



AGENDA
PLANNING AND ZONING BOARD
VILLAGE HALL COUNCIL CHAMBERS
226 CYPRESS LANE ■ PALM SPRINGS, FL 33461
JANUARY 9, 2024
6:30 PM

Johnnie Tieche, Chairman
Richard Hughes, Vice-Chairman
Ralph Lashells, Board Member
Vacant, Jr. Alternate

Peter Braun, Board Member
Kim Gehrman, Board Member
Brenda Browning, Sr Alternate

ADMINISTRATION

PZB Director Iramis Cabrera
PZB Planner Christian Melendez

Deputy Village Clerk Jane R. Worth
Village Attorney Christy Goddeau

If a person decides to appeal any decision made by this Board with respect to any matter considered at this meeting, they will need a record of the proceeding, and for such purpose they 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.

CALL TO ORDER

ROLL CALL

Chairman Johnnie Tieche
Vice Chairman Richard Hughes
Ralph Lashells
Peter Braun
Kim Gehrman
Brenda Browning, Sr. Alternate
Vacancy, Jr. Alternate

PZ&B Director, Iramis Cabrera
PZ&B Planner, Christian Melendez
Village Attorney Christy Goddeau
Deputy Village Clerk Jane R. Worth

NOTE: CLERK TO ASCERTAIN IF THERE ARE ANY *EX PARTE* COMMUNICATIONS

TO BE DISCLOSED DURING QUASI JUDICIAL DISCUSSIONS. CLERK TO SWEAR
IN WITNESSES FOR TESTIMONY.

ADDITIONS, DELETIONS OR MODIFICATIONS TO THE AGENDA

APPROVAL OF MINUTES

2. **Approval of March 8, 2022, Planning and Zoning Advisory Board Meeting Minutes:** Motion to approve March 9, 2022, minutes from the Planning and Zoning Advisory Board Meeting.
Staff: Jane Worth, Deputy Village Clerk
3. **Approval of September 12, 2023, Planning and Zoning Advisory Board Meeting Minutes:** Motion to approve September 23, 2023, minutes from the Planning and Zoning Advisory Board Meeting.
Staff: Jane Worth, Deputy Village Clerk
4. **Approval of November 14, 2023, Planning and Zoning Advisory Board Meeting Minutes:** Motion for approval of November 14, 2023, minutes from the Planning and Zoning Advisory Board meeting.
Staff: Jane Worth, Deputy Village Clerk

ORDER OF BUSINESS

REGULAR AGENDA

PUBLIC HEARINGS

5. **Ordinance No. 2024-03 - Village Code Amendment - Chapter 10 - Buildings and Building Regulations:** Motion to recommend approval to the Village Council for an amendment to the Village's Code of Ordinances (Chapter 10 - Buildings and Building Regulations) by adopting, by reference, the new Florida Building Code, 8th Edition (2023), which will become effective within the State of Florida on January 1, 2024.
Staff: Iramis Cabrera, PZB Director, Christian Melendez Berrios, PZ&B Technician

OTHER BUSINESS

ADJOURNMENT

**NEXT MEETING
TUESDAY, FEBRUARY 13, 2024 @ 6:30 PM
VILLAGE COUNCIL CHAMBERS**

Village of Palm Springs

Title VI/Nondiscrimination Policy

I. Policy Statement:

The Village of Palm Springs values diversity and welcomes input from all interested parties, regardless of cultural identity, background, or income level. Moreover, the Village believes the best programs and services result from careful consideration of the needs of all its communities and when those communities are involved in the decision-making process. The Village does not tolerate discrimination in any of its programs, services, or activities. Pursuant to Title VI of the Civil Rights Act of 1964 and other federal and state authorities, the Village will not exclude from participation in, deny the benefits of, or subject to discrimination anyone on the grounds of race, color, national origin, sex, age, disability, religion, or family status.

II. Persons with Disabilities:

Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA) and related federal and state laws and regulations forbid discrimination against those who have disabilities. These laws require federal-aid recipients and other government entities to take affirmative steps to reasonably accommodate those with disabilities and ensure that their needs are equitably represented.

The Village will make every effort to ensure that its facilities, programs, services, and activities are accessible to those with disabilities. The Village will also make every effort to ensure that its advisory committees, public involvement activities and all other programs, services and activities include representation by communities with disabilities and disability service groups.

The Village encourages the public to report any facility, program, service, or activity that appears inaccessible to those who are disabled. Also, the Village will provide reasonable accommodation to individuals with disabilities who wish to participate in public involvement events or who require special assistance to access facilities, programs, services, or activities. Because providing reasonable accommodation may require outside assistance, the Village asks that requests be made at least three (3) business days prior to the need for accommodation. Questions, concerns, comments, or requests for accommodation should be made to the Village ADA Officer:

Name: Ashley Saingilus
Address: 226 Cypress Lane, Palm Springs, FL 33461
Email: asaingilus@vpsfl.org
Phone: (561)584-8200 Ext. 8421

III. Complaint Procedures:

The Village has established a discrimination complaint procedure and will take prompt and reasonable action to investigate and eliminate discrimination when found. Any person who believes that he or she has been subjected to discrimination based upon race, color, national origin, sex, religion, age, disability or family status in any Village program, service or activity may file a complaint with the Village Title VI/Nondiscrimination Coordinator:

Name: Janette Piedra, Human Resources Manager
Address: 226 Cypress Lane, Palm Springs, FL 33461
Email: jpiedra@vpsfl.org
Phone: (561)584-8200 Ext. 8422



Village of Palm Springs

Staff Report

AGENDA DATE: January 9, 2024

DEPARTMENT: Administration

ITEM #2: March 9, 2022 Planning and Zoning Advisory Board Meeting Minutes

FISCAL IMPACT:

ATTACHMENTS:

1. March 8, 2022 Planning and Zoning Advisory Board Meeting Minutes



AGENDA
PLANNING AND ZONING BOARD
VILLAGE HALL COUNCIL CHAMBERS
226 CYPRESS LANE ■ PALM SPRINGS, FL 33461
MARCH 8, 2022
6:30 PM

Johnnie Tieche, Chairman
Richard Hughes, Vice-Chairman
Ralph Lashells, Board Member
Larry Saingilus, Jr. Alternate

James Mandigo, Board Member
Peter Braun, Board Member
Kim Gehrman, Sr. Alternate

ADMINISTRATION

PZ&B Director Iramis Cabrera
PZ&B Planner Rojelio Gonzalez

Deputy Village Clerk Jane R. Worth
Village Attorney Susan Garrett

Persons who need an accommodation to attend or participate in this meeting should contact the office of the Village Clerk at (561) 584-8200 at least three (3) business days before the event to request such assistance.

CALL TO ORDER

The meeting was called to order by Chairman Johnnie Tieche at 6:35 PM.

ROLL CALL

Present: Chairman Jonnie Tieche, Vice Chairman Richard Hughes, Ralph Lashells, Kim Gehrman

Absent: James Mandigo, Peter Braun, and Larry Saingilus

Staff Present: Planning, Zoning, and Building Director Iramis Cabrera, Planning, Zoning, and Building Planner Rogelio Perez, Village Attorney Susan Garrett, and Deputy Clerk Jane R. Worth

ADDITIONS, DELETIONS OR MODIFICATIONS TO THE AGENDA

Deputy Clerk Worth announced that Ms. Kimberly Gehrman has been moved to a Regular Member position. Mr. Larry Saingilus will move up to the Senior Alternate position, and there will be a vacancy in the Junior Alternate position.

APPROVAL OF MINUTES

ORDER OF BUSINESS

REGULAR AGENDA

PUBLIC HEARINGS

NOTE: CLERK TO ASCERTAIN IF THERE ARE ANY EX-PARTE COMMUNICATIONS TO BE DISCLOSED DURING QUASI-JUDICIAL DISCUSSIONS. CLERK TO SWEAR IN WITNESSES FOR TESTIMONY

There were no ex-parte communications from anyone on the Board.

Deputy Clerk Worth swore in the following: Mr. Andy Colom, Mr. Steven Siebert, Mr. Scott Ehrenberg and Mr. Mike Chesfski.

1. Resolution No. 2022-09 - Preliminary Plat - Prince Place - 3075 Prince Drive, 3098 Ferrell Drive & a vacant lot on Paetow Road Drive (Quasi-Judicial Hearing)

Staff: Iramis Cabrera, PZB Director

Mr. Miles Rich, the applicant, has filed a preliminary plat to re-plat portions of lots C, D, and E, Block 98 of The Palm Beach Farms CO. Plat No. 7 (as recorded in Plat Book 5 page 72 of Public Records of Palm Beach County, Florida). The applicant is proposing to join three (3) parcels into a unified plat and delineate 19 individual townhouse lots consistent with the site plan approved by the Village Council (Resolution 2021-21 - November 18, 2021).

The Village's Surveyor Craven Thompson & Associates Inc., has reviewed the proposed plat and has determined that it complies with Chapter 177, F.S. - Platting Regulations.

The Village Council will consider the proposed plat during their April 12, 2022 meeting.

If approved, a final plat will be presented to the Village Council for consideration. The recording of the plat is required prior to the issuance of a certificate of occupancy for a new residence.

FISCAL IMPACT:

There is no direct fiscal impact from the proposed preliminary plat.

Planning, Zoning, and Building (PZ&B) Planner, Rogelio Gonzalez informed the

Board that the applicant, Mr. Miles Rich has submitted a preliminary plat to re-plat portions of lots C, D, and E, Block 98 of The Palm Beach Farms CO. Plat No. 7 (as recorded in Plat Book 5 page 72 of Public Records of Palm Beach County, Florida).

The Village's Surveyor, Craven Thompson & Associates Inc., has reviewed the proposed plat and has determined that it complies with Chapter 177, F.S. - Platting Regulations. The Village Council will consider the proposed plat during their April 12, 2022, meeting. A final plat will be presented to the Village Council for consideration if approved. The plat recording is required before issuing a certificate of occupancy for a new residence.

Attorney Garrett stated if the applicant wanted to present anything or comment, he could at this time.

Mr. Miles Rich informed the Board that he was trying to create something new and beautiful in the Village. Mr. Rich said he did not have a presentation, as the information from Planner Gonzalez was precise. Mr. Rich thanked each member of the Board for their time and support.

Chairman Tieche asked the public or the Board for any additional comments. Hearing none, a motion to recommend approval of Resolution No. 2022-09 was made by Mr. Lashells and seconded by Mr. Hughes. Motion carried, 4-0.

2. Minor Site Development Plan (SPR22-05) - Planning & Zoning Board Order No. 2022-02 - 1827 Palm Acres Drive

Staff: Iramis Cabrera, PZB Director

Ms. Ana Colom, agent for the applicant, Mr. Elio Fernandez, is requesting approval of a minor site development plan to develop a 0.438-acre multi-family parcel, with the construction of three (3) dwelling units. There is an existing single-family home on the property that is being demolished with the construction of a 3,023 square feet residential triplex structure.

The property was annexed into the Village in 2001, and designated as Residential Multiple-Family Land Development (Zoning) District and Medium Density Residential (10 du/ac) Future Land Use category.

The building will be configured with two (2) bedrooms and two-bathroom apartments and one (1) three-bedroom and three-bathroom apartment. There will be a single 304 square foot utility room with a bathroom for the convenience of the maintenance person to store his tools and lawn equipment.

Note: On April 13, 2021, the Planning & Zoning Board denied an application submitted by the same applicant proposing to maintain the existing single-family home and to add a triplex structure for a total of four dwelling units. At that time, the

applicant was requesting five (5) variances concurrently with the site plan. The applicant revised the project to eliminate one unit and no variances are required as part of this application.

The proposed site plan is consistent with the land use designation and generally meets land development regulations for a residential multiple-family (RM) zoning district.

Staff support the applicant's request and recommends conditional approval based on consistency with the medium density allowances that would allow up to a maximum intensity of four (4) residential dwelling units.

FISCAL IMPACT:

The proposed project is expected to have a fiscal impact on the Village as it would enhance the Village's assessed property valuation. Additionally, this project, if approved, would require various Village services that will result in increased expenditure on the Village.

Planning, Zoning, and Building (PZ&B) Planner Rogelio Gonzalez informed the Board the property was annexed into the Village in 2001. The applicant is requesting approval of a minor site development plan. The proposed construction will be three (3) dwelling units, of 3,22 square feet as a residential triplex structure.

PZ&B Planner Gonzalez stated the staff supports the applicant's request and recommends conditional approval based on consistency with the medium density allowances that would allow up to a maximum intensity of four (4) residential dwelling units.

Ms. Ana Colom, agent for the Applicant, Mr. Elio Fernandez, introduced a new minor site development plan. She was also available for any questions the Board might have. Ms. Colom stated the building will be configured with two (2) bedrooms and two-bathroom apartments and one (1) three-bedroom and three-bathroom apartment. There will be a single 304-square-foot utility room with a bathroom for the convenience of the maintenance person to store his tools and lawn equipment.

The design is compatible with the landscape code of the Village. The fire department and ambulance can come onto the road as that is a concern for all.

The Board was concerned about the storage building that would be in the back that also had a bathroom, and they were worried about the owner leasing it out as a 5th unit. Ms. Colom stated that is not the intent of the owner. The Board made a statement that this was a much better presentation of the project than the prior one submitted.

The Board asked what the rest of the surrounding homes were. PZ&B Planner Gonzalez stated it was a mix of commercial and multifamily. The Board asked about the parking. Ms. Colom stated there were three (3) units, and there were ten (10) spaces as required by the code.

The Board asked Ms. Colom if there was any problem with the 27 conditions listed for the project. Ms. Colom answered there were not. Director Cabrera mentioned there were 28 conditions with the last one being from the Palm Beach County School Board. Ms. Colom still said there was not a problem at all.

Chairman Tieche asked the public or the Board for any additional comments on Item No. 2, Minor Site Development Plan (SPR22-05) - Planning and Zoning Board Order 2022-02. Hearing none, a motion to recommend approval of Planning and Zoning Board Order 2022-02 was made by Mrs. Gehrman, along with the 27 conditions including the one (1) condition from the PBC School Board and seconded by Mr. Lashells. Motion carried 4-0.

FISCAL IMPACT:

The proposed project is expected to have a fiscal impact on the Village as it would enhance the Village's assessed property valuation. Additionally, this project, if approved, would require various Village services that will result in increased expenditure on the Village.

3. Resolution No. 2022-14 - Nueva Vida New Life Church - Expansion of Special Exception (PSSE22-04) and Site Plan Approval (SPR22-07) - 3066 Drew Way (Quasi-Judicial Hearing)

Staff: Iramis Cabrera, PZB Director

SUMMARY: Nueva Vida New Life Inc. is the property owner of the existing church at 3066 Drew Way, is requesting a modification to the site plan and a special exception for a place of worship to construct a new 1,775 square feet sanctuary building.

The existing structures consisting of a place of worship, office, and meeting space, and a parsonage residence (totaling 3,551 square feet) will remain on the property as part of the Church's campus, and, with the proposed expansion, the total building area will be 5,326 square feet.

Note: On July 9, 2015, the Village Council approved a site plan amendment (SPR15-08) and a special exception use (PSSE15-04), under Resolution 2015-52, to construct a new 3,814 square foot church building. A building permit was issued on June 7, 2016, but construction was never completed. Currently, the site plan proposed constitutes a reduction of the building area by 2,039 square feet.

A place of worship is a special exception use in the residential single-family (RS) district. The church provides a transition between the commercial uses along Congress Avenue and the single-family residences along Drew Way.

The Planning, Zoning, and Building Staff does not object to the expansion of the special exception use and the site plan requested and recommends conditional approval subject to thirty-four (34) conditions.

FISCAL IMPACT:

The proposed request does not have an immediate fiscal impact on the Village since the church is tax-exempt; however, the new construction may have a positive effect on neighboring properties.

Planning, Zoning, and Building Planner Rogelio Gonzalez gave the Board a summary of the project. Nueva Vida New Life Inc. is requesting a modification to the site plan and a special exception for a place of worship to construct a new 1,775-square-foot sanctuary building. In 2015, the Applicant requested a site plan amendment (SPR15-08) and a special exception use (PSSE15-04), under Resolution 2015-52. The construction was never completed.

Mr. Simeon Kirilov with Steven Siebert Architecture, Inc., agent for the Applicant, showed the Board what the new addition would look like with a rendering that was created. Mr. Kirilov said that he didn't have anything else to add, as Mr. Gonzalez's presentation was right to the point about what the applicant was requesting.

There were no questions from the Board.

Chairman Tieche asked the public or the Board for any additional comments on Resolution No. 2022-14. Hearing on a motion to recommend approval of Resolution No. 2022-14 was made by Mr. Lugones' subject to the 34 conditions, and seconded by Mrs. Gehrman. The motion carried 4-0.

4. Resolution No. 2022-14 - Site Plan Amendment (SPR22-06) and Special Exception Use (PSSE22-03) - Triomphe Restaurant and Lounge - 4206-4208 Lake Worth Road (Public/Judicial Hearing)

Staff: Rogelio Perez Gonzalez, Planner

SUMMARY: Mr. Scott Ehrenberg of Berg Design, Inc., agent for the tenant Triomphe Restaurant, Lounge, & Banquet Hall, LLC., "applicant", is requesting a Site Plan Amendment (SPR22-06) and Special Exception Use (PSSE22-03) to allow the conversion of a 7,080 square foot retail-office spaces into a restaurant and private club located on a 4.25-acre parcel that is at 4236 Lake Worth Road. The proposed tenant will be occupying two tenant bays within the existing Commercial General (CG) shopping center (4206-4208 Lake Worth Road).

Note: The 4.25-acre property was annexed into the Village in 2014 as a developed parcel with a total of 40,240 square feet building area within two (2) commercial structures.

The applicant was illegally operating a banquet hall/private club without previous approval by the Village. A restaurant and private club are permissible as special exception uses in the CG district, and approval by the Village Council is required. If the special exception uses are approved, they would be valid as long as they

remain in operation. The approved uses would become null and void should the uses cease or be unutilized for more than twelve (12) months.

A site plan amendment is being requested to enable the applicant to bring the property up to code to the greatest extent possible and to increase consistency with the Village's Commercial General (CG) zoning district regulations.

As a separate item, the applicant is requesting relief from the Code with two variances (PSV22-02 and PSV22-03) from Section 14-61 to allow business operations to commence at 8:00 am and to be extended until 2:00 am on Sundays, rather than from 12:00 pm to 11:00 pm, as it is required for establishments that dispense alcohol beverages for on-premise consumption. Additionally, the applicant is requesting an allowance to operate later than 11:00 pm on premises located within 54 feet from a residential district rather than the required 250 feet.

1. (PSV22-02) - Variance relief from Section 14-61 to allow operation from 8:00 am until 2:00 am on Sundays instead of 12:00 pm to 11:00 pm operating time required.
2. (PSV22-03) - Variance relief from Section 14-61 (d) to allow hours of operation later than 11:00 pm located 54 feet away from the nearest residential district instead of the required 250 feet.

Note: The proposed hours of operation variance and distance requirement variance will not be considered by the Planning & Zoning Advisory Board as Village Code (Section 34-891 - Hours of operation) states that these variances are approved by the Village Council.

The Planning, Zoning, and Building Staff have conducted a review of the application and have concerns that the criteria for a Special Exception use have not been met. Specifically, Section 34-602(b)(3) and five (5) have not been met in that:

1. The proposed special exception use may have a detrimental impact on surrounding properties in terms of air pollution, crime, noise, and other potential nuisance. The establishment was operating illegally without village approval. There are reports of the establishment serving alcohol without proper credentials, and with minors present. There have been multiple complaints to Palm Springs Police regarding loud music and vehicle racing on the site.

A special exception is "a use that would not be appropriate generally or without restriction throughout the zoning district". The staff did not find that the requested special exception (private club) would provide for the appropriate use of the land pursuant to Section 34-602(d) in consideration of the previously mentioned issues.

The Planning, Zoning, & Building Staff objects to the proposed special exception use, site plan amendment, and hours of operation variance and recommends denial of the proposed request. Should the Planning and Zoning Board desire to

recommend approval of the application, Staff recommend that said motion be subject to the conditions listed on the Staff Report.

FISCAL IMPACT:

The proposed project is not expected to have a direct fiscal impact on the Village. However, if approved, this project would require various Village services that will result in increased expenditures to the Village.

Planning, Zoning, and Building Planner Rogelio Gonzalez introduced the project, Triomphe Restaurant, and Lounge to the Board located at 4206-4208 Lake Worth Road. Previously, the applicant was illegally operating a nightclub and a bar. Such businesses are allowed within the Village, following the Village Code. Staff is concerned 34-607(3)(b). The establishment was operating with violations. There have been numerous complaints from neighbors.

Staff recommends denial of the requested project.

Mr. Scott Erenberg was present to represent the "Applicant". Mr. Erenberg did open with an apology to the Board regarding the opening and operation of the establishment as they were under the influence of what the previous architect had done permitting and inspections. The only major complaint was when the clients were having a function and that was when another group of people came to the property and were burning their tires and had their music turned up extremely loud. Mr. Erenberg continued to say they would work with the fire department, the police department, and the planning and zoning staff to complete compliance.

The Board asked if there was a theme for the club. Mr. Erenberg stated it was a restaurant with another room where there was dancing and a band.

The Board was uncomfortable with the fact that there was alcohol being served to minors. Mr. Erenberg stated he had no idea or notion of minors being served.

The variance for alcohol is from 8 AM to 2 AM on Sunday. The Board asked if there was a liquor license. Mr. Erenberg stated the applicant was in the process and halfway done.

Chairman Tieche stated four (4) bars are no longer in the Village, as the Village changed the criteria for the hours of operation. The Board stated they were very concerned about the area, as the Village is trying to clean up that particular section where this plaza is located. The owner has applied for a permit to improve the facade of the entire section they are in. The Board mentioned that multiple restaurants are operating and have not had complaints such as these.

Director Cabrera mentioned they were not operating as a restaurant, they were operating as a night bar. Mr. Mike Chesfski, the owner of the property, mentioned that the property is located south of an adult bookstore, and it's disgusting. On the

other side is a taco bus open until 2 am with loud music, and they are not an asset to the village. Mr. Chesfski stated there are no residential properties to the east of the shopping plaza.

Chairman Tieche stated it would also have been a benefit if the applicants had come before all the incidents. Clubs seem to bring the wrong type of business. Mr. Erenberg stated the zoning applies to this site. He mentioned that they went to the banquet hall and not a private club.

Director Cabrera stated banquet halls are not permitted in the village. The Board stated there are a lot of inconsistencies and uncertain complaints that need further investigation. The Village is trying to clean up that area, knowing there are loud, disturbing activities taking place at this time. Board Member Lashells stated a banquet hall would be permitted more than a bar or club. However, being open until 2 AM on a Sunday and serving alcohol, complaints have already set the hesitancy with going forward.

Village Attorney Garrett stated the Board's role is to recommend approval of the Resolution and the Special Exception Use to the Village Council as it had already been noticed to the public for that meeting. Attorney Garrett also informed Mr. Erenberg that she would be happy to supply him with the criteria for a Special Exception Use.

Chairman Tieche asked if there were any comments from the public or the Board. Hearing none, Chairman Tieche asked the Board if there were any additional comments. Hearing none, Mr. Lashells recommended denial, and Mr. Hughes seconded it. Denial 4-0

5. **Resolution No. 2022-11 - Site Plan Amendment (SPR22-04) and Special Exception Use (PSSE22-02) - Congress Square - Assembly of Spoken Word - 4175 S Congress Ave Suite E and F (Quasi-Judicial Hearing)**

Staff: Rogelio Perez Gonzalez, Planner

SUMMARY: Mr. Kevin McGinley of Land Research Management, Inc., agent for the owner Medical Services of America, Inc., Applicant, is requesting a Site Plan Amendment (SPR22-04) and Special Exception Use (PSSE22-02) to allow a 1,640 square foot place of worship within two tenant bays at the Congress Square shopping center in the Commercial General property, located at 4175 South Congress Avenue.

Note: The 1.86-acre property is developed with a 17,590 square foot commercial plaza. The property was annexed into the Village in 2016 as a developed parcel. Additionally, in 2019, the Planning, Zoning, & Building Director approved an Administrative Site Plan Amendment and Special Exception Use to allow 820-square foot restaurant use.

A place of worship is a special exception use in the CG district. Per the Village Code, the approved special exception use is valid as long as it remains in operation, and should it cease or not be utilized for more than 12 months, the approval becomes null and void.

Planning, Zoning, & Building Staff does not object to the proposed special exception use and site plan amendment and recommends conditional approval of the proposed development subject to eight (8) conditions.

FISCAL IMPACT:

The proposed project is not expected to have a direct fiscal impact on the Village as the use is anticipated to be tax exempt. However, if this project is approved, it would require various Village services, which would result in increased expenditures for the Village.

Planning, Zoning, and Building Planner Rogelio Gonzalez introduced the site plan amendment and special exception use to the board. Planner Gonzalez informed the Board members that Mr. Kevin McGinley, agent for the owner of Medical Services of America, Inc., Applicant, was requesting the allowance of a 1, 640 square-foot place of worship within town tenant bays at the Congress Square shopping center in the Commercial General property, located at 4175 South Congress Avenue.

Note: The 1.86-acre property developed with a 17,590-square-foot commercial plaza. A place of worship is a special exception use in the CG district.

Mr. Kevin McGinley represented the applicant, Assembly of Spoken Word. Simple renovations and it is already set up as a use for a church. One of the improvements to be made would be the bathrooms.

Chairman Tieche asked the public or the Board for any additional comments on Resolution No. 2022-11. Hearing none, a motion to recommend approval of Resolution No. 2022-11 was made by Mr. Hughes and seconded by Mrs. Gehrman. The motion carried 4-0.

OTHER BUSINESS

ADJOURNMENT

Chairman Tieche adjourned the meeting at 7:40 PM.

ATTEST:

Johnnie Tieche, Chairman

The undersigned is the Deputy Village Clerk of Palm Springs, Florida, and the information provided herein is the Minutes of the Regular Council Meeting held on **March 8, 2023**. Which minutes were formally approved and adopted by the Planning and Zoning Advisory Board on **January 9, 2024**.

Jane R. Worth, Deputy Village Clerk

**NEXT MEETING
TUESDAY, APRIL 12, 2022 AT 6:00 PM
VILLAGE COUNCIL CHAMBERS**

DRAFT



Village of Palm Springs

Staff Report

AGENDA DATE: January 9, 2024

DEPARTMENT: Administration

ITEM #3: September 12, 2023, Planning and Zoning Advisory Board Meeting Minutes

FISCAL IMPACT:

ATTACHMENTS:

1. September 12, 2023 Planning and Zoning Advisory Board Meeting Minutes



**PLANNING AND ZONING ADVISORY BOARD
MEETING MINUTES
VILLAGE HALL COUNCIL CHAMBERS
226 CYPRESS LANE ■ PALM SPRINGS, FL 33461
SEPTEMBER 12, 2023
6:30 PM**

Johnnie Tieche, Chairman
Richard Hughes, Vice-Chairman
Ralph Lashells, Board Member
Vacant, Jr. Alternate

Peter Braun, Board Member
Kim Gehrman, Board Member
Brenda Browning, Sr. Alternate

ADMINISTRATION

PZ&B Director Iramis Cabrera
PZ&B Planner Christian Melendez

Deputy Village Clerk Jane R. Worth
Village Attorney Christy Goddeau

Persons who need accommodation to attend or participate in this meeting should contact the office of the Village Clerk at (561) 584-8200 at least three (3) business days before the event to request such assistance.

CALL TO ORDER

The meeting was called to order by Chairman Johnnie Tieche at 6:35 PM.

ROLL CALL:

BOARD MEMBERS: Chairman Johnnie Tieche, Vice Chairman Richard Hughes, Ralph Lashells, Peter Braun, Kim Gehrman, and Brenda Browning

STAFF: Planning, Zoning, and Building Director Iramis Cabrera, Planning, Zoning and Building Planner Christian Melendez, Village Attorney Christy Goddeau, and Deputy Village Clerk Jane R. Worth

Deputy Clerk Worth introduced Ms. Brenda Browning to the Board and Staff as the new Senior Alternate Board Member.

1. **NOTE: CLERK TO ASCERTAIN IF THERE ARE ANY EX PARTE COMMUNICATIONS TO BE DISCLOSED DURING QUASI JUDICIAL**

DISCUSSIONS. CLERK TO SWEAR IN WITNESSES FOR TESTIMONY.

Deputy Clerk Worth asked the Board if there were any ex-parte communications. The Board members answered no.

Deputy Clerk Worth swore in Mr. Kevin McGinley with Land Research Management, Inc.

ADDITIONS, DELETIONS OR MODIFICATIONS TO THE AGENDA

Planning, Zoning, and Building Director Iramis Cabrera stated Item #4 is to be heard before Item #3.

2. Approval of July 11, 2023, Planning and Zoning Advisory Board Meeting Minutes: Motion to approve June 13, 2023 minutes from the Planning and Zoning Advisory Board Meeting

Staff: Jane Worth, Deputy Village Clerk

Chairman Tieche asked for a motion of approval for the July 11, 2023, minutes. A motion to approve the July 11, 2023, minutes was made by Mrs. Gehrman and seconded by Mr. Braun. Motion carried 5-0.

REGULAR AGENDA

PUBLIC HEARINGS

3. **Site Plan Amendment (SPR23-09) and Special Exception Use (PSSE23-04) - St. Peter Coptic Orthodox Church - 3405 Forest Hill Boulevard:** Motion to recommend approval to Village Council of an application from Land Research Management, Inc., agent for St. Peter Coptic Orthodox Church (Owner), for a Site Plan Amendment (SPR23-09) and Special Exception (PSSE23-04), to allow an expansion of the existing building, with construction of a 11,478 square feet sanctuary in addition to the existing building for a total of 31,287 square feet of the Commercial General property located at 3405 Forest Hill Boulevard.
Staff: Christian Melendez Berrios, PZ&B Technician

SUMMARY: Land Research Management, Inc. (Applicant), agent for St. Peter Coptic Orthodox Church (Owner), is requesting approval of a Site Plan Amendment (SPR23-09) and Special Exception Use (PSSE23-04) to allow an expansion of the existing building, with the construction of an 11,478 square feet sanctuary in addition to the existing building for a total of 31,287 square feet of the Commercial General (CG) property located at 3405 Forest Hill Boulevard.

The property was annexed into the Village of Palm Springs on August 12, 2004, and designated by the Commercial General zoning district and Commercial Future Land Use.

The existing 25,681 sq. ft. house of worship is proposed to be expanded and renovated to accommodate a new sanctuary, and the needs of the congregation in terms of interior offices and classrooms for religious education and meetings. The applicant is proposing to demolish 4,872 square feet of the existing building and

construct a new 11,478 sq. ft. sanctuary building in its place for a total of 32,287 sq. ft. (net increase of 6,606 sq. ft.). Estimated construction costs are anticipated to be \$4 million.

In addition to the proposed expansion, the driveway connection to Forest Hill Boulevard is being moved further east to provide for additional vehicular stacking and improve the internal traffic circulation.

As part of the proposed Site Plan Amendment, the applicant is requesting one (1) variance that is subject to the Planning and Zoning Advisory Board's consideration and which is subject to a separate item:

1) PSV23-10 - Requesting a variance relief from Section 34-1329 (2) (a) to allow a total of 181 parking stalls where 189 parking spaces are required.

Additionally, the applicant is requesting a separate consideration from the Village's Council for the allowance of the building height.

According to Sec. 34-824 (a)(1) - Churches and houses of worship shall not be subject to the height restrictions of the CG district, but the height of such structures shall be subject to determination during the Site Plan approval process at the discretion of the Village Council.

The applicant proposes:

Structure	Height
Existing building	15'4"
Dome at the entry door	19'5"
New building	47'
Bell tower	80'
<u>Note:</u> The maximum height permitted within the Commercial General district is 45'.	

The Planning, Zoning, and Building staff do not object to the proposed Site Plan Amendment, Special Exception Use and Variance requested, and recommend conditional approval to facilitate the redevelopment of the property.

FISCAL IMPACT:

The proposed redevelopment will enhance the area, although as a non-profit, it will not affect the Village's assessed property valuation.

This item was presented with Item #4.

Chairman Tieche asked Mr. McGinley if the applicant agreed with all 32 conditions. Mr. McGinley answered yes.

Chairman Tieche asked the public or the Board for additional comments on Item No. 3, Site Plan Amendment (SPR23-09 and Special Exception Use (PSSE23-04). Hearing none, a motion to recommend approval of Planning and Zoning Board Order 2022-03 was made by Mr. Hughes and seconded by Mr. Braun. The motion carried, 5-0.

4. **Planning and Zoning Board Order No. 2023-06 - Parking Variance (PSV23-15) - St. Peter Coptic Orthodox Church - 3405 Forest Hill Boulevard:** Motion to approve Planning and Zoning Board Order No. 2023-06 variance relief from Section 34-1329(2)(a) to allow a total of 181 parking stalls where 189 parking spaces are required, for the property located at 3405 Forest Hill Boulevard.

Staff: Christian Melendez Berrios, PZ&B Technician

SUMMARY: Land Research Management, Inc (Applicant), agent for St. Peter Coptic Orthodox Church (Owner), is requesting approval of a Site Plan Amendment (SPR23-09) and Special Exception Use (PSSE23-04) to allow an expansion of the existing building, with the construction of an 11,478 square feet sanctuary in addition to the existing building for a total of 31,287 square feet of the Commercial General (CG) property located at 3405 Forest Hill Boulevard.

The property was annexed into the Village of Palm Springs on August 12, 2004, and designated by the Land Development to the Commercial General Zoning District and Commercial Future Land Use.

The existing 25,681 sq. ft. house of worship is proposed to be expanded and renovated to accommodate a new sanctuary and the needs of the congregation in terms of interior offices and classrooms for religious education and meetings. The applicant is proposing to demolish 1,872 square feet of the existing building and construct a new 11,478 sq. ft. sanctuary building in its place for a total of 32,287 sq. ft. (net increase of 6,606 sq. ft.). Estimated construction costs are anticipated to be \$4 million.

In addition to the proposed expansion, the driveway connection to Forest Hill Boulevard is being moved further east to provide for additional vehicular stacking and improve the internal traffic circulation.

As part of the proposed Site Plan Amendment, the applicant is requesting one (1) variance that is subject to the Planning and Zoning Board's consideration:

- 1) PSV23-15 - Requesting a variance relief from Section 34-1329(2)(a) to allow a total of 181 parking stalls where 189 parking spaces are required.

The Planning, Zoning, and Building staff do not object to the proposed Variance requested and recommend conditional approval to facilitate the redevelopment of the property.

FISCAL IMPACT:

The proposed redevelopment will enhance the area, although as a non-profit, it will not affect the Village's assessed property valuation.

Planning, Zoning, and Building (PZ&B) Planner Christian Melendez informed the Board of the proposed project and the requested variance by the applicant. The Applicant was requesting an expansion of the existing building, with the construction of an 11,478 square feet sanctuary in addition to the existing building

for a total of 31,287 square feet of the Commercial General (CG) property located at 3405 Forest Hill Boulevard.

Mr. Kevin McGinley, with Land Research Management, Inc., agent for St. Peter Coptic Orthodox Church, explained why a parking variance was requested. Mr. McKinley mentioned the other uses in the complex, such as a banquet area, libraries and classrooms for Sunday school, a game room for children, and a sanctuary that seats approximately 200 people, and parking could increase. Mr. McKinley confirmed there has never been a parking problem, but it provides for the future when their families grow.

The Board asked if the grass area would be for parking overflow grass area. Mr. McGinley stated currently there is grass and the children do use it, but it isn't currently being used.

Chairman Tieche asked the public or the Board for additional comments on Item No. 4, Parking Variance, (PSV23-15). Hearing none, a motion to recommend approval was made by Mr. Hughes and seconded by Mrs. Gehrman. The motion carried, 5-0.

OTHER BUSINESS

Vice Chairman, Richard Hughes, asked if the Collection Suites located at 874, 884, and 964 South Congress Avenue were still going to be built. Director Cabrera answered they had come in for their building permits.

ADJOURNMENT

Chairman Tieche adjourned the meeting at 6:48 PM.

ATTEST:

Johnnie Tieche, Chairman

The undersigned is the Deputy Village Clerk of Palm Springs, Florida, and the information provided herein is the Minutes of the Regular Council Meeting held on **September 12, 2023**. Which minutes were formally approved and adopted by the Planning and Zoning Advisory Board on **January 9, 2024**.

Jane R. Worth, Deputy Village Clerk

NEXT MEETING
Tuesday, November 14, 2023 E 6:30 PM
Village Council Chambers



Village of Palm Springs

Staff Report

AGENDA DATE: January 9, 2024

DEPARTMENT: Administration

ITEM #4: November 14, 2023 Planning and Zoning Advisory Board Meeting Minutes

FISCAL IMPACT:

ATTACHMENTS:

1. November 14, 2023 Planning and Zoning Advisory Board Meeting Minutes



**PLANNING AND ZONING BOARD MEETING MINUTES
VILLAGE HALL COUNCIL CHAMBERS
226 CYPRESS LANE ■ PALM SPRINGS, FL 33461
NOVEMBER 14, 2023, 6:30 PM**

Johnnie Tieche, Chairman
Richard Hughes, Vice-Chairman
Ralph Lashells, Board Member
Vacant, Jr. Alternate

Peter Braun, Board Member
Kim Gehrman, Board Member
Brenda Browning, Sr. Alternate

ADMINISTRATION

PZ&B Director Iramis Cabrera
PZ&B Planner Christian Melendez

Deputy Village Clerk Jane R. Worth
Village Attorney Christy Goddeau

Persons who need an accommodation to attend or participate in this meeting should contact the office of the Village Clerk at (561) 584-8200 at least three (3) business days before the event to request such assistance.

CALL TO ORDER

The meeting was called to order by Chairman Johnnie Tieche at 6:34 PM.

ROLL CALL:

BOARD MEMBERS: Chairman Johnnie Tieche, Vice Chairman Richard Hughes, Ralph Lashells, Peter Braun, Kim Gehrman, and Brenda Browning

STAFF: Planning, Zoning, and Building Director Iramis Cabrera, Planning, Zoning and Building Planner Christian Melendez, Village Attorney Christy Goddeau, and Deputy Village Clerk Jane R. Worth

NOTE: CLERK TO ASCERTAIN IF THERE ARE ANY *EX PARTE* COMMUNICATIONS TO BE DISCLOSED DURING QUASI JUDICIAL DISCUSSIONS. CLERK TO SWEAR IN WITNESSES FOR TESTIMONY.

Deputy Worth asked the Board Members if there were ex part communications. The Board answered there were none.

ADDITIONS, DELETIONS OR MODIFICATIONS TO THE AGENDA

Director Cabrera stated there were no changes to the agenda.

APPROVAL OF MINUTES

1. Approval of January 10, 2023, Planning and Zoning Advisory Board Meeting

Minutes: Motion to approve January 10, 2023, minutes from the Planning and Zoning Advisory Board Meeting

Staff: Jane Worth, Deputy Village Clerk

Chairman Tieche asked for a motion of approval for the January 10, 2023, minutes. A motion to approve the January 10, 2023, minutes was made by Mr. Braun and seconded by Mr. Lashells. Motion carried 5-0.

2. Approval of February 14, 2023, Planning and Zoning Advisory Board Meeting

Minutes: Motion to approve February 14, 2023, minutes from the Planning and Zoning Advisory Board Meeting

Staff: Jane Worth, Deputy Village Clerk

Chairman Tieche asked for a motion of approval for the February 14, 2023, minutes. A motion to approve the February 14, 2023, minutes was made by Mr. Lashells and seconded by Mrs. Gehrman. Motion carried 5-0.

ORDER OF BUSINESS

REGULAR AGENDA

PUBLIC HEARINGS

3. Commercial Planned Development Master Site Plan (SPR23-10) -

VillageCollection of Palm Springs - Northwest corner of 10th Avenue North &

South Florida Mango Road: Motion to recommend approval to the Village Council for a Master Commercial Planned Development Site Plan (SPR23-10) to allow the redevelopment of the site to accommodate three (3) separate development projects on the portion of the property west of the Chase Bank building at the northwest corner of 10th Avenue North and South Florida Mango Road.

Staff: Christian Melendez Berrios, PZ&B Technician

SUMMARY: Insite Studio, agent for 10th Avenue Partnership LTD ("Applicant") is requesting a Commercial Planned Development Master Site Plan approval (**SPR23-10**) to allow the redevelopment of the site to accommodate three (3) separate proposed development plans on the property located on the northwest corner of

Florida Mango Road and 10th Avenue North (directly west and north of the Chase Bank Building) (+- 8.61 acres).

Note: The proposed site was previously developed with a 4-story commercial office building with approximately 88,707 sq. ft. that was demolished in July 2023 and the newly constructed 4,081 sq. ft. Chase Bank building.

The proposed Commercial Planned Development (CPD) Master Site Plan provides for the following elements:

1. Perimeter landscape and compatibility features, including a privacy wall between the subject commercial parcel and abutting residential properties to the west, north, and east, and entry landscaping features at the entrance drives.
2. Shared access to the CPD from Florida Mango Road and 10th Avenue North, with internal access to future development parcels.
3. Shared infrastructure improvements.
4. Architectural Guidelines for the CPD provide a consistent theme throughout the unified project through colors, materials, and architectural elements.
5. Open space (minimum 20%) based on the entire CPD.
6. The Master Sign Program for the CPD, which includes six (6) monument signs: (Note: existing nonconforming signs will be removed and two (2) exist as part of the Chase Bank site).

If approved, the proposed Master Site Plan would provide for the consideration of the development of the property to the west and the north of the Chase Bank building and each site-specific site development plan will be processed separately and as depicted on the proposed master site development plan.

Staff supports the applicant's intent to move forward with the proposed redevelopment project, allowing the revitalization of the existing underutilized property.

Planning, Zoning and Building (PZ&B) Planner Christian Melendez informed the Board of the proposed Commercial Planned Development Master Site Plan to allow the redevelopment of the site to accommodate three (3) separate proposed development plans. PZ&B staff supports the applicant's request to move forward with the redevelopment project.

Mr. Edwin Muller of Insight Studio informed the Board of the applicant's request. Mr. Muller gave a PowerPoint presentation to the Board. Mr. Muller gave the history of how the land was approved for Commercial Development. Mr. Muller informed the Board of Palm Beach County about the eight (8) ft. right of way, and there was a dedicated 11 feet along 10th Avenue north, for the right turn entrance. There are now two (2) right-of-way entrances.

The Board said these were good changes to the village. The Board asked if the right of way addressed was off of 10th Avenue North or Florida Mango. Mr. Muller stated it was off 10th Avenue North. The only problem that has been noticed is the congestion of the traffic, which will increase. Mr. Muller stated the ingress and egress

along Florida Mango and 10th Avenue North would help with the flow of traffic in and out of the proposed project. There was continued discussion regarding the proposed construction, the traffic report, and the flow. The Board asked if the Applicant agreed with all 33 conditions and the concrete wall. Mr. Muller said yes.

Ms. June Kerr – representing the Ramblewood Mobile Home Park, 2714 10th Avenue North. The commercial is good for the town. Ms. Kerr mentioned that the demolition dragged on for months. When the buildings came down, there was not sufficient water, which led to the mobile park being covered in dust. You could not see your hand in front of you. Ms. Kerr said having the egress of making a right on 10th Avenue North and taking a left off Florida Mango is a brilliant idea. She also mentioned not putting the garbage stations on the west side where the only residential area was. Ms. Kerr also mentioned her concern about the extended hours. Ms. Kerr's last concern was losing the frontage of the mobile home park to extend the right of way to the right-hand turn into Walmart. Director Cabrera stated the roads were in Palm Beach County. They would be able to answer that question, but if they required more right of way, the mobile home park would have to dedicate it.

Chairman Tieche asked for a motion of approval of the Commercial Planned Development Master Site Plan (SPR23-10). A motion to recommend approval of the Commercial Planned Development Master Site Plan (SPR23-10) was made by Mrs. Gehrman and seconded by Mr. Braun. Motion carried 5-0.

FISCAL IMPACT:

The proposed master site plan for the commercial planned development does not have a significant fiscal impact on the Village; however, it is expected to enhance the Village's assessed property valuation.

5. Site Plan Amendment (SPR23-12), Special Exception Use (PSSE23-06) and Hours of Operation Variance (PSV23-17) - Chick Fil A - 2625 10th Avenue

North (Tract 2) Motion to recommend approval to the Village Council for a Site Development Plan Amendment (SPR23-12), Special Exception Use (PSSE23-06) and Hours of Operation Variance (PSV23-17) approval to allow the construction of a 6,111 square foot restaurant building within the Commercial General property located at 2625 10th Avenue North.

Staff: Christian Melendez Berrios, PZ&B Technician

SUMMARY: Insite Studio, agent for 10th Avenue Partnership LTD ("Applicant") is requesting a Site Development Plan Amendment (SPR23-12) and Special Exception (PSSE23-06) approval to allow the construction of a 6,111 square feet restaurant building with a double drive thru called Chick-Fil-A, at 2625 10th Avenue North.

On January 9, 2020, the Village's Council approved, under Resolution 2020-02, a Site Plan and concurrently a Special Exception Use to permit the construction of a 5,411 square feet convenience store building with an 8,613 square feet canopy accommodating twenty (20) fueling stations. The approvals for the property were

extended through statutory extensions until November 5, 2024, when all building permit applications must be filed.

Currently, the applicant is requesting a Site Plan Amendment and Special Exception Use with one variance (within a Commercial Planned Development) to allow the construction of a 6,111-square-foot restaurant building with a double drive-thru on the 1.81 acre undeveloped property. The proposed site plan includes creating longer stacking to avoid negative impacts on the roadway system and/or main drive aisles, directional signage, and enhanced landscape buffers.

As part of the proposed Site Plan Amendment, the applicant is requesting a separate consideration from the Village's Council:

1) PSV23-17 - A variance relief from Section 34-891(1) to allow the restaurant to start operations one (1) hour earlier (6:00 a.m.) rather than 7:00 a.m. as required by code.

Staff found the proposed Special Exception Use to be generally consistent with the goals, objectives, and policies of the Village's Comprehensive Plan. The proposed use is generally consistent with the Land Development and zoning regulations and all other portions of the code. The proposed special exception use does not significantly reduce light and air to adjacent properties and would not be a deterrent to surrounding properties. The new project does not negatively impact natural systems.

The Planning, Zoning, and Building staff do not object to the proposed project and recommend conditional approval to facilitate the redevelopment of the property.

Planning, Zoning, and Building Planner (PZ&B) Christian Melendez informed the Board the Applicant was requesting a Site Development Plan Amendment and Special Exception for Chick-Fil-A located at 2625 10th Avenue North. There will be a restaurant of 6,111 square feet with a double drive-thru. The applicant is also requesting a variance from the Council for hours of operation, Section 34-891(1), to open at 6:00 AM rather than 7:00 AM as required by code. Staff does not object to the proposed project and recommends conditional approval.

Mr. Edwin Muller, of Inland Studio, informed the Board of the request for the hours of operation. There were previous approvals for the Race Trac that allowed them to operate 24 hours a day, and the new variance request was reduced significantly. Mr. Muller presented a PowerPoint presentation and went over the Site Data, for 2020, the approved architecture at the time, and the proposed new site plan. Mr. Muller showed the cars that would be stacked, which he stated addressed the queuing and stacking requirements. Mr. Muller continued to point out the differences between the previous proposal of Race Trac and Chick-Fil-A.

The Board asked if it was a double-lane drive-thru. How many can be stacked? Mr. Muller stated it was a double-lane drive-thru. He didn't have the exact number of cars, but he said they were complying with the village code. If there were any spillovers, it would not infringe on any other part of development or public rights-of-

way. The Board agreed the proposed site plan is much better than the Race Trac and Tire Kingdom that was previously proposed.

Ms. June Kerr – representing the Ramblewood Mobile Home Park, 2714 10th Avenue North stated this was much better news than the last site plan. Opening an hour earlier for breakfast, she did not appreciate that.

Chairman Tieche asked for a motion to approve the Site Plan Amendment (SPR23-12) and Special Exception Use (PSSE-06). A motion to approve was made by Mr. Lashells and seconded by Mr. Braun. Motion carried 5-0.

FISCAL IMPACT:

The proposed project will enhance the area and expects to enhance the Village's assessed property valuation.

- 6. Site Plan Amendment (SPR23-11) and Special Exception Use (PSSE23-05) - Chipotle - 2665 10th Avenue North (Tract 3):** Motion to recommend approval to the Village Council for a Site Development Plan Amendment (SPR23-11) and Special Exception Use (PSSE23-05) approval to allow the construction of 2,454 square foot restaurant building with outdoor seating area within the Commercial General property located at 2665 10th Avenue North.
Staff: Christian Melendez Berrios, PZ&B Technician

SUMMARY: Insite Studio, agent for 10th Avenue Partnership LTD ("Applicant") is requesting a Site Plan Amendment (SPR23-11) and Special Exception Use (PSSE23-05) approval to allow the construction of a 2,454 square foot restaurant with a drive-thru and an outdoor seating area called Chipotle, at 2665 10th Avenue North.

On January 9, 2020, the Village's Council approved, under Resolution 2020-09, a Site Plan and concurrently a Special Exception Use to permit the construction of 5,682 square feet of automotive service building with seven (7) service bays, within 1.3 acres. The approvals for the property were extended through statutory extensions until November 5, 2024, when all building permit applications must be filed.

Currently, the applicant is requesting a Development Plan Amendment and concurrently a Special Exception Use to allow the redevelopment of the property with the construction of a 2,454 square foot restaurant building with a drive-thru and an outdoor seating area on the 1.31 acre vacant within a Commercial Planned Development project. The proposed site plan includes creating longer stacking to avoid negative impacts on the roadway system and/or main drive aisles, directional signage, and enhanced landscape buffers.

Staff found the proposed Special Exception Use to be generally consistent with the goals, objectives, and policies of the Village's Comprehensive Plan. The proposed use is generally consistent with the Land Development and zoning regulations and all other portions of the code. The proposed special exception use does not significantly

reduce light and air to adjacent properties and would not be a deterrent to surrounding properties. The new project does not negatively impact natural systems.

Based on the surrounding characteristics, staff recommend conditional approval of the proposed project to facilitate the redevelopment of the property.

Planning, Zoning, and Building Planner Christian Melendez informed the Board of the proposed Site Plan Amendment (SPR23-11) and Special Exception Use (PSSE23-05), submitted by Insite Studio, agent for 10th Avenue Partnership LTE ("Applicant") for approval to construct of a 2,454 square feet restaurant with a drive-thru and an outdoor seating area called Chipotle, at 2665 10th Avenue North. Mr. Melendez stated that based on the surrounding characteristics, staff recommended conditional approval of the proposed project to facilitate the redevelopment of the property.

Mr. Edwin Muller, of Insite Studio, presented a PowerPoint of the site plan amendment and special exception use, for Chipotle restaurant. That entailed the architectural details, site data, and compatibility of the neighborhood. Mr. Muller informed the Board that the drive-thru is not typical, as Chipotle uses mobile app ordering. The orders are ready by the time the consumer arrives and then just picks up their orders.

The Board asked for the loading and dumpster design. Mr. Muller stated the loading platform and the dumpster north of the building were no longer tucked up to the west, closest to the residence. The Board asked if the wall would be built first before everything else, thinking of the residents surrounding the development. Mr. Muller answered yes, along with a buffer.

Ms. June Kerr – representing the Ramblewood Mobile Home Park, 2714 10th Avenue North - appreciated the trash can relocation and the construction of the wall being installed first. Ms. Kerr suggested putting the retention on the west side, which could also be a buffer.

Chairman Tieck asked for a motion to approve the Site Plan Amendment (SPR23-11) and Special Exception Use (PSSE23-05). A motion to approve the Site Plan Amendment (SPR23-11) and Special Exception Use (PSSE-05) was made by Mr. Hughes and seconded by Mr. Braun. Motion carried 5-0.

FISCAL IMPACT:

The proposed development will enhance the village's assessed property valuation. Additionally, the new construction may have a positive effect on neighboring properties.

7. **Ordinance No. 2023-11 - Village Code Amendment - Chapter 34 - Land Development - Article VI - "Land Use" - Division 6 "District Regulations" and Division 8 "Off-Street Parking and Loading":** Motion for approval of Ordinance

No. 2023-11 amending Chapter 34, "Land Development", Article VI, "Land Use" to clarify that hotel/motels are permitted special exception uses in the Commercial

General and Division 8 "Off-Street Parking", to set forth minimum parking requirements for hotel/motels.

Staff: Iramis Cabrera, PZB Director

SUMMARY: In September 2019, the Village Council approved Ordinance No. 2019-12 to amend the Village Code - Chapter 34 - Article VI "Land Use" to provide supplemental regulations and expand allowances for permitted and special exception uses within the Commercial General (CG) zoning district.

The approved amendment included the addition of hotel/motel uses as a special exception within the CG district. While hotel/motel use was added as a special exception, it is a prohibited use within the same CG district.

Planning, Zoning, & Building staff request a housekeeping amendment to the Village Code - Chapter 34 - Article VI "Land Use" to delete the hotel/motels uses from the prohibited uses list within the Commercial General district.

Additionally, staff are requesting to provide minimum parking requirements for the hotel/motels uses which the current code doesn't contemplate.

Note: The discrepancies between the Village's Land Development Regulations were noticed during a site plan review for a new proposed hotel on a property located within the CG district.

The proposed ordinance was prepared by the Planning, Zoning & Building Director and reviewed by the Village Attorney.

The proposed ordinance was presented to the Village Council for their consideration during the November 9, 2023, regular meeting.

Planning, Zoning, and Building Director Cabrera stated the agenda as the first reading was proposed to the Council last week, and some suggestions needed to be addressed. The staff were proposing a code amendment. There was a site plan submitted for a new hotel where there are inconsistencies and contradictions in the code. Staff suggested eliminating the hotel from the prohibited section and keeping it as a special exception. While making the amendment, it was also noticed there were no provisions for parking at a hotel. Director Cabrera continued to explain the parking regulations and how they would work.

Ms. June Kerr - representing the Ramblewood Mobile Home Park - 2714 10th Avenue North - asked if the building to be constructed in the north section, was a hotel, and how many rooms are going in. Ms. Kerr also asked what the height regulation was. Director Cabrera stated that based on the floor area ratio (FAR). Director Cabrera also answered either four (4) floors or 45 feet for height regulation.

Chairman Tieche asked for a motion to approve Ordinance No. 2023-11. A motion to approve Ordinance No. 2023-11 was made by Mr. Braun and seconded by Mr. Lashells. Motion carried 5-0.

FISCAL IMPACT:

The proposed ordinance does not have a fiscal impact on the Village.

OTHER BUSINESS

Director Cabrera asked the Board Members if anyone else would like to attend the Planning Official workshop in Jupiter this Friday, November 17, 2023. The only available Board Member was Chairman Tieche.

ADJOURNMENT

Hearing no further business, Chairman Tieche adjourned the meeting at 7:20 PM.

ATTEST:

Johnnie Tieche, Chairman

The undersigned is the Deputy Village Clerk of Palm Springs, Florida, and the information provided herein is the Minutes of the Regular Council Meeting held on **November 14, 2023**. Which minutes were formally approved and adopted by the Planning and Zoning Advisory Board on **January 9, 2024**.

Jane R. Worth, Deputy Village Clerk

**NEXT MEETING:
TUESDAY, DECEMBER 12, 2023, @ 6:30 PM
VILLAGE COUNCIL CHAMBERS**



Village of Palm Springs

Staff Report

AGENDA DATE: January 9, 2024

DEPARTMENT: Planning, Zoning & Building

ITEM #5: Ordinance No. 2024-03 - Village Code Amendment - Chapter 10 - Buildings and Building Regulations

SUMMARY: Planning, Zoning & Building Staff is recommending an amendment to the Village's Code of Ordinances (Chapter 10 - Buildings and Building Regulations) by adopting, by reference, the new Florida Building Code, 8th Edition (2023), which will become effective within the State of Florida on January 1, 2024. The Florida Building Code is revised every three (3) years by the state and these codes establish the minimum construction standards for buildings and structures to protect public health, safety, and general welfare. The 7th Edition of the Florida Building Code was adopted by the Village in 2021 (Ordinance 2021-01).

Additionally, the Village can provide/approve local amendments ("Chapter One Amendments") that are more specific than the Florida Building Code and are adopted concurrently to create consistency. These proposed amendments provide for local administrative regulations and requirements (i.e., enforcement mechanisms, interpretation/appeal procedures, etc.).

The Building Officials Association of Florida (BOAF) developed the proposed Chapter One Amendments as a template for local governments within Palm Beach County to address local regulations and requirements better. The Village's Interim Building Official, Wayne Cameron, served on the Advisory Board Subcommittee to develop the proposed recommendations/revisions to Chapter One of the new Florida Building Code.

As a result, the Florida Building Code, 8th Edition (2023), and the proposed "Chapter One Amendments" include amendments to the following construction standards:

- Roofing
- Energy
- Fire
- Plumbing
- Electrical
- Code Administration

Note: The Florida Building Commission is responsible for updating the Florida Building Codes every three (3) years. If approved, the proposed Chapter One Amendments will be submitted to the Building Official Commission within 30 days of adoption.

FISCAL IMPACT:

The proposed ordinance does not have a direct fiscal impact on the Village.

ATTACHMENTS:

1. Proposed Ordinance No. 2024-03 - Chapter 10 Buildings and Building Regulations 1.2.2024
CLG

ORDINANCE NO. 2024-03

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ADOPTING THE FLORIDA BUILDING CODE 8TH EDITION (2023) AND ADOPTING LOCAL AMENDMENTS TO THE FLORIDA BUILDING CODE EFFECTIVE JANUARY 1, 2024 BY AMENDING THE VILLAGE OF PALM SPRINGS CODE OF ORDINANCES AT CHAPTER 10, “BUILDINGS AND BUILDING REGULATIONS”, ARTICLE II, “FLORIDA BUILDING CODE”, DIVISION 1, “GENERALLY”, SECTION 10-31, “CHAPTER ONE AMENDMENTS”; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE

WHEREAS, the Village of Palm Springs, Florida (“Village”) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution, Chapters 166 and 163, Florida Statutes; and

WHEREAS, the Florida Building Commission has adopted the 8th Edition of the Florida Building Code (2023) which contains or incorporates by reference all laws and rules that pertain to and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings and structures, and the enforcement of such laws and rules; and

WHEREAS, the Florida Building Code 8th Edition becomes effective within the State of Florida on January 1, 2024; and

WHEREAS, the Village is authorized to approve local amendments to the Florida Building Code (Chapter One Amendments) that are more specific to the Village and are adopted concurrently to create consistency; and

WHEREAS, the Building Officials Association of Florida developed the proposed Chapter One Amendments as a template for local governments within Palm Beach County; and

WHEREAS, the Village’s Interim Building Official assisted in the creation of the Chapter One Amendments which includes amendments to construction standards for roofing, energy, fire, plumbing, electrical, and code administration; and,

WHEREAS, the Village Council has determined that it is in the best interests and general health, safety, and welfare of the Village to adopt the Florida Building Code 8th Edition (2023) and the Chapter One Amendments as set forth in this Ordinance.

NOW, THEREFORE, THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA HEREBY ORDAINS, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are hereby affirmed and ratified as true and correct findings of the Village Council and incorporated into this Ordinance as if fully set forth herein.

Section 2. Chapter 10 of the Village of Palm Springs Code is hereby amended by amending Article II “Florida Building Code”, Division 1, “Generally”, Section 10-31, “Chapter One Amendments”, as follows (underlined language is added and strike-through language is deleted):

ARTICLE II. – FLORIDA BUILDING CODE DIVISION 1. – GENERALLY

Sec. 10-31. – Chapter One Amendments

The village hereby adopts the Florida Building Code 8th Edition (2023). The following chapter one amendments are hereby adopted and incorporated in this article as minimum construction standards for the village. ~~These amendments to the Florida Building Code 7th Edition (2020) are hereby adopted and incorporated in this article as the minimum construction standards for the Village.~~

Chapter 1

Scope and Administration

PART 1—SCOPE AND APPLICATION

SECTION 101 GENERAL

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

101.2 Scope. The provisions of this code shall apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exception:

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 not more than three stories above grade plane in height, shall comply with the Florida Building Code, Residential.

2. Code Requirements that address snow loads and earthquake protection are pervasive; they are left in place but shall not be utilized or enforced because Florida has no snow load or earthquake threat.

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 and emergency responders during emergency operations.

101.3.1 Quality control. Quality control of materials and workmanship is not within the purview of this code except as it relates to the purposes stated herein.

101.3.2 Warranty and Liability. The permitting, plan review or inspection of any building, system or plan by this jurisdiction, under the requirements of this code, shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. This jurisdiction shall not be liable in tort for damages or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting. ~~Further, no employee shall be liable in tort for damage from such~~

conditions, in accordance with ~~Section 768.28 Florida Statutes, as may be amended or replaced.~~

101.4 Referenced codes. The other codes listed in Sections 101.4.1 through 101.4.11 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 Gas. The provisions of the Florida Building Code, Fuel Gas shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

101.4.2 Mechanical. The provisions of the Florida Building Code, Mechanical shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

101.4.3 Plumbing. The provisions of the Florida Building Code, Plumbing shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

101.4.4 Property maintenance. As provided in Chapter 10, Article 1 of the Village of Palm Springs Code of Ordinance. The provisions of the International Property Maintenance Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

101.4.5 Fire prevention. For provisions related to fire prevention, refer to the Florida Fire Prevention Code. The Florida Fire Prevention Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression, automatic sprinkler systems and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

101.4.6 Energy. The provisions of the Florida Building Code, Energy Conservation shall apply to all matters governing the design and construction of buildings for energy efficiency.

101.4.7 Existing buildings. The provisions of the Florida Existing Building Code shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

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

101.4.9 Manufactured buildings. For additional administrative and special code requirements, see Section 458,

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

101.4.11 Flood Damage Prevention. Provisions of Chapter 34, Article II of the Village of Palm Springs Land Development Regulations, shall be considered part of this code relative to flood control.

101.5 Building Official. Whenever the Building Official is mentioned in this code, it is also intended to mean the Building Official's designee, wherever applicable.

SECTION 102 APPLICABILITY

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

102.1.1 The Florida Building Code does not apply to, and no code enforcement action shall be brought with respect to, zoning requirements, land use requirements and owner specifications or programmatic requirements which do not pertain to and govern the design, construction, erection, alteration, modification, repair or demolition of public or private buildings, structures or facilities or to programmatic requirements that do not pertain to enforcement of the Florida Building Code. Additionally, a local code enforcement agency may not administer or enforce the Florida Building Code, Building to prevent the siting of any publicly owned facility, including, but not limited to, correctional facilities, juvenile justice facilities, or state universities, community colleges, or public education facilities, as provided by law.

102.2 Building. The provisions of the Florida Building Code shall apply to the construction, erection, alteration, modification, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every public and private building, structure or facility or floating residential structure, or any appurtenances connected or attached to such buildings, structures or facilities. Additions, alterations, repairs and changes of use or occupancy group in all buildings and structures shall comply with the provisions provided in the Florida Building Code, Existing Building. The following buildings, structures and facilities, except for those located in a Special Flood Hazard Area are exempt from the Florida Building Code as provided by law, and any further exemptions shall be as determined by the legislature and provided by law:

- (a) Building and structures specifically regulated and preempted by the federal government.
- (b) Railroads and ancillary facilities associated with the railroad.
- (c) Nonresidential farm buildings on farms.
- (d) Temporary buildings or sheds used exclusively for construction purposes.
- (e) Mobile or modular structures used as temporary offices, except that the provisions of Part II (Section 553.501- 553.513, Florida Statutes) relating to accessibility by persons with disabilities shall apply to such mobile or modular structures. Permits shall be required for

structural support and tie down, electric supply and all other such utility connections to such mobile or modular structures as required by this jurisdiction.

(f) Those structures or facilities of electric utilities, as defined in Section 366.02, Florida Statutes, which are directly involved in the generation, transmission, or distribution of electricity.

(g) Temporary sets, assemblies, or structures used in commercial motion picture or television production, or any sound-recording equipment used in such production, on or off the premises.

(h) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term “chickee” means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non- wood features.

(i) Family mausoleums not exceeding 250 square feet (23 m2) in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.

(j) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

(k) A building or structure having less than 1,000 square feet (93 m2) which is constructed and owned by a natural person for hunting, and which is repaired or reconstructed to the same dimension and condition as existed on January 1, 2011, if the building or structure:

1. Is not rented or leased or used as a principal residence;
2. Is not located within the 100-year floodplain according to the Federal Emergency Management Agency’s current Flood Insurance Rate Map; and
3. Is not connected to an off-site electric power or water supply.

(l) ~~Service providers of water, sewer, storm, gas, cable, telephone, or other similar utility systems are exempt to the point of service connection for the building or structure. A drone port as defined in s.330.41(2).~~

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, and Part II of Chapter 400, Florida Statutes, shall have facility plans reviewed and construction surveyed by the state agency authorized to do so under the requirements of Chapter 395, Florida Statutes, and Part II of Chapter 400, Florida Statutes, and the certification requirements of the federal government.

102.2.2 Residential buildings or structures moved into or within a county or municipality shall not be required to be brought into compliance with the state minimum building code in force at the time the building or structure is moved, provided:

1. The building or structure is structurally sound and in occupiable condition for its intended use;
2. The occupancy use classification for the building or structure is not changed as a result of the move;

3. The building is not substantially remodeled;
4. Current fire code requirements for ingress and egress are met;
5. Electrical, gas and plumbing systems meet the codes in force at the time of construction and are operational and safe for reconnection; and
6. Foundation plans are sealed by a professional engineer or architect licensed to practice in this state, if required by the Florida Building Code, Building for all residential buildings or structures of the same occupancy class.
7. ~~The requirements of Florida Building Code, Existing Building Volume, are also satisfied.~~

(See Florida Building Code, Existing Building Chapter 13, for additional requirements for Relocated or Moved Buildings)

102.2.3 The Building Official shall apply the same standard to a moved residential building or structure as that applied to the remodeling of any comparable residential building or structure to determine whether the moved structure is substantially remodeled. The cost of the foundation on which the moved building or structure is placed shall not be included in the cost of remodeling for purposes of determining whether a moved building or structure has been substantially remodeled.

102.2.4 This section does not apply to the jurisdiction and authority of the Department of Agriculture and Consumer Services to inspect amusement rides or the Department of Financial Services to inspect state-owned buildings and boilers.

102.2.5 Each enforcement district or local enforcement agency shall be governed by a board, the composition of which shall be determined by the affected localities.

1. At its own option, each enforcement district or local enforcement agency may adopt rules granting to the owner of a single-family residence one or more exemptions from the Florida Building Code relating to:

a. Addition, alteration, or repairs performed by the property owner upon his or her own property, provided any addition, ~~or alteration~~ or repair shall not exceed 1,000 square feet (93 m²) or the square footage of the primary structure, whichever is less.

b. Addition, alteration, or repairs by a non-owner within a specific cost limitation set by rule, provided the total cost shall not exceed \$5,000 within any 12-month period.

c. Building plans review and inspection fees.

2. However, the exemptions under subparagraph 1 do not apply to single-family residences that are located in mapped flood hazard areas, as defined in the code, unless the enforcement district or local enforcement agency has determined that the work, which is otherwise exempt, does not constitute a substantial improvement, including the repair of substantial damage, of such single-family residences.

3. Each code exemption, as defined in sub-subparagraphs 1a, 1b, and 1c shall be certified to the local board 10 days prior to implementation and shall only be effective in the territorial jurisdiction of the enforcement district or local enforcement agency implementing it.

4. However, each enforcement district or local enforcement agency may establish an alternative permitting program for 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 section does not apply to swings and other playground equipment accessory to a one- or two-family dwelling.

Exception: Electrical service to such playground equipment shall be in accordance with Chapter 27 of this code.

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 and as further regulated in Sections 102.4.1 and 102.4.2.

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

102.4.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code or the Florida Codes listed in Section 101.4, the provisions of this code or the Florida Codes listed in Section 101.4, as applicable, shall take precedence over the provisions in the referenced code or standard.

102.5 Partial invalidity. In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

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 Florida Building Code, Existing Building, the Florida Fire Prevention Code, and the provisions of [Chapter 10](#), Article I of the Village of Palm Springs Code of Ordinances.

102.6.1 Buildings not previously occupied. A building or portion of a building that has not been previously occupied or used for its intended purpose in accordance with the laws in existence at the time of its completion shall comply with the provisions of the Florida Building Code or Florida Residential Code, as applicable, for new construction or with any current permit for such occupancy.

102.6.2 Buildings previously occupied. The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code, the Florida Fire Prevention Code, the provisions of [Chapter 10](#), Article I of the Village of Palm Springs Code of Ordinances., or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

102.7 Relocation of manufactured buildings.

1. Relocation of an existing manufactured building does not constitute an alteration.
2. A relocated building shall comply with wind speed requirements of the new location, using the appropriate wind speed map. If the existing building was manufactured in compliance with the Standard Building Code (prior to March 1, 2002), the wind speed map of the Standard Building Code shall be applicable. If the existing building was manufactured in compliance with the Florida Building Code (on or after March 1, 2002), the wind speed map of the Florida Building Code shall be applicable.
3. A relocated building shall comply with the flood hazard area requirements of the new location, if applicable.

102.8 Existing mechanical equipment. An agency or local government may not require that existing mechanical equipment located on or above the surface of a roof be installed in compliance with the requirements of the Florida Building Code except during reroofing when the equipment is being replaced or moved during reroofing and is not in compliance with the provisions of the Florida Building Code relating to roof-mounted mechanical units.

PART 2—ADMINISTRATION AND ENFORCEMENT

SECTION 103 DEPARTMENT OF BUILDING SAFETY

103.1 Creation of enforcement agency. The Division of Building Safety (within the Planning and Zoning Department) is hereby created and the official in charge thereof shall be known as the Building Official.

103.2 Appointment. The Building Official shall be appointed by the chief appointing authority of the jurisdiction.

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Building Official shall have the authority to appoint a deputy Building Official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the Building Official.

For the maintenance of existing properties, see the provisions of Chapter 10, Article I of the Village of Palm Springs Code of Ordinances.

~~**103.4 Restrictions on employees. (Reserved).**~~

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

104.2.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the Building Official shall determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where the Building Official determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the Building Official shall require the building to meet the requirements of Section 1612 or R322 of the Florida Building Code, Residential, as applicable.

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 when inspecting structures or premises in the performance of duties under this code.

104.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the Building Official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the Building Official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

104.7 Department records. The Building Official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records per FS 119.

104.8 Liability. The Building Official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be civilly or criminally rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee or board member because of an act performed by that officer or employee or board 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.

104.8.1 Legal defense. Any suit or criminal complaint instituted against an officer or employee or board member because of an act performed by that officer or employee or board member in the lawful discharge of duties and under the provisions of this code shall be defended by legal representatives of the jurisdiction until the final termination of the proceedings. The Building Official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

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 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, upon application of the owner or owner's representative, provided the Building Official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

104.10.1 Flood hazard areas. The Building Official shall coordinate with the floodplain administrator to review requests submitted to the Building Official that seek approval to modify the strict application of the flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 117.

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 alternative meets all the following:

1. The alternative material, design or method of construction is satisfactory and complies with the intent of the provisions of this code.
2. The material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code as it pertains to the following:
 - 2.1 Quality
 - 2.2 Strength
 - 2.3 Effectiveness
 - 2.4 Fire resistance
 - 2.5 Durability
 - 2.6 Safety

Where the alternative material, design or method of construction is not approved, the Building Official shall respond in writing, stating the reasons why the alternative was not approved.

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.

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

SECTION 105 PERMITS

105.1 Required. Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical or plumbing, 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 or plumbing or interior nonstructural office system(s), the Building Official is authorized to issue an annual permit for any occupancy to facilitate routine or emergency service, repair, refurbishing, minor renovations of service systems or manufacturing equipment installations/relocations. The Building Official shall be notified of major changes and shall retain the right to make inspections at the facility site as deemed necessary. An annual facility permit shall be assessed with an annual fee and shall be valid for one year from date of issuance. A separate permit shall be obtained for each facility and for each construction trade, as applicable. The permit application shall contain a general description of the parameters of work intended to be performed during the year.

105.1.2 Annual Facility permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The Building Official shall have access to such records at all times or such records shall be filed with the Building Official as designated. The Building Official is authorized to revoke such permit if code violations are found to exist.

105.1.3 Food permit. In accordance with 500.12, Florida Statutes, a food permit from the Department of Agriculture and Consumer Services is required of any person who operates a food establishment or retail store.

105.1.4 Public swimming pool. The local enforcing agency may not issue a building permit to construct, develop, or modify a public swimming pool without proof of application, whether complete or incomplete, for an operating permit pursuant to Section 514.031, Florida Statutes. A certificate of completion or occupancy may not be issued until such operating permit is issued. The local enforcing agency shall conduct their review of the building permit application upon filing and in accordance with Chapter 553, Florida Statutes. The local enforcing agency may confer with the Department of Health, if necessary, but may not delay the building permit application review while awaiting comment from the Department of Health.

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of

this code or any other laws or ordinances of this jurisdiction, to include work in any special flood hazard area. Exemptions granted under this section do not relieve the owner or contractor from their duty to comply with applicable provisions of the Florida Building Code, and requirements of the local floodplain management ordinance. Permits shall not be required for the following:

Building:

1. Building permits are not required for replacement or repair work having a value of less than \$1,000.00, providing, however, that such work will not adversely affect the structural integrity, fire rating, exit access or egress requirements.
2. Cabinets and countertops with no reconfiguration for 1&2 Family Dwellings, painting, papering, carpeting, and similar finish work, with no electrical or plumbing work.
3. Temporary motion picture, television and theater sets and scenery.
4. Traditional swings and other standard playground equipment accessory to detached one and two-family dwellings, as determined by the Building Official, 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.
7. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground.
8. Swings and other playground equipment accessory to detached one- and two-family dwelling except for the electrical service.

Electrical:

Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.

2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (5 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 electrical load management control device where installed by a utility service provider.

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 in 1&2 Family Dwellings. This does not include water heaters, bathtubs and showers.

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. Notification shall be given to the Building Official, including the work address, nature of emergency, and scope of work immediately, or by the next business day.

105.2.2. Minor repairs. Ordinary minor repairs may be made with the approval of the Building Official without a permit, provided the repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring systems or mechanical equipment or other work affecting public health or general safety, and such repairs shall not violate any of the provisions of the technical codes.

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 building department for that purpose.

Permit application forms shall be in the format prescribed by a local administrative board, if applicable, and must comply with the requirements of 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.

Effective October 1, 2017, a local enforcement agency shall post each type of building permit application on its website. Completed applications must be able to be submitted electronically to the appropriate building department. Accepted methods of electronic submission include, but are not limited to, e-mail submission of applications in portable document format or submission of applications through an electronic fill-in form available on the building department's website or through a third-party submission management software. Payments, attachments, or drawings required as part of the permit application may be submitted in person in a non-electronic format, at the discretion of the Building Official.

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. Plumbing documents for any new building or addition which requires a plumbing system with more than 250 fixture units or which costs more than \$125,000.
2. Fire sprinkler documents for any new building or addition which includes a fire sprinkler system which contains 50 or more sprinkler heads. Personnel as authorized by chapter 633 Florida Statutes, may design a new fire protection ~~sprinkler~~ system of 49 or fewer ~~heads~~ sprinklers; 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~~ 249 or fewer sprinklers and the addition of up to 49 sprinklers, as long as the cumulative total number of fire sprinklers being added, relocated, or deleted does not exceed 249, notwithstanding the size of the existing fire sprinkler system; or may design the alteration of an existing fire

sprinkler system if the alteration consists of the relocation or deletion of 249 or fewer sprinklers, notwithstanding the size of the existing fire sprinkler system, if there is no change of occupancy of the affected areas, as defined in this code and the Florida Fire Prevention Code, and there is no change in the water demand as defined in NFPA 13, "Standard for the Installation of Sprinkler Systems, and if the occupancy hazard classification as defined in NFPA 13 is reduced or remains the same as a result of the alteration.

3. Heating, ventilation, and air-conditioning documents for any new building or addition which requires more than a 15-ton-per-system capacity which is designed to accommodate 100 or more persons or for which the system costs more than \$125,000. This paragraph does not include any document for the replacement or repair of an existing system in which the work does not require altering a structural part of the building or for work on a residential one, two, three or four-family structure.

An air-conditioning system may be designed by an installing air-conditioning contractor certified under Chapter 489, Florida Statutes, to serve any building or addition which is designed to accommodate fewer than 100 persons and requires an air-conditioning system with a value of \$125,000 or less; and when a 15-ton-per system or less is designed for a singular space of a building and each 15-ton system or less has an independent duct system. Systems not complying with the above require design documents that are to be sealed by a professional engineer.

Example 1: When a space has two 10-ton systems with each having an independent duct system, the contractor may design these two systems since each unit (system) is less than 15 tons.

Example 2: Consider a small single-story office building which consists of six individual offices where each office has a single three-ton package air conditioning heat pump. The six heat pumps are connected to a single water cooling tower. The cost of the entire heating, ventilation and air-conditioning work is \$47,000 and the office building accommodates fewer than 100 persons. Because the six mechanical units are connected to a common water tower this is considered to be an 18-ton system.

NOTE: It was further clarified by the Commission that the limiting criteria of 100 persons and \$125,000 apply to the building occupancy load and the cost for the total air-conditioning system of the building.

4. Any specialized mechanical, electrical, or plumbing document for any new building or addition which includes a medical gas, oxygen, steam, vacuum, toxic air filtration, halon, or fire detection and alarm system which costs more than \$5,000.

Exception:

Simplified permitting processes.

(1) As used in this section, the term:

(a) "Component" means valves, fire sprinklers, escutcheons, hangers, compressors, or any other item deemed acceptable by the local enforcing agency. For purposes of this paragraph, a valve does not include pressure-regulating, pressure-reducing, or pressure-control valves.

(b) "Contractor" means a person who:

1. Is qualified to engage in the business of electrical or alarm system contracting

pursuant to a certificate or registration issued by the department under part II of chapter 489, Florida Statutes; or

2. Is qualified to engage in the business of fire protection system contracting pursuant to a license or certificate issued by the State Fire Marshal.

(c) "Fire alarm system project" means a fire alarm system alteration of a total of 20 or fewer initiating devices and notification devices, or the installation or replacement of a fire communicator connected to an existing fire alarm control panel in an existing commercial, residential, apartment, cooperative, or condominium building.

(d) "Fire sprinkler system project" means a fire protection system alteration of a total of 20 or fewer fire sprinklers in which the sprinklers are of the same K-factor and located in spaces where there is no change of hazard classification or increased system coverage area, or the installation or replacement of an equivalent fire sprinkler system component in an existing commercial, residential, apartment, cooperative, or condominium building. For purposes of this paragraph, a component is equivalent if the component has the same or better characteristics, including electrical, hydraulic, pressure losses, and required listings and spacing as the component being replaced.

(2)(a) A local enforcement agency may require a contractor, as a condition of obtaining a permit for a fire alarm system project or fire sprinkler system project, to submit a completed application and payment.

(b) A local enforcement agency may not require a contractor to submit plans or specifications as a condition of obtaining a permit for a fire alarm system project or fire sprinkler system project.

(3) A local enforcement agency must issue a permit for a fire alarm system project or fire sprinkler system project in person or electronically.

(4) A local enforcement agency must require at least one inspection of a fire alarm system project or fire sprinkler system project to ensure compliance with applicable codes and standards. If a fire alarm system project or fire sprinkler system project fails an inspection, the contractor must take corrective action as necessary to pass inspection.

(5) (a) For a fire sprinkler alarm system project, a contractor must keep a copy of the plans and specifications at the fire alarm system project worksite and make such plans and specifications available to the inspector at each inspection.

(b) For a fire sprinkler system project to alter an existing fire protection system, a contractor must keep a copy of the plans and specifications at the fire sprinkler system project worksite and make such plans and specifications available to the inspector at each inspection.

(c) For a fire sprinkler system project to install or replace a component, a contractor must keep a copy of the manufacturer's installation instructions and any pertinent testing instructions needed to certify or accept the component at the fire sprinkler system project worksite and make such documents available to the inspector at each inspection.

5. Electrical documents. See Florida Statutes 471.003(2)(h). Any electrical or plumbing or air-conditioning and refrigeration system meeting the following thresholds are required to

be designed by a Florida Registered Engineer. Any system which:

1. Requires an electrical or plumbing or air-conditioning and refrigeration system with a value greater than \$125,000; and
 2.
 - a. Requires an aggregate service capacity of greater than 600 amperes (240 volts) on a residential electrical system or greater than 800 amperes (240 volts) on a commercial or industrial electrical system;
 - b. Requires a plumbing system with more than 250 fixture units; or
 - c. Requires a heating, ventilation, and air-conditioning system which exceeds a 15-ton-per-system capacity, or if the project is designed to accommodate more than 100 persons. Documents requiring an engineer seal by this part shall not be valid unless a professional engineer who possesses a valid certificate of registration has signed, dated, and stamped such document as provided in Section 471.025, Florida Statutes.
6. All public swimming pools and public bathing places defined by and regulated under Chapter 514, Florida Statutes

105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned becoming null and void 180 days after the date of filing, or for any 180 day 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 90 days each. The extension shall be requested in writing prior to the abandonment date, with justifiable cause demonstrated. Abandoned applications shall be subject to destruction in accordance with state law. The fee for renewal, re-issuance, and extension of a permit application shall be set forth by the administrative authority. There may be fees or requirements from other government agencies for permit application extensions and renewals.

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, such as the requirement for Home or Property Owners Association approval, 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 contractor exemption. Refer to Section 105.9 for additional requirements. A licensed asbestos removal contractor is not required when moving, removal or disposal of asbestos-containing materials on a residential building where the owner occupies the building, the building is not for sale or lease, and the work is performed according to the owner-builder limitations provided in this paragraph. To qualify for exemption under this paragraph, an owner must personally appear and sign the building permit

application. The permitting agency shall provide the person with a disclosure statement in substantially the following form:

Disclosure Statement: State law requires asbestos abatement to be done by licensed contractors. You have applied for a permit under an exemption to that law. The exemption allows you, as the owner of your property, to act as your own asbestos abatement contractor even though you do not have a license. You must supervise the construction yourself. You may move, remove or dispose of asbestos-containing materials on a residential building where you occupy the building and the building is not for sale or lease, or the building is a farm outbuilding on your property. If you sell or lease such building within 1 year after the asbestos abatement is complete, the law will presume that you intended to sell or lease the property at the time the work was done, which is a violation of this exemption. You may not hire an unlicensed person as your contractor. Your work must be done according to all local, state and federal laws and regulations which apply to asbestos abatement projects. It is your responsibility to make sure that people employed by you have licenses required by state law and by county or municipal licensing ordinances.

105.3.7 Applicable Code for Manufactured Buildings. Manufacturers should be permitted to complete all buildings designed and approved prior to the effective date of a new code edition, provided a clear signed contract is in place. The contract shall provide specific data mirroring that required by an application for permit, specifically, without limitation, date of execution, building owner or dealer, and anticipated date of completion. However, the construction activity must commence within 6 months of the contract's execution. The contract is subject to verification by the Department of Business and Professional Regulation.

105.3.8 Public right of way. A permit shall not be given by the Building Official for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has received a right of way permit from the authority having jurisdiction over the street, alley or public lane.

105.4 Conditions of the permit. The issuance or granting of a permit shall not be construed to be a *permit* for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of any other federal, state and local laws, ordinances, codes and regulations. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of any other federal, state and local laws, ordinances, codes and regulations 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 or of any other federal, state and local laws, ordinances, codes and regulations.

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 six months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six months after the time the work is commenced.

105.4.1.1 If work has commenced and the permit is revoked, becomes null and void, or expires because of lack of progress or abandonment, a new permit covering the proposed

construction shall be obtained before proceeding with the work.

105.4.1.2 If a new permit, or revalidation (renewal) of the original permit, is not obtained within 180 days from the date the initial permit became null and void, the Building Official is authorized to require that any work which has been commenced or completed be removed from the building site. Alternately, a new permit may be issued on application, providing the work in place and required to complete the structure meets all applicable regulations in effect at the time the initial permit became null and void and any regulations which may have become effective between the date of expiration and the date of issuance of the new permit.

105.4.1.3 Work shall be considered to be in active progress when the permit has received an approved inspection within 180 days. This provision shall not be applicable in case of civil commotion or strike or when the building work is halted due directly to judicial injunction, order or similar process, or due to action by an environmental or archeological agency having jurisdiction. 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. There may be fees or requirements from other government agencies for permit extensions and renewals.

105.4.1.5 After the local enforcing agency issues a permit, the local enforcing agency may not make or require any substantive changes to the plans or specifications except changes required for compliance with the Florida Building Code, the Florida Fire Prevention Code, or the Life Safety Code, or local amendments thereto. If a local enforcing agency makes or requires substantive changes to the plans or specifications after a permit is issued, the local enforcing agency must identify the specific plan features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide the information to the permitholder in writing.

105.4.2 Additional options for closing a permit. Pursuant to Section 553.79(15), Florida Statutes, a property owner, regardless of whether the property owner is the one listed on the application for the building permit, may close a building permit by complying with the following requirements:

1. The property owner may retain the original contractor listed on the permit or hire a different contractor appropriately licensed in this state to perform the work necessary to satisfy the conditions of the permit and to obtain any necessary inspection in order to close the permit. If a contractor other than the original contractor listed on the permit is hired by the property owner to close the permit, such contractor is not liable for any defects in the work performed by the original contractor and is only liable for the work that he or she performs.
2. The property owner may assume the role of an owner-builder, in accordance with Sections 489.103(7) and 489.503(6), Florida Statutes.
3. If a building permit is expired and its requirements have been substantially completed as determined by the local enforcement agency, the permit may be closed without having to obtain a new building permit, and the work required to close the permit may be done pursuant to the building code in effect at the time the local enforcement agency received the application for the permit, unless the contractor has sought and received approval from the local enforcement agency for an alternative material, design or method of construction.
4. A local enforcement agency may close a building permit 6 years after the issuance of

the permit, even in the absence of a final inspection, if the local enforcement agency determines that no apparent safety hazard exists.

For purposes of this section, the term “close” means that the requirements of the permit have been satisfied.

105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated as determined by the Building Official.

105.5.1 Additional options for closing a permit. Pursuant to Section 553.79(15), Florida Statutes, a property owner, regardless of whether the property owner is the one listed on the application for the building permit, may close a building permit by complying with the following requirements:

1. The property owner may retain the original contractor listed on the permit or hire a different contractor appropriately licensed in this state to perform the work necessary to satisfy the conditions of the permit and to obtain any necessary inspection in order to close the permit. If a contractor other than the original contractor listed on the permit is hired by the property owner to close the permit, such contractor is not liable for any defects in the work performed by the original contractor and is only liable for the work that he or she performs.

2. The property owner may assume the role of an owner- builder, in accordance with Sections 489.103(7) and 489.503(6), Florida Statutes.

3. If a building permit is expired and its requirements have been substantially completed, as determined by the local enforcement agency, the permit may be closed without having to obtain a new building permit, and the work required to close the permit may be done pursuant to the building code in effect at the time the local enforcement agency received the application for the permit, unless the contractor has sought and received approval from the local enforcement agency for an alternative material, design or method of construction.

4. A local enforcement agency may close a building permit 6 years after the issuance of the permit, even in the absence of a final inspection, if the local enforcement agency determines that no apparent safety hazard exists.

For purposes of this section, the term “close” means that the requirements of the permit have been satisfied.

105.5.2 For the purposes of this subsection, a closed permit shall mean a permit for which all requirements for completion have been satisfied or a permit that has been administratively closed by the building official.

105.5.3 For the purposes of this subsection, an open permit shall mean a permit that has not satisfied all requirements for completion as defined in 105.5.1.1.

105.6 Denial or revocation. Whenever a permit required under this section is denied or revoked because the plan, or the construction, erection, alteration, modification, repair, or demolition of a building, is found by the local enforcing agency to be not in compliance with the Florida Building Code, the local enforcing agency shall identify the specific plan or project features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based,

and provide this information to the permit applicant. If the local building code administrator or inspector finds that the plans are not in compliance with the Florida Building Code, the local building code administrator or inspector shall identify the specific plan features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the local enforcing agency. The local enforcing agency shall provide this information to the permit applicant.

Pursuant to Section 553.79(16), Florida Statutes, a local enforcement agency may not deny issuance of a building permit to; issue a notice of violation to; or fine, penalize sanction or assess fees against an arm's-length purchaser of a property for value solely because a building permit applied for by a previous owner of the property was not closed. The local enforcement agency shall maintain all rights and remedies against the property owner and contractor listed on the permit.

Pursuant to Section 553.79(16), Florida Statutes, a local enforcement agency may not deny issuance of a building permit to a contractor solely because the contractor is listed on other building permits that were not closed. A local enforcement agency has the authority to deny a new permit application from an applicant for other reasons.

105.6.1 Misrepresentation of application. The Building Official may revoke a permit or approval, issued under the provisions of this code, when 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 require correction or revoke the 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. In accordance with Section 713.135, Florida Statutes, when any person applies for a building permit, the authority issuing such permit shall print on the face of each permit card in no less than 14-point, capitalized, boldfaced type: "WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT."

105.9 Asbestos. The enforcing agency shall require each building permit for the demolition or renovation of an existing structure to contain an asbestos notification statement which indicates the owner's or operator's responsibility to comply with the provisions of Section 469.003, Florida Statutes, and to notify the Department of Environmental Protection of his or her intentions to remove asbestos, when applicable, in accordance with state and federal law. Refer to Section 105.3.6 "Asbestos Removal Contractor Exemption" of this code 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 as each required protective treatment is completed, providing a copy for the person the permit is issued to and another copy for the building permit files. The treatment certificate shall provide the product used, identity of the applicator, time and date of the treatment, site location, area treated, chemical used, percent concentration and number of gallons used, to establish a verifiable record of protective treatment. If

the soil chemical barrier method for termite prevention is used, final exterior treatment shall be completed prior to final building approval. 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.

105.13 Phased permit approval. After submittal of the appropriate construction documents, the Building Official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted. Corrections may be required to meet the requirements of the technical codes.

105.14 Permit issued on basis of an affidavit. 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 supervise such work. In addition, they shall be responsible for conformity to the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the Building Official written affidavit that the work has been done in conformity to the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the Building Official. The Building Official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, Florida Statutes, and that any person conducting inspections is qualified as a building inspector under Part III of Chapter 468, Florida Statutes. Nothing aforesaid shall preclude plan review or inspections by the Building Official (See also Section 107.6).

Exception: Permit issued on basis of an affidavit shall not extend to the flood load and flood resistance requirements of the Florida Building Code.

105.15 Opening protection. When any activity requiring a building permit that is applied for on or after July 1, 2008, and for which the estimated cost is \$50,000 or more for a site built single-family detached residential structure that is located in the wind borne debris region as defined in this Code and that has an insured value of \$750,000 or more, or, if the site built single-family detached residential structure is uninsured or for which documentation of insured value is not presented, has a just valuation for the structure for purposes of ad valorem taxation of \$750,000 or more; opening protections as required within this Code or Florida Building Code, Residential for new construction shall be provided.

Exception: Where defined wind-borne debris regions have not changed, single family detached

residential structures permitted subject to the Florida Building Code are not required to comply with this section.

105.16 Inspection of existing residential building not impacted by construction.

(a) A local enforcing agency, and any local building code administrator, inspector, or other official or entity, may not require as a condition of issuance of a one- or two-family residential building permit the inspection of any portion of a building, structure, or real property that is not directly impacted by the construction, erection, alteration, modification, repair, or demolition of the building, structure, or real property for which the permit is sought.

(b) This subsection does not apply to a building permit sought for:

1. A substantial improvement as defined in Section 161.54, Florida Statutes, or as defined in the Florida Building Code.
2. A change of occupancy as defined in the Florida Building Code.
3. A conversion from residential to nonresidential or mixed use pursuant to Section 553.507(2)(a), Florida Statutes or as defined in the Florida Building Code.
4. A historic building as defined in the Florida Building Code.

(c) This subsection does not prohibit a local enforcing agency, or any local building code administrator, inspector, or other official or entity, from:

1. Citing any violation inadvertently observed in plain view during the ordinary course of an inspection conducted in accordance with the prohibition in paragraph (a).
2. Inspecting a physically nonadjacent portion of a building, structure, or real property that is directly impacted by the construction, erection, alteration, modification, repair, or demolition of the building, structure, or real property for which the permit is sought in accordance with the prohibition in paragraph (a).
3. Inspecting any portion of a building, structure, or real property for which the owner or other person having control of the building, structure, or real property has voluntarily consented to the inspection of that portion of the building, structure, or real property in accordance with the prohibition in paragraph (a).
4. Inspecting any portion of a building, structure, or real property pursuant to an inspection warrant issued in accordance with Sections 933.20-933.30, Florida Statutes.

105.17 Streamlined low-voltage alarm system installation permitting.

(1) As used in this section, the term:

(a) "Contractor" means a person who is qualified to engage in the business of electrical or alarm system contracting pursuant to a certificate or registration issued by the department under part II of Chapter 489, Florida Statutes.

(b) "Low-voltage alarm system project" means a project related to the installation, maintenance, inspection, replacement, or service of a new or existing alarm system, as defined in Section 489.505, Florida Statutes, that is hardwired and operating at low voltage, as defined in the National Electrical Code Standard 70, and

ancillary components or equipment attached to such a system, including, but not limited to, home-automation equipment, thermostats, and video cameras.

(c) "Wireless alarm system" means a burglar alarm system or smoke detector that is not hardwired.

(2) Notwithstanding any provision of this Code, this section applies to all low-voltage alarm system projects for which a permit is required by a local enforcement agency. However, a permit is not required to install, maintain, inspect, replace, or service a wireless alarm system, including any ancillary components or equipment attached to the system.

(3) This section does not apply to the installation or replacement of a fire alarm, or access control system affecting required means of egress as required by Florida Building Code Chapter 10, if a plan review is required.

(4) A local enforcement agency shall make uniform basic permit labels available for purchase by a contractor to be used for the installation or replacement of a new or existing alarm system at a cost as indicated in Section 553.793, Florida Statutes. The local enforcement agency may not require the payment of any additional fees, charges, or expenses associated with the installation or replacement of a new or existing alarm.

(a) A local enforcement agency may not require a contractor, as a condition of purchasing a label, to submit information other than identification information of the licensee and proof of registration or certification as a contractor.

(b) A label is valid for 1 year after the date of purchase and may only be used within the jurisdiction of the local enforcement agency that issued the label. A contractor may purchase labels in bulk for one or more unspecified current or future projects.

(5) A contractor shall post an unused uniform basic permit label in a conspicuous place on the premises of the low-voltage alarm system project site before commencing work on the project.

(6) A contractor is not required to notify the local enforcement agency before commencing work on a low-voltage alarm system project. However, a contractor must submit a Uniform Notice of a Low-Voltage Alarm System Project as provided under subsection (7) to the local enforcement agency within 14 days after completing the project. A local enforcement agency may take disciplinary action against a contractor who fails to timely submit a Uniform Notice of a Low-Voltage Alarm System Project.

(7) The Uniform Notice of a Low-Voltage Alarm System Project may be submitted electronically or by facsimile if all submissions are signed by the owner, tenant, contractor, or authorized representative of such persons. The Uniform Notice of a Low-Voltage Alarm System Project shall be in the format prescribed by the local enforcement agency and must comply with the requirements of Section 553.793(7), Florida Statutes.

(8) A local enforcement agency may coordinate directly with the owner or customer to inspect a low-voltage alarm system project may be inspected by the local enforcement agency to ensure compliance with applicable codes and standards. If a low-voltage alarm system project fails an inspection, the contractor must take corrective action as necessary to pass inspection.

(9) A municipality, county, district, or other entity of local government may not adopt or maintain in effect any ordinance or rule regarding a low-voltage alarm system project that is inconsistent with this section.

(10) A uniform basic permit label shall not be required for the subsequent maintenance, inspection, or service of an alarm system that was permitted in accordance with this section.

The provisions of this act are not intended to impose new or additional licensure requirements on persons licensed in accordance with the applicable provisions of chapter 489, Florida Statutes.

SECTION 106 FLOOR AND ROOF DESIGN LOADS

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 or the owner's authorized agent in that part of each story in which they apply, using durable signs. It shall be unlawful to remove or deface such notices

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 in accordance with Florida Statute 553.79. 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, in a format acceptable to 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, 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 107.2.6.

107.2.1 Information on construction documents. Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted 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.

107.2.1.1 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 certifying suitability for the specific site must be submitted with the construction documents.

107.2.1.2 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.

107.2.1.3 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, including electronic format, in order to provide conformity to its electronic permit review and 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 Fire protection system shop drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate conformance to this code and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9.

107.2.3 Means of egress. The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress including the path of the exit discharge to the public way in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

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 Exterior balcony and elevated walking surfaces. Where balcony or other elevated walking surfaces are exposed to water from direct or blowing rain, snow or irrigation, and the structural framing is protected by an impervious moisture barrier the construction documents shall include details for all element of the impervious moisture barrier system. The construction documents shall include manufacturer's installation instructions.

107.2.6 Site plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways,

and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The Building Official is authorized to waive or modify the requirement for a site plan when the application for *permit* is for *alteration* or repair or when otherwise warranted.

107.2.6.1 Design flood elevations. Where design flood elevations are not specified, they shall be established in accordance with Section 1612.3.1. Design flood elevations shall be uniformly specified utilizing the currently effective NAVD 88.

107.2.6.2 For the purpose of inspection and record retention, site plans for a building may be maintained in the form of an electronic copy at the worksite. These plans must be open to inspection by the Building Official or a duly authorized representative, as required by the Florida Building Code.

107.2.7 Structural information. The construction documents shall provide the information specified in Section 1603.

107.3 Examination of documents. The Building Official shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

Exceptions:

1. Building plans approved pursuant to Section 553.77(5), Florida Statutes, and state-approved manufactured buildings are exempt from local codes enforcing agency plan reviews except for provisions of the code relating to erection, assembly or construction at the site. Erection, assembly and construction at the site are subject to local permitting and inspections. Photocopies of plans approved according to FAC 61-41.009, Florida Administrative Code, shall be sufficient for local permit application documents of record for the modular building portion of the permitted project.

2. Industrial construction on sites where design, construction and fire safety are supervised by appropriately licensed design and inspection professionals and which contain adequate in-house fire departments and rescue squads is exempt, subject to approval by the Building Official, from review of plans and inspections, providing the appropriate licensed design and inspection professionals certify that applicable codes and standards have been met and supply appropriate approved drawings to local building and fire-safety inspectors.

107.3.1 Approval of construction documents. When the Building Official issues a permit, the construction document shall be approved, in writing or by stamp, as "Reviewed for Code Compliance." One set of construction documents so reviewed shall be retained by the Building Official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the Building Official or a duly authorized representative.

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 180 days 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. Where it is required that documents be prepared by a registered design professional, the Building Official shall be authorized to require the owner or the owner's authorized agent to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner or the owner's authorized agent shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The Building Official shall be notified in writing by the owner or the owner's authorized agent if the registered design professional in responsible charge is changed or is unable to continue to perform the duties. Successor registered design professional in responsible charge licensed under Chapter 471 Florida Statutes shall comply with Section 471.025(4) Florida Statute, and the procedure set forth in 61G15-27.001 Florida Administrative Code; or licensed under Chapter 481, Florida Statutes, shall comply with Section 481.221(6), Florida Statute, and the procedure set forth in 61G1-18.002 Florida Administrative Code.

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 FAC Rule 61G20 shall be reviewed and approved in writing by the designer of record prior to submittal for jurisdictional approval.

107.3.4.1 Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the Building Official.

Deferral of any submittal items shall have the prior approval of the Building Official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the Building Official.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the Building Official with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the Building Official.

107.3.4.2 Certifications by contractors authorized under the provisions of Section 489.115(4)(b), Florida Statutes, shall be considered equivalent to sealed plans and specifications by a person licensed under Chapter 471, Florida Statutes, or Chapter 481 Florida Statutes, by local enforcement agencies for plans review for permitting purposes relating to compliance with the wind-resistance provisions of the code or alternate methodologies approved by the Florida Building Commission for one- and two-family dwellings. Local enforcement agencies may rely upon such certification by contractors that the plans and specifications submitted conform to the requirements of the code for wind resistance. Upon good cause shown, local government code enforcement agencies may accept or reject plans sealed by persons licensed under Chapters 471, 481 or 489, Florida Statutes.

107.3.5 Minimum plan review criteria for buildings. The examination of the documents by the Building Official shall include the following minimum criteria and documents: a floor plan; site plan; foundation plan; floor/roof framing plan or truss layout; all fenestration and building envelope penetrations; flashing; and rough opening dimensions; and all exterior elevations:

Commercial Buildings:

Building

1. Site requirements:

Parking

Fire access

Vehicle loading

Driving/turning radius

Fire hydrant/water supply/post indicator valve (PIV)

Set back/separation (assumed property lines)

Location of specific tanks, water lines and sewer lines

Flood hazard areas, flood zones, and design flood elevations

2. Occupancy group and special occupancy requirements shall be determined (with cross check with the energy code submittal).

3. Minimum type of construction shall be determined (see Table 503).

4. Fire-resistant construction requirements shall include the following components: Fire-resistant separations

Fire-resistant protection for type of construction Protection of openings and penetrations of rated walls

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
Impact resistant coverings or systems
Structural calculations (if required)
Foundation
Flood requirements in accordance with Section 1612, including lowest floor elevations, enclosures, flood damage-resistant materials
Wall systems
Floor systems
Roof systems
Threshold inspection plan
Stair systems

9. Materials shall be reviewed and shall at a minimum include the following: Wood

Steel
Aluminum
Concrete
Plastic
Glass
Masonry
Gypsum board and plaster
Insulating (mechanical)
Roofing
Deck coatings
Insulation
Building envelope portions of the Energy Code (including calculation and mandatory requirements)

10. Accessibility requirements shall include the following:

Site requirements
Accessible route
Vertical accessibility
Toilet and bathing facilities
Drinking fountains
Equipment
Special occupancy requirements
Fair housing requirements

11. Interior requirements shall include the following:

Interior finishes (flame spread/smoke development)
Light and ventilation (including corresponding portion of the energy code)
Sanitation

12. Special systems:

Elevators

Escalators

Lifts

13. Swimming pools:

Barrier requirements

Spas

Wading pools

14. Location and installation details. The specific location and installation details of each fire door, fire damper, ceiling damper and smoke damper shall be shown and properly identified on the building plans by the designer.

Electrical

1. Electrical:

Wiring

Services

Feeders and branch circuits

Overcurrent protection

Grounding

Wiring methods and materials

GFCIs

Electrical portions of the Energy Code (including calculation and mandatory requirements)

2. Equipment

3. Special occupancies

4. Emergency systems

5. Communication systems

6. Low voltage

7. Load calculations

8. Design flood elevation

Plumbing

1. Minimum plumbing facilities

2. Fixture requirements

3. Water supply piping

4. Sanitary drainage

5. Water heaters

6. Vents

7. Roof drainage

8. Back flow prevention

9. Irrigation

10. Location of water supply line

11. Grease traps

12. Environmental requirements

13. Plumbing riser

14. Design flood elevation

15. Water/plumbing portions of the Energy Code (including calculation and mandatory requirements)

Mechanical

1. Mechanical portions of the energy calculations

2. Exhaust systems:

Clothes dryer exhaust
Kitchen equipment exhaust
Specialty exhaust systems

3. Equipment
4. Equipment location
5. Make-up air
6. Roof-mounted equipment
7. Duct systems
8. Ventilation
9. Combustion air
10. Chimneys, fireplaces, and vents
11. Appliances
12. Boilers
13. Refrigeration
14. Bathroom ventilation
15. Laboratory
16. Design flood elevation
17. Smoke and/or Fire Dampers

Gas

1. Gas piping
2. Venting
3. Combustion air
4. Chimneys and vents
5. Appliances
6. Type of gas
7. Fireplaces
8. LP tank location
9. Riser diagram/shutoffs
10. Design flood elevation
11. Gas portions of the Energy Code (including calculation and mandatory requirements)

Demolition

1. Asbestos removal:

Residential (one- and two-family):

1. Site requirements:
Set back/separation (assumed property lines)
Location of septic tanks
2. Fire-resistant construction (if required)
3. Fire
4. Smoke and/or carbon monoxide alarm/detector locations
5. Egress
Egress window size and location stairs construction requirements
6. Structural requirements shall include:
Wall section from foundation through roof, including assembly and materials, connector tables, wind requirements, and structural calculations (if required)
Termite protection

Design loads
Wind requirements
Building envelope
Foundation

Wall systems
Floor systems

Roof systems

Flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures, equipment, and flood damage-resistant materials

7. Accessibility requirements: show/identify accessible bath

8. Impact resistant coverings or systems

9. Residential Energy Code submittal (including calculation and mandatory requirements)

10. Electrical:

Electric service riser with wire sizes, conduit detail and grounding detail

Complete load calculations, Panel schedules

11. Mechanical:

Equipment and location, Duct systems

12. Plumbing:

Plumbing riser

13. Gas:

Gas piping

Venting

Combustion air

Chimneys and vents

Appliances

Type of gas

Fireplaces

LP tank location

Riser diagram/shutoffs

14. Swimming Pools

Barrier requirements

Spas

Wading pools

Manufactured buildings/housing -

1. Site requirements

Setback/separation (assumed property lines)

Location of septic tanks (if applicable)

2. Structural:

Wind zone

Flood Anchoring

Blocking

3. Plumbing:

List potable water source and meter size (if applicable)

4. Mechanical:

Exhaust systems
Clothes dryer exhaust
Kitchen equipment exhaust

5. Electrical exterior disconnect location:

Exemptions.

Plans examination by the *Building Official* shall not be required for the following work:

1. Replacing existing equipment such as mechanical units, water heaters, etc.
2. Reroofs (as determined by local jurisdiction)
3. Minor electrical, plumbing, and mechanical repairs
4. Annual maintenance permits
5. Prototype plans

Except for local site adaptations, siding, foundations and/or modifications.

Except for structures that require waiver.

6. Manufactured buildings plan except for foundations and modifications of buildings on site and as listed above in manufactured buildings/housing.

107.4 Amended construction documents. Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

107.5 Retention of construction documents. One set of approved construction documents shall be retained by the Building Official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

107.6 Affidavits. The Building Official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The Building Official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the Building Official copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes. Where the Building Official relies upon such affidavit, the architect or engineer shall assume full responsibility for compliance with all provisions of the technical codes and other pertinent laws or ordinances. The Building Official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, Florida Statutes, and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, Florida Statutes. Nothing aforesaid shall preclude plan review or inspections by the Building Official (See also Section 105.14). On applications in which private provider services are utilized, all time frames shall adhere to time frames as indicated in Florida Statutes 553.791 7(a).

107.6.1 Building permits issued on the basis of an affidavit in special flood hazard areas. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Parts 59 and 60), the authority granted to the Building Official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Sections 105.14 and 107.6, shall not

extend to the flood load and flood resistance construction requirements of the Florida Building Code.

107.6.2 Affidavits Provided Pursuant to Section 553.791, Florida Statutes. For a building or structure in a flood hazard area, the building official shall review any affidavit certifying compliance with the flood load and flood-resistant construction requirements of the Florida Building Code.

107.7 If the local building code administrator or inspector finds that the plans are not in compliance with the Florida Building Code, the local building code administrator or inspector shall identify the specific plan features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the local enforcing agency. If the building code administrator, plans examiner, or inspector requests another local enforcing agency employee or a person contracted by the local enforcing agency to review the plans and that employee or person identifies specific plan features that do not comply with the applicable codes, the building code administrator, plans examiner, or inspector must provide this information to the local enforcing agency. The local enforcing agency shall provide this information to the permit applicant.

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 180 days. The Building Official is authorized to grant extensions for demonstrated cause.

108.2 Conformance. Temporary structures and uses shall comply with the requirements in Section 3103.

108.3 Temporary power. The Building Official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat, or power in NFPA 70.

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 to be removed or use to be discontinued.

SECTION 109 FEES

109.1 Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

109.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

109.2.1 Types of Fees Enumerated. Fees may be charged for but not limited to the following:

- Permits;
- Plans examination;
- Certificates of competency (including fees for applications, examinations, renewal,

- late renewal, and reciprocity);
- Re-inspections;
- Administrative fees (including fees for investigative and legal costs incurred in the context of certain disciplinary cases heard by the board);
- Variance requests;
- Administrative appeals;
- Violations; and
- Other fees as established by local resolution or ordinance.

109.3 Building permit valuations. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the Building Official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Building Official. Final building permit valuation shall be set by the Building Official.

109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits or without prior approval from the Building Official as permitted in Section 105.2.2 or 105.12 shall be subject to a fee established by the Building Official that shall be in addition to the required permit fees or as provided by local ordinance. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger. But in all such cases the required permit(s) must be applied for within three (3) business days and any unreasonable delay in obtaining those permit(s) shall result in the charge of a double fee. The payment of a double fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The Building Official may grant extensions of time or waive fees when justifiable cause has been demonstrated in writing.

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 and publish a refund policy through local ordinance, which is located in the village code of ordinances, ~~Village of Palm Springs MuniCode Ch 10~~, section 10.56.

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 exposed and provided with access for inspection purposes until approved.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the owner or the owner's authorized agent to cause the work to remain exposed and provided with access for inspection purposes. The Building Official shall be permitted to require a boundary line survey prepared by a qualified surveyor whenever the boundary lines cannot be readily determined in the field. Neither the Building Official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

110.1.1 Manufacturers and fabricators. When deemed necessary by the Building Official, he/she shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violations of the technical codes.

110.1.2 Inspection service. The Building Official may make, or cause to be made, the inspections required by Section 110. He or she may accept reports of department inspectors, independent inspectors or of recognized inspection services, provided that after investigation he/she is satisfied as to their licensure, qualifications, and reliability. A certificate required by any provision of this code shall not be based on such reports unless the same are recorded by the building code inspector or the architect or engineer performing building code inspections in a manner specified by the Building Official. The Building Official shall ensure that all persons making such inspections shall be certified in accordance to Chapter 468 Florida Statutes; or licensed under Chapter 471 or 481 Florida Statutes.

The Building Official may require the owner to employ an inspection service in the following instances:

1. For buildings or additions of Type I construction;
2. For all major structural alterations;
3. Where the concrete design is based on compressive strength in excess of 3000 pounds per square inch;
4. For pile driving;
5. For buildings with an area greater than 20,000 square feet;
6. For buildings more than two stories in height; or
7. For buildings and structures of unusual design or methods of construction.

Such inspectors shall be present when work is underway on the structural elements of the building to adequately attest to its compliance. Such inspectors shall be a registered architect, or engineer. An employee of the architect or engineer licensed under Chapter 468, Part XII, Florida Statutes may perform the inspections, under the direction of and with final certification from the architect or engineer. 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, the architect or engineer 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.

110.1.3 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.

110.1.3.1 Exception: Affidavits may not be accepted for inspection of elements of construction which require inspection by the local jurisdiction under the requirements of Title

44, Code of Federal Regulations, Parts 59 and 60, and the local flood damage prevention ordinance.

110.2 Preliminary inspection. Before issuing a permit, the Building Official is authorized to examine or cause to be examined buildings, structures, and sites for which an application has been filed.

110.3 Required inspections. The Building Official upon notification from the permit holder or his or her agent shall make the following inspections, or any other such inspection as deemed necessary and shall either release that portion of the construction or shall notify the permit holder or his or her agent of any violations which must be corrected in order to comply with the technical codes. The Building Official shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection.

Building

1. Foundation inspection. To be made after trenches are excavated, any required reinforcing steel is in place, forms erected and shall at a minimum include the following building components:

- Stem-wall
- Monolithic slab-on-grade
- Piling/pile caps
- Footers/grade beams

1.1. Slab Inspection: Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

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. In lieu of providing a survey, the contractor may elect to uncover all property line markers and string-up all property lines in preparation for inspection.

1.2. In flood hazard areas, upon placement of the lowest floor, including basement, and prior to further vertical construction, the elevation certification shall be submitted to the ~~Authority having Jurisdiction~~building official.

2. Framing inspection. To be made after the roof, all framing, fire blocking and bracing is in place, all concealing wiring, all pipes, chimneys, ducts and vents are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved and shall at a minimum include the following building components:

- Window/door framing
- Window U-factor/SHGC as indicated on approved energy calculations
- Vertical cells/columns
- Lintel/tie beams

- Framing/trusses/bracing/connectors (including truss layout and engineered drawings)
- Draft stopping/fire blocking
- Curtain wall framing
- Energy insulation (Insulation R-factor as indicated on approved calculations)
- Accessibility.
- Verify rough opening dimensions are within tolerances.
- Window/door buck attachment

2.1. Insulation Inspection: To be made after the framing inspection is approved and the insulation is in place, according to approved energy calculation submittal Includes wall and ceiling insulation.

2.2 Lath and gypsum board inspection for fire-resistance-rated or shear assemblies. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

3. Sheathing inspection. To be made either as part of a dry-in inspection or done separately at the request of the contractor after all roof and wall sheathing and fasteners are complete and shall at a minimum include the following building components:

- Roof sheathing
- Wall sheathing
- Continuous air barrier
- Exterior Siding/Cladding
- Sheathing fasteners
- Roof/wall dry-in.

NOTE: Sheathing fasteners installed and found to be missing the structural member (shiners) shall be removed and properly reinstalled prior to installation of the dry-in material. **Exception:** ring shank nails shall be bent over and a new fastener installed.

4. Exterior wall coverings. Shall at a minimum include the following building components in progress inspections:

- Exterior wall coverings and veneers
- Soffit coverings

5. Roofing inspection. Shall at a minimum be made in at least two inspections and include the following building components:

- Dry-in

- Insulation

- Roof coverings (including In Progress as necessary)

- Insulation on roof deck (according to submitted energy calculation)

- Flashing

- Sheathing

5.1. Re-Roof sheathing inspection. An affidavit with a notarized signature of a state or locally licensed roofing contractor for the installation of additional sheathing fasteners as required by the Existing Building Code may be accepted at the discretion of the Building Official.

6. Final inspection. To be made after the building, including all sub-trade inspections, is completed and ready for occupancy.

6.1. In flood hazard areas, as part of the final inspection, a final certification of the lowest floor elevation shall be submitted to the authority having jurisdiction.

7. Swimming pool inspection. First inspection to be made after excavation and installation of reinforcing steel, bonding, and main drain and prior to placing of concrete shell.

1. Steel reinforcement inspection

2. Underground electric inspection.

3. Underground piping inspection including a pressure test.

4. Underground electric inspection under deck area (including the equipotential bonding)

5. Underground piping inspection under deck area.

6. Deck inspection: to be made prior to installation of the deck material (with forms, deck drains, and any reinforcement in place

7. Safety Inspection; Made prior to filling the pool with the bonding connections made, the proper drain covers installed and the final barriers installed.

8. Final pool piping.

9. Final Electrical inspection.

10. Final inspection to be made when the swimming pool is complete and all required enclosure requirements are in place.

In order to pass final inspection and receive a certificate of completion, a residential swimming pool must meet the requirements relating to pool safety features as described in Section 454.2.17. of this code

8. Demolition inspections. First inspection to be made after all utility connections have been 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 453.27.20 of this code).

10. Where impact resistant coverings or impact resistant systems are installed, the Building Official shall schedule adequate inspections of impact resistant coverings or impact resistant systems to determine the following:

The system indicated on the plans was installed.

The system is installed in accordance with the manufacturer's installation instructions and the product approval.

Electrical

1. Underground inspection. To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.
2. Rough-in inspection. To be made after the roof, framing, fireblocking and bracing is in place and prior to the installation of wall or ceiling membranes.
3. Final inspection. To be made after the building electrical system is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.
4. Existing Swimming Pools. To be made after all repairs or alterations are complete, all required electrical equipment, GFCI protection, and equipotential bonding are in place on said alterations or repairs.

Plumbing

1. Underground inspection. To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.
2. Rough-in inspection. To be made after the roof, framing, fireblocking and bracing is in place and all soil, waste and vent piping is complete, and prior to this installation of wall or ceiling membranes.

·includes plumbing provisions of the energy code and approved calculations provisions.

3. Final inspection. To be made after the building plumbing system is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.
Note: See Section 312 of the Florida Building Code, Plumbing for required tests.

Mechanical

1. Underground inspection. To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.
2. Rough-in inspection. To be made after the roof, framing, fire blocking and bracing are in place and all ducting, and other concealed components are complete, and prior to the installation of wall or ceiling membranes.

·includes mechanical provisions of the energy code and approved calculations provisions.

3. Final inspection. To be made after the building mechanical system is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

Gas

1. Rough piping inspection. To be made after all new piping authorized by the permit has been

installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected.

- includes gas provisions of the energy code and approved calculations provisions.

2. Final piping inspection. To be made after all piping authorized by the permit has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.

3. Final inspection. To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by new work or any changes, to ensure compliance with all the requirements of this code and to assure that the installation and construction of the gas system is in accordance with reviewed plans.

Site Debris

1. The contractor and/or owner of any active or inactive construction project shall be responsible for the clean-up and removal of all construction debris or any other miscellaneous discarded articles during the course of the construction project and prior to receiving final inspection approval. Construction job sites must be kept clean and in a safe condition at all times.

2. All debris shall be kept in such a manner as to prevent it from being spread by any means.

110.3.1 Footing and foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

110.3.2 Concrete slab and under-floor inspection.

Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

110.3.3 Lowest floor elevation. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.4 of the Florida Building Code, Building and Section R322 of the Florida Building Code, Residential, shall be submitted to the Building Official.

110.3.4 Frame inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

110.3.5 Lath, gypsum board and gypsum panel product inspection. Lath, gypsum board and gypsum panel product inspections shall be made after lathing, gypsum board and gypsum panel products, interior and exterior, are in place, but before any plastering is applied or gypsum board and gypsum panel product joints and fasteners are taped and finished.

Exception: Gypsum board and gypsum panel products that are not part of a fire-resistance-rated assembly or a shear assembly.

110.3.6 Weather-exposed balcony and walking surface waterproofing. Where balcony or other elevated walking surfaces are exposed to water from direct or blowing rain, snow or irrigation,

and the structural framing is protected by an impervious moisture barrier, all elements of the impervious-moisture-barrier system shall not be concealed until inspected and approved.

110.3.7 Fire- and smoke-resistant penetrations.

Protection of joints and penetrations in fire-resistance rated assemblies, smoke barriers and smoke partition shall not be concealed from view until inspected and approved.

110.3.8 Energy efficiency inspections. Inspections shall be made to determine compliance with FBC, Energy Conservation and confirm with the approved energy code submittal (by appropriate trade) and corresponding mandatory requirements and shall include, but not be limited to, inspections for: corresponding envelope insulation *R*- and *U*-values, fenestration *U*-value and Solar Heat Gain Coefficient, duct system *R*-value, and HVAC, lighting, electrical and water-heating equipment efficiency.

110.3.9 Other inspections. In addition to the inspections specified in Sections 110.3 through 110.3.7, the Building Official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

110.3.10 Special inspections. Reserved.

110.3.11 Final inspection. The final inspection shall be made after all work required by the building permit is completed.

110.3.11.1 Flood hazard documentation. If located in a flood hazard area, documentation as required in Section 1612.5 of the Florida Building Code, Building; or Section R322 of the Florida Building Code, Residential, shall be submitted to the Building Official prior to the final inspection.

110.3.11.2 Commercial Energy Code documentation. If required by energy code path submittal, confirmation that commissioning result requirements have been received by building owner.

110.3.11.3 Residential Energy Code documentation. If required by energy code path submittal (R405), confirmation that the envelope and duct test requirements shall be received by building official.

110.3.12 Termites. Building components and building surroundings required to be protected from termite damage in accordance with Section 1503.7, Section 2304.13 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.

110.3.13 Impact resistant coverings or systems. Where impact resistant coverings or systems are installed to meet requirements of this code, the Building Official shall schedule adequate inspections of impact resistant coverings or systems to determine the following:

1. The system indicated on the plans was installed.
2. The system is installed in accordance with the manufacturer's installation instructions and the product approval.

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 Official. The Building Official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Building Official.

110.7 Shoring. For threshold buildings, shoring and associated formwork or falsework shall be designed and inspected by a Florida licensed professional engineer, prior to any required mandatory inspections by the threshold building inspector.

110.8 Threshold building.

110.8.1 During new construction or during repair or restoration projects in which the structural system or structural loading of a building is being modified, the enforcing agency shall require a special inspector to perform structural inspections on a threshold building pursuant to a structural inspection plan prepared by the engineer or architect of record. The structural inspection plan must be submitted to the enforcing agency prior to the issuance of a building permit for the construction of a threshold building. The purpose of the structural inspection plans is to provide specific inspection procedures and schedules so that the building can be adequately inspected for compliance with the permitted documents. The special inspector may not serve as a surrogate in carrying out the responsibilities of the Building Official, the architect, or the engineer of record. The contractor's contractual or statutory obligations are not relieved by any action of the special inspector.

110.8.2 The special inspector shall determine that a professional engineer who specializes in shoring design has inspected the shoring and reshoring for conformance with the shoring and reshoring plans submitted to the enforcing agency. A fee simple title owner of a building, which does not meet the minimum size, height, occupancy, occupancy classification, or number-of-stories criteria which would result in classification as a threshold building under Section 553.71(7), Florida Statutes, may designate such building as a threshold building, subject to more than the minimum number of inspections required by the Florida Building Code.

110.8.3 The fee owner of a threshold building shall select and pay all costs of employing a special inspector, but the special inspector shall be responsible to the enforcement agency. The inspector shall be a person certified, licensed or registered under Chapter 471, Florida Statutes, as an engineer or under Chapter 481, Florida Statutes, as an architect.

110.8.4 Each enforcement agency shall require that, on every threshold building:

110.8.4.1 The special inspector, upon completion of the building and prior to the issuance of a certificate of occupancy, file a signed and sealed statement with the enforcement agency in substantially the following form: "To the best of my knowledge and belief, the above described construction of all structural load-bearing components complies with the permitted documents, and the shoring and reshoring conforms to the shoring and reshoring plans

submitted to the enforcement agency.”

110.8.4.2 Any proposal to install an alternate structural product or system to which building codes apply be submitted to the enforcement agency for review for compliance with the codes and made part of the enforcement agency’s recorded set of permit documents.

110.8.4.3 All shoring and reshoring procedures, plans and details be submitted to the enforcement agency for recordkeeping. Each shoring and reshoring installation shall be supervised, inspected and certified to be in compliance with the shoring documents by the contractor.

110.8.4.4 All plans for the building which are required to be signed and sealed by the architect or engineer of record contain a statement that, to the best of the architect’s or engineer’s knowledge, the plans and specifications comply with the applicable minimum building codes and the applicable fire-safety standards as determined by the local authority in accordance with this Section and Chapter 633, Florida Statutes.

110.8.5 No enforcing agency may issue a building permit for construction of any threshold building except to a licensed general contractor, as defined in Section 489.105(3)(a), Florida Statutes, or to a licensed building contractor, as defined in Section 489.105(3)(b), Florida Statutes, within the scope of her or his license. The named contractor to whom the building permit is issued shall have the responsibility for supervision, direction, management and control of the construction activities on the project for which the building permit was issued.

110.8.6 The building department may allow a special inspector to conduct the minimum structural inspection of threshold buildings required by this code, Section 553.73, Florida Statutes, without duplicative inspection by the building department. The Building Official is responsible for ensuring that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, Florida Statutes, or certified as a special inspector under Chapter 471 or 481, Florida Statutes. Inspections of threshold buildings required by Section 553.79(5), Florida Statutes, are in addition to the minimum inspections required by this code.

~~**110.9 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 runoffs, 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, as appropriate under Florida law, shall be submitted to the inspector in order to receive approval of the final inspection.~~

110.9 Mandatory structural inspections for condominium and cooperative buildings.

110.9.1 **General.** The Florida Legislature finds that maintaining the structural integrity of a building throughout the life of the building is of paramount importance in order to ensure

that buildings are structurally sound so as to not pose a threat to the public health, safety, or welfare. As such, the Florida Legislature finds that the imposition of a statewide structural inspection program for aging condominium and cooperative buildings in this state is necessary to ensure that such buildings are safe for continued use.

110.9.2 As used in this section, the terms:

(a) “Milestone inspection” means a structural inspection of a building, including an inspection of load-bearing elements and the primary structural members and primary structural systems as those terms are defined in s. 627.706, Florida Statutes, by an architect licensed under chapter 481 or engineer licensed under chapter 471 authorized to practice in this state for the purposes of attesting to the life safety and adequacy of the structural components of the building and, to the extent reasonably possible, determining the general structural condition of the building as it affects the safety of such building, including a determination of any necessary maintenance, repair, or replacement of any structural component of the building. The purpose of such inspection is not to determine if the condition of an existing building is in compliance with the Florida Building Code or the fire safety code. The milestone inspection services may be provided by a team of professionals with an architect or engineer acting as a registered design professional in responsible charge with all work and reports signed and sealed by the appropriate qualified team member.

(b) “Substantial structural deterioration” means substantial structural distress or substantial structural weakness that negatively affects a building’s general structural condition and integrity. The term does not include surface imperfections such as cracks, distortion, sagging, deflections, misalignment, signs of leakage, or peeling of finishes unless the licensed engineer or architect performing the phase one or phase two inspection determines that such surface imperfections are a sign of substantial structural deterioration.

110.9.3 (a) An owner or owners of a building that is three stories or more in height as determined by the Florida Building Code and that is subject, in whole or in part, to the condominium or cooperative form of ownership as a residential condominium under chapter 718, Florida Statutes, or a residential cooperative under chapter 719, Florida Statutes, must have a milestone inspection performed by December 31 of the year in which the building reaches 30 years of age, based on the date the certificate of occupancy for the building was issued, and every 10 years thereafter. If a building reached 30 years of age before July 1, 2022, the building’s initial milestone inspection must be performed before December 31, 2024. If a building reaches 30 years of age on or after July 1, 2022, and before December 31, 2024, the building’s initial milestone inspection must be performed before December 31, 2025. If the date of issuance for the certificate of occupancy is not available, the date of issuance of the building’s certificate of occupancy shall be the date of occupancy evidenced in any record of the local building official.

(b) The local enforcement agency may determine that local circumstances, including environmental conditions such as proximity to salt water as defined in s. 379.101, require that a milestone inspection must be performed by December 31 of the year in which the building reaches 25 years of age, based on the date the certificate of occupancy for the building was issued, and every 10 years thereafter.

(c) The local enforcement agency may extend the date by which a building’s initial milestone inspection must be completed upon a showing of good cause by the owner or owners of the building that the inspection cannot be timely completed if the owner or owners have entered into a contract with an architect or engineer to perform the milestone inspection and the inspection cannot reasonably be completed before the deadline or other circumstance to justify an extension.

(d) The local enforcement agency may accept an inspection report prepared by a licensed engineer or architect for a structural integrity and condition inspection of a building performed before July 1, 2022, if the inspection and report substantially comply with the requirements of this section. Notwithstanding when such inspection was completed, the condominium or cooperative association must comply with the unit owner notice requirements in Section 110.9.9. The inspection for which an inspection report is accepted by the local enforcement agency under this paragraph is deemed a milestone inspection for the applicable requirements in chapters 718 and 719. If a previous inspection and report is accepted by the local enforcement agency under this paragraph, the deadline for the building's subsequent 10-year milestone inspection is based on the date of the accepted previous inspection.

110.9.4 The milestone inspection report must be arranged by a condominium or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership. The condominium association or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership are each responsible for ensuring compliance with the requirements of this section. The condominium association or cooperative association is responsible for all costs associated with the milestone inspection attributable to the portions of a building which the association is responsible to maintain under the governing documents of the association.

This section does not apply to a single-family, two-family, or three-family dwelling with three or fewer habitable stories above ground.

110.9.5. Upon determining that a building must have a milestone inspection, the local enforcement agency must provide written notice of such required inspection to the condominium association or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership, as applicable, by certified mail, return receipt requested. The condominium or cooperative association must notify the unit owners of the required milestone inspection within 14 days after receipt of the written notice from the local enforcement agency and provide the date that the milestone inspection must be completed. Such notice may be given by electronic submission to unit owners who consent to receive notice by electronic submission or by posting on the association's website.

110.9.6. Phase one of the milestone inspection must be completed within 180 days after the owner or owners of the building receive the written notice under Section 110.9.5. For purposes of this section, completion of phase one of the milestone inspection means the licensed engineer or architect who performed the phase one inspection submitted the inspection report by e-mail, United States Postal Service, or commercial delivery service to the local enforcement agency.

110.9.7. A milestone inspection consists of two phases:

110.9.7.1. For phase one of the milestone inspection, a licensed architect or engineer authorized to practice in this state shall perform a visual examination of habitable and nonhabitable areas of a building, including the major structural components of a building, and provide a qualitative assessment of the structural conditions of the building. If the architect or engineer finds no signs of substantial structural deterioration to any building components under visual examination, phase two of the inspection, as provided in Section 110.9.7.2, is not required. An architect or engineer who completes a phase one milestone inspection shall prepare and submit an inspection report pursuant to Section 110.9.8.

110.9.7.2. A phase two of the milestone inspection must be performed if any substantial

structural deterioration is identified during phase one. A phase two inspection may involve destructive or nondestructive testing at the inspector's direction. The inspection may be as extensive or as limited as necessary to fully assess areas of structural distress in order to confirm that the building is structurally sound and safe for its intended use and to recommend a program for fully assessing and repairing distressed and damaged portions of the building. When determining testing locations, the inspector must give preference to locations that are the least disruptive and most easily repairable while still being representative of the structure. If a phase two inspection is required, within 180 days after submitting a phase one inspection report the architect or engineer performing the phase two inspection must submit a phase two progress report to the local enforcement agency with a timeline for completion of the phase two inspection. An inspector who completes a phase two milestone inspection shall prepare and submit an inspection report pursuant to Section 110.9.8.

110.9.8. Upon completion of a phase one or phase two milestone inspection, the architect or engineer who performed the inspection must submit a sealed copy of the inspection report with a separate summary of, at minimum, the material findings and recommendations in the inspection report to the condominium association or cooperative association, to any other owner of any portion of the building which is not subject to the condominium or cooperative form of ownership, and to the building official of the local government which has jurisdiction. The inspection report must, at a minimum, meet all of the following criteria:

- (a) Bear the seal and signature, or the electronic signature, of the licensed engineer or architect who performed the inspection.
- (b) Indicate the manner and type of inspection forming the basis for the inspection report.
- (c) Identify any substantial structural deterioration, within a reasonable professional probability based on the scope of the inspection, describe the extent of such deterioration, and identify any recommended repairs for such deterioration.
- (d) State whether unsafe or dangerous conditions, as those terms are defined in the Florida Building Code, were observed.
- (e) Recommend any remedial or preventive repair for any items that are damaged but are not substantial structural deterioration.
- (f) Identify and describe any items requiring further inspection.

110.9.9 Within 45 days after receiving the applicable inspection report, the condominium or cooperative association must distribute a copy of the inspector-prepared summary of the inspection report to each condominium unit owner or cooperative unit owner, regardless of the findings or recommendations in the report, by United States mail or personal delivery at the mailing address, property address, or any other address of the owner provided to fulfill the association's notice requirements under chapter 718 or chapter 719, as applicable, and by electronic transmission to the e-mail address or facsimile number provided to fulfill the association's notice requirements to unit owners who previously consented to received notice by electronic transmission; must post a copy of the inspector-prepared summary in a conspicuous place on the condominium or cooperative property; and must publish the full report and inspector- prepared summary on the association's website, if the association is required to have a website.

110.9.10. A local enforcement agency may prescribe timelines and penalties with respect to compliance with this section.

110.9.11. A board of county commissioners or municipal governing body may adopt an ordinance requiring that a condominium or cooperative association and any other owner that is subject to this section schedule or commence repairs for substantial structural deterioration within a specified timeframe after the local enforcement agency receives a phase two

inspection report; however, such repairs must be commenced within 365 days after receiving such report. If an owner of the building fails to submit proof to the local enforcement agency that repairs have been scheduled or have commenced for substantial structural deterioration identified in a phase two inspection report within the required timeframe, the local enforcement agency must review and determine if the building is unsafe for human occupancy.

SECTION 111 CERTIFICATE OF OCCUPANCY

111.1 Use and occupancy. A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the Building Official has issued a certificate of occupancy 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.

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, the Building Official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner or the owner's authorized agent.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. For buildings and structures in flood hazard areas, a statement that documentation of the as-built lowest floor elevation has been provided and is retained in the records of the ~~authority having jurisdiction~~ building official
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 occupancy. The Building Official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The Building Official shall set a time period during which the temporary certificate of occupancy is valid.

111.4 Revocation. The Building Official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

111.5 Certificate of Completion. A Certificate of Completion is proof that a structure or system is complete and for certain types of permits is released for use and may be connected to a utility system. This certificate does not grant authority to occupy a building, such as shell building, prior to the issuance of a Certificate of Occupancy.

SECTION 112 SERVICE UTILITIES

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.

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.

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 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 wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

SECTION 113 BOARD OF APPEALS 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 and two alternates. The village council shall appoint the board.

113.2 Membership and terms.

(a) Membership. The construction board of adjustment and appeals shall consist of seven members. Such board members shall be composed of individuals with knowledge and experience in the technical codes to include, if possible, an architect, engineer, general contractor, electrical contractor, HVAC contractor, plumbing contractor, and any other contractor licensed category or building inspectors, plans examiners, or Building Officials licensed by F.S. Chapter 468. In addition to the regular members, there should be two alternate members, one member with the qualifications referenced above and one member at large from the public. A board member shall not act in a case in which he has a personal or financial interest.

(b) Terms. The 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. The two alternates, if appointed, shall serve one-year terms. 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.

(c) 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, but not less than a majority of the board, shall be required. In the event that regular members are unable to attend a meeting, the alternate members, if appointed, shall vote.

(d) Secretary of board. The Building Official or his/her authorized representative shall act as secretary of the board and shall make a detailed record of all of its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member, and any failure of a member to vote.

113.3. Powers. The construction board of adjustments and appeals shall have the power, as further defined in 113.4, to hear appeals of decisions and interpretations of the Building Official and consider variances of the technical codes. The board shall constitute the local contractor regulatory board of the Village of Palm Springs pursuant to F.S. Chapter 489 for hearings on willful building violations of state licensed contractors.

113.4. Appeals/Variances.

(a) 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.
4. The true intent and meaning of this Code or any of the regulations hereunder have been misconstrued or incorrectly interpreted.

(b) Variances. The construction board of adjustments and appeals, when 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.

(c) 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.

(d) Notice of appeal. Notice of appeal shall be in writing and filed within 30 calendar days after the Building Official renders the decision. The failure of an aggrieved party to file an appeal within the 30-day period shall render the appeal untimely and the appeal shall be summarily dismissed by the board and may not be heard by the board.

(e) 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.

(a) 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.

(b) Application for appeal.

1. All appeals of administrative decisions shall be made by completing and submitting a technically complete appeal form using forms prescribed by the village together with the payment of the appeal filing fee. The filing fee is an administrative cost that has been established by resolution of the village council and which may be amended from time to time. The aggrieved party or appellant may provide additional information and documentation in addition to the information requested on the village form. The appeal shall specify at a minimum the following:

a. A detailed description of the decision, interpretation, requirement or determination which is being appealed.

b. A copy of the written decision, interpretation, requirement or determination which is being appealed which also reflects the date when such action was taken by the Building Official.

c. The form of relief that the aggrieved party ("appellant") is requesting.

d. A statement as to whether any code enforcement proceedings have been initiated by the village that involve the subject matter of the appeal and if the subject of the appeal has been heard and ruled upon by the Village's Special Magistrate.

e. The sections of the Village Code and/or the Florida Building Code that are at issue.

f. The appeal application form must be executed, sworn to under oath and notarized by the owners of at least 75 percent of the property described in the application. If the appeal is submitted by an agent of the property owner or an agent of a tenant or contract purchaser, or other person aggrieved by the decision, the appeal must be accompanied by a written power of attorney appointing

the agent to act on behalf of the appellant in the proceedings. The power of attorney shall be subject to review as to form and legal sufficiency by the village attorney, and may be rejected if the document is not deemed legally sufficient in the sole discretion of the village attorney.

g. Attach all documents and other tangible evidence to support your position in the appeal.

2. If an aggrieved party/appellant fails to submit a technically sufficient appeal using the application form provided by the village, the appeal will not be scheduled for hearing until a technically complete appeal has been submitted. The submission of an appeal that is not technically sufficient, does not toll the running of the 30-day appeal period, and unless a sufficient appeal is received with the 30-day period, the appeal will be forever time barred.

3. All properties described in one application must be contiguous and immediately adjacent to one another, and the administrative official may require more than one application if the property concerned contains more than ten acres or if the fee paid for one application would not equal the cost of processing the application.

4. Only applications which the board is authorized to consider and act upon shall be accepted for filing, and no application shall be considered or construed to be filed until the required fee has been paid.

(c) 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 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

SECTION 114 VIOLATIONS

114.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

114.2 Notice of violation. The Building Official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

114.3 Prosecution of violation. If the notice of violation is not complied with promptly, the Building Official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or

termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

114.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

SECTION 115 STOP WORK ORDER

115.1 Authority. Whenever the Building Official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the Building Official is authorized to issue a stop work order.

115.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, the owner's authorized agent or the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume.

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 Code. The extent of repairs shall be determined by the Building Official.

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 provide the owner, agent or person in control of such building, structure, electrical, gas, mechanical or plumbing system a written notice of violation 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. At the option of the local government, the processes and procedures for code enforcement under Florida Statute 162 may be utilized to abate a violation under this section. If this statutory method of enforcement is invoked, the Building Official shall act in the role of code inspector as authorized in Section 114 of this code to initiate enforcement proceedings, and notice shall be in accordance with the provisions of the Statute.

116.1.2 If necessary, the notice shall also require the building, structure, electrical, gas, mechanical, plumbing systems or portion thereof to be vacated and/or disconnected, and not reoccupied and/or reconnected until the specified repairs and improvements are completed, inspected and approved by the Building Official. The Building Official shall post at each entrance to the building a placard stating: THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING OFFICIAL. This placard 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 the posting without written permission of the Building Official, or for any person to enter the building, or use the building or system(s) except for the purpose of making the required repairs or of demolishing same.

116.1.3 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, acting as a code inspector, shall notify an enforcement board and request a hearing. In the case of the violation posing a serious threat, and after having ascertained the cost, the Building Official may take action to cause such building, structure, electrical, gas, mechanical or plumbing system or portion thereof, to be demolished, secured, repaired, or required to remain vacant or unused. Taking such action does not create a continuing obligation on the part of the Building Official to continue with maintaining such building, structure, or system; or create liability for any damage to the property.

116.1.4 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.

116.2 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the Building Official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

116.3 Record. The Building Official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

116.4 Notice. If an unsafe condition is found, the Building Official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the Building Official acceptance or rejection of the terms of the order.

116.5 Method of service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

116.6 Restoration. Where the structure or equipment determined to be unsafe by the Building Official is restored to a safe condition, to the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions and change of occupancy shall comply with the requirements of Section 105.2.2 and the Florida Building Code, Existing Building.

116.7 Enforcement proceedings; hearings. Violation proceedings and hearings for unsafe structures and equipment will be conducted before the code enforcement board or special magistrate in accordance with the provisions set forth in Florida Statute 162. The owner of property that is subject to an enforcement proceeding before an enforcement board, special magistrate, or court is required to make disclosures as outlined in Florida Statute 162 before a transfer of property, and failure to make the required disclosures creates a presumption of fraud.

116.8 Administrative fines; costs to repair; liens. All costs associated with taking a case before the enforcement board shall be recovered where the jurisdiction prevails. Whenever one of the orders of the enforcement board or the special magistrate has not been complied with by the time set for compliance, for each day thereafter during which each violation continues past the date set for compliance, the enforcement board or the special magistrate may impose a fine. All costs incurred as a result of actions taken per Section 114 are charged to the violator. A certified copy of an order imposing a fine, or a fine plus repair, and the costs of prosecuting the case, may be recorded in the public records and shall thereafter constitute a lien against the land where the violation exists and upon any other real or personal property owned by the violator. If an order is recorded in the public records pursuant to this subsection, and it has been complied with by the date specified in the order, the enforcement board shall issue an order acknowledging compliance that shall be recorded in the public record. A hearing is not required for the issuance of such a compliance order.

116.9 Appeal. An aggrieved party, including the local governing body, may appeal a final administrative order of an enforcement board or special magistrate to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the enforcement board. An appeal shall be filed within 30 days of the execution of the order to be appealed.

SECTION 117 VARIANCES IN FLOOD HAZARD AREAS

117.1 Flood hazard areas. Pursuant to Section 553.73(5), Florida Statutes, the variance procedures adopted in the local floodplain management, (Village of Palm Springs Code of Ordinance) [Chapter 34](#), Article II "Floodplain Management," shall apply to requests submitted to the Building Official for variances to the provisions of Section 1612.4 of the Florida Building Code, Building or, as applicable, the provisions of R322 of the Florida Building Code, Residential. This section shall not apply to Section 3109 of the Florida Building Code, Building Chapter 27.

Section 4. 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 5. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Codification. This Ordinance shall be codified in the Village's code of ordinances. Non-substantive changes to amend or identify the applicable sections, article, or division of the code may

be made to this Ordinance at the time of codification.

Section 7. Effective Date. This Ordinance shall become effective immediately upon adoption by the Village Council of the Village of Palm Springs, Florida.

Council Member _____ offered the foregoing Ordinance, and moved its adoption. The motion was seconded by Council Member _____, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
BEV SMITH, MAYOR	☐	☐	☐
JONI BRINKMAN, VICE MAYOR	☐	☐	☐
PATTI WALLER, MAYOR PRO TEM	☐	☐	☐
GARY READY, COUNCIL MEMBER	☐	☐	☐
KIMBERLY SCHMITZ , COUNCIL MEMBER	☐	☐	☐

The Mayor thereupon declared this Ordinance approved and adopted by the Village Council of the Village of Palm Springs, Florida, on second reading, this _____ day of _____, 2023.

VILLAGE OF PALM SPRINGS, FLORIDA

BY: _____
BEVERLY SMITH, MAYOR

First Reading _____
Second Reading _____

ATTEST:

BY: _____
KIMBERLY M. WYNN, VILLAGE CLERK

REVIEWED FOR LEGAL FORM AND SUFFICIENCY

BY: _____
GLEN J. TORCIVIA, VILLAGE ATTORNEY