amended<< - Accessibility mandated by the State of Florida is hereby recognized as the Accessibility Code for the city.

(H) Florida Building Code 5>>7<<th Edition >>or as amended<< - Energy Conservation mandated by the State of Florida is hereby recognized as the Energy Conservation Code for the city.

(I) ~~2011~~**>>2014 or as amended<<** National Electrical Code - Electrical mandated by the State of Florida is hereby recognized as the Electrical Code for the City.

>>(J) Pursuant to Section 105.2 of the Florida Building Code, structures in Residence Zones accessory to a single-family residence shall be exempt from the requirement to obtain a Building Permit provided that:

- (1) the structure does not exceed ~~400~~**>>120<<** square feet;**
- (2) the structure does not exceed 1-story;**
- (3) the structure has no utilities (water, electric, etc.);**
- (4) the structure is not used for human habitation; and**
- >>(5) the structure is not placed on top of a poured concrete slab;**
- (6) the structure is pre-certified to be compliant with State of Florida approved construction standards; and<<**
- ~~(5)~~**>>(7)<<** the structure complies with Section 185.118 of the Zoning Code.<<**

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 3. It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of ordinances and the sections may be renumbered to accomplish such intention.

SECTION 4. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the

inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

SECTION 5. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2020- , held on , 2020; and read in title only and duly enacted at Meeting 2020- , held on , 2020.

Robert Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: City of Palm Bay
Case: T-20-2020

~~Strikethrough~~ words shall be deleted; highlighted words that will be included will be placed in between two arrow symbols (>> <<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Laurence Bradley, AICP, Growth Management Director

DATE: 12/17/2020

RE: Request by Palladio Development, LLC, for a variance to allow the east side of a proposed single-family home to exceed the allowable finish floor elevation by a maximum of 2.2 feet, as established by Section 174.073(A)(3), Palm Bay Code of Ordinances (0.23 acres) (V-26-2020) (Quasi-Judicial Proceeding). (CONTINUED FROM RCM - 12/03/20, first occurrence)

As you may recall, the above request was scheduled for the last regular Council meeting. Council voted to continue the request as the applicant was not present.

Palladio Development, LLC, Giro Katsimbrakis, Manager (Katja Jones, Rep.) has asked for a variance from Section 174.073(A)(3) for a proposed single-family home to exceed the maximum finished floor elevation. The .23-acre property is located north of and adjacent to Aladdin Street NE, in the vicinity north of Browning Avenue NE. The applicant intends to construct a new home with a two-car garage and approximately 1,865 square feet of living area.

The applicant appears to be burdened by the existing elevation of an adjacent property and by the presence of a side lot line ditch. Denial of the variance may confer a hardship upon the applicant, and staff believes the request is a reasonable solution to these circumstances. Literal interpretation of Chapter 174 would require the applicant to construct a home that would be subject to possible flooding, and alternative construction methods to alleviate potential runoff from the adjacent lot to the west could prove costly.

REQUESTING DEPARTMENT:
Growth Management

RECOMMENDATION:

Motion to request City Council to determine, based on the facts presented, the degree of minimal relief, if any, to meet the needs of the variance request, as required by Section 169.009 of the City of Palm Bay Code of Ordinances.

Planning and Zoning Board Recommendation:
Unanimous approval of the request.

ATTACHMENTS:

Description

Case V-26-2020

Board Minutes



STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: 321-733-3042

landdevelopmentweb@palmabayflorida.org

Prepared by

Patrick J. Murphy, Assistant Growth Management Director

CASE NUMBER

V-26-2020

PLANNING & ZONING BOARD HEARING DATE

November 4, 2020

PROPERTY OWNER & APPLICANT

Palladio Development, LLC,
Giro Katsimbrakis, Manager

PROPERTY LOCATION/ADDRESS

North of and adjacent to Aladdin Street NE, in the
vicinity north of Browning Avenue NE

SUMMARY OF REQUEST

Variance from Section 174.073(A)(3) for a proposed single-family home to exceed the maximum finished floor elevation.

Existing Zoning

RS-2, Single-Family Residential

Existing Land Use

Single Family Residential Use

Site Improvements

Undeveloped Lot

Site Acreage

0.23 acres, more or less

SURROUNDING ZONING & USE OF LAND

North

RS-2, Single-Family Residential; Melbourne-Tillman Canal No. 50

East

RS-2, Single-Family Residential; Single-Family Residence

South

RS-2, Single-Family Residential; Aladdin Avenue NE

West

RS-2, Single-Family Residential; Single-Family Residence

COMPREHENSIVE PLAN COMPATIBILITY

Not Specifically Addressed

BACKGROUND:

The subject property is currently a vacant, undeveloped lot within the Port Malabar Unit (PMU) 7 subdivision. The property is a standard GDC lot with a dimension of 80' wide by 125' deep. There are homes on either side of the lot and the surrounding neighborhood is mostly developed with single-family dwellings. PMU 7 was provided with city water & sewer from 2002-2004. Applicable stormwater management standards applied to the subject property were adopted by City Council in 2006 (Ord 2006-62). The applicant intends to construct a new home with a 2-car garage and approximately 1,865 square feet of living area. Applicable setbacks and other zoning provisions have been met.

ANALYSIS:

Variances from the terms of the land development code may be granted when special conditions exist that would result in unnecessary hardship if the provisions of the Land Development Code were enforced. However, a variance may not be granted when the public health and safety would be compromised as a result of the variance. An application must demonstrate that items 1 through 7 of Section 169.009 of the Code of Ordinances have been met. A review of these items is as follows.

Item 1 - *"Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, buildings or structures in the same land use category, zoning district or situation."*

Section 174.073(A)(3) "In areas with municipal sanitary sewer service, the maximum height of the lowest finished floor elevation of a proposed dwelling cannot exceed one (1) foot above the highest finished floor elevation of any side adjacent existing dwelling."

The lowest finished floor elevation (FFE) of an existing, adjacent dwelling is that of the residence to the east, at 275 Aladdin Avenue. This home has an FFE of 26.8'. Since the above code allows for a maximum of one (1) foot above this elevation, the proposed home could not exceed an FFE of 27.8' without an approved variance.

The applicant has proposed a new dwelling upon the subject property with an FFE of 30.0' and thus desires a variance of 2.2'. A home could be built upon the subject property with an FFE of 27.8' and meet City codes. However, there are other factors involved. Specifically, the adjacent lot to the west (259 Aladdin) has an FFE of 31'. The applicant believes that this difference of almost 4' would cause drainage and "standing water" issues for their client along the west side of the property.

In addition, there is a side lot line ditch on the east side of the subject property that accepts stormwater from the Aladdin Street swale and conveys it to the canal running behind (to the north) the lots on this block. City codes also require setback and sloping requirements for

properties adjacent to such a ditch. Therefore, the builder must balance the placement of the home and its elevation between these two factors.

Item 2 - *"The special conditions and circumstances identified in Item 1 above are not the result of the actions of the applicant."*

None of the items discussed in Item 1 are a result of the actions of the applicant. Lot 17 was constructed to meet city ordinances in 2017 and the home on Lot 19 was also built to city standards, in 2019. Location of the side lot line ditch was a factor of the slope of Aladdin Street. As such, the request does not appear to be self-induced.

Item 3 - *"Literal interpretation and enforcement of the land development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same land use category, zoning district or situation under the terms of the land development code, and would work unnecessary and undue hardship on the applicant."*

Literal interpretation and enforcement of Chapter 174 would require the applicant to construct a home that would be subject to possible flooding if built to conventional standards. Alternative constructions methods to alleviate potential runoff from the adjacent lot to the west may prove costly.

Item 4 - *"The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure."*

The applicant believes the Variance requested in this application is the minimum variance needed to safely accommodate construction of a new dwelling on the subject property.

Item 5 - *"Granting of the variance request will not confer on the applicant any special privilege that is denied by the land development code to other lands, buildings or structures in the same land use category, zoning district or situation."*

The intent of this item is that of equity. That is, standards in the Zoning Code are intended to be administered fairly. Variances from such codes are issued to provide relief to a property which is unfairly burdened. Due to the factors discussed in Item 1 of this report the applicant appears to be burdened by the existing elevations of adjacent properties and by the presence of the side lot line ditch. Denial of the variance may confer a hardship upon the applicant and staff believes the request is a reasonable solution to these unique set of circumstances that are not commonly found on other properties.

Item 6 - *"The granting of the variance will be in harmony with the general intent and purpose of this code and will not be injurious to the surrounding properties or detrimental to the public welfare."*

The Planning and Zoning Board and City Council shall determine if the variance requested in this Application is in keeping with the general intent of the applicable sections of the Land Development Code.

Item 7 - *"The variance represents a reasonable disposition of a claim brought under the Bert J. Harris Private Property Rights Protection Act, chapter 95-181, Laws of Florida, that a development order of the city has reasonably burdened the applicant's property, based on the recommendations of the special master appointed in accordance with the act, or the order of a court as described in the act."*

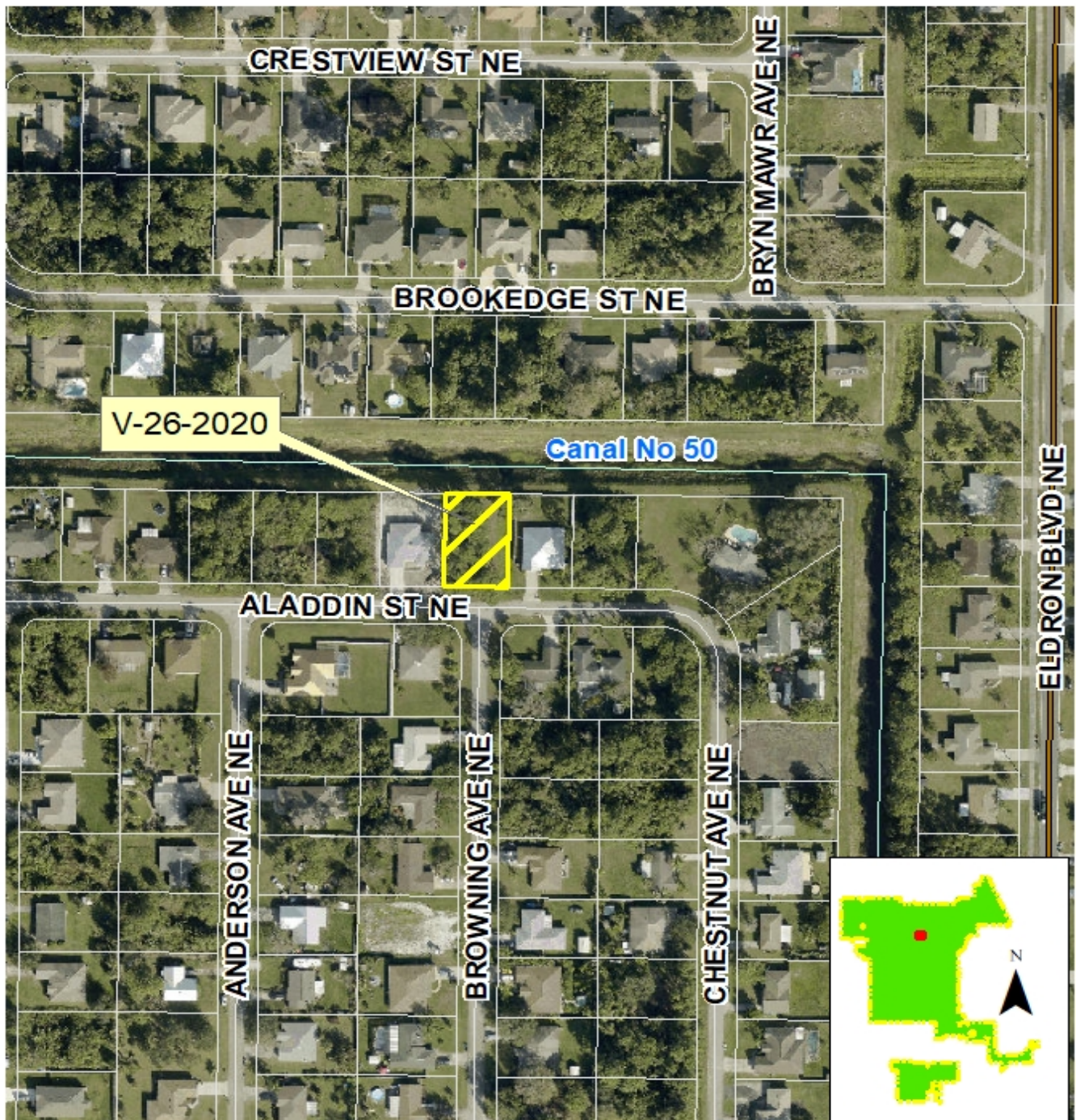
Staff has not received a claim made upon this property, with respect to the "Bert J. Harris Act," or any development order, as indicated above. Therefore, Item 7 is not applicable to the variance request.

STAFF CONCLUSION:

The Planning and Zoning Board must determine, based on the facts presented, to what degree, if any, of minimal relief is required to meet the needs of the variance being requested, as required under Section 169.009 of the City of Palm Bay Code of Ordinances and make recommendations to City Council for a final review. Under 59.05(A)(14) City of Palm Bay Code of Ordinances, "The quasi-judicial body shall direct the clerk or [city] attorney acting as the body's legal counsel to prepare the necessary and appropriate written order in accordance with the purpose of the hearing and findings of the quasi-judicial body. Pursuant to Florida Statutes, in the event relief is denied to the applicant, the specific provision of statute or code that was deficient shall be stated for record."



Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



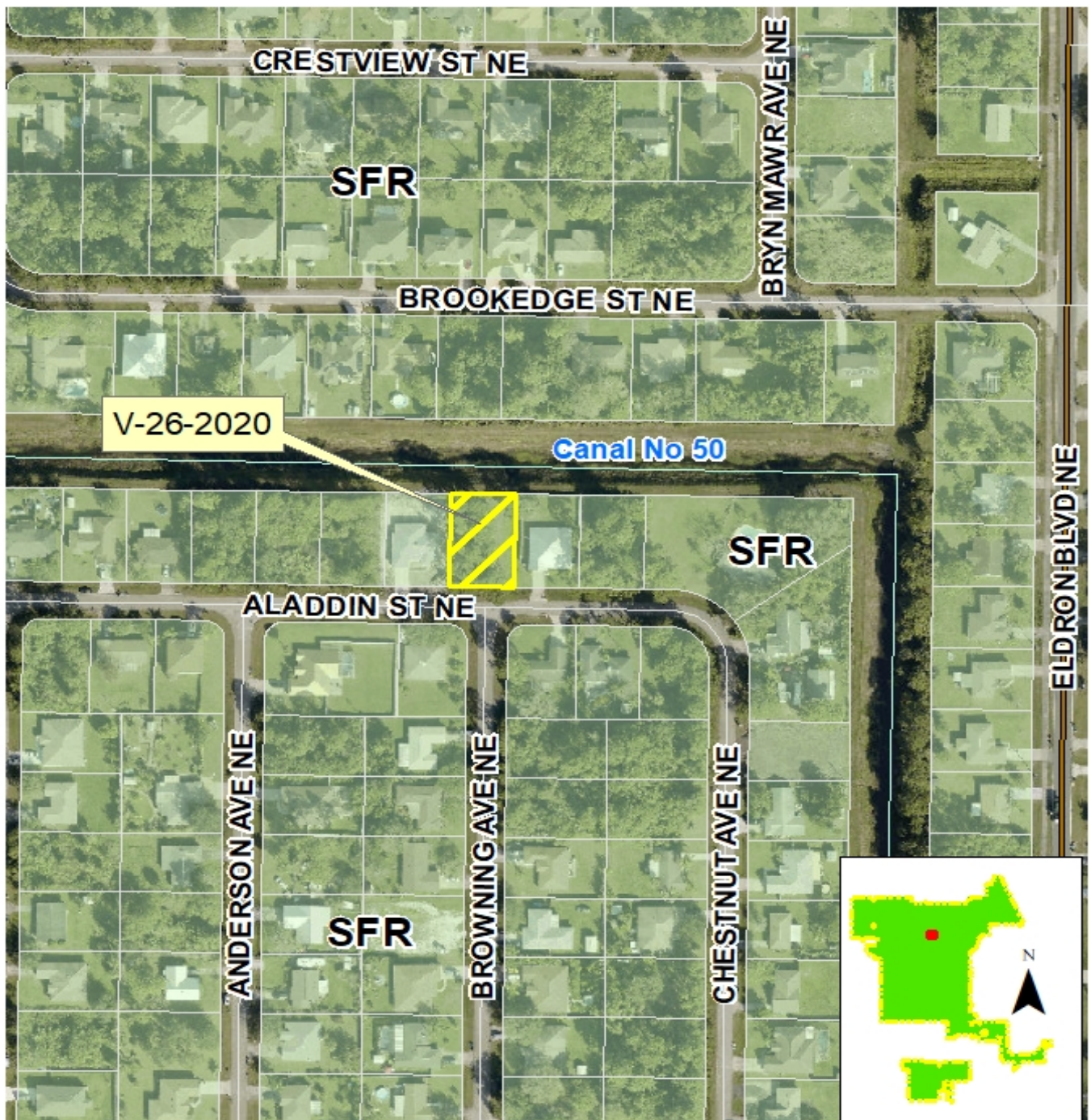
AERIAL LOCATION MAP CASE V-26-2020

Subject Property

North of and adjacent to Aladdin Street NE, in the vicinity north of Browning Avenue NE



Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



FUTURE LAND USE MAP

CASE V-26-2020

Subject Property

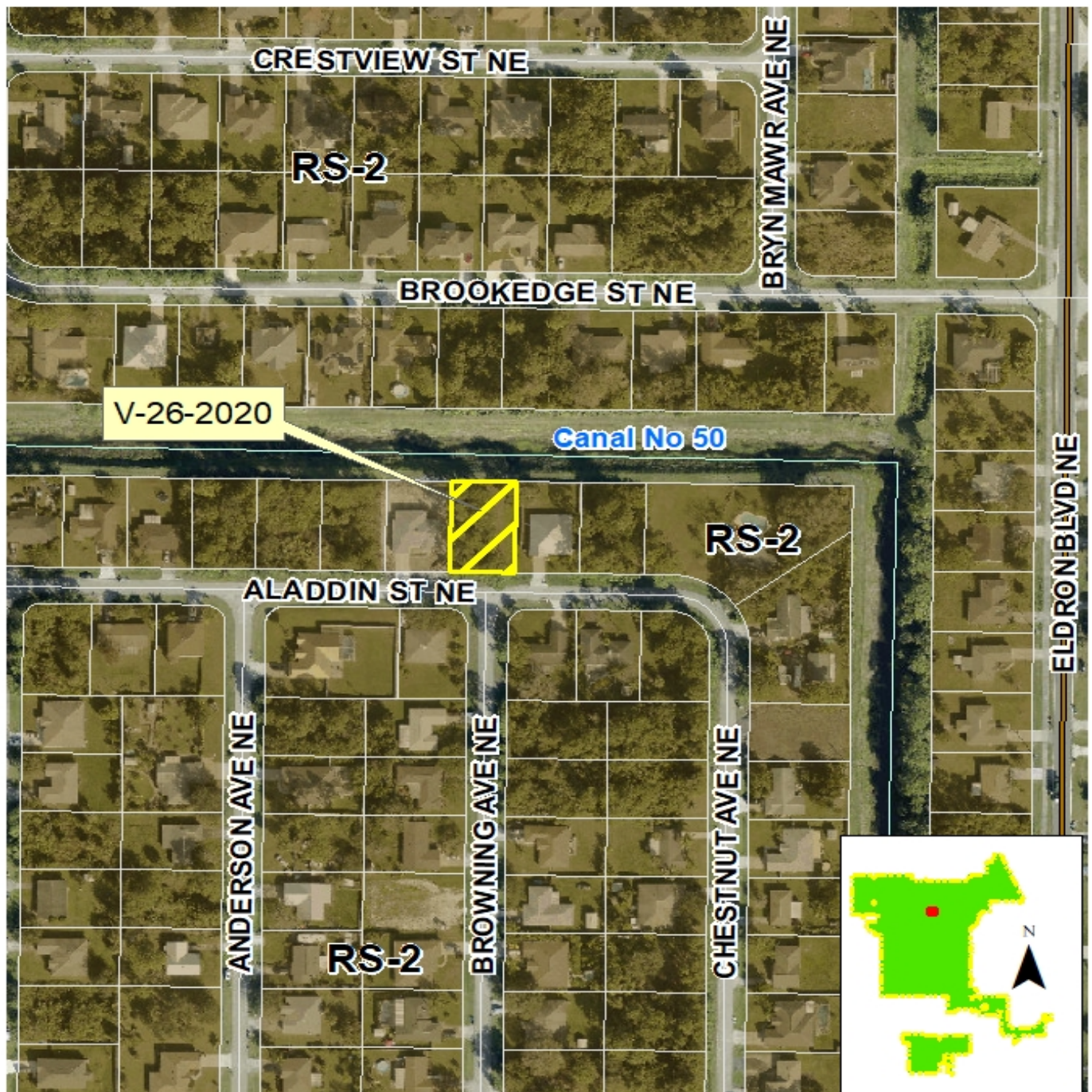
North of and adjacent to Aladdin Street NE, in the vicinity north of Browning Avenue NE

Future Land Use Classification

SFR – Single Family Residential Use



Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



ZONING MAP

CASE V-26-2020

Subject Property

North of and adjacent to Aladdin Street NE, in the vicinity north of Browning Avenue NE

Current Zoning Classification

RS-2 – Single Family Residential District

LEGEND

CONC	CONCRETE	CMP	CORRUGATED METAL PIPE
C/L	CENTERLINE	ACOMP	ASPHALT COATED CORRUGATED METAL PIPE
FB	PLAT BOOK	NGVD	NATIONAL GEODETIC VERTICAL DATUM OF 1929
EOP	EDGE OF PAVEMENT	PU&DE	PUBLIC UTILITIES & DRAINAGE EASEMENT
ORB	OFFICIAL RECORD BOOK	NAVD	NORTH AMERICAN VERTICAL DATUM OF 1988
PC	FACE	-XXXX	INDICATES PROPOSED GRADE (BY CLIENT)
WM	WATER METER	PLS	PROFESSIONAL LAND SURVEYOR
SS	SANITARY SEWER	PSM	PROFESSIONAL SURVEYOR & MAPPER
UB	UTILITY BOX	EL	ELEVATION
LP	LIGHT POLE	BM	BENCH MARK
S/W	SIDEWALK	CB	CONCRETE BLOCK
R/W	RIGHT OF WAY	CM	CONCRETE MONUMENT
PO	POWER POLE	FF	FINISH FLOOR
OW	OVERHEAD WIRES	LSB	LICENSED BUSINESS
CMR	CORNER MARKER RECOVERED	RGE	RANGE
CMR	CORNER MARKER SET	SEC	SECTION
PCP	PERMANENT CONTROL POINT	TWP	TOWNSHIP
PC	POINT OF CURVE	COV	COVERED
PT	POINT OF TANGENCY	INT	INTERSECTION
PRC	POINT OF REVERSE CURVE	AVE	AVENUE
PCC	POINT OF COMPOUND CURVE	BLVD	BOULEVARD
PI	POINT OF INTERSECTION	COURT	COURT
IND	INDICATES RECORD DATA	PL	PLACE
IND	INDICATES GROUND ELEVATION	ST	STREET
IND	INDICATES SURFACE WATER FLOW	SQ	SQUARE
IND	INDICATES NAIL OR NAIL AND DISK	TERR	TERRACE
WELL	WELL	A/C	AIR CONDITIONER
		N/D	NAIL AND DISK

PROJECT REFERENCE BENCHMARK
CITY OF PALM BAY CONTROL
(PALM BAY CONTROL POINT)
07-031 EL=26.917 NGVD29

JOB No. PMU 18 0208

MELBOURNE TILLMAN DRAINAGE DISTRICT CANAL NO.50

NOTES:

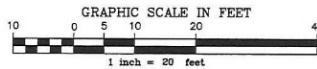
1. THE LANDS SURVEYED LIE WITHIN FLOOD ZONE X, PER FLOOD INSURANCE RATE MAP NO. 12009C, COMMUNITY 120404, PANEL 0595G, DATED MARCH 17, 2014. THIS LOCATION IS BASED ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. FINAL LOCATION AND FLOOD ZONE DETERMINATION REST WITH SAID AGENCY. THIS SURVEYOR ASSUMES NO RESPONSIBILITY FOR SAID LOCATION AND DETERMINATION.
2. THERE MAY OR MAY NOT BE RECORDED OR UNRECORDED RIGHTS OF WAY RESERVATIONS OR RESTRICTIONS AFFECTING THE LANDS SURVEYED.
3. UNLESS SHOWN OTHERWISE, THERE ARE NO ENCROACHMENTS, GAPS OR OVERLAPS. FENCE OWNERSHIP, IF ANY IS NOT KNOWN, FOUNDATIONS BENEATH THE SURFACE ARE NOT LOCATED.
4. UNLESS SHOWN OTHERWISE, DIMENSIONS AND DIRECTIONS SHOWN ARE FIELD MEASURED AND ARE THE SAME AS RECORD DATA.
5. THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.
6. THIS SURVEY WAS MADE FOR THE PURPOSE DESCRIBED, AND SHALL BE USED FOR NO OTHER PURPOSE WHATSOEVER. "THE SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER", EXCEPT THOSE WITH ELECTRONIC SIGNATURE AND ELECTRONIC SEAL.
7. BEARINGS REFER TO THE LINE INDICATED BASED ON RECORD INFORMATION OBTAINED FROM PLAT OR DEED.
8. ELEVATIONS INDICATED HEREON ARE IN FEET AND DECIMALS, BASED ON THE PROJECT BENCHMARK DATUM AS SHOWN. PROJECT BENCHMARK ELEVATIONS ESTABLISHED BASED ON A LEVEL LOOP BENCH RUN REFERENCED TO DESCRIBED CONTROL MONUMENT.
9. THIS SURVEY WAS PREPARED FROM THE AVAILABLE DATA BASED ON THE DESCRIPTION PROVIDED BY THE CLIENT. THE UNDERSIGNED SURVEYOR DID NOT CONDUCT A TITLE SEARCH AND DID NOT RECEIVE ATTORNEY'S TITLE OPINION, UNLESS OTHERWISE NOTED HEREON. LANDS DESCRIBED AND GRAPHICALLY SHOWN ON THIS SURVEY WERE NOT ABSTRACTED FOR ANY ENCUMBRANCES WHATSOEVER. SURVEY AND DRAWING IS THE PROFESSIONAL STATEMENT OF THE SIGNING SURVEYOR, BASED ON FIELD AND DOCUMENTARY EVIDENCE.
10. THIS SURVEY AND DRAWING IS MADE TO COMPLY WITH THE STATE OF FLORIDA "STANDARDS OF PRACTICE, PER CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE".

DESCRIPTION

THIS SURVEY IS CERTIFIED TO
AND SPECIFICALLY MADE FOR
PALLADIO DEVELOPMENT, LLC

LOT 18, BLOCK 208, PORT MALABAR
UNIT SEVEN, ACCORDING TO THE
PLAT THEREOF, RECORDED IN PLAT
BOOK 14, PAGES 125 THROUGH 135.
INCLUSIVE, OF THE PUBLIC RECORDS
OF BREVARD COUNTY, FLORIDA.

DATE OF FIELD SURVEY: MAY 6, 2020



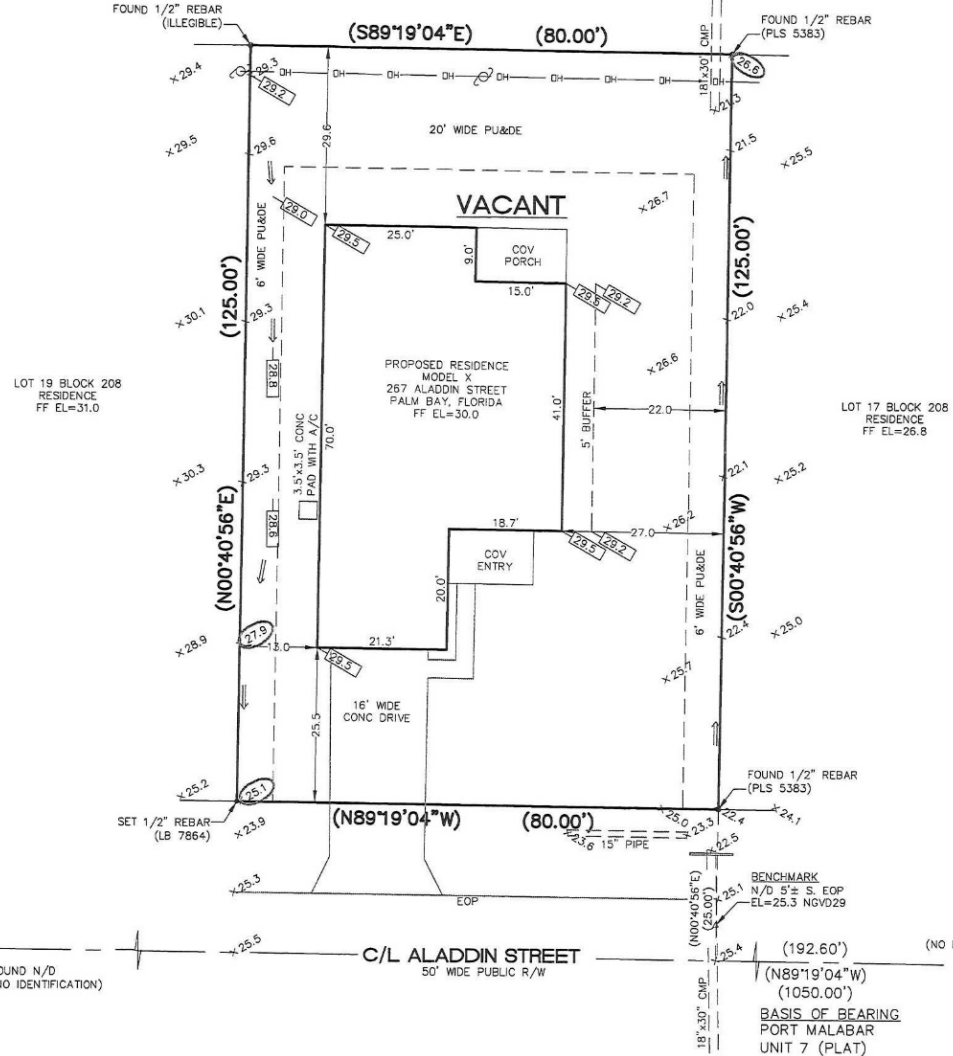
JON E. BRUNNER, FLORIDA PSM 6431
STATE OF FLORIDA

**BRUNNER
HAGEN**

801 Carolin Street Melbourne, FL 32901
phone (321)728-1961 fax (321) 779-8607
info@brunner-hagen.com
LAND SURVEYORS LB No. 7864
CONSULTING ENGINEERS CA No. 29254

MAP OF BOUNDARY/TOPOGRAPHIC SURVEY FOR
PALLADIO DEVELOPMENT, LLC

PROJECT NO:
373-20
SEC. 32
TWP. 28 S.
RNG. 37 E.





LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042
Landdevelopment@palmbayflorida.org

VARIANCE APPLICATION

This application must be deemed complete and legible, and must be returned by the first day of the month during division office hours, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, to be processed for consideration the following month at the earliest by the Planning and Zoning Board. The application will then be referred by the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, unless otherwise stated.

PARCEL ID 28-37-31-FR-208-18

TAX ACCOUNT NUMBER 2840335

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION:

Lot 18 Block 208 Port Malabar Unit Seven Plat Book 14 Page 126

STREET ADDRESS OF PROPERTY COVERED BY APPLICATION:

267 Aladdin Street, NE

SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 0.23

EXISTING ZONING CLASSIFICATION OF PROPERTY (ex.: RS-2, CC, etc.) RS-2

ARE THERE ANY STRUCTURES ON THE PROPERTY NOW? ☐ YES ☒ NO

HAS A VARIANCE APPLICATION PREVIOUSLY BEEN FILED FOR THIS PROPERTY?
☐ YES ☒ NO

IF SO, STATE THE NATURE OF THE PREVIOUS APPLICATION, WHETHER THE REQUEST WAS APPROVED OR DENIED, AND DATE OF ACTION:

DESCRIBE THE EXTENT OF THE VARIANCE REQUESTED AND THE INTENDED USE OF THE PROPERTY IF THE VARIANCE IS GRANTED (SPECIFY NUMBER OF INCHES/FEET ENCROACHING INTO SPECIFIC REQUIRED YARD SETBACK OR HEIGHT RESTRICTIONS):

Finish floor to be 3.2 feet above Lot 17, Block 208, exceeding city ordinance by 2.2 feet.

CITE THE APPLICABLE SECTION(S) OF THE ZONING ORDINANCE AND ITS REQUIREMENT FROM WHICH VARIANCE IS REQUESTED (ex.: 185.034(f)(7)):

174.073 (3)

GIVE WRITTEN EXPLANATION(S) DEMONSTRATING HOW THE VARIANCE MEETS THE FOLLOWING CONDITIONS PER SECTION 169.009:

- (a) That special conditions and circumstances exist which are peculiar to the land, structures or buildings involved and which are not applicable to other lands, structures or buildings in the same land use category, zoning district, or situation.
- (b) That special conditions and circumstances referred to above do not result from the actions of the applicant.
- (c) That literal interpretation and enforcement of the development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same land use category, zoning district, or situation under the terms of the development code, and would work unnecessary and undue hardship on the applicant.
- (d) That if granted, the variance is the minimum variance necessary to make possible the reasonable use of the land, building or structure.
- (e) That granting the variance requested will not confer on the applicant any special privilege that is denied by the development code to other lands, buildings, or structures in the same land use category, zoning district, or situation.
- (f) That granting the requested variance will be in harmony with the general intent and purpose of this code and will not be injurious to the surrounding properties or detrimental to the public welfare.

The subject parcel is deemed unbuildable under the ordinance as written due to the excessive difference in the adjoining properties finish floor elevations.

EVIDENCE MUST BE PROVIDED TO CONSIDER VARIANCES BASED ON THE FOLLOWING CLAIMS:

- ☐ **BERT J. HARRIS PRIVATE PROPERTY RIGHTS PROTECTION ACT**, Chapter 95-181, Laws of Florida. Provide a copy of one of the following:
- ☐ Special master appointed in accordance with the act.
 - ☐ Court order as described in the act.
- ☐ **AMERICANS WITH DISABILITIES ACT**. Cite the section of the act from which the variance request will provide relief: _____

THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS APPLICATION:

- ☒ *\$350.00 Application Fee. Make Check payable to "City of Palm Bay."
- ☐ List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This should be obtained for a fee from the Brevard County Planning and Zoning Department at (321) 633-2060.)
- ☐ A site plan drawn to scale which shows all property and yard dimensions, its structures (if any) and the variance desired, including abutting highway or road boundaries. The site plan shall also be provided on Memory Drive.
- ☐ Site plan data may be shown on a copy of the survey and must also be provided on Memory Drive.
- ☐ A survey prepared by a registered surveyor showing all property lines and structures. The survey shall also be provided on Memory Drive.
- ☐ Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guideline.
- ☐ **Where the property owner is not the representative for the request**, a LETTER must be attached giving the notarized consent of the property owner(s) to a representative.

Name of Representative Katja Jones

**CITY OF PALM BAY, FLORIDA
VARIANCE APPLICATION
PAGE 4 OF 4**

I, the undersigned understand that this application must be complete and accurate before consideration by the Planning and Zoning Board/Local Planning Agency and certify that all the answers to the questions in said application, and all data and matter attached to and made a part of said application are honest and true to the best of my knowledge and belief.

Under penalties of perjury, I declare that I have read the foregoing Variance application and that the facts stated in it are true.

Owner Signature  **Date** 9/15/2020

Printed Name Giro Katsimbrakis

Full Address 18021 sky park circle suite A, Irvine, Ca 92614

Telephone 949-379-8094 **Email** giro@palladiodevelopment.com

***NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY**

September 18, 2020

Re: Letter of Authorization

As the property owner of the site legally described as:

PORT MALABAR UNIT 7 LOT 18 BLOCK 208, 267 ALLADDIN STREET NE, PALM BAY,
FLORIDA 32907

I, Owner Name: PALLADIO DEVELOPMENT LLC

Address: 18021 SKY PARK CIRCLE, SUITE A, IRVINE, CA 92614

Telephone: 949-379-8094

Email: GIRO@PALLADIODEVELOPMENT.COM

hereby authorize:

Representative: KATJA JONES

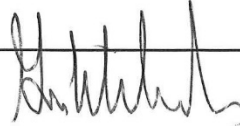
Address: 851 VANTAGE STREET SE, PALM BAY, FLORIDA 32909

Telephone: 321-427-8642

Email: KATJA.J@PALLADIODEVELOPMENT.COM

to represent the request(s) for:

VARIANCE



(Property Owner Signature)

STATE OF California

COUNTY OF Orange

The foregoing instrument was acknowledged before me by means of ☐ physical
presence or ☐ online notarization, this _____ day of _____, 20____ by
_____, property owner.



, Notary Public

☐ Personally Known or ☐ Produced the Following Type of Identification:

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Orange

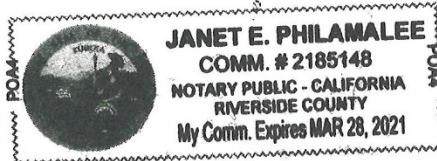
On 9/18/2020 before me, Janet E. Philamalee, Notary Public
(insert name and title of the officer)

personally appeared Gino G. Katsimbrakis
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Janet E. Philamalee (Seal)



2020 FLORIDA LIMITED LIABILITY COMPANY ANNUAL REPORT

DOCUMENT# L14000094044

Entity Name: PALLADIO DEVELOPMENT LLC

Current Principal Place of Business:

18021 SKY PARK CIRCLE
SUITE A
IRVINE, CA 92614

Current Mailing Address:

18021 SKY PARK CIRCLE
SUITE A
IRVINE, CA 92614 US

FEI Number: 35-2510057

Certificate of Status Desired: Yes

Name and Address of Current Registered Agent:

LEGALINC CORPORATE SERVICES, INC.
5237 SUMMERLIN COMMONS
SUITE 400
FORT MYERS, FL 33907 US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE:

Electronic Signature of Registered Agent

Date

Authorized Person(s) Detail :

Title MANAGER
Name ZHAO, YINAN
Address 18021 SKY PARK CIRCLE
SUITE A
City-State-Zip: IRVINE CA 92614

Title MANAGER
Name KATSIMBRAKIS, GIRO G
Address 18021 SKY PARK CIRCLE
SUITE A
City-State-Zip: IRVINE CA 92614

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am a managing member or manager of the limited liability company or the receiver or trustee empowered to execute this report as required by Chapter 605, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

SIGNATURE: GIRO KATSIMBRAKIS

MANAGER

01/06/2020

Electronic Signature of Signing Authorized Person(s) Detail

Date

CASE V-26-2020

CORRESPONDENCE

Chandra Powell

From: Stephen Stomber <sjstomber49@gmail.com>
Sent: Monday, October 26, 2020 11:26 AM
To: Chandra Powell
Subject: RE: Case V-26-2020
Attachments: 89F7FD6C-C1DB-4965-82C8-A613C54DC545.JPG

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

TO: Planning & Zoning Board/Local Planning Agency
City Council
City of Palm Bay, Florida

I reside within 500 feet of the proposed variance at 259 Aladdin St., NE, Palm Bay, Florida (Lot 19, Block 208). My property is the adjacent property on the west side of Lot 18 Block 208.

The requested variance by Palladio Development asks to exceed the allowable finished floor elevation by a maximum of 2.2 feet. My understanding is that home construction must be 5 feet above the center of the road for flood purposes. If the builder requests an additional 2.2 ft, then the finish floor elevation would be 7.2 feet above the centerline of the road.

If this understanding is correct I strenuously object and request variance be refused. At 5 feet above the center of the road the swales cut deeply during rains. See the enclosed picture. If the Palladio Development property is 2.2 feet higher in finished floor elevation, the water run off will be worse causing even more erosion.

Sincerely

Stephen J. Stomber



Chandra Powell

From: Stephen Stomber <sjstomber49@gmail.com>
Sent: Monday, October 26, 2020 1:33 PM
To: Chandra Powell
Subject: Re: Case V-26-2020

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Powell

Two more points. Pools in Palm Bay must be surrounded by a fence for protection of others. The benefits of a 6 ft privacy fence as to pool protection and simply family privacy are lost if the adjacent property is 7.2 feet higher elevation wise.

Sincerely

Stephen Stomber

On Mon, Oct 26, 2020 at 11:30 AM Chandra Powell <Chandra.Powell@palmbayflorida.org> wrote:

Mr. Stomber,

Thank you for your comments, they will be provided to the Board and Council.

Chandra Powell

City of Palm Bay

Land Development Division

120 Malabar Road SE

Palm Bay, FL 32907

(321) 733-3041

From: Stephen Stomber <sjstomber49@gmail.com>
Sent: Monday, October 26, 2020 11:26 AM
To: Chandra Powell <Chandra.Powell@palmbayflorida.org>
Subject: RE: Case V-26-2020

Chandra Powell

From: Rosemarie Saavedra
Sent: Wednesday, October 28, 2020 8:39 AM
To: Laurence Bradley; Terese Jones; Terri Lefler; Suzanne Sherman
Cc: Chandra Powell; Angela Burak; Meeshalle Sorenson
Subject: FW: Request to Deny Case V-26-2020

Good morning,
The email below was sent to Council yesterday.
They may have already reached out to you.

Thanks.

Rosemarie



Down to Earth and Up to Great Things™



Rosemarie Saavedra
Administrative Assistant

321.952.3414 or ext. 3414

From: Stephen Stomber <sjstomber49@gmail.com>
Sent: Tuesday, October 27, 2020 5:04 PM
To: City Council <CityCouncil@palmbayflorida.org>
Subject: Request to Deny Case V-26-2020

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I reside on Lot 18 Block 208. The adjacent lot 19 Block 208 requests a variance to exceed allowable finished floor elevation by 2.2 ft. The current regulatory framework states finished floor elevations to be 5 ft above center of the road. My house on Lot 18 is 5 ft above road center.

If Variance is granted house on Lot 19 be 7 ft 2 in above road center. I object. There is no rationale reason Palladio Development to construct their model "Millennial 1" 4 bedroom home totaling 2834 square ft at 7 ft rather than 5 ft above road center line. The rain runoff from different soil elevations will cause more soil erosion.

My VA home has a privacy fence. What good is a privacy fence, where is the privacy if the house next door is on a 2 ft higher elevation. Likewise what good is a privacy fence to protect a swimming pool if the height of a pool fence is relegated from 6 ft to 4 ft due to a 7 ft floor elevation.

There is no reason why the builders can't squeeze their model home on Lot 19 with the standard 5 ft above road centerline. I don't mind having neighbors but I would expect privacy with my new VA home in Palm Bay.

Sincerely

Stephen J Stomber, Col, USA, Ret.

CASE V-26-2020

CORRESPONDENCE

Received after Planning and Zoning Board Packet was published

Chandra Powell

From: sean hartley <seanhartley@outlook.com>
Sent: Monday, November 2, 2020 8:54 PM
To: Chandra Powell
Subject: Case V-26-2020

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello

I own property (283 Aladdin St NE) within 500 ft of the proposed variance @ 259 Aladdin St NE. I do think allowing the elevation to be up to 2.2 feet higher than other new construction homes in the area benefits anyone. I believe this will cause questions regarding the area and sale-ability of existing homes in the area. This could negatively affect property values as buyers will think the area is high risk for flooding. I also believe that height will allow people in the surrounding homes to lose their privacy. Please do not allow this variance! **Please not that I am a real estate agent and I have seen these issues first hand.** I had a listing at 426 Harrisburg SW that had at least 10 people walk away from purchasing the property SOLELY on the fact the house next door is so much higher than surrounding homes and their entire yard was 2 feet higher than the house I had for sale, people were extremely concerned about flooding and was unable to ease their fears. This has caused about a 20% reduction in value to my clients home. If you have any questions or would like to discuss further, please contact me.

Thank you and have a blessed day!

Cyber criminals are targeting home buyers and sellers nationwide.

Prior to wiring any money, you should always verbally contact your real estate broker and title agent to confirm that the wiring information is accurate. Do not rely on telephone numbers or website addresses provided within an unverified email.



Sean & Anamaria Hartley

Your Real Estate Experts!

321.323.9784

seanhartley@outlook.com

www.theNOWteam.us - New Owner Wanted!



Waterman Real Estate, Inc
828 Malabar Rd SE
Palm Bay, FL 32907

The highest compliment my clients can give me is to recommend me to a friend. I truly appreciate your referrals!

The Four Agreements for Life (Don Miguel Ruiz with Janet Mills)

- Agreement 1: Be Impeccable With Your Word.
- Agreement 2: Don't Take Anything Personally.
- Agreement 3: Don't Make Assumptions.
- Agreement 4: Always Do Your Best.

The information contained in this email is confidential and intended solely for the addressees. Any unauthorized access, use, reproduction, or dissemination is prohibited. If you have received this e-mail in error, please notify me immediately and delete this copy from your system. Landing Title Agency Inc., and/or its affiliates shall not assume legal liability or responsibility for any incorrect, misleading, or altered information contained herein.

The greatest threat to the environment is waiting for someone else to save it.

Chandra Powell

From: shiv singh <shiv101singh@hotmail.com>
Sent: Tuesday, November 3, 2020 5:09 PM
To: Chandra Powell
Subject: Increase of land elevation

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Powell,

Good Morning!

I hope my e-mail finds you well...

I own property (290 Aladdin St NE) approximately 500 ft of the proposed variance at 259 Aladdin St NE. I do not think by allowing the elevation to be up to 2.2 feet higher than other new construction homes in the area benefits anyone. I believe this will cause questions regarding the area and sale-ability of existing homes in the area. This will negatively affect my property value. I also believe that height will allow people in the surrounding homes to lose their privacy. Please do not allow this variance!

If you would like to discuss this further I can be reached at 252-904-5102.

Sincerely,
Shiv Singh

CITY OF PALM BAY, FLORIDA
PLANNING AND ZONING BOARD/m
LOCAL PLANNING AGENCY
REGULAR MEETING 2020-13

Held on Wednesday, November 4, 2020, in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Land Development Division, Palm Bay, Florida. The minutes are not a verbatim transcript but a brief summary of the discussions and actions taken at this meeting.

Mr. Philip Weinberg called the meeting to order at approximately 7:00 p.m.

Mr. Richard Hill led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRPERSON:	Philip Weinberg	Present
VICE CHAIRPERSON:	Leeta Jordan	Present
MEMBER:	Donald Boerema	Present
MEMBER:	Donny Felix	Present
MEMBER:	Richard Hill	Present
MEMBER:	Khalilah Maragh	Present
MEMBER:	Rainer Warner	Present
NON-VOTING MEMBER:	David Karaffa	Present
	(School Board Appointee)	

CITY STAFF: Present were Mr. Laurence Bradley, Growth Management Director; Mr. Patrick Murphy, Assistant Growth Management Director; Mr. Christopher Balter, Senior Planner; Ms. Chandra Powell, Recording Secretary; Ms. Jennifer Cockcroft, Deputy City Attorney.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2020-12; October 7, 2020. Motion by Ms. Maragh, seconded by Mr. Felix to approve the minutes as presented. The motion carried with members voting unanimously.

ANNOUNCEMENTS:

1. Mr. Weinberg addressed the audience on the meeting procedures and explained that the Planning and Zoning Board/Local Planning Agency consists of volunteers who act as an advisory board to City Council.
2. Mr. James Stokes informed the board of his resignation as the board attorney due to work obligations, and he expressed his pleasure in serving the board. Ms. Jennifer Cockcroft was welcomed as the new counsel for the board.

OLD BUSINESS:

1. **T-20-2020 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT – REQUESTED BY COUNCILMAN JEFF BAILEY)**

(REQUEST TO CONTINUE TO DECEMBER 2, 2020)

Mr. Weinberg announced there was a request (second) to continue Case T-20-2020 to the December 2, 2020 Planning and Zoning Board meeting. Board action was required to continue the case.

Motion by Mr. Warner, seconded by Ms. Maragh to continue Case T-20-2020 to the December 2, 2020 Planning and Zoning Board meeting. The motion carried with members voting unanimously.

City Council will hear the request on December 17, 2020.

NEW BUSINESS:

1. ****V-26-2020 – PALLADIO DEVELOPMENT, LLC (KATJA JONES, REP.)**

Mr. Murphy presented the staff report for Case V-26-2020. The applicant had requested a variance to allow a proposed home to exceed the allowable finish floor elevation by a maximum of 2.2 feet, as established by Section 174.073(A)(3) of the Palm Bay Code of Ordinances. The board had to determine, based on the facts presented, the degree of minimal relief, if any, to meet the needs of the variance request, as required by Section 169.009 of the City of Palm Bay Code of Ordinances.

Ms. Katja Jones (representative for the applicant) stated that the intent of the subject request was to build a single-family home on the subject site, and that the proposed home was currently under contract.

The floor was opened for public comments.

Mr. Stomber (resident at Aladdin Street NE) spoke against the request. He stated that his home was built in 2019 to meet the floor elevation requirement of 5 feet above the center of the road. Allowing the proposed home to be constructed 2.2 feet higher would cause erosion to his property and negate his 4-foot high privacy fence. The two lots had no difference in size or elevation.

The floor was closed for public comments; there was three correspondence in the file in opposition to the request that included correspondence from Mr. Stomber.

Ms. Maragh inquired whether the requested increase in elevation would affect neighboring properties. Mr. Murphy stated that there was approximately 37 feet of land and a side lot line ditch between Mr. Stomber's property line and the east side of the proposed home. Any flow would enter the ditch well before reaching Mr. Stomber's property and would transfer north into the Melbourne-Tillman Water Control District Canal behind the lots. He explained how the subject property needed the proposed adjustment to compensate for the adjacent home on the west side that was built six feet above the crown of the road.

Ms. Maragh asked whether the subject home would become unbuildable without the variance. Mr. Murphy stated that construction options available for the home, such as a stem wall or stilts, would be excessive compared to other homes in the area.

Ms. Jordan questioned how the home to the west was permitted to build so high. Mr. Murphy explained that the code currently protected existing homes from new homes, and that the home to the west was built first at the higher elevation.

Mr. Weinberg stated that he would support the subject proposal which would allow the home to be built at 30 inches above the finish floor elevation since the home to the west was 31 inches above finish floor elevation.

Motion by Ms. Maragh, seconded by Mr. Felix to submit Case V-26-2020 to City Council for approval of a variance to allow a proposed home to exceed the allowable finish floor elevation by a maximum of 2.2 feet, as established by Section 174.073(A)(3) of the Palm Bay Code of Ordinances. The motion carried with members voting unanimously.

2. ****V-28-2020 – DALE HERSCHER**

Mr. Balter presented the staff report for Case V-28-2020. The applicant had requested a variance to allow a proposed covered carport to encroach 6.5 feet into the 8-foot side interior setback as established by Section 185.033(F)(7)(b) of the Palm Bay Code of Ordinances. The board had to determine, based on the facts presented, the degree of minimal relief, if any, to meet the needs of the variance request, as required by Section 169.009 of the City of Palm Bay Code of Ordinances.

Mr. Dale Herscher (applicant) stated that a covered carport was being requested to protect his disabled wife when accessing their home and vehicle. The carport would be built to code by a contractor.

Mr. Boerema asked if a slab was present. Mr. Herscher confirmed that there was an existing slab.

Mr. Weinberg asked for confirmation that the carport would not extend beyond the existing slab. Mr. Herscher indicated that this was correct.

The floor was closed for public comments; there was one correspondence in the file in opposition to the request.

Motion by Mr. Hill, seconded by Ms. Jordan to submit Case V-28-2020 to City Council for approval of a variance to allow a proposed covered carport to encroach 6.5 feet into the 8-foot side interior setback as established by Section 185.033(F)(7)(b) of the Palm Bay Code of Ordinances. The motion carried with members voting unanimously.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Laurence Bradley, AICP, Growth Management Director

DATE: 12/17/2020

RE: Ordinance 2020-87, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'District Regulations', by modifying front yard building setbacks and parking areas, and reducing the minimum side corner building setback in RC (Restricted Commercial District) zoning (Case T-33-2020, City of Palm Bay), first reading. (Councilman Bailey)

The City of Palm Bay (Growth Management Department) has submitted a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.052(F)(7) Restricted Commercial (RC) District, Lot and structure requirements, Minimum yard requirements, to modify front yard setbacks that face an arterial road from 40 feet to 30 feet for buildings and from 15 feet to 10 feet for parking areas. Also, to modify side corner building setbacks from 30 feet to 25 feet. The rationale provided for this amendment is to encourage development within the RC zoning district by reducing the setback requirements. This textual amendment was developed at the request of Councilman Jeff Bailey.

The RC district was created in 2001 and applied along Malabar Road from what was previously RS-1 and RS-2 residential zoning districts. The RC district serves as a transition from residential use, and other noncommercial development, to commercial use. A total of 136 RC lots presently abut Malabar Road, including parcels both north and south of Malabar Road at two to three lots deep. There are 33 of 66 undeveloped RC lots with frontage on Malabar Road.

Staff supports the intent of the amendment to encourage development along the major commercial corridor (Malabar Road) while still providing protections for residential properties in both the RC district and the adjoining residential zones.

REQUESTING DEPARTMENT:
Growth Management

RECOMMENDATION:
Motion to Case T-33-2020 is recommended for approval.

Planning and Zoning Board Recommendation:

Unanimous approval of the request.

Planning and Zoning Board minutes are not fully transcribed at this time; the following is an excerpt:

Motion by Ms. Maragh, seconded by Mr. Hill to submit Case T-33-2020 to City Council for approval of a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.052 RC, Restricted Commercial District, to modify front yard building parking setbacks, and to reduce the minimum side corner building setback. The motion carried with members voting unanimously: Mr. Weinberg, aye; Ms. Jordan, aye; Mr. Boerema, aye; Mr. Hill, aye; Ms. Maragh, aye. Mr. Warner was not present.

ATTACHMENTS:

Description

Case T-33-2020

Ordinance 2020-87



STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: 321-733-3042

landdevelopmentweb@palmbayflorida.org

Prepared by

Laurence Bradley, AICP, Growth Management Director

CASE NUMBER

T-33-2020

PLANNING & ZONING BOARD HEARING DATE

December 2, 2020

PROPERTY OWNER & APPLICANT

City of Palm Bay, Growth Management
Department

PROPERTY LOCATION/ADDRESS

Not Applicable

SUMMARY OF REQUEST

Change to §185.052 – Restricted Commercial (RC) District to modify front yard setbacks that face an arterial road from 40 feet to 30 feet for buildings and from 15 feet to 10 feet for parking areas. Also, to modify side corner building setbacks from 30 feet to 25 feet.

Existing Zoning

Not Applicable

Existing Land Use

Not Applicable

Site Improvements

Not Applicable

Site Acreage

Not Applicable

APPLICABILITY

Citywide

**COMPREHENSIVE PLAN
COMPATIBILITY**

Not specifically Addressed

BACKGROUND:

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, §185.052 (F) (7) Restricted Commercial (RC) District, Lot and Structure Requirements, Minimum yard requirements to modify front yard setbacks that face an arterial road from 40 feet to 30 feet for buildings and from 15 feet to 10 feet for parking areas. Also, to modify side corner building setbacks from 30 feet to 25 feet.

The Growth Management Department, acting upon a request from a member of the City Council, has submitted this proposed text amendment. This amendment would reduce specific setback requirements in the RC Zoning District.

The rationale provided for this amendment is to encourage development within the RC Zoning District by reducing the setback requirements. This will also make the RC District setbacks more consistent with other commercial zoning districts including Office Professional (OP), Neighborhood Commercial (NC), Community Commercial (CC) and General Commercial (GC).

Proposed language for this amendment is attached in legislative style with additions between >>arrow<< symbols and deletions in strikethrough format.

ANALYSIS:

The RC District was created in 2001 and applied along Malabar Road from what was previously RS-1 and RS-2 Residential zoning. The stated purpose of the District in the Land Development Code (LCD) is noted below:

“The purpose of the restricted commercial district shall be to locate and establish areas within the city which are uniquely suited for commercial development, but which are transitioning from residential or other noncommercial development to commercial use. Such areas to be primarily along major transportation corridors connecting other community commercial clusters. The uses and development standards included in the district are intended to provide compatibility between uses, protect nearby residential districts, provide access control along corridors, provide quality development, enhance corridor appearance, and provide additional commercial opportunities within the city.”

There are two areas of RC Zoning. The larger section runs from Cassia Avenue on the south and Goldcoast Road on the north of Malabar Road west to Aviation Avenue on the north and City Hall on the south side of Malabar. The second smaller area of RC is found on the north side of Malabar between Belvedere Road and Greenbrier Avenue.

The RC District includes parcels abutting Malabar Road, but also includes parcels both north and south of Malabar 2 to 3 lots deep.

The staff report at the time suggested, and the regulations that were ultimately adopted, called for a larger front setback (40' instead of 30') to allow for more front landscaping and to protect residential uses. Single-family residences still existing in the areas noted above as Non-Conforming uses and the RC District still abuts many single-family homes located in the RS-1 and RS-2 districts.

It should also be noted that RC is the only District which requires an 8-foot high masonry wall on the side & rear property lines when the RC parcel abuts a residentially zoned parcel. This was also done with the idea of providing extra protection for residential uses and was at the request of existing homeowners during public workshops.

There are a total of 136 lots designated as RC District, which make up less than 1% of the total lots in Palm Bay. The total area of these lots is just over 48 acres, which is also less than 1% of the total land area of the City. Approximately 48% of the lots are undeveloped (66 parcels). Half of the vacant parcels (33) have frontage on Malabar Road.

These changes would allow for reduced front setbacks for buildings and parking for frontage on Malabar Road and reduced side corner building setbacks for all lots within the district.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed changes as they are intended to encourage development along a major commercial corridor (Malabar Road) while still providing protections for residential properties located both within the RC district and the adjoining residential zones.

TITLE XVII: LAND DEVELOPMENT CODE

CHAPTER 185: ZONING CODE

§ 185.052 RC - RESTRICTED COMMERCIAL DISTRICT.

(F) *Lot and structure requirements.*

(7) Minimum yard requirements:

(a) Front: Forty (40) feet minimum building setback. >>Thirty (30) feet minimum building setback for front yards which face an arterial road.<< Parking areas may be located in the front yard except within fifteen (15) feet on the front lot line >>or ten (10) feet for parking areas located in a front yard which face an arterial road<<.

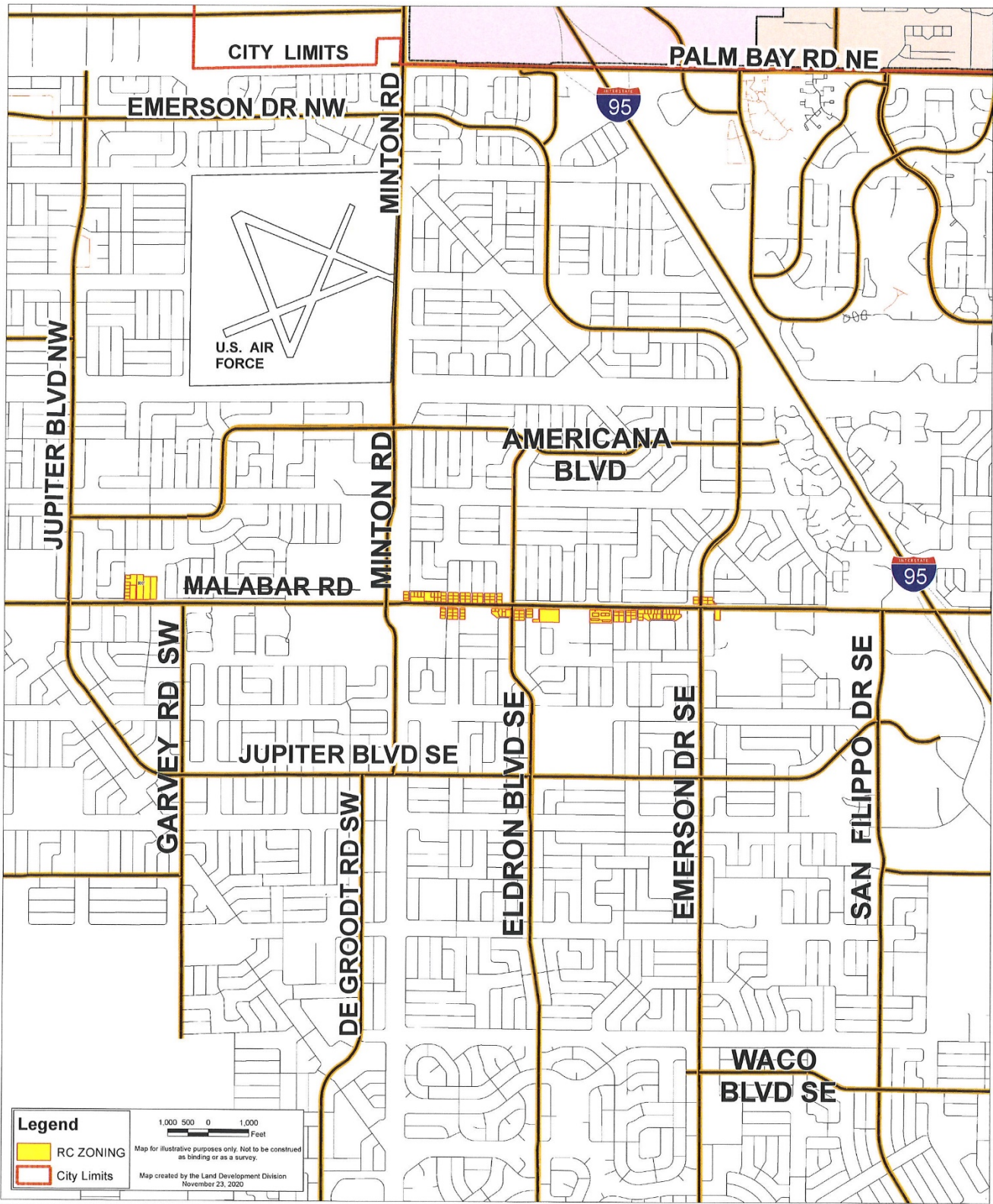
(b) Side interior: Ten (10) feet minimum building setback. Parking areas may be located in the side yard, except within five (5) feet of the side lot line. Side yards abutting residentially zoned property shall maintain a thirty (30) feet minimum setback for all buildings and parking.

(c) Side corner: ~~Thirty (30)~~ >>Twenty-five (25)<< feet minimum building setback. Parking areas may be located in side corner yard, except within ten (10) feet of any street.

(d) Rear: Thirty (30) feet minimum building and parking setback.



RC - RESTRICTED COMMERCIAL ZONING MAP





LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

Landdevelopmentweb@palmbayflorida.org

CODE TEXTUAL AMENDMENT APPLICATION

This application must be deemed complete and legible, and must be returned by the first day of the month during division office hours, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, to be processed for consideration the following month at the earliest by the Planning and Zoning Board. The application will then be referred by the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, unless otherwise stated.

ORDINANCE SECTION(S) PROPOSED TO BE CHANGED:

Section 185.052

PROPOSED LANGUAGE (attach addendum if necessary):

See attached.

JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary)

RC - The proposed changes are intended to facilitate development in the RC Zone by reducing the setbacks in front yard areas.

CITY OF PALM BAY, FLORIDA
CODE TEXTUAL AMENDMENT APPLICATION
PAGE 2 OF 2

THE APPLICATION FEE MUST BE SUBMITTED WITH APPLICATION TO PROCESS THIS REQUEST:

☐

***\$1,500.00 Application Fee. Make Check payable to "City of Palm Bay."**

I, the undersigned understand that this application must be complete and accurate before consideration by the Planning and Zoning Board/Local Planning Agency and certify that all the answers the questions in said application, and all data and matter attached to and made a part of said application are honest and true to the best of my knowledge and belief.

Under penalties of perjury, I declare that I have read the foregoing code textual amendment application and that the facts stated in it are true.

Signature of Applicant Laurence Bradley Digitally signed by Laurence Bradley
DN: dc=org, dc=palmbayflorida, ou=Community
Planning & Economic Development, ou=Land
Development, cn=Laurence Bradley
Date: 2020.10.16 09:33:06 -04'00' Date 10/13/2020

Printed Name of Applicant Laurence Bradley, AICP, Growth Management Director

Full Address 120 Malabar Road SE, Palm Bay, FL 32907

Telephone (321) 733-3042 Email laurence.bradley@palmbayflorida.org

PERSON TO BE NOTIFIED (If different from above):

Printed Name _____

Full Address _____

Telephone _____ Email _____

***NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY**

ORDINANCE 2020-87

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 185, ZONING CODE, SUBCHAPTER 'DISTRICT REGULATIONS', BY MODIFYING FRONT YARD BUILDING SETBACKS AND PARKING AREAS, AND REDUCING THE MINIMUM SIDE CORNER BUILDING SETBACK IN RC (RESTRICTED COMMERCIAL DISTRICT) ZONING; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Land Development Code, Subchapter 'District Regulations', Section 185.052, RC – Restricted Commercial District, is hereby amended and shall henceforth read as follows:

“Section 185.052 RC – RESTRICTED COMMERCIAL DISTRICT.

* * *

(F) *Lot and structure requirements.*

* * *

(7) Minimum yard requirements:

(a) Front: Forty (40) feet minimum building setback.
>>Thirty (30) feet minimum building setback for front yards which face an arterial road.<< Parking areas may be located in the front yard except within fifteen (15) feet on the front lot line **>>or ten (10) feet for parking areas located in a front yard which face an arterial road<<**.

* * *

(c) Side corner: ~~Thirty (30)~~ **>>Twenty-five (25)<<** feet minimum building setback. Parking areas may be located in side corner yard, except within ten (10) feet of any street.

* * *

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 3. It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of ordinances and the sections may be renumbered to accomplish such intention.

SECTION 4. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

SECTION 5. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2020- , held on , 2020; and read in
title only and duly enacted at Meeting 2020- , held on , 2020.

Robert Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: City of Palm Bay

Case: T-20-2020

~~Strikethrough~~ words shall be deleted; highlighted words that will be included will be placed in between two arrow symbols (>> <<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Laurence Bradley, AICP, Growth Management Director

DATE: 12/17/2020

RE: Ordinance 2020-88, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapters 'General Provisions' and 'District Regulations', by including additional definitions and providing provisions for small-box discount stores in NC (Neighborhood Commercial District) zoning (Case T-34-2020, City of Palm Bay), first reading. (Deputy Mayor Johnson)

The City of Palm Bay (Growth Management Department) has submitted a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Sections 185.006 and 185.042, to establish language that will provide for more definitions and create a greater diversity of commercial uses within the NC, Neighborhood Commercial District. The amendment creates definitions for "Fresh Fruits and Vegetables," "Fresh Meats," and "Small-Box Discount Stores." Additional safeguards have been incorporated so that the Neighborhood Commercial District will be more in keeping with the characteristics of the abutting residential neighborhoods. This textual amendment was developed at the request of Deputy Mayor Kenny Johnson.

Small-Box Discount Stores within NC districts will be an approved use for stores 5,000 square feet and under and by Conditional Use for stores over 5,000 square feet. The provision for fresh fruits, vegetables, and meats provides for a greater diversity in healthy retail food options and convenient access within the NC districts. The textual amendment strengthens the buffering of NC properties from existing residentially zoned properties and creates building elevations that are more in line with the architectural character of the residential neighborhoods they are within.

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Motion to Case T-34-2020 is recommended for approval.

Planning and Zoning Board Recommendation:

Approval of the request by a vote of 3 to 2.

Planning and Zoning Board minutes are not fully transcribed at this time; the following is an excerpt:

Motion by Mr. Hill, seconded by Mr. Boerema to submit Case T-34-2020 to City Council for approval of a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Sections 185.006 Definitions and 185.042 NC, Neighborhood Commercial District, to modify provisions for the NC district. The motion carried with members voting as follows: Mr. Weinberg, aye; Ms. Jordan, nay; Mr. Boerema, aye; Mr. Hill, aye; Ms. Maragh, nay. Mr. Warner was not present.

ATTACHMENTS:

Description

Case T-34-2020

Ordinance 2020-88



STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: 321-733-3042

landdevelopmentweb@palmbayflorida.org

Prepared by

Christopher Balter, Senior Planner

CASE NUMBER

T-34-2020

PLANNING & ZONING BOARD HEARING DATE

December 2, 2020

PROPERTY OWNER & APPLICANT

City of Palm Bay, Growth Management
Department

PROPERTY LOCATION/ADDRESS

Not applicable

SUMMARY OF REQUEST

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Subsection 185.006; and 185.042 to establish language that will provide for more definitions and to create a greater diversity of Commercial uses in the Neighborhood Commercial District.

Existing Zoning

Not applicable

Existing Land Use

Not applicable

Site Improvements

Not applicable

Site Acreage

Not applicable

APPLICABILITY

Citywide

**COMPREHENSIVE PLAN
COMPATIBILITY**

Not specifically addressed

BACKGROUND:

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.006 (Definitions), to create the definitions of “Fresh Fruits and Vegetables”, “Fresh Meats”, and “Small-Box Discount Stores”. Also, the amendment seeks to modify Section 185.042 (Neighborhood Commercial District) to modify the principal uses and conditional uses to allow for Small-Box Discount Stores, with regulations. This amendment also builds in additional safeguards so that the Neighborhood Commercial District will be more in-keeping with the characteristics of the residential neighborhoods abutting them.

The Growth Management Department, acting upon a request by a member of the City Council, has submitted this proposed text amendment.

The proposed language is attached for this amendment in legislative style with additions between >>arrow<< symbols and deletions in ~~strikethrough~~ format.

ANALYSIS:

The first change in this amendment is a modification to the definitions section to create definitions for “Fresh Fruits and Vegetables”, “Fresh Meats”, and “Small-Box Discount Stores”. This change is being made to define these terms for appropriate use.

The second change in this amendment is to add “Small-Box Discount Stores” as an approved use for stores 5,000 square feet and under; and a Conditional use for such a store over 5,000 square feet, in the Neighborhood Commercial District. The purpose of this amendment is to create a greater diversity for healthy retail food options and convenient access to fresh meats, fruits, and vegetables in Neighborhood Commercial areas.

The last text change in this application is a revision to the buffering requirement, and the architectural requirements. The purpose of these amendments is to strengthen the buffering of Commerical establishments from existing residentially zoned properties; and to create a building elevation that is more in line with the architectural character of the residential neighborhoods they are embedded within.

STAFF RECOMMENDATION:

Case T-34-2020 is recommended for approval.

TITLE XVII: LAND DEVELOPMENT CODE

CHAPTER 185: ZONING CODE

GENERAL PROVISIONS

§ 185.006 DEFINITIONS.

>>FRESH FRUITS, AND VEGETABLES. Fruits and vegetables not processed, dehydrated, or frozen. <<

>>FRESH MEATS. Meats not frozen, cooked or dehydrated. <<

>>SMALL-BOX DISCOUNT STORE. Retail sales uses with typically less than 12,000 square feet of floor area that offer for sale a combination and variety of convenience shopping goods and consumer shopping goods; and continuously offer a majority of the items in their inventory for sale at a price less than \$10.00 per item.<<

§ 185.042 NC — NEIGHBORHOOD COMMERCIAL DISTRICT.

(B) Principal uses and structures. The following uses and structures are permitted.

>>(11) Small-Box Discount Stores containing less than five thousand (5,000) square feet of floor area.

(a) Must be separated from another small box discount store by a minimum distance of 5,280 feet. The required separation distance must be measured in a straight line from the nearest point of the lot line of the property occupied by a small box discount store to the nearest point on a lot line of another property occupied by a small box discount store.

(b) Ten (10) percent of the gross floor area must be dedicated to the sale/display of fresh fruits, vegetables, and meats.<<

(D) Conditional uses:

>>(10) Small-Box Discount Stores occupying more than five thousand (5,000) square feet of floor area.

(a) Must be separated from another small box discount store by a minimum distance of 5,280 feet. The required separation distance must be measured in a straight line from the nearest point of the lot line of the property occupied by a small box discount store to the nearest point on a lot line of another property occupied by a small box discount store.

(b) Ten (10) percent of the gross floor area must be dedicated to the sale/display of fresh fruits, vegetables, and meats.<<

(E) Prohibited uses and structures:

>>(6) Small box discount stores not containing fresh fruits, vegetables, and meats.<<

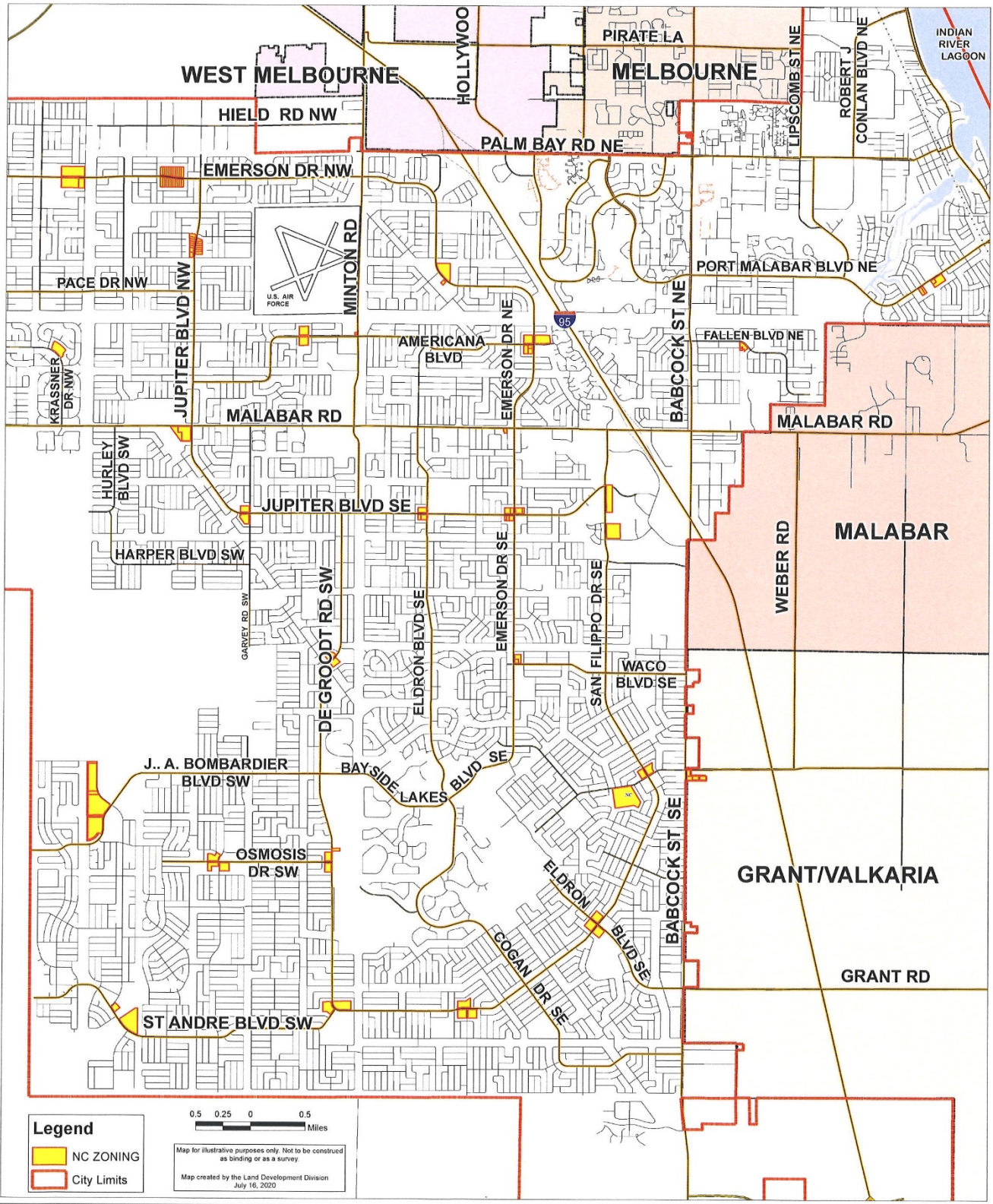
(F) Lot and structure requirements:

(9) A >>n six eight (68)<< foot high completely opaque masonry wall, >>or<< wood fence shall be provided along the entire length of any side or rear property line abutting property zoned residential. >>The wall or fence shall not be placed in the front parking setback.<< Landscaping shall be provided in accordance with the landscape requirements of this chapter.

(10) Design requirements.

(a) An Architectural Style for each structure is required >>and shall be complimentary to the adjacent neighborhood.<< This shall include adherence to all standards contained in § 185.134 >>(B) (1)(2) and (5).<<

FIGURE 1 NEIGHBORHOOD COMMERCIAL ZONING MAP





LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042
Landdevelopmentweb@palmbayflorida.org

CODE TEXTUAL AMENDMENT APPLICATION

This application must be deemed complete and legible, and must be returned by the first day of the month during division office hours, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, to be processed for consideration the following month at the earliest by the Planning and Zoning Board. The application will then be referred by the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, unless otherwise stated.

ORDINANCE SECTION(S) PROPOSED TO BE CHANGED:

Revise Section 185.006;
Create Sections 185.042(B)(11), (D)(10), (E)(6) and (E)(7); and
Revise Sections 185.042(F)(9) and (10)(a)

PROPOSED LANGUAGE (attach addendum if necessary):

See attached.

JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary)

NC - The proposed change is intended to provide residents in NC Zones with a better shopping experience by requiring fresh produce and meats to be available in their neighborhoods, to create a greater diversity of commercial uses and to have architectural designs on NC zoned properties (mostly located adjacent to residential uses) be more in-line with the character of residential neighborhoods.

CITY OF PALM BAY, FLORIDA
CODE TEXTUAL AMENDMENT APPLICATION
PAGE 2 OF 2

THE APPLICATION FEE MUST BE SUBMITTED WITH APPLICATION TO PROCESS THIS REQUEST:

☐ ***\$1,500.00 Application Fee. Make Check payable to "City of Palm Bay."**

I, the undersigned understand that this application must be complete and accurate before consideration by the Planning and Zoning Board/Local Planning Agency and certify that all the answers the questions in said application, and all data and matter attached to and made a part of said application are honest and true to the best of my knowledge and belief.

Under penalties of perjury, I declare that I have read the foregoing code textual amendment application and that the facts stated in it are true.

Signature of Applicant Laurence Bradley Digitally signed by Laurence Bradley
DN: dc=org, dc=palmbayflorida, ou=Community
Planning & Economic Development, ou=Land
Development, cn=Laurence Bradley
Date: 2020.10.16 09:40:06 -0400 Date 10/13/2020

Printed Name of Applicant Laurence Bradley, AICP, Growth Management Director

Full Address 120 Malabar Road SE, Palm Bay, FL 32907

Telephone (321) 733-3042 Email laurence.bradley@palmbayflorida.org

PERSON TO BE NOTIFIED (If different from above):

Printed Name _____

Full Address _____

Telephone _____ Email _____

***NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY**

ORDINANCE 2020-88

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 185, ZONING CODE, SUBCHAPTERS 'GENERAL PROVISIONS' AND 'DISTRICT REGULATIONS', BY INCLUDING ADDITIONAL DEFINITIONS AND PROVIDING PROVISIONS FOR SMALL-BOX DISCOUNT STORES IN NC (NEIGHBORHOOD COMMERCIAL DISTRICT) ZONING; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter 'General Provisions', Section 185.006, Definitions, is hereby amended and shall henceforth read as follows:

"Section 185.006 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

* * *

>>FRESH FRUITS AND VEGETABLES. Fruits and vegetables not processed, dehydrated, or frozen.

FRESH MEATS. Meats not frozen, cooked, or dehydrated.<<

* * *

>>SMALL-BOX DISCOUNT STORE. Retail sales uses with typically less than 12,000 square feet of floor area that offer for sale a combination and variety of convenience shopping goods and consumer shopping goods; and continuously offer a majority of the items in their inventory for sale at a price less than \$10.00 per item.<<

* * *"

SECTION 2. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter 'District Regulations', Section 185.042, NC – Neighborhood Commercial District, is hereby amended and shall henceforth read as follows:

“Section 185.042 NC – NEIGHBORHOOD COMMERCIAL DISTRICT.

* * *

(B) *Principal uses and structures.* The following uses and structures are permitted.

* * *

>>(11) Small-Box Discount Stores containing less than five thousand (5,000) square feet of floor area.

(a) Must be separated from another small box discount store by a minimum distance of 5,280 feet. The required separation distance must be measured in a straight line from the nearest point of the lot line of the property occupied by a small box discount store to the nearest point on a lot line of another property occupied by a small box discount store.

(b) Ten (10) percent of the gross floor area must be dedicated to the sale/display of fresh fruits, vegetables, and meats.<<

* * *

(D) *Conditional uses:*

* * *

>>(10) Small-Box Discount Stores occupying more than five thousand (5,000) square feet of floor area.

(a) Must be separated from another small box discount store by a minimum distance of 5,280 feet. The required separation distance must be measured in a straight line from the nearest point of the lot line of the property occupied by a small box discount store to the nearest point on a lot line of another property occupied by a small box discount store.

(b) Ten (10) percent of the gross floor area must be dedicated to the sale/display of fresh fruits, vegetables, and meats.<<

(E) *Prohibited uses and structures:*

* * *

>>(6) Small-box discount stores not containing fresh fruits, vegetables, and meats.<<

(F) *Lot and structure requirements:*

* * *

(9) A **>>n<< six (6)>>eight (8)<<** foot high completely opaque masonry wall, or wood fence shall be provided along the entire length of any side or rear property line abutting property zoned residential. **>>The wall or fence shall not be placed in the front parking setback.<<** Landscaping shall be provided in accordance with the landscape requirements of this chapter.

(10) *Design requirements.*

(a) An Architectural Style for each structure is required **>>and shall be complimentary to the adjacent neighborhood<<**. This shall include adherence to all standards contained in § 185.134 **>>(B)(1) (2) and (5)<<**."

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 4. It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of ordinances and the sections may be renumbered to accomplish such intention.

SECTION 5. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void

portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

SECTION 6. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2020- , held on , 2020; and
read in title only and duly enacted at Meeting 2020- , held on , 2020.

Robert Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Strikethrough words shall be deleted; highlighted words that will be included will be placed in between two arrow symbols (>> <<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Joan Junkala-Brown, Community & Economic Development; Juliet Misconi, Procurement

DATE: 12/17/2020

RE: Award of Bid: Residential Brokerage Services – IFB 06-0-2021 – Community and Economic Development Department (Ellingson Properties, LLC – commissions from proceeds of sales).

At the request of the Community and Economic Development Department, the Procurement Department solicited proposals on behalf of the City for Residential Brokerage Services. The intent of this solicitation was to seek firms with national, regional, and locally licensed residential real estate brokerages that have the relevant experience, understanding of the local market, network and reach, and the capacity to market and sell City-owned residential real estate.

The City of Palm Bay owns residentially zoned lots throughout the city limits, comprising of both vacant lots and parcels with existing structures. The City is seeking to utilizing a real estate broker that specializes in the sale of residential properties and possesses and understanding of the Palm Bay real estate market.

The Procurement Department did extra outreach to the Space Coast Association of Realtors, Palm Bay Chamber of Commerce, and hosted a “Doing Business with the City – Requests for Proposals” webinar and invited any interested proposers, including members from those groups, to attend prior to issuing the RFP. The City received three (3) proposals. The Procurement Department staff reviewed the proposals for responsiveness. The proposals were evaluated by a committee consisting of qualified staff from the City Attorney’s Office and the Community & Economic Development and Growth Management Departments, who assigned points for non-price factors such as Summary of Qualifications and Technical Response. Points for cost were determined by the Procurement Department. See attached Scoring-Ranking form. The Evaluation Team unanimously recommended Ellingson Properties, LLC out of Rockledge, Florida as the top-ranked vendor for award.

Ellingson Properties, LLC demonstrated the ability to successfully market and sell the City’s residential surplus properties. Ellingson’s successful track record includes sales ranging from single-family homes in Palm Bay to million-dollar homes along Brevard County’s beachside communities. The vendor’s expertise includes industry designations from Certified Distressed Properties Expert (CDPE), Certified Investor Agent Specialist (CIAS), Certified Residential Specialist (CRS), Certified New Home Sales Professional (CSP), and Accredited Buyer’s Representative (ABR), to name a few. Ellingson Properties has membership with National Association of Realtors and the Space Coast Association of Realtors, and possesses strong marketing skills, a global reach

through LuxuryRealEstate.com reaching over 150,000 associates in 60 countries, successful track record of sales, and quick closings. Ellingson Properties' website was recognized as top 10 website for the entire state of Florida by Florida Realtor Magazine as providing tremendous value to consumers with ease of navigation, relevant and timely market information and robust search capabilities and content. Additionally, the vendor has the capability to provide other ancillary support services such as legal, title and development services under one facility constructed by Ellingson Properties, known as the Space Coast Business Realty Center. The Center houses Ellingson Properties, E Title Services and Echelon Builders as well as the staff of 70 real estate agents and support personnel.

Local Preference was applied to this evaluation but did not impact the outcome.

REQUESTING DEPARTMENT:

Community & Economic Development, Procurement

FISCAL IMPACT:

There is no direct fiscal impact for the award of this RFP. Commissions paid to the Residential Broker will be paid from the proceeds of each sale.

RECOMMENDATION:

Motion to approve award of RFP #06-0-2021/SZ Residential Brokerage Services to Ellingson Properties, LLC located in Rockledge, Florida. Council approval is requested to establish a one-year term contract, renewable by the Procurement Department for two (2) additional one-year terms.

ATTACHMENTS:

Description

Tabulation

Scoring and Ranking Form

RFP #06-0-2021/SZ Residential Brokerage Services

		Local Preference: D	Local Preference: C	Local Preference: D	Local Preference: A
		Douglas Edmond Real Estate LLC	Ellingson Properties, LLC	Florida Homes Realty & Mortgage LLC	Blue Sea Realty Partners LLC
				collective submission w/ Blue Sea Realty Partners LLC	collective submission w/ Florida Homes Realty & Mortgage LLC
		260 Wilshire Blvd. Casselberry, FL 32707 407-853-4402 office@douglasedmond.com	5815 S. US Hwy 1 Rockledge, FL 32955 321-632-2836 Jenny@GregEllingson.com	10523 Creston Glen Circle E Jacksonville, FL 32256 321-961-1559 FHRMcommercial321@gmail.com	1501 R.J. Conlan Blvd #120 Palm Bay, FL 32905 321-802-1234
ITEM	ITEM DESCRIPTION	Commission Percent	Commission Percent	Commission Percent	Commission Percent
1	City Residential Property - broker represents City and Buyer	4.00%	5.00%	5.00%	5.00%
2	City Residential Property Co-Broker represents City and another broker represents Buyer	2.50%	3.50%	3.00%	3.00%

CRITERIA - TOTAL 100 POINTS

Summary of Qualifications = 45 points

Technical Response = 35 points

Cost = 20 points

Short List - Oral Presentations = 10 points

RFP # 06-0-2021 RESIDENTIAL BROKERAGE SERVICES - FINAL RANKING**Local Preference**

Class "A" Vendor	10%
Class "B" Vendor	7.5%
Class "C" Vendor	5%
Class "D" Vendor	0%

BUDGETED FUNDING AVAILABLE - N/A

		Local Preference D	Local Preference C	Local Preference D/A
		Douglas Edmond Real Estate 260 Wilshire Blvd. Cassssselberry, FL 32707 407-853-4402 office@douglassedmond.com	Ellingson Properties, LLC 5815 S. US Hwy 1 Rockledge, FL 32955 321-632-2836 Jenny@GregEllingson.com	Florida Homes Realty & Mortgage / Blue Sea Realty Partners Jacksonville, FL 32256 / Palm Bay, FL 32905 321-961-1559 / 321/802-1234 FHRMcommercial321@gmail.com
EVALUATION CRITERIA	POSSIBLE POINTS			
Summary of Qualifications	45	21.00	42.00	33.00
Technical Response	35	11.67	35.00	21.00
SUBTOTAL (1) NON-PRICE FACTORS	80	32.67	77.00	54.00
Cost	20	20.00	16.00	16.00
SUBTOTAL (2) POINTS	100	52.67	93.00	70.00
Location	10%	0%	5%	10%
Additional Points			4.65	7.00
SUBTOTAL (3) POINTS		52.67	97.65	77.00
		<i>No Orals</i>	<i>No Orals</i>	<i>No Orals</i>
SHORT LIST - ORAL PRESENTATIONS	10	0.00	0.00	0.00
TOTAL SCORE	110	52.67	97.65	77.00

Final Ranking

#1 Ellingson Properties, LLC

#2 Florida Homes Realty & Mortgage and Blue Sea Realty Partne

#3 Douglas Edmond Real Estate

RFP #06-0-2021/SZ
Residential Brokerage Services
Cost Calculations

Budgeted Funding Available - N/A

Residential Broker Services

COMPANY NAME	PROPOSAL COST	LOWEST COST PROPOSED	% OF LOW	MULTIPLIER	TOTAL POINTS ASSIGNED
Douglas Edmond Real Estate	4%	4%	100.0%	20	20.00
Ellingson Properties, LLC	5%	4%	80.0%	20	16.00
Florida Homes Realty & Mortgage and Blue Sea Realty Partners	5%	4%	80.0%	20	16.00

TOTAL POINTS

COMPANY NAME	Total Points
Douglas Edmond Real Estate	20.00
Ellingson Properties, LLC	16.00
Florida Homes Realty & Mortgage and Blue Sea Realty Partners	16.00

RFP #06-0-2021/SZ
Residential Brokerage Services
Initial Scoring

Summary of Qualifications = max 5 points x 9 = max 45 total						
	Joan	Laurence	Rodney	Average	Multiplier	TOTAL
COMPANY NAME	Junkala-Brown	Bradley	Edwards			POINTS
Douglas Edmond Real Estate	3	2	2	2.33	9	21.00
Ellingson Properties, LLC	5	4	5	4.67	9	42.00
Florida Homes Realty & Mortgage and Blue Sea Realty Partners	4	4	3	3.67	9	33.00
Technical Response = max 5 points x 7 = max 35 total						
	Joan	Laurence	Rodney	Average	Multiplier	TOTAL
COMPANY NAME	Junkala-Brown	Bradley	Edwards			POINTS
Douglas Edmond Real Estate	1	2	2	1.67	7	11.67
Ellingson Properties, LLC	5	5	5	5.00	7	35.00
Florida Homes Realty & Mortgage and Blue Sea Realty Partners	3	3	3	3.00	7	21.00
TOTALS COMBINED						Ranking
Douglas Edmond Real Estate						32.67
Ellingson Properties, LLC						77.00
Florida Homes Realty & Mortgage and Blue Sea Realty Partners						54.00



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Frank Watanabe, Public Works Director, City Engineer and Juliet Misconi, Chief Procurement Officer

DATE: 12/17/2020

RE: Award of Bid: Road Bond Paving, Units 1, 2, 3, 4, 27, 35, 43, and 47 – IFB 14-0-2021 – Public Works Department (VA Paving, Inc. - \$3,370,209).

The Unit 1, 2, 3, 4, 27, 35, 43 & 47 Road Paving Project is another Year 2 (Phase 2) Road Bond Paving. The Year 2 program was endorsed by the Infrastructure Advisory Oversight Board (IAOB) on January 27, 2020 and then approved by City Council on February 6, 2020. The project consists of Full Depth Reclamation (FDR) and Milling and Paving of existing roadways within the Northeast area. The project also includes thermoplastic striping and pavement markers.

Five (5) bids were received. The Procurement Department staff reviewed the bids for responsiveness as well as checked the reference of the lowest bidder. Public Works Department evaluated the bids for responsibility and ability to perform the scope of services. The Department found the lowest responsive bid to be acceptable.

The City's Engineers Estimate for the project was \$4,310,375. The lowest bid is \$3,370,208.29. Public Works Engineering staff has reviewed the pay items, proposed subcontractors, equipment list and checked references and is satisfied with the evidence provided by the contractor. Staff recommends VA Paving, Inc., 2955 Lake Drive, Cocoa Florida for the award of IFB#14-0-2021 – Road Bond Paving – Unit 1, 2, 3, 4, 27, 35, 43 & 47.

Local Preference was not applied to this project because all bids exceeded the one million dollar threshold amount.

Staff is also recommending a 10% contingency fund of \$337,020 to cover any unforeseen change orders which is typical for construction projects. The contingency request is for funding appropriation of the project only. The City's Procurement Ordinance governs the Council approval process for change orders. The Chief Procurement Officer can approve change orders up to a cumulative total of 10%, or individual change orders not to exceed \$100,000, whichever is lower; any change order in excess of \$100,000 or any change orders which cumulatively exceed 10% will be brought before Council for approval. Any funds remaining once the project has been closed will be transferred back to Road Bonds.

REQUESTING DEPARTMENT:

Public Works, Procurement

FISCAL IMPACT:

Total project award will be \$3,370,208.29 plus \$337,020 for the contingency change orders which will result in a total appropriation of \$3,707,228.29. Funds are available in the GO Road Bond unassigned funds to G/L Account 309-7090-541-6303, \$1,165,472.20 Project No 21GO01 Unit 1, 2, and 3 Road Paving; \$1,931,149.37 Project No 21GO02 Unit 4 Road Paving; \$33,152.94 Project No 21GO30 Unit 27 Road Paving; \$335,817.10 Project No 21GO04 Unit 35 Road Paving; \$136,977.62 Project No 21GO05 Unit 43 Road Paving; and \$104,659.06 Project No 21GO06 Unit 47 Road Paving.

RECOMMENDATION:

Motion to approve award of IFB #14-0-2021 Road Bond Paving – Unit 1, 2, 3, 4, 27, 35, 43 and 47 to VA Paving, Inc.

ATTACHMENTS:

Description

Tabulation

	IFB #14-0-2021/SB Road Bond Paving - Units 1,2,3,4,27,35,43 & 47			VA Paving, Inc.		Ranger Construction Industries Inc.		Community Asphalt Corporation		Preferred Materials, Inc.	
				2955 Lake Drive		4510 Glades Cutoff Road		2975 Industrial Blvd		1806 - 33rd Street, Ste 150	
				Cocoa FL 32926		Ft Pierce FL 32981		Vero Beach FL 32967		Orlando FL 32839	
				321-636-2565		772-464-6460		786-418-3557		407-343-7445	
				debra.mallard@vapaving.com		erik.jensen@rangerconstruction.com		manuel.aguiar@ohlna.com		lonnie.schaub@preferredmaterials.com	
ITEM	ITEM DESCRIPTION	Est. Annual Qty	UOM	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
UNITS 1, 2 & 3											
1	Mobilization	1	LS	\$ 14,400.00	\$ 14,400.00	\$ 22,123.00	\$ 22,123.00	\$ 55,590.01	\$ 55,590.01	\$ 89,500.00	\$ 89,500.00
2	Maintenance of Traffic	1	LS	\$ 15,000.00	\$ 15,000.00	\$ 30,345.00	\$ 30,345.00	\$ 19,532.98	\$ 19,532.98	\$ 57,325.00	\$ 57,325.00
3	Erosion Control	1	LS	\$ 500.00	\$ 500.00	\$ 555.55	\$ 555.55	\$ 1,029.98	\$ 1,029.98	\$ 2,500.00	\$ 2,500.00
4	Full Depth Reclamation and Pulverization 8" depth	1,200	SY	\$ 25.00	\$ 30,000.00	\$ 5.20	\$ 6,240.00	\$ 26.69	\$ 32,028.00	\$ 25.95	\$ 31,140.00
5	Cement – cement treated base (5%)	10	TN	\$ 150.00	\$ 1,500.00	\$ 172.20	\$ 1,722.00	\$ 144.20	\$ 1,442.00	\$ 140.00	\$ 1,400.00
6	Removal of existing concrete	40	SY	\$ 30.00	\$ 1,200.00	\$ 29.05	\$ 1,162.00	\$ 116.09	\$ 4,643.60	\$ 34.55	\$ 1,382.00
7	Optional Base, Base Group 06	200	SY	\$ 44.00	\$ 8,800.00	\$ 20.70	\$ 4,140.00	\$ 39.87	\$ 7,974.00	\$ 69.95	\$ 13,990.00
8	Milling Exist Asphalt pavement 1.5" Ave Depth	97,017	SY	\$ 1.60	\$ 155,227.20	\$ 1.20	\$ 116,420.40	\$ 0.95	\$ 92,166.15	\$ 1.37	\$ 132,913.29
9	Superpave asphalt concrete, Traffic C, SP-9.5, 1.5" Thin Lift	8004	TN	\$ 98.00	\$ 784,392.00	\$ 110.85	\$ 887,243.40	\$ 101.35	\$ 811,205.40	\$ 105.15	\$ 841,620.60
10	Concrete Curb & Gutter (Ribbon Curb)	90	LF	\$ 60.32	\$ 5,428.80	\$ 26.70	\$ 2,403.00	\$ 40.36	\$ 3,632.40	\$ 39.45	\$ 3,550.50
11	Concrete Curb & Gutter (24" wide)	90	LF	\$ 63.62	\$ 5,725.80	\$ 25.45	\$ 2,290.50	\$ 38.30	\$ 3,447.00	\$ 44.50	\$ 4,005.00
12	Concrete Sidewalk & Driveways 4" thick	240	SY	\$ 101.02	\$ 24,244.80	\$ 24.70	\$ 5,928.00	\$ 50.68	\$ 12,163.20	\$ 54.85	\$ 13,164.00
13	Detectable Warnings	160	SF	\$ 33.00	\$ 5,280.00	\$ 31.65	\$ 5,064.00	\$ 41.20	\$ 6,592.00	\$ 28.35	\$ 4,536.00
14	Performance Turf, Sod	500	SY	\$ 3.30	\$ 1,650.00	\$ 3.05	\$ 1,525.00	\$ 7.27	\$ 3,635.00	\$ 7.05	\$ 3,525.00
15	Single Post Sign, Relocate	7	EA	\$ 154.00	\$ 1,078.00	\$ 155.55	\$ 1,088.85	\$ 190.55	\$ 1,333.85	\$ 140.00	\$ 980.00

	IFB #14-0-2021/SB Road Bond Paving - Units 1,2,3,4,27,35,43 & 47			VA Paving, Inc.		Ranger Construction Industries Inc.		Community Asphalt Corporation		Preferred Materials, Inc.	
				2955 Lake Drive		4510 Glades Cutoff Road		2975 Industrial Blvd		1806 - 33rd Street, Ste 150	
				Cocoa FL 32926		Ft Pierce FL 32981		Vero Beach FL 32967		Orlando FL 32839	
				321-636-2565		772-464-6460		786-418-3557		407-343-7445	
				debra.mallard@vapaving.com		erik.jensen@rangerconstruction.com		manuel.aguiar@ohlna.com		lonnie.schaub@preferredmaterials.com	
16	Retro-reflective Pavement Markers	100	EA	\$ 3.41	\$ 341.00	\$ 3.45	\$ 345.00	\$ 3.40	\$ 340.00	\$ 3.10	\$ 310.00
17	Thermoplastic Standard White Solid 12"	700	LF	\$ 2.64	\$ 1,848.00	\$ 2.65	\$ 1,855.00	\$ 2.94	\$ 2,058.00	\$ 2.40	\$ 1,680.00
18	Thermoplastic Standard White Solid 24"	220	LF	\$ 5.28	\$ 1,161.60	\$ 5.30	\$ 1,166.00	\$ 5.92	\$ 1,302.40	\$ 4.80	\$ 1,056.00
19	Thermoplastic Standard Yellow Solid 6" line	2100	LF	\$ 0.83	\$ 1,743.00	\$ 0.85	\$ 1,785.00	\$ 0.77	\$ 1,617.00	\$ 0.75	\$ 1,575.00
TOTAL BID AMOUNT					\$ 1,059,520.20		\$ 1,093,401.70		\$ 1,061,732.97		\$ 1,206,152.39
UNIT 4											
1	Mobilization	1	LS	\$ 32,000.00	\$ 32,000.00	\$ 8,139.00	\$ 8,139.00	\$ 55,315.72	\$ 55,315.72	\$ 71,200.00	\$ 71,200.00
2	Maintenance of Traffic	1	LS	\$ 26,000.00	\$ 26,000.00	\$ 39,569.90	\$ 39,569.90	\$ 63,548.67	\$ 63,548.67	\$ 112,850.00	\$ 112,850.00
3	Erosion Control	1	LS	\$ 1,500.00	\$ 1,500.00	\$ 555.55	\$ 555.55	\$ 1,029.98	\$ 1,029.98	\$ 1,000.00	\$ 1,000.00
4	Removal of Existing Concrete	120	SY	\$ 30.00	\$ 3,600.00	\$ 16.10	\$ 1,932.00	\$ 151.13	\$ 18,135.60	\$ 34.25	\$ 4,110.00
5	Milling Existing Asphalt Pavement 2" Ave. Depth	55,592	SY	\$ 1.70	\$ 94,506.40	\$ 1.70	\$ 94,506.40	\$ 1.50	\$ 83,388.00	\$ 2.18	\$ 121,190.56
6	Milling Exist Asphalt pavement 1.5" Ave Depth	87,563	SY	\$ 1.60	\$ 140,100.80	\$ 1.70	\$ 148,857.10	\$ 1.05	\$ 91,941.15	\$ 1.39	\$ 121,712.57
7	Superpave asphalt concrete, Traffic C, SP-9.5, 1.5" Thin Lift	7,250	TN	\$ 98.00	\$ 710,500.00	\$ 111.65	\$ 809,462.50	\$ 101.74	\$ 737,615.00	\$ 105.10	\$ 761,975.00
8	Superpave asphalt concrete, Traffic C, SP-9.5, 2" overlay	6,150	TN	\$ 98.00	\$ 602,700.00	\$ 99.65	\$ 612,847.50	\$ 104.42	\$ 642,183.00	\$ 108.95	\$ 670,042.50
9	Concrete Curb & Gutter (Ribbon Curb)	270	LF	\$ 60.32	\$ 16,286.40	\$ 19.35	\$ 5,224.50	\$ 32.40	\$ 8,748.00	\$ 27.75	\$ 7,492.50
10	Concrete Curb & Gutter (24" wide)	270	LF	\$ 63.62	\$ 17,177.40	\$ 18.15	\$ 4,900.50	\$ 32.40	\$ 8,748.00	\$ 34.65	\$ 9,355.50
11	Concrete Sidewalks 4" Thick	380	SY	\$ 101.02	\$ 38,387.60	\$ 33.80	\$ 12,844.00	\$ 62.38	\$ 23,704.40	\$ 54.55	\$ 20,729.00

	IFB #14-0-2021/SB Road Bond Paving - Units 1,2,3,4,27,35,43 & 47			VA Paving, Inc.		Ranger Construction Industries Inc.		Community Asphalt Corporation		Preferred Materials, Inc.	
				2955 Lake Drive		4510 Glades Cutoff Road		2975 Industrial Blvd		1806 - 33rd Street, Ste 150	
				Cocoa FL 32926		Ft Pierce FL 32981		Vero Beach FL 32967		Orlando FL 32839	
				321-636-2565		772-464-6460		786-418-3557		407-343-7445	
				debra.mallard@vapaving.com		erik.jensen@rangerconstruction.com		manuel.aguiar@ohlna.com		lonnie.schaub@preferredmaterials.com	
12	Detectable Warnings	360	SF	\$ 33.00	\$ 11,880.00	\$ 31.65	\$ 11,394.00	\$ 41.20	\$ 14,832.00	\$ 28.35	\$ 10,206.00
13	Performance Turf, Sod	300	SY	\$ 3.30	\$ 990.00	\$ 3.65	\$ 1,095.00	\$ 6.52	\$ 1,956.00	\$ 7.05	\$ 2,115.00
14	Single Post Sign, Relocate	18	EA	\$ 154.00	\$ 2,772.00	\$ 155.55	\$ 2,799.90	\$ 190.55	\$ 3,429.90	\$ 140.00	\$ 2,520.00
15	Retro-reflective Pavement Markers	160	EA	\$ 3.41	\$ 545.60	\$ 3.45	\$ 552.00	\$ 3.40	\$ 544.00	\$ 3.10	\$ 496.00
16	Thermoplastic Standard White Solid 12" for crosswalk	2,230	LF	\$ 2.64	\$ 5,887.20	\$ 2.65	\$ 5,909.50	\$ 2.94	\$ 6,556.20	\$ 2.40	\$ 5,352.00
17	Thermoplastic Standard White Solid 24" Stop bar & crosswalk	400	LF	\$ 5.28	\$ 2,112.00	\$ 5.35	\$ 2,140.00	\$ 5.92	\$ 2,368.00	\$ 4.80	\$ 1,920.00
18	Thermoplastic Standard White Dash Guide 6"	3,040	LF	\$ 0.88	\$ 2,675.20	\$ 0.90	\$ 2,736.00	\$ 1.03	\$ 3,131.20	\$ 0.80	\$ 2,432.00
19	Thermoplastic Standard White Arrow	10	EA	\$ 66.00	\$ 660.00	\$ 66.70	\$ 667.00	\$ 66.95	\$ 669.50	\$ 60.00	\$ 600.00
20	Thermoplastic Standard Yellow Dash Guide 6"	5,200	LF	\$ 0.88	\$ 4,576.00	\$ 0.90	\$ 4,680.00	\$ 1.03	\$ 5,356.00	\$ 0.80	\$ 4,160.00
21	Thermoplastic Standard White Solid 6" line	26,601	LF	\$ 0.77	\$ 20,482.77	\$ 0.80	\$ 21,280.80	\$ 0.77	\$ 20,482.77	\$ 0.70	\$ 18,620.70
22	Thermoplastic Standard Yellow Solid 6" line	26,300	LF	\$ 0.77	\$ 20,251.00	\$ 0.80	\$ 21,040.00	\$ 0.77	\$ 20,251.00	\$ 0.70	\$ 18,410.00
TOTAL BID AMOUNT					\$ 1,755,590.37		\$ 1,813,133.15		\$ 1,813,934.09		\$ 1,968,489.33
UNIT 27											
1	Mobilization	1	LS	\$ 4,500.00	\$ 4,500.00	\$ 850.00	\$ 850.00	\$ 52,299.67	\$ 52,299.67	\$ 33,000.00	\$ 33,000.00
2	Maintenance of Traffic	1	LS	\$ 800.00	\$ 800.00	\$ 1,068.55	\$ 1,068.55	\$ 2,945.94	\$ 2,945.94	\$ 8,100.00	\$ 8,100.00
3	Erosion Control	1	LS	\$ 250.00	\$ 250.00	\$ 555.55	\$ 555.55	\$ 1,029.98	\$ 1,029.98	\$ 1,000.00	\$ 1,000.00
4	Removal of existing concrete	18	SY	\$ 30.00	\$ 540.00	\$ 107.45	\$ 1,934.10	\$ 125.94	\$ 2,266.92	\$ 148.35	\$ 2,670.30

	IFB #14-0-2021/SB Road Bond Paving - Units 1,2,3,4,27,35,43 & 47			VA Paving, Inc.		Ranger Construction Industries Inc.		Community Asphalt Corporation		Preferred Materials, Inc.	
				2955 Lake Drive		4510 Glades Cutoff Road		2975 Industrial Blvd		1806 - 33rd Street, Ste 150	
				Cocoa FL 32926		Ft Pierce FL 32981		Vero Beach FL 32967		Orlando FL 32839	
				321-636-2565		772-464-6460		786-418-3557		407-343-7445	
				debra.mallard@vapaving.com		erik.jensen@rangerconstruction.com		manuel.aguiar@ohlna.com		lonnie.schaub@preferredmaterials.com	
5	Milling Existing Asphalt Pavement 1.5" Ave. Depth	1,991	SY	\$ 1.60	\$ 3,185.60	\$ 1.40	\$ 2,787.40	\$ 2.84	\$ 5,654.44	\$ 3.70	\$ 7,366.70
6	Superpave asphalt concrete, Traffic C, SP-9.5, 1.5" Thin Lift	165	TN	\$ 98.00	\$ 16,170.00	\$ 106.20	\$ 17,523.00	\$ 135.38	\$ 22,337.70	\$ 147.30	\$ 24,304.50
7	Concrete Sidewalk 4" Thick	18	SY	\$ 98.00	\$ 1,764.00	\$ 243.20	\$ 4,377.60	\$ 125.32	\$ 2,255.76	\$ 77.35	\$ 1,392.30
8	Detectable Warnings	32	SF	\$ 33.00	\$ 1,056.00	\$ 31.65	\$ 1,012.80	\$ 41.20	\$ 1,318.40	\$ 28.35	\$ 907.20
9	Performance Turf, Sod	383	SY	\$ 3.50	\$ 1,340.50	\$ 6.20	\$ 2,374.60	\$ 5.71	\$ 2,186.93	\$ 7.05	\$ 2,700.15
10	Raised reflective pavement marker	12	EA	\$ 3.41	\$ 40.92	\$ 3.45	\$ 41.40	\$ 3.40	\$ 40.80	\$ 3.10	\$ 37.20
11	Thermoplastic Standard White Solid 12" for crosswalk	88	LF	\$ 2.64	\$ 232.32	\$ 2.70	\$ 237.60	\$ 2.94	\$ 258.72	\$ 2.40	\$ 211.20
12	Thermoplastic Standard White Solid 24" Stop bar & crosswalk	20	LF	\$ 5.28	\$ 105.60	\$ 5.35	\$ 107.00	\$ 5.92	\$ 118.40	\$ 4.80	\$ 96.00
13	Thermoplastic Standard Yellow Solid 6" line	200	LF	\$ 0.77	\$ 154.00	\$ 0.80	\$ 160.00	\$ 0.77	\$ 154.00	\$ 0.70	\$ 140.00
TOTAL BID AMOUNT					\$ 30,138.94		\$ 33,029.60		\$ 92,867.66		\$ 81,925.55
UNIT 35											
1	Mobilization	1	LS	\$ 8,500.00	\$ 8,500.00	\$ 7,288.00	\$ 7,288.00	\$ 53,015.06	\$ 53,015.06	\$ 38,800.00	\$ 38,800.00
2	Maintenance of Traffic	1	LS	\$ 6,500.00	\$ 6,500.00	\$ 11,324.40	\$ 11,324.40	\$ 6,076.35	\$ 6,076.35	\$ 21,200.00	\$ 21,200.00
3	Erosion Control	1	LS	\$ 1,000.00	\$ 1,000.00	\$ 555.55	\$ 555.55	\$ 1,029.98	\$ 1,029.98	\$ 1,000.00	\$ 1,000.00
4	Removal of existing concrete	4	SY	\$ 30.00	\$ 120.00	\$ 434.80	\$ 1,739.20	\$ 566.72	\$ 2,266.88	\$ 667.50	\$ 2,670.00
5	Milling Existing Asphalt Pavement 1.5" Ave. Depth	22,718	SY	\$ 1.60	\$ 36,348.80	\$ 1.25	\$ 28,397.50	\$ 1.10	\$ 24,989.80	\$ 1.64	\$ 37,257.52
6	Superpave asphalt concrete, Traffic C, SP-9.5, 1.5" Thin Lift	2,374	TN	\$ 98.00	\$ 232,652.00	\$ 109.10	\$ 259,003.40	\$ 99.85	\$ 237,043.90	\$ 104.75	\$ 248,676.50

	IFB #14-0-2021/SB Road Bond Paving - Units 1,2,3,4,27,35,43 & 47			VA Paving, Inc.		Ranger Construction Industries Inc.		Community Asphalt Corporation		Preferred Materials, Inc.	
				2955 Lake Drive		4510 Glades Cutoff Road		2975 Industrial Blvd		1806 - 33rd Street, Ste 150	
				Cocoa FL 32926		Ft Pierce FL 32981		Vero Beach FL 32967		Orlando FL 32839	
				321-636-2565		772-464-6460		786-418-3557		407-343-7445	
				debra.mallard@vapaving.com		erik.jensen@rangerconstruction.com		manuel.aguiar@ohlna.com		lonnie.schaub@preferredmaterials.com	
7	Concrete Curb & Gutter (Ribbon Curb)	24	LF	\$ 60.32	\$ 1,447.68	\$ 67.30	\$ 1,615.20	\$ 59.97	\$ 1,439.28	\$ 126.25	\$ 3,030.00
8	Concrete Curb & Gutter (24" wide)	24	LF	\$ 63.62	\$ 1,526.88	\$ 66.15	\$ 1,587.60	\$ 59.97	\$ 1,439.28	\$ 126.25	\$ 3,030.00
9	Concrete Sidewalk 4" Thick	33	SY	\$ 101.02	\$ 3,333.66	\$ 59.50	\$ 1,963.50	\$ 85.16	\$ 2,810.28	\$ 68.40	\$ 2,257.20
10	Detectable Warnings	50	SF	\$ 33.00	\$ 1,650.00	\$ 31.70	\$ 1,585.00	\$ 41.20	\$ 2,060.00	\$ 28.35	\$ 1,417.50
11	Performance Turf, Sod	3,236	SY	\$ 3.50	\$ 11,326.00	\$ 3.05	\$ 9,869.80	\$ 3.36	\$ 10,872.96	\$ 7.05	\$ 22,813.80
12	Single Post Sign, Relocate	2	EA	\$ 154.00	\$ 308.00	\$ 155.55	\$ 311.10	\$ 190.55	\$ 381.10	\$ 140.00	\$ 280.00
13	Raised reflective pavement marker	12	EA	\$ 3.41	\$ 40.92	\$ 3.45	\$ 41.40	\$ 3.40	\$ 40.80	\$ 3.10	\$ 37.20
14	Thermoplastic Standard White Solid 12" for crosswalk	104	LF	\$ 2.64	\$ 274.56	\$ 2.70	\$ 280.80	\$ 2.94	\$ 305.76	\$ 2.40	\$ 249.60
15	Thermoplastic Standard White Solid 24" Stop bar & crosswalk	20	LF	\$ 5.28	\$ 105.60	\$ 5.35	\$ 107.00	\$ 5.92	\$ 118.40	\$ 4.80	\$ 96.00
16	Thermoplastic Standard Yellow Solid 6" line	200	LF	\$ 0.77	\$ 154.00	\$ 0.80	\$ 160.00	\$ 0.77	\$ 154.00	\$ 0.70	\$ 140.00
TOTAL BID AMOUNT					\$ 305,288.10		\$ 325,829.45		\$ 344,043.83		\$ 382,955.32
UNIT 43											
1	Mobilization	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 5,082.00	\$ 5,082.00	\$ 52,248.17	\$ 52,248.17	\$ 37,400.00	\$ 37,400.00
2	Maintenance of Traffic	1	LS	\$ 3,000.00	\$ 3,000.00	\$ 7,185.00	\$ 7,185.00	\$ 4,668.89	\$ 4,668.89	\$ 14,500.00	\$ 14,500.00
3	Erosion Control	1	LS	\$ 1,500.00	\$ 1,500.00	\$ 555.55	\$ 555.55	\$ 1,029.98	\$ 1,029.98	\$ 1,000.00	\$ 1,000.00
4	Removal of existing concrete	4	SY	\$ 30.00	\$ 120.00	\$ 434.80	\$ 1,739.20	\$ 566.72	\$ 2,266.88	\$ 667.50	\$ 2,670.00
5	Milling Exist Asphalt pavement 1.5" Ave Depth	10,906	SY	\$ 1.60	\$ 17,449.60	\$ 1.40	\$ 15,268.40	\$ 1.27	\$ 13,850.62	\$ 1.69	\$ 18,431.14

	IFB #14-0-2021/SB Road Bond Paving - Units 1,2,3,4,27,35,43 & 47			VA Paving, Inc.		Ranger Construction Industries Inc.		Community Asphalt Corporation		Preferred Materials, Inc.	
				2955 Lake Drive		4510 Glades Cutoff Road		2975 Industrial Blvd		1806 - 33rd Street, Ste 150	
				Cocoa FL 32926		Ft Pierce FL 32981		Vero Beach FL 32967		Orlando FL 32839	
				321-636-2565		772-464-6460		786-418-3557		407-343-7445	
				debra.mallard@vapaving.com		erik.jensen@rangerconstruction.com		manuel.aguiar@ohlna.com		lonnie.schaub@preferredmaterials.com	
6	Superpave asphalt concrete, Traffic C, SP-9.5, 1.5" Thin Lift	900	TN	\$ 98.00	\$ 88,200.00	\$ 110.95	\$ 99,855.00	\$ 107.53	\$ 96,777.00	\$ 110.55	\$ 99,495.00
7	Concrete Curb & Gutter (Ribbon Curb)	24	LF	\$ 60.32	\$ 1,447.68	\$ 67.30	\$ 1,615.20	\$ 59.97	\$ 1,439.28	\$ 126.25	\$ 3,030.00
8	Concrete Curb & Gutter (24" wide)	24	LF	\$ 63.62	\$ 1,526.88	\$ 66.15	\$ 1,587.60	\$ 59.97	\$ 1,439.28	\$ 126.25	\$ 3,030.00
9	Concrete Sidewalk 4" Thick	34	SY	\$ 101.02	\$ 3,434.68	\$ 58.30	\$ 1,982.20	\$ 83.76	\$ 2,847.84	\$ 67.75	\$ 2,303.50
10	Detectable Warnings	50	SF	\$ 33.00	\$ 1,650.00	\$ 31.65	\$ 1,582.50	\$ 41.20	\$ 2,060.00	\$ 28.35	\$ 1,417.50
11	Performance Turf, Sod	67	SY	\$ 3.50	\$ 234.50	\$ 23.70	\$ 1,587.90	\$ 19.51	\$ 1,307.17	\$ 7.05	\$ 472.35
12	Single Post Sign, Relocate	2	EA	\$ 154.00	\$ 308.00	\$ 155.55	\$ 311.10	\$ 190.55	\$ 381.10	\$ 140.00	\$ 280.00
13	Retro-reflective Pavement Markers	12	EA	\$ 3.41	\$ 40.92	\$ 3.45	\$ 41.40	\$ 3.40	\$ 40.80	\$ 3.10	\$ 37.20
14	Thermoplastic Standard White Solid 12"	134	LF	\$ 2.64	\$ 353.76	\$ 2.70	\$ 361.80	\$ 2.94	\$ 393.96	\$ 2.40	\$ 321.60
15	Thermoplastic Standard White Solid 24"	20	LF	\$ 5.28	\$ 105.60	\$ 5.35	\$ 107.00	\$ 5.92	\$ 118.40	\$ 4.80	\$ 96.00
16	Thermoplastic Standard Yellow Solid 6" line	200	LF	\$ 0.77	\$ 154.00	\$ 0.80	\$ 160.00	\$ 0.77	\$ 154.00	\$ 0.70	\$ 140.00
TOTAL BID AMOUNT					\$ 124,525.62		\$ 139,021.85		\$ 181,023.37		\$ 184,624.29
UNIT 47											
1	Mobilization	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 5,083.00	\$ 5,083.00	\$ 51,637.79	\$ 51,637.79	\$ 35,500.00	\$ 35,500.00
2	Maintenance of Traffic	1	LS	\$ 2,500.00	\$ 2,500.00	\$ 3,610.00	\$ 3,610.00	\$ 4,668.89	\$ 4,668.89	\$ 11,200.00	\$ 11,200.00
3	Erosion Control	1	LS	\$ 750.00	\$ 750.00	\$ 555.55	\$ 555.55	\$ 1,029.98	\$ 1,029.98	\$ 1,000.00	\$ 1,000.00
4	Removal of existing concrete	4	SY	\$ 30.00	\$ 120.00	\$ 53.70	\$ 214.80	\$ 566.72	\$ 2,266.88	\$ 667.50	\$ 2,670.00

	IFB #14-0-2021/SB Road Bond Paving - Units 1,2,3,4,27,35,43 & 47		CW Roberts Contracting, Inc.		
			8530 SW Jayme Way		
			Palm City FL 34990		
			772-288-0951		
			rslone@cwrcontracting.com		
ITEM	ITEM DESCRIPTION	Est. Annual Qty	UOM	Unit Price	Total Price
UNITS 1, 2 & 3					
1	Mobilization	1	LS	\$ 85,500.00	\$ 85,500.00
2	Maintenance of Traffic	1	LS	\$ 49,000.00	\$ 49,000.00
3	Erosion Control	1	LS	\$ 2,000.00	\$ 2,000.00
4	Full Depth Reclamation and Pulverization 8" depth	1,200	SY	\$ 28.50	\$ 34,200.00
5	Cement – cement treated base (5%)	10	TN	\$ 155.00	\$ 1,550.00
6	Removal of existing concrete	40	SY	\$ 49.00	\$ 1,960.00
7	Optional Base, Base Group 06	200	SY	\$ 70.00	\$ 14,000.00
8	Milling Exist Asphalt pavement 1.5" Ave Depth	97,017	SY	\$ 2.25	\$ 218,288.25
9	Superpave asphalt concrete, Traffic C, SP-9.5, 1.5" Thin Lift	8004	TN	\$ 110.00	\$ 880,440.00
10	Concrete Curb & Gutter (Ribbon Curb)	90	LF	\$ 45.00	\$ 4,050.00
11	Concrete Curb & Gutter (24" wide)	90	LF	\$ 45.00	\$ 4,050.00
12	Concrete Sidewalk & Driveways 4" thick	240	SY	\$ 60.00	\$ 14,400.00
13	Detectable Warnings	160	SF	\$ 44.00	\$ 7,040.00
14	Performance Turf, Sod	500	SY	\$ 3.50	\$ 1,750.00
15	Single Post Sign, Relocate	7	EA	\$ 140.00	\$ 980.00

	IFB #14-0-2021/SB Road Bond Paving - Units 1,2,3,4,27,35,43 & 47		CW Roberts Contracting, Inc.		
			8530 SW Jayme Way		
			Palm City FL 34990		
			772-288-0951		
			rsllone@cwcontracting.com		
16	Retro-reflective Pavement Markers	100	EA	\$ 4.75	\$ 475.00
17	Thermoplastic Standard White Solid 12"	700	LF	\$ 1.75	\$ 1,225.00
18	Thermoplastic Standard White Solid 24"	220	LF	\$ 4.75	\$ 1,045.00
19	Thermoplastic Standard Yellow Solid 6" line	2100	LF	\$ 0.95	\$ 1,995.00
TOTAL BID AMOUNT					\$ 1,323,948.25
UNIT 4					
1	Mobilization	1	LS	\$ 122,000.00	\$ 122,000.00
2	Maintenance of Traffic	1	LS	\$ 72,000.00	\$ 72,000.00
3	Erosion Control	1	LS	\$ 2,000.00	\$ 2,000.00
4	Removal of Existing Concrete	120	SY	\$ 49.00	\$ 5,880.00
5	Milling Existing Asphalt Pavement 2" Ave. Depth	55,592	SY	\$ 2.75	\$ 152,878.00
6	Milling Exist Asphalt pavement 1.5" Ave Depth	87,563	SY	\$ 2.25	\$ 197,016.75
7	Superpave asphalt concrete, Traffic C, SP-9.5, 1.5" Thin Lift	7,250	TN	\$ 110.00	\$ 797,500.00
8	Superpave asphalt concrete, Traffic C, SP-9.5, 2" overlay	6,150	TN	\$ 111.00	\$ 682,650.00
9	Concrete Curb & Gutter (Ribbon Curb)	270	LF	\$ 45.00	\$ 12,150.00
10	Concrete Curb & Gutter (24" wide)	270	LF	\$ 45.00	\$ 12,150.00
11	Concrete Sidewalks 4" Thick	380	SY	\$ 60.00	\$ 22,800.00

	IFB #14-0-2021/SB Road Bond Paving - Units 1,2,3,4,27,35,43 & 47		CW Roberts Contracting, Inc.		
			8530 SW Jayme Way		
			Palm City FL 34990		
			772-288-0951		
			rs lone@cw rcontracting.com		
12	Detectable Warnings	360	SF	\$ 45.00	\$ 16,200.00
13	Performance Turf, Sod	300	SY	\$ 3.50	\$ 1,050.00
14	Single Post Sign, Relocate	18	EA	\$ 140.00	\$ 2,520.00
15	Retro-reflective Pavement Markers	160	EA	\$ 4.75	\$ 760.00
16	Thermoplastic Standard White Solid 12" for crosswalk	2,230	LF	\$ 1.75	\$ 3,902.50
17	Thermoplastic Standard White Solid 24" Stop bar & crosswalk	400	LF	\$ 4.75	\$ 1,900.00
18	Thermoplastic Standard White Dash Guide 6"	3,040	LF	\$ 0.50	\$ 1,520.00
19	Thermoplastic Standard White Arrow	10	EA	\$ 82.00	\$ 820.00
20	Thermoplastic Standard Yellow Dash Guide 6"	5,200	LF	\$ 0.50	\$ 2,600.00
21	Thermoplastic Standard White Solid 6" line	26,601	LF	\$ 0.95	\$ 25,270.95
22	Thermoplastic Standard Yellow Solid 6" line	26,300	LF	\$ 0.95	\$ 24,985.00
TOTAL BID AMOUNT					\$ 2,160,553.20
UNIT 27					
1	Mobilization	1	LS	\$ 8,700.00	\$ 8,700.00
2	Maintenance of Traffic	1	LS	\$ 5,700.00	\$ 5,700.00
3	Erosion Control	1	LS	\$ 2,000.00	\$ 2,000.00
4	Removal of existing concrete	18	SY	\$ 65.00	\$ 1,170.00

	IFB #14-0-2021/SB Road Bond Paving - Units 1,2,3,4,27,35,43 & 47		CW Roberts Contracting, Inc.		
			8530 SW Jayme Way		
			Palm City FL 34990		
			772-288-0951		
			rs lone@cw rcontracting.com		
5	Milling Existing Asphalt Pavement 1.5" Ave. Depth	1,991	SY	\$ 3.00	\$ 5,973.00
6	Superpave asphalt concrete, Traffic C, SP-9.5, 1.5" Thin Lift	165	TN	\$ 118.00	\$ 19,470.00
7	Concrete Sidewalk 4" Thick	18	SY	\$ 120.00	\$ 2,160.00
8	Detectable Warnings	32	SF	\$ 44.00	\$ 1,408.00
9	Performance Turf, Sod	383	SY	\$ 3.50	\$ 1,340.50
10	Raised reflective pavement marker	12	EA	\$ 4.75	\$ 57.00
11	Thermoplastic Standard White Solid 12" for crosswalk	88	LF	\$ 1.75	\$ 154.00
12	Thermoplastic Standard White Solid 24" Stop bar & crosswalk	20	LF	\$ 4.75	\$ 95.00
13	Thermoplastic Standard Yellow Solid 6" line	200	LF	\$ 1.00	\$ 200.00
TOTAL BID AMOUNT					\$ 48,427.50
UNIT 35					
1	Mobilization	1	LS	\$ 24,000.00	\$ 24,000.00
2	Maintenance of Traffic	1	LS	\$ 17,200.00	\$ 17,200.00
3	Erosion Control	1	LS	\$ 2,000.00	\$ 2,000.00
4	Removal of existing concrete	4	SY	\$ 200.00	\$ 800.00
5	Milling Existing Asphalt Pavement 1.5" Ave. Depth	22,718	SY	\$ 2.50	\$ 56,795.00
6	Superpave asphalt concrete, Traffic C, SP-9.5, 1.5" Thin Lift	2,374	TN	\$ 110.00	\$ 261,140.00

	IFB #14-0-2021/SB Road Bond Paving - Units 1,2,3,4,27,35,43 & 47		CW Roberts Contracting, Inc.		
			8530 SW Jayme Way		
			Palm City FL 34990		
			772-288-0951		
			rs lone@cw rcontracting.com		
7	Concrete Curb & Gutter (Ribbon Curb)	24	LF	\$ 75.00	\$ 1,800.00
8	Concrete Curb & Gutter (24" wide)	24	LF	\$ 75.00	\$ 1,800.00
9	Concrete Sidewalk 4" Thick	33	SY	\$ 85.00	\$ 2,805.00
10	Detectable Warnings	50	SF	\$ 44.00	\$ 2,200.00
11	Performance Turf, Sod	3,236	SY	\$ 3.50	\$ 11,326.00
12	Single Post Sign, Relocate	2	EA	\$ 140.00	\$ 280.00
13	Raised reflective pavement marker	12	EA	\$ 4.75	\$ 57.00
14	Thermoplastic Standard White Solid 12" for crosswalk	104	LF	\$ 1.75	\$ 182.00
15	Thermoplastic Standard White Solid 24" Stop bar & crosswalk	20	LF	\$ 17.75	\$ 355.00
16	Thermoplastic Standard Yellow Solid 6" line	200	LF	\$ 1.00	\$ 200.00
TOTAL BID AMOUNT					\$ 382,940.00
UNIT 43					
1	Mobilization	1	LS	\$ 13,500.00	\$ 13,500.00
2	Maintenance of Traffic	1	LS	\$ 8,500.00	\$ 8,500.00
3	Erosion Control	1	LS	\$ 2,000.00	\$ 2,000.00
4	Removal of existing concrete	4	SY	\$ 200.00	\$ 800.00
5	Milling Exist Asphalt pavement 1.5" Ave Depth	10,906	SY	\$ 2.50	\$ 27,265.00

	IFB #14-0-2021/SB Road Bond Paving - Units 1,2,3,4,27,35,43 & 47		CW Roberts Contracting, Inc.		
			8530 SW Jayme Way		
			Palm City FL 34990		
			772-288-0951		
			rs lone@cw rcontracting.com		
6	Superpave asphalt concrete, Traffic C, SP-9.5, 1.5" Thin Lift	900	TN	\$ 110.00	\$ 99,000.00
7	Concrete Curb & Gutter (Ribbon Curb)	24	LF	\$ 75.00	\$ 1,800.00
8	Concrete Curb & Gutter (24" wide)	24	LF	\$ 75.00	\$ 1,800.00
9	Concrete Sidewalk 4" Thick	34	SY	\$ 85.00	\$ 2,890.00
10	Detectable Warnings	50	SF	\$ 44.00	\$ 2,200.00
11	Performance Turf, Sod	67	SY	\$ 3.50	\$ 234.50
12	Single Post Sign, Relocate	2	EA	\$ 140.00	\$ 280.00
13	Retro-reflective Pavement Markers	12	EA	\$ 4.75	\$ 57.00
14	Thermoplastic Standard White Solid 12"	134	LF	\$ 1.75	\$ 234.50
15	Thermoplastic Standard White Solid 24"	20	LF	\$ 4.75	\$ 95.00
16	Thermoplastic Standard Yellow Solid 6" line	200	LF	\$ 1.00	\$ 200.00
TOTAL BID AMOUNT					\$ 160,856.00
UNIT 47					
1	Mobilization	1	LS	\$ 14,500.00	\$ 14,500.00
2	Maintenance of Traffic	1	LS	\$ 8,500.00	\$ 8,500.00
3	Erosion Control	1	LS	\$ 2,000.00	\$ 2,000.00
4	Removal of existing concrete	4	SY	\$ 200.00	\$ 800.00



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Terese Jones, City Clerk

DATE: 12/17/2020

RE: Appointment of two (2) members to the Infrastructure Advisory and Oversight Board.

The terms of Jeremy Reiderman, Don Jordan and David Wills on the above subject board will expire on December 31, 2020. Messrs. Reiderman and Jordan have reapplied to continue service on the board.

The positions have been announced at the last two regular Council meetings and applications solicited for same. The following applications have been received:

Don Jordan
660 Windy Cove St, NE 32908

Rebecca Thibert
110 Gladiola Road, NE 32907

William J. Fehr
1450 Paley Circle, SE 32909

William T. Neckles
240 Todd Street, SE 32909

Randall E. Olszewski
227 Neville Circle, NE 32907

David Jones
1107 Merrick Avenue, NW 32907

Jeremy Ross Reiderman
955 Sierra Place, NE 32907

A ranking sheet will be provided to each member of Council and should be completed and given to the clerk on duty prior to the start of the meeting. Council is to rank the above individuals from "1 - 7", with Number 1 representing your first choice.

REQUESTING DEPARTMENT:

Legislative

FISCAL IMPACT:

None

RECOMMENDATION:

Motion to appoint two (2) members to serve on the Infrastructure Advisory and Oversight Board.

ATTACHMENTS:

Description

D. Jordan

R. Thibert

W. Fehr

W. Neckles

R. Olszewski

D. Jones

J. Reiderman



Office of The

NOV 24 2020

City Clerk

APPLICATION FOR MEMBERSHIP / City Boards or Committees

City of Palm Bay * 120 Malabar Road * Palm Bay, FL 32907
Phone: 321-952-3414 * www.palmbayflorida.org * Fax: 321-953-8971

BOARD/COMMITTEE

Name of Board/Committee: Infrastructure & Oversight Advisory Board
Full Name: Don Jordan
Home Address: 2141 Madden Ave SW
City: Palm Bay, Fl Zip Code: 32908
Telephone Number: 321-978-4433 Fax Number:
Email Address: dj6245@gmail.com

EMPLOYMENT

Employer: Ret Occupation: Ret
Address:
City: State: Zip Code:
Telephone Number: Fax Number:
Email Address:
Job Responsibilities:

EDUCATION

High School Name: Webster Groves High School
Location: Webster Groves Mo. Years Completed: 4 Major/Degree:
College Business or Trade School: Park College
Location: Parkville, Mo Years Completed: 4 Major/Degree: Math/Science
Professional School: US Navy School of Aviation
Location: Pensacola, Fl Years Completed: 2 Major/Degree: Naval Aviator
Other: US Naval School Naval Justice
Location: Newport, R.I. Years Completed: 1 Major/Degree: Legal Officer

APPLICANT INFORMATION

Have you ever held a business tax receipt? ☐ Yes ☒ No *If yes, please provide the following:*

Title:

Issue Date: Issuing Authority:

If any disciplinary action has been taken, please state the type and date of the action taken:

Disciplinary Action: Disciplinary Date:

Are you a resident of the City? ☒ Yes ☐ No *If yes, how long?* 10 Years Months

How long have you been a resident of Brevard County? 10 Years Months

Are you a United States citizen? ☒ Yes ☐ No

Are you a registered voter of the City? ☒ Yes ☐ No

Are you employed by the City? ☐ Yes ☒ No *If yes, what department?*

Do you presently serve on a City board(s)? ☒ Yes ☐ No *If yes, please list board(s):*

Infrastructure & Oversight Advisory Board

Have you previously served on a City board(s)? ☒ Yes ☐ No *If yes, please list board(s):*

Building & Construction Advisory Board; Road Advisory Board

Are you currently serving on a board, authority, or commission for another governmental agency?

☒ Yes ☐ No *If yes, what board(s):* Melbourne/Tillman Water Control District Board

Have you ever been convicted or pled guilty to a criminal charge or pled nolo contendere (no contest)

to a criminal charge? ☐ Yes ☒ No *If yes, what charge:*

Where: When:

Disposition was: ☐ Convicted ☐ Pled Guilty ☐ Pled No Contest

Have your civil rights been restored? ☐ Yes ☐ No

Are you a member or participant of any community organizations? ☒ Yes ☐ No

If yes, please list: American Leigon, Grace Bible Church, Palm Bay Vcop #7425

What are your hobbies / interests?

Why do you want to serve on this board / committee?

Section 760.80, Florida Statutes, requires certain information on statutorily created boards to be filed on an annual basis. Please complete the following.

Race: Gender: Physically Disabled: ☐

APPLICATION CERTIFICATION

By filing this application with the City of Palm Bay and placing my signature below, I do hereby acknowledge the following:

1. This Application, when completed and filed with the Office of the City Clerk, is a PUBLIC RECORD under Chapter 119, Florida Statutes, and is open to public inspection.
2. I am responsible for keeping the information on this form current and that any changes or updates will be provided to the Office of the City Clerk.
3. I consent to filing the Statement of Financial Interests if required for this board.
<http://www.ethics.state.fl.us>
4. If appointed to a board/committee, I acknowledge that it is my obligation and duty to comply with the following:

Code of Ethics for Public Officials (Florida Statutes, Chapter 112, Part III)
Florida Sunshine Law (Florida Statutes, Chapter 286)
<http://www.flsenate.gov/Statutes>
5. I understand the responsibilities associated with being a board/committee member, and I will have adequate time to serve on this board/committee.

The information provided on this form is true and correct, and consent is hereby given to the City Council or its designated representative to verify any and/or all information provided.

Signature: Date:

Mail the application to:

City of Palm Bay
Office of the City Clerk
120 Malabar Road, SE
Palm Bay, Florida 32907

Fax the application to:

321-953-8971

SUBMIT FORM



APPLICATION FOR MEMBERSHIP / City Boards or Committees

City of Palm Bay • 120 Malabar Road • Palm Bay, FL 32907
Phone: 321-952-3414 • www.palmbayflorida.org • Fax: 321-953-8971

BOARD/COMMITTEE

Name of Board/Committee:

Full Name:

Home Address:

City:

Zip Code:

Telephone Number:

Fax Number:

Email Address:

EMPLOYMENT

Employer:

Occupation:

Address:

City:

State:

Zip Code:

Telephone Number:

Fax Number:

Email Address:

Job Responsibilities:

EDUCATION

High School Name:

Location:

Years Completed:

Major/Degree:

College Business or Trade School:

Location:

Years Completed:

Major/Degree:

Professional School:

Location:

Years Completed:

Major/Degree:

Other:

Location:

Years Completed:

Major/Degree:

APPLICANT INFORMATION

Have you ever held a business tax receipt? Yes No *If yes, please provide the following:*

Title:

Issue Date:

Issuing Authority:

If any disciplinary action has been taken, please state the type and date of the action taken:

Disciplinary Action:

Disciplinary Date:

Are you a resident of the City? Yes No *If yes, how long?* Years Months

How long have you been a resident of Brevard County? Years Months

Are you a United States citizen? Yes No

Are you a registered voter of the City? Yes No

Are you employed by the City? Yes No *If yes, what department?*

Do you presently serve on a City board(s)? Yes No *If yes, please list board(s):*

Have you previously served on a City board(s)? Yes No *If yes, please list board(s):*

Are you currently serving on a board, authority, or commission for another governmental agency?

Yes No *If yes, what board(s):*

Have you ever been convicted or pled guilty to a criminal charge or pled nolo contendere (no contest) to a criminal charge? Yes No *If yes, what charge:*

Where:

When:

Disposition was: Convicted Pled Guilty Pled No Contest

Have your civil rights been restored? Yes No

Are you a member or participant of any community organizations? Yes No

If yes, please list:

What are your hobbies / interests?

Why do you want to serve on this board / committee?

Section 760.80, Florida Statutes, requires certain information on statutorily created boards to be filed on an annual basis. Please complete the following.

Race:

Gender:

Physically Disabled:

APPLICATION CERTIFICATION

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<http://www.ethics.state.fl.us>
4. If appointed to a board/committee, I acknowledge that it is my obligation and duty to comply with the following:
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Florida Sunshine Law (Florida Statutes, Chapter 286)
<http://www.flsenate.gov/Statutes>
5. I understand the responsibilities associated with being a board/committee member, and I will have adequate time to serve on this board/committee.

The information provided on this form is true and correct, and consent is hereby given to the City Council or its designated representative to verify any and/or all information provided.

Signature:

Date:

Mail the application to:
City of Palm Bay
Office of the City Clerk
120 Malabar Road, SE
Palm Bay, Florida 32907

Fax the application to:
321-953-8971



Office of The

NOV 30 2020

City Clerk

APPLICATION FOR MEMBERSHIP / City Boards or Committees

City of Palm Bay • 120 Malabar Road • Palm Bay, FL 32907
Phone: 321-952-3414 • www.palmbayflorida.org • Fax: 321-953-8971

BOARD/COMMITTEE

Name of Board/Committee: Infrastructure Advisory and Oversight Board
Full Name: William John Fehr Jr.
Home Address: 1450 Paley Circle SE
City: Palm Bay Zip Code: 32909
Telephone Number: 321-301-0623 Fax Number:
Email Address: wjfehr@hotmail.com

EMPLOYMENT

Employer: Schulke, Bittle & Stoddard Occupation: Draftsman
Address: 1717 Indian River Blvd.
City: Vero Beach State: FL Zip Code: 32960
Telephone Number: 772-770-9622 Fax Number: 772-770-9496
Email Address:
Job Responsibilities: Drawing Civil Design Drawings

EDUCATION

High School Name: Potosi High School
Location: Potosi, MO Years Completed: 12 Major/Degree: Diploma
College Business or Trade School: Mineral Area College
Location: Park Hills, MO Years Completed: 2 Major/Degree: Drafting/A.S.
Professional School:
Location: Years Completed: Major/Degree:
Other:
Location: Years Completed: Major/Degree:

APPLICANT INFORMATION

Have you ever held a business tax receipt? ☐ Yes ☒ No *If yes, please provide the following:*

Title:

Issue Date: Issuing Authority:

If any disciplinary action has been taken, please state the type and date of the action taken:

Disciplinary Action: Disciplinary Date:

Are you a resident of the City? ☒ Yes ☐ No *If yes, how long?* 15 Years 5 Months

How long have you been a resident of Brevard County? 15 Years 5 Months

Are you a United States citizen? ☒ Yes ☐ No

Are you a registered voter of the City? ☒ Yes ☐ No

Are you employed by the City? ☐ Yes ☒ No *If yes, what department?*

Do you presently serve on a City board(s)? ☐ Yes ☒ No *If yes, please list board(s):*

Have you previously served on a City board(s)? ☐ Yes ☒ No *If yes, please list board(s):*

Are you currently serving on a board, authority, or commission for another governmental agency?

☐ Yes ☒ No *If yes, what board(s):*

Have you ever been convicted or pled guilty to a criminal charge or pled nolo contendere (no contest)

to a criminal charge? ☐ Yes ☒ No *If yes, what charge:*

Where: When:

Disposition was: ☐ Convicted ☐ Pled Guilty ☐ Pled No Contest

Have your civil rights been restored? ☐ Yes ☐ No

Are you a member or participant of any community organizations? ☐ Yes ☒ No

If yes, please list:

What are your hobbies / interests? Boating

Why do you want to serve on this board / committee? I want to help the infrastructure of Palm Bay grow as the city grows. I hope to use my civil design knowledge of drainage, paving, grading, water and sewer to help the board with planning. I also have real world experience in construction inspection.

Section 760.80, Florida Statutes, requires certain information on statutorily created boards to be filed on an annual basis. Please complete the following.

Race: White Gender: Male Physically Disabled: ☐

APPLICATION CERTIFICATION

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3. I consent to filing the Statement of Financial Interests if required for this board.
<http://www.ethics.state.fl.us>
4. If appointed to a board/committee, I acknowledge that it is my obligation and duty to comply with the following:
Code of Ethics for Public Officials (Florida Statutes, Chapter 112, Part III)
Florida Sunshine Law (Florida Statutes, Chapter 286)
<http://www.flsenate.gov/Statutes>
5. I understand the responsibilities associated with being a board/committee member, and I will have adequate time to serve on this board/committee.

The information provided on this form is true and correct, and consent is hereby given to the City Council or its designated representative to verify any and/or all information provided.

Signature: William J. Fehr Date: 11/21/2020

Mail the application to:
City of Palm Bay
Office of the City Clerk
120 Malabar Road, SE
Palm Bay, Florida 32907

Fax the application to:
321-953-8971

SUBMIT FORM



Office of The

DEC - 1 2020

City Clerk

APPLICATION FOR MEMBERSHIP / City Boards or Committees

City of Palm Bay * 120 Malabar Road * Palm Bay, FL 32907
Phone: 321-952-3414 * www.palmbayflorida.org * Fax: 321-953-8971

BOARD/COMMITTEE

Name of Board/Committee: Infrastructure Advisory & Oversight Board
Full Name: William T Neckles
Home Address: 240 Todd St S.E.
City: Palm Bay FL Zip Code: 32909
Telephone Number: 321-419-9306 Fax Number:
Email Address: williamneckles@hotmail.com

EMPLOYMENT

Employer: All American Solid Surface Inc Occupation: Office Manager
Address: 6963 Old Nasa Blvd.
City: W Melbourne State: fl Zip Code: 32904
Telephone Number: 321-473-8934 Fax Number:
Email Address: allamerican_2014@yahoo.com
Job Responsibilities: Prepare job contracts, pay vendors, order and accept materials

EDUCATION

High School Name: Boy's High School
Location: Brooklyn, New York Years Completed: 4 Major/Degree: Graduated
College Business or Trade School: Brooklyn College
Location: Brooklyn, New York Years Completed: 4 Major/Degree: BS in Economics
Professional School: College of Financial Planning
Location: Denver, Colorado Years Completed: 2 Major/Degree: CFP Certificate
Other: N/A
Location: N/A Years Completed: Major/Degree: N/A

APPLICANT INFORMATION

Have you ever held a business tax receipt? ☐ Yes ☒ No If yes, please provide the following:

N/A

Title: N/A

Issue Date: N/A Issuing Authority: N/A

If any disciplinary action has been taken, please state the type and date of the action taken:

Disciplinary Action: N/A Disciplinary Date: N/A

Are you a resident of the City? ☒ Yes ☐ No If yes, how long? 14 Years 9 Months

How long have you been a resident of Brevard County? 14 Years 9 Months

Are you a United States citizen? ☒ Yes ☐ No

Are you a registered voter of the City? ☒ Yes ☐ No

Are you employed by the City? ☐ Yes ☒ No If yes, what department? N/A

Do you presently serve on a City board(s)? ☐ Yes ☒ No If yes, please list board(s):

N/A

Have you previously served on a City board(s)? ☐ Yes ☒ No If yes, please list board(s):

N/A

Are you currently serving on a board, authority, or commission for another governmental agency?

☐ Yes ☒ No If yes, what board(s): N/A

Have you ever been convicted or pled guilty to a criminal charge or pled nolo contendere (no contest) to a criminal charge? ☐ Yes ☒ No If yes, what charge: N/A

N/A

Where: N/A When: N/A

Disposition was: ☐ Convicted ☐ Pled Guilty ☐ Pled No Contest

Have your civil rights been restored? ☐ Yes ☐ No

Are you a member or participant of any community organizations? ☐ Yes ☒ No

If yes, please list: N/A

What are your hobbies / interests? Bicycling, Cars.

Why do you want to serve on this board / committee? I would like to help the city in its efforts to improve as a city.

Section 760.80, Florida Statutes, requires certain information on statutorily created boards to be filed on an annual basis. Please complete the following.

Race: N/A Gender: Male Physically Disabled:

APPLICATION CERTIFICATION

By filing this application with the City of Palm Bay and placing my signature below, I do hereby acknowledge the following:

1. This Application, when completed and filed with the Office of the City Clerk, is a PUBLIC RECORD under Chapter 119, Florida Statutes, and is open to public inspection.
2. I am responsible for keeping the information on this form current and that any changes or updates will be provided to the Office of the City Clerk.
3. I consent to filing the Statement of Financial Interests if required for this board.
<http://www.ethics.state.fl.us>
4. If appointed to a board/committee, I acknowledge that it is my obligation and duty to comply with the following:
Code of Ethics for Public Officials (Florida Statutes, Chapter 112, Part III)
Florida Sunshine Law (Florida Statutes, Chapter 286)
<http://www.flsenate.gov/Statutes>
5. I understand the responsibilities associated with being a board/committee member, and I will have adequate time to serve on this board/committee.

The information provided on this form is true and correct, and consent is hereby given to the City Council or its designated representative to verify any and/or all information provided.

Signature: William Neckles Date: 12/1/2020

Mail the application to:
City of Palm Bay
Office of the City Clerk
120 Malabar Road, SE
Palm Bay, Florida 32907

Fax the application to:
321-953-8971

SUBMIT FORM

To. Palm Bay
Application For Membership

Date: 12/1/2020

Fax # 321-953-8971



APPLICATION FOR MEMBERSHIP / City Boards or Committees

City of Palm Bay • 120 Malabar Road • Palm Bay, FL 32907
Phone: 321-952-3414 • www.palmbayflorida.org • Fax: 321-953-8971

BOARD/COMMITTEE

Name of Board/Committee:

Full Name:

Home Address:

City: Zip Code:

Telephone Number: Fax Number:

Email Address:

EMPLOYMENT

Employer: Occupation:

Address:

City: State: Zip Code:

Telephone Number: Fax Number:

Email Address:

Job Responsibilities:

EDUCATION

High School Name:

Location: Years Completed: Major/Degree:

College Business or Trade School:

Location: Years Completed: Major/Degree:

Professional School:

Location: Years Completed: Major/Degree:

Other:

Location: Years Completed: Major/Degree:

APPLICANT INFORMATION

Have you ever held a business tax receipt? ☐ Yes ☒ No *If yes, please provide the following:*

Title:

Issue Date: Issuing Authority:

If any disciplinary action has been taken, please state the type and date of the action taken:

Disciplinary Action: Disciplinary Date:

Are you a resident of the City? ☒ Yes ☐ No *If yes, how long?* 8 Years Months

How long have you been a resident of Brevard County? 10 Years Months

Are you a United States citizen? ☒ Yes ☐ No

Are you a registered voter of the City? ☒ Yes ☐ No

Are you employed by the City? ☐ Yes ☒ No *If yes, what department?*

Do you presently serve on a City board(s)? ☐ Yes ☒ No *If yes, please list board(s):*

Have you previously served on a City board(s)? ☐ Yes ☒ No *If yes, please list board(s):*

Are you currently serving on a board, authority, or commission for another governmental agency?

☐ Yes ☒ No *If yes, what board(s):*

Have you ever been convicted or pled guilty to a criminal charge or pled nolo contendere (no contest)

to a criminal charge? ☐ Yes ☒ No *If yes, what charge:*

Where: When:

Disposition was: ☐ Convicted ☐ Pled Guilty ☐ Pled No Contest

Have your civil rights been restored? ☐ Yes ☐ No

Are you a member or participant of any community organizations? ☐ Yes ☒ No

If yes, please list:

What are your hobbies / interests?

Why do you want to serve on this board / committee?

Section 760.80, Florida Statutes, requires certain information on statutorily created boards to be filed on an annual basis. Please complete the following.

Race: Gender: Physically Disabled: ☐

APPLICATION CERTIFICATION

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<http://www.ethics.state.fl.us>
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Florida Sunshine Law (Florida Statutes, Chapter 286)
<http://www.flsenate.gov/Statutes>
5. I understand the responsibilities associated with being a board/committee member, and I will have adequate time to serve on this board/committee.

The information provided on this form is true and correct, and consent is hereby given to the City Council or its designated representative to verify any and/or all information provided.

Signature: Date:

Mail the application to:
City of Palm Bay
Office of the City Clerk
120 Malabar Road, SE
Palm Bay, Florida 32907

Fax the application to:
321-953-8971

SUBMIT FORM



Office of The
NOV 23 2020

City Clerk

APPLICATION FOR MEMBERSHIP / City Boards or Committees

City of Palm Bay • 120 Malabar Road • Palm Bay, FL 32907
Phone: 321-952-3414 • www.palmbayflorida.org • Fax: 321-953-8971

BOARD/COMMITTEE

Name of Board/Committee:
Full Name:
Home Address:
City: Zip Code:
Telephone Number: Fax Number:
Email Address:

EMPLOYMENT

Employer: Occupation:
Address:
City: State: Zip Code:
Telephone Number: Fax Number:
Email Address:
Job Responsibilities:

EDUCATION

High School Name:
Location: Years Completed: Major/Degree:
College Business or Trade School:
Location: Years Completed: Major/Degree:
Professional School:
Location: Years Completed: Major/Degree:
Other:
Location: Years Completed: Major/Degree:

APPLICANT INFORMATION

Have you ever held a business tax receipt? ☒ Yes ☐ No *If yes, please provide the following:*

Title: Diversity of Thought, Inc

Issue Date: Aug, 05, 2020 Issuing Authority: The City of Palm Bay

If any disciplinary action has been taken, please state the type and date of the action taken:

Disciplinary Action: Disciplinary Date:

Are you a resident of the City? ☒ Yes ☐ No *If yes, how long?* 2 Years Months

How long have you been a resident of Brevard County? 5 Years Months

Are you a United States citizen? ☒ Yes ☐ No

Are you a registered voter of the City? ☒ Yes ☐ No

Are you employed by the City? ☐ Yes ☒ No *If yes, what department?*

Do you presently serve on a City board(s)? ☐ Yes ☒ No *If yes, please list board(s):*

Have you previously served on a City board(s)? ☐ Yes ☒ No *If yes, please list board(s):*

Are you currently serving on a board, authority, or commission for another governmental agency?

☐ Yes ☒ No *If yes, what board(s):*

Have you ever been convicted or pled guilty to a criminal charge or pled nolo contendere (no contest) to a criminal charge? ☐ Yes ☒ No *If yes, what charge:*

Where: When:

Disposition was: ☐ Convicted ☐ Pled Guilty ☐ Pled No Contest

Have your civil rights been restored? ☐ Yes ☐ No

Are you a member or participant of any community organizations? ☒ Yes ☐ No

If yes, please list: I am a member of the class of 2021 LEAD Brevard.

United Way of Brevard, The Greater Palm Bay Chamber of Commerce.

I am on the board of the Space Coast Black Chamber of Commerce.

What are your hobbies / interests?

Why do you want to serve on this board / committee?

Section 760.80, Florida Statutes, requires certain information on statutorily created boards to be filed on an annual basis. Please complete the following.

Race: Gender: Physically Disabled: ☐

APPLICATION CERTIFICATION

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The information provided on this form is true and correct, and consent is hereby given to the City Council or its designated representative to verify any and/or all information provided.

Signature: Date:

Mail the application to:
City of Palm Bay
Office of the City Clerk
120 Malabar Road, SE
Palm Bay, Florida 32907

Fax the application to:
321-953-8971

SUBMIT FORM



APPLICATION FOR MEMBERSHIP / City Boards or Committees

City of Palm Bay • 120 Malabar Road • Palm Bay, FL 32907
Phone: 321-952-3414 • www.palmbayflorida.org • Fax: 321-953-8971

BOARD/COMMITTEE

Name of Board/Committee:

Full Name:

Home Address:

City:

Zip Code:

Telephone Number:

Fax Number:

Email Address:

EMPLOYMENT

Employer:

Occupation:

Address:

City:

State:

Zip Code:

Telephone Number:

Fax Number:

Email Address:

Job Responsibilities:

EDUCATION

High School Name:

Location:

Years Completed:

Major/Degree:

College Business or Trade School:

Location:

Years Completed:

Major/Degree:

Professional School:

Location:

Years Completed:

Major/Degree:

Other:

Location:

Years Completed:

Major/Degree:

APPLICANT INFORMATION

Have you ever held a business tax receipt? Yes No *If yes, please provide the following:*

Title:

Issue Date:

Issuing Authority:

If any disciplinary action has been taken, please state the type and date of the action taken:

Disciplinary Action:

Disciplinary Date:

Are you a resident of the City? Yes No *If yes, how long?* Years Months

How long have you been a resident of Brevard County? Years Months

Are you a United States citizen? Yes No

Are you a registered voter of the City? Yes No

Are you employed by the City? Yes No *If yes, what department?*

Do you presently serve on a City board(s)? Yes No *If yes, please list board(s):*

Have you previously served on a City board(s)? Yes No *If yes, please list board(s):*

Are you currently serving on a board, authority, or commission for another governmental agency?

Yes No *If yes, what board(s):*

Have you ever been convicted or pled guilty to a criminal charge or pled nolo contendere (no contest) to a criminal charge? Yes No *If yes, what charge:*

Where:

When:

Disposition was: Convicted Pled Guilty Pled No Contest

Have your civil rights been restored? Yes No

Are you a member or participant of any community organizations? Yes No

If yes, please list:

What are your hobbies / interests?

Why do you want to serve on this board / committee?

Section 760.80, Florida Statutes, requires certain information on statutorily created boards to be filed on an annual basis. Please complete the following.

Race:

Gender:

Physically Disabled:

APPLICATION CERTIFICATION

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3. I consent to filing the Statement of Financial Interests if required for this board.
<http://www.ethics.state.fl.us>
4. If appointed to a board/committee, I acknowledge that it is my obligation and duty to comply with the following:
Code of Ethics for Public Officials (Florida Statutes, Chapter 112, Part III)
Florida Sunshine Law (Florida Statutes, Chapter 286)
<http://www.flsenate.gov/Statutes>
5. I understand the responsibilities associated with being a board/committee member, and I will have adequate time to serve on this board/committee.

The information provided on this form is true and correct, and consent is hereby given to the City Council or its designated representative to verify any and/or all information provided.

Signature:

Date:

Mail the application to:
City of Palm Bay
Office of the City Clerk
120 Malabar Road, SE
Palm Bay, Florida 32907

Fax the application to:
321-953-8971



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Terese Jones, City Clerk

DATE: 12/17/2020

RE: Appointment of one (1) member to the Recreation Advisory Board.

As you are aware, Councilmember Randy Foster's position on the Recreation Advisory Board was automatically vacated when he was elected into office.

The vacancy has been announced at the last two regular Council meetings and applications solicited for same. The following applications have been received:

Jaclyn Bounauto
2031 Thornwood Drive, SE 32909

Phil DeFranco
570 Truman Street, SW 32908

REQUESTING DEPARTMENT:
Legislative

FISCAL IMPACT:
None

RECOMMENDATION:
Motion to appoint one (1) member to serve on the Recreation Advisory Board. The individual appointed will complete Mr. Foster's term, which expires February 28, 2021.

ATTACHMENTS:

Description

JBounauto

PDeFranco

APPLICATION FOR MEMBERSHIP / City Boards or Committees

City of Palm Bay 120 Malabar Road Palm Bay, FL 32907
Phone: 321-952-3414 www.palmbayflorida.org Fax: 321-953-8971

Name of Board/Committee: Recreation Advisory Board
Full Name: Jaclyn Bounavito
Home Address: 2031 Thornwood Dr SE
City: Palm Bay Zip Code: 32909
Telephone Number: 321-604-5025 Fax Number: 321-729-0921
Email Address: jaclynbounavito@gmail.com

Employer: Image Skincare Occupation: Business Development
Address: 7130 Seacrest Blvd
City: Lantana State: FL Zip Code: 33462
Telephone Number: 321-604-5025 / 800-796-7546 Fax Number: 561-791-2603
Email Address: jbounavito@imageskincare.com
Job Responsibilities: Consult over 189 businesses in sales strategies to increase profits.

High School Name: Palm Bay High
Location: Melbourne Years Completed: 4 Major/Degree: HS. Diploma

College Business or Trade School: Eastern Florida State College (BCC)
Location: Cocoa, FL Years Completed: 4 Major/Degree: General A.A.
A.A.S. Business Admin.

Professional School:
Location: Years Completed: Major/Degree:

Other: Florida College of Natural Health
Location: Orlando, FL Years Completed: 1 Major/Degree: Professional License
Cosmetology

Have you ever held a business tax receipt? ☐ Yes ☒ No *If yes, please provide the following:*

Title:

Issue Date: Issuing Authority:

If any disciplinary action has been taken, please state the type and date of the action taken:

Disciplinary Action: Disciplinary Date:

Are you a resident of the City? ☒ Yes ☐ No *If yes, how long?* Years Months

How long have you been a resident of Brevard County? Years Months

Are you a United States citizen? ☒ Yes ☐ No

Are you a registered voter of the City? ☒ Yes ☐ No

Are you employed by the City? ☐ Yes ☒ No *If yes, what department?*

Do you presently serve on a City board(s)? ☒ Yes ☐ No *If yes, please list board(s):*

Youth Advisory Board.

Have you previously served on a City board(s)? ☐ Yes ☒ No *If yes, please list board(s):*

Are you currently serving on a board, authority, or commission for another governmental agency?

☐ Yes ☒ No *If yes, what board(s):*

Have you ever been convicted or pled guilty to a criminal charge or pled nolo contendere (no contest)

to a criminal charge? ☐ Yes ☒ No *If yes, what charge:*

Where: When:

Disposition was: ☐ Convicted ☐ Pled Guilty ☐ Pled No Contest

Have your civil rights been restored? ☐ Yes ☐ No

Are you a member or participant of any community organizations? ☐ Yes ☒ No

If yes, please list:

What are your hobbies / interests? Community service, Girl Scouts Troop leader,
health and wellness, business development.

Why do you want to serve on this board / committee? As a parent and community
member to help make Palm Bay a fun and safe place for all.

Section 760.80, Florida Statutes, requires certain information on statutorily created boards to be filed on an annual basis. Please complete the following.

Race: white Gender: female Physically Disabled: no

By filing this application with the City of Palm Bay and placing my signature below, I do hereby acknowledge the following:

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3. I consent to filing the Statement of Financial Interests if required for this board.
<http://www.ethics.state.fl.us>
4. If appointed to a board/committee, I acknowledge that it is my obligation and duty to comply with the following:

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Florida Sunshine Law (Florida Statutes, Chapter 286)
<http://www.flsenate.gov/Statutes>

5. I understand the responsibilities associated with being a board/committee member, and I will have adequate time to serve on this board/committee.

The information provided on this form is true and correct, and consent is hereby given to the City Council or its designated representative to verify any and/or all information provided.

Signature:

Jaclyn Bounavito

Date:

12/1/2020

Mail the application to:

City of Palm Bay
Office of the City Clerk
120 Malabar Road, SE
Palm Bay, Florida 32907

Fax the application to:

321-953-8971



APPLICATION FOR MEMBERSHIP / City Boards or Committees

City of Palm Bay • 120 Malabar Road • Palm Bay, FL 32907
Phone: 321-952-3414 • www.palmbayflorida.org • Fax: 321-953-8971

BOARD/COMMITTEE

Name of Board/Committee:
Full Name:
Home Address:
City: Zip Code:
Telephone Number: Fax Number:
Email Address:

EMPLOYMENT

Employer: Occupation:
Address:
City: State: Zip Code:
Telephone Number: Fax Number:
Email Address:
Job Responsibilities:

EDUCATION

High School Name:
Location: Years Completed: Major/Degree:
College Business or Trade School:
Location: Years Completed: Major/Degree:
Professional School:
Location: Years Completed: Major/Degree:
Other:
Location: Years Completed: Major/Degree:

APPLICANT INFORMATION

Have you ever held a business tax receipt? ☐ Yes ☒ No *If yes, please provide the following:*

Title:

Issue Date: Issuing Authority:

If any disciplinary action has been taken, please state the type and date of the action taken:

Disciplinary Action: Disciplinary Date:

Are you a resident of the City? ☒ Yes ☐ No *If yes, how long?* 14 Years 1 Months

How long have you been a resident of Brevard County? 14 Years 1 Months

Are you a United States citizen? ☒ Yes ☐ No

Are you a registered voter of the City? ☒ Yes ☐ No

Are you employed by the City? ☐ Yes ☒ No *If yes, what department?*

Do you presently serve on a City board(s)? ☐ Yes ☒ No *If yes, please list board(s):*

Have you previously served on a City board(s)? ☐ Yes ☒ No *If yes, please list board(s):*

Are you currently serving on a board, authority, or commission for another governmental agency?

☐ Yes ☒ No *If yes, what board(s):*

Have you ever been convicted or pled guilty to a criminal charge or pled nolo contendere (no contest) to a criminal charge? ☐ Yes ☒ No *If yes, what charge:*

Where: When:

Disposition was: ☐ Convicted ☐ Pled Guilty ☐ Pled No Contest

Have your civil rights been restored? ☐ Yes ☒ No

Are you a member or participant of any community organizations? ☐ Yes ☒ No

If yes, please list:

What are your hobbies / interests? Ice Hockey, Special Needs Animals

Why do you want to serve on this board / committee? I have alot of to offer, I was a HS Football & Baseball coach, ran a JR league for USA hockey, Dir. JR nat'l championships for 6 years, 5 years in pro hockey as director of operations. Runa non profit for special needs pets.

Section 760.80, Florida Statutes, requires certain information on statutorily created boards to be filed on an annual basis. Please complete the following.

Race: white Gender: male Physically Disabled: ☐

APPLICATION CERTIFICATION

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<http://www.ethics.state.fl.us>
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Florida Sunshine Law (Florida Statutes, Chapter 286)
<http://www.flsenate.gov/Statutes>
5. I understand the responsibilities associated with being a board/committee member, and I will have adequate time to serve on this board/committee.

The information provided on this form is true and correct, and consent is hereby given to the City Council or its designated representative to verify any and/or all information provided.

Signature:



Date: 11.23.2020

Mail the application to:

City of Palm Bay
Office of the City Clerk
120 Malabar Road, SE
Palm Bay, Florida 32907

Fax the application to:

321-953-8971

SUBMIT FORM



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Terese Jones, City Clerk

DATE: 12/17/2020

RE: Appointment of one (1) member to the Disaster Relief Committee.

This vacancy on the Disaster Relief Committee has been announced at several regular Council meetings and applications solicited for same. The following application has been received:

Keith Miller
837 Seven Gables Circle, SE
Palm Bay, FL 32909

REQUESTING DEPARTMENT:
Legislative

FISCAL IMPACT:
None

RECOMMENDATION:
Motion to appoint one (1) member to the serve on the Disaster Relief Committee.

ATTACHMENTS:

Description
KMiller



Office of The

NOV 30 2020

City Clerk

APPLICATION FOR MEMBERSHIP / City Boards or Committees

City of Palm Bay • 120 Malabar Road • Palm Bay, FL 32907
Phone: 321-952-3414 • www.palmbayflorida.org • Fax: 321-953-8971

BOARD/COMMITTEE

Name of Board/Committee: Disaster Relief Committee
Full Name: Keith M Miller
Home Address: 837 Seven Gables Circle, S.E.
City: Palm Bay Zip Code: 32909
Telephone Number: 321-432-3685 Fax Number:
Email Address: trm4him@gmail.com

EMPLOYMENT

Employer: Crown Light Studio, LLC Occupation: Owner
Address: 837 Seven Gables Circle, S.E.
City: Palm Bay State: FL Zip Code: 32909
Telephone Number: 321-432-3685 Fax Number:
Email Address: Keith@CrownLightStudio.com
Job Responsibilities: CEO

EDUCATION

High School Name: James Monroe High School
Location: New York Years Completed: 4 Major/Degree: H.S. Diploma
College Business or Trade School: Hostos Community College
Location: New York Years Completed: 2 Major/Degree: General/A.A.
Professional School: Brevard Community College
Location: Palm Bay Years Completed: 2 Major/Degree: General/A.A.
Other: University of Central Florida
Location: Orlando Years Completed: 2 Major/Degree: Public Admin/B.A.

APPLICANT INFORMATION

Have you ever held a business tax receipt? ☒ Yes ☐ No If yes, please provide the following:

Title: Crown Light Studio

Issue Date: June 2014 Issuing Authority: Brevard County, Florida

If any disciplinary action has been taken, please state the type and date of the action taken:

Disciplinary Action: Disciplinary Date:

Are you a resident of the City? ☒ Yes ☐ No If yes, how long? 29 Years 2 Months

How long have you been a resident of Brevard County? 29 Years 2 Months

Are you a United States citizen? ☒ Yes ☐ No

Are you a registered voter of the City? ☒ Yes ☐ No

Are you employed by the City? ☐ Yes ☒ No If yes, what department?

Do you presently serve on a City board(s)? ☐ Yes ☒ No If yes, please list board(s):

Have you previously served on a City board(s)? ☐ Yes ☒ No If yes, please list board(s):

Are you currently serving on a board, authority, or commission for another governmental agency?

☐ Yes ☒ No If yes, what board(s):

Have you ever been convicted or pled guilty to a criminal charge or pled nolo contendere (no contest) to a criminal charge? ☐ Yes ☒ No If yes, what charge:

Where: When:

Disposition was: ☐ Convicted ☐ Pled Guilty ☐ Pled No Contest

Have your civil rights been restored? ☐ Yes ☐ No

Are you a member or participant of any community organizations? ☒ Yes ☐ No

If yes, please list: HELPS Community Initiative (H.C.I.)

What are your hobbies / interests? I love fishing, exercising and volunteering. Interests in community involvement and overall quality of life improvements. Also, mentoring and furthering the goals and objectives for children, in terms of their education and career opportunities.

Why do you want to serve on this board / committee? I believe my employment experience, technical expertise and commitment to excellence, effectiveness and efficiency lends itself to the nuances this committee membership requires. In addition to honesty, fairness and a fresh perspective.

Section 760.80, Florida Statutes, requires certain information on statutorily created boards to be filed on an annual basis. Please complete the following.


Race: African American Gender: Male Physically Disabled: ☐

APPLICATION CERTIFICATION

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<http://www.ethics.state.fl.us>
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Florida Sunshine Law (Florida Statutes, Chapter 286)
<http://www.flsenate.gov/Statutes>
5. I understand the responsibilities associated with being a board/committee member, and I will have adequate time to serve on this board/committee.

The information provided on this form is true and correct, and consent is hereby given to the City Council or its designated representative to verify any and/or all information provided.

Signature:  Date: 11/23/20

Mail the application to:
City of Palm Bay
Office of the City Clerk
120 Malabar Road, SE
Palm Bay, Florida 32907

Fax the application to:
321-953-8971

SUBMIT FORM



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Terese Jones, City Clerk

DATE: 12/17/2020

RE: Committee/Council Reports

Florida Puerto Rican Hispanic Chamber of Commerce

Committee Reports:

- Space Coast Transportation Planning Organization
- Space Coast League of Cities
- Tourist Development Council

Council Reports

REQUESTING DEPARTMENT:

Legislative



LEGISLATIVE MEMORANDUM

DATE: 12/17/2020

RE: Resolution 2020-62, supporting U.S. Space Force Command in Brevard County. (Mayor Medina)



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Joan Junkala-Brown, Community & Economic Development Director

DATE: 12/17/2020

RE: Consideration of a subordination policy for the City's state and federal housing grant programs.

The City administers various state and federally-funded housing grant programs to assist low- and moderate-income residents of Palm Bay with down payment assistance, owner-occupied rehabilitation, emergency repairs, and utility hook up assistance. As a requirement for households receiving funding assistance through the City's housing programs, the City places a lien, in the form of a mortgage, on the single-family home for the total amount of funding assistance received. The lien is for a period of time as defined by the City's SHIP Local Housing Assistance Plan as approved by City Council. In the instance where a home has a first mortgage, the City subordinates to the mortgage lender, assuming the second lien position.

Currently, the City does not have a policy regarding subordination of liens. The draft Subordination Policy outlines the City's position on subordinations and conditions for waiver of the Subordination Policy. The draft Subordination Policy allows homeowners to request a waiver of the Policy for consideration on a case-by-case basis. With City Council's approval of the Subordination Policy, requests for a waiver would be reviewed by staff and a recommendation made to the City Manager for consideration and final approval.

REQUESTING DEPARTMENT:

Community & Economic Development

FISCAL IMPACT:

The Subordination Policy sets parameters to identify such instances where the homeowner shall be required to repay the City's loan per the mortgage lien/note as recorded by Brevard Clerk of Courts. Such repayment would result in an increase to the Program Income accounts of the City's housing trust funds (i.e. SHIP and HOME).

RECOMMENDATION:

Motion to approve the Subordination Policy applicable to the City's state and federal housing grant programs.

ATTACHMENTS:

Description

Subordination Policy (State & Federal Housing Grant Programs)

**CITY OF PALM BAY
HOUSING AND COMMUNITY DEVELOPMENT DIVISION
HOUSING PROGRAMS
SUBORDINATION POLICY**

1. The policy of the City is not to subordinate.
2. Requests for waiver of the policy must be in writing from the lending institution and submitted to:

Housing Administrator
City of Palm Bay
Housing & Community Development Division
120 Malabar Road SE
Palm Bay, Florida 32907
Telephone: (321) 726-5633
E-mail: HCDinfo@palmbayflorida.org

3. Requests for waiver of the policy shall be approved by the City Manager. Prior to consideration, the following documents and information shall be provided to the Housing & Community Development Division:
 - Proof of State License for Mortgage Lender
 - Authorization for Release of Information signed by the homeowner (signatures shall be verified)
 - Reason for the subordination request and any supporting documentation as may be required on a case-by-case basis
 - Good Faith Estimate from the Mortgage Lender
 - Complete terms and conditions of the first mortgage
 - Documentation that the property taxes and insurance payments are either included in the first mortgage or that the homeowner is responsible for such payments outside of the loan
 - Letter from the Mortgage Lender confirming that homeowner will not be taking out equity for any reason other than what is listed in Section 5.

Note: Consideration will not be given to any request for waiver of this Subordination Policy without the required information listed above. Additional information may be required.

4. It is the City's policy not to subordinate but for very few circumstances, such as proven hardship under specific conditions provided for within the City's state or federal housing grant programs and listed under Section 5. **Credit card debt is not a basis for waiver of the policy.** In the rare instance that the City agrees to subordinate, requests can take a minimum of 2 - 4 weeks for review. The City does not expedite subordination requests. All approved subordinations shall be recorded by the Brevard County Clerk of Courts and is at the expense of the homeowner with a copy provided to the City. The City subordinates and assumes second lien position

only behind the mortgage lender. No other lien position will be considered.

5. Requests for waiver will be considered on case-by-case basis and only for the following circumstances:
 - Emergency needs arising out of natural disasters or declared emergency.
 - Rehabilitation or emergency repairs which eliminate a threat to the health or safety of the occupants or that eliminate an immediate or imminent danger to the dwelling itself eligible under the City's state and federal housing grant programs.
 - Refinancing to lower the interest rate on the first mortgage where the homeowner is not taking equity for any purpose and the City is simply reassuming its position for the continuation of the mortgage note.
 - Refinancing for educational purposes.
 - Refinancing for medical emergencies.
6. Requests for waiver will not be considered under the following conditions:
 - The Loan to Value ratio exceeds 100%.
 - The Housing Debt to Income ratio exceeds 34.
 - The Total Debt to Income ratio exceeds 42%.
 - The mortgage lender and applicant fail to provide all required documentation.
 - The home is in foreclosure.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Terese Jones, City Clerk

DATE: 12/17/2020

RE: Consideration of councilmembers serving as representatives to other agencies/organizations/committees.

Each year City Council is presented with the agencies, organizations and committees on which the City has representation. Council needs to be reaffirmed or appointed to the following:

Agency/Representative

- 1) Space Coast League of Cities
Kenny Johnson, Delegate
William Capote, Alternate
- 2) Space Coast Transportation Planning Organization
Brian Anderson
Kenny Johnson
Jeff Bailey
Harry Santiago, Jr., Alternate
William Capote, Alternate
- 3) Ad Valorem Tax Abatement Council
Joan Junkala-Brown
Jeff Bailey, Alternate
- 4) Risk Management Committee
William Capote
- 5) Police and Firefighters' Pension Board of Trustees
William Capote
- 6) Palm Bay Municipal Foundation Disaster Relief Committee
William Capote

REQUESTING DEPARTMENT:

Legislative

FISCAL IMPACT:

None

RECOMMENDATION:

Request for Council to be reaffirmed or appointed to agencies, organizations or committees.

ATTACHMENTS:

Description

Agencies/organizations/committees meeting date/time

<u>Board/Committee</u>	<u>Meeting Location</u>	<u>Date</u>
Space Coast League of Cities	To be announced by Host City	2 nd Monday 6:30 P.M.
Space Coast Transportation Planning Organization	Government Center Building C Florida Room	2 nd Thursday each month 9:00 A.M.
Economic Development Commission of Florida's Space Coast – Ad Valorem Tax Abatement Council	To be announced	As needed
Risk Management	To be announced	As needed
Police and Firefighters' Pension Board of Trustee	1501 R.J. Conlan Blvd, NE	1 st Friday at 9 a.m.
Disaster Relief Committee	Council Chambers	As needed