



**AGENDA
CITY OF LAKE WORTH
CITY COMMISSION MEETING
CITY HALL COMMISSION CHAMBER
TUESDAY, MAY 03, 2016 - 6:00 PM**

- 1. ROLL CALL:**
- 2. INVOCATION OR MOMENT OF SILENCE:** Moment of silence at the request of Commissioner Ryan Maier.
- 3. PLEDGE OF ALLEGIANCE:** Led by Vice Mayor Maxwell
- 4. AGENDA - Additions/Deletions/Reordering:**
- 5. PRESENTATIONS:** (there is no public comment on Presentation items)
 - A. Introduction of Commission on Ethics Executive Director Mark Bannon and answer any Commission questions
 - B. Bryant Park Neighborhood Association
 - C. Sheriff's office update by Todd Baer
 - D. Historic Resources Preservation Board Update
- 6. COMMISSION LIAISON REPORTS AND COMMENTS:**
- 7. PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:**
- 8. APPROVAL OF MINUTES:**
 - A. April 5, 2016 RM
 - B. April 19, 2016 RM
 - C. April 19, 2016 Closed door session

9. CONSENT AGENDA: (public comment allowed during Public Participation of Non-Agendaed items)

- A. Approval of one year extension for the Debris Removal contracts for Ashbritt and Ceres Environmental
- B. Change Order No. 001-Final for Potable Well No. 12 Replacement
- C. Approval of the purchase of two new Refuse heavy equipment vehicles, an automated side load truck and a container carrier truck
- D. Approval of the purchase of a new 5 cubic yard dump truck for the Water Utilities Department
- E. Contract with B&B Underground Construction, Inc. for the North Booster Pump and Elevated Tank Piping Modifications project
- F. Approve purchase of a new sewer bypass pump for use by the Sewer Pumping Division
- G. Resolution No. 24-2016 to authorize the submission of a grant application to South Florida Water Management District
- H. Resolution No. 25-2016 - to authorize the submission of a grant application to the National Endowment for the Arts

10. PUBLIC HEARINGS:

- A. Ordinance No. 2016-13 - First Reading and First Public Hearing - amend various sections and tables of the City's Land Development Regulations
- B. Ordinance No. 2016-15 - First Reading and First Public Hearing - amend Downtown (DT) zoning district, permitted uses table and amend various sections of the City's Land Development Regulations.

11. UNFINISHED BUSINESS:

12. NEW BUSINESS:

- A. Ordinance No. 2016-16 - Adopt Florida Building Code 2014 Edition and Administrative Amendments
- B. Ordinance No. 2016-17 - Adopt Floodplain Management Provisions to continue participation in the National Flood Insurance Program

13. LAKE WORTH ELECTRIC UTILITY:

A. PRESENTATION: (there is no public comment on Presentation items)

1) Update on the Siemens project.

2) Update on the electric utility system

B. CONSENT AGENDA: (public comment allowed during Public Participation of Non-Agendaed items)

C. PUBLIC HEARING:

D. NEW BUSINESS:

14. CITY ATTORNEY'S REPORT:

15. CITY MANAGER'S REPORT:

A. May 17, 2016 draft Commission agenda

16. ADJOURNMENT:

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105)

NOTE: ONE OR MORE MEMBERS OF ANY BOARD, AUTHORITY OR COMMISSION MAY ATTEND AND SPEAK AT ANY MEETING OF ANOTHER CITY BOARD, AUTHORITY OR COMMISSION.



AGENDA DATE: May 3, 2016 Regular Meeting

DEPARTMENT: City Clerk

EXECUTIVE BRIEF

TITLE:

Bryant Park Neighborhood Association Update

SUMMARY:

Mr. Darrin Engels, Bryant Park President, will advise the Commission on activities in the neighborhoods.

BACKGROUND AND JUSTIFICATION:

At the City Commission meeting on July 20, 2010, the City Commission requested that all neighborhood associations provide an update. The last update from the Bryant Park Neighborhood Association was on April 7, 2015.

MOTION:

Not applicable

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable



AGENDA DATE: May 3, 2016 Regular Meeting

DEPARTMENT: City Clerk

EXECUTIVE BRIEF

TITLE:

Historic Resources Preservation Board Update

SUMMARY:

Herman Robinson, Board Chair, will update the Commission on activities that have taken place over the past several months.

BACKGROUND AND JUSTIFICATION:

The board members shall consider historic preservation issues. The members serve three-year terms. The last update from the Historic Resources Preservation Board was on February 17, 2015.

MOTION:

Not applicable

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable

**MINUTES
CITY OF LAKE WORTH
REGULAR MEETING OF THE CITY COMMISSION
APRIL 5, 2016 – 6:00 PM**

The meeting was called to order by Mayor Triolo on the above date at 6:00 PM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth, Florida.

1. ROLL CALL:

Present were Mayor Pam Triolo; Vice Mayor Scott Maxwell; and Commissioners Christopher McVoy, and Andy Amoroso. Also present were City Manager Michael Bornstein, City Attorney Glen Torcivia, and Interim City Clerk Karen Hancsak.

It was noted that Commissioner Maier was ill and absent with notice.

2. INVOCATION OR MOMENT OF SILENCE:

Pastor Quesnel Delvard, Sacred Heart Church, provided the invocation, on behalf of Vice Mayor Maxwell.

3. PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by Commissioner McVoy.

4. AGENDA - Additions/Deletions/Reordering:

Commissioner McVoy requested that the two proposed agenda additions be moved from the proposed Consent Agenda to New Business. After clarification by City Attorney Torcivia, it was determined that a motion could be made by the Commission to keep the proposed additions in the agenda where recommended by the staff.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to waive the rules to:

- A. Add to Consent Agenda, Item G – Approval of Resolution No. 19 – 2016 to Support Palm Beach County’s Sales Tax Increase**
- B. Add to Consent Agenda, Item H - Adoption of Interlocal Agreement Supporting Palm Beach County’s Sales Tax Increase**

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell; and Commissioners Amoroso. NAYS: Commissioner McVoy.

5. PRESENTATIONS:

A. City Tree Board Update

Richard Stowe, Board Chair, provided the Commission with an update on the Board's activities that have taken place over the past several months.

B. Palm Beach County School District and PBSO-Breaking the cycle of Gang Recruitment

Ms. Rebecca Hinson provided a brief video outlining the "Breaking the Cycle of Gang Recruitment" program. Deputy Zuchowski provided a brief presentation and explained the deputies help the local youth build Lego model cars and visit Legoland, teaching them life lessons along the way and building relationships. The audience applauded their participation and efforts in this important program to our youth.

C. Downtown Jewel Neighborhood Association Update

Jon Faust, Downtown Jewel Neighborhood Association President, provided the Commission with an update on activities in the neighborhoods.

D. Proclamation declaring April 10-17, 2016 as National Volunteer Week

Mayor Triolo read a proclamation declaring April 10-17, 2016 as National Volunteer Week.

E. Proclamation declaring April 10-16, 2016 as National Library Week

Mayor Triolo read a proclamation declaring April 10-16, 2016 as National Library Week

F. Proclamation declaring April 22, 2016 as Earth Day

Mayor Triolo read a proclamation declaring April 22, 2016 as Earth Day.

Due to a computer problem Items B and A were heard last.

6. COMMISSION LIAISON REPORTS AND COMMENTS:

Commissioner McVoy: wished to convey to the audience what it was like to serve as a Commissioner. He stated that serving had its ups as well as downs with a fair amount of commitment and time which can place a burden on one's own safety. He commented that whether there is a majority or minority among the Commission there still needs to be solidarity for the safety of all.

Vice Mayor Maxwell: reiterated his concerns regarding the direction and feedback concerning the ongoing road infrastructure and beach financial concerns. He also requested information on a lawsuit filed regarding the Gulfstream Hotel, to which City Manager advised he would address his concerns during his report later in the agenda.

Commissioner Amoroso: mentioned the upcoming Reggae Fest this weekend and the Children on Kiwanis event. He also mentioned the ribbon cutting for the water improvements at College Park.

Mayor Triolo: commented on the City's superior water quality and that replacement of the water lines will only enhance the City's water system. At this point Brian Shields produced a section of the rusted piping being replaced with duct iron piping.

Mayor Triolo expressed concern regarding Commissioner McVoy's comment regarding safety and encouraged him to share the concern with her and a staff member because she too has been a victim of unfriendly gestures by the public.

Mayor Triolo thanked the Recreation Dept. for the incredible parade for Easter and felt these old fashioned events should continue.

7. PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:

The following individuals spoke on various issues; however, they did not write anything on their comment cards: Peggy Fisher and Greg Rice.

Lynn Anderson questioned the proposed sales tax resolution and whether an explanation has been provided on where the extra revenue would be allocated. She felt there should be details on how Lake Worth would benefit.

8. APPROVAL OF MINUTES:

Action: Motion made by Commissioner Amoroso and seconded by Commissioner McVoy to approve the following minutes, as submitted:

- A. City Commission Special Meeting – March 18, 2016**
- B. City Commission Meeting – March 22, 2016**

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell; and Commissioners McVoy, and Amoroso. NAYS: None.

9. CONSENT AGENDA:

Action: Motion made by Commissioner Maxwell and seconded by Commissioner Amoroso to approve the Consent Agenda.

- A. Amendment to the Memorandum of Understanding (MOU) with Palm Beach County**
- B. Monument Sign Access and Easement Agreement for the Woodspring Suites West Palm Beach Florida South Lake Worth, LLC**
- C. Approval of Contract for Sale and Purchase of 628 South K Street**
- D. Approval of Contract for Sale and Purchase of 431 North L Street**
- E. Approval of construction contract with One Call Property Services, Inc. for \$133,892.68**
- F. Approve inter-local agreement with Drowning Prevention Coalition of Palm Beach County for swimming lesson vouchers**
- G. Approval of Resolution No. 19 – 2016 to Support Palm Beach County’s Sales Tax Increase (addition)**
- H. Adoption of Interlocal Agreement Supporting Palm Beach County’s Sales Tax Increase (addition)**

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell; and Commissioners McVoy, and Amoroso. NAYS: None.

10. PUBLIC HEARINGS:

- A. Ordinance No. 2016-11 – Second Reading – Small Scale Future Land Use Map Amendment**

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2016-11 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN BY PROVIDING A SMALL SCALE AMENDMENT CHANGE TO THE FUTURE LAND USE MAP OF CERTAIN PROPERTY MORE FULLY DESCRIBED IN EXHIBIT A FROM A CITY OF LAKE WORTH LAND USE DESIGNATION OF PUBLIC (P) TO A CITY OF LAKE WORTH DESIGNATION OF MIXED USE EAST (MU-E); PROVIDING THAT CONFLICTING ORDINANCES ARE REPEALED; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to approve Ordinance No. 2016-11 on second reading.

William Waters, Community Sustainability Director, explained that the ordinance amended the City's Future Land Use Map to change the designation of approximately .4646 acre, located on the northeast corner of Lucerne Avenue and North F Street, from Public (P) to Mixed Use – E (MU-E). He said the applicant was preparing applications to develop the second phase of the Urban Arts loft.

Mayor Triolo announced that this was the time for public comment. No one from the public commented.

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell; and Commissioners McVoy, and Amoroso. NAYS: None.

B. Ordinance No. 2016– 12 – Second Reading – rezone property located at the northeast corner of Lucerne Avenue and North F Street

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2016-12 OF THE CITY OF LAKE WORTH, FLORIDA; CHANGING THE ZONING OF THE PROPERTY DESCRIBED IN EXHIBIT A FROM CITY OF LAKE WORTH ZONING PUBLIC (P) TO CITY OF LAKE WORTH ZONING MIXED USE – EAST (MU-E); PROVIDING THAT CONFLICTING ORDINANCES ARE REPEALED; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to approve Ordinance No. 2016-12 on second reading.

William Waters, Community Sustainability Director, explained that the ordinance would rezone approximately .4646 acre from Public (P) to Mixed Use-East (MU-E) zoning district and was a companion item to Item 10 A.

Mayor Triolo announced that this was the time for public comment. No one from the public commented.

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell; and Commissioners McVoy, and Amoroso. NAYS: None.

C. Ordinance No. 2016-13 – First Reading and First Public Hearing – amend various sections and tables in the City's Land Development

Regulations and schedule the second public hearing date for April 19, 2016

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2016-13 OF THE CITY OF LAKE WORTH, FLORIDA; AMENDING CHAPTER 23 OF THE CODE OF ORDINANCES BY AMENDING ARTICLE 1 DIVISION 2, SECTION 23.2-12, DEFINITIONS; ARTICLE 2, DIVISION 3, SECTIONS 23.2-30 SITE PLAN REVIEW; ARTICLE 3, DIVISION 1, SECTION 23.2-15, NOTICE REQUIREMENTS; ARTICLE 3, DIVISION 1, SECTION 23.3-6, PERMITTED USE TABLE; ARTICLE 3 DIVISION 2, SECTION 23.3-17, MU-DH – MIXED USE DIXIE HIGHWAY; ARTICLE 4, DEVELOPMENT STANDARDS, SECTION 23.4-3, EXTERIOR LIGHTING; SECTION 23.4-6, HOME OCCUPATIONS, SECTION 23.4-10, OFF-STREET PARKING; ARTICLE 5, SUPPLEMENTAL REGULATIONS, SECTION 23.5-1, SIGNS; ARTICLE 6, ENVIRONMENTAL REGULATIONS, SECTION 23.6-1, LANDSCAPE REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

William Waters, Community Sustainability Director, explained that the ordinance amends Chapter 23, Land Development Regulations to provide clarification, edits, and additions to the LDR's definitions; notice requirements for public hearing; site plan review; zoning districts; development standards; off-street parking; sign code; and, and landscape regulations. He described each proposed change, adding that the most substantial changes involved landscaping, which was lacking for commercial properties.

Comments/requests summaries:

1. Vice Mayor Maxwell commented that he felt the amendments to the Home Occupations section of the code was a solution looking for a problem. He stated that the original portions in paragraph a and b of this section should remain the same, without any proposed changes, and that #11 and #12 in paragraph b should be stricken entirely, citing that they were unenforceable. He also stated there should be more teeth in the ordinance to properly enforce.
2. Commissioner McVoy stated he has heard concerns regarding home occupations for some time and commented that the City prides itself on the city "Where Art is Made". He felt the artists had two options – either create art on the "QT" or don't do it, even though we encourage it. He felt the ordinance needed to focus on what is not favored such as: noise, vehicle parking, or traffic and not set obstacles. He commented that in this age there has been changes in our economic models and now there is a wider

range on how people make a living. The City needs to find ways to protect everyone's interests but also how to prosper, and should possibly research some larger successful cities such as Portland or Austin.

3. Commissioner Amoroso agreed with the comments made by the other commissioners but he was concerned with opening up something that has not been vetted in the community. He felt there should be a workshop. He commented that he was alright with the ordinance with the exception of the audible section in paragraph b citing it has to be consistent. He concluded by stating that he felt the City is changing single family residential to commercial.
4. Mayor Triolo felt a workshop would also be beneficial because she felt that a study should be done to include concerns including traffic, parking, and changing the feel of single family areas (citing the existence of various zoning districts).
5. Vice Mayor Maxwell commented that while larger cities such as Portland are provided as examples, they also have the infrastructure to support various code provisions. He added that focus was given to artists when in fact the ordinance addresses home occupations in general.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to approve Ordinance No. 2016-13 on first reading and first public hearing subject to the following exceptions to Home Occupations, Chapter 23, Zoning: paragraph a and b through b #4 contain no proposed changes from the original form (with the exception of correcting the error of If to Is in paragraph a and changing Person to Persons in paragraph b #1); b #5 remain as proposed; and b #11 and #12 be stricken from the proposed ordinance and schedule the second reading and second public hearing date for April 19, 2016.

Mayor Triolo announced that this was the time for public comment.

Michael Chase Fox was in favor of the amendments, citing that a lot of research was done by the Preservation Board and Planning & Zoning, however; he felt it could have more teeth. He felt the adoption of the ordinance could increase business tax revenues for the city.

Mark Richards commented that the home occupation section is like the bathwater and the rest of the code amendments is more like the baby and it appeared there is a consensus by the Commission.

Peggy Fisher advised she had no problem with people having home occupations, however; she did have problems with what is proposed and how it could be enforced because code complaints have gone nowhere.

She also stated that all applicants applying for a business license should be required to identify the type of business.

Erica Skolte advised that she is part of Lake Worth Ace who submitted proposed workable regulations to staff and she felt this ordinance was a good start. She stated her vision was for home or garden tours in the future whereby residents would have the ability to occasionally sell a product out of the home for special events.

Mr. Szerdi felt there should be a workshop meeting to discuss this further and add some adjustments because there are potential issues with parking, additional traffic, and noise concerns. He stated most people purchase in a residential district to avoid commercial.

Comments/requests summaries:

6. Mayor Triolo felt a workshop would also be beneficial.
7. Vice Mayor Maxwell commented that he recently attended a neighborhood meeting where members of the arts community gave a presentation and he felt that what was presented and what is proposed is totally different. He commented that he was opposed to permitting customers visiting residences and also opposed to signage. He added that sober homes and vacation rentals have already been an issue.
8. Commissioner McVoy advised that he supported the concept of a workshop but the final verbiage needs to provide a balance with sensible regulations in order to benefit everyone.

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell; and Commissioner Amoroso. NAYS: Commissioner McVoy.

D. Ordinance No. 2016-14 – Second Reading – Revise the code enforcement lien reduction procedure

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2016-14 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 2, "ADMINISTRATION", ARTICLE VI, "CODE COMPLIANCE", SECTION 2-69.3, "APPLICATIONS FOR LIEN REDUCTIONS, CONSIDERATIONS FOR SALE, LIEN RELEASES; FEES; FEE CAP" TO ADDRESS THE CAPS IN THE REDUCTION OF LIEN PROCESS; AMENDING SECTION 2-69.3.1, "LIEN REDUCTIONS AND RELEASE OF LIENS" TO ADDRESS LIEN SEARCHES, TO INCLUDE A RESERVATION OF RIGHTS ON BEHALF OF THE CITY IN THE COLLECTION OF LIENS, TO CLARIFY WHAT COSTS MAY BE CONSIDERED IN THE CALCULATION OF A LIEN REDUCTION, TO

ENSURE PROPERTIES SUBJECT TO A PARTIAL RELEASE OF LIEN ARE FREE OF DEBT TO THE CITY AND FOR OTHER PURPOSES; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Action: Motion made by Commissioner Amoroso and seconded by Commissioner McVoy to approve Ordinance No. 2016-14 on second reading.

John Szerdi commented that the goal should be code compliance not punishing the property owner. There should be a rational way to assist the property owners that achieve compliance but get no relief or those that purchase properties already in violation. He asked for clarification of the ordinance.

Michael Chase Fox advised that he has researched this item and discovered that the City is close to owning 1,000 properties due to liens and felt there is a pattern of abuse, citing that when comparing neighboring communities they do not have as large an amount.

Comments/requests summaries:

1. Commissioner McVoy clarified that a lien reduction is only possible if the property is brought into compliance, the maximum the lien can be is 300% of the property value today, and associated improvement costs incurred can be deducted from the 300%.
2. Vice Mayor Maxwell stated a workshop was needed to discuss this further but he also reminded the Commission that an ordinance is in place that allows the Town to pursue foreclosure on a property after 30 days. He asked Attorney Torcivia whether it would be possible to transfer a foreclosure process to an investor. He felt this should be researched. He understood Mr. Szerdi's comments and felt there should be creative ways to reach some sort of balance.
3. Commissioner McVoy questioned what is entailed with a lien search to which the Interim City Clerk advised that the cost of \$110 (\$220 rush) provides information on whether there are any open assessments, building permits, code liens, or utility payments due. City Manager Bornstein advised this ordinance should improve the process by consolidating liens and providing for more recovery costs to the City. He reminded the Commission that a future code enforcement workshop will be scheduled.
4. Commissioner Amoroso commented that he attends many of the Special Magistrate meetings and the first part of the agenda is usually property owners seeking and receiving lien reductions. He felt this ordinance will work but the City must be vigilant with code enforcement because many property owners are changing

ownership by creating an LLC to avoid taxes.

Mayor Triolo left at approximately 7:52 PM and returned at 8:06 PM.

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell; and Commissioners McVoy, and Amoroso. NAYS: None.

E. Resolution 17-2016 – abandon 25 ft. ROW Fun Depot

Action: Motion made by Commissioner Amoroso and seconded by Commissioner McVoy to approve the abandonment of the right of way located adjacent to the Fun Depot property.

Mayor Triolo announced that this was the time for public comment. No one from the public commented.

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell; and Commissioners McVoy, and Amoroso. NAYS: None.

11. UNFINISHED BUSINESS:

12. NEW BUSINESS:

A. Resolution No. 18-2016 Support for baseball team in South Central Palm Beach County

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to approve Resolution No. 18-2016.

Comments/requests summaries:

1. Commissioner McVoy commented that although he could see a lot of people in the audience wearing Atlantic Braves t-shirts he was not in favor of the location citing the following concerns: lighting issues; traffic, noise, and replacing the natural park area with concrete. He added that some of these same concerns were previously discussed during the home occupation discussions. He felt the Commission should listen to the concerns of the residents and stated he was opposed to the proposed location.
2. Vice Mayor Maxwell stated that he resides in Lake Osborne and uses the park on a regular basis and he disagreed with Commissioner McVoy. He commented that no site plan has been proposed yet for the approximate 190 acre site. The resolution was being offered to send a message to Palm Beach County to research this location within their jurisdiction and encourage them to complete their due diligence. If the

plan is prosperous and benefits all there could be a huge financial impact, including for Lake Worth. He felt it would be irresponsible not to research the proposal.

At this point the following individuals spoke in opposition to the resolution and proposed location: Lynn Anderson; Mary Watson; Eileen Kavlock, Kay Branagan, Jim Finnegan; Jo-Ann Golden; and Richard Stowe. Some of the reasons cited included: affect the quality of life; possible deed restrictions; possible gopher tortoises present on the site; exceptional wildlife that may be affected; negative impacts to the natural area and Lake Worth residents; reduction of green space, no input from the residents, traffic issues; noise issues; and the proposal is not data driven and there are no facts regarding the financial benefits.

The following individuals spoke in favor of the resolution and proposed location: Peggy Fisher, Greg Rice; John Szerdi; Jon Faust and Richard Guercio. Some the reasons cited included: bringing the community together with many hours of enjoying baseball; the Atlantic Braves have already been located in Palm Beach County; community involvement; job creation; deterrent of youth crime activity if there is an opportunity to watch/play baseball; major league scouting opportunities for local college baseball teams; and positive economic impacts to specifically Lake Worth and the Central Palm Beach County area.

Comments/requests summaries:

3. Mayor Triolo advised she felt Palm Beach County will do their due diligence. This proposal could be very beneficial because the majority of the municipalities located in Central Palm Beach County have poverty level areas. Also, this could be very exciting for our youth to become involved in. The proposed location could provide positive economic impacts through job creation and infrastructure improvements. She concluded by stating she fully supported the approval of the resolution.
4. Commissioner McVoy commented that there should be an analysis on a proposed return on investment prior to further consideration. He reiterated that the opposition was to its location and also the loss of natural outdoor space. He commented that when people voice their opposition others still need to be respectful.
5. Mayor Triolo suggested that Commissioner McVoy inquire and obtain studies from Palm Beach County and present them to this Commission at a future meeting.

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell; and Commissioner Amoroso. NAYS: Commissioner McVoy.

B. Fiscal Year 2016-2017 Community Development Block Grant application for funding

Action: Motion made by Commissioner McVoy and seconded by Commissioner Amoroso to submit the City's application to the County for the FY 2016-2017 in the amount of \$256,726.

Comments/requests summaries:

1. Commissioner Amoroso advised that staff needed direction on which improvement from the prior staff recommendations should be pursued on the application. He advised he was in favor of reconstruction of 2nd Avenue South from Dixie Highway to Federal Highway. Vice Mayor Maxwell agreed.

Jerry Kelly, Grants Manager, explained that the City of Lake Worth has been a participating jurisdiction in the Palm Beach County Urban County Program for Fiscal Years 2015, 2016 and 2017, the City will be provided with continued access to funding under Community Development Block Grant (CDBG) program as part of the Palm Beach County Entitlement Jurisdiction. The county has notified the City of its FY 2016-17 CDBG allocation in the estimated amount of \$256,726. The City's application citing a specific project for these funds must be submitted to the County by noon on April 8, 2016. Staff is seeking direction on which proposed project from the specific projects discussed at the Feb. 23, 2016 meeting to cite on the application.

2. Commissioner McVoy inquired about the Osborne Community Center Pavilion improvements and originally lobbied for this improvement. He then questioned the number of substandard and derelict structures that could be cleared to which he advised approximately 20 structures. He advised that removal of up to 30 structures (including 8 that PBC will fund) would provide a significant improvement regarding aesthetics and crime. William Waters commented that many of the structures are still structurally sound. He advised then that he still favored the pavilion improvements.
3. Mayor Triolo commented that a smaller pavilion was improved last year and felt the streets should be addressed, citing there are always concerns to repair the streets.

Jon Faust and Peggy Fisher both expressed they were in favor of the street reconstruction.

4. Vice Mayor Maxwell commented that he took exception to another Commissioner implying that other Commissioners are not representing their own districts properly by not prioritizing projects.

The consensus of the majority of the Commission was the reconstruction of 2nd Avenue South from Dixie Highway to Federal Highway.

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell; and Commissioner Amoroso. NAYS: Commissioner McVoy.

C. Approval of Interlocal Agreement with the County for Annexation of Enclave

Action: Motion made by Commissioner Amoroso and seconded by Vice Mayor Maxwell to approve the proposed enclave agreement.

Mayor Triolo announced that this was the time for public comment. No one from the public commented.

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell; and Commissioners McVoy, and Amoroso. NAYS: None.

13. LAKE WORTH ELECTRIC UTILITY:

A. PRESENTATION:

1. Update on the electric utility system

B. CONSENT AGENDA:

C. PUBLIC HEARING:

There were no Lake Worth Electric Utility Public Hearing items on the agenda.

D. NEW BUSINESS:

14. CITY ATTORNEY'S REPORT:

City Attorney Torcivia advised an Attorney-Client Session would be held on April 19, 2016 at 5:00 PM to seek advice regarding the litigation with Lake Osbourne Waterworks, Inc. vs. the City.

City Attorney Torcivia also provided an update on the suit involving the Gulfstream Hotel by stating that the judge had ordered that the parties file a response within 30 days at which time a panel of 3 judges will decide whether there will be a hearing or not, which he believed there probably will be. He reiterated that the basis of the suit is whether the height of the new portion of the hotel would violate the 45' height limit declared invalid by the State legislature.

Commissioner Amoroso questioned why the State wasn't being sued to which Attorney Torcivia advised that the City is being sued because it is the local body enforcing the State requirement.

15. CITY MANAGER'S REPORT

A. Discussion about staff action with regard to Atlanta Braves

City Manager Bornstein advised that he was requested to provide the expenses and resources incurred related to the Atlanta Braves in Central Palm Beach County. He stated that there has been very little, other than his telephone calls. He added that this time has not been as involved as with the previous discussions. He stated that he has felt comfortable up to this point, however; going forward may require strategies. He did state that Dolores attended the PBC Commission Meeting earlier today.

Regarding the road infrastructure, City Manager Bornstein advised that several in-house meetings have taken place on how to approach reigniting the road repairs. He stated that a few years ago a Paving Condition Index (PCI) was completed and the roads were ranked on condition and cost estimates to rebuild/repair were supplied. He advised that staff was updating the list and having it reaffirmed with the prior engineering group to make sure that the City is dealing with accurate assessments of the roadways. Staff may suggest a facilitator to engage the public in the conversation so there is an understanding of the facts and how to fund it. Hopefully by the end of summer or fall there is a good idea of the projects to be done, the costs, and how to pay for them. The proposed sales tax may also be a future funding factor or the City may want to place a bond issue on a future ballot.

Mayor Triolo inquired when a union update would be available. City Attorney Torcivia advised he was under the impression the meeting was productive until he read a news article last week. He stated a recent meeting with representatives provided an avenue for all parties to vent. They discussed possible resolutions and then staff met for a 3 hour meeting trying to develop a solution to benefit everyone citing there must be compromise to reach a mutual conclusion.

Mayor Triolo reminded the public that changes to the pension were done 6 years ago causing issues. She advised that this Commission has chosen to give raises and bring employees' salaries up but some employees feel they are being forced out of their pensions. All parties need to negotiate in good faith.

City Manager Bornstein also advised that staff is in the process of scheduling several workshops (Historic District, Code Enforcement, and a date for the Homeless Summit), however; it is also budget season and most of the workshops will involve the same key personnel. He thanked the Commission for their patience.

16. ADJOURNMENT:

Action: Motion made by Commissioner Amoroso and seconded by Commissioner McVoy to adjourn the meeting at 9:20 PM.

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell; and Commissioners McVoy, Amoroso, and Maier. NAYS: None.

PAM TRIOLO, MAYOR

ATTEST:

KAREN HANCSAK, INTERIM CITY CLERK

Minutes Approved: May 3, 2016

A digital audio recording of this meeting will be available in the Office of the City Clerk.

**MINUTES
CITY OF LAKE WORTH
REGULAR MEETING OF THE CITY COMMISSION
APRIL 19, 2016 – 6:00 PM**

The meeting was called to order by Vice Mayor Maxwell on the above date at 6:00 PM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth, Florida.

1. ROLL CALL:

Present were Vice Mayor Scott Maxwell; and Commissioners Christopher McVoy, Andy Amoroso and Ryan Maier. Also present were City Manager Michael Bornstein, City Attorney Glen Torcivia, and Interim City Clerk Karen Hancsak.

Mayor Triolo was absent in order be part of a grant presentation for a local non-profit to facilitate a program that will affect approximately 400 Lake Worth students. She extended her apologies.

2. INVOCATION OR MOMENT OF SILENCE:

Pastor Jason Fairbanks, First Congregational United Church of Christ, provided the invocation, on behalf of Commissioner McVoy.

3. PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by Commissioner Maier.

4. AGENDA - Additions/Deletions/Reordering:

There were no changes to the agenda as presented.

Action: Motion made by Commissioner Amoroso and seconded by Commissioner Maier to accept the agenda as presented:

Vote: Voice vote showed: AYES: Vice Mayor Maxwell; and Commissioners McVoy, Amoroso, and Maier. NAYS: None.

5. PRESENTATIONS:

A. Senator Jeff Clemens, Representative Lori Berman and Representative Dave Kerner 2016 Legislature Update

Senator Clemens, Representative Lori Berman and Representative Dave Kerner provided the Commission with a legislative update.

The audience was advised that three bills lobbied by the NRA died which included: upgrading the stand your ground law; open carry regulations; and allowing guns on college campuses.

Several amendments will be on the ballot including: 2 citizens petitions for medical marijuana and solar energy relief; and 3 legislative including granting property tax relief for 1st responders disabled on duty; a tax exemption for those 65 and older whereby their property value gets locked in at \$250,000; and tax relief for the usage of solar panels and renewable energy products. There were 77 laws passed during this session.

All three expressed their disappointment in the Governor vetoing the city funding on the five year plan.

Senator Clemens also commented that the recent re-districting has resulted in Lake Worth changing from District 27 to District 31 and the new borders are from the C51 Canal to Delray Beach and he still represents the majority of the city. He added that in 2020 there will be an effort made for municipalities to be located in one district. He also commented that Lois Frankel was currently working with various federal agencies to change the rule making procedures regarding Sober Homes. He concluded by stating that he encouraged the citizens to contact their offices if they need any type of assistance.

The Commission thanked Senator Clemens, and Representatives Berman and Kerner for their update.

B. Genesis Neighborhood Update

Mark Parrilla, Genesis Neighborhood Association President, provided the Commission with an update on activities in the neighborhoods.

6. COMMISSION LIAISON REPORTS AND COMMENTS:

Commissioner McVoy: asked for a moment of silence for Corey Jones (6 month anniversary) shot in Palm Beach Gardens, Encino Lopez (18 years old) killed in Jupiter, and also Jackie Jacobson (long time Lake Worth resident and business owner) succumbing to cancer.

Commissioner McVoy stated he has heard from a number of residents and citizens regarding baseball fields in John Prince Park and reiterated his opposition citing another location would be more suitable.

Commissioner Amoroso: read an email from Lynn Anderson concerning

the comments from last meeting regarding the ROLOH Assoc. The email stated that Commissioners don't need to be invited to attend their meetings, however; they cannot speak unless requested to do so. The email also stated that Vice Mayor Maxwell was not kicked out. He commented that he has never attended a meeting that he could not speak and that usually when he is present he is asked questions. He thanked those that participated in Earth Day and those that will for the Old Bridge Park cleaning on Sunday.

Commissioner Maier: commented that being on a Commission in a minority sometimes brings hostility in both the personal and business arena. He stated that he was asked to run to represent ideas regarding the beach area, residential/commercial concerns, and also opposition to the park. He reminded everyone that even though there are differing opinions they should all be respected. He is aware that two individuals have filed to run for his seat, which he occupy until such time, and he hoped that they respected individual opinions as well.

Vice Mayor Maxwell: commented that he participated in the Royal Poinciana cleanup and thanked the other volunteers. He then distributed copies of an email from Renatta Espinoza, School for Positive Learning, requesting various types of donations for the earthquake victims in Ecuador and the method to contribute.

7. PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:

The following individuals spoke on various issues; however, they did not write anything on their comment cards: Nicholas Petrino, Peggy Fisher, Herman Robinson, Maryann Polizzi, and Monica Bilotti.

Those with comments on cards included:

Katie McGiveron rebutted what she stated was false information reiterated in the prior comment from Commissioner Amoroso by stating that Vice Mayor Maxwell invited himself to leave the meeting.

Lynn Anderson commented that she attended the union negotiation meeting today and felt that those employees hired under the old plan should be respected and the city needs and must have integrity in this regard and find a way to honor its original agreement.

Todd Velez read a proclamation he prepared related to the Church of Builders, Centennial of First Presbyterian Church Lake Worth and also commented that the churches have great influence in the community and needs the City's support.

8. APPROVAL OF MINUTES:

There were no minutes on the agenda for adoption.

9. CONSENT AGENDA:

Action: Motion made by Commissioner Amoroso and seconded by Commissioner Maier to approve the Consent Agenda.

- A. Contract with TLC Diversified, Inc. for the Wastewater Pump Station No. 4 Improvements**
- B. Task Order No. 29 with Mock Roos for construction phase engineering services for the Wastewater Pump Station No. 4 Improvements Project**
- C. Resolution No. 20-2016 – Professional Services Agreement (Special Magistrate Services) with Susan Ruby**
- D. Additional Services for Mock Roos for design engineering services for the Park of Commerce Phase 1A project**
- E. Amendment 2 for Mathews Consulting for owner’s representative services for the Park of Commerce Phase 1A project**
- F. Approval of Contract for Sale and Purchase of 416 3rd Avenue South, 629 South H Street, 1203 18th Avenue North and 624 Highland Avenue**
- G. Professional Services Agreement with Spectrum Systems for environmental testing and reporting of the continuous emissions monitoring system (CEMS)**
- H. Purchase 2 MVA Step-Up Padmount Transformer**
- I. Resolution No. 21-2016 – to authorize the Memorandum of Understanding with the National Recreation and Parks Association**
- J. Resolution No. 22-2016 – to authorize an application for grant funding under the Transportation Alternatives Program**
- K. Approval of Interlocal Agreement with Palm Beach County for Information Technology services to certify the City’s non-ad valorem assessment roll**
- L. Resolution No. 23-2016 – submit two Fiscal Year 2018 Small Matching Historic Preservation Grant Applications**

M. Approval of Agreement with Burton & Associates for a Comprehensive Integrated Financial Sustainability Analysis for the City in the amount of \$181,145

Vote: Voice vote showed: AYES: Vice Mayor Maxwell; and Commissioners McVoy, Amoroso and Maier. NAYS: None.

10. PUBLIC HEARINGS:

A. Ordinance No. 2016-13 – Second Reading and Second Public Hearing – amend various sections and tables in the City’s Land Development Regulations

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2016-13 OF THE CITY OF LAKE WORTH, FLORIDA; AMENDING CHAPTER 23 OF THE CODE OF ORDINANCES BY AMENDING ARTICLE I DIVISION 2, SECTION 23.2-12, DEFINITIONS; ARTICLE 2, DIVISION 3, SECTIONS 23.2-30 SITE PLAN REVIEW; ARTICLE 3, DIVISION 1, SECTION 23.2-15, NOTICE REQUIREMENTS; ARTICLE 3, DIVISION 1, SECTION 23.3-6, PERMITTED USE TABLE; ARTICLE 3 DIVISION 2, SECTION 23.3-17, MU-DH – MIXED USE DIXIE HIGHWAY; ARTICLE 4, DEVELOPMENT STANDARDS, SECTION 23.4-3, EXTERIOR LIGHTING; SECTION 23.4-6, HOME OCCUPATIONS, SECTION 23.4-10, OFF-STREET PARKING; ARTICLE 5, SUPPLEMENTAL REGULATIONS, SECTION 23.5-1, SIGNS; ARTICLE 6, ENVIRONMENTAL REGULATIONS, SECTION 23.6-1, LANDSCAPE REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

William Waters, Community Sustainability Director, explained that the ordinance amends Chapter 23, Land Development Regulations to provide clarification, edits, and additions to the LDR’s definitions; notice requirements for public hearing; site plan review; zoning districts; development standards; off-street parking; sign code; and, and landscape regulations. He described each proposed change, adding that the most substantial changes involved landscaping, which was lacking for commercial properties. He reminded the Commission of the modifications made on first reading which included changes to the Home Occupations, Chapter 23, Zoning: that paragraph a and b through b #4 contain no proposed changes from the original form (with the exception of correcting the error of lf to ls in paragraph a and changing Person to Persons in paragraph b #1); b #5 remain as proposed; and b #11 and #12 be stricken from the proposed ordinance.

Action: Motion made by Commissioner Amoroso to approve Ordinance No. 2016-

13 on second reading and second public hearing. There was no second to the motion.

William Waters reminded the Commission that this was an advertised public hearing and it must be re-advertised or deferred to a time certain, either the May 3rd or May 17th meeting, to avoid additional costs.

Action: Motion made by Commissioner Amoroso to move Ordinance No. 2016-13 for on second reading and second public hearing to the next agenda. There was no second to the motion.

11. UNFINISHED BUSINESS

There were no unfinished business items.

12. NEW BUSINESS:

There were no new business items.

13. CITY ATTORNEY'S REPORT:

City Attorney Torcivia advised that he felt the union negotiation meeting held earlier this date made progress and all left with positive attitudes. He stated that he may request a closed session meeting next week.

14. CITY MANAGER'S REPORT

A. May 3, 2016 draft Commission agenda

15. ADJOURNMENT:

Action: Motion made by Commissioner Maier and seconded by Commissioner McVoy to adjourn the meeting at 7:10 PM.

Vote: Voice vote showed: AYES: Vice Mayor Maxwell; and Commissioners McVoy, Amoroso, and Maier. NAYS: None.

PAM TRIOLO, MAYOR

ATTEST:

KAREN HANCSAK, INTERIM CITY CLERK

Minutes Approved: May 3, 2016

A digital audio recording of this meeting will be available in the Office of the City Clerk.

**MINUTES
CITY OF LAKE WORTH
CITY COMMISSION SPECIAL MEETING
APRIL 19, 2016 – 5:00 PM**

The meeting was called to order by Mayor Triolo on the above date at 5:08 PM in the City Manager's Office, located at 7 North Dixie Highway, Lake Worth, Florida.

1. ROLL CALL:

Present were Vice Mayor Scott Maxwell, and Commissioners Andy Amoroso and Christopher McVoy. Mayor Triolo and Commissioner Maier were absent. Also present were City Manager Michael Bornstein, City Attorneys Glen Torcivia and Carolyn Ansay and Attorneys Brian Bolves and Bill Billenky, and Interim City Clerk Karen Hancsak.

2. CITY ATTORNEY ANNOUNCEMENT:

City Attorney Torcivia announced that, pursuant to Section 286.011(8) Florida Statutes, he desired advice concerning pending litigation in the case of Lake Osborne Waterworks, Inc. versus City of Lake Worth, Case No. 502014CA08137XXXMBAL.

He announced the following individuals would be in attendance: Vice Mayor, 2 City Commissioners, City Manager, City Attorneys, and a Court Reporter.

3. MAYOR ANNOUNCEMENT:

Vice Mayor Maxwell announced that pursuant to Section 286.011(8) Florida Statutes, the City Commission was commencing a closed door attorney-client session for the purpose of discussing the pending litigation. The estimated length of the session was approximately 45 minutes.

4. RECESS:

Vice Mayor Maxwell recessed the meeting at 5:09 PM.

5. RECONVENE:

Vice Mayor Maxwell reconvened the meeting at 5:49 PM.

6. ADJOURNMENT:

Action: Motion made by Commissioner Amoroso and seconded by Commissioner McVoy to adjourn the meeting at 5:49 PM.

Pg. 2, Special Meeting, 4/19/2016

Vote: Voice vote showed: AYES: Vice Mayor Maxwell, and Commissioners Amoroso and McVoy. NAYS: None.

PAM TRIOLO, MAYOR

ATTEST:

KAREN HANCSAK, INTERIM CITY CLERK

Minutes Approved: MAY 3, 2016



AGENDA DATE: May 3, 2016

DEPARTMENT: Public Services

EXECUTIVE BRIEF

TITLE:

Approval of one year extension for the Debris Removal contracts for Ashbritt and Ceres Environmental

SUMMARY: These amendments will provide for a one year extension, until June 19, 2017, for disaster debris removal and disposal services

BACKGROUND AND JUSTIFICATION:

In 2012, the City issued a Request for Qualifications to obtain the services of a qualified and experienced disaster debris removal company that can provide professional services in the preparedness, response, recovery, and mitigation phases of any natural or manmade disaster or emergency situation within the City. The City's selection committee recommended AshBritt Inc. and Ceres Environmental Services for award. On June 12, 2012, the City entered into disaster debris removal and disposal service agreements with AshBritt and Ceres Environmental Services. The agreements had a three year initial term with options for two (2) additional one-year terms. The first of the additional one year term extensions is set to expire on June 19, 2016.

Staff is recommending approval of the second additional one-year term (to June 19, 2017).

MOTION:

I move to approve/disapprove the second amendment to agreements with AshBritt Inc. and Ceres Environmental Services for an additional one-year term.

ATTACHMENT(S):

- 1) Fiscal Impact Analysis - not applicable
- 2) Ceres Environmental Services Amendment
- 3) AshBritt Inc. Amendment

**SECOND AMENDMENT TO AGREEMENT FOR DEBRIS MANAGEMENT AND DISASTER
RECOVERY SERVICES**

THIS SECOND AMENDMENT TO THE DEBRIS MANAGEMENT AND DISASTER RECOVERY SERVICES AGREEMENT ("Amendment" hereinafter) is made this _____ day of _____, 2016 between the **City of Lake Worth**, Florida, a municipal corporation ("City" hereinafter), with its principle office located at 7 North Dixie Highway, Lake Worth, Florida 33460, and, **ASHBRITT, INC.**, a corporation authorized to do business in the State of Florida, ("Contractor" hereinafter).

RECITALS

WHEREAS, on June 19, 2012, the City entered a Debris Management and Disaster Recovery Services Agreement with the Contractor (based on RFP #11-12-208) (the "Agreement" hereinafter); and

WHEREAS, the City and Contractor desire to extend the term of the Agreement for one additional one-year renewal period.

NOW, THEREFORE, in consideration of the premises and mutual covenants herein contained, the sufficiency of which is hereby acknowledged by the parties, the City and Contractor agree to amend the Agreement as follows:

1: INCORPORATION OF RECITALS. The foregoing Recitals are incorporated into this Amendment as true and correct statements.

2: AMENDMENT TO AGREEMENT. The term of the Agreement as set forth in paragraph 1 of the Agreement is renewed and extended for one year from June 19, 2016 to June 18, 2017.

Also, if the Contractor is determined to be "acting on behalf of" the City as set forth in section 119.011(2), Florida Statutes, the Contractor specifically agrees to:

- A. Keep and maintain all public records that ordinarily and necessarily would be required by the City to keep and maintain in order to perform the services under this Contract.
- B. Provide the public with access to said public records on the same terms and conditions that the City would provide the records and at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law.
- C. Ensure that said public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law.
- D. Meet all requirements for retaining said public records and transfer, at no cost, to the City all said public records in possession of the Contractor upon termination of this Contract and destroy any duplicate public records that are exempt or confidential and exempt from Chapter 119, Florida Statutes, disclosure requirements. All records stored electronically must be provided to the City in a format that is compatible with the information technology systems of the City.

3: ENTIRETY OF AGREEMENT. The City and the Contractor agree that the Agreement including this Amendment set forth the entire agreement between the parties, and that there are no promises or understandings other than those stated herein. None of the provisions, terms and conditions contained in the Agreement including this Amendment may be added to, modified, superseded or otherwise altered, except by written instrument executed by the parties hereto.

4: LEGAL EFFECT. This Amendment shall not become binding and effective until approved by the City Commission.

5: COUNTERPARTS. This Amendment may be executed in one or more counterparts, each of which shall be deemed an original, and will become effective and binding upon the parties as of the effective date at such time as all the signatories hereto have signed a counterpart of this Amendment.

6: AMENDMENT. Except for the provisions of the Agreement specifically modified by this Amendment, all other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF the parties hereto have made and executed this Amendment on the day and year first above written.

CITY OF LAKE WORTH, FLORIDA

By: _____
Pam Triolo, Mayor

ATTEST:

Approved as to form and legal sufficiency:

Pamela J. Lopez, City Clerk

Glen J. Torcivia, City Attorney

Contractor:

ASHBRITT, INC.

By: _____

Print Name: _____

Title: _____

[Corporate Seal]

STATE OF FLORIDA)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2016 by _____, as _____ of AshBritt, Inc., a corporation authorized to do business in the State of Florida, and who is personally known to me or who has produced the following _____ as identification.

Notary Public

Print Name: _____

My commission expires: _____

SECOND AMENDMENT TO AGREEMENT FOR DEBRIS MANAGEMENT AND DISASTER RECOVERY SERVICES

THIS SECOND AMENDMENT TO THE DEBRIS MANAGEMENT AND DISASTER RECOVERY SERVICES AGREEMENT ("Amendment" hereinafter) is made this _____ day of _____, 2016 between the **City of Lake Worth**, Florida, a municipal corporation ("City" hereinafter), with its principle office located at 7 North Dixie Highway, Lake Worth, Florida 33460, and, **CERES ENVIRONMENTAL SERVICES, INC.**, a corporation authorized to do business in the State of Florida, ("Contractor" hereinafter).

RECITALS

WHEREAS, on June 19, 2012, the City entered a Debris Management and Disaster Recovery Services Agreement with the Contractor (based on RFP #11-12-208) (the "Agreement" hereinafter); and

WHEREAS, the City and Contractor desire to extend the term of the Agreement for one additional one-year renewal period.

NOW, THEREFORE, in consideration of the premises and mutual covenants herein contained, the sufficiency of which is hereby acknowledged by the parties, the City and Contractor agree to amend the Agreement as follows:

1: INCORPORATION OF RECITALS. The foregoing Recitals are incorporated into this Amendment as true and correct statements.

2: AMENDMENT TO AGREEMENT. The term of the Agreement as set forth in paragraph 1 of the Agreement is renewed and extended for one year from June 19, 2016 to June 18, 2017.

Also, if the Contractor is determined to be "acting on behalf of" the City as set forth in section 119.011(2), Florida Statutes, the Contractor specifically agrees to:

- A. Keep and maintain all public records that ordinarily and necessarily would be required by the City to keep and maintain in order to perform the services under this Contract.
- B. Provide the public with access to said public records on the same terms and conditions that the City would provide the records and at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law.
- C. Ensure that said public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law.
- D. Meet all requirements for retaining said public records and transfer, at no cost, to the City all said public records in possession of the Contractor upon termination of this Contract and destroy any duplicate public records that are exempt or confidential and exempt from Chapter 119, Florida Statutes, disclosure requirements. All records stored electronically must be provided to the City in a format that is compatible with the information technology systems of the City.

3: ENTIRETY OF AGREEMENT. The City and the Contractor agree that the Agreement including this Amendment set forth the entire agreement between the parties, and that there are no promises or understandings other than those stated herein. None of the provisions, terms and conditions contained in the Agreement including this Amendment may be added to, modified, superseded or otherwise altered, except by written instrument executed by the parties hereto.

4: LEGAL EFFECT. This Amendment shall not become binding and effective until approved by the City Commission.

5: COUNTERPARTS. This Amendment may be executed in one or more counterparts, each of which shall be deemed an original, and will become effective and binding upon the parties as of the effective date at such time as all the signatories hereto have signed a counterpart of this Amendment.

6: AMENDMENT. Except for the provisions of the Agreement specifically modified by this Amendment, all other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF the parties hereto have made and executed this Amendment on the day and year first above written.

CITY OF LAKE WORTH, FLORIDA

By: _____
Pam Triolo, Mayor

ATTEST:

Approved as to form and legal sufficiency:

Pamela J. Lopez, City Clerk

Glen J. Torcivia, City Attorney

Contractor:

CERES ENVIRONMENTAL SERVICES, INC.

By: _____

Print Name: _____

Title: _____

[Corporate Seal]

STATE OF _____)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2016 by _____, as _____ of Ceres Environmental Services, Inc., a corporation authorized to do business in the State of Florida, and who is personally known to me or who has produced the following _____ as identification.

Notary Public

Print Name: _____

My commission expires: _____



AGENDA DATE: May 3, 2016

DEPARTMENT: Water Utilities

EXECUTIVE BRIEF

TITLE:

Change Order No. 001-Final for Potable Well No. 12 Replacement and Task Order No. 32

SUMMARY:

Approve Change Order No. 001-Final for Potable Well No. 12 Replacement for the additional 134 days of contract time and decrease in price of \$23,900, along with approval of Task Order No. 32 in the amount of \$6,000, for a net decrease in overall price of \$17,900.

BACKGROUND AND JUSTIFICATION:

The replacement of Well 12 included a new pump, motor, and rehabilitation of the well. This work is necessary to be able to produce more water and drill deeper for better quality water. As construction began, issues created unexpected delays. The drainage area for discharge of development water from the well was limited onsite and did not percolate into the earth as quickly as anticipated. This slowed the schedule as the Contractor had to wait for an available basin area to discharge the development water. The pump for the new well also had a longer lead time than anticipated. Additionally, permitting issues arose as the scope of work did not necessitate a permit from the Department of Health, however a permit was obtained regardless during development of the project by the Contractor as the scope was misunderstood.

As a result of this, the contract time needs to be adjusted in order to complete the project. The attached Change Order No. 001 requests 134 days of additional contract time; 30 days from Work Directive Change 1, 90 days for pump delivery delays, and 14 days for Health Department Release Processing.

The additional time required of Mock Roos to provide construction phase services for the duration of the project exceeded the approved construction phase services proposal, task order No. 11. It was agreed upon by the contractor, All Webbs Enterprises, Inc., and the City, to split the fee of the additional engineering services (\$6,000) in half. The portion that All Webbs Enterprises is contributing is included in the Change Order No. 001, so the proposed portion to be approved by the City is an increase of \$6,000 in Task Order No.32.

MOTION:

I motion to approve/disprove Change Order No. 001-Final for Potable Well No. 12 Replacement for the additional 134 days of contract time and decrease in price of \$23,900, along with approval of Task Order No. 32 in the amount of \$6,000, for a net decrease in overall price of \$17,900.

ATTACHMENT(S):

Fiscal Impact Analysis

Change Order No. 001-Final
Task Order No. 32

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures	+\$17,900	0	0	0	0
Operating Expenditures	0	0	0	0	0
External Revenues	0	0	0	0	0
Program Income	0	0	0	0	0
In-Kind Match	0	0	0	0	0
Net Fiscal Impact	+\$17,900	0	\$0	\$0	\$0

No. of Additional Full-Time Employees	0	0	0	0	0
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B. Recommended Sources of Funds/Summary of Fiscal Impact:

The funds have been identified in the FY2016 Capital Improvement Plan budget from account 402-7021-533.63-00

Water Treatment Pumping							
Account Number	Account Description	Project #	FY 2016 Proposed Budget	Amended Budget	Current Balance	Agenda Item Expenditures	Remaining Balance
402-7021-533.63-00	Pumping	WT 1404	\$120,000	\$443,165	\$84,513.28	+\$17,900	\$102,413.28

C. Department Fiscal Review: BS

Brian Shields –Director
 Marie Elianor – Finance
 Christy Goddeau – Legal
 Mike Bornstein – City Manager

MOCK • ROOS
ENGINEERS • SURVEYORS • PLANNERS

March 15, 2016

Julie Parham, P.E.
Lake Worth Utilities
301 College Street
Lake Worth, FL 33460

Ref. No.: B4015.03
Subject: Potable Well No 12 Reconstruction
Lake Worth Project No. WT 1404
Task Order No. 032

Dear Julie:

We are submitting the attached Proposal To Provide Additional Construction Phase Services for Potable Well No. 12 Reconstruction. Please review the attached proposal and return one signed copy to our office as our authorization to proceed with the Scope of Services outlined in the proposal.

We will provide the Scope of Services on an hourly basis, plus reimbursable expenses. We anticipate the total fee to provide the Scope of Services will be \$6,000.00.

If you have any questions please contact me at 683-3113, extension 258. Thank you for using Mock•Roos on this project. We look forward to working with you.

Sincerely,

MOCK, ROOS & ASSOCIATES, INC.



John R. Leemon, P.E.
Senior Project Manager

JRL:cbm
Enclosure
Copies: Bookkeeping

**Proposal To Provide Additional Construction Phase Services
For Potable Well No. 12 Reconstruction
Task Order No. 032**

Services to be provided by: Mock•Roos

Services provided to (City): City Lake Worth

Proposal Date: March 15, 2016

Proposal Terms

A. Project Description:

This project was to reconstruct potable well no. 12. Currently well no. 12 has been reconstructed and successfully returned to service producing the original well design flow rate. Mock•Roos is under contract to provide construction phase engineering services as described in our engineering service agreement. The duration of our agreement was concurrent with the initial construction contract timeframe. The initial construction contract completion date was October 8, 2015. Construction contract timeframe extensions are currently pending. Mock•Roos has continued to provide construction phase services during the extended construction timeframe while still working within our original budget. However, as of last month our currently approved budget has been expended. We still need to provide services to finalize the construction process. Mock•Roos will perform services as outlined in **B. Scope of Services** below:

B. Scope of Services:

1. Provide construction phase engineering services as outlined in our existing engineering services agreement to finalize the construction phase of this project.

C. Additional Services:

1. Any services not included in the Scope of Services will be considered Additional Services.
2. Any design changes, schedule changes, drawing changes, or other project changes requested by City will be considered Additional Services.
3. Additional Services can be provided upon Mock•Roos receiving signed authorization from City.

D. Fees and Rates:

1. Mock•Roos will complete these services on an hourly basis at Mock•Roos' hourly rates, plus reimbursable expenses.
2. The total fee to provide the Scope of Services is anticipated to be \$6,000.00.
3. Mock•Roos will not provide services in excess of the anticipated fee without signed authorization from City.
4. Mock•Roos can provide Additional Services at the Mock•Roos rates in effect at that time, plus reimbursable expenses or for an agreed upon lump sum fee.

E. Conditions:

1. All terms become valid upon Mock•Roos receiving one complete copy of this proposal within 60 days of its date.
2. This proposal serves as a supplement to the general agreement between Mock•Roos and Client Contract RFQ12-13-302.
3. In case of discrepancies, the terms of this proposal supersede those of previous agreements.

F. Acceptance and Authorization to Proceed:

1. This proposal is acceptable and Mock•Roos has authorization to proceed with the Scope of Services outlined above. This authorization becomes valid upon Mock•Roos receiving one **executed** copy of this proposal with original signatures below.

IN WITNESS WHEREOF the parties hereto have made and executed this Agreement on the _____ day of _____, 2016.

CITY OF LAKE WORTH, FLORIDA

ATTEST:

By: _____
Michael Bornstein, City Manager

Pamela J. Lopez, City Clerk

Approved as to form and legal sufficiency:

Date

By: _____
Christy Goddeau
City Attorney

MOCK, ROOS & ASSOCIATES, INC.

By: _____
Thomas A. Biggs
Executive Vice President
3/15/16

Date

STATE OF FLORIDA)
) ss
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this 15 day of March, 2016, by Thomas A. Biggs, Executive Vice President of Mock, Roos & Associates, Inc., a Florida corporation, on behalf of the corporation, and who is personally known to me or who as produced the following _____ as identification.



Notary Public:
Jane E. Hayes
Print Name: Jane E. Hayes
My commission expires: 8/15/17



WATER UTILITIES DEPARTMENT - ADMINISTRATION

301 N College Street · Lake Worth, Florida 33460 · Phone: 561-586-1710

CHANGE ORDER

Project Number/ Name: Potable Well No. 12 Replacement Contractor: All Webbs Enterprises, Inc.
#WR1404

Change Order Number: 001-Final

Contractor Phone: (561) 746-2079

Change Order Effective Date: _____

Engineer: Mock, Roos & Associates, Inc.

Change Order Type: Deduct

Engineer's Project Number: B4015.02

Existing Purchase Order Number: 171028

Description of Change: Adjust quantities for work installed and adjust contract time. See attached Price Adjustment Summary and Time Extension Summary.

Price of Original Contract: \$ 291,665.00

Current Price of Contract (including Change Orders): \$291,665.00

Price of Current Change Order: \$(23,900.00)

New Contract Price: \$267,765.00

Basis of Price Change: X Unit Price Time & Material Lump Sum

Contract Time Change:

 No Change X Extended Decreased by 134 days
Final Completion: February 19, 2016

Reviewed and Accepted by: All Webb Enterprises, Inc.
(Contractor Name)

[Signature]
Contractor Representative (Signature)

Vice President
Title

4/19/2016
Date

Reviewed and Recommended by: _____
Water Utilities Director Date

Approved by: _____
City Manager Date

Approved by: _____
City Attorney Date

The CONTRACTOR and the OWNER agree that this CHANGE ORDER represents the complete agreement of the parties with respect to these matters as of the date of this CHANGE ORDER. By approving this Change Order, the CONTRACTOR releases any and all claims that it may have against the OWNER under the subject contract including, but not limited to claims for equitable adjustments, which occurred or accrued prior to the effective date of this CHANGE ORDER except those claims made in writing to the OWNER prior to the effective date of this CHANGE ORDER.

Change Order No. 1 Contract Price Adjustment Summary
for
Potable Well No. 12 Replacement

Item	Description	Unit	Unit Price	Bid Quantity	Quantity Installed	Quantity Adjustment	Amount Increase/ (Decrease)
A-6.	General Allowance Balance	LS	-	20,000	13,000	-7,000	\$ (7,000.00)
B-6.	Ream 8-inch pilot hole	FT	\$ 100.00	100	95	-5	\$ (500.00)
B-9.	Furnish and install gravel pack	CF	\$ 20.00	300	250	-50	\$ (1,000.00)
B-10.	Airlift development	HR	\$ 200.00	20	26	6	\$ 1,200.00
B-11.	Jetting w/ Airlift development	HR	\$ 200.00	80	40	-40	\$ (8,000.00)
B-20.	Extra work by drilling crew/equipment	HR	\$ 200.00	8	0	-8	\$ (1,600.00)
B-21.	Extra work by drilling crew	-HR	\$ 150.00	8	0	-8	\$ (1,200.00)
B-22.	Standby time on-site	HR	\$ 200.00	8	0	-8	\$ (1,600.00)
B-23.	Standby time off-site	HR	\$ 150.00	8	0	-8	\$ (1,200.00)
-	Credit for Additional Engineering Costs						\$ (3,000.00)
Total Change Order No. 1 Credit							\$ (23,900.00)

Change Order No. 1 Contract Time Extension Summary

for

Potable Well No. 12 Replacement

Description	Substantial Completion	Final Completion
Notice to Proceed	May 11, 2015	May 11, 2015
Contract Time (Days)	120	150
Completion Dates	September 8, 2015	October 8, 2015
Time Extension Recommended in WDC No. 1 (Days)	30	30
Revised Completion Dates	October 8, 2015	November 7, 2015
Time Extension Recommended for pump delivery delays (Days)	90	90
Revised Completion Dates	January 6, 2016	February 5, 2016
Time Extension Recommended for Health Dept. Release Processing (Days)	14	14
Revised Completion Dates	January 20, 2016	February 19, 2016



AGENDA DATE: May 3, 2016

DEPARTMENT: Public Services

EXECUTIVE BRIEF

TITLE:

Approval of the purchase of two new Refuse heavy equipment vehicles

SUMMARY: The Refuse Division is seeking to purchase two new heavy equipment vehicles to maintain its fleet and collection service reliability. The vehicles are an Automated Side Loader and a Container Carrier truck for the purchase amounts of \$271,139 and \$84,077.65 respectively and are included in FY 16 Budget.

BACKGROUND AND JUSTIFICATION: The Refuse Division is actively engaged in the collection, transport and disposal of the City's residential and commercial waste. The reliability of the Division's fleet is paramount to the operational goals and daily needs of the Division and the City.

The Division is seeking to replace one of its five automated side loader (ASL) trucks with a new ASL truck that has increased storage capacity and a newly designed automated side arm. The ASL truck is being purchased through the Florida Sheriff's Association Cooperative Purchase Agreement at a price not to exceed \$271,139.

The Division is also seeking to replace its dumpster container carrier truck with a unit that is more efficiently designed and reliable than the current unit. The unit is being custom built to meet the needs of the Refuse Division at a cost not to exceed \$84,077.65.

The purchase is completed through use of the Florida Sheriff's Association Cooperative purchase agreement and can be viewed at the following link:

<https://www.flsheriffs.org/uploads/15-13-0904%20Bid%20Award%20Document%20Revised%203-28-16.pdf>

Once the purchases are completed and the trucks are received, the replacement units will be sold at auction.

MOTION: I move to approve/not approve the purchase of two new Refuse Division trucks, an Automated Side Loader and a Container Carrier truck.

ATTACHMENT(S):

Fiscal Impact Analysis
Automated Side Loader Quotation
Container Carrier Quotation

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures	355,216.65	0	0	0	0
Operating Expenditures	0	0	0	0	0
External Revenues	0	0	0	0	0
Program Income	0	0	0	0	0
In-kind Match	0	0	0	0	0
Net Fiscal Impact	355,216.65	0	0	0	0
No. of Addn'l Full-Time Employee Positions	0	0	0	0	0

B. Recommended Sources of Funds/Summary of Fiscal Impact:

Public Services					
Account Number	Account Description	FY2014 Budget	Pre Exp; Balance	Expenditure for this item	Post Exp; Balance
410-5081-534-64-30	Machinery and Equipment/Vehicles	625,000	378,190	355,216.65	22,973.35

C. Department Fiscal Review: __JB__



PALM TRUCK CENTERS, INC.

City of Lake Worth
7 North Dixie Hwy
Lake Worth ,Fl. 33460

April 14,2016

One (1) Peterbilt Model 320, Per Florida Sheriffs Association
Bid No: 15-13-0904 Specification # 15
Ref. Quote No. Q00227027

(1) 2017 Peterbilt Model 320 - Cab & Chassis only		
Painted Dupont VIPER BLUE		\$130,280.
Options Added:		
1. Front 425 80R22.5		960.
2. Right Hand Drive		1,324.
	Sub Total	133,104.
 (1) New Way Sidewinder 31 yard side loader body		115,189.
Options:		
Lake Worth option package		12,828.
Body Under Coating		1,951.
Severe Package		3,879.
5 Year Cylinder Warranty		4,188.
 DELIVERY 250-300 DAYS		
	Total Price Per Unit	\$271,139.

Thank you for the opportunity to quote the Peterbilt product and we are looking forward to your most valued order.

Prepared By :
Rudy Mangino Jr.

Corporate Office
2441 S. State Rd. 7 (441),
Fort Lauderdale, FL 33317-6999
(954) 584-3200



Fort Pierce Office
5750 Orange Avenue,
Fort Pierce, FL 34947-1546
(772) 489-2300

Fort Myers Office
5313 St. Rd. 82 / MLK Blvd.
Fort Myers, FL 33905-8306
(239) 337-0188



West Palm Beach Office
2253 Vista Parkway #7
West Palm Beach, FL 33411
(561) 478-4078

www.palmtruck.com

City of Lake Worth Option Package:

Upgrade to Triple Camera System: Rear, Hopper, Left Side Blind Spot

Back Up Collision Avoidance Sensor

Mid-Body Back Up Lights

Upgrade to 20 lb. Fire Extinguisher

Arm Control Joystick with Buttons

Arm Controls Rocker Switches Under Seat

Arm Cycle Counter

Aluminum Tool Box 18x18x36

Heavy Duty Chains for Standard Arm

Debris Shield for Arm

Clean Out Door Chute Extenders

Reflective Sign: Stay Back 500'

Remote Grease Block Tailgate Cylinders

Front Cylinder Covers

Metallic Paint with Clear Coat on Body

EQUIPMENT LIST
CITY OF LAKE WORTH
April 5, 2016



Model shown with additional options

Base 31 Yard Sidewinder unit includes the following options:

- 31 Cubic Yard Body Capacity
- Pack On The Go
- Multi Cycle Packer
- Twin 14.5" x 7" Clean Out Doors
- Chrome Cylinder Rods
- Side-Access Door to Hopper
- Nitro Carbonite Single Hoist Cylinder
- Sight Gauge on Reservoir Tank
- High Grade Hydraulic Fluid
- Reinforced, Frame Mounted Arm – 1,000 lb Lift Capacity
- In-Line Heavy Duty Grippers
- Sealed Roller Bearings on Packer Follower Panels
- Pre-crusher Panel
- Hopper Access Ladder
- Ergonomic In-Cab Control Panel and Joystick
- Positive Automatic Tailgate Lock
- Smooth Body Sidewall Design
- Acrylic Urethane Enamel Single Color Paint on Body
- ARM Powder Coat New Way Safety Yellow
- Rear Vision Camera System, Dual Cameras
- Back Up Alarm
- Body Ajar Alarm
- Tailgate Ajar Alarm
- Hour Meter
- "Arm Stowed" Indicator
- LED Body Lights
- Halogen Work Lights: 1 in Hopper, 1 Curbside Toward Arm
- Strobe Light Package (Mounted Upper Tailgate)
- Strobe Light, Surface Mount
- 10 lb. Fire Extinguisher
- Triangle Kit
- 1 Year Body, Arm & Hydraulic Warranty
- 2 Year Cylinder Warranty



SALES QUOTE

SALES QUOTE #: SQ-02722
 DATE: 03/16/2016
 NET TERMS:

WEP OF SOUTH FLORIDA, LLC
 1907 NW 40TH COURT
 POMPANO BEACH, FL 33064
 PHONE: (954) 366-5232
 FAX: (954) 532-7439

BILL TO: City of Lake Worth
 1749 3rd Ave. So.

 Lake Worth, FL 33460
 United States

SHIP TO: City of Lake Worth
 1749 3rd Ave. So.
 Lake Worth, FL 33460
 United States

Reference Number:

DUE DATE: 05/19/2016

SHIP VIA	MESSAGE
Delivered	Should the City want any additional items included while mounting is under way, pricing will be provided at that time.

ITEM ID	ITEM NAME	QUANTITY	PRICE	EXTENDED PRICE
SHFLEX-10B	STELLAR CCR - CONTAINER CARRIER WITH 360 DEGREE CONTINUOUS ROTATION. INCLUDES OIL RESERVOIR, HOT SHIFT PTO, STEEL FENDERS, AND REAR TUBULAR BUMPER	1	\$25939.00	\$25,939.00
QX-CHASSIS	2016 ISUZU NRR DSL.	1	\$50258.65	\$50,258.65
QX-WEP-MOUNT-U5	MOUNTING OF CCR	1	\$5345.00	\$5,345.00
SHIPPING	SHIPPING	1	\$2535.00	\$2,535.00
			SUBTOTAL	\$84,077.65
			Sales Tax	\$0.00
			TOTAL	\$84,077.65

Remit all payments to:
WEP OF SOUTH FLORIDA, LLC
 4902 SOUTH 16TH AVENUE, SUITE E TAMPA, FL 33619
 PHONE: (954) 366-5232 FAX: (954) 532-7439
 THANK YOU FOR YOUR BUSINESS



AGENDA DATE: May 3, 2016

DEPARTMENT: Water Utilities

EXECUTIVE BRIEF

TITLE:

Approval of the purchase of a new 5 cubic yard dump truck for the Water Utilities Department

SUMMARY: The Purchase Agreement authorizes the purchase from Palmetto Ford Truck Sales for use by the water distribution and sewer collection departments in the amount of \$75,962.00 and is included in the FY 16 Budget.

BACKGROUND AND JUSTIFICATION:

This vehicle will be used by the water distribution and sewer collection department for the safe delivery of aggregates and removal of excess spoil (fill) from job sites. Water and sewer utilities are primarily located in the City's narrow alleyway and easements necessitating the use of smaller compact equipment to complete the task at hand. This vehicle purchase was budgeted for in FY2016.

This vehicle was quoted by Palmetto Ford Truck Sales under vehicle specification #11. This dealer won the bid award on the Florida Sherriff's contract (Bid # 15-13-0904) (QE065) and this agreement is a cooperative purchase.

MOTION:

I move to approve/disapprove the purchase of 5 yard dump truck from Palmetto Ford Truck Sales under cooperative purchase use of the Florida Sheriffs Association bid award.

ATTACHMENT(S):

Fiscal Impact Analysis
Dealer Quote
Vehicle Specification

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures	\$75,962.00	\$0	\$0	\$0	\$0
Operating Expenditures	0	0	0	0	0
External Revenues	0	0	0	0	0
Program Income	0	0	0	0	0
In-kind Match	0	0	0	0	0
Net Fiscal Impact	\$75,962.00	\$0	\$0	\$0	\$0
No. of Addn'l Full-Time Employee Positions	0	0	0	0	0

B. Recommended Sources of Funds/Summary of Fiscal Impact:

Water Utilities						
Account Number	Account Description	FY2016 Budget	Project #	Pre Exp; Balance	Expenditure for this item	Post Exp; Balance
402-7034-533-46-99	Internal Service Fund R&R	235,000	N/A	184,218.50	75,962.00	108,256.50

C. Department Fiscal Review: Brian Shields

Palmetto Ford Truck Sales, Inc.

7245 NW 36 Street Miami, Florida 33166
305-470-1334 / 305-470-1344 fax / 305-972-7133 cell
croders@palmettotruck.com

FLORIDA SHERIFFS ASSOCIATION PRICE SHEET

Bid / Contract #: FLORIDA SHERIFFS ASSOCIATION 15-13-0904 (QE065)

Purchaser: CITY OF LAKE WORTH
Address: 7 NORTH DIXIE HIGHWAY
City: LAKE WORTH, FL. 33460

Date: 04/01/16
Phone: 561-586-1600
Attn: CHRIS WALKER
561-586-1719

cwalker@lakeworth.org

Base Model:	SPEC 11 - 2017 F650 (F6D)	Price:	\$46,833.00
Inc.	AM/FM RADIO, AIR CONDITIONING		
Exterior Color:	WHITE		
Interior Color and Covering:	GREY / VINYL		
Estimated Order to Delivery:	125 DAYS		

Option #	99E - FORD 6.7 POWER STROKE V8 300HP / 700 LB-FT TORQUE	Price:	\$1,992.00
Option #	44G - FORD TORQSHIFT HD 6-SPEED AUTOMATIC W/DOUBLE OD	Price:	\$0.00
Option #	41A - TRANSMISSION POWER TAKE OFF PROVISION	Price:	\$0.00
Option #	643 - 22.5X8.25 10 HOLE STEEL WHEELS - FRONT	Price:	\$0.00
Option #	663 - 22.5X8.25 10 HOLE STEEL WHEELS - REAR	Price:	\$0.00
Option #	TIRES: 11R22.5 G RATED TIRES	Price:	\$0.00
Option #	67C - AIR BRAKES	Price:	\$0.00
Option #	60A - SYNTHETIC FRONT AXLE LUBE	Price:	\$0.00
Option #	607 - SYNTHETIC REAR AXLE LUBE	Price:	\$0.00
Option #	43A - 8,500 LB FRONT AXLE	Price:	\$0.00
Option #	472 - 17,500 LB SINGLE REDUCTION REAR AXLE - OPEN	Price:	\$0.00
Option #	X5D - 5.57 RATIO	Price:	\$0.00
Option #	600A - PREFERRED EQUIPMENT PACKAGE	Price:	\$0.00
Option #	65A - 50 GALLON ALUMINUM FUEL TANK	Price:	\$0.00
Option #	88A - 30/0/30 FIXED DRIVER, FIXED SINGLE PASSENGER SEAT	Price:	\$0.00
Option #	WITH CENTER CONSOLETTA	Price:	\$0.00
Option #	600A - PREFERRED EQUIPMENT PACKAGE	Price:	\$0.00
Option #	62D - AIR DRYER	Price:	\$457.00
Option #	90P - POWER WINDOWS / DOOR LOCKS	Price:	\$467.00
Option #	FRPO - 54R - DUAL HEATED & MOTORIZED 102" MIRRORS	Price:	\$273.00
Option #	59A - AIR HORN	Price:	\$87.00
Option #	SK - SAFETY KIT, FIRE EXTINGUISHER % TRIANGLES	Price:	\$175.00
Option #	15S - FRONT STABILIZER BAR	Price:	\$487.00
Option #	5YDB - 5 YARD DUMP WITH MANUAL GROUND TARP CONTROL	Price:	\$21,309.00
Option #	BUA - BACK UP ALARM	Price:	\$150.00
Option #	BUC - BACK UP CAMERA	Price:	\$575.00
Option #	DBC5250 - FORD ESP - FORD DIESEL CHASSIS - 5 YEAR / 250,000	Price:	\$3,157.00
Option #	10,000 HOURS BASE CARE COVERAGE WITH ZERO DEDUCTIBLE	Price:	\$0.00

Total Price of Base Unit and all Selected Options: \$75,962.00



**FLORIDA SHERIFFS ASSOCIATION
& FLORIDA ASSOCIATION OF COUNTIES**

**25,500 LB. GVWR CAB & CHASSIS (DUAL REAR WHEEL) - 4X2
SPECIFICATION #11**

2016 Ford F-650 (F6D)

The Ford F-650 (F6D) purchased through this contract comes with all the standard equipment as specified by the manufacturer for this model and FSA's base vehicle specification(s) requirements which are included and made a part of this contract's vehicle base price as awarded by specification by zone.

ZONE:	★ Western	★ Northern	★ Central	★ Southern
BASE PRICE:	\$47,978.00	\$47,833.00	\$47,383.00	\$46,833.00

While the Florida Sheriffs Association and Florida Association of Counties have attempted to identify and include those equipment items most often requested by participating agencies for full size vehicles, we realize equipment needs and preferences are going to vary from agency to agency. In an effort to incorporate flexibility into our program, we have created specific add/delete options which allow the purchaser to tailor the vehicle to their particular wants or needs.

The following equipment delete and add options and their related cost are provided here to assist you in approximating the total cost of the type vehicle(s) you wish to order through this program. Simply deduct the cost of any of the following equipment items you wish deleted from the base unit cost and/or add the cost of any equipment items you wish added to the base unit cost to determine the approximate cost of the type vehicle(s) you wish to order.

NOTE: An official listing of all add/delete options and their prices should be obtained from the appropriate dealer in your zone when preparing your order. Additional add/delete options other than those listed here may be available through the dealers, however, those listed here must be honored by the dealers in your zone at the stated prices.

VEHICLE:	F-650 (F6D)			
DEALER:	Duval Ford	Palmetto Ford Truck Sales	Palmetto Ford Truck Sales	Palmetto Ford Truck Sales
ZONE:	★ Western	★ Northern	★ Central	★ Southern
BASE PRICE:	\$47,978.00	\$47,833.00	\$47,383.00	\$46,833.00

Order Code	Delete Options	Western	Northern & Central & Southern
F6A ¹ 99Y ²	Gas engine in lieu of diesel 6.8L 3V SEFI V10 Gasoline - 320 HP @ 3900 RPM, 460 lb-ft Torque @ 3000 RPM Torque: 460 ft.lbs. @ 3000 rpm. Includes Bosch Hydromax Brakes ¹ 6.8L 3V SEFI V10 Gasoline - 320 HP @ 3900 RPM, 460 lb-ft Torque @ 3000 RPM F6D body code replaced with F6A ²	\$5,000.00 ¹	\$8,000.00 ²
	Provide 5 speed manual with base engine - specify	NA	NA
	Provide 6 speed manual with base engine - specify	NA	NA
	Provide 7 speed manual with base engine - specify	NA	NA
67J ²	Air brakes if compatible with transmission	NA	\$1,000.00 ²
	Wheel seals	NC	NA
	Handling package	NA	NA
58P ¹ 58B ²	AM/FM stereo radio Deletes radio and dash-mounted aux input jack. Includes radio/speaker wiring, 2 speakers, antenna, radio instrument panel cover and dash-mounted aux audio input jack instrument panel cover. ¹ Radio Delete Package Deletes radio, speakers, antenna and antenna cable. Includes radio instrument panel cover and aux audio jack cover and speaker locations for future radio upfit if owner desires. ²	NC ¹	\$45.00 ²
	Satellite radio	NA	NA
	On-Star	NA	NA

Order Code	Add Options	Western	Northern & Central & Southern
99E ¹ 99E/44G ²	Engine/transmission upgrade - specify 6.7L Power Stroke V8 Turbo Diesel - 300 HP @ 2500 RPM, 700 lb-ft Torque @ 1800 RPM Includes Engine Exhaust Brake and manual regen capability. Torque: 700 ft.lbs. @ 1800 rpm. ¹ 6.7L Power Stroke V8 Turbo Diesel - 300 HP @ 2500 RPM, 700 lb-ft Torque @ 1800 RPM, Ford TorqShift HD 6-Speed Automatic - Double Overdrive, 41A Transmission Power Take-Off Provision w/LiveDrive Capability Includes Engine Exhaust Brake and manual regen capability. ²	\$1,994.00 ¹	\$1,992.00 ²
99X ¹ 99X/44G ²	Engine/transmission upgrade - specify 6.7L Power Stroke V8 Turbo Diesel - 330 HP @ 2600 RPM, 725 lb-ft Torque @ 1800 RPM Includes Engine Exhaust Brake and manual regen capability. Torque: 725 ft.lbs. @ 1800 rpm. ¹ 6.7L Power Stroke V8 Turbo Diesel - 330 HP @ 2600 RPM, 725 lb-ft Torque @ 1800 RPM, Includes Engine Exhaust Brake and manual regen capability, Ford TorqShift HD 6-Speed Automatic - Double Overdrive, 41A Transmission Power Take-Off Provision w/LiveDrive Capability Includes Engine Exhaust Brake and manual regen capability. ²	\$3,494.00 ¹	\$3,492.00 ²
41A ¹	Engine/transmission upgrade - specify Transmission Power Take-Off Provision w/LiveDrive Capability ¹	\$894.00 ¹	NA
62G ¹	Engine/transmission upgrade - specify Air Compressor, Bendix, 13.2 CFM Capacity - Includes Direct Reading Air Pressure Gauge For use as an air source when Air Brakes or Air Ride is not selected ¹	\$854.00 ¹	NA
94A ¹	Engine/transmission upgrade - specify Engine Idle Shutdown Timer - 5 Minutes ¹	\$24.00 ¹	NA

VEHICLE:	F-650 (F6D)			
DEALER:	Duval Ford	Palmetto Ford Truck Sales	Palmetto Ford Truck Sales	Palmetto Ford Truck Sales
ZONE:	★Western	★Northern	★Central	★Southern
BASE PRICE:	\$47,978.00	\$47,833.00	\$47,383.00	\$46,833.00

94B ¹	Engine/transmission upgrade - specify <i>Engine Idle Shutdown Timer - 10 Minutes¹</i>	\$24.00 ¹	NA
94C ¹	Engine/transmission upgrade - specify <i>Engine Idle Shutdown Timer - 15 Minutes¹</i>	\$24.00 ¹	NA
94D ¹	Engine/transmission upgrade - specify <i>Engine Idle Shutdown Timer - 20 Minutes¹</i>	\$24.00 ¹	NA
	Bi-fuel model - specify	NA	NA
98G ¹	CNG model - specify	\$364.00 ¹	\$362.00 ²
98G ²	<i>CNG prep kit Requires F6A model with V10 Gas engine¹</i> <i>Gaseous Fuel Prep Pack²</i>		
CNG ¹	CNG conversion (discuss with dealer)	\$16,995.00 ¹	Incl. ²
CNGC ²	<i>2016 F-650/750 with 6.8L Triton V10 Engine, Requires Ford's Gaseous Prep package (98G & F6A with V10, Dedicated. 15GGE up to 72 GGE's Gasoline Gallon Equivalent (GGE) CNG Cylinder Options. • CNG Driving Range from 120 - 350 miles. Depends on Cylinder Package. • Cylinders can be mounted inside Transverse Service Bodies, Outside Frame Rail, Behind the Cab depending on GGE requirements. • Includes Quarter Turn Manual Shut Off Valve Located Under Driver's Side Door. • Meets EPA Certification Standards. • Seamlessly Integrated with Ford Vehicle and Equipped with Ford On-Board Computer Control System. • Sequential Fuel Injection and Proprietary Fuel Delivery System. • Serviceable Through Ford Dealer Network with Standard Ford Diagnostic Equipment. • Original Ford Warranty Remains Intact & CoastalAFS 80,000 Miles/8 Year emissions Component warranty. Contact Dealer for details and options. Outside Frame Rail 15GGE \$16995, Inside Transverse Service Body 24GGE \$13995, Behind the Cab 72GGE \$26,995¹</i> <i>Requires Gas chassis (F6A) and Gaseous Fuel Prep Package (98G). Contact dealer to review application requirements²</i>		
LPG ¹	LPG conversion (discuss with dealer)	\$16,900.00 ¹	Incl. ²
LPGC ²	<i>Roush clean tech Tank 21 gal gge. Includes additional transportation. Must add PREP, & F6E¹</i> <i>Requires Gas chassis (F6A) and Gaseous Fuel Prep Package (98G). Contact dealer to review application requirements²</i>		
	Engine hour meter <i>Gauge Cluster, Diesel - with electronic speedometer, includes oil pressure, coolant temperature, DEF gauge, fuel gauge, tachometer, and indicator lights. Also included is enhanced 3-button Message Center with odometer, trip odometer, distance to empty for fuel, average fuel economy, hour meter and warning messages. Trans Temp in message center.¹</i>	Std ¹	Std
	Trans oil temp meter	Std	Std
	Allison authorized synthetic oil, TES 295 or equivalent (required for extended warranty)	NA	NA
	Premium hoses	NA	Std
FuelTank ¹	Dual 45 gallon fuel tanks <i>(65F) Fuel Tank - 115 Gallon Rectangular - Aluminum - LH 65-gal, RH 50-gal use \$914¹</i>	NA ¹	NA
62D ¹	Air dryers	\$459.00 ¹	\$457.00 ²
62D ²	<i>Air Dryer, Bendix AD/IP w/Heater¹</i> <i>Bendix AD/IP w/Heater. Mounted left frame rail. Inc. moisture ejector²</i>		
62DME ²	Moisture ejectors <i>Moisture ejector not available as stand alone option. Requires Air Dryer (62D) listed above²</i>	NA	Incl. ²
	Power windows, only	NA	NA

VEHICLE:	F-650 (F6D)			
DEALER:	Duval Ford	Palmetto Ford Truck Sales	Palmetto Ford Truck Sales	Palmetto Ford Truck Sales
ZONE:	★ Western	★ Northern	★ Central	★ Southern
BASE PRICE:	\$47,978.00	\$47,833.00	\$47,383.00	\$46,833.00

90P ¹ 90P ²	Power windows/door locks <i>Power Equipment Group Includes power front side windows, power door locks and door trim panel. ¹</i> <i>Power Equipment Group - Power Front Side Windows. Power Rear Side Windows (Crew Cab) Power Door Locks and Door Trim Panel. Includes Manual Rear Side Windows with SuperCab. Included in Appearance Group²</i>	\$469.00 ¹	\$467.00 ²
916 ¹	Speed control <i>Speed Limiter - 65 mph, use (917) for 70mph speed limiter. Cruise control standard ¹</i>	NC ¹	Std
	Tilt steering wheel	Std	Std
	Telescopic and tilt steering wheel	NA	NA
586 ¹ 586 ²	AM/FM radio with single CD <i>Radio, Electronic Premium AM/FM Stereo, Disc With 4 speakers, dash-mounted aux audio input jack and clock and redundant steering wheel audio controls. ¹</i> <i>Radio, Electronic Premium AM/FM Stereo, Disc with 4 speakers, dash-mounted aux audio input jack and clock and redundant steering wheel audio controls. ²</i>	\$279.00 ¹	\$277.00 ²
	Side air bags	NA	NA
3K ¹ 3K ²	Third key	\$126.00 ¹	\$15.00 ²
AWD ¹ 4x4 ²	Upgrade to 4x4 (specify factory or after market) <i>EZTrac AWD requires 12,000 lb axle and Live PTO. see dealer to match engine, Body, exhaust, axle ratios, and wheel base requirements. ¹</i> <i>4x4 conversion not released for 2016 Ford Medium Duty at this time, please contact dealer with inquiries ²</i>	\$38,144.00 ¹	Incl. ²
21D ¹ 90A ²	Model upgrade - specify <i>SYNC Media System - Includes dash mounted USB 2.0 port and redundant steering wheel SYNC controls. Requires and includes Radio 586: Radio, Electronic Premium AM/FM Stereo, Disc - With 4 speakers, dash-mounted aux audio input jack and clock and redundant steering wheel audio controls ¹</i> <i>Appearance Group - Front-mounted Overhead Console with Dual Sunglass Bins and Integral Front Map Reading Lights, Door Trim Panel, Chrome Air Registers, Second Row Bench Seat (Crew Cab) or Two-Row High Series Flip-Up Seats with Cushion and Bolster (SuperCab). Also includes Perforated Cab Back Panel with Regular Cab and Crew Cab; does not include cab back panel with SuperCab. Includes Power Equipment Group²</i>	\$673.00 ¹	\$732.00 ²
19F ¹ 90E ²	Model upgrade - specify <i>Fire/Rescue Prep Pkg w/EPA Special Emissions (LPO) Available with [99E] 300HP engine. Includes EPA Special Emergency Vehicle Emissions. Incomplete vehicle package - requires further manufacture and certification by a final stage manufacturer. Ford urges Fire/Rescue Vehicle manufacturers to follow the recommendations of the Ford Incomplete Vehicle Manual and the Ford Truck Body Builders Layout Book (and pertinent supplements). NOTE 1: Stationary Elevated Idle Control (SEIC) has been integrated into the engine control module. NOTE 2: Engine calibration significantly reduces the possibility of depower mode when in stationary PTO operation. NOTE 3: Operator commanded regen down to 30% of DPF filter full. NOTE 4: Must meet the definition of an Emergency Vehicle, an Ambulance or Fire Truck per 40 CFR 86.1803.01 in the Federal Register. Includes: Dual Heavy Duty Alternators - 357 Amp Capacity - 200 & 157 amp Denso SC5/SC2-Battery - Three 900 CCA, 2700 Total, Includes Steel Battery Box</i> <i>Exterior Appearance Group LATE AVAILABILITY with Job #2. Includes: - Bumper, Front - Full Width, Chrome Plated Steel - Chromed Fender Badge ²</i>	\$1,284.00 ¹	\$727.00 ²
W6D ¹ W6D ²	Crew cab (84" CA) <i>Model upgrade to Crew Cab W6D.600a base package with corresponding msrp at \$75,310. For Gas Model upgrade use model W6A ¹</i> <i>Crew cab Tractor is \$4,787 ²</i>	\$6,500.00 ¹	\$4,662.00 ²
X6D ¹ X6D ²	Super cab (84" CA) <i>Model upgrade to SuperCab X6D.600a base package with corresponding msrp at \$72,555, for gas model upgrade use model X6A ¹</i> <i>Super cab Tractor is \$2,092 ²</i>	\$4,500.00 ¹	\$1,967.00 ²

VEHICLE:	F-650 (F6D)			
DEALER:	Duval Ford	Palmetto Ford Truck Sales	Palmetto Ford Truck Sales	Palmetto Ford Truck Sales
ZONE:	★ Western	★ Northern	★ Central	★ Southern
BASE PRICE:	\$47,978.00	\$47,833.00	\$47,383.00	\$46,833.00

	Cutaway cab		NA	NA
F6E ¹ LPRO ²	Low profile package <i>Includes all requirements to meet base spec except tires and wheels are to pro 19.5 inch¹ Inc: (646/666) 19.5x7.5 10 hole steel wheels and 245/70R19.5 H rated tires²</i>	\$1,533.00 ¹		\$62.00 ²
88G ¹ F6T ²	Optional cab and chassis equipment - specify <i>30/70 Air Ride Driver (External Air Source) & Fixed 2-Passenger Bench - Vinyl¹ Single axle tractor package: See complete specs under Spec 11 Tractor tab.²</i>	\$394.00 ¹		\$8,100.00 ²
65F ¹ FRPO ²	Optional cab and chassis equipment - specify <i>Fuel Tank - 115 Gallon Rectangular - Aluminum - LH 65-gal, RH 50-gal¹ All compatible factory regular production options not listed will be available at a discount, contact dealer²</i>	\$914.00 ¹		Incl. ²
Chassis OPTIONS ¹ SRO ²	Optional cab and chassis equipment - specify <i>(68Y) Air Suspension Leveling Valve, 1 Additional Valve Provides Dual Height. Requires: 68E Air Suspension - 19,000 lb. Cap \$429. 961 Shock Absorbers. Rear - Double Acting NC, 536 Single Channel - Straight 'C' 14.18 SM. 120,000 PSI \$364. Other items to consider: Gas Air Compressor 30 Gallon 20 CFM (\$4200). TOPBOX Side Toolbox 96" (\$749) T. INVERTER 1500 Watt (\$966), 2000 (\$1606), 3000 (\$1726). 5000 (\$2100). CONE HOLDER: (\$185) VANAIR Generator 5K compressor combo (\$5995) V/MAC: 70cfm under hood compressor (\$12995).¹ All special request options will be available at a discount, contact dealer²</i>	\$329.00 ¹		Incl. ²
LSL ¹ LHSL ²	Left-hand pillar mounted 6" spotlight with clear halogen bulb, dealer installed <i>Unity Brand. For Remote Operated Go Light use \$575. Add \$125 for Pole Mount on Driver's side behind cab.¹</i>	\$495.00 ¹		\$512.00 ²
2SL ¹ LHRHSL ²	Left & right-hand pillar mounted 6" spotlight with clear halogen bulb, dealer installed <i>Unity Brand. For Remote Operated Go Light use \$575. Add \$125 for Pole Mount on Driver's side behind cab¹</i>	\$796.00 ¹		\$1,024.00 ²
VV ¹ VVSS ²	Vent visors - stick-on style <i>Add \$123 for Crew cab²</i>	\$160.00 ¹		\$123.00 ²
VV ¹	Rainshields - flange style	\$160.00 ¹		NA
LINEX ¹ SL ²	Spray-in liner (Rhino, Line-X or approved equivalent) <i>On 9' Service body, For Rear bumper or drop down doors add \$100 each¹ Cargo area and compartment tops for 11' service / utility body²</i>	\$895.00 ¹		\$1,050.00 ²
LOWBOX ¹ UBTB ²	Knapheide under body tool boxes or approved equivalent <i>24x18x18 steel, 24x18x18 aluminum is \$618, 36x18x18 steel is \$468, 36x18x18 aluminum is \$667, 48x18x18 steel is \$512, 48x18x18 aluminum is 748, Add \$132 for frame mounting (required for dump applications)²</i>	\$723.00 ¹		\$375.00 ²
FMT ¹ FM ²	Fender or cowl mounted convex mirrors <i>Dealer installed fender mounted eye mirror driver and passenger side mount¹ Each²</i>	\$829.00 ¹		\$395.00 ²
59A ¹ 59A ²	Airhorn <i>Horn, Air - Black, Single Trumpet, Air Solenoid Operated, Chassis Mounted on rail back of Bumper¹ Black, Single Trumpet Air solenoid operated, chassis mounted on rail back of bumper.²</i>	\$89.00 ¹		\$87.00 ²
SP ¹ SK ²	Safety kit, fire extinguishers & triangles <i>SAFETY PACKAGE: Fire extinguisher, first aid and road LED KIT.¹</i>	\$625.00 ¹		\$175.00 ²
15s ¹ 15S ²	Front stabilizer bars	\$489.00 ¹		\$487.00 ²
961 ¹ 961 ²	Rear shock absorbers <i>Shock Absorbers. Rear - Double Acting (Included in Air Ride Suspension) Not Available with Relocated Brake Chambers (62F)¹</i>	\$164.00 ¹		\$162.00 ²

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68m ¹	Auxiliary rear springs <i>Multi-Leaf Springs - 19,000 lb. Cap. 11-leaf. Includes 2,000 lb auxiliary springs for load stabilization.</i> ¹	Std ¹	Std
	Heated fuel water separator	Std	NA
TDHD ¹ TT ²	Trailer towing package - specify <i>Includes wiring for trailer plug (7 prong round), and class IV frame mounted trailer hitch with 2" square removable receiver. 1" shank with 2" ball. May be dealer installed. Solid Draw Bar. Pin clip. Plug and 2 5/16" ball Trailer brake, controller not included. FOR PINTLE BALL COMBO ADD \$285, 1/2" steel plate protector for rear towing, includes recessed tail lights add \$523.</i> ¹ <i>15 ton pintle or ball pintle combo and (159) Trailer Connection Socket - 7-Way, Wired for Turn Signals Combined with Stop Mounted at rear of frame. wired for turn signals combined with stop (compatible with trailers that use combined stop. tail, turn lights).</i> ²	\$1,325.00 ¹	\$926.00 ²
158HD ¹ TTAB ²	Trailer towing package for air operated trailer brakes <i>Requires above TDHD. Includes Glad Hands. Trailer Air Brake Package - Includes Air Lines to rear of frame, Hand Control Valve and Tractor Protection Valve (Requires Trailer Connection Socket 7-Way, Code 159 or 157) (Requires Air Brakes)</i> ¹ <i>15 ton pintle or ball pintle combo, (159) Trailer Connection Socket - 7-Way, Wired for Turn Signals Combined with Stop Mounted at rear of frame. wired for turn signals combined with stop (compatible with trailers that use combined stop. tail, turn lights) and (158) Trailer Air Brake Package Includes air lines to rear of frame, hand control valve and tractor protection valve.</i> ²	\$582.00 ¹	\$1,288.00 ²
159HD ¹ TTEB ²	Trailer towing package for electric operated trailer brakes <i>Requires TDHD. Dealer installed Brake controller. Trailer Connection Socket - 7-way: Mounted at Rear of Frame, Wired for Turn Signals Combined with Stop (Compatible with Trailers That Use Combined Stop, Tail, Turn Lights) (Available with Straight Truck) (Avail. only with Air Brakes)</i> ¹ <i>15 ton pintle or ball pintle combo, (159) Trailer Connection Socket - 7-Way, Wired for Turn Signals Combined with Stop Mounted at rear of frame, wired for turn signals combined with stop (compatible with trailers that use combined stop. tail, turn lights) and electric brake controller</i> ²	\$386.00 ¹	\$1,239.00 ²
166 ¹ 165 ²	Mud flaps <i>With holders</i> ¹ <i>Mud Flap Holder With Flaps</i> ²	\$143.00 ¹	\$142.00 ²
60Z ¹ 60Z-T ²	Full size spare tire & rim <i>60Y rim, with tire</i> ¹	\$825.00 ¹	\$522.00 ²
JWW ²	Jack and wheel wrench	NA	\$280.00 ²
NitroXL ¹	Nitrogen filled tires including spare tire	\$240.00 ¹	NA
962 ¹ 962 ²	Daytime running lights	\$44.00 ¹	\$42.00 ²
	Immobilize daytime running lights	Std	NA
16df ¹ 16DF ²	16 ft. dry freight van <i>Requires appropriate CA. Morgan, Supreme, or Century Base model or approved equal. 16ft model. Call dealer for details: 1500# Tommy Gate 36" Platform: \$4175 1500# Tommy Gate Railgate 36" Platform \$4670 2000# Tommy Gate Railgate 36" Platform: \$4750 1500# Tuckaway Walco, C-15: \$4100 2000# Tuckaway Walco, C-20: \$4200</i> ¹ <i>Aluminum 96x96, roll up rear door. ICC rear bumper. Add \$4,272 for 2,500 lb. cap. tuckaway lifigate, \$5,945 for 3,000 lb. cap. railgate lifigate. Requires min 120CA</i> ²	\$13,300.00 ¹	\$15,780.00 ²
11SB ¹ 11MDUB ²	Knapheide 6132 utility body or approved equivalent (requires 84" CA) <i>Add \$918 for lighted compartments. \$560 for master locking system. \$1,830 for flip top, \$5,500 for medium height canopy roof</i> ²	\$9,075.00 ¹	\$16,798.00 ²
3YD ¹	Heil 2-3 yd. dump body with manual ground control tarp or approved equivalent (requires 84" CA) <i>GOD184 2-3 Yd Dump Body w/Manual Ground Control Tarp, Electric Hoist</i> ¹	\$11,925.00 ¹	NA

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5YD ¹ 5YDB ²	5 yd. dump with manual ground control tarp (requires 84" CA) GOD300 5 yd. Dump w/Manual Ground Control Tarp. Includes PTO ¹	\$17,275.00 ¹	\$21,309.00 ²
12FS ¹ 12FSB ²	12 ft. flat stake body with 40" sides all around (requires 84" CA) Knapheide PVMXS 12 Ft. Stake Body w/40" Sides All Around ¹ Removable sides ²	\$8,200.00 ¹	\$12,927.00 ²
12CD ¹ 12CD ²	12 ft. contractors dump with manual ground control tarp, 14" sides (requires 84" CA) Blueridge 12 Ft. Contractors Dump w/Manual Ground Control Tarp, 14" Sides; includes PTO ¹ Add \$1,800 for fold down sides (ground tarp control not compatible with fold down sides) ²	\$16,600.00 ¹	\$21,235.00 ²
14FS ¹ 14FSB ²	14 ft. flat stake body with 40" sides all around (requires 108" CA) Knapheide PVMXS 14 Ft. Stake Body w/40" Sides All Around ¹ Removable sides ²	\$7,600.00 ¹	\$13,910.00 ²
14CD ¹ 14CD ²	14 ft. contractors dump with manual ground control tarp, 14" sides (requires 108" CA) Blueridge 14 Ft. Contractors Dump w/Manual Ground Control Tarp, 14" Sides; Includes PTO ¹ Add \$2,200 for fold down sides (ground tarp control not compatible with fold down sides) ²	\$18,400.00 ¹	\$22,230.00 ²
16FS ¹ 16FSB ²	16 ft. flat stake body with 40" sides all around (requires 120" CA) Knapheide PVMXS 16 Ft. Flat Stake Body w/40" Sides All Around ¹ Removable sides ²	\$7,900.00 ¹	\$14,893.00 ²
16CD ¹ 16CD ²	16 ft. contractors dump with manual tarp, 14" sides (requires 120" CA) Blueridge 16 Ft. Contractors Dump w/Manual Ground Control Tarp, 14" Sides; includes PTO ¹ Add \$2,600 for fold down sides (ground tarp control not compatible with fold down sides) ²	\$18,900.00 ¹	\$23,225.00 ²
19RB ¹ 19RB ²	19 ft. rollback wrecker with wheel lift (requires 120" CA) GODWIN 19 Ft. Rollback Wrecker w/Wheel Lift, includes PTO ¹ Steel bed, 8,000lb cap winch, upper / lower work lights, LED lightbar, chains, straps, tool box. Requires LPRO - Low profile package ²	\$35,462.00 ¹	\$39,914.00 ²
20FS ¹ 20FSB ²	20 ft. flat stake body with 40" sides all around (requires 156" CA) Knapheide PVMXS 20 Ft. Flat Stake Body w/40" Sides All Around ¹ Removable sides ²	\$8,500.00 ¹	\$16,859.00 ²
20DF ¹ 20VB ²	20 ft. van roll up door (requires 156" CA) Requires appropriate CA. Morgan, Supreme, or Century Base model or approved equal. 20ft model. Call dealer for details. 1500# Tommy Gate 36" Platform: \$4175 1500# Tommy Gate Railgate 36" Platform \$4670 2000# Tommy Gate Railgate 36" Platform: \$4750 1500# Tuckaway Walico, C-15: \$4000 2000# Tuckaway Walico, C-20: \$4250 ¹ Aluminum 96x96, roll up rear door, ICC rear bumper. Add \$4,572 for 2,500 lb. cap. tuckaway lifgate, \$5,945 for 3,000 lb. cap. railgate lifgate ²	\$13,850.00 ¹	\$17,202.00 ²
24DF ¹ 24VB ²	24 ft. van roll up door (requires 186" CA) Requires appropriate CA. Morgan, Supreme, or Century Base model or approved equal. 24ft model. Call dealer for details. 1500# Tommy Gate 36" Platform: \$4175 1500# Tommy Gate Railgate 36" Platform \$4670 2000# Tommy Gate Railgate 36" Platform: \$4750 1500# Tuckaway Walico, C-15: \$4000 2000# Tuckaway Walico, C-20: \$4250 ¹ Aluminum 96x96, roll up rear door, ICC rear bumper. Add \$4,572 for 2,500 lb. cap. tuckaway lifgate, \$5,945 for 3,000 lb. cap. railgate lifgate ²	\$14,990.00 ¹	\$18,624.00 ²
24FS ¹ 24FSB ²	24 ft. flat stake body with 40" sides all around (requires 186" CA) Knapheide PVMXS 24 Ft. Flat Stake Body w/40" Sides All Around ¹ Removable sides ²	\$9,900.00 ¹	\$18,825.00 ²

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BASE PRICE:	\$47,978.00	\$47,833.00	\$47,383.00	\$46,833.00

LUBE ¹ VST5000 ²	Optional body - specify BASE Lube Body. Fuel, 5 new Products Waste. Body options may change CA in conjunction with factory selected option, for Summit Lube Body 7 Series, use \$91,933. both require Pto. and Pto provision check for wheel base and GVWR options ¹ Versalift VST5000MH 54' working height insulated bucket with 11' service body, second set of hydraulic tool outlets at platform, 24X48X42 inch 2 man platform 500lbs capacity with liner and cover. Hydraulic Articulating and Extending Jib Pole and Winch Package for up to 1,000lbs capacity includes Winch Load indicator. 2 Full Body Harness and Lanyard, Front A-Frame and Rear H-Frame Outriggers with outrigger boom interlock and warning alarm when outriggers are deployed. Back Up 12V DC Power. ²	\$85,600.00 ¹	\$111,500.00 ²
JLM ROLLOFF ¹ 21RB ²	Optional body - specify AL90S-12 Includes the following standard equipment: Hook lift Hoist w/Cable Operated Controls. Sliding Jib, Twin Pivot, Dual Lever Cab Controls mounted in tower. Hook Height Standard at 36". Steel Diamond Plate Fenders, 96" wide Bumper with clearance lights, Hot Shift PTO, Paint Hoist Black.AVAILABLE OPTIONS: Change Hook to 54" Height. C Locking Beam. Positive Latching. Tarping System ¹ 21' steel roll back with wheel lift, 8,000lb cap winch. upper / lower work lights. LED lightbar. chains. straps, tool box. Inc. 14CA 144" cab to axle. ²	\$29,950.00 ¹	\$44,230.00 ²
REFUSE ¹ 16EWP ²	Optional body - specify Diamondback 8 rear loader: 8 Cubic Yard Body Capacity. Semi Automatic Cycling Auto Back Puck, Auto Lock Tailgate Light Bar. ICC Lights and Reflectors. Sight Gauge on Oil Tank. Oil Pressure Gauge. Chrome Cylinders. Side Access Door, Rear Vision Camera, Driver Alert Buzzer, Tailgate Ajar Indicator, Riding Steps on Rear, LED Body Lights. Hot Shift PTO with Overspeed and Pump, Halogen Work Lights Inside Upper Tailgate. Shining in Hopper Strobe Light. Safety Shutdown Curbside Acrylic Urethane Enamel Single Color Paint, 10 lb. Fire Extinguisher, Triangle Kit, Plastic Fenders, 1 Year Body & Hydraulic Warranty, 2 Year Cylinder Warranty, FOR MAMBA HB800 8 YARD with body Lift add \$3161. Additional options available ¹ 16' elevating working platform, 30" rails, 36" cab protector and outriggers. Requires 138CA - 138" cab to axle. ²	\$46,200.00 ¹	\$69,545.00 ²
SIGNALIER ¹ 16LBD ²	Optional body - specify Stamm MFG Signalier ATR-41 body with service body, manual jib hydraulic winch with rear h type outriggers: Includes 110 Volt Outlet, working height 41 FT. Side reach 28 FT, easy ground access. 500# capacity. easy rear access. stowed height 9 FT 10 inches. platform height 36 FT. Rotation of 180 degrees, hydraulic tool out: in Platform. Requires PROVISSION&.PTO ¹ 16' landscape body (12' platform + 4' dove tail), tarp, spilt ramp and tool rack. Requires 102CA - 102" cab to axle ²	\$83,110.00 ¹	\$15,735.00 ²
ALTEC ¹ SBR ²	Optional body - specify ALTEC AT35 TELESCOPIC ARTICULATING AERIAL DEVICE: • Altec ISO-Grip® System • Telescopic/Articulating Aerial Device • Compensated Articulating Arm • Hydraulic Boom Extension • Insulated, ANSI Category C, 46 kV and Below • Noncontinuous Rotation • Platform, 24 x 24 x 42 in (610 x 610 x 1067 mm) Nominal • Hydraulic Platform Leveling • Platform Capacity - 350 lb (159 kg) Fixed 350 lb (159 kg) w/ Rotator • Fully Metered Single Handle Upper Control • Full Pressure, Open Center Hydraulic System • Platform Access from the Ground • Emergency Lowering Valve • Tool Circuit at Platform • 42.5 FT working Height, 28 ft side reach • Outrigger Boom Interlock System (With Outrigger Option) • Outrigger Motion Alarm (With Outrigger Option) REQ. PTO AND PROVISSION ¹ Special Body Request - Please contact dealer for information on bodies not listed ²	\$67,326.00 ¹	Incl. ²
PC ¹	Powder coating for utility body Reading bodies ¹	\$725.00 ¹	NA
108 ¹ 108CA ²	108" cab to axle Longer CA may have axle or frame requirements ¹ \$162 for Supercab, \$427 for Crew cab ²	\$209.00 ¹	\$207.00 ²
120 ¹ 120CA ²	120" cab to axle Longer CA may have axle or frame requirements ¹ \$317 for Supercab, \$437 for Crew cab ²	\$324.00 ¹	\$322.00 ²

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138 ¹ 138CA ²	138" cab to axle <i>Longer CA may have axle or frame requirements¹</i> <i>\$387 for Supercab, \$852 for Crew cab²</i>	\$514.00 ¹	\$512.00 ²
156 ¹ 156CA ²	156" cab to axle <i>Longer CA may have axle or frame requirements¹</i> <i>\$767 for Supercab, \$907 for Crew cab²</i>	\$584.00 ¹	\$582.00 ²
	180" cab to axle <i>Not available from factory.²</i>	NA	NA ²
186 ¹ 186CA ²	186" cab to axle <i>Longer CA may have axle or frame requirements¹</i> <i>Not available from factory for Supercab and Crew cab²</i>	\$964.00 ¹	\$962.00 ²
LG2000 ¹ 2KLG ²	2,000 lb. lift gate <i>2000# Walco Tuckaway liftgate¹</i> <i>Tuckaway²</i>	\$4,550.00 ¹	\$4,280.00 ²
12TJCB ²	12 jon jack cab mounted, if available	NA	\$300.00 ²
AC50K22 ¹ 11CB ²	Auto Crane 50K-22 crane body with shelf package, 24" bumper with crank outriggers, or approved equivalent <i>Auto Crane 50K-22 Crane Body w/Shelf Package, 24" Bumper with Crank Outriggers¹</i> <i>11' crane body with work area bumper, vise plate, master locking system, outriggers, 4 work lights, drawer unit and gas bottle retainer²</i>	\$27,600.00 ¹	\$36,650.00 ²
AC6006EH ¹ 6KEC ²	Auto Crane 6006EH electric hydraulic crane, boom support & chassis springs, or approved equivalent <i>Requires PTO¹</i>	\$27,900.00 ¹	\$21,700.00 ²
HRIGGER ¹ HOR ²	Auto Crane hydraulic outriggers, or approved equivalent <i>Hyd out / in - Hyd down / up²</i>	\$5,200.00 ¹	\$5,500.00 ²
ACH7 ¹ 6KHC ²	Auto Crane 6406 hydraulic crane, reservoir, PTO and pump, boom supprt & chassis springs, or approved equivalent	\$27,960.00 ¹	\$27,998.00 ²
ACH8 ¹ 8KHC ²	Auto Crane 8406 hydraulic crane, reservoir, PTO and pump, boom supprt & chassis springs, or approved equivalent	\$30,900.00 ¹	\$29,990.00 ²
17M ¹ 17M ²	Backup alarm - Factory Installed	\$109.00 ¹	\$107.00 ²
BUA ¹ BUA ²	Backup alarm - Dealer Installed	\$140.00 ¹	\$150.00 ²
	Backup camera with 3.5" LCD (rear mounted camera to provide wide angle field of vision at rear of vehicle) - Factory Installed	NA	NA
Camera ¹ BUC ²	Backup camera with 3.5" LCD (rear mounted camera to provide wide angle field of vision at rear of vehicle) - Dealer Installed	\$695.00 ¹	\$575.00 ²
PTO ¹ 102CA ²	Optional equipment - specify <i>Power Take off, requires provision.¹</i> <i>102" cab to axle. \$82 for Supercab, \$362 for Crew cab.²</i>	\$2,625.00 ¹	\$122.00 ²
RPO ¹ OER ²	Optional equipment - specify <i>Any factory option not listed within specification is eligible for the discount amount indicated as a credit per item off the manufacturer's current MSRP schedule per fleet.ford.com¹</i> <i>Optional equipment requested not listed will be offered at a discount, contact dealer with inquiries.²</i>	(\$1.00) ¹	Incl. ²

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Labor ¹ LBR ²	Optional equipment - specify <i>Labor rate per hour. Refer to Emergency lighting price submission for schedule. See dealer quote for itemization. Includes professional EVT certified installation, wire loom, connectors, prep kit and consultation. Also utilized with custom body quote and transfer options.</i> ¹ <i>Dealer labor rate</i> ²	\$135.00 ¹	\$125.00 ²
DS ¹	Optional equipment - specify <i>Second Stage Manufacturer ship through Includes undecking, certification, second stage MSO, and weight slip when combined with body options contained in specification. For all other factory registered Ship thru destination codes please contact dealer.</i> ¹	\$543.00 ¹	NA
SPCO ¹	Optional equipment - specify <i>For Single combine purchase (SCP) order issuance using local vendor preference. OPTION is at 10% ceiling price over local vendor itemized cost. Total minimum quoted amount includes transfers, body certification, weight slip, and FSA contract fee. Using SCP complies with FS 319.21 & Title 49, code of Federal Regulations (49CFR), Parts 567.3, 568.3 and 571.3 for Incomplete vehicle second stage manufacturing.</i> ¹	\$1,430.00 ¹	NA
RFC ¹	Optional equipment - specify <i>Regional freight charge per vehicle for alternative zone purchasing per section 3.54 paragraph A, item 1b. Per terms and specifications 1.14, pre-delivery service inspection and all delivery requirements, plus additional fleet simple key included. Not applicable when agency is domiciled in same zone as the base award. Amount is calculated via statistical algorithm utilizing trending market sales data and median variable freight costs within certain statistical mileage data points within the state of Florida. Any dollar volume credit to this unit cost, where applicable, is derived per section 3.55¹</i>	\$400.00 ¹	NA
TEREX ¹	Optional equipment - specify <i>Hi-Ranger LT Series Telescopic Aerial Device. Working Height 45.6ft. side reach 26.6ft. End Mounted 24 x 30 x 42" One-Person Platform. Includes service body • Platform Capacity. See Dealer for details • 4 Function Single Stick • Safety Harness with Attached Lanyard • Continuous Unrestricted Worm Gear Rotation • Category "C" Rating Per ANSI A92.2 • Rectangular, Bi-Axial Epoxy Resin, Filament Wound Fiberglass Booms • Full Pressure Controls on Side of Platform • Individual Lever Lower Controls • Platform Tilt Control at Upper and Lower Controls • Hydraulic Tool Outlets • Engine Stop/Start • Hydraulic Platform Leveling • Steel Main Boom with Fiberglass Insert • Fiberglass Second Section Boom • Fiberglass Lift Boom Insert • Full Pressure, Open-Center Hydraulic System • 20 Gallon Hydraulic Tank Integral with Pedestal • Padded Boom Rest • Hydraulic Platform Rotator • Truck Level Indicator • Finish Painted¹</i>	\$95,300.00 ¹	NA
BUMPER ¹	Optional equipment - specify <i>Workbench Storage Bumper: 16 inches deep flat area, compartment 8"h. For Vise Plate add \$125, for Vise 6 inch HD add \$276¹</i>	\$1,050.00 ¹	NA
BOXES ¹	Optional equipment - specify <i>Two 96" top rail toolboxes. LOWBOX: UNDERBODY toolbox for flatbed applications. 36" wide with locking single door in black \$560 EACH. FOR TALLBOX: \$1250, Service body raised bottle gas compartment, \$1250 per side. For inside compartment 7 drawer HD mechanics tool box: add \$2475¹</i>	\$1,436.00 ¹	NA
SWITCH N GO ¹	Optional equipment - specify <i>Switch-n-Go Detachable truck body system. Price includes winch and hoist with 11 foot flat bed attachment. For secondary dump body with 12 inch sides add \$4500. For DropBox (Rolloff) Container with 51 inch sides at 11 foot, add \$4900. See model upgrade with appropriate cab for proper cab to axle measurement.</i> ¹	\$17,600.00 ¹	NA
Temp ¹ TTAG ²	Temporary tag <i>This classification of vehicle requires a weight slip, body certification, and second stage manufacturer's statement of origin for proper title issuance per Florida Statute 319.21. Per Florida State Statute 319.23(6), the obligation is on every dealer who sells a motor vehicle to apply for transfer of title (http://hsmv.state.fl.us/html/forms.html) or for duplicate title on behalf of the purchaser. Under no circumstances, if the vehicle is to be titled and/or registered in Florida, is a dealer permitted to give the paperwork to the customer and advise the customer to apply for transfer of title. The obligation is the dealer's and the Division of Motorist Services holds the dealer accountable for that responsibility. [TL-10 17th edition Florida DJSMV 2015 Dealer Handbook] Purchaser acknowledges that incomplete chassis do not meet FMVSS & DOT requirements for highway operation. Tag may be delayed by tag office and shipped separately. Per Florida Statute 320.08, overages refunded.</i> ¹	\$6.00 ¹	\$10.00 ²

VEHICLE:	F-650 (F6D)			
DEALER:	Duval Ford	Palmetto Ford Truck Sales	Palmetto Ford Truck Sales	Palmetto Ford Truck Sales
ZONE:	★Western	★Northern	★Central	★Southern
BASE PRICE:	\$47,978.00	\$47,833.00	\$47,383.00	\$46,833.00

TX ¹ TTRANS ²	Transfer existing registration (must provide tag number) <i>This classification of vehicle requires a weight slip, body certification, and second stage manufacturer's statement of origin for proper title issuance per Florida Statute 319.21. Per Florida State Statute 319.23(6), the obligation is on every dealer who sells a motor vehicle to apply for transfer of title (http://hsmv.state.fl.us/html/forms.html) or for duplicate title on behalf of the purchaser. Under no circumstances, if the vehicle is to be titled and/or registered in Florida, is a dealer permitted to give the paperwork to the customer and advise the customer to apply for transfer of title. The obligation is the dealer's and the Division of Motorist Services holds the dealer accountable for that responsibility. [TL-10 17th edition Florida DJSMV 2015 Dealer Handbook] Purchaser acknowledges that incomplete chassis do not meet FMVSS & DOT requirements for highway operation. Tag may be delayed by tag office and shipped separately. Per Florida Statute 320.08, overages refunded.</i> ¹ <i>Does not include hard plate</i> ²	\$85.00 ¹	\$200.00 ²
Tag ¹ TNEW ²	New state tag (specify state, county, city, sheriff, etc.) <i>This classification of vehicle requires a weight slip, body certification, and second stage manufacturer's statement of origin for proper title issuance per Florida Statute 319.21. Per Florida State Statute 319.23(6), the obligation is on every dealer who sells a motor vehicle to apply for transfer of title (http://hsmv.state.fl.us/html/forms.html) or for duplicate title on behalf of the purchaser. Under no circumstances, if the vehicle is to be titled and/or registered in Florida, is a dealer permitted to give the paperwork to the customer and advise the customer to apply for transfer of title. The obligation is the dealer's and the Division of Motorist Services holds the dealer accountable for that responsibility. [TL-10 17th edition Florida DJSMV 2015 Dealer Handbook] Purchaser acknowledges that incomplete chassis do not meet FMVSS & DOT requirements for highway operation. Tag may be delayed by tag office and shipped separately. Per Florida Statute 320.08, overages refunded.</i> ¹	\$175.00 ¹	\$300.00 ²
MP5100 ¹	Maintenance Plan - specify <i>Medium Duty Gas Engine Maintenance plan Basic 5 year/ 100,000 mile, 20 service visits, zero deductible</i> ¹	\$1,140.00 ¹	NA
MP6100 ¹	Maintenance Plan - specify <i>Medium Duty Gas Engine Maintenance plan Basic 6 year/ 100,000 mile, 20 service visits, zero deductible</i> ¹	\$1,140.00 ¹	NA
MP7200 ¹	Maintenance Plan - specify <i>Medium Duty Gas Engine Maintenance plan Basic seven year / 200,000 mile. 40 service visits, zero deductible</i> ¹	\$2,100.00 ¹	NA
MDG5100 ¹ GBC5100 ²	Warranty - specify <i>Medium Duty Gas Engine BASECARE ESP: 5 year, 100,000 mile 4000 hour extended service plan. zero deductible.</i> ¹ <i>FORD ESP - GAS CHASSIS - 5-YEAR / 100,000 / 4,000 HOURS BASE CARE COVERAGE WITH ZERO DEDUCTIBLE</i> ²	\$3,745.00 ¹	\$3,742.00 ²
MDG5150 ¹ GBC6150 ²	Warranty - specify <i>Medium Duty Gas Engine BASECARE ESP: 5 year, 150,000 mile 6000 hour extended service plan. zero deductible.</i> ¹ <i>FORD ESP - GAS CHASSIS - 6-YEAR / 150,000 / 6,000 HOURS BASE CARE COVERAGE WITH ZERO DEDUCTIBLE</i> ²	\$4,435.00 ¹	\$4,592.00 ²
MDG5200 ¹ GBC7200 ²	Warranty - specify <i>Medium Duty Gas Engine BASECARE ESP: 5 year, 200,000 mile 8000 hour extended service plan. zero deductible.</i> ¹ <i>FORD ESP - GAS CHASSIS - 7-YEAR / 200,000 / 8,000 HOURS BASE CARE COVERAGE WITH ZERO DEDUCTIBLE</i> ²	\$5,220.00 ¹	\$5,532.00 ²
MDD5250 ¹ DBC5250 ²	Diesel Warranty - specify <i>Medium Duty Diesel Engine BASECARE ESP: 5 year, 250,000 mile 10,000 hour extended service plan, zero deductible.</i> ¹ <i>FORD ESP - FORD DIESEL CHASSIS - 5-YEAR / 250,000 / 10,000 HOURS BASE CARE COVERAGE WITH ZERO DEDUCTIBLE</i> ²	\$3,160.00 ¹	\$3,157.00 ²
MDD5250 ¹	Diesel Warranty - specify <i>Medium Duty Diesel Engine BASECARE ESP: 5 year, 250,000 mile 10,000 hour extended service plan, zero deductible.</i> ¹	\$3,160.00 ¹	NA

VEHICLE:	F-650 (F6D)			
DEALER:	Duval Ford	Palmetto Ford Truck Sales	Palmetto Ford Truck Sales	Palmetto Ford Truck Sales
ZONE:	★ Western	★ Northern	★ Central	★ Southern
BASE PRICE:	\$47,978.00	\$47,833.00	\$47,383.00	\$46,833.00

MDD5250 ¹	Diesel Warranty - specify <i>Medium Duty Diesel Engine BASECARE ESP: 5 year, 250,000 mile 10,000 hour extended service plan, zero deductible.</i> ¹	\$3,160.00 ¹	NA
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Warranty - Selected Equipment & Specs

Warranty

Basic

Distance Unlimited miles Months 24 months

Powertrain

Distance Unlimited miles Months 24 months

Corrosion Perforation

Distance Unlimited miles Months 60 months

Roadside Assistance

Distance Unlimited miles Months 24 months

Diesel Engine

Distance 250000 miles Months 60 months

Transmission

Distance 250000 miles Months 60 months



AGENDA DATE: May 3, 2016

DEPARTMENT: Water Utilities

EXECUTIVE BRIEF

TITLE:

Award of Construction Contract for the North Booster Pump and Elevated Tank Piping Modifications project (IFB 16-104)

SUMMARY:

The Construction Contract for the North Booster Pump and Elevated Tank Piping Modifications project to B&B Underground Construction Inc. will improve circulation and chlorine residual in the tank system serving the northend of the City. The amount is not to exceed \$119,170.

BACKGROUND AND JUSTIFICATION:

The City Water Utility Department identified the need for this project as the existing hydraulics of the north elevated water tank in conjunction with the elevated tank at the water treatment plant do not allow for adequate flow and the water remains uncirculated, losing its chlorine residual. As a result of this, the north elevated tank needs to flush out large amounts of water every couple of months in order to maintain the residual chlorine levels in the system. This requires significant staff time to flush water from several hydrants and results in wasted water. The proposed construction project will provide valves and bypass piping that will keep the north elevated tank from holding the uncirculated water.

The City issued Invitation For Bid No. 16-104 (IFB) for the construction project. Five (5) bids were received in response to the IFB with the City's outside consulting firm (URS) recommending award to B&B Underground Construction Inc. as the lowest, responsible bidder. URS' recommendation letter is attached to this item along with the bid tabulation. B&B Underground's bid amount is \$119,170. A copy of the Construction Contract agreement is attached (with all contract documents available for review at the City Clerk's office).

MOTION:

I move to approve/disapprove the award of the construction contract for North Booster Pump and Elevated Tank Piping Modifications project (IFB No. 16-104) for \$119,170 to B&B Underground Construction Inc.

ATTACHMENT(S):

Fiscal Impact Analysis

B&B Underground Construction, Inc. Contract

Bid Recommendation & Bid Tabulation

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures	119,170	0	0	0	0
Operating Expenditures	0	0	0	0	0
External Revenues	0	0	0	0	0
Program Income	0	0	0	0	0
In-Kind Match	0	0	0	0	0
Net Fiscal Impact	119,170	0	\$0	\$0	\$0

No. of Additional Full-Time Employees	0	0	0	0	0
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B. Recommended Sources of Funds/Summary of Fiscal Impact:

The funds have been identified in the FY2016 Capital Improvement Plan budget from account 402-7022-533.63-00

Utilities/Water Treatment							
Account Number	Account Description	Project #	FY 2016 Proposed Budget	Amended Budget	Current Balance	Agenda Item Expenditures	Remaining Balance
402-7022-533.63-00	Water Treatment	N/A	\$1,470,000	\$1,708,288	\$1,325,760	-\$119,170	\$1,206,590

C. Department Fiscal Review: ___BS___

Brian Shields – Director
 Marie Elianor – Finance
 Christy Goddeau – Legal
 Michael Bornstein – City Manager



URS a Wholly-Owned
Subsidiary of AECOM
7800 Congress Avenue
Suite 200
Boca Raton, FL 33487-1350
www.aecom.com

561 994 6500 tel
561 994 9524 fax

March 31, 2016

Brian Shields, P.E.
Water and Sewer Utilities Director
City of Lake Worth
301 College Street
Lake Worth, Florida 33461

**SUBJECT: North Booster Pump and Elevated Tank Piping Modification
City of Lake Worth Bid IFB 16-104
Bid Award Recommendation Letter**

Dear Mr. Shields:

As requested, URS reviewed the bids for the subject project. The bid tabulation table attached provides the bid amount of each bidder. The lowest responsible bidder is B&B Underground Construction, Inc. with bid in the amount of \$119,170.00.

B&B Underground Construction, Inc. provided the following required documents:

- (a) Bid Security in the form of bid Bond for 5% of the Total Bid amount.
- (b) Unit Price Schedule on Page(s) 00300-5 to 00300-6
- (c) Trench Safety Affidavit on Page(s) 00300-7
- (d) Schedule of Subcontractors Page(s) 00300-8
- (e) Schedule of Suppliers, Equipment and Materials Page(s) 00300-9
- (f) Sworn Statements Under Section 287.133(3)(a), Florida Statutes, on Public Entity Crimes on Page(s) 00300-10 to 00300-11
- (g) Certification of Drug Free Workplace Program Page 00300-12

URS further evaluated the documents provided by B&B Underground Construction, Inc. and contacted the references provided. Based on URS's evaluation, B&B Underground Construction, Inc. appears to be qualified to execute the North Booster Pump and Elevated Tank Piping Modification construction project and URS recommends the City of Lake Worth to award the Contract to the lowest bidder B&B Underground Construction, Inc.

We appreciate the opportunity to work with you on this project and please do not hesitate to contact me for any additional information. I can be reached at 561-862-1062 office, 561-866-7482 or via email at ana.demelo@aecom.com.

Respectfully,

URS CORPORATION SOUTHERN

Ana C. Valenca DeMelo, P.E., D.WRE
Project Manager

Attachment: Bid Tabulation Table

BID TABULATION SHEET
CITY OF LAKE WORTH NORTH BOOSTER PUMP AND ELEVATED TANK PIPING MODIFICATIONS
CITY OF LAKE WORTH BID IFB 16-104
BID OPENED ON MARCH 29, 2016 AT 3:00PM

Certified as Correct: 				Date: 3/31/2016	
Description	Bidder				
	B&B Underground Construction, Inc.	Intercounty Engineering, Inc.	Florida Design Driling Corp.	Florida Design Contractors, Inc.	Ninterland Group, Inc.
General Conditions	\$ 21,600.00	\$ 20,498.00	\$ 24,166.00	\$ 25,600.00	\$ 23,850.00
Water Utility	\$ 97,570.00	\$ 107,293.00	\$ 114,834.00	\$ 126,990.00	\$ 131,940.00
GRAND TOTAL BASE BID	\$ 119,170.00	\$ 127,791.00	\$ 139,000.00	\$ 152,590.00	\$ 155,790.00

Notes:

Engineer's Opinion of Probable Construction Cost: \$ 102,000.00
Average Bid: \$ 138,868.20
Lowest Bid: \$ 119,170.00

Florida Design Contractors, Inc. provided Water Utility cost of \$126,590.00, but it was mathematically corrected to \$126,990.00. Despite the typed error for the Water Utility cost, the Grand Total Base Bid was typed correctly for \$152,590.00.

00500
AGREEMENT

THIS AGREEMENT is dated and will be effective on the ____day of ____ in the year 2016, by and between the City of Lake Worth (hereinafter called OWNER) and **B&B Underground Construction, Inc.** (hereinafter called CONTRACTOR).

OWNER and CONTRACTOR, in consideration of the mutual covenants hereinafter set forth, agree as follows:

ARTICLE 1. WORK

CONTRACTOR shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows:

N. Booster Pump and Elevated Tank Piping Modification:

- Installation of approximately 90 LF of 8-inch DIP water main, gate valves, check valve, reducers, fittings and appurtenances to create a by-pass system to allow flow to the booster pump station.
- Installation of approximately 42 LF of 10-inch DIP water main, gate valves, check valve, tapping sleeves, fitting and appurtenances to create a by-pass system at the North elevated water tank.

ARTICLE 2. ENGINEER

The Project has been designed by URS Corporation Southern, 7800 Congress Avenue, Suite 200 Boca Raton, FL 33487, who is hereinafter called ENGINEER and who is to act as OWNER's representative, assume all duties and responsibilities and have the rights and authority assigned to ENGINEER in the Contract Documents in connection with completion of the Work in accordance with the Contract Documents.

ARTICLE 3. CONTRACT TIME

3.1 The Work will be substantially completed within **60 calendar days** from the date when the Contract Time commences to run as provided in paragraph 2.3 of the General Conditions and shall be finally complete and ready for final payment in accordance with paragraph 14.13 of the General Conditions within **80 calendar days** from the date when the Contract Time commences to run.

3.2 All time limits for Milestones, if any, Substantial Completion and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

3.3 LIQUIDATED DAMAGES: OWNER and CONTRACTOR recognize that time is of the essence of this Agreement and that OWNER will suffer financial loss if the Work is not completed within the times specified in paragraph 3.1 above, plus any extensions thereof allowed in accordance with Article 12 of the General Conditions. They also recognize the delays, expense and difficulties involved in proving in a legal or arbitration proceeding the actual loss suffered by OWNER if the Work is not completed on time. Accordingly, instead of requiring any such

proof, OWNER and CONTRACTOR agree that as liquidated damages for delay (but not as a penalty) CONTRACTOR shall pay OWNER Five Hundred and 00/100 dollars (\$500.00) for each day that expires after the time specified in paragraph 3.1 for Substantial Completion until the Work is substantially complete. After Substantial Completion if CONTRACTOR shall neglect, refuse or fail to complete the remaining Work within the Contract Time or any proper extension thereof granted by OWNER, CONTRACTOR shall pay OWNER Five Hundred and 00/100 dollars (\$500.00) for each day that expires after the time specified in paragraph 3.1 for completion and readiness for final payment.

ARTICLE 4. CONTRACT PRICE

OWNER shall pay CONTRACTOR for completion of the Work in accordance with the Contract Documents, subject to adjustment as provided therein, in current funds as follows:

4.1 An amount equal to the sum of the established unit price for each separately identified item on the Unit Price Schedule times the estimated quantity of that item:

TOTAL OF ALL UNIT PRICES One Hundred Nineteen Thousand, One Hundred Seventy and Zero Cents (\$119,170.00) (words)
(figures)

which is based on the unit price(s) in the Bid Form Unit Price Schedule for Unit Bid Items numbered 1 to 25

ARTICLE 5. PAYMENT PROCEDURES

CONTRACTOR shall submit Applications for Payment in accordance with Article 14 of the General Conditions. Applications for Payment will be processed by ENGINEER as provided in the General Conditions.

5.1 PROGRESS PAYMENTS. OWNER shall make progress payments on account of the Contract Price on the basis of CONTRACTOR's Applications for Payment as recommended by ENGINEER, on or about the 10th day of each month during construction as provided below. All progress payments will be on the basis of the progress of the Work measured by the schedule of values established in paragraph 2.9 of the General Conditions (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no schedule of values, as provided in Division 1: General Requirements.

5.1.1 Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below, but, in each case, less the aggregate of payments previously made and less such amounts as ENGINEER shall determine, or OWNER may withhold, in accordance with paragraph 14.7 of the General Conditions, less liquidated damages, if any.

90% of Work completed.

90% of materials and equipment not incorporated in the Work (but delivered, suitably stored and accompanied by documentation satisfactory to OWNER as provided in paragraph 14.2 of the General Conditions).

95% of the work complete after the Contractor has completed over 50% of the Work.

5.1.2 Upon Substantial Completion, in an amount sufficient to increase total payments to CONTRACTOR to 98% of the Contract Price, less such amounts as ENGINEER shall determine, or OWNER may withhold, in accordance with paragraph 14.7 of the General Conditions, less liquidated damages, if any.

5.2 FINAL PAYMENT. Upon final completion and acceptance of the Work in accordance with paragraph 14.13 of the General Conditions, and settlement of all claims, including liquidated damages, if any, OWNER shall pay the remainder of the Contract Price as recommended by ENGINEER as provided in said paragraph 14.13.

ARTICLE 6. (This Article left blank intentionally)

ARTICLE 7. CONTRACTOR'S REPRESENTATIONS

In order to include OWNER to enter into this Agreement CONTRACTOR makes the following representations:

7.1 CONTRACTOR has familiarized itself with the nature and extent of the Contract Documents, Work, site locality, and all local conditions and Laws and Regulations that in any manner may affect cost, progress, performance or furnishing of the Work.

7.2 CONTRACTOR has studied carefully all reports of explorations and tests of subsurface conditions and drawings of physical conditions which are identified in the Division 1: General Requirements as provided in paragraph 4.2 of the General Conditions, and accepts the determination set forth in Division 1: General Requirements of the extent of the technical data contained in such reports and drawings upon which CONTRACTOR is entitled to rely, if any.

7.3 CONTRACTOR has obtained and carefully studied (or assumes responsibility for obtaining and carefully studying) all such examinations, investigations, explorations, tests, reports and studies, if any, (in addition to or to supplement those referred to in paragraph 7.2 above) which pertain to the subsurface of physical conditions at or contiguous to the site or otherwise may affect the cost, progress, performance or furnishing of the Work as CONTRACTOR considers necessary for the performance or furnishing of the Work at the Contract Price, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents, including specifically the provisions of paragraph 4.2 of the

General Conditions; and no additional examinations, investigations, explorations, tests, reports, studies or similar information or data are or will be required by CONTRACTOR for such purposes.

7.4 CONTRACTOR has reviewed and checked all information and data shown or indicated on the Contract Documents, if any, with respect to existing Underground Facilities at or contiguous to the site and assumes responsibility for the accurate location of said Underground Facilities. No additional examinations, investigations, explorations, tests, reports, studies or similar information or data in respect of said Underground Facilities are or will be required by CONTRACTOR in order to perform and furnish the Work at the Contract Price, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents, including specifically the provisions of paragraph 4.3 of the General Conditions.

7.5 CONTRACTOR has correlated the results of all such observations, examinations, investigations, explorations, tests, reports and studies with the terms and conditions of the Contract Documents.

7.6 CONTRACTOR has given ENGINEER written notice of all conflicts, errors or discrepancies that he has discovered in the Contract Documents and the written resolution thereof by ENGINEER is acceptable to CONTRACTOR.

7.7 CONTRACTOR acknowledges that the Contract Documents are generally sufficient to indicate and convey an adequate understanding of all terms and conditions for performance and furnishing of the Work.

ARTICLE 8. CONTRACT DOCUMENTS

The Contract Documents which comprise the entire Agreement between OWNER and CONTRACTOR concerning the Work consist of the following:

8.1 This Agreement consisting of eight (8) pages.

8.2 Exhibits to this Agreement identified as: Contractor's Corporate Resolution; Contractor's Certificate of Insurance; inclusive.

8.3 Performance Bond and Payment Bond consisting of 4 pages (plus Power of Attorney Forms as applicable).

8.4 Notice of Award and Notice to Proceed.

8.5 General Conditions consisting of 34 pages.

8.6 Supplementary Conditions consisting of 8 pages.

8.7 Bidding Requirement as listed in the table of contents of the Project Manual.

8.8 Complete Project Manual consisting of 106 pages.

8.9 Construction Drawings not attached hereto.

8.10 Addenda numbers 1 to 3, inclusive.

8.11 CONTRACTOR's Bid consisting of 23 pages.

8.12 Documentation submitted by CONTRACTOR prior to Notice of Award.

8.13 The following which may be delivered or issued after the Effective Date of the Agreement and are not attached hereto: All Written Amendments and other documents amending, modifying, or supplementing the Contract Documents pursuant to paragraphs 3A and 3.5 of the General Conditions.

8.14 The documents listed under Article 8 above are attached to this Agreement (except as expressly noted otherwise above).

8.15 Notice of Compliance with Chapter 556, Florida Statutes, consisting of 1 page.

8.16 Any other document attached hereto or incorporated herein.

There are no Contract Documents other than those listed above in this Article 8. The Contract Documents may only be amended, modified or supplemented as provided in paragraphs 3.4 and 3.5 of the General Conditions.

ARTICLE 9. MISCELLANEOUS

9.1 Terms used in this Agreement which are defined in Article 1 of the General Conditions will have the meanings indicated in the General Conditions.

9.2 No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

9.3 OWNER and CONTRACTOR each binds itself, its partners, successors, assigns and legal representatives to the other party hereto, its partners, successors, assigns and legal representatives in respect of all covenants, agreements and obligations contained in the Contract Documents.

9.4 Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be stricken, and all remaining provisions shall continue to be valid and binding upon OWNER and CONTRACTOR, who agree that the Contract Documents shall be reformed to replaced such stricken provision or part thereof with a valid and enforceable provisions that comes as close as possible to expressing the intention of the stricken provision.

9.5 A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a Bid on a Contract to provide any goods or services to a public entity, may not submit a Bid on a Contract with a public entity for the construction or repair of a public building or public work, may not be awarded or perform Work as a Contractor, Supplier, Subcontractor, or Consultant under a Contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, Florida Statutes, for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

9.6 In accordance with Palm Beach County ordinance number 2011-009, the Contract Documents may be subject to investigation and/or audit by the Palm Beach County Inspector General. Contractor should review such ordinance in order to be aware of its rights and/or obligations under such ordinance and as applicable.

9.7 Failure of either party to enforce or exercise any right(s) under the Contract Documents shall not be deemed a waiver of either party's right to enforce said right(s) at any time thereafter.

9.8 TO ENCOURAGE PROMPT AND EQUITABLE RESOLUTION OF ANY LITIGATION, EACH PARTY HEREBY WAIVES ITS RIGHTS TO A TRIAL BY JURY IN ANY LITIGATION RELATED TO THE CONTRACT DOCUMENTS.

9.9 The Contractor is, and shall be, in the performance of all Work under the Contract Documents, an Independent Contractor, and not an employee, agent, or servant of the Owner. All persons engaged in any of the Work performed pursuant to the Contract Documents shall at all times and in all places be subject to the Contractor's sole direction, supervision and control.

9.10 The Contractor shall maintain adequate records to justify all charges, expenses, and costs incurred in estimating and performing the Work for at least five (5) years after final payment is made. The Owner shall have access to such books, records, and documents as required for the purpose of inspection or audit during normal business hours at the Contractor's place of business. Under no circumstances will Contractor be required to disclose any confidential or proprietary information regarding its products and service costs.

9.11 The Contract Documents shall not be construed more strongly against either party regardless of who was more responsible for its preparation.

9.12 Contractor shall comply with Florida's Public Records Laws, and specifically agrees to:

- a) Keep and maintain public records that ordinarily and necessarily would be required by the Owner in order to perform the service.
- b) Provide the public with access to public records on the same terms and conditions that the Owner would provide the records and at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law.
- c) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law.
- d) Meet all requirements for retaining public records and transfer, at no cost, to the Owner all public records in possession of the Contractor upon termination of the Contract Documents and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the Owner in a format that is compatible with the information technology systems of the Owner.

ARTICLE 10. INDEMNIFICATION

10.1 Contractor shall indemnify and hold harmless Owner and Engineer and their respective officers, and employees for liabilities, damages, losses, and costs, including but not limited to, reasonable attorney's fees, to the extent caused by the negligence, recklessness, or intentional wrongful misconduct of the Contractor and persons employed or utilized by the Contractor in the performance of the construction contract.

10.2 It is the specific intent of the parties hereto that the foregoing indemnification complies with section 725.06, Florida Statutes. It is further the specific intent and agreement of the parties that all of the Contract Documents on this Project are hereby amended to include the foregoing indemnification and the "Specific Consideration" therefore.

10.3 Nothing in the Contract Documents shall be construed or interpreted as consent by the OWNER to be sued, nor as a waiver of sovereign immunity beyond the waiver or limits provided in section 768.28, Florida Statutes.

REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK
SIGNATURE PAGE FOLLOWS

IN WITNESS WHEREOF, OWNER AND CONTRACTOR have signed this Agreement in four parts. Two counterparts have been delivered to OWNER, and one counterpart each to CONTRACTOR and ENGINEER. All portions of the Contract Documents have been signed or identified by OWNER and CONTRACTOR or by ENGINEER on their behalf.

CITY OF LAKE WORTH, FLORIDA

By: _____

Pam Triolo, Mayor

ATTEST:

Pamela J. Lopez, City Clerk

Approved as to form and legal sufficiency:

Glen J. Torcivia, City Attorney

CONTRACTOR: _____

By: _____

Print Name: _____

Title: _____

[Corporate Seal]

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____ 2016 by _____, as _____ of _____ Inc., a Florida corporation, and who is personally known to me or who has produced the following _____ as identification.

Notary Public:

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AGENDA DATE: May 3, 2016

DEPARTMENT: Water Utilities

EXECUTIVE BRIEF

TITLE:

Approve Purchase Agreement for a new sewer bypass pump for use by the Sewer Pumping Division

SUMMARY: The Purchase Agreement authorizes the purchase of a bypass pump from Thompson Pump & Manufacturing Co., Inc. for use by the Sewer Pumping Division not to exceed \$38,485.00.

BACKGROUND AND JUSTIFICATION:

This mobile pump will be used by Sewer Pumping Division for wastewater bypass pumping at one of our 29 lift stations. This pump will be used by lift station personal at any lift station for bypass pumping needs for emergency station repairs. This pump will also be used for wastewater pumping after a natural disaster where prolonged power outage is expected.

This mobile pump was quoted by Thompson Pump & Manufacturing Co., Inc. under vehicle specification #71. This dealer won the bid award on the Florida Sherriff's contract (Bid # 15-13-0904) and this agreement is a cooperative purchase (piggy back).

MOTION: I move to approve/disapprove the purchase of one mobile pump from Thompson Pump & Manufacturing under cooperative purchase use of the Florida Sheriffs Association bid award.

ATTACHMENT(S):

Fiscal Impact Analysis

Dealer Quote

Pump Specification

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures	\$38,485.00	0	0	0	0
Operating Expenditures	0	0	0	0	0
External Revenues	0	0	0	0	0
Program Income	0	0	0	0	0
In-kind Match	0	0	0	0	0
Net Fiscal Impact	\$38,485.00	0	0	0	0
No. of Addn'l Full-Time Employee Positions	0	0	0	0	0

B. Recommended Sources of Funds/Summary of Fiscal Impact:

Water Utilities						
Account Number	Account Description	FY2016 Budget	Project #	Pre Exp; Balance	Expenditure for this item	Post Exp; Balance
403-7231-535-64-00	Machinery / Equipment	363,186	N/A	54,999.64	38,485.00	16,514.64

C. Department Fiscal Review: Brian Shields



Municipal Sales
4620 City Center Dr., Port Orange, FL, USA 32119
(800) 767-7310 • Fax: (386) 761-0362
acurry@thompsonpump.com

April 5, 2016

Quote # FLR-AC-005-2016

City of Lake Worth
301 College Street
Lake Worth, FL 33460
Attn: Chris Walker

PH: 561-586-1710
M: 561-586-1719
E: cwalker@lakeworth.org

RE: **FY2015-2016 4" By-Pass Pump**

Hello Chris,

Thank you for your interest in Thompson Pump & Manufacturing and the products and the services that we provide. We understand that this pump will be utilized by the City of Lake Worth for emergency response, pressurized by-pass pumping at various locations throughout the City.

Per your request, we are providing **2015-2016 Florida Sheriffs Association Contract Specification Number 71** pricing for (1) Thompson Pump Model 4JSCM-DIST-4LE2T-M, a 4" Compressor-Assisted, Trailer-Mounted, High Efficiency Pump. Please Note: this model incorporates an EPA regulated, emission compliant, Final Tier 4, diesel engine that utilizes DOC only and no after treatment.

The net price is derived from our **2015 Florida Sheriffs Association contract Bid Award # 15-13-0904**. This Florida based government contract enables the City of Lake Worth to avoid the hassle and expense of purchasing this pump through the public bid process. The FSA contract basically works like a "piggy back" for our equipment. You can order this unit by simply putting our FSA bid award number on your purchase order. Our FSA contract number is: **FSA Bid Award # 15-13-0904**.

Should you require further information or have any questions, please contact me at 561-284-5149 or acurry@thompsonpump.com

Sincerely,

Allan Curry

Allan Curry
Thompson Pump & Manufacturing Co., Inc
Municipal Sales Representative
Cell: (561) 284-5149,
Email: acurry@thompsonpump.com

CC: Dave Perry Municipal Sales Manger
CC: Pat Kennedy, WPB Outside Sales Representative



FLORIDA SHERIFFS ASSOCIATION & FLORIDA ASSOCIATION OF COUNTIES

6 INCH MOBILE PUMP PACKAGE SPECIFICATION #71

2016 Thompson 6JSCEN-DJDST-45T-M

The Thompson 6JSCEN-DJDST-45T-M purchased through this contract comes with all the standard equipment as specified by the manufacturer for this model and FSA's base vehicle specification(s) requirements which are included and made a part of this contract's vehicle base price as awarded by specification by zone.

ZONE:	Western	Northern	Central	Southern
BASE PRICE:	\$37,750.00	\$37,750.00	\$37,750.00	\$37,750.00

While the Florida Sheriffs Association and Florida Association of Counties have attempted to identify and include those equipment items most often requested by participating agencies for full size vehicles, we realize equipment needs and preferences are going to vary from agency to agency. In an effort to incorporate flexibility into our program, we have created specific add/delete options which allow the purchaser to tailor the vehicle to their particular wants or needs.

The following equipment delete and add options and their related cost are provided here to assist you in approximating the total cost of the type vehicle(s) you wish to order through this program. Simply deduct the cost of any of the following equipment items you wish deleted from the base unit cost and/or add the cost of any equipment items you wish added to the base unit cost to determine the approximate cost of the type vehicle(s) you wish to order.

NOTE: An official listing of all add/delete options and their prices should be obtained from the appropriate dealer in your zone when preparing your order. Additional add/delete options other than those listed here may be available through the dealers, however, those listed here must be honored by the dealers in your zone at the stated prices.

VEHICLE:	6JSCEN-DJDST-45T-M			
DEALER:	Thompson Pump & Mfg. Co. Inc.			
ZONE:	Western	Northern	Central	Southern
BASE PRICE:	\$37,750.00	\$37,750.00	\$37,750.00	\$37,750.00

Order Code	Delete Options	All Zones
N/A ¹	Downgrade to 3" pump	NA ¹
4JSCM ¹	Downgrade to 4" pump <i>Downgrade pump from 6" to 4" - 4JSCM-Trailer Mounted¹</i>	(\$4,235.00) ¹
	Downgrade to non UL fuel tank	NA
	Downgrade to non UL subbase for 3" & 4" pump packages	NA
	Downgrade to non UL subbase for 6" pump package	NA
	Downgrade to non UL subbase for 8", 10" & 12" pump packages	NA
4JSVM ¹	Downgrade pump package - specify <i>Downgrade pump from 6" to 4" vacuum assisted pump with OVT priming system - trailer mounted¹</i>	(\$3,442.00) ¹
	Downgrade pump package - specify	NA
	Downgrade pump package - specify	NA
	Downgrade pump package - specify	NA
	Downgrade pump package - specify	NA
EP250 ¹	Delete remote control <i>Auto start/stop control panel w/ floats for 4" & 6" models¹</i>	(\$2,343.00) ¹
Battery Charger ¹	Delete option - specify <i>Battery Charger¹</i>	(\$452.00) ¹
Spare Tire ¹	Delete option - specify <i>Full spare tire¹</i>	(\$316.00) ¹
Hydraulic Brakes ¹	Delete option - specify <i>Hydraulic brakes¹</i>	(\$887.00) ¹
Light Package ¹	Delete option - specify <i>DOT tail light package¹</i>	(\$279.00) ¹
CP750 ¹	Delete option - specify <i>Auto start/stop control panel for 8", 10" & 12" models¹</i>	(\$3,505.00) ¹
4JSCM Trailer ¹	Delete option - specify <i>Trailer for 4JSCM model¹</i>	(\$1,531.00) ¹
4JSVM Trailer ¹	Delete option - specify <i>Trailer for 4JSVM model¹</i>	(\$1,635.00) ¹
6JSCEN Trailer ¹	Delete option - specify <i>Trailer for 6JSCEN model¹</i>	(\$3,062.00) ¹
6JSVE Trailer ¹	Delete option - specify <i>Trailer for 6JSVE model¹</i>	(\$2,187.00) ¹
8JSCE Trailer ¹	Delete option - specify <i>Trailer for 8JSCE model¹</i>	(\$2,944.00) ¹
10JSCG Trailer ¹	Delete option - specify <i>Trailer for 10JSCG model¹</i>	(\$7,141.00) ¹
12JSCG Trailer ¹	Delete option - specify <i>Trailer for 12JSCG model¹</i>	(\$7,141.00) ¹

VEHICLE:	6JSCEN-DJDST-45T-M			
DEALER:	Thompson Pump & Mfg. Co. Inc.			
ZONE:	Western	Northern	Central	Southern
BASE PRICE:	\$37,750.00	\$37,750.00	\$37,750.00	\$37,750.00

Order Code	Add Options	All Zones
8JSCE ¹	Upgrade to 8" pump <i>Upgrade pump from 6" to 8" - 8JSCE - trailer mounted ¹</i>	\$13,159.00 ¹
10JSCG ¹	Upgrade to 10" pump <i>Upgrade pump from 6" to 10" - 10JSCG - trailer mounted ¹</i>	\$40,633.00 ¹
12JSCG ¹	Upgrade to 12" pump <i>Upgrade pump from 6" to 12" - 12JSCG - trailer mounted ¹</i>	\$56,836.00 ¹
N/A ¹	Upgrade to aluminum sound attenuated 3" pump package	NA ¹
4JSCM SK ¹	Upgrade to aluminum sound attenuated 4" pump package <i>4JSCM Silent Knight Sound Attenuated Canopy ¹</i>	\$6,390.00 ¹
6JSCEN SK ¹	Upgrade to aluminum sound attenuated 6" pump package <i>6JSCEN Silent Knight Sound Attenuated Canopy ¹</i>	\$7,957.00 ¹
8JSCE SK ¹	Upgrade to aluminum sound attenuated 8" pump package <i>8JSCE / 8JSVE Silent Knight Sound Attenuated Canopy ¹</i>	\$8,148.00 ¹
10JSCG SK ¹	Upgrade to aluminum sound attenuated 10" pump package <i>10JSCG Silent Knight Sound Attenuated Canopy ¹</i>	\$8,148.00 ¹
12JSCG SK ¹	Upgrade to aluminum sound attenuated 12" pump package <i>12JSCG Silent Knight Sound Attenuated Canopy ¹</i>	\$15,205.00 ¹
4JSVM SK ¹	Upgrade - specify <i>Upgrade to Silent Knight Sound Attenuated Canopy - 4JSVM ¹</i>	\$7,850.00 ¹
6JSVE SK ¹	Upgrade - specify <i>Upgrade to Silent Knight Sound Attenuated Canopy - 6JSVE / 6JSCE ¹</i>	\$10,312.00 ¹
4JSCM FT4 ¹	Upgrade - specify <i>Upgrade pump from 6" to 4" with FT4 engine - trailer mounted ¹</i>	\$1,495.00 ¹
6JSCE FT4-10 ¹	Upgrade - specify <i>Upgrade pump from 6" to 6" LP with FT4 engine - trailer mounted ¹</i>	\$4,642.00 ¹
6JSCEN FT4 ¹	Upgrade - specify <i>Upgrade pump from 6" to 6" COMPACT with FT4 engine - trailer mounted ¹</i>	\$10,344.00 ¹
6JSCE FT4 ¹	Upgrade - specify <i>Upgrade pump from 6" to 6" with FT4 engine - trailer mounted ¹</i>	\$13,463.00 ¹
6JSCE FT4-GREEN ¹	Upgrade - specify <i>Upgrade pump from 6" to 6" with FT4 GREEN engine - trailer mounted ¹</i>	\$14,353.00 ¹
4JSVM FT4 ¹	Upgrade - specify <i>Upgrade pump from 6" to 4" vacuum assisted with FT4 engine - trailer mounted ¹</i>	\$3,099.00 ¹
6JSVE FT4 ¹	Upgrade - specify <i>Upgrade pump from 6" to 6" vacuum assisted with FT4 engine - trailer mounted ¹</i>	\$15,894.00 ¹
6JSVE FT4-10 ¹	Upgrade - specify <i>Upgrade pump from 6" to 6" vacuum assisted LP with FT4 engine - trailer mounted ¹</i>	\$6,700.00 ¹
6JSVE ¹	Upgrade - specify <i>Upgrade pump from 6" to 6" vacuum assisted with OVT priming system - trailer mounted ¹</i>	\$8,755.00 ¹

VEHICLE:	6JSCEN-DJDST-45T-M			
DEALER:	Thompom Pump & Mfg. Co. Inc.			
ZONE:	Western	Northern	Central	Southern
BASE PRICE:	\$37,750.00	\$37,750.00	\$37,750.00	\$37,750.00

8JSVE ¹	Upgrade - specify <i>Upgrade pump from 6" to 8" vacuum assisted with OVT priming system - trailer mounted¹</i>	\$15,597.00 ¹
N/A ¹	Upgrade - specify	NA ¹
N/A ¹	Upgrade - specify	NA ¹
N/A ¹	Upgrade - specify	NA ¹
N/A ¹	Upgrade - specify	NA ¹
N/A ¹	Upgrade - specify	NA ¹
N/A ¹	Upgrade - specify	NA ¹
Electric Brakes ¹	Optional equipment - specify <i>Electric Brakes (per axle)¹</i>	\$745.00 ¹
Hose Racks ¹	Optional equipment - specify <i>Hose Racks¹</i>	\$833.00 ¹
Throttle Actuator ¹	Optional equipment - specify <i>Throttle Actuator¹</i>	\$1,220.00 ¹
Pressure Transducer ¹	Optional equipment - specify <i>Pressure Transducer¹</i>	\$1,528.00 ¹
Level Transducer ¹	Optional equipment - specify <i>Level Transducer¹</i>	\$2,184.00 ¹
Pneumatic Drain Valve ¹	Optional equipment - specify <i>Pneumatic Drain Valve¹</i>	\$965.00 ¹
Inside Work Lights ¹	Optional equipment - specify <i>Inside Work Lights¹</i>	\$466.00 ¹
Outside Work Lights ¹	Optional equipment - specify <i>Outside Work Lights¹</i>	\$609.00 ¹
UL STD-DW Fuel Tank ¹	Optional equipment - specify <i>UL Standard-Double Walled Fuel Tank for Skid Pump¹</i>	\$4,191.00 ¹
Non UL STD-DW Fuel Tank ¹	Optional equipment - specify <i>Non-UL Standard-Double Walled Fuel Tank for Skid Pump¹</i>	\$3,345.00 ¹
Power Inverter ¹	Optional equipment - specify <i>DC-to-AC Power Inverter¹</i>	\$1,269.00 ¹
SCADA Interface ¹	Optional equipment - specify <i>SCADA Interface¹</i>	\$2,175.00 ¹
Solar Battery Charger ¹	Optional equipment - specify <i>Solar Battery Charger¹</i>	\$860.00 ¹
SK UV Protection Coat ¹	Optional equipment - specify <i>Silent Knight UV Protection Coat¹</i>	\$544.00 ¹
Corrosion Resistant Coating ¹	Optional equipment - specify <i>Corrosion Resistant Coating for standard modular base fuel tanks¹</i>	\$1,921.00 ¹

VEHICLE:	6JSCEN-DJDST-45T-M			
DEALER:	Thompson Pump & Mfg. Co. Inc.			
ZONE:	Western	Northern	Central	Southern
BASE PRICE:	\$37,750.00	\$37,750.00	\$37,750.00	\$37,750.00

10 ft. Suction Hose ¹	Optional equipment - specify <i>6" x 10' Suction Hose, Ball x Socket</i> ¹	\$421.00 ¹
20 ft. Suction Hose ¹	Optional equipment - specify <i>6" x 20' Suction Hose, Ball x Socket</i> ¹	\$512.00 ¹
10 ft. HP Discharge Hose ¹	Optional equipment - specify <i>6" x 10' High Pressure Discharge Hose, Ball x Socket</i> ¹	\$705.00 ¹
20 ft. HP Discharge Hose ¹	Optional equipment - specify <i>6" x 20' High Pressure Discharge Hose, Ball x Socket</i> ¹	\$874.00 ¹
LP Discharge Hose ¹	Optional equipment - specify <i>6" x 50' Low Pressure Lay-Flat Discharge Hose, Ball x Socket</i> ¹	\$295.00 ¹
N/A ¹	Optional equipment - specify	NA ¹
N/A ¹	Optional equipment - specify	NA ¹
N/A ¹	Optional equipment - specify	NA ¹
N/A ¹	Optional equipment - specify	NA ¹
N/A ¹	Optional equipment - specify	NA ¹
N/A ¹	Optional equipment - specify	NA ¹
N/A ¹	Optional equipment - specify	NA ¹
N/A ¹	Optional equipment - specify	NA ¹
N/A ¹	Optional equipment - specify	NA ¹
N/A ¹	Optional equipment - specify	NA ¹
FPM Plan - 4/6 ¹	Maintenance Plan - specify <i>(1) Std. Field Preventive Maintenance Service 4" and 6" pumps</i> ¹	\$544.00 ¹
FPM Plan - 8/10/12 ¹	Maintenance Plan - specify <i>(1) Std. Field Preventive Maintenance Service 8", 10" and 12" pumps</i> ¹	\$834.00 ¹
Warranty ¹	Warranty - specify <i>Warranty 24 Month</i> ¹	Incl. ¹
	Warranty - specify	NA
	Warranty - specify	NA
% Discount ¹	Discount percentage off manufacturer's current published retail prices for non-specified options and any optional models bid. This discount ONLY APPLIES to a downgrade or an upgrade to the model listed in this specification. It does not apply to a completely different make or model. (The discount is applied to the manufacturer's current published retail prices.)	Incl. ¹



**Florida Sheriffs
Association**

Contract # 14 12 0904
Specification # 65

6JSCEN-DJDST-45T-M Dry-Priming, High-Efficiency By-pass Pump

With its heavy-duty cast-iron construction, ability to dry-prime and re-prime automatically, this end-suction centrifugal pump leads the industry in emergency lift station by-pass, flood response, and construction applications. The Thompson 6JSCEN-DJDST-45T-M Enviroprime System® Solids-Handling Pump is designed for high flows and heads to 195 feet making it perfect for sewage bypass pumping or general construction dewatering. The 6JSCEN-DJDST-45T-M pump provides maximum flows of 2,700 GPM, 3" solids handling and maximum efficiency of 82%.

Loaded with Features

- 6-inch Thompson Compact Series portable pump
- Trailer mounted with 75-gallon capacity fuel tank
- Heavy-duty cast iron construction
- Enviroprime System® prevents blow-by from discharging onto the ground
- Ability to dry-prime and re-prime automatically
- High volume pumping capability of 2,700 GPM (gallons per minute)
- High heads to 195'
- Solids-handling up to 3"
- Auto start/stop capability
- Battery charger, spare tire, hydraulic brakes & DOT tail light package included
- Electric brakes also available

Other units available under the FSA contract are:

- 4JSCM-DJDST-24T-M
- 4JSVM-DJDST-24T-M
- 6JSVE-DJDST-45T-M
- 8JSCE-DJDST-45H
- 10JSCG-DJDST-45H-M
- 12JSCG-DJDST-90H-M

*Base model as defined by the Florida Sheriff's Association.

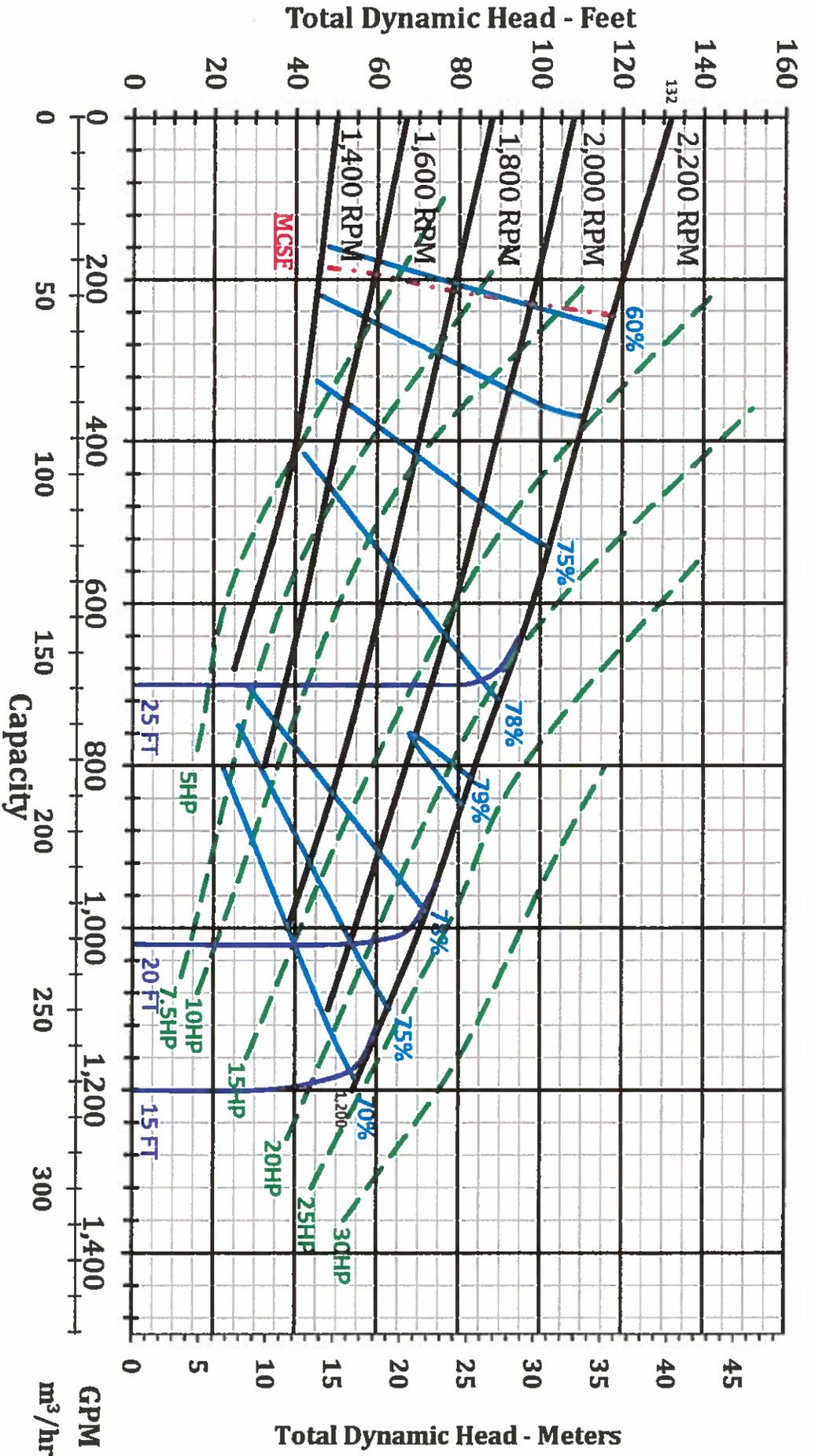
Other options available. Contact your local Thompson Pump representative for details.



Nationwide 800-767-7310

International 001-386-767-7310

www.thompsonpump.com



Specifications and illustrations are subject to revision without notice and without incurring any obligation for previous or subsequent equipment sold. Thompson Pump (ISO 9001:2008) makes no representation regarding the completeness or accuracy of this information and is not liable for any direct or indirect damages arising from or relating to this information or its use. Capacity & Head are shown for comparative purposes. Consult Thompson factory for exact capabilities.



AGENDA DATE: May 3, 2016, Regular Meeting

DEPARTMENT: Water Utilities

EXECUTIVE BRIEF

TITLE:

Resolution No. 24-2016 authorizing the submission of a grant application to South Florida Water Management District

SUMMARY:

The Resolution authorizes the submission of an application to South Florida Water Management District for funding assistance in the amount of \$33,750 under the Cooperative Funding Program. These funds will be used to assist with the purchase and installation of fifteen automatic line flushing devices to advance the City's approved water conservation plan.

BACKGROUND AND JUSTIFICATION:

The South Florida Water Management District (SFWMD) has announced the Cooperative Funding Program in order to partner with local governments and other entities to support local storm management, alternative water supply and water conservation projects. Grant funds under this program have been made available on a competitive basis for eligible projects throughout the sixteen county region under the jurisdiction of SFWMD that are related to flood control, water supply, water quality and ecosystem restoration. Such projects must be construction-ready or ready-to-implement conservation technology projects that can provide the most immediate benefits. Proposed projects must be constructed/implemented during the period of October 1, 2016 through September 30, 2018.

If the funds are approved, the fifteen automatic line flushing devices will add to the existing 9 devices already in use by the City. The devices provide a more efficient and less water wasting alternative to manually opening hydrants to flush the water system for improved chlorine levels.

Resolution No. 24-2016 authorizes the submission of an application by the City to SFWMD for grant funding in the amount of \$33,750 under the Cooperative Funding Program. These funds will be used to assist with the purchase and installation of fifteen automatic line flushing devices to advance the City's approved water conservation plan. The City is required to provide a local cost share match of \$33,750 for this purpose as a condition of the grant funding.

The City's application must be submitted by the announced deadline of May 20, 2016.

MOTION:

I move to approve/not approve Resolution No. 24-2016.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
Resolution

1
2
3 RESOLUTION NO. 24-2016 OF THE CITY OF LAKE WORTH, FLORIDA,
4 AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE SOUTH FLORIDA
5 WATER MANAGEMENT DISTRICT FOR GRANT FUNDS PROVIDED THROUGH THE
6 COOPERATIVE FUNDING PROGRAM IN THE AMOUNT OF \$33,750; PROVIDING
7 FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
8
9

10 WHEREAS, the South Florida Water Management District (“SFWMD”) is
11 continually looking for cost-effective strategies to protect the region’s water resource;
12 and
13

14 WHEREAS, the SFWMD Governing Board has approved the Cooperative
15 Funding Program as a way to partner with local governments and other entities to
16 support local stormwater management, alternative water supply and water conservation
17 projects; and
18

19 WHEREAS, these Cooperative Funding Program grant funds will be made
20 available on a competitive basis for eligible projects throughout the SFWMD sixteen
21 county region that are related to flood control, water supply, water quality and
22 ecosystem restoration; and
23

24 WHEREAS, these eligible projects must be construction ready-or ready-to-
25 implement during the period of October 1, 2016 through September 30, 2018; and
26

27 WHEREAS, the City of Lake Worth (“City”) desires to submit an application to
28 SFWMD for grant funding under the Cooperative Funding Program in the amount of
29 \$33,750 for the purchase and installation of fifteen automatic line flushing devices to
30 advance its approved water conservation plan; and
31

32 WHEREAS, the City is required to provide a matching cost share of \$23,000 for
33 these Cooperative Funding Program funds; and
34

35 WHEREAS, the City must submit its application by the announced deadline of
36 May 20, 2016.
37

38 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF LAKE
39 WORTH, FLORIDA, that:
40

41 SECTION 1: The City Commission of the City of Lake Worth, Florida, hereby authorizes
42 the submission of an application to the South Florida Water Management District for
43 grant funding made available through the Cooperative Funding Program in the amount
44 of \$33,750 for the purchase and installation of fifteen automatic line flushing devices to
45 advance the City’s approved water conservation plan.
46

47 SECTION 2: The City Commission of the City of Lake Worth, Florida hereby authorizes
48 the Mayor to sign all related documents for this purpose.

49
50 SECTION 3: Upon execution of the Resolution, one copy shall be delivered to the
51 Water Utilities Director. The fully executed original shall be maintained by the City Clerk
52 as a public record of the City.

53
54 SECTION 4: This Resolution shall become effective upon adoption.

55
56
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58 The passage of this Resolution was moved by Commissioner
59 _____, seconded by Commissioner _____, and upon being
60 put to a vote, the vote was as follows:

61 Mayor Pam Triolo
62 Vice Mayor Scott Maxwell
63 Commissioner Christopher McVoy
64 Commissioner Andy Amoroso
65 Commissioner Ryan Maier

66
67 Mayor Pam Triolo thereupon declared this Resolution duly passed and adopted
68 on the 3rd day of May, 2016.

69 LAKE WORTH CITY COMMISSION

70
71
72 By: _____
73 Pam Triolo, Mayor

74
75 ATTEST:

76
77 _____
78 Pamela J. Lopez, City Clerk



AGENDA DATE: May 3, 2016, Regular Meeting

DEPARTMENT: Leisure Services

EXECUTIVE BRIEF

TITLE:

Resolution No. 25-2016 - authorizing the submission of a grant application to the National Endowment for the Arts

SUMMARY:

The Resolution authorizes the submission of an application to the National Endowment for the Arts for funding assistance in the amount of \$10,000 under the Fiscal Year 2017 Challenge America program. These funds will be used to assist with the “Encouraging Literacy through the Arts” initiative proposed by the Lake Worth Public Library in partnership with the Friends of the Lake Worth Library, the Rotary Club of Lake Worth, and the Palm Beach Cultural Council.

BACKGROUND AND JUSTIFICATION:

The National Endowment for the Arts (NEA) has announced the Fiscal Year 2017 Challenge America that offers support primarily to small and mi-sized organizations for projects that extend the reach of the arts to underserved populations whose opportunities to experience the arts are limited by geography, ethnicity, economics and/or disability. Under this program funding is made available for professional arts programming and for projects that emphasize the potential of the arts in community development. The period of performance for such projects can begin on January 1, 2017, at the earliest.

The NEA considers partnerships to be valuable to the success of these projects. While not required, applicants are encouraged to consider partnerships among organizations, both in and outside of the arts, as appropriate to their project.

Resolution No. 25-2016 authorizes the submission of an application by the City to NEA for grant funding in the amount of \$10,000 under the Fiscal Year 2017 Challenge America program. These funds will be used to assist with the proposed “Encouraging Literacy through the Arts” initiative sponsored by the Lake Worth Public Library in partnership with the Friends of the Lake Worth Library, the Rotary Club of Lake Worth, and the Palm Beach Cultural Council. The City is required to provide a local cost share match of \$10,000 for this purpose. The City’s application must be submitted by the announced deadline of May 5, 2016.

This initiative will provide students of the public schools in Lake Worth, including North Grade Elementary, South Grade Elementary, Highlands Elementary, Barton Elementary, Lake Worth Middle School and Lake Worth High School, with the opportunity to meet noted author/illustrator Edel Rodriguez. Mr. Rodriguez has committed to speak to these students at assemblies during school hours the week of April 10-15, 2017. In

addition, Mr. Rodriguez's art will be exhibited at the Palm each Cultural Council and/or other local galleries. Students will be encouraged to tour the exhibit with their families

MOTION:

I move to approve/not approve Resolution No. 25-2016

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable

Resolution

RESOLUTION NO. 25-2016 OF THE CITY OF LAKE WORTH, FLORIDA, AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE NATIONAL ENDOWMENT FOR THE ARTS FOR GRANT FUNDS PROVIDED THROUGH THE FISCAL YEAR 2017 CHALLENGE AMERICA PROGRAM IN THE AMOUNT OF \$10,000; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the National Endowment for the Arts (“NEA”) has announced the Fiscal Year 2017 Challenge America program; and

WHEREAS, the Fiscal Year 2017 Challenge America program offers support primarily to small and mid-sized organizations for projects that extend the reach of the arts to underserved populations; and

WHEREAS, applicants are encouraged by NEA to consider partnerships among organizations for their proposed projects; and

WHEREAS, the City of Lake Worth (“City”) desires to submit an application to NEA for grant funding under the Fiscal Year 2017 Challenge America program in the amount of \$10,000 for the “Encouraging Literacy through the Arts” initiative to be sponsored by the Lake Worth Public Library in partnership with the Friends of the Lake Worth Library, Inc., the Rotary Club of Lake Worth, and the Palm Beach Cultural Council; and

WHEREAS, the City is required to provide a matching cost share of \$10,000 as a condition for Fiscal Year 2017 Challenge America program funding; and

WHEREAS, the City must submit its application by the announced deadline of May 5, 2016.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF LAKE WORTH, FLORIDA, that:

SECTION 1: The City Commission of the City of Lake Worth, Florida, hereby authorizes the submission of an application to the National Endowment for the Arts for grant funding made available through the Fiscal Year 2017 Challenge America program in the amount of \$10,000 for the “Encouraging Literacy through the Arts” initiative.

SECTION 2: The City Commission of the City of Lake Worth, Florida hereby authorizes the Mayor to sign all related documents for this purpose.

SECTION 3: Upon execution of the Resolution, one copy shall be delivered to the Leisure Services Department Director. The fully executed original shall be maintained by the City Clerk as a public record of the City.

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SECTION 4: This Resolution shall become effective upon adoption.

The passage of this Resolution was moved by Commissioner _____, seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

- Mayor Pam Triolo
- Vice Mayor Scott Maxwell
- Commissioner Christopher McVoy
- Commissioner Andy Amoroso
- Commissioner Ryan Maier

Mayor Pam Triolo thereupon declared this Resolution duly passed and adopted on the 3rd day of May, 2016.

LAKE WORTH CITY COMMISSION

By: _____
Pam Triolo, Mayor

ATTEST:

Pamela J. Lopez, City Clerk



AGENDA DATE: May 3, 2016

DEPARTMENT: Community Sustainability

EXECUTIVE BRIEF

TITLE:

Ordinance No. 2016-13 - First Reading and First Public Hearing - amend various sections and tables of the City's Land Development Regulations

SUMMARY:

The Ordinance amends Chapter 23, Land Development Regulations, of the City's Code of Ordinances including six (6) articles of the Land Development Regulations: General Provisions, Administration, Zoning Districts, Development Standards, and Supplemental Regulations. The ordinance also revises the Land Development Regulation's permitted use table, and Environmental Regulations.

BACKGROUND AND JUSTIFICATION:

On August 6, 2013, the City of Lake Worth adopted Chapter 23, Land Development Regulations (LDRs), of the Code of Ordinances. The LDRs include six (6) articles governing all development within the City. As use of the adopted LDRs progress, some provisions require clarification and edits/additions to provide consistency, improve understanding and facilitate implementation as well as address issues that have arisen since adoption.

The proposed amendments provide clarification, edits and additions to the LDRs' definitions; notice requirements for public hearing; site plan review; zoning districts; development standards; off-street parking; sign code; and, landscape regulations.

On February 3, 2016, the Planning & Zoning Board, at its regularly scheduled meeting, discussed the proposed amendments to the LDRs and voted 7-0 to recommend approval to the City Commission.

On February 10, 2016, the Historic Resources Preservation Board, at its regularly scheduled meeting, discussed the proposed amendments to the LDRs and voted 5-0 to recommend approval to the City Commission.

At its meeting of April 5, 2016, the City Commission voted 3-1 to approve the changes to the LDRs providing that modifications to the original home occupation section were removed.

At its meeting of April 19, 2016, the motion to approve the ordinance died for lack of a second. Also, the motion to reschedule hearing to a date certain failed for a lack of a second. Consequently, the proposed ordinance has been re-advertised and is being heard as a first reading during a public hearing.

MOTION:

I move to approve/disapprove Ordinance No. 2016-13 on first reading with changes as noted from the first reading on April 5, 2016 and to schedule the second reading and second public hearing for May 17, 2016

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable

P&Z Board and HRPB Staff Reports

Ordinance – revised from April 5, 2016 City Commission agenda.

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ORDINANCE NO. 2016-XX OF THE CITY COMMISSION OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 23 OF THE CODE OF ORDINANCES BY AMENDING ARTICLE 1 DIVISION 2, SECTION 23.2-12, DEFINITIONS; ARTICLE 2, DIVISION 3, SECTIONS 23.2-30 SITE PLAN REVIEW; ARTICLE 3, DIVISION 1, SECTION 23.2-15, NOTICE REQUIREMENTS; ARTICLE 3, DIVISION 1, SECTION 23.3-6, PERMITTED USE TABLE; ARTICLE 3 DIVISION 2, SECTION 23.3-17, MU-DH – MIXED USE DIXIE HIGHWAY; ARTICLE 4, DEVELOPMENT STANDARDS, SECTION 23.4-3, EXTERIOR LIGHTING; SECTION 23.4-6, HOME OCCUPATIONS; SECTION 23.4-10, OFF-STREET PARKING; ARTICLE 5, SUPPLEMENTAL REGULATIONS, SECTION 23.5-1, SIGNS; ARTICLE 6, ENVIRONMENTAL REGULATIONS, SECTION 23.6-1, LANDSCAPE REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Lake Worth, Florida (the “City”) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the City adopted a new Chapter 23 Land Development Regulations of the code of ordinances on August 6, 2013; and

WHEREAS, as use of the new Chapter 23 proceeds, items are identified that need clarification or revision in order to refine and implement the code; and

WHEREAS, the City periodically amends and updates the Land Development Regulations; and

WHEREAS, on February 3 2016 this amendment was reviewed by the Lake Worth Planning and Zoning Board at a public hearing and the Board found the amendment to be consistent with the Comprehensive Plan and made a recommendation to the City Commission to adopt the amendment; and

WHEREAS, on February 10 2016 this amendment was reviewed by the Historic Resources Preservation Board which made a recommendation to the City Commission to adopt the amendment; and

WHEREAS, the City Commission has reviewed the recommended amendments and has determined that it is in the best interest of the public health, safety and general welfare of the City, its residents and visitors to adopt these amendments.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH, FLORIDA, that:

51 Section 1. The foregoing “WHEREAS” clauses are true and correct and are
52 hereby ratified and confirmed by the City Commission.
53

54 Section 2. Chapter 23 Article 1 Division 2, Section 23.2-12, Definitions is
55 amended by adding the words and letters shown in underline and deleting words
56 and letters struck through as indicated in exhibit A.
57

58 Section 3. Chapter 23 Article 3. Division 1 Section 23.2-15, Notice Requirements
59 is amended by adding the words and letters shown in underline and deleting the
60 words and letters struck through as indicated in exhibit B.
61

62 Section 4. Chapter 23 Article 2. Division 3, Section 23.2-30, Site Plan Review is
63 amended by adding the words and letters shown in underline and deleting the
64 words and letters struck through as indicated in exhibit C.
65

66 Section 5. Chapter 23 Article 3. Division 1 Section 23.3-6, Permitted Use Table
67 is amended by adding the words and letters shown in underline and deleting the
68 words and letters struck through as indicated in exhibit D.
69

70 Section 6. Chapter 23 Article 3. Division 1 Section 23.3-17, Mixed Use Dixie
71 Highway is amended by adding the words and letters shown in underline and
72 deleting the words and letters struck through as indicated in exhibit E.
73

74 Section 7. Chapter 23 Article 4. Section 23.4-3, Exterior Lighting is amended by
75 adding the words and letters shown in underline and deleting the words and
76 letters struck through as indicated in exhibit F.
77

78 Section 8. Chapter 23 Article 4. Section 23.4-6, Home Occupations is amended
79 by adding the words and letters shown in underline and deleting the words and
80 letters struck through as indicated in exhibit G.
81

82 Section 9. Chapter 23 Article 4. Section 23.4-10, Off-Street Parking is amended
83 by adding the words and letters shown in underline and deleting the words and
84 letters struck through as indicated in exhibit H.
85

86 Section 10. Chapter 23 Article 5. Section 23.5-1, Signs is amended by adding the
87 words and letters shown in underline and deleting the words and letters struck
88 through as indicated in exhibit I.
89

90 Section 11. Chapter 23 Article 4. Section 23.6-1, Landscape Regulations is
91 amended by adding the words and letters shown in underline and deleting the
92 words and letters struck through as indicated in exhibit J.
93

94 Section 12. Severability. If any section, subsection, sentence, clause, phrase or
95 portion of this Ordinance is for any reason held invalid or unconstitutional by any
96 court of competent jurisdiction, such portion shall be deemed a separate, distinct,
97 and independent provision, and such holding shall not affect the validity of the
98 remaining portions thereof.

99

100 Section 13. Repeal of Laws in Conflict. All ordinances or parts of ordinances in
101 conflict herewith are repealed to the extent of such conflict.

102

103 Section14. Codification. All exhibits of the ordinance shall be made a part of the
104 City code of ordinances and may be re-numbered or re-lettered to accomplish
105 such, and the word "ordinance" may be changed to "section", "division", or any
106 other appropriate word.

107

108 Section15. Effective Date. This Ordinance shall take effect ten days after its
109 adoption.

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The passage of this Ordinance on first reading was moved by _____, seconded by _____, and upon being put to a vote, the vote was as follows:

- Mayor Pam Triolo _____
- Vice Mayor Scott Maxwell _____
- Commissioner Christopher McVoy _____
- Commissioner Andy Amoroso _____
- Commissioner Ryan Maier _____

The Mayor thereupon declared this Ordinance duly passed on first reading on the _____, 2016.

The passage of this Ordinance on second reading was moved by Commissioner _____, seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

- Mayor Pam Triolo
- Vice Mayor Scott Maxwell
- Commissioner Christopher McVoy
- Commissioner Andy Amoroso
- Commissioner Ryan Maier

The Mayor thereupon declared this Ordinance duly passed and enacted on the _____, 2016.

LAKE WORTH CITY COMMISSION

By: _____
Pam Triolo, Mayor

ATTEST:

Pamela J. Lopez, City Clerk

EXHIBIT A

Chapter 23

ZONING

ARTICLE 1 GENERAL PROVISIONS, DIVISION 2, SECTION 23.2-12 DEFINITIONS

Amended by adding the words and figures shown in underline type and deleting the words and figures crossed through.

Accessory structure: Any detached structure which houses an accessory use which is customarily incidental and subordinate to the principal structure. Accessory structures shall count toward overall floor area ratio (FAR) and lot coverage. Such structure must maintain the same setback or greater from public streets as the principal structure and may not be constructed between any principal structure and a public street right of way.

Accessory building: A building, structure, or use on the same lot with, and of a nature customarily incidental and subordinate to, the principal building, structure, or use. Examples would include detached garages or tool sheds. Accessory buildings shall count toward overall floor area ratio (FAR) and lot coverage. Such buildings must maintain the same setback or greater from public streets as the principal structure and may not be constructed between any principal structure and a public street right of way.

Lumen: A unit of measure of the quantity of light that falls on an area of one square foot every point of which one foot from the source of one candela. A light source of one candela emits a total of 12.57 lumens.

Pharmaceutical & Medicine: An establishment primarily engaged in one (1) or more of the following: (1) manufacturing biological and medicinal products; (2) processing (i.e., grading, grinding, and milling) botanical drugs and herbs; (3) isolating active medicinal principals from botanical drugs and herbs; and (4) the collection, destruction, disposal, or other related processes.

Research & Development, Scientific/Technological: An establishment engaged in conducting original investigation undertaken on a systematic basis to gain new knowledge (research) and/or the application of research findings or other scientific knowledge for the creation of new or significantly improved products or processes (experimental development). Excluding treatment, storage, or processing of human or animal bodies or body parts. Medical or scientific research which involves the use, treatment, storage, or processing of human or animal bodies or body parts would require conditional use approval.

Testing Laboratory: An establishment primarily engaged in performing laboratory analysis of natural, biological resources and manufactured materials. The scientific analysis is generally performed for an outside customer to support the work of that customer.

Exhibit B
Chapter 23
ZONING

ARTICLE 2 ADMINISTRATION, DIVISION 1, SECTION 23.2-15 SUMMARY ILLUSTRATION OF
NOTICE REQUIREMENTS FOR PUBLIC HEARING

Amended by adding the words and figures shown in underline type and deleting the words and figures crossed through.

Table 2-2. Notice Requirements

Type of Permit Application	Newspaper Publication	Mailing	Site Posting	None Required
Historic landmark designation - district or individual property	44 <u>10</u> days	44 <u>10</u> days 400' R	10 days	
Certificate of appropriateness (COA) - Administrative	-	-	-	X
Certificate of appropriateness (COA) - Board • Demolition • New construction	10 days	10 days <u>400' R</u>	Within 3 days of application <u>10 days</u>	-
Ad valorem tax abatement	<u>10 days</u>	10 days	Within 3 days of application <u>10 days</u>	-
Annexation - voluntary and involuntary	First hearing: 7 days Second hearing: 5 days	10 days 400' R	<u>10 days</u>	-
Administrative use permit	-	-	-	X
Conditional use permit	10 days	10 days 400' R	10 days	-
Variance	10 days	10 days 400' R	10 days	-
Proximity waiver	-	-	X	-
Planned development (PD)	10 days prior to adoption hearing	<u>10 days</u> 400' R	<u>10 days</u>	-
Site plan - minor				X
Site plan - major	10 days	10 days 400' R	10 days	-
Sustainable bonus incentive (per associated permit required)	-	-	-	-

Type of Permit Application	Newspaper Publication	Mailing	Site Posting	None Required
Zoning map amendment, (rezone initiated by other than city)	10 days prior to adoption hearing	<u>10 days</u> 400' R	<u>10 days</u>	-
Zoning map amendment (rezone initiated by city) less than 10 acres	<u>10 days</u>	30 days <u>10 days</u> 400' R	<u>10 days</u>	
Zoning map amendment (rezone initiated by city) 10 acres or more	First hearing: 7 days Second hearing: 5 days	<u>10 days</u> 400' R	<u>10 days</u>	
Zoning text amendments (change to list of uses within a zoning category)	First hearing: 7 days Second hearing: 5 days			
Zoning text amendments	10 days prior to adoption hearing			
Comprehensive plan future land use map amendment (small scale, 10 or fewer acres)	<u>5 10</u> days			
Comprehensive plan amendment (more than 10 acres)	First hearing: 7 days Second hearing: 10 days			
Appeals to city commission of PZB or HRPB		10 days 400' R		

The foregoing Table 2-2 is illustrative with the text being controlling in the event of conflict or ambiguity between the text of these LDRs and the table.

Exhibit C

Chapter 23

ZONING

ARTICLE 2 ADMINISTRATION, DIVISION 3, SECTION 23.2-30 SITE PLAN REVIEW

Amended by adding the words shown in underline type and deleting the words crossed through.

Sec. 23.2-30. - Site plan review.

a) *Intent.* The intent of the site plan review provisions is to establish standards for development and provide review procedures which ensure compliance with these qualitative standards and with other regulations of these LDRs. Site plans shall be prepared in accordance with the qualitative site design requirements in section 23.2-31. Site plan review and approval shall be required for the following:

1. Construction of all new structures, except principal and accessory structures associated with use a lot or parcel for single-family detached dwelling units.
2. Modification of existing structures, except principal and accessory structures associated with use of a lot or parcel for single-family detached dwelling units.
3. Occupancy of an existing structure, where a change of occupancy requires additional parking, a site plan shall be required. Where a change of use does not require additional parking, an application so stating and signed by the development review official must be attached to the certificate of occupancy application file prior to the issuance of a certificate of occupancy.

In the case of a site plan that is part of a master development plan for a planned development district, the procedures in section 23.3-25 shall apply.

b) *Determination if site plan review required.* Prior to issuance of a building permit or a certificate of occupancy, the development review official shall determine if site plan review pursuant to the provisions of this section is required. If site plan review is required, the development review official shall notify the applicant of this determination.

c) *Determination of type of site plan review procedure application.* Applications shall be submitted to the department for community sustainability. The development review official shall review development applications to determine if they require site plan review or approval as minor or major developments. If the application constitutes a major development, notice of the review by the appropriate board shall be given by publication, posting and courtesy mailing in accordance with the notice provision of this article. The development review official's determination shall be based on the following criteria:

1. Minor development may include the following:

- a. Addition of awnings, canopies or ornamental structures; redesign and different location of pools, parking spaces and drives and driveways; modifications in stairs or elevations of decks, porches, terraces and fencing; or similar types of improvements;
- b. Addition of up to twenty (20) parking spaces;
- c. Attached or detached additions to buildings which do not increase the floor area by more than five thousand (5,000) square feet; and
- d. New structures having less than ~~ten thousand (10,000)~~ seven thousand five hundred (7,500) square feet of floor area.

Exhibit D

Chapter 23

ZONING

ARTICLE 3 ZONING DISTRICTS, DIVISION 1, SECTION 23.3-6 PERMITTED USE TABLE
Amended by adding the words shown in underlined type and deleting the words crossed through.

(to be inserted)

Exhibit E

Chapter 23

ZONING

ARTICLE 3 ZONING DISTRICTS, DIVISION 2, SECTION 23.3-17 MU-DH – MIXED USE – DIXIE
HIGHWAY

Amended by adding the words shown in underlined type and deleting the words crossed through.

Sec. 23.3-17. - MU-DH—Mixed use-Dixie Highway.

- a) Intent. The MU-DH mixed use - Dixie Highway district is designed for Dixie Highway, Lake Worth's commercial spine. The MU-DH district is intended to provide the establishment and expansion of a broad range of office and commercial uses, including higher density residential use. Certain commercial uses are not permitted in the district because they will be detrimental to the shopping or office functions of the area. The establishment of certain uses is subject to conditional use review to ensure they will not have a negative impact on nearby residential uses or on the commercial viability of their neighbors. The district implements in part the downtown mixed use land use category of the Lake Worth Comprehensive Plan.
- b) Use restrictions and development regulations for multiple-family residential uses in the MU-DH district. Multiple-family residential uses, excluding single-family and two-family uses, may be established and expanded in the MU-DH district subject to the provisions of section 23.3-10 for uses on the east side of Dixie Highway and section 23.3-11 for uses on the west side of Dixie Highway. Provided however that residential uses shall not be permitted at the ground floor of any building fronting on Dixie Highway.

Exhibit F
Chapter 23
ZONING

ARTICLE 4 DEVELOPMENT STANDARDS, SECTION 23.4-3. EXTERIOR LIGHTING

Amended by adding the words shown in underline type and deleting the words crossed through.

Sec. 23.4-3. - Exterior lighting.

a) *Purpose.* The purpose of this section is to provide for regulations for outdoor lighting that will permit reasonable uses of lighting for nighttime safety, utility, security, productivity, enjoyment and commerce. Further, this section shall strive to:

1. Conserve energy and resources to the greatest extent possible;
2. Minimize adverse off-site impacts, including light trespass and obtrusive light;
3. Curtail light pollution and preserve the nighttime environment; and
4. Help protect the natural environment from the adverse effects of nighttime lighting from electric sources.

b) *Conformance with all applicable codes.* All outdoor lighting shall be installed in conformance with the provisions of this chapter, applicable electrical and energy codes, and applicable sections of the building code.

c) *Design and location.*

1. All outdoor lighting in all zoning districts used to light the general area of a specific site shall be shielded to reduce glare and shall be so located and arranged so as to reflect lights away from all adjacent residential districts, adjacent residences or public thoroughfares.
2. All outdoor lighting in all zoning districts shall be directed toward the ground or the façade of a building.
3. All lighting used for the external illumination of buildings, so as to feature said buildings, shall be placed and shielded so as not to interfere with the vision of motor vehicle operators or pedestrians.
4. High intensity lighting may be used to illuminate parking areas and to promote security, where needed. However, such lighting shall be shielded and located so as not to allow light trespass upon neighboring residential properties or districts in excess of ~~one (1) foot-candle~~ 12.57 lumens when measured on that property.
5. No illuminated signs or any other outdoor feature shall be of a flashing, moving, or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use.
6. Lighting shall be arranged to eliminate conflicts with safe traffic and pedestrian movements.

7. Lighting is not to be used as a form of advertising in a manner that is not compatible to the neighborhood or in a manner that draws considerably more attention to the building or grounds at night than in the day.
8. Lighting following the form of the building or part of the building will not be allowed if the overall effect will be detrimental to the environment or contrary to the architectural style of the building.
9. Lighting on a building shall be compatible with the architectural style of the building. Any lighting proposed for decorative or artistic purposes shall be appropriate to both the use and function of the building as well as its architectural style.

Exhibit G

Chapter 23

ZONING

ARTICLE 4 DEVELOPMENT STANDARDS, SECTION 23.4-6. HOME OCCUPATIONS

Amended by adding the words shown in underline type and deleting the words crossed through.

Sec. 23.4-6. - Home occupations.

- a) Purpose. It is the purpose of this section to provide for the orderly use of residential premises for certain customary home occupations. This provision allows for a portion of a residential unit to support a home office space that generates income for the owner/tenant. ~~It~~ It is further the purpose to assure that none of the residential ambiance of a neighborhood is modified or in any way diminished by the presence of said home occupation.
- b) Design and performance standards.
 1. Limited use. The home occupation shall be conducted within the residential premises and only by the person who is licensed to do so and is a resident(s) of the premises. The individual(s) so licensed shall not engage any employees to assist in the home occupation.
 2. Pedestrian and automobile traffic. The home occupation shall not generate pedestrian or automobile traffic beyond what would normally be expected in a residential district.
 3. Maximum area of use. No individual home occupation shall occupy more space than twenty (20) percent of the total floor area of a residence exclusive of any open porch, attached garage, or similar space not suited for or intended to be occupied as living quarters, provided however, in no event shall such all home occupations occupy more than forty (40) percent of the total floor area of the residence or one thousand (1,000) square feet, whichever is less.
 4. No signs or advertisements. No signs, banners or flyers shall be permitted to advertise the accessory use of the premises for an occupational purpose.
 5. Limited equipment. ~~No equipment shall be used on the building site except telephones, typewriters, personal computers and mailboxes.~~ No chemical, electrical or mechanical equipment shall be used except that which is normally used for domestic, or household or home office purposes. No electrical or mechanical equipment which causes outside interference may be installed or used. No equipment or process shall be used in a home occupation which creates fumes, glare, noise, odors, vibration, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single family residence or outside the dwelling unit if conducted in other than a single family residence.
 6. Stock in trade. No goods shall be sold on or from the building site. Stock or inventory is permitted in so much as will fit within the allowable area of the residence being utilized as a home occupation and does not create a health or safety hazard. No outdoor storage of materials or equipment related to the home occupation shall be permitted on the premises. Deliveries may not exceed that which would be utilized by a private residence and shall not be disruptive to the immediate neighborhood
 7. Parking. The vehicle used for the home occupation is limited to a passenger car, van, or pickup truck. The vehicle may not be more than twenty (20) feet in overall length and not more than seven (7) feet in overall height. Any vehicles used solely in connection with such home occupation must have separate off-street parking facilities in addition to those provided for the residence, except as otherwise regulated by city ordinances.

8. Residential character. There shall be no alteration in the residential character or appearance of the premises in connection with such home occupation.
9. Neighborhood impact. A home occupation shall not create any nuisance, hazard, or other offensive condition, such as that resulting from noise, smoke, fumes, dust, odors, or other noxious emissions. Electrical or mechanical equipment that causes fluctuations in line voltage, creates any interference in audio or video reception, or causes any perceivable vibration on adjacent properties is not permitted.
10. Three (3) home occupations per residence. No more than three (3) home occupations shall be permitted at any given residence at one (1) time. Each home occupation must maintain the required applicable business tax receipts and use and occupancy certificates.

Exhibit H

Chapter 23

ZONING

ARTICLE 4 DEVELOPMENT STANDARDS, SECTION 23.4-10. OFF-STREET PARKING

Amended by adding the words shown in underline type and deleting the words crossed through.

Sec. 23.4-10 i) 4. Exceptions.

B. Changes in use, remodeling, or building expansion of existing buildings as designated as a contributing structure in one (1) of the city's historic districts (as determined by section 23.5-4.).

Exhibit I

Chapter 23

ZONING

ARTICLE 5 SUPPLEMENTAL REGULATIONS, SECTION 23.5-1 SIGNS

Amended by adding the words Shown in underlined type and deleting the words crossed through.

Sec. 23.5-1. - Signs

12. *Temporary signs.*

A. Temporary construction, real estate, and development signs shall be permitted, as follows:

- (i) Real estate signs. The maximum allowable sign area for parcels in excess of one hundred fifty (150) lineal feet shall be limited to twelve (12) square feet. Parcels comprise of two (2) acres or more shall be limited to thirty-two (32) square feet. Only one (1) real estate sign per parcel. All real estate signs six (6) square feet and under shall be exempt from permitting requirements.
- (ii) Sign area. The maximum allowable sign area for all other temporary signs shall be thirty-two (32) square feet.
- (iii) No temporary sign shall be placed closer than ~~ten (10)~~ three (3) feet from any ~~side~~ property line.
- (iv) Permits for temporary signs shall be valid for not longer than six (6) months.
- (v) All temporary signs shall meet all applicable regulations set forth in this section.

Exhibit J
Chapter 23
ZONING

ARTICLE 6 ENVIRONMENTAL REGULATIONS, SECTION 23.6-1 LANDSCAPE REGULATIONS
Amended by adding the words shown in underlined type and deleting the words crossed through.

2. *New and existing multiple-family, commercial and industrial development.* On the site of a building or open-lot use providing an off-street parking, storage or other vehicular use area, where such an area will not be screened visually by an intervening building or structure from an abutting right-of-way or dedicated alley, landscaping shall be provided as follows:
 - (a) *Perimeter requirements adjacent to public and private rights-of-way.*
 1. A strip of land at least ten (10) feet in depth located between the off-street parking area or other vehicular use area and the City's Major Thoroughfares and roadway rights-of-way shall be landscaped. For developments located in the Downtown Mixed Use (DT) and the Transit Oriented Development East (TOD-E) zoning districts, a landscape strip of land along roadway rights of way other than Major Thoroughfares must be at least five (5) feet in depth. A similar landscaped strip of land at least five (5) feet in depth shall be located between the City's alleys and off street parking areas or other vehicular use areas. The landscaping shall consist of ~~at least one (1) tree for each twenty (20) linear feet or fraction thereof.~~
 - a. At least one (1) small tree for each fifteen (15) linear feet or fraction thereof, or
 - b. At least one (1) medium tree for each twenty (20) linear feet or fraction thereof, or
 - c. At least one (1) large tree for each twenty-five (25) linear feet or fraction thereof, or
 - d. A combination of small, medium and/or large trees, when aggregated meet the linear spacing as outlined in a through c.

The trees shall be located between the right-of-way line and the off-street parking or vehicular use area. The remainder of the landscape area shall be landscaped with living ground cover and organic mulch.

Additionally, a hedge, wall or other durable landscape area shall be placed along the interior perimeter of the landscape strip. If a hedge is used (see subsection c), it must attain a minimum

height of three (3) feet above the finished grade of the adjacent vehicular use or off-street parking area within one (1) year of planting.

If a nonliving barrier is used, it shall be a minimum of three (3) feet above the finished grade of the adjacent vehicular use. Nonliving barriers shall require additional landscaping to soften them and enhance their appearance. For each five (5) feet of nonliving barrier, two (2) shrubs or vines shall be planted along the street side of the barrier, in addition to tree requirements. Earth berms may be used only when installed in conjunction with sufficient plant materials to satisfy the screening requirements. The slope of the berm shall not exceed a 3:1 ratio.

Hedges for multi-family projects which are used to separate a residential use from an adjacent arterial or collector road right-of-way may attain a height of eight (8) feet to mitigate the impact of the adjacent roadway, unless otherwise prohibited. A visibility triangle shall be maintained (see section 23.4-4).

Perimeter hedging installed to effect screening of storage areas must be a minimum of four (4) feet in height at the time of installation and be permitted to grow to a height to conceal the materials being stored. Perimeter shade trees are required to be planted every twenty (20) feet and are not permitted to be clustered. Palm trees used for the purpose of street trees must be planted in clusters of three (3) with no palm being planted further than ten (10) feet apart.

2. The unpaved portion of the right-of-way adjacent to the property line shall be landscaped and provided with irrigation and maintenance.

(b) *Perimeter landscaping requirements relating to abutting properties.*

1. A landscaped screen shall be provided between the off-street parking area or other vehicular use area and abutting properties. The landscape screen may be two (2) feet in height at the time of planting and shall achieve and be maintained at not less than three (3) feet and no greater than six (6) feet in height to form a continuous screen between the off-street parking area or vehicular use area and such abutting property. This landscape screen shall be located between the common lot line and the off-street parking area or other vehicular use area in a planting strip of not less than five (5) feet in width. In addition, one (1) shade tree shall be provided for every twenty (20) linear feet of such landscaped screen or fraction thereof.

2. Where any commercial or industrial area abuts a residential zoning district in addition to requirements established for district boundary line separators in the zoning code one (1) shade tree shall be planted every twenty (20) feet to form a solid tree line.

3. The provision for perimeter landscape requirements relating to abutting properties shall not be applicable where a proposed parking area or other vehicular use area abuts an existing hedge or established tree line. The existing hedge and trees may be used to satisfy the landscape requirements provided the existing material meets all applicable standards. The landscape strip, a minimum of five (5) feet in depth, however, is still required, and must be landscaped with living ground cover. If the existing landscaping does not meet the standards of this section, additional landscaping shall be required as necessary to meet the standards. In the event that the landscaping provided by the adjacent property which has been used to satisfy the landscaping requirements for the property making application is ever removed,

the property heretofore using the existing vegetation to satisfy landscaping requirements must then install landscaping as required to comply with the provisions of this code.

(c) Interior landscaping requirements relating to areas exclusive of vehicular parking areas and building footprints.

1. All pervious areas of a site that not associated with required water retention shall be provided landscaping meeting the following standards.

- a. At least one (1) small tree for each two hundred and twenty-five (225) square feet or fraction thereof, or
- b. At least one (1) medium tree for each four hundred (400) square feet or fraction thereof, or
- c. At least one (1) large tree for each six hundred and twenty-five (625) square feet or fraction thereof, or
- d. A combination of small, medium and/or large trees, when aggregated meet the square footage tree ratio as outlined in a through c.
- e. A five (5) foot building landscape area shall be provided adjacent to the perimeters of all buildings where one (1) shrub shall be planted for every five square feet of landscaping area.
- f. The remainder of the building landscape area shall be landscaped with living ground cover and organic mulch.
- g. The remainder of the impervious area of the site shall be landscaping with grass, living ground cover, organic mulch or other material as deemed appropriate by the community sustainability department.
- h. Additional landscaping may be provided which shall serve as credit toward the Sustainable Bonus Incentive Program in applicable.

3. Interior landscape requirements for parking and other vehicular use areas.

- (a) The amount of interior landscaping within off-street parking areas shall amount to no less than twenty (20) percent of the total area used for parking and accessways.
- (b) There shall be a group of palms or a shade tree for every one hundred (100) square feet of required interior landscaping. No more than twenty-five (25) percent of these required trees shall be palms.
- (c) Landscape islands which contain a minimum of seventy-five (75) square feet of plantable area, with a minimum dimension of eight (8) feet, exclusive of the required curb, shall be placed at intervals of no less than one (1) landscaped island for every ten (10) parking spaces. One (1) shade tree or equivalent number of palm trees shall be planted in every interior island.

- (d) Each row of parking spaces shall be terminated by landscape islands with dimension of eight (8) feet in width, exclusive of curbs. An exception to this requirement is when a landscaped area exists at the end of the parking row.
- (e) Whenever parking tiers abut, they shall be separated by a minimum five-foot wide landscape strip. This strip shall be in addition to the parking stall. Non-mountable curbs are not required for these landscaping strips, provided carstops are installed. Should carstops not be installed the landscape strip shall be a minimum of nine (9) feet wide and be provided a non-mountable curb.
- (f) Perimeter landscape strips which are required to be created by these land development regulations shall not be credited to satisfy any interior landscaping requirements; however, the gross area of perimeter landscape strips which exceed minimum requirements may, upon approval by the ~~building~~ community sustainability department, be credited to partially satisfy the interior landscape requirements of this section.
- (g) Interior landscaping in both parking areas and other vehicular use areas shall, insofar as possible, be used to delineate and guide major traffic movement within the parking area so as to prevent cross-space driving wherever possible. A portion of the landscaping for interior parking spaces, not to exceed twenty-five (25) percent of the total requirement, may be relocated so as to emphasize corridors or special landscape areas within the general parking area or adjacent to buildings located on the site, if helpful in achieving greater overall aesthetic effect. Such relocated landscaping shall be in addition to the perimeter landscaping requirements.
- (h) All dumpster and refuse areas and all ground level mechanical equipment shall be screened with shrubbery or with fencing where visible from public rights-of-way.
- (i) Landscaping may be permitted in easements only with the written permission of the easement holder. Written permission shall be submitted as part of the site plan or landscape plan review.
- (j) All landscaped areas shall be provided with an irrigation system, automatically operated, to provide complete coverage of all plant materials to be maintained. This system should be designed to automatically shut off when raining. The source of water may be either from city water or non-potable water. The use of recycled water is encouraged.

	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU- FH	MU- DH	MU-W Lake & 10th	TOD-E	TOD- W	NC	BAC	AI	I-POC	PD	P	PROS	CON	FEC	HOTEL
TYPE/USE																										
RETAIL																										
High Intensity Retail Uses - Greater than 7,500 sq. ft.																										
Drive Through Facilities													C	C												
Drug Store Full Service							C		C		C		C	C	C	C										
Grocery Store Regional							C		C		C		C	C	C	C										
Home Improvement Center													C	C												
Produce Market							C			C	C		C	C	C	C										
Liquor Store							C			C	C		C	C												
Merchant Retail Stock (Reference Ordinance Chapter 14)							C			C	C		C	C	C	C										
Auto, Boat, Cycle, RV Sales See Automotive/Vehicular Use Section																										
Single Destination Retail							C	C	C	C	C		C	C	C	C	C			C						
Stand Alone Retail											C		C	C												
TYPE/USE	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU- FH	MU- DH	MU-W Lake & 10th	TOD-E	TOD- W	NC	BAC	AI	I-POC	PD	P	PROS	CON	FEC	HOTEL
Medium Intensity Retail Uses - Less than 7,500 sq. ft.																										
Convenience Stores (Maximum 7,500 sq. ft.)							A	C					A	C	A	C										
Drive Through Facilities													C	C												
Drug Store Full Service							A		A		A		A	A	A	A										
Drug Store Limited Service							A				A		A	A	A	A										
Grocery Store Neighborhood							A			A			A	A	A	A										
Home Improvement Center											C		A	A												
Liquor Store							C			C	C		C	C												
Produce Market							A			A	A		A	A	A	A										
Single Destination Retail							P	P	P	P	P		P	P	P	P	P			P						
Specialty Retail							A		A		P		P	P	P	P			P	P						
Stand Alone Retail							A		A	A			A	A	A	A				A						
Specialty Food Product Stores							A		A	A			A	A	A	A										
Sundry Shop							A		A	A	A		A	A	A	A	A	P	A							
TYPE/USE	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU- FH	MU- DH	MU-W Lake & 10th	TOD-E	TOD- W	NC	BAC	AI	I-POC	PD	P	PROS	CON	FEC	HOTEL
Low Intensity Retail Uses - Less than 2,500 sq. ft.																										
Gift Boutiques							P	P	P	P	P		P	P	P	P			P	P						
Hobby Shops							P	P	P	P	P		P	P	P	P				P						
Produce Market							A			A	A		A	A	A	A					A					
Grocery Store Neighborhood							A			A			A	A	A	A										
Single Destination Retail							P	P	P	P	P		P	P	P	P	P			P						
Specialty Food Product Stores							P	P	P	P	P		P	P	P	P	P			P						
Specialty Retail							P		P		P		P	P	P	P			P	P						
Sundry Shop							P		P	P			P	P	P	P			P	P		P				
Tobacco Shop							P						P	P	P	P				P						

	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	PD	P	PROS	CON	FEC	HOTEL	
COMMERCIAL																											
High Intensity Commercial Uses - Greater than 7,500 sq. ft.																											
Bars/ Clubs with or without live entertainment																											
Bars/clubs with live entertainment																											
Cold Storage																											
Contractor (Office with no outdoor storage yard)																											
Contractor (Office with outdoor storage yard)																											
Dead Storage Facilities																											
Drive Through Facilities																											
Eating and Drinking Establishments, w/ Drive Through																											
Eating and Drinking Establishments, w/o Drive Through																											
Financial Institution w/ Drive Through																											
High Intensity Financial Institution Financial Institution w/o Drive Through																											
Hotels																											
Indoor Commercial Recreation (Reference Ordinance Chapter 14)																											
Laundry Facilities - Public																											
Linen service/uniform service																											
Printing Services																											
Mini-Warehouses																											
Motels																											
Motel or Hotel, extended stay																											
Outdoor Commercial Recreation (See Indoor Commercial Recreation)																											
Printing Services																											
Restaurants Accessory to Hotel or Motel																											
Restaurants w/Drive Through																											
Restaurants - High Turn Over With Bar																											
Restaurants - Medium Turn Over Take Out																											
Restaurants - Low Turn Over																											
Single Destination Commercial																											
Truck/Van Rentals																											
Veterinary Offices, w/ Kennels																											
Warehouse Facilities																											
Wholesale and Distribution Facilities																											
	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	PD	P	PROS	CON	FEC	HOTEL	
Medium Intensity Commercial Uses - Less than 7,500 sq. ft.																											
Bars/ Clubs with or without live entertainment																											
Bars/clubs with live entertainment																											
Bed and Breakfast Inns																											
Caterering/Caterer																											
Contractor (Office only, no outdoor storage yard)																											
Contractor (Office with outdoor storage yard)																											
Drive Through Facilities																											
Dry cleaners																											

TYPE/USE	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	PD	P	PROS	CON	FEC	HOTEL	
OFFICE																											
High Intensity Office Uses- Greater than 7,500 sq. ft.																											
Administrative/Professional Services: (non-medical)							C	C	C	C	C	C	C	C	C				C								
Business Services							C	C	C	C	C		C	C	C	C											
Call Center													C		C	C				C	C						
Contractor (Office with no outdoor storage yard)							C						C	C						C	C						
Contractor (Office with outdoor storage yard)																					C						
Governmental Administrative Office							C			C			C	C	C	C				C	C		C				
Health Clinics/Urgent Care													C	C	C	C							C				
Medical Offices							C	C	C	C		C	C	C									C				
Out Patient Clinics													C	C									C				
TYPE/USE	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	PD	P	PROS	CON	FEC	HOTEL	
Medium Intensity Office Uses - Less than 7,500 sq. ft.																											
Administrative/Professional Services: (non-medical)							A	A	A	A	A	A	A	A	A	A	A			A							
Business Incubation Office							A		A		A		A	A	A	A											
Business Services							A	A	A	A	A		A	A	A	A											
Call Center													A	A	A	A				A							
Contractor (Office only, no outdoor storage yard)							A	A	A	A	A	A	A	A	A	A				A	A						
Contractor (Office with outdoor storage yard)																						C					
Governmental Administrative Office							A			A			A	A	A	A				A	A		A				
Health Clinics/Urgent Care													C	C	C	C							C				
Interior Design Studio w/ Sales							A		A		A		A	A	A	A				A							
Kitchen/Millwork Design Studio							A	A	A	A	A		A	A	A	A				A	A						
Medical Offices							CA	CA	CA	CA		CA	CA	CA									CA				
Out Patient Clinics/Medical Office							A		A				A	A		A											
TYPE/USE	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	PD	P	PROS	CON	FEC	HOTEL	
Low Intensity Office Uses - Less than 2,500 sq. ft.																											
Administrative/Professional Services: (non-medical)							P	P	P	P	P	P	P	P	P	P	P			P	P		C				
Call Center													P	P	P	P				P							
Contractor (Office only, no outdoor storage yard)							P	P	P	P	P	P	P	P	P	P				P	P						
Contractor (Office with outdoor storage yard)																						C					
Health Clinics/Urgent Care													C	C	C	C							C				
Medical Offices							A	A	A	A		A	A	A									A				
Out Patient Clinics/Medical Office							A		A				A	A	A	A											
Governmental Administrative Office							A			A			A	A	A	A				A	A		A				
Home Occupation	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P				P		P					

	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU- FH	MU- DH	MU-W Lake & 10th	TOD-E	TOD- W	NC	BAC	AI	I-POC	PD	P	PROS	CON	FEC	HOTEL
TYPE/USE																										
INDUSTRIAL																										
High Intensity Industrial Uses - Greater than 7,500 sq. ft.																										
Aquaculture/Hydroponic Farming																			C	C						
Auction House w/ or w/out outdoor storage																			C	C						
Building and Construction Trades/Contractors manufacturing w/ Outdoor																				C						
Building and Construction Trades/Contractors manufacturing w/o Outdoor																			C	C						
Boat Repair / Maintenance / Detailing																					C					
Equipment Rental and Leasing																					C					
Factory or Manufacturing (Reference Ordinance Chapter 14)																					C					
Food Manufacturing & Processing																			C	C						
Garment/Clothing/Apparel Manufacturing																			C	C						
Heavy Utility Service Uses																					C	C				
High Intensity Fabrication Services excluding retail display and sales																					C					
High Intensity Manufacturing excluding retail display and sales																					C					
High Intensity Processing excluding retail display and sales																					C					
Import/Export Business														C					C	C						
Jobsite Preparation (Reference Ordinance Chapter 14)																			C	C						
Microbrewery w/Sales																			C	C						
Microbrewery w/o Sales																			C	C						
Organic/Green/All Natural Composting Fertilizer Manufacturing																			C	C						
<u>Pharmaceutical & Medicine</u>																					C					
Plant Nursery (sales only)													C						C	C						
Plant Nursery																			C	C						
Recycling Processing Center																					C					
Regional Distribution Center																			C	C						
Renewable Energy Resource Center																					C					
<u>Research & Development, Scientific/Technological</u>																					C					
Septic Tank, Sewer, and Drain Cleaning and Repair Services																					C					
Storage-outdoor																			C	C						
Storage-indoor																			C	C						
<u>Testing Laboratory</u>																					C					
Utility Plant, Substation, Power Generation-Minor																					C		C			
Vintner/Winery																			C	C						
Welding Contractors																					C					
Welding Repair Services																					C					
TYPE/USE																										
Medium Intensity Industrial Uses - Less than 7,500 sq. ft.																										
Aquaculture/Hydroponic Farming																			A	A						
Auction House w/out outdoor storage													C						C	C						
Boat Repair / Maintenance / Detailing																			C	C						
Building and construction trades/contractors manufacturing without outdoor																			C	C						

TYPE/USE	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU- FH	MU- DH	MU-W Lake & 10th	TOD-E	TOD- W	NC	BAC	AI	I-POC	PD	P	PROS	CON	FEC	HOTEL	
INSTITUTIONAL																											
High Intensity Institutional Uses - Greater than 7,500 sq. ft.																											
Colleges and Universities	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C							C				
Day Care Center						C	C	C	C	C		C	C	C	C	C			C								
Day Care Center Accessory to Place of Worship	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C											
Hospitals and Clinics Public													C									C					
Hospitals and Clinics Private													C									C					
Museums							C		C		C								C			C	C	C			
Schools, elementary	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C						C					
Schools, intermediate and secondary	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C						C					
Schools-Conservatory of Music (Retail merchant license required if selling any instruments, equipment, etc.)													C	C	C	C			C								
School of the Arts													C						C			C					
School for Modeling or Booking Agency													C						C			C					
School of Instruction (for artisan, workers, etc.)													C						C			C					
Places of Worship	A C	A C		A C	A C	A C	A C	A C	A C	A C	A C	A C	A C	A C	A C	A C											
TYPE/USE	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU- FH	MU- DH	MU-W Lake & 10th	TOD-E	TOD- W	NC	BAC	AI	I-POC	PD	P	PROS	CON	FEC	HOTEL	
Medium Intensity Institutional Uses - Less than 7,500 sq. ft.																											
Botanical Research and Education																			A			A	A	A			
Colleges and Universities (Satellite Campus)	A	A		A	A	A	A	A	A	A	A	A	A	A	A	A			A			A					
Day Care Center				A	A	A	A	A	A	A		A	A	A	A	A			A								
Marine Research and Education														A	A				A			A	A	A			
Museums							A		A		A								A			A	A	A			
Nursing Homes/Assisted Living Facilities				A	A	A	A	A	A	A		A	A	A	A	A			A								
Places of Worship	A	A		A	A	A	A	A	A	A	A	A	A	A	A	A											
Welcome Centers											A				A	A						A	A	A			
TYPE/USE	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU- FH	MU- DH	MU-W Lake & 10th	TOD-E	TOD- W	NC	BAC	AI	I-POC	PD	P	PROS	CON	FEC	HOTEL	
Low Intensity Institutional Uses - Less than 2,500 sq. ft.																											
Environmental Nature Centers																						C	C	C			
Museum											P								P			P	A	A			

TYPE/USE	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	PD	P	PROS	CON	FEC	HOTEL		
SPECIALITY																												
High Intensity Specialty Uses - Greater than 7,500 sq. ft.																												
Adult Establishments																												
Flea Market							C	C	C	C	C	C	C	C	C				C	C		C						
Outdoor Farmer's Market																			C			C			C			
Mobile food vending courts																			C			C			C			
Passenger Railroads/Transit														C	C							C						
Private Club									C				C	C														
Power Plants																				C		C						
Public Safety Facilities																						C						
Radio and Television Broadcasting Studios w/ Communication Towers														C						C		C						
Shooting Ranges																						C						
Special Interest Automobile Dealership													C						C	C								
Sports Arenas, (Public/Private)(Indoor/Outdoor)													C							C								
Taxicab Companies																						C						
Taxidermist																						C						
Water Towers																						C						
Wireless Communication Facilities										C	C	C	C	C	C				C	C		C			C			
TYPE/USE	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	PD	P	PROS	CON	FEC	HOTEL		
Medium Intensity Specialty Uses - Less than 7,500 sq. ft.																												
Adult Establishments																												
Cemetery/Mauseleum(Public/Private)	C	C		C	C	C						C										C	C					
Private Club									A				A	A														
Produce Market							A			A	A		A	A	A	A					A							
Radio and Television Broadcasting Studios w/o Communication Towers							<u>P A</u>			<u>P A</u>	<u>P A</u>		<u>P A</u>	<u>P A</u>	<u>P A</u>	<u>P A</u>			<u>P A</u>	<u>P A</u>		C						
Special Interst Automobile Dealership													A						A	A								
Temporary Help Marshalling and Dispatch Services																						C						
Non-motorized recreational equipment rental (canoes, kayaks, paddle boards, etc)																						C	C	C				
Outdoor Farmer's Market																				C		C			C			
Flea Market																				C		C			C			
Mobile food vending courts																				C		C			C			
TYPE/USE	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	PD	P	PROS	CON	FEC	HOTEL		
Low Intensity Specialty Uses - Less than 2,500 sq. ft.																												
Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Open Space Conservation Areas	P	P	P	P																			P	P	P			
Produce Market							A			A	A		A	A	A	A					A							
Private Club									P				P	P														
Special Interest Automobile Dealership													P						P	P								
Water Conservation Areas	P	P	P	P																		P	P	P				



City of Lake Worth
Department for Community Sustainability
Planning, Zoning and Historic Preservation Division
1900 Second Avenue North- Lake Worth, Florida 33461 · Phone: 561-586-1687

MEMORANDUM DATE: January 19, 2016

AGENDA DATE: February 3, 2016

TO: Members of the Planning & Zoning Board

RE: Land Development Regulations (LDRs)

FROM: William Waters, Director
Maxime Ducoste, Planning and Preservation Manager
Department for Community Sustainability

TITLE: PZB/HRPB Project Number 16-02900001: Consideration of recommendation to the City Commission concerning a proposed amendment to Chapter 23 (Land Development Regulations) of the Lake Worth Code of Ordinances.

BACKGROUND AND JUSTIFICATION:

On August 6, 2013 the City of Lake Worth adopted Chapter 23 – Land Development Regulations of the Code of Ordinances. The LDRs include six (6) articles governing all development within the city. They are Article I – General Provisions, Article II – Administration, Article III – Zoning Districts, Article IV – Development Standards, Article V – Supplemental Regulations, and Article VI – Environmental Regulations.

As the code progresses, staff acknowledges that some aspects require clarification and edits/additions to provide consistency, improve understanding and facilitate implementation as well as address issues that have arisen over the past year. Attachment 1 of this report includes the proposed ordinance and a highlight/strike-thru version of those sections of the code which are proposed to be amended.

In this round of amendments, following the joint Planning and Zoning Board and Historic Resources Preservation Board workshop conducted on December 16, 2015 we are proposing to amend the following sections: Article 1 - Section 23.2-12 Definitions; Article 2 - Division 1: Administration, Section 23.2-15 – Summary of the Notice Requirements for Public Hearing; Section 23.2-30, Site Plan Review; Section 23.3-6, Permitted Use Table; Section 23.3-17, MU-DH – Mixed Use Dixie Highway; Section 23.4-3, Exterior Lighting; Section 23.4-6, Home Occupations; Section 23.4-10, Off-Street Parking; Section 23.5-1 Signs; and Section 23.6-1, Landscape Regulations.

As such, Staff is proposing these amendments as a solution to some of the aspects confronted during last year and are a solution to items discussed in the joint workshop held on December 16, 2015. The proposed amendments also will go before the Historic Resources Preservation Board (HRPB) next week at its regularly scheduled meeting of February 10, 2016. The first hearing of the ordinance before the City Commission is tentatively scheduled for the regularly scheduled meeting on March 1, 2016.



City of Lake Worth
Department for Community Sustainability
Planning, Zoning and Historic Preservation Division
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POTENTIAL MOTION:

I MOVE TO RECOMMEND/NOT RECOMMEND DENY PZB/HRPB 16-02900001: Proposed amendments to Chapter 23 (Land Development Regulations) of the Lake Worth Code of Ordinances.

ATTACHMENTS:

Proposed Ordinance No. 2016-XX Amendments to Chapter 23 (Land Development Regulations) – Inclusive of Attachments A through I.



AGENDA DATE: May 3, 2016

DEPARTMENT: Community Sustainability

EXECUTIVE BRIEF

TITLE:

Ordinance No. 2016-15 - First Reading and First Public Hearing - amend Downtown (DT) zoning district, permitted uses table and amend various sections of the City's Land Development Regulations.

SUMMARY:

The Ordinance amends the LDRs by providing a definition for drive through facilities, amends the Downtown (DT) zoning district to allow drive through facilities as a conditional use for properties zoned DT, which are west of Dixie Highway. In addition, the Medium and High Intensity conditional use section is amended to provide criteria to review drive through facilities within the City.

BACKGROUND AND JUSTIFICATION:

The Downtown (DT) zoning District is designed for the commercial core of Lake Worth, primarily along Lake and Lucerne Avenues from Golfview to the Florida East Coast Railroad Right-of-way. The Dixie Highway corridor, which is geared to heavier vehicular traffic bisects the district north to south. The proposed amendment would allow commercial drive through facilities at properties within the Downtown District subject to conditional use approval but limited to only those properties west of Dixie Highway. Properties with frontage along Lake and Lucerne Avenues also would be excluded. As such, any request to establish a drive through facility will require Conditional Use approval from the decision making board (either the Planning and Zoning Board or the Historic Resources Preservation Board depending upon the location of the subject property), whose process is discretionary and requires a public hearing.

On April 6, 2016, the Planning & Zoning Board discussed the text amendment to the LDRs and voted unanimously (6-0) to recommend approval to the City Commission.

On April 13, 2016, the Historic Resources Preservation Board reviewed the text amendment to the LDRs and voted 6-0 to recommend approval to the City Commission with the conditions that it exclude those properties having frontage on Lake and Lucerne Avenues. This condition is included in the proposed ordinance.

MOTION:

I move to approve/disapprove Ordinance No. 2016-15 on first reading and first public hearing and schedule the second reading and second public hearing on May 17, 2016.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
P&Z and HRPB Boards Staff Report and Minutes



City of Lake Worth
The Art of Florida Living



Text Amendment Affected Area

- Affected Properties
- Mixed Use - East (MU-E)
- Artisanal Industrial (AI)
- Medium-Density Multi-Family Residential, 30 du/net acre (MF-30)
- Mixed Use - Dixie Highway (MU-DIXIE)
- Public (P)
- Downtown (DT)
- Transit Oriented Development East (TOD-E)



City of Lake Worth
Department for Community Sustainability
Planning, Zoning and Historic Preservation Division
1900 Second Avenue North · Lake Worth, Florida 33460 · Phone: 561-586-1687

DATE: April 8, 2016

TO: Members of the Historic Resources Preservation Board

FROM: Maxime Ducoste, Assistant Director for Planning and Preservation
Curt Thompson, Senior Community Planner

SUBJECT: **HRPB NO. 16-02900002**: Consideration of a request by Stateside Partners LLC, for a **Text Amendment** to Section 23.3-14, Downtown (DT) and Section 23.3-6, the Permitted Use Table and Section 23.4-13 of the City's Land Development Regulations (LDRs), to allow Drive Through Facilities as a Conditional Use within the Downtown Zoning District specifically west of Dixie Highway.

Meeting Date: April 13, 2016

BACKGROUND AND JUSTIFICATION:

Stateside Partners ("Petitioner") has submitted a request to amend Section 23.1-12, Definitions, Section 23.3-14, Downtown (DT), Section 23.3-6 – Permitted Use Table and Section 23.4-13 Medium and High Intensity Conditional Uses. The purpose of the amendment is to allow Drive through Facilities as a conditional use within the Downtown (DT) zoning district, specifically west of Dixie Highway.

The Municipal Code of the City of Lake Worth was adopted in 1979 by way of Ordinance No. 79-9 and has been subsequently amended over the past 37 years. Since its inception the Code has been amended to adapt to the changing needs of the City.

On August 6, 2013 the City of Lake Worth adopted Chapter 23 – Land Development Regulations of the Code of Ordinances. Since its adoption in 2013, the City has initiated code revisions to provide clarification, consistency as well as addressing issues that have arisen over time.

The Downtown (DT) zoning district is designed for the commercial core of Lake Worth, primarily along Lake and Lucerne Avenues from Golfview to the Florida East Coast Railroad right-of-way. The DT district is intended to provide the establishment and expansion of a broad range of office, retail and commercial uses, including higher density residential use.... The establishment of certain uses is subject to conditional use review to ensure they will not have a negative impact on nearby residential uses or on the commercial viability of their neighbors.

The Applicant, Stateside Partners LLC, owns several parcels of land to the south of 2nd Avenue North and to the west of South Dixie Highway. The Downtown core of the City of Lake Worth is a critical commercial area of the City that is in need of redevelopment projects. The Applicant is proposing to develop a vacant parcel that will provide infill development along Dixie Highway within the Downtown district.

Currently, the Land Development Regulations do not allow Drive through Facilities within the Downtown District. The purpose of the Zoning Text Amendment is to allow a Drive through Facility as a conditional use for properties zoned Downtown (DT) west of Dixie Highway, while excluding drive through for all Restaurant uses within the Downtown zoning district.

In addition, to ensure compatibility and mitigate any potential impacts on surrounding properties, staff is proposing additional language to be added to Section 23.4-13 – Medium and high intensity conditional uses, which would provide additional requirements for drive through facilities.

The proposed amendments are to add specific language to Section 23.3-14 to restrict drive through facilities use to properties within the Downtown District and west of Dixie Highway. The purpose for restricting the use to the west side of Dixie Highway is due to the particularities of these properties and to their performance. Properties on the west of Dixie Highway are not the same as those properties within the core of the Downtown district. Specifically, the core of the Downtown district is oriented to pedestrian traffic, while the Dixie Highway corridor is geared toward vehicular traffic. There are only a handful of parcels that would be affected by this Text Amendment. Allowing and limiting Drive through facilities on the west side of Dixie Highway will promote redevelopment of several parcels that have been vacant for a long time.

As such, the Petitioner is proposing to amend to the Downtown (DT) permitted uses in the City's LDRs as follows:

Section 23.3-14.c.2.A

2. Principal uses permitted as either administrative or conditional uses.
 - A. Commercial – medium to high intensity.
 - i. Commercial Drive Through (excluding all Restaurant uses), west of Dixie Highway.
 - B. Office - medium to high intensity.
 - C. Retail - medium to high intensity.
 - D. Personal services - medium to high intensity.
 - E. Cultural and artisanal arts - medium to high intensity.
 - F. Institutional - medium to high intensity.
 - G. Parking facilities including temporary.
 - H. Places of worship.

Section 23.3.6 – Permitted Use Table

The modifications to the Permitted Use Table include adding a new use category, Drive Through Facilities, excluding all Restaurant uses and adding it as a conditional use within the MU-East, MU-East 10th & 6th, DT, Mixed Use-Dixie Highway, and Mixed Use-West, Lake & 10th zoning districts. This would be consistent with the zoning categories in which Drive through Facilities are currently allowed as a conditional use.

In addition to the applicant's request, staff is proposing the following definition, and requirements to the Medium and High Intensity Conditional Uses section.

Proposed Language:

Section 23.1-12 - Definitions

Definition: Drive-Through Facility: A commercial facility which provides a service directly to a motor vehicle or where the customer drives a motor vehicle onto the premise and to a window or mechanical device through or by which the customer is serviced without exiting the vehicle.

Section 23.4-13. Medium and High Intensity Conditional Uses

14. Drive-Through Facilities.

- (1) Purpose. It is the purpose of this section to provide regulations and standards for the establishment of drive-through facilities as conditional uses through the appropriate decision making authority.
- (2) Regulations and standards. Drive-through facilities shall be designed to minimize conflicts between pedestrian and vehicular circulation. The facility, including the stacking lanes, must not be visible from public rights-of-way and shall be subject to the standards listed below.
 - a. Separation. Each drive-through lane shall be separated from circulation routes necessary for ingress or egress from the property or access to any parking space.
 - b. Drive-through facilities shall be 100 feet from any residential zoning district.
 - c. Marking. Each drive-through lane shall be striped, marked, or otherwise distinctly delineated in a manner acceptable to the city.
 - d. Queuing and stacking. The queuing or vehicle stacking capacity of a drive-through facility, including a gated entrance to a residential development, shall be at least 100 feet. The minimum distance shall be measured from the centerline of the window closest to the edge of right-of-way from which access is provided. The stacking capacity may be increased based upon individual circumstances as determined by the city.
 - e. Drive-through facilities shall not be allowed on any building facade that directly fronts on a public or private right-of-way. On eligible building facades (sides and/or rear) the following design standards are required where windows for drive-through facilities are proposed:
 1. All principal and accessory structures related to the drive-through facilities shall be 100 feet from any residential zoning district.
 2. The building facade shall have windows that occupy no less than 25% of the facade and that are located at the pedestrian level. A maximum of 10% of this 25% may be non-transparent windows.
 3. The building facade shall be modulated and divided into smaller identifiable pieces to articulate the plane of the facade.
 4. The building facade shall have at least one offset having a pitched roof.
 5. Additional landscaping for the screening of drive-through facilities is required in accordance with Article 6, Section 23.6-1 Landscape Regulations.

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6. Roofing. Roofs constructed as part of a drive-through facilities shall be consistent with the architectural style, materials, and colors of the principal structure.
 7. Noise. Any drive-up or drive-through speaker system shall emit no more than 65 (dB) decibels and at no time shall any speaker system be audible above daytime ambient noise levels beyond the real property lines of the site. The system shall be designed to compensate for ambient noise levels in the immediate area.

CONSEQUENT ACTION:

The decision of the Historic Resources Preservation Board will be a recommendation to the City Commission, which will make the final decision.

STAFF RECOMMENDATION:

Staff recommends that the Historic Resources Preservation Board **APPROVE** the Text Amendment to amend Section 23.1-12, Definitions, Section 23.3-14, Downtown (DT), Section 23.3-6, the Permitted Use Table and Section 23.4-13, Medium and High Intensity Conditional Uses of the City's Land Development Regulations (LDRs), to allow Drive Through Facilities as a Conditional Use within the Downtown Zoning District specifically west of Dixie Highway.

POTENTIAL MOTIONS:

"I MOVE TO APPROVE/DENY **HRPB NO. 16-02900002**: Consideration of a request for a **Zoning Text Amendment** to amend Section 23.1-12, Definitions, Section 23.3-14 Downtown District, Section 23.3-6, the Permitted Use Table and Section 23.4-13, Medium and High Intensity Conditional Uses of the City's Land Development Regulations (LDRs), to allow Drive Through Facilities as a Conditional Use within the Downtown Zoning District specifically west of Dixie Highway.

LOCATION MAP



Attachments:

- A. Justification Statement
- B. Excerpt of Permitted Use Table



City of Lake Worth
Department for Community Sustainability
Planning, Zoning and Historic Preservation Division
1900 Second Avenue North- Lake Worth, Florida 33460 - Phone: 561-586-1687

DATE: April 6, 2016

TO: Members of the Planning & Zoning Board

FROM: Maxime Ducoste, Assistant Director for Planning and Preservation
Curt Thompson, Senior Community Planner

SUBJECT: **P&ZB PR NO. 16-02900002**: Consideration of a request by Stateside Partners LLC, for a **Text Amendment** to Section 23.3-14, Downtown (DT) and Section 23.3-6, the Permitted Use Table and Section 23.4-13 of the City's Land Development Regulations (LDRs), to allow Drive Through Facilities as a Conditional Use within the Downtown Zoning District specifically west of Dixie Highway.

Meeting Date: April 6, 2016

BACKGROUND AND JUSTIFICATION:

Stateside Partners ("Petitioner") has submitted a request to amend Section 23.1-12, Definitions, Section 23.3-14, Downtown (DT), Section 23.3-6 – Permitted Use Table and Section 23.4-13 Medium and High Intensity Conditional Uses. The purpose of the amendment is to allow Drive through Facilities as a conditional use within the Downtown (DT) zoning district, specifically west of Dixie Highway.

The Municipal Code of the City of Lake Worth was adopted in 1979 by way of Ordinance No. 79-9 and has been subsequently amended over the past 37 years. Since its inception the Code has been amended to adapt to the changing needs of the City.

On August 6, 2013 the City of Lake Worth adopted Chapter 23 – Land Development Regulations of the Code of Ordinances. Since its adoption in 2013, the City has initiated code revisions to provide clarification, consistency as well as addressing issues that have arisen over time.

The Downtown (DT) zoning district is designed for the commercial core of Lake Worth, primarily along Lake and Lucerne Avenues from Golfview to the Florida East Coast Railroad right-of-way. The DT district is intended to provide the establishment and expansion of a broad range of office, retail and commercial uses, including higher density residential use.... The establishment of certain uses is subject to conditional use review to ensure they will not have a negative impact on nearby residential uses or on the commercial viability of their neighbors.

The Applicant, Stateside Partners LLC, owns several parcels of land to the south of 2nd Avenue North and to the west of South Dixie Highway. The Downtown core of the City of Lake Worth is a critical commercial area of the City that is in need of redevelopment projects. The Applicant is proposing to develop a vacant parcel that will provide infill development along Dixie Highway within the Downtown district.

Currently, the Land Development Regulations do not allow Drive through Facilities within the Downtown District. The purpose of the Zoning Text Amendment is to allow a Drive through Facility as a conditional use for properties zoned Downtown (DT) west of Dixie Highway, while excluding drive through for all Restaurant uses within the Downtown zoning district.

In addition, to ensure compatibility and mitigate any potential impacts on surrounding properties, staff is proposing additional language to be added to Section 23.4-13 – Medium and high intensity conditional uses, which would provide additional requirements for drive through facilities.

The proposed amendments are to add specific language to Section 23.3-14 to restrict drive through facilities use to properties within the Downtown District and west of Dixie Highway. The purpose for restricting the use to the west side of Dixie Highway is due to the particularities of these properties and to their performance. Properties on the west of Dixie Highway are not the same as those properties within the core of the Downtown district. Specifically, the core of the Downtown district is oriented to pedestrian traffic, while the Dixie Highway corridor is geared toward vehicular traffic. There are only a handful of parcels that would be affected by this Text Amendment. Allowing and limiting Drive through facilities on the west side of Dixie Highway will promote redevelopment of several parcels that have been vacant for a long time.

As such, the Petitioner is proposing to amend to the Downtown (DT) permitted uses in the City's LDRs as follows:

Section 23.3-14.c.2.A

2. Principal uses permitted as either administrative or conditional uses.
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 - D. Personal services - medium to high intensity.
 - E. Cultural and artisanal arts - medium to high intensity.
 - F. Institutional - medium to high intensity.
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 - H. Places of worship.

Section 23.3.6 – Permitted Use Table

The modifications to the Permitted Use Table include adding a new use category, Drive Through Facilities, excluding all Restaurant uses and adding it as a conditional use within the MU-East, MU-East 10th & 6th, DT, Mixed Use-Dixie Highway, and Mixed Use-West, Lake & 10th zoning districts. This would be consistent with the zoning categories in which Drive through Facilities are currently allowed as a conditional use.

In addition to the applicant's request, staff is proposing the following definition, and requirements to the Medium and High Intensity Conditional Uses section.

Proposed Language:

Section 23.1-12 - Definitions

Definition: Drive-Through Facility: A commercial facility which provides a service directly to a motor vehicle or where the customer drives a motor vehicle onto the premise and to a window or mechanical device through or by which the customer is serviced without exiting the vehicle.

Section 23.4-13. Medium and High Intensity Conditional Uses

14. Drive-Through Facilities.

- (1) Purpose. It is the purpose of this section to provide regulations and standards for the establishment of drive-through facilities as conditional uses through the appropriate decision making authority.
- (2) Regulations and standards. Drive-through facilities shall be designed to minimize conflicts between pedestrian and vehicular circulation. The facility, including the stacking lanes, must not be visible from public rights-of-way and shall be subject to the standards listed below.
 - a. Separation. Each drive-through lane shall be separated from circulation routes necessary for ingress or egress from the property or access to any parking space.
 - b. Drive-through facilities shall be 100 feet from any residential zoning district.
 - c. Marking. Each drive-through lane shall be striped, marked, or otherwise distinctly delineated in a manner acceptable to the city.
 - d. Queuing and stacking. The queuing or vehicle stacking capacity of a drive-through facility, including a gated entrance to a residential development, shall be at least 100 feet. The minimum distance shall be measured from the centerline of the window closest to the edge of right-of-way from which access is provided. The stacking capacity may be increased based upon individual circumstances as determined by the city.
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 3. The building facade shall be modulated and divided into smaller identifiable pieces to articulate the plane of the facade.
 4. The building facade shall have at least one offset having a pitched roof.

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5. Additional landscaping for the screening of drive-through facilities is required in accordance with Article 6, Section 23.6-1 Landscape Regulations.
 6. Roofing. Roofs constructed as part of a drive-through facilities shall be consistent with the architectural style, materials, and colors of the principal structure.
 7. Noise. Any drive-up or drive-through speaker system shall emit no more than 65 (dB) decibels and at no time shall any speaker system be audible above daytime ambient noise levels beyond the real property lines of the site. The system shall be designed to compensate for ambient noise levels in the immediate area.

CONSEQUENT ACTION:

The decision of the Planning and Zoning Board will be a recommendation to the City Commission, which will make the final decision.

STAFF RECOMMENDATION:

Staff recommends that the Planning & Zoning Board **APPROVE** the Text Amendment to amend Section 23.1-12, Definitions, Section 23.3-14, Downtown (DT), Section 23.3-6, the Permitted Use Table and Section 23.4-13, Medium and High Intensity Conditional Uses of the City's Land Development Regulations (LDRs), to allow Drive Through Facilities as a Conditional Use within the Downtown Zoning District specifically west of Dixie Highway.

POTENTIAL MOTIONS:

"I MOVE TO APPROVE/DENY P&ZB PR No. **P&ZB PR NO. 16-02900002**: Consideration of a request for a **Zoning Text Amendment** to amend Section 23.1-12, Definitions, Section 23.3-14 Downtown District, Section 23.3-6, the Permitted Use Table and Section 23.4-13, Medium and High Intensity Conditional Uses of the City's Land Development Regulations (LDRs), to allow Drive Through Facilities as a Conditional Use within the Downtown Zoning District specifically west of Dixie Highway.

LOCATION MAP



Attachments:

- A. Justification Statement
- B. Excerpt of Permitted Use Table

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ORDINANCE NO. 2016-15 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 23 OF THE CODE OF ORDINANCES BY AMENDING ARTICLE 3 DIVISION 1, SECTION 23.3-6, PERMITTED USE TABLE; ARTICLE 3, DIVISION 3, SECTION 23.3-14, DT – DOWNTOWN; ARTICLE 4, SECTION 23.4-13 MEDIUM AND HIGH INTENSITY CONDITIONAL USES; PROVIDING FOR SEVERABILITY; CONFLICTING ORDINANCES REPEALED; CODIFICATION CLAUSE; AND EFFECTIVE DATE.

WHEREAS, the City of Lake Worth, Florida (the “City”) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the City adopted a new Chapter 23 Land Development Regulations of the code of ordinances on August 6, 2013; and

WHEREAS, as use of the new Chapter 23 proceeds, items are identified that need clarification or revision in order to refine and implement the code; and

WHEREAS, the City periodically amends and updates the Land Development Regulations; and

WHEREAS, on April 6, 2016 this amendment was reviewed by the Lake Worth Planning and Zoning Board at a public hearing and the Board found the amendment to be consistent with the Comprehensive Plan and made a recommendation to the City Commission to adopt the amendment; and

WHEREAS, on April 13, 2016 this amendment was reviewed by the Historic Resources Preservation Board which made a recommendation to the City Commission to adopt the amendment; and

WHEREAS, the City Commission has reviewed the recommended amendments and has determined that it is in the best interest of the public health, safety and general welfare of the City, its residents and visitors to adopt these amendments.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH, FLORIDA, that:

Section 1. The foregoing “WHEREAS” clauses are true and correct and are hereby ratified and confirmed by the City Commission.

Section 2. Chapter 23 Article 1. Division 2 Section 23.1-12, Definitions is amended by adding the words and letters shown in underline as indicated in exhibit A.

Chapter 23 Article 3. Division 1 Section 23.3-6, Permitted Use Table is amended by adding the words and letters shown in underline as indicated in exhibit B.

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Section 3. Chapter 23 Article 3. Division 3 Section 23.3-14, Downtown (DT) is amended by adding the words and letters shown in underline as indicated in exhibit C.

Section 4. Chapter 23 Article 4. Section 23.4-13, Medium and High Intensity Conditional Uses is amended by adding the words and letters shown in underline as indicated in exhibit D.

Section 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 6. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

Section 7. Codification. All exhibits of the ordinance shall be made a part of the City code of ordinances and may be re-numbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section”, “division”, or any other appropriate word.

Section 8. Effective Date. This Ordinance shall take effect ten days after its adoption.

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The passage of this Ordinance on first reading was moved by _____, seconded by _____, and upon being put to a vote, the vote was as follows:

- Mayor Pam Triolo _____
- Vice Mayor Scott Maxwell _____
- Commissioner Christopher McVoy _____
- Commissioner Andy Amoroso _____
- Commissioner Ryan Maier _____

The Mayor thereupon declared this Ordinance duly passed on first reading on the _____, 2016.

The passage of this Ordinance on second reading was moved by Commissioner _____, seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

- Mayor Pam Triolo
- Vice Mayor Scott Maxwell
- Commissioner Christopher McVoy
- Commissioner Andy Amoroso
- Commissioner Ryan Maier

The Mayor thereupon declared this Ordinance duly passed and enacted on the _____, 2016.

LAKE WORTH CITY COMMISSION

By: _____
Pam Triolo, Mayor

ATTEST:

Pamela J. Lopez, City Clerk

EXHIBIT A

Chapter 23

ZONING

ARTICLE 1 GENERAL PROVISIONS, DIVISION 2, SECTION 23.1-12 DEFINITIONS

Amended by adding the words and figures shown in underline type and deleting the words and figures crossed through.

Drive –Through Facility: A commercial facility which provides a service directly to a motor vehicle or where the customer drives a motor vehicle onto the premise and to a window or mechanical device through or by which the customer is serviced without exiting the vehicle.

Exhibit B

Chapter 23

ZONING

ARTICLE 3 ZONING DISTRICTS, DIVISION 1, SECTION 23.3-6 PERMITTED USE TABLE

Amended by adding the words shown in underlined type and deleting the words crossed through.

(to be inserted)

Exhibit C

Chapter 23

ZONING

ARTICLE 3 ZONING DISTRICTS, DIVISION 2, SECTION 23.3-14 DOWNTOWN (DT)

Amended by adding the words shown in underlined type and deleting the words crossed through.

Sec. 23.3-14.c.2.A.

2. Principal uses permitted as either administrative or conditional uses.

- A. Commercial – medium to high intensity.
 - i. Commercial Drive Through (excluding all restaurant uses and properties fronting Lake and Lucerne Avenues), west of Dixie Highway.
- B. Office – medium to high intensity.
- C. Retail - medium to high intensity.
- D. Personal services - medium to high intensity.
- E. Cultural and artisanal arts - medium to high intensity.
- F. Institutional - medium to high intensity.
- G. Parking facilities including temporary.
- H. Places of worship.

Exhibit D

Chapter 23

ZONING

* * *

ARTICLE 4 DEVELOPMENT STANDARDS, SECTION 23.4-13. EXTERIOR LIGHTING

Amended by adding the words and letters shown in underline type and deleting the words crossed through.

Sec. 23.4-13. – Medium and High Intensity Conditional Uses.

14. Drive-Through Facilities.

1. Purpose: It is the purpose of this section to provide regulations and standards for the establishment of drive-through facilities as conditional uses through the appropriate decision making authority.
2. Regulations and standards: Drive-through facilities shall be designed to minimize conflicts between pedestrian and vehicular circulation. The facility, including the stacking lanes, must not be visible from public rights-of-way and shall be subject to the standards listed below.
 - a. Separation. Each drive-through lane shall be separated from circulation routes necessary for ingress or egress from the property or access to any parking space.
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 - c. Marking. Each drive-through lane shall be striped, marked, or otherwise distinctly delineated in a manner acceptable to the city.
 - d. Queuing and stacking. The queuing or vehicle stacking capacity of a drive-through facility shall be at least 100 feet. The minimum distance shall be measured from the centerline of the window closest to the edge of right-of-way from which access is provided. The stacking capacity may be increased based upon individual circumstances as determined by the city.
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 1. All principal and accessory structures related to the drive-through facilities shall be 100 feet from any residential zoning district.

2. The building facade shall have windows that occupy no less than 25% of the facade and that are located at the pedestrian level. A maximum of 10% of this 25% may be non-transparent windows.
3. The building facade shall be modulated and divided into smaller identifiable pieces to articulate the plane of the facade.
4. The building facade shall have at least one offset having a roof.
5. Additional landscaping for the screening of drive-through facilities is required in accordance with Article 6, Section 23.6-1 Landscape Regulations.
6. Roofing. Roofs constructed as part of a drive-through facilities shall be consistent with the architectural style, materials, and colors of the principal structure.
7. Noise. Any drive-up or drive-through speaker system shall emit no more than 65 (dB) decibels and at no time shall any speaker system be audible above daytime ambient noise levels beyond the real property lines of the site. The system shall be designed to compensate for ambient noise levels in the immediate area.

	SF-R	SF-TF 14	MH-7	MF- 20	MF- 30	MF- 40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU- FH	MU- DH	MU- W Lake & 10th	TOD- E	TOD- W	NC	BAC	AI	I-POC	PD	P	PROS	CON	FEC	HOTEL	
COMMERCIAL																											
High Intensity Commercial Uses - Greater than 7,500 sq. ft.																											
Bars/clubs with live entertainment											C		C	C						C							
Bars without live entertainment											C		C	C	C					C							
Cold Storage																				C	C						
Contractor (Office with no outdoor storage yard)							C						C	C						C	C						
Contractor (Office with outdoor storage yard)																					C						
Dead Storage Facilities														C						C	C						
Drive Through Facilities									C	C	C		C	C													
Eating and Drinking Establishments, w/ Drive Through									C	C			C	C													
Eating and Drinking Establishments, w/o Drive Through									C	C			C	C													
Financial Institution w/ Drive Through									C	C			C	C													
High Intensity Financial Institution							C			C	C	C	C	C	C												
Hotels							C		C		C	C	C	C	C												C
Indoor Commercial Recreation (Reference Ordinance Chapter 14)														C	C					C	C						
Laundry Facilities - Public							C							C	C	C	C										
Linen service/uniform service																					C						
Printing Services							C			C	C		C	C	C	C				C	C						
Mini-Warehouses														C	C					C	C					A	
Motels							C	C	C	C	C	C	C	C						C							
Motel or Hotel, extended stay											C		C	C							C						
Outdoor Commercial Recreation (See Indoor Commercial Recreation)															C					C	C						
Printing Services														C	C					C	C						
Restaurants Accessory to Hotel or Motel							C		C	C	C	C	C	C	C												
Restaurants w/Drive Throughs							C		C		C		C	C						C							
Restaurants - High Turn Over							C		C	C	C		C	C	C	C		A		C							
Restaurants - Medium Turn Over							A			A			A	A	A	A		A	A			A					
Restaurants - Low Turn Over							A	A	A	A	A		A	A	A	A	A	A	A	A			A				
Single Destination Commercial										C	C		C	C	C	C				C							
Truck/Van Rentals															C							C					
Veterinary Offices, w/ Kennels													C	C						C	C						
Warehouse Facilities															C					C	C						
Wholesale and Distribution Facilities															C					C	C						
COMMERCIAL																											
Medium Intensity Commercial Uses - Less than 7,500 sq. ft.																											
Bars without live entertainment											A		A	A	A	A				A							
Bars/clubs with live entertainment											C		C	C						C							
Bed and Breakfast Inns	C	C		C	C	C	C	C	C	C	C	C	C							C							
Caterering/Caterer							A						A	A	A	A				A							
Contractor (Office only, no outdoor storage yard)							A	A	A	A	A	A		A	A	A				A	A						
Drive Through Facilities											C																
Contractor (Office with outdoor storage yard)																						C					
Dry cleaners													A	A						A							
Eating and Drinking Establishments, w/ drive through							C		C	C	C		C	C	C	C			C	C		C					
Eating and Drinking Establishments, w/o drive through							A		A	A	A		A	A	A	A			P	C		P					
Financial Institution w/o Drive Through							A		A	A	A		A	A	A	A											
Financial Management Services							A	A	A	A	A		A	A	A	A											
Funeral Home/ Crematory							C	C					C									C					
Hotels							A		A		A		A	A	A	A											
Indoor Commercial Recreation (Reference Ordinance Chapter 14)							A			A		A	A	A						A	A						
Laundromat self service							A		A	A	A		A		A							P					
Laundry Establishments - Private							A			A		A		A								P					
Linen service/uniform service													A							A	A						



AGENDA DATE: May 3, 2016

DEPARTMENT: Community Sustainability

EXECUTIVE BRIEF

TITLE:

Ordinance No. 2016-16 - Adopt Florida Building Code 2014 Edition and Administrative Amendments

SUMMARY:

This ordinance proposes the adoption of the 2014 edition of the Florida Building Code including specific administrative amendments.

BACKGROUND AND JUSTIFICATION:

The Florida Building Commission has adopted, by rule, pursuant to section 120.536(1) and 120.54, Florida Statutes, the 2014 Florida Building Code (Code) with an effective implementation date of June 30, 2016. The Code is applicable throughout the entire State of Florida pursuant to section 553.73(6), Florida Statutes, without adoption on the City for implementation. However, section 553.73(4)(a), Florida Statutes, authorizes the City to adopt local amendments to the administrative provisions contained in Chapter 1 of the Code, so long as any such administrative amendments are more stringent than the minimum standards contained in the Code. The recommended administrative amendments for the City are included as part of the proposed ordinance as Exhibit "A".

MOTION:

I move to approve/disapprove Ordinance No. 2016-XX on first reading and to schedule the second reading and public hearing date for May 17, 2016.

ATTACHMENT(S):

Fiscal Impact Analysis – N/A

Ordinance No. 2016-xx, w/Exhibit A

ORDINANCE NO. 2016-__ OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 9, "BUILDINGS AND STRUCTURAL REGULATIONS", ARTICLE I, "IN GENERAL", SECTION 9-2.1, "CITY OF LAKE WORTH ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODES ADOPTED", BY ADOPTING BY REFERENCE THE CITY OF LAKE WORTH ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE 2014 EDITION; PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE

WHEREAS, pursuant to the home rule powers of the City of Lake Worth granted by Chapter 166, Florida Statutes, the City has the authority to exercise its police powers and regulatory powers to protect the health, safety and welfare of its citizens; and

WHEREAS, the Florida Building Commission has adopted by rule, pursuant to sections 120.536(1) and 120.54, Florida Statutes, the 2014 Edition of the Florida Building Code; and

WHEREAS, subject to the provisions of the law, responsibility for enforcement, interpretation, and regulation of the Florida Building code shall be vested in a specified local government; and

WHEREAS, local governments may adopt amendments to the administrative provisions of the Florida Building Code, subject to the limitations of section 553.73(4)(a), Florida Statutes; and

WHEREAS, the adoption of administrative amendments serves the public interest by strengthening and clarifying the proper administration of the Florida Building Code, which includes building, electrical, plumbing, mechanical, and other technical codes, for the health, safety, and general welfare of the citizens of the City of Lake Worth.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH, FLORIDA, that:

Section 1. The foregoing "WHEREAS" clauses are true and correct and are hereby ratified and confirmed by the City Commission.

Section 2. Chapter 9, "Buildings and Structural Regulations", Article I, "In General", Section 9-2.1, "City of Lake Worth administrative amendments to the Florida Building Codes adopted" is hereby amended as follows:

Sec. 9-2.1. - City of Lake Worth administrative amendments to the Florida Building Codes adopted.

The City of Lake Worth Administrative Amendments to the Florida Building Code, 2010 ~~2014~~ Edition, set out in Exhibit A attached hereto, are hereby adopted by reference and shall be in force and effect as if fully set out in this section.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Codification. The sections of the ordinance may be made a part of the City Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section", "division", or any other appropriate word.

Section 6. Effective Date. This Ordinance shall become effective on ten (10) days after passage.

The passage of this Ordinance on first reading was moved by Commissioner _____, seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Mayor Pam Triolo	_____
Vice Mayor Scott Maxwell	_____
Commissioner Christopher McVoy	_____
Commissioner Andy Amoroso	_____
Commissioner Ryan Maier	_____

The Mayor thereupon declared this Ordinance duly passed on first reading on the ____ day of _____, 2016.

The passage of this Ordinance on second reading was moved by Commissioner _____, seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Mayor Pam Triolo	_____
Vice Mayor Scott Maxwell	_____
Commissioner Christopher McVoy	_____
Commissioner Andy Amoroso	_____
Commissioner Ryan Maier	_____

The Mayor thereupon declared this Ordinance duly passed and enacted on the ____ day of _____, 2016.

LAKE WORTH CITY COMMISSION

By: _____
Pam Triolo, Mayor

ATTEST:

Pamela J. Lopez, City Clerk

EXHIBIT A

Exhibit A
City of Lake Worth
Local Amendments to the
Florida Building Code (FBC) 2014
Chapter 1 Administration

Chapter 1 Administration

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CHAPTER 1
ADMINISTRATION

**SECTION 101
GENERAL**

101.1 Title. These regulations shall be known as the Lake Worth Amendments to the Florida Building Code hereinafter referred to as “this code.”

101.2 Scope. The provisions of this code shall apply to the construction, alteration, movement, 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 dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the Florida Building Code, Residential.
2. Existing buildings undergoing repair, alterations or additions and change of occupancy shall comply with the Florida Building Code, Existing Building.

101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

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.

101.3 Intent. The purpose of this code is to establish the minimum requirements to safeguard the public health, safety 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 safety to fire fighters, code officials, 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 and 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. The 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. Further, no Building Department

employee shall be liable in tort for damage from such conditions, in accordance with Section 768.28(9)(a) Florida Statutes, as may be amended.

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.

101.4.1 Electrical. The provisions of Chapter 27 of the Florida Building Code, Building shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

101.4.2 Gas. The provisions of the International Fuel Gas Code with the Florida Fuel Gas Code Supplement 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.

101.4.3 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.

101.4.4 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.

101.4.5 Property maintenance. Reserved.

101.4.6 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 and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

101.4.7 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.

101.4.8 Accessibility. For provisions related to accessibility, refer to Florida Building Code, Accessibility.

101.4.9 Manufactured buildings. For additional administrative and special code requirements, see section 428, Florida Building Code, Building, and Rule 9B-1 F.A.C.

SECTION 102 APPLICABILITY

102.1 General. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

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.

102.1.2 In addition to the requirements of this code, there may be other regulations affecting details of development, building design, and construction.

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 Chapter 34 of this code and 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 V (*Section 553.501-553.513, Florida Statutes*) relating to accessibility by persons with disabilities, and permits shall be required for structural support and tie down, electrical supply, and all utility connections to such mobile or modular structures.
 - (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.
- Exception:** Electrical or plumbing work or connection, or other non-wood features shall not be exempted from this code.
- (i) Service provider water, sewer, storm, gas, cable, telephone, or other similar utility systems are exempt to the point of service connection for the building or structure.
 - (j) Family mausoleums not exceeding 250 square feet 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.
 - (k) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

102.2.1 In addition to the requirements of Section 553.79 and 553.80, Florida Statutes, facilities subject to the provisions of *Chapter 395, Florida Statutes* (Hospital Licensing and Regulation), and *Parts II and VIII of Chapter 400, Florida Statutes* (Nursing Homes), 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 Parts II and VIII of Chapter 400, Florida Statutes,* and the certification requirements of the federal government.

102.2.2 Buildings or structures for residential uses 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 original 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 applicable Florida Statutes for all buildings or structures of the same residential occupancy class.
7. The requirements of *Florida Building Code, Existing Building* are also satisfied.

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.

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 replacing nonstructural components of building systems in a residential dwelling unit. A licensed contractor performing such work for the resident shall also be exempt from individual permits and inspections if either the owner or the licensed contractor obtains a valid Annual Permit per Section 105.1.1 of this Code and all such work is reported as required in Section 105.1.2 of this Code for compliance evaluation. No added capacity, system expansion or new building

work of any type shall be excluded from individual permit and inspection by this provision.

102.2.6 This Code 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.

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.

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. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

102.5 Reserved.

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 is specifically covered in this code, the Codes referenced in Section 101.4, or *the Florida Fire Prevention Code*, 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 on the surface of a roof be installed in compliance with the requirements of the Florida Building Code until the equipment is required to be removed or replaced.

SECTION 103

DEPARTMENT OF BUILDING SAFETY

103.1 Establishment. There is hereby established a department to be called the Department of Building Safety and the person in charge shall be known as the Building Official. All code officials employed by the department shall be certified in accordance with Chapter 468, Part XII, Florida Statutes.

103.2 Employee qualifications

103.2.1 Building official's qualifications. The building official shall have at least ten years combined experience as an architect, engineer, construction code official, contractor or construction superintendent with at least five years of such experience in supervisory positions. The building official shall be certified as a building official or building code administrator by the State of Florida.

103.2.2 Chief inspector qualifications. The building official, with the approval of the governing authority, may designate chief inspectors to administer the provisions of the Building, Electrical, Gas, Mechanical, and Plumbing Codes. Each chief inspector shall have at least ten years combined experience as an architect, engineer, construction code official, contractor or construction superintendent with at least five years of such experience in supervisory positions. The chief inspector shall be certified for the appropriate trade as an inspector and plans examiner by the State of Florida.

103.2.3 Plans examiner and inspector qualifications. The building official, with the approval of the applicable governing authority, may appoint or hire such number of officers, plans examiners, inspectors, assistants and other employees as shall be authorized from time to time. A person shall not be appointed or hired as a plans examiner or inspector of construction who has not had at least five years experience as a building inspector, engineer, architect, or as a superintendent, foreman, or competent mechanic in charge of construction, in the corresponding trade. The plans examiners and inspectors shall be certified through the State of Florida for the appropriate trade.

103.2.4 Deputy building official qualifications. The building official may designate as a deputy an employee in the department who shall, during the absence or disability of the building official, exercise all the powers of the building official. The deputy building official shall have the same qualifications listed in 103.2.1.

103.3 Restrictions on employees. An officer or employee connected with the department, except one whose only connection is as a member of the board established by this code, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system, or in the making of plans or of specifications thereof, unless he/she is the owner of such. This officer or employee shall not engage in any other work which is inconsistent with their duties or conflict with the interests of the department, except as instructors.

**SECTION 104
DUTIES AND POWERS OF THE
BUILDING OFFICIAL**

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.

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, structures, and service systems, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

104.3 Notices and orders. The building official shall issue all necessary notices or orders to ensure compliance with this code.

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.

104.5 Identification. The building official shall carry proper identification, as issued by the jurisdiction, when inspecting structures or premises in the performance of duties under this code.

104.6 Right of entry.

104.6.1 Where it is necessary to make an inspection to enforce any of the provisions of this code, or where the building official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, or premises, unsafe, dangerous or hazardous, the building official is authorized to enter the building, structure or premises at all reasonable times to inspect or to perform any duty imposed by this code, provided that if such building, structure or premises are occupied, credentials be presented to the occupant and entry requested. If such building, structure, or premises are unoccupied, the building official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building, structure, or premises, and request entry. If entry is

refused, the building official shall have recourse to every remedy provided by law to secure entry.

104.6.2 When the building official shall have first obtained a proper inspection warrant in accordance with *F.S. 933*, or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the building official for the purpose of inspection and examination pursuant to this code.

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 *F.S. 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 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 or member because of an act performed by that officer or employee or member 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.

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.

104.9.1 Used materials and equipment. The use of used, recycled, or reclaimed materials which 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.

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 (excluding floodplain provisions as set forth in this code, City code, and the National Flood Insurance Program), 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.

104.11 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, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. When alternate life safety systems are designed, the SFPE *Engineering Guide to Performance-Based Fire Protection Analysis and Design of Buildings*, or other methods approved by the building official may be used. The building official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternative.

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.

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.

104.11.3 Accessibility. Alternative designs and technologies for providing access to and usability of a facility for persons with disabilities shall be in accordance with provisions of the Florida Building Code, Accessibility.

104.12 Requirements not covered by code. Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this or the other technical codes, shall be determined by the building official.

**SECTION 105
PERMITS**

105.1 Required. Any contractor, owner, or agent authorized in accordance with Florida Statute 489 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, plumbing or fire protection system, or accessible or flood resistant site element, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

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 sites 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.

105.1.2 Annual 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. The building official is authorized to revoke or withhold the issuance of the future annual permits if code violations are found to exist.

105.1.3 Food permit. As per 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.

105.2 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. Permits shall not be required for the following:

Building:

1. Building permits are not required for replacement or repair work having value of less than \$1,000.00, providing, however, that such work will not adversely effect the structural integrity, fire rating, exit access or egress requirements.
2. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work, with no electrical or plumbing work. This exception does not include hard flooring immediately above adjacent dwelling units.

3. Temporary motion picture, television and theater sets and scenery.
4. Swings and other playground equipment accessory to detached one- and two-family dwellings, but they may be subject to Zoning permits.
5. Retractable awnings supported by an exterior wall and do not require additional support of Groups R-3 and U occupancies, but they may be subject to Zoning permits.
6. Non fixed and movable fixtures, cases, racks, and counters not over 5 feet 9 inches (1753 mm) in height.

Electrical:

1. Repairs and maintenance: Repair or replacement of *like* common household electrical fixtures, switches, and outlets on the load side of the electrical source. Minor repair work, including the replacement of lamps or the connection of *approved* portable electrical equipment to *approved* permanently installed receptacles.
2. 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.
3. 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 which 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 (746 W) 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.
3. The replacement of common household plumbing fixtures to existing supply lines and outlets. This does not include water heaters.

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. Prior notification shall be given to the building official including the work address, nature of emergency and scope of work.

105.2.2 Minor repairs. Ordinary minor repairs or installation of replacement parts may be made with the prior 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 minor 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.

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.

105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the 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 *Section 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.

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 therefore. 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 therefore 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. 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:
 - A. Requires an electrical or plumbing or air-conditioning and refrigeration system with a value of over \$125,000; and

- B.
- 1) 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.
 - 2) Requires a plumbing system with 250 fixture units or more.
 - 3) Requires Heating, ventilation and air-conditioning system that exceeds a 15-ton-per- system capacity, or if the project is designed to accommodate over 100 persons
2. Fire sprinkler documents for any new building or addition which includes a fire sprinkler system which contains 50 or more sprinkler heads. A Contractor I, Contractor II or Contractor IV, certified under Section 633.521, *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. 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.

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 sealed such document as provided in *Section 471.025, Florida Statutes*.

105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned and invalid, six months after the date of filing, or for any six month period of abandonment or suspension during the application process, 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 three months each. The extension shall be requested in writing prior to the abandonment date and justifiable cause demonstrated. Abandoned applications shall be subject to destruction in accordance with state law. The fee for renewal, extension of a permit application shall be set forth by the administrative authority.

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 therefore 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 *Section 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 Community Affairs.

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 ordinances 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, or renewal of the original permit, covering the proposed construction shall be obtained before proceeding with the work.

105.4.1.2 If a new permit, or renewal of the original permit, is not obtained within six months 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 six months. 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. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 3 months each. The extension shall be requested in writing and justifiable cause demonstrated, prior to expiration.

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. Reserved

105.6 Suspension or Revocation of permits

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

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

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. As per *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. 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. Refer to Section 105.3.6 "Asbestos Removal" for additional requirements.

105.10 Certificate of protective treatment for prevention of termites. A weather-resistant job-site posting board shall be provided to receive duplicate treatment certificates shall be provided as each required protective treatment is completed, supplying one 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. For a bait system, see Section 1816.1.7 of the Florida Building Code for contract document requirements.

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 written request and 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. This provision is only for the Florida Building Code, all other Agency approvals necessary for construction must be secured prior to this provision being applied.

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. This provision is only for the Florida Building Code, all other Agency approvals necessary for construction must be secured prior to this provision being applied.

105.14 Permit issued on basis of an affidavit. 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. 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 inspect such work. 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. In addition, they shall certify conformity to the permit, *and* upon completion of the structure, electrical, gas, mechanical or plumbing systems make and file with the building official written affidavit that the work has been done in conformity to the reviewed plans and 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. 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*. Nothing aforesaid shall preclude plan review or inspections by the building official, and no affidavits may be accepted to address specific floodplain provisions as set forth in this code, City code, and the National Flood Insurance Program.

105.15 Opening protection. When any activity requiring a building permit 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 structures 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 structures 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: Single family residential structures permitted subject to the Florida Building Code are not required to comply with this section.

SECTION 106

FLOOR AND ROOF DESIGN LOADS

106.1 Live loads posted. Where the live loads for which each floor or portion thereof of a commercial or industrial building is or has been designed to exceed 50 psf (2.40 kN/m²), such design live loads shall be conspicuously posted by the owner in that part of each *story* in which they apply, using durable signs. It shall be unlawful to remove or deface such notices

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.

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

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. Electronic media documents shall be submitted when required by the building official, and may require only one set of submittals.

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.

If the design professional is an architect, interior designer, landscape architect, or engineer legally registered under the laws of this state regulating the practice of architecture or interior design as provided for in *Chapter 481, Florida Statutes, Part I*, or landscape architecture as provided for in *Chapter 481, Florida Statutes, Part II*, or engineering as provided for in *Chapter 471, Florida Statutes*, then he or she shall affix his or her official seal to said drawings, specifications and accompanying data, as required by *Florida Statute*.

107.2 Construction documents. *Construction documents* shall be in accordance with Sections 107.2.1 through 107.2.5.

107.2.1 Information on construction documents. Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents shall be submitted when 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. (See also Section 107.3.5).

107.2.1.1 Fire protection system shop drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with 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.

107.2.1.2 For roof assemblies required by the code, the construction documents shall illustrate, describe and delineate the type of roofing system, materials, fastening requirements, flashing requirements and wind resistance rating that are required to be installed. Product evaluation and installation shall indicate compliance with the wind criteria required for the specific site or a statement by an architect or engineer for the specific site must be submitted with the construction documents.

107.2.1.3 Additional data. The building official may require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations. All drawings, specifications and accompanying data required by the building official to be prepared by an architect or engineer shall be affixed with their official seal, signature and date as state law requires.

107.2.1.4 Quality of building plans. Building plans shall be drawn to a minimum 1/8 inch scale upon substantial paper, cloth or other acceptable medium. The building official may establish through departmental policy, other standards for plans and specifications, in order to provide conformity to its record retention program. This policy may include such things as minimum size, shape, contrast, clarity, or other items related to records management. Electronic media must be compatible with the archive requirements of *Florida Statutes*.

107.2.2 Reserved.

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* 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.

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 which was tested, where applicable, as well as the test procedure used.

107.2.5 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 when the application for *permit* is for *alteration* or repair or when otherwise warranted.

107.2.5.1 Design flood elevations. Where *design flood* elevations are not specified, they shall be established in accordance with Section 1612.3.1.

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 (including utility crossover connections) and construction at the site are subject to local permitting and inspections. Photocopies of plans approved according to FAC 9B-1.009, F.A.C., 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 appropriate 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.

107.3.1 Approval of construction documents. When the building official issues a permit, the construction documents shall be noted, 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.

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 lawfully authorized, and the construction of which has been pursued in good faith within 6 months after the effective date of this code and has not been abandoned.

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.

107.3.4 Design professional in responsible charge.

107.3.4.1 General. When it is required that documents be prepared by a *registered design professional*, the *building official* shall be authorized to require the owner 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 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 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. Those products which are regulated by DCA Rule 9N-3

shall be reviewed and approved in writing by the designer of record prior to submittal for jurisdictional approval.

107.3.4.2 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* within a specified period. 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*.

107.3.4.3 Certifications by contractors authorized under the provisions of *Section 489.115 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 penetrations; flashing; and rough opening dimensions; and all exterior elevations:

107.3.5.1 Commercial Buildings:

107.3.5.1.1 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.
 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
 - Fire blocking 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
 - Doors
 - Emergency lighting and exit signs
 - Specific occupancy requirements
 - Construction requirements
 - Horizontal exits/exit passageways

8. Structural requirements shall include:
 - Soil conditions/analysis
 - Termite protection
 - Design loads
 - Wind requirements
 - Building envelope
 - 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

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
 - Sanitation

12. Special systems:

Elevators
Escalators
Lifts

107.3.5.1.2 Electrical

1. Electrical:
Wiring
Services
Feeders and branch circuits
Overcurrent protection
Grounding
Wiring methods and materials
GFCIs
2. Equipment
3. Special occupancies
4. Emergency systems
5. Communication systems
6. Low voltage
7. Load calculations
8. Design flood elevation

107.3.5.1.3 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

107.3.5.1.4 Mechanical

1. Exhaust systems:
Clothes dryer exhaust
Kitchen equipment exhaust
Specialty exhaust systems
2. Equipment
3. Equipment location
4. Make-up air
5. Roof-mounted equipment
6. Duct systems
7. Ventilation
8. Combustion air
9. Chimneys, fireplaces and vents
10. Appliances
11. Boilers
12. Refrigeration
13. Bathroom ventilation
14. Laboratory

15. Design flood elevation

107.3.5.1.5 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

107.3.5.1.6 Energy Calculations

107.3.5.2 Demolition

1. Asbestos removal
2. Utility releases
3. Pest control certification

107.3.5.3 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. Smoke detector locations
4. Egress
Egress window size and location stairs construction requirements

5. Structural requirements shall include:
 - Wall section from foundation through roof, including assembly and materials connector tables
 - Termite protection
 - Design Loads
 - Wind requirements
 - Building envelope
 - Structural calculations (if required)
 - Foundation
 - Wall systems
 - Floor systems
 - Roof systems
6. Accessibility requirements: show/identify accessible bath
7. Impact resistant coverings or systems
8. Flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures, equipment, and flood damage-resistant materials
9. Electrical:
 - Electric service riser with wire sizes, conduit detail and grounding detail.
 - Complete load calculations, Panel schedules
10. Mechanical:
 - Equipment and location, Duct systems
11. Plumbing:
 - Plumbing riser
12. Gas:
 - Gas piping
 - Venting
 - Combustion air
 - Chimneys and vents
 - Appliances
 - Type of gas
 - Fireplaces
 - LP tank location
 - Riser diagram/shutoffs
13. Energy Calculations

107.3.5.4 Swimming Pools

1. Barrier requirements

2. Spas
3. Wading pools

107.3.5.5 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. Minor electrical, plumbing and mechanical repairs
3. Annual maintenance permits
4. Manufactured buildings or prototype building plans except for local site adaptations and foundations of buildings, which are constructed on site, and modifications or structures that require waiver.
 - a. Site requirements
 - setback/separation (assumed property lines)
 - location of septic tanks (if applicable)
 - b. Structural
 - wind zone
 - anchoring
 - blocking
 - c. Plumbing
 - List potable water source and meter size (if applicable)
 - d. Mechanical
 - exhaust system
 - clothes dryer exhaust
 - kitchen equipment exhaust
 - e. Electrical
 - exterior disconnect location

107.4 Amended construction documents. Work shall be installed in accordance with the reviewed construction documents, and any changes made during construction that are not in compliance with the reviewed construction documents shall be resubmitted for review as an amended set of construction documents.

107.5 Retention of construction documents. One set of official construction documents shall be retained by the building official as required by *Florida Statutes*.

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*.

SECTION 108 TEMPORARY STRUCTURES AND USES

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 6months. The building official is authorized to grant extensions for demonstrated cause.

108.2 Conformance. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure public health, safety and general welfare.

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 Chapter 27 of the *Florida Building Code, Building*.

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

109.1 Prescribed fees. A permit shall not be issued until fees authorized under Section 553.80, *Florida Statutes*, have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, due to an increase in the estimated cost of the

building, structure, electrical, plumbing, mechanical or gas systems, or due to additional review and inspection has been paid.

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.

109.3 Building permit valuations. If, in the opinion of the building official, the claimed valuation of building, alteration, structure, electrical, gas, mechanical or plumbing systems appears to be underestimated on the application, the permit shall be denied, unless the applicant can show detailed, quantity estimates, and/or bona fide signed contracts (excluding land value) to meet the approval of the building official. For permitting purposes, valuation of buildings and systems shall be total replacement value to include structural, electric, plumbing, mechanical, interior finish, relative site work, architectural and design fees, marketing costs, overhead and profit; excluding only land value. Valuation references may include the latest published data of national construction cost analysis services (Marshall-Swift, Means, etc.), as published by International Code Congress. Final building permit valuation shall be set by the building official.

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 building official's approval or the necessary permits shall be subject to a penalty fee in addition to the required permit fees, as set in an approved schedule of fees.

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

109.6 Refunds. The building official is authorized to establish a refund policy.

SECTION 110 INSPECTIONS

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 accessible and exposed 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 permit applicant to cause the work to remain accessible and exposed for inspection purposes. 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.

110.2 Preliminary inspection. Subject to the limitations of F.S. Chapter 553, 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.

110.2.1 Existing building inspections. Before issuing a permit, the building official may examine or cause to be examined any building, electrical, gas, mechanical, or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install, or change the occupancy. He/she may inspect the buildings, structures, electrical, gas, mechanical and plumbing systems, from time to time, before, during and upon completion of the work for which a permit was issued. He/she shall make a record of every such examination and inspection and of all observed violations of the technical codes. Additional regulations in *Florida Building Code, Existing Building* may apply.

110.3 Required inspections. The building official upon notification from the permit holder or his or her agent, shall make the following inspections, and such other inspections 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. A complete survey, or special purpose survey may be required before an inspection is approved.

A. Building

1. Foundation inspection. To be made after trenches are excavated and forms erected and required reinforcing steel is in place and, shall at a minimum include the following building components:
 - Stem-wall
 - Monolithic slab-on-grade
 - Pilings and pile caps
 - Footings/grade beams
- 1.1 Slab/Floor Inspection: Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel or framing members installed and all 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 foundation/Form board survey prepared and certified by a registered surveyor 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.

- 1.2. In flood hazard areas, upon placement of the lowest floor, including basement, and prior to further vertical construction, the elevation certification, required in Section 1612.5, shall be submitted to the building official.

2. Construction Inspections

- 2.1 Lintel/tie beams/columns/masonry units. To be made after masonry units, forms, reinforcing steel, shoring, conduit, piping accessories, and other ancillary equipment items are in place, but before any concrete is placed.

- 2.2 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
- Floor sheathing
- Sheathing fasteners
- Roof/wall dry-in.
- Gypsum board, as required
- Sheathing/cladding inspection

NOTE: Sheathing fasteners installed and found to be missing the structural member (shiners) shall be corrected prior to installation of the dry-in material.

- 2.3 Framing inspection. To be made after the roof deck or sheathing, all framing, fire blocking and bracing is in place, all concealed wiring, all pipes, chimneys, ducts and vents are complete and shall at a minimum include the following building components:

- Window/door framing and installation. Verify rough opening dimensions are within tolerances, buck and attachments
- Lintel/tie beams complete, if applicable.
- Framing/trusses/bracing/connectors (including truss layout drawings)
- Draft stopping/fire blocking
- Curtain wall framing
- Fire resistant assemblies, joints and penetrations, as required
- Accessibility.

3. Roofing inspection. Shall at a minimum include the following building components:
 - Dry-in
 - Insulation
 - Roof coverings (including in-progress)
 - Flashing
4. Energy insulation, thermal and ignition barriers
5. Lath/Drywall. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

Exception: Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly, unless otherwise determined by the building official.

6. Final inspection. To be made after the building is completed and ready for occupancy.
 - 6.1. Lowest floor elevation. 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 shell.
 - Underground electric inspection
 - Underground piping inspection including a pressure test
 - Deck inspection: to be made prior to installation of the deck material (with forms, deck drains, and any reinforcement in place).
 - Final electric inspection to be made prior to filling the swimming pool with water.
 - Final permanent barrier inspection is to be made prior to filling the swimming pool with water.
 - 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 424.2.17.
 - Final inspection to be made when the swimming pool is complete and all required enclosure requirements are in place.

8. Demolition inspections.

- First inspection to be made after all utility connections have been disconnected 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 crossovers; 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 423.27.20).
10. Where impact-resistant coverings or impact resistant systems are installed to meet requirements of this code, 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.

B. Electrical

1. Underground inspection (including bonding and ground). To be made after trenches or ditches are excavated, conduit or cable is installed, and before any backfill is put in place.
2. Rough-in inspection. To be made after the building is dried-in, framing, fire-blocking and bracing is in place, and prior to the installation of insulation (if applicable), or wall or ceiling membranes.
3. Low Voltage: To be made for security, alarm, elevator, and special uses.
4. 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.

C. Plumbing

1. Underground inspection. To be made after trenches or ditches are excavated, piping is 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 the installation of insulation (if applicable), or wall or ceiling membranes.

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.

D. Mechanical

1. Underground inspection. To be made after trenches or ditches are excavated, underground duct and fuel piping is installed, and before any backfill is put in place.
2. Rough-in inspection. To be made after the building is dried-in, framing, fire blocking and bracing are in place and all ducting, and other concealed components are complete, and prior to the installation of insulation (if applicable), or wall or ceiling membranes.
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.

E. 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.
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.

F. 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 prior to receiving final inspection approval. Construction job sites must be kept clean.
2. All debris shall be kept in such a manner as to prevent it from being spread by any means.

110.3.1 Footing and foundation inspection. Reserved.

110.3.2 Concrete slab and under-floor inspection. Reserved.

110.3.3 Reinforcing steel and structural frames. Reinforcing steel or structural frame work of any part of any building or structure shall not be covered or concealed without first obtaining a release from the building official. Certification that field welding and structural bolted connections meet design requirements shall be submitted to the building official, upon request.

110.3.4 Termites. Building components and building surroundings required to be protected from termite damage in accordance with Section 1503.6, Section 2304.13 or Section 2304.11.6, 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. (Also refer to Sections 105.10 and 105.11)

110.3.5 Shoring. For threshold buildings, shoring and associated formwork or falsework shall be designed and inspected by a Florida licensed professional engineer, employed by the permit holder or subcontractor, prior to any required mandatory inspections by the threshold building inspector.

110.3.6 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*.

110.3.7 Threshold building.

110.3.7.1 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.

110.3.7.2 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, may designate such building as a threshold building, subject to more than the minimum number of inspections required by the *Florida Building Code*.

110.3.7.3 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.

110.3.7.4 Each enforcement agency shall require that, on every threshold building:

110.3.7.4.1 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."

110.3.7.4.2 Any proposal to install an alternate structural product or system to which building codes apply shall 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.

110.3.7.4.3 All shoring and reshoring procedures, plans and details shall 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.

110.3.7.4.4 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*.

110.3.7.5 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.

110.3.7.6 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.

110.3.8 Reserved.

110.3.9 Other inspections services. The building official may make, or cause to be made by others, the inspections required by Section 109. He/she may accept reports of inspectors of recognized inspection services, provided that after investigation he/she is satisfied as to their qualifications and reliability. A certificate called for by any provision of the technical codes shall not be based on such reports unless the same are in writing and certified by a responsible officer of such service. The building official may require the owner to employ an inspection service in the following instances:

1. For buildings or additions of Type I or II construction
2. For all major structural alterations
3. Where the concrete design is based on compressive strength (f 'c) in excess of 3000 pounds per square inch
4. For pile driving
5. For buildings with area greater than 20,000 square foot
6. For buildings more than 2 stories in height
7. For buildings and structures of unusual design or methods of construction

Such inspectors shall be adequately present at times work is underway on the structural elements of the building. Such inspectors shall be a registered architect, or engineer, or a person licensed under *Chapter 468, Part XII, Florida Statutes*. Such inspectors shall submit weekly progress reports including the daily inspections to the building official, and including a code compliance opinion of the Resident Inspector.

At the completion of the construction work or project, such inspectors shall submit a certificate of compliance to the building official, stating that the work was done in compliance with this code and in accordance with the permitted drawing. Final inspection shall be made by the building official before a Certificate of Occupancy or Certificate of Completion is issued; and confirmation inspections may be made at any time to monitor activities and resident inspectors.

110.3.9.1 Affidavit for Inspection. With specific prior approval of, and in a format acceptable to the building official, an affidavit for certification of inspection may be accepted from the permit qualifier; when accompanied by extensive photographic evidence of sufficient detail to demonstrate code compliance. The photographic evidence shall be comprehensive in the display of the installation and/or construction and job location identifiers. The affidavit and accompanying photographs shall be provided to the inspector onsite, at the next scheduled inspection. If the photographs are found to be insufficient by the building official to demonstrate compliance with this code and/or the permitted document, or clearly display location identifiers, or are missing, the inspector shall require the contractor to obtain the services of a Registered Florida Professional Engineer to inspect and certify the installation and/or construction. Affidavits may not be accepted to obviate specific floodplain inspection provisions set forth in this code, City code, and the National Flood Insurance Program.

110.3.10 Inspections prior to issuance of Certificate of Occupancy or Completion. The building official shall inspect or cause to be inspected, at various intervals, all construction or work for which a permit is required, and a final inspection shall be made of every building, structure, electrical, gas, mechanical or plumbing system upon completion, prior to the issuance of the Certificate of Occupancy or Certificate of Completion. In performing inspections, the building official shall give first priority to inspections of the construction, addition, or renovation to, any facilities owned or controlled by a state university, state community college or public school district.

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

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.

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 inspector. 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 Impact of construction. All construction activity regulated by this code shall be performed in a manner so as not to adversely impact the condition of adjacent property, unless such activity is permitted to affect said property pursuant to a consent granted by the applicable property owner, under terms or conditions agreeable to the applicable property owner. This includes, but is not limited to, the control of dust, noise, water or drainage run-offs, debris, and the storage of construction materials. New construction activity shall not adversely impact legal historic surface water drainage flows serving adjacent properties, and may require special drainage design complying with engineering standards to preserve the positive drainage patterns of the affected sites. Accordingly, developers, contractors and owners of all new residential development, including additions, pools, patios, driveways, decks or similar items, on existing properties resulting in a significant decrease of permeable land area on any parcel or has altered the drainage flow on the developed property shall, as a permit condition, provide a professionally prepared drainage plan clearly indicating compliance with this paragraph. Upon completion of the improvement, a certification from a licensed professional shall be submitted to the inspector in order to receive approval of the final inspection.

110.8 Hurricane Protection. It shall be unlawful for any person to allow construction related materials equipment and debris to remain loose or otherwise unsecured at a construction site from 24 hours after a hurricane watch has been issued until the hurricane watch or warning has been lifted. All such construction materials, equipment and debris shall be either removed from the construction site or secured in such a manner as to minimize the danger of such construction materials, equipment, and debris causing damage to persons or property from high winds. Any person who fails to remove or secure the construction materials equipment and debris within 24 hours after a hurricane watch has been issued shall be subject to a fine not to exceed \$500.

**SECTION 111
CERTIFICATES OF OCCUPANCY AND
COMPLETION**

111.1 Use and Occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made, until the building official has issued a Certificate of Occupancy therefore 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. Said certificate shall not be issued until all required electrical, gas, mechanical, plumbing and fire protection systems have been inspected for compliance with the technical codes and other applicable laws and ordinances and released by the building official.

Exception: Certificates of occupancy are not required for work exempt from *permits* under Section 105.2.

111.2 Certificate issued. After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the department of building safety or other agency whose approval is inherent in the building permitting process, 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.
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 department of building safety.
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.

111.3 Temporary/partial occupancy. A temporary/partial Certificate of Occupancy or Certificate of Completion may be issued for a portion or portions of a building that may safely be occupied prior to final completion of the building. The building official may require, once all life safety issues have been complied with, an applicant to provide adequate cash surety for unfinished work or revision of plans until a permanent Certificate of Occupancy or Certificate of Completion is granted. The purpose of the cash surety is to insure completion of work under this permit. Such cash surety shall be equal to one hundred ten percent (110%) of the estimated value of the remaining work, including labor and material, as determined by the design professional. The design professional shall submit a signed and sealed document attesting to the amount required to cover the cash surety. If work has not been completed and all finals requested within 90 days of issuance of the initial Temporary/Partial Certificate of Occupancy or Certificate of Completion, the jurisdiction retains the right to have the applicant surrender the cash surety. The jurisdiction then may use the surety to finish the remaining work. The surety shall be in the form of cash money, certified check, or cashiers check. Surety shall be returned upon approval of all final inspections and upon written request that has been approved by the building official.

111.4 Certificate of Completion. Upon satisfactory completion of a building, structure, electrical, gas, mechanical or plumbing system, a Certificate of Completion may be issued. This certificate 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 or connect a building, such as a shell building, prior to the issuance of a Certificate of Occupancy.

111.5 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.

SECTION 112 SERVICE UTILITIES

112.1 Connection of service utilities. No person shall 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 and a Certificate of Occupancy or Completion is issued. The servicing utility company shall not connect the power supply until notified by the building official.

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 for the purpose of testing building service systems or for use under a temporary Certificate of Occupancy.

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 unsafe condition, or when 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 whenever 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 CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS

113.1 Appointment. There is hereby established a board to be called the Construction Board of Adjustment and Appeals, which shall consist of seven members appointed by the City Commission of Lake Worth. All members of the Board must be residents of, or have business located in the City of Lake Worth.

113.2 Membership and Terms

113.2.1 Membership. Board members shall be composed of individuals with knowledge and experience in the technical codes to include, to the greatest extent possible, an architect, engineer, general contractor, electrical contractor, HVAC contractor, plumbing contractor, and any other contractor licensed category. A board member shall not act in a case in which he has a personal or financial interest.

113.2.2 Terms. The four-year terms of office of the board members shall be staggered so no more than one-third of the board is appointed or replaced in any 12-month period. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Three absences of any member from required meetings of the board shall in a 12 month period, at the discretion of the applicable governing body, render any such member subject to immediate removal from office.

113.2.3 Quorum and voting. A simple majority of the board shall constitute a quorum. In varying any provision of this code, the affirmative votes of the majority present, but not less than three affirmative votes, shall be required. In modifying

a decision of the building official, not less than four affirmative votes shall be required.

113.2.4 Secretary and Counsel to the Board. The Building Department (Department) shall provide clerical and administrative personnel as may be reasonably required by the Board for proper performance of its duties. The City Attorney or his/her designee shall attend meetings and shall serve as counsel to the Board. The Director of the Department or his/her designee shall represent the City by presenting the City's position to the Board.

113.3 Powers. The Construction Board of Adjustments and Appeals shall have the power, as further defined in 116.4, to hear appeals of decisions and interpretations of the building official and consider variances of the technical codes.

113.4 Appeals

113.4.1 Decision of the building official. The owner of a building, structure or service system, or duly authorized agent, may appeal a decision of the building official to the Construction Board of Adjustment and Appeals whenever any one of the following conditions are claimed to exist:

1. The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.
2. The provisions of this code do not apply to this specific case.
3. That an equally good or more desirable form of installation can be employed in any specific case, which *the building official has rejected or refused*.
4. The true intent and meaning of this code or any of the regulations hereunder have been misconstrued or incorrectly interpreted.

113.4.2 Variances. The Construction Board of Adjustments and Appeals, when upon written request, has been so appealed to and after a hearing, may vary the application of any provision of this code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this or the technical codes or public interest, and also finds all of the following:

1. That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.
2. That the special conditions and circumstances do not result from the action or inaction of the applicant.

3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this code to other buildings, structures or service system.
4. That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.
5. That the grant of the variance will be in harmony with the general intent and purpose of this code and will not be detrimental to the public health, safety and general welfare.

113.4.2.1 Conditions of the variance. In granting the variance, the board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the board may prescribe appropriate conditions and safeguards in conformity with this code. Violation of the conditions of a variance shall be deemed a violation of this code.

113.4.3 Notice of appeal. Notice of appeal shall be in writing and filed within 30 calendar days after the building official renders the decision. Appeals shall be in a form acceptable to the building official.

113.4.4 Unsafe or dangerous buildings or service systems. In the case of a building, structure or service system, which in the opinion of the building official, is unsafe, unsanitary or dangerous, the building official may, in the order, limit the time for such appeals to a shorter period.

113.5 Procedures of the board.

113.5.1 Rules and regulations. The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall meet on call of the chairman. The board shall meet within 30 calendar days after notice of appeal has been received.

113.5.1.1 Rules of Evidence. Formal rules of evidence shall not apply, but fundamental due process should be observed and govern the proceedings. Upon determination by the Chairperson, irrelevant, immaterial, or unduly repetitious evidence may be excluded, but all other evidence of a type commonly relied upon by reasonable, prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of Florida. Any part of the evidence may be received in written form. The Board may request certain evidence be provided by an architect or engineer registered in the State of Florida, in which case said evidence shall be signed, sealed, and dated.

113.5.1.2 Testimony. Any member of the Board or the attorney representing the Board may inquire of, or question, any witness before the Board. Any member of the Board, the petitioner or his/her attorney, and/or the building official shall be permitted to inquire of any witness before the Board. The Board may consider testimony presented by the building official, the petitioner, or any other witness.

113.5.2 Decisions. The Construction Board of Adjustment and Appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order, or disallowance of the building official or varies the application of any provision of this code, the building official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the building official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant and a copy shall be kept publicly posted in the office of the building official for two weeks after filing. Every decision of the board shall be final; subject however to such remedy as any aggrieved party might have at law or in equity.

113.6 Local Construction Regulation Board. The local government may also utilize this Board to convene as the Local Construction Regulation Board (LCRB), as provided in F.S. 489.113. The LCRB may deny, suspend, revoke or limit the authority of a certified contractor to obtain a building permit or permit with specific conditions, if the board has found such contractor, through public hearing, to be guilty of fraud or a willful building code violation within the City of Lake Worth. The Board may also, deny, suspend, revoke or limit the authority of a certified contractor to obtain a building permit or permit with specific conditions, if it has proof through the public hearing process, that a contractor has been found guilty in another county or municipality within the past 12 months, of fraud or a willful building code violation and after providing notice of an opportunity to be heard to the contractor, finds that such fraud or violation would have been fraud or a violation if committed in the City of West Palm Beach. Notification of and information concerning such permit denial shall be submitted to the Department of Business and Professional Regulation within 15 days after the local construction regulation board decides to deny the permit.

SECTION 114 VIOLATIONS

Any person, firm, corporation or agent who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any structure, electrical, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, structure, electrical, gas, mechanical or plumbing system, without full compliance with applicable codes, laws, ordinances, rules and regulations, shall be guilty of a misdemeanor. Each such person shall be considered guilty of a separate

offense for each and every day or portion thereof during which any violation of any of the provisions of applicable codes, laws, ordinances, rules and regulations is committed or continued, and upon conviction of any such violation such person shall be punished within the limits and as provided by state laws. Nothing in this section shall prevent the authority having jurisdiction from imposing fines, liens, or seek injunction relief, or exercising other enforcement powers as permitted by law. Code enforcement and penalties of *162 Florida Statutes Part I* shall be authorized if building work begins without payment of all required fees, and for the purposes of enforcing this code, code officials licensed under *Florida Statute 468 Part XII* are deemed "Code Inspectors", as defined in *Florida Statute 162.04*.

SECTION 115 STOP WORK ORDER

115.1 Stop work orders. Upon notice from the building official, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner, shall immediately cease.

115.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work.

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.

SECTION 116 UNSAFE STRUCTURES AND EQUIPMENT

116.1 Unsafe buildings or systems. All buildings, structures, electrical, gas, mechanical or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or service systems. All such unsafe buildings, structures or service systems are hereby declared illegal and shall be ordered by the building official to be abated by the owner, through repair and rehabilitation or by demolition in accordance with the Chapter 18 Article III of the City Code. The extent of repairs shall be determined by the building official. When the building official determines that an unsafe building, structure or service system cannot be reasonably repaired in accordance with this or the technical codes, it shall be demolished in accordance with this section.

116.1.1 When the building official determines a building, structure, electrical, gas, mechanical or plumbing system or portion thereof is unsafe, as set forth in this Code he/she shall, in accordance with established procedure for legal notices, give the owner, agent or person in control of such building, structure, electrical, gas, mechanical or plumbing system written notice stating the defects thereof. This notice shall require the owner within a stated time either to complete specified repairs or improvements, or to demolish and remove the building, structure, electrical, gas, mechanical or plumbing system or portion thereof.

116.1.2 If necessary, such notice shall also require the building, structure, electrical, gas, mechanical, plumbing systems or portion thereof to be vacated forthwith and not reoccupied until the specified repairs and improvements are completed, inspected and approved by the building official. The building official shall cause to be posted at each entrance to such building a notice stating: **THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING OFFICIAL.** Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation or its officers, agents, or other servants, to remove such notice without written permission of the building official, or for any person to enter the building, or use such systems except for the purpose of making the required repairs or of demolishing same.

116.1.3 The owner, agent or person in control shall have the right to appeal from the decision of the building official, as provided hereinafter, and to appear before the Construction Board of Adjustments and Appeals at a specified time and place to show cause why he should not comply with said notice.

116.1.4 In case the owner, agent, or person in control cannot be found within the stated time limit, or, if such owner, agent, or person in control shall fail, neglect, or refuse to comply with notice to repair, rehabilitate, or to demolish, and remove said building, structure, electrical, gas, mechanical or plumbing system or portion thereof, the building official, after having ascertained the cost, shall cause such building, structure, electrical, gas, mechanical or plumbing system or portion thereof, to be demolished, secured, or required to remain vacant or unused.

116.1.5 The decision of the building official shall be final in cases of emergency, which, in the opinion of the building official, involve imminent danger to human life or health, or the property of others. He/she shall promptly cause such building, structure, electrical, gas, mechanical or plumbing system or portion thereof to be made safe or cause its removal. For this purpose he/she may at once enter such structure or land on which it stands, or abutting land or structures, with such assistance and at such cost as he may deem necessary. He/she may order the vacating of adjacent structures and may require the protection of the public by appropriate fence or such other means as may be necessary, and for this purpose may close a public or private way.

116.1.6 Costs incurred under this section shall be recovered pursuant to Section 9-4 of the City of Lake Worth Code.

**SECTION 117
TESTS**

The building official may require tests or test reports as proof of compliance. Required tests are to be made at the expense of the owner, or agent, by an approved testing laboratory or other approved agency.

**SECTION 118
SEVERABILITY**

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

**SECTION 119
WIND SPEED MAPS ADOPTED**

119.1 Figures 1609A, B, and C are hereby adopted as the official Ultimate Design Wind Speed Risk Category maps for the City of Lake Worth.



AGENDA DATE: May 3, 2016

DEPARTMENT: Community Sustainability

EXECUTIVE BRIEF

TITLE:

Ordinance No. 2016-17 - Adopt Floodplain Management Provisions to continue participation in the National Flood Insurance Program

SUMMARY:

The proposed ordinance provides for updated floodplain management provisions within the City's Code of Ordinances to continue the City's participation in the National Flood Insurance Program and the insurance discounts associated with such participation.

BACKGROUND AND JUSTIFICATION:

The City is required to enact this ordinance in order to (1) coordinate its floodplain management regulations with the Florida Building Code - 2014 Edition; (2) repeal and replace existing regulations in order to satisfy the requirements of the National Flood Insurance Program; and, (3) meet the requirements of section 553.73(5), Florida Statutes, as it relates to adopting certain administrative and technical amendments to the Florida Building Code regarding flood resistance in order to implement the National Flood Insurance Program.

MOTION:

I move to approve/disapprove Ordinance No. 2016-XX on first reading and to schedule the second reading and public hearing date for May 17, 2016.

ATTACHMENT(S):

Fiscal Impact Analysis – N/A

Ordinance No. 2016-xx

ORDINANCE NO. 2016 – XX OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 9, “BUILDINGS AND STRUCTURAL REGULATIONS”, ARTICLE I, “IN GENERAL”, SECTION 9-3, “SPECIAL FLOOD HAZARD AREA PROVISIONS” TO PROVIDE FOR AMENDMENTS TO THE FLORIDA BUILDING CODE REGARDING FLOOD ELEVATIONS; AMENDING CHAPTER 23, LAND DEVELOPMENT REGULATIONS, ARTICLE 5, “SUPPLEMENTAL REGULATIONS”, SECTION 23.5-2, “SUBDIVISION REGULATIONS” TO REFERENCE THE NEW FLOODPLAIN MANAGEMENT ARTICLE; AMENDING ARTICLE 6, “ENVIRONMENTAL REGULATIONS”, SECTION 23.6-3, “FLOODPLAIN MANAGEMENT” BY REPEALING THIS SECTION AND ENACTING ARTICLE 7, “FLOODPLAIN MANAGEMENT” TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of City of Lake Worth and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

WHEREAS, the City of Lake Worth was accepted for participation in the National Flood Insurance Program on December 1, 1978 and the Lake Worth City Commission desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to provide a mechanism for the uniform adoption, updating, amendment, interpretation and enforcement of a state building code, called the *Florida Building Code*; and

WHEREAS, the City of Lake Worth adopted a requirement to increase the minimum elevation requirement for buildings and structures in flood hazard areas prior to July 1, 2010 and, pursuant to section 553.73(5), F.S., is formatting that requirement to coordinate with the Florida Building Code;

WHEREAS, the Lake Worth City Commission has determined that it is in the public interest to adopt the proposed floodplain management regulations that are coordinated with the *Florida Building Code*.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH, FLORIDA:

Section 1. The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

Section 2. Chapter 9, “Buildings and Structural Regulations”, Article I, “In General”, Section 9-3, “Special flood hazard area provisions” is amended as follows:

~~9-3.1 Freeboard. The finish floor elevation of all habitable space in new construction located in a flood zone shall be elevated a minimum of twelve (12) inches above the base flood elevation (BFE).~~

~~The finish lowest floor elevation of all habitable space in new construction not located in a flood zone shall be elevated a minimum of six (6) inches above the surrounding ground elevation such that the building or structure will not experience isolated flooding nor will there be adverse drainage impacts on adjacent properties.~~

9-3.1 The Florida Building Code, Residential is hereby amended by the following technical amendments.

R322.2.1 Elevation requirements.

1. Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.
2. Buildings and structures in flood hazard areas designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot (305 mm), or to the design flood elevation, whichever is higher.
3. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM plus 1 foot, or at least 3 feet 2 feet (610 mm) if a depth number is not specified.
4. Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.

Exception: Enclosed areas below the design flood elevation, including basements whose floors are not below grade on all sides, shall meet the requirements of Section R322.2.2.

R322.3.2 Elevation requirements.

1. All buildings and structures erected within coastal high-hazard areas shall be elevated so that the lowest portion of all structural members supporting the lowest floor, with the exception of mat or raft foundations, piling, pile caps, columns, grade beams and bracing, is:
 - 1.1 Located at or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher, if the lowest horizontal structural member is oriented parallel to the direction of wave approach, where parallel shall

mean less than or equal to 20 degrees (0.35 rad) from the direction of approach, or

1.2 Located at the base flood elevation plus 2 feet ~~1-foot (305 mm)~~, or the design flood elevation, whichever is higher, if the lowest horizontal structural member is oriented perpendicular to the direction of wave approach, where perpendicular shall mean greater than 20 degrees (0.35 rad) from the direction of approach.

2. Basement floors that are below grade on all sides are prohibited.
3. The use of fill for structural support is prohibited.
4. Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.

Exception: Walls and partitions enclosing areas below the design flood elevation shall meet the requirements of Sections R322.3.4 and R322.3.5.

Section 3. Chapter 23, “Land Development Regulations”; Article 5, “Supplemental Regulations”; Section 23.5-2, “Subdivision regulations”, is amended as follows:

....

b) *Application of section.* This section shall apply to and be enforced in all areas of the city. An individual, firm, corporation or any other subdivider shall not create a subdivision of a tract of land anywhere in the city except in conformity with this section and where applicable, with Chapter 23, Article 7.

....

Section 4. Chapter 23, “Land Development Regulations”, Article 6, “Environmental Regulations”, Section 23.6-3, “Floodplain management” is hereby deleted in its entirety and Article 7, “Floodplain Management” is hereby enacted as follows:

ARTICLE 7. - FLOODPLAIN MANAGEMENT

DIVISION 1. - ADMINISTRATION

Sec. 23.7-1. – General.

a) *Title.* These regulations shall be known as the *Floodplain Management Ordinance* of the City of Lake Worth, Florida, hereinafter referred to as “this ordinance.”

b) *Scope.* The provisions of this ordinance shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the *Florida Building Code*; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of

recreational vehicles; installation of swimming pools; and any other development.

c) *Intent.* The purposes of this ordinance and the flood load and flood resistant construction requirements of the *Florida Building Code* are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
5. Minimize damage to public and private facilities and utilities;
6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

d) *Coordination with the Florida Building Code.* This ordinance is intended to be administered and enforced in conjunction with the *Florida Building Code*. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the *Florida Building Code*.

e) *Warning.* The degree of flood protection required by this ordinance and the *Florida Building Code*, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this ordinance.

f) *Disclaimer of Liability.* This ordinance shall not create liability on the part of the City Commission of the City of Lake Worth, Florida or by any officer or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

Sec. 23.7-2. – Applicability.

a) *General.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

b) *Areas to which this ordinance applies.* This ordinance shall apply to all flood hazard areas within the City of Lake Worth, Florida, as established in Sec. 23.7-2(c) of this ordinance.

c) *Basis for establishing flood hazard areas.* The Flood Insurance Study and Wave Height Analysis, City of Lake Worth, Florida, Palm Beach County, dated March 31, 1982, 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 Lake Worth City Hall, 7 North Dixie Highway, Lake Worth, Florida 33460.

1. *Submission of additional data to establish flood hazard areas.* To establish flood hazard areas and base flood elevations, pursuant to Sec. 23.7-5 of this article the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

a. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ordinance and, as applicable, the requirements of the *Florida Building Code*.

b. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

d) *Other laws.* The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

e) *Abrogation and greater restrictions.* This ordinance supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the *Florida Building Code*. In the event of a conflict between this ordinance and any other ordinance, the more restrictive shall govern. This ordinance shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this ordinance.

f) *Interpretation.* In the interpretation and application of this ordinance, all provisions shall be:

1. Considered as minimum requirements;

2. Liberally construed in favor of the governing body; and

3. Deemed neither to limit nor repeal any other powers granted under state statutes.

Sec. 23-7.3. – Duties and powers of the floodplain administrator.

a) *Designation.* The Building Official is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.

b) *General.* The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this ordinance. The Floodplain Administrator shall have the authority to render interpretations of this ordinance consistent with the intent and purpose of this ordinance and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this ordinance without the granting of a variance pursuant to Sec. 23.7-7 of this ordinance.

c) *Applications and permits.* The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:

1. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
2. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this ordinance;
3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
4. Provide available flood elevation and flood hazard information;
5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
6. Review applications to determine whether proposed development will be reasonably safe from flooding;
7. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*, when compliance with this ordinance is demonstrated, or disapprove the same in the event of noncompliance; and
8. Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this ordinance.

d) *Substantial improvement and substantial damage determinations.* For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the *Florida Building Code* and this ordinance is required.

e) *Modifications of the strict application of the requirements of the Florida Building Code.* The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Sec. 23.7-7 of this ordinance.

f) *Notices and orders.* The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this ordinance.

g) *Inspections.* The Floodplain Administrator shall make the required inspections as specified in Sec. 23.7-6 of this ordinance for development that is not subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

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 Sec. 23.7-3(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 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;

5. Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Lake Worth, Florida 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.”

i) *Floodplain management records.* Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ordinance and the flood resistant construction requirements of the *Florida Building Code*, including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the *Florida Building Code* and this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance and the flood resistant construction requirements of the *Florida Building Code*. These records shall be available for public inspection at Lake Worth City Hall, 7 North Dixie Highway, Lake Worth, Florida 33460.

Sec. 23-7.4. – Permits.

a) *Permits required.* Any owner or owner’s authorized agent (hereinafter “applicant”) who intends to undertake any development activity within the scope of this ordinance, including buildings, structures and facilities exempt from the *Florida Building Code*, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this ordinance and all other applicable codes and regulations has been satisfied.

b) *Floodplain development permits or approvals.* Floodplain development permits or approvals shall be issued pursuant to this ordinance for any development activities not subject to the requirements of the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

1. *Buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to the requirements of federal regulation for participation in the National Flood Insurance

Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the *Florida Building Code* and any further exemptions provided by law, which are subject to the requirements of this ordinance:

- a. Railroads and ancillary facilities associated with the railroad.
- b. Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
- c. Temporary buildings or sheds used exclusively for construction purposes.
- d. Mobile or modular structures used as temporary offices.
- e. Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
- f. 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 non-wood features.
- g. Family mausoleums not exceeding 250 square feet 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.
- h. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
- i. Structures identified in section 553.73(10)(k), F.S., are not exempt from the *Florida Building Code* if such structures are located in flood hazard areas established on Flood Insurance Rate Maps

c) *Application for a permit or approval.* To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

1. Identify and describe the development to be covered by the permit or approval.
2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
3. Indicate the use and occupancy for which the proposed development is intended.
4. Be accompanied by a site plan or construction documents as specified in Sec. 23.7-5 of this article.
5. State the valuation of the proposed work.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as required by the Floodplain Administrator.

d) *Validity of permit or approval.* The issuance of a floodplain development permit or approval pursuant to this ordinance shall not be construed to be a permit for, or approval of, any violation

of this ordinance, the *Florida Building Codes*, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

e) *Expiration*. A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

f) *Suspension or revocation*. The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this ordinance or any other ordinance, regulation or requirement of this community.

g) *Other permits required*. Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

1. The South Florida Water Management District; section 373.036, F.S.
2. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
3. Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; section 161.141, F.S.
4. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
5. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
6. Federal permits and approvals.

Sec. 23.7-5. – 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 Sec. 23.7-5(b)(2) or (3) of this ordinance.

3. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 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 Sec. 23.7-5(b)(1) of this ordinance.
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. Delineation of the Coastal Construction Control Line or notation that the site is seaward of the coastal construction control line, if applicable.
8. Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.
9. Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this ordinance but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this ordinance.

b) *Information in flood hazard areas without base flood elevations (approximate Zone A).* Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
2. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
3. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - A. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or

B. Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.

4. Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

c) *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 Sec. 23.7-5(d) 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 Sec. 23.7-5(d) of this ordinance.

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.

d) *Submission of additional data.* When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

Sec. 23.7-6. – Inspections.

a) General. Development for which a floodplain development permit or approval is required shall be subject to inspection.

1. Development other than buildings and structures. The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

2. Buildings, structures and facilities exempt from the Florida Building Code. The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

A. Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner’s authorized agent, shall submit to the Floodplain Administrator:

(1) If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or

(2) If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Sec. 23.7-5(b)(3)(B) of this ordinance, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner’s authorized agent.

B. Buildings, structures and facilities exempt from the Florida Building Code, final inspection. As part of the final inspection, the owner or owner’s authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Sec. 23.7-6(a)(2)(A) of this ordinance.

3. Manufactured homes. The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ordinance and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Floodplain Administrator.

Sec. 23.7-7. – Variances and appeals.

a) General. The Lake Worth Planning and Zoning Board or the Lake Worth Historic Resources Preservation Board, as appropriate, shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to section 553.73(5), F.S., the Lake Worth Planning and Zoning Board or the Lake Worth Historic Resources Preservation Board, as appropriate, shall hear and decide on requests for appeals and requests for variances from the strict

application of the flood resistant construction requirements of the *Florida Building Code*. This section does not apply to Section 3109 of the *Florida Building Code, Building*.

b) *Appeals*. The Lake Worth Planning and Zoning Board or the Lake Worth Historic Resources Preservation Board, as appropriate, shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this ordinance. Any person aggrieved by the decision may appeal such decision to the Circuit Court, as provided by Florida Statutes.

c) *Limitations on authority to grant variances*. The Lake Worth Planning and Zoning Board or the Lake Worth Historic Resources Preservation Board, as appropriate, shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Sec. 23.7-7(f) of this ordinance, the conditions of issuance set forth in Sec. 23.7-7(g) of this ordinance, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Lake Worth Planning and Zoning Board or the Lake Worth Historic Resources Preservation Board, as appropriate, has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.

1. *Restrictions in floodways*. A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Sec. 23.7-5(c) of this ordinance.

d) *Historic buildings*. A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the *Florida Building Code, Existing Building, Chapter 11 Historic Buildings*, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the *Florida Building Code*.

e) *Functionally dependent uses*. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this ordinance, provided the variance meets the requirements of Sec. 23.7-7(c)(1), is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

f) *Considerations for issuance of variances*. In reviewing requests for variances, the Lake Worth Planning and Zoning Board or the Lake Worth Historic Resources Preservation Board, as appropriate, shall consider all technical evaluations, all relevant factors, all other applicable provisions of the *Florida Building Code*, this ordinance, and the following:

1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
4. The importance of the services provided by the proposed development to the community;
5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
6. The compatibility of the proposed development with existing and anticipated development;
7. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

g) Conditions for issuance of variances. Variances shall be issued only upon:

1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards;
2. Determination by the Lake Worth Planning and Zoning Board or the Lake Worth Historic Resources Preservation Board, as appropriate, that:
 - A. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - B. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
 - C. The variance is the minimum necessary, considering the flood hazard, to afford relief;
3. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
4. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with

the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

Sec. 23.7-8. – Violations.

a) *Violations.* Any development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this ordinance, shall be deemed a violation of this ordinance. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this ordinance or the *Florida Building Code* is presumed to be a violation until such time as that documentation is provided.

b) *Authority.* For development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner’s agent, or to the person or persons performing the work.

c) *Unlawful continuance.* Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

DIVISION 2. - DEFINITIONS

Sec. 23.7-9. – General.

a) *Scope.* Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ordinance, have the meanings shown in this section.

b) *Terms defined in the Florida Building Code.* Where terms are not defined in this ordinance and are defined in the *Florida Building Code*, such terms shall have the meanings ascribed to them in that code.

c) *Terms not defined.* Where terms are not defined in this ordinance or the *Florida Building Code*, such terms shall have ordinarily accepted meanings such as the context implies.

Sec. 23.7-10. – Definitions.

Alteration of a watercourse: A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal: A request for a review of the Floodplain Administrator’s interpretation of any provision

of this ordinance.

ASCE 24: A standard titled *Flood Resistant Design and Construction* that is referenced by the *Florida Building Code*. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood: A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 202.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

Base flood elevation: The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 202.]

Basement: The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 202.]

Coastal construction control line: The line established by the State of Florida pursuant to section 161.053, F.S., and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

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.

Design flood: The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 202.]

1. Area with a floodplain subject to a 1-percent or greater chance of flooding in any year;
or
2. Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation: The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section 202.]

Development: Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment: The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure: Any buildings and structures for which the “start of construction” commenced before November 6, 1978. [Also defined in FBC, B, Section 202.]

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 November 6, 1978.

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).

Federal Emergency Management Agency (FEMA): The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding: A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 202.]

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials: Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 202.]

Flood hazard area: The greater of the following two areas: [Also defined in FBC, B, Section 202.]

1. The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
2. The area designated as a flood hazard area on the community’s flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM): The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 202.]

Flood Insurance Study (FIS): The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 202.]

Floodplain Administrator: The office or position designated and charged with the administration and enforcement of this ordinance (may be referred to as the Floodplain Manager).

Floodplain development permit or approval: An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this ordinance.

Floodway: The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. [Also defined in FBC, B, Section 202.]

Floodway encroachment analysis: An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code: The family of codes adopted by the Florida Building Commission, including: *Florida Building Code, Building*; *Florida Building Code, Residential*; *Florida Building Code, Existing Building*; *Florida Building Code, Mechanical*; *Florida Building Code, Plumbing*; *Florida Building Code, Fuel Gas*.

Functionally dependent use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure: Any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building*, Chapter 11 Historic Buildings.

Letter of Map Change (LOMC): An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the

fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck: As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

- (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (3) Available with special features enabling off-street or off-highway operation and use.

Lowest floor: The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 202.]

Manufactured home: A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

Manufactured home park or subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value: The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

New construction: For the purposes of administration of this ordinance and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after November 6, 1978 and includes any subsequent improvements to such structures.

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 November 6, 1978.

Park trailer: A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in section 320.01, F.S.]

Recreational vehicle: A vehicle, including a park trailer, which is: [See section 320.01, F.S.)

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Sand dunes: Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area: An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 202.]

Start of construction: The date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 202.]

Substantial damage: Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 202.]

Substantial improvement: Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the

structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 202.]

- (1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure. [See Instructions and Notes]

Variance: A grant of relief from the requirements of this ordinance, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this ordinance or the Florida Building Code.

Watercourse: A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

DIVISION 3. - FLOOD RESISTANT DEVELOPMENT

Sec. 23.7-11. – Buildings and structures.

a) Design and construction of buildings, structures and facilities exempt from the Florida Building Code. Pursuant to Sec. 23.7-4(c) of this ordinance, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of Sec. 23.7-17 of this ordinance.

b) Buildings and structures seaward of the coastal construction control line. If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:

1. Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, Building Section 3109 and Section 1612 or Florida Building Code, Residential Section R322.
2. Minor structures and non-habitable major structures as defined in section 161.54, F.S., shall be designed and constructed to comply with the intent and applicable provisions of this ordinance and ASCE 24.

Sec. 23.7-12. – Subdivisions.

a) Minimum requirements. Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

b) *Subdivision plats.* Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

1. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
2. Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Sec. 23.7-5(b)(1) of this ordinance; and
3. Compliance with the site improvement and utilities requirements of Sec. 23.7-13 of this ordinance.

Sec. 23.7-13. – Site improvements, utilities and limitations.

a) *Minimum requirements.* All proposed new development shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

b) *Sanitary sewage facilities.* All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

c) *Water supply facilities.* All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

d) *Limitations on sites in regulatory floodways.* No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Sec. 23.7-5(c)(1) of this ordinance demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

e) *Limitations on placement of fill.* Subject to the limitations of this ordinance, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the *Florida Building Code*.

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 Sec. 23.7-5(c)(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 Sec. 23.7-17(h)(3) of this ordinance.

Sec. 23.7-14. – Manufactured homes.

a) *General.* All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.

1. *Limitations on installation in floodways and coastal high hazard areas (Zone V).* New installations of manufactured homes shall not be permitted in floodways and coastal high hazard areas (Zone V).

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. Foundations for manufactured homes subject to Section 23.7-14(d)(2) are permitted to be reinforced piers or other foundation elements of at least equivalent strength.

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.* Manufactured homes that are placed, replaced, or substantially improved shall comply with Sec. 23.7-14(d)(1) or (2) of this ordinance, as applicable.

1. General elevation requirement. Unless subject to the requirements of Sec. 23.7-14(d)(2) of this ordinance, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) 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) or Section R322.3 (Zone V).

2. Elevation requirement for certain existing manufactured home parks and subdivisions. Manufactured homes that are not subject to Sec. 23.7-14(d)(1) of this ordinance, 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:

A. Bottom of the frame of the manufactured home 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); or

B. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 48 inches in height above grade.

e) Enclosures. Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential* Section R322.2 or R322.3 for such enclosed areas, as applicable to the flood hazard area.

f) 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.

Sec. 23.7-15. – Recreational vehicles and park trailers.

a) Temporary placement. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

1. Be on the site for fewer than 180 consecutive days; or

2. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

b) Permanent placement. Recreational vehicles and park trailers that do not meet the limitations in Sec. 23.7-15(a) of this ordinance for temporary placement shall meet the requirements of Sec. 23.7-14 of this ordinance for manufactured homes.

Sec. 23.7-16. – Tanks.

a) *Underground tanks.* Underground tanks in flood hazard areas shall be anchored 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.

b) *Above-ground tanks, not elevated.* Above-ground tanks that do not meet the elevation requirements of Sec. 23.7-16(c) of this ordinance shall:

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 be permitted in coastal high hazard areas (Zone V).

c) *Above-ground tanks, elevated.* Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

d) *Tank inlets and vents.* Tank inlets, fill openings, outlets and vents shall be:

1. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

Sec. 23.7-17. – Other development.

a) *General requirements for other development.* All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the *Florida Building Code*, shall:

1. Be located and constructed to minimize flood damage;

2. Meet the limitations of Sec. 23.7-13(d) of this ordinance if located in a regulated floodway;

3. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;

4. Be constructed of flood damage-resistant materials; and

5. Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

b) Fences in regulated floodways. Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Sec. 23.7-13(d) of this ordinance.

c) Retaining walls, sidewalks and driveways in regulated floodways. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Sec. 23.7-13(d) of this ordinance.

d) Roads and watercourse crossings in regulated floodways. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Sec. 23.7-13(d) of this article. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Sec. 23.7-5(c)(3) of this ordinance.

e) 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.

f) 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.

g) 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.

h) 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 5. Fiscal Impact Statement. In terms of design, plan application review, construction and inspection of buildings and structures, the cost impact as an overall average is negligible in regard to the local technical amendments because all development has been subject to the requirements of the local floodplain management ordinance adopted for participation in the National Flood Insurance Program. In terms of lower potential for flood damage, there will be continued savings and benefits to consumers.

Section 6. Severability. If any section, subsection, sentence, clause, phrase or portion of

this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 7. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 8. Codification. The sections of the ordinance may be made a part of the City Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section", "division", or any other appropriate word.

Section 9. Effective Date. This Ordinance shall become effective on ten (10) days after passage.

The passage of this Ordinance on first reading was moved by Commissioner _____, seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Mayor Pam Triolo	_____
Vice Mayor Scott Maxwell	_____
Commissioner Christopher McVoy	_____
Commissioner Andy Amoroso	_____
Commissioner Ryan Maier	_____

The Mayor thereupon declared this Ordinance duly passed on first reading on the ___ day of _____, 2016.

The passage of this Ordinance on second reading was moved by Commissioner _____, seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Mayor Pam Triolo	_____
Vice Mayor Scott Maxwell	_____
Commissioner Christopher McVoy	_____
Commissioner Andy Amoroso	_____
Commissioner Ryan Maier	_____

The Mayor thereupon declared this Ordinance duly passed and enacted on the ___ day of _____, 2016.

LAKE WORTH CITY COMMISSION

By: _____
Pam Triolo, Mayor

ATTEST:

Pamela J. Lopez, City Clerk



**AGENDA
CITY OF LAKE WORTH
CITY COMMISSION MEETING
CITY HALL COMMISSION CHAMBER
TUESDAY, MAY 17, 2016 - 6:00 PM**

1. **ROLL CALL:**
2. **INVOCATION OR MOMENT OF SILENCE:**
3. **PLEDGE OF ALLEGIANCE:**
4. **AGENDA - Additions/Deletions/Reordering:**
5. **PRESENTATIONS:** (there is no public comment on Presentation items)
 - A. City Recreation Advisory Board
6. **COMMISSION LIAISON REPORTS AND COMMENTS:**
7. **PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:**
8. **APPROVAL OF MINUTES:**
9. **CONSENT AGENDA:** (public comment allowed during Public Participation of Non-Agendaed items)
 - A. Ratify board members to the various City advisory boards (still working on staff report)
 - B. Agreement with AQUIFER MAINTENANCE & PERFORMANCE SYSTEMS, INC. for Wellfield Performance Maintenance & Rehabilitation Services.
10. **PUBLIC HEARINGS:**
11. **UNFINISHED BUSINESS:**

12. NEW BUSINESS:

- A. Ordinance No. 2016-xx Changes to Parking Regulations.
- B. Radification of the PEU and PMSA Contracts

13. LAKE WORTH ELECTRIC UTILITY:

- A. **CONSENT AGENDA:** (public comment allowed during Public Participation of Non-Agendaed items)
- B. **PUBLIC HEARING:**
- C. **NEW BUSINESS:**

14. CITY ATTORNEY'S REPORT:

15. CITY MANAGER'S REPORT:

16. ADJOURNMENT:

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105)

NOTE: ONE OR MORE MEMBERS OF ANY BOARD, AUTHORITY OR COMMISSION MAY ATTEND AND SPEAK AT ANY MEETING OF ANOTHER CITY BOARD, AUTHORITY OR COMMISSION.