

# TOWN OF PALM BEACH

Information for Town Council Meeting on: March 19, 2019

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To: Mayor and Town Council

Via: Josh Martin, Director of Planning, Zoning & Building

From: Wayne Bergman, Asst. Director of Planning, Zoning & Building

Re: Proposed Changes to Chapter 18 - Buildings & Building Regulations; Chapter 106 - Streets, Sidewalks, and Other Public Places; Chapter 134 – Zoning; and Administrative Amendments to the Florida Building Code  
Second Readings – Ordinances No. 03-2019 (Chapter 106), No. 04-2019 (Chapter 18), and No. 05-2019 (Chapter 134)

Date: February 19, 2019

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## **STAFF RECOMMENDATION**

Staff requests that the Town Council adopt the proposed changes to Chapter 18 (which includes moving sections out of Chapter 18 and into Chapter 106 and Chapter 134) and to the Town's Administrative Amendments to the Florida Building Code. Staff further recommends that the Town Council adopt Ordinances No. 03-2019 (Chapter 106), No. 04-2019 (Chapter 18), and No. 05-2019 (Chapter 134) on Second Reading.

## **GENERAL INFORMATION**

Several changes are underway and proposed to improve efficiency and to provide a higher level of customer service in the Planning, Zoning & Building Department, and more specifically, the Building Division.

**Phase I** - Since December 18, 2018, staff has rolled out some simple changes relating to contractor self-certifications for minor A/C replacements, water heater replacements, and reroofing projects. We issued a revised interpretation on the applicability of the Florida Energy Conservation Code on window and door replacement projects, which should immediately benefit property owners. In addition, we created a simple Certificate of Occupancy checklist that can be used by owners, contractors, and staff in closing out new construction projects.

**Phase II** - The next phase of changes to improve efficiency and customer service will come in the form of simplifying and consolidating the numerous permits required on any construction project to just one permit per project. This is a bit more time consuming proposition, as the current EDEN software system was designed and set up to require a myriad of permits and sub-permits for any type of project. Example – a new swimming pool may necessitate seven (7)

different permits – site plan, building, electrical, plumbing, gas, mechanical, and right-of-way. We are currently dismantling this existing bureaucracy and we should be ready to roll out the one permit per project in about a month or so. This consolidated solution will free up staff and contractor time and allow a very easy “snap shot” view of a project at any time for anyone interested [without the need to review multiple independent permits].

Neither of Phase I or Phase II changes required any change in Town code. The changes were easily implemented with minor changes in department policies, code interpretations, and the creation of a few new forms.

**Phase III** - Other proposed changes will require code changes. Chapter 18 – Buildings and Building Regulations, was thoroughly reviewed over the last month. Several sections of Chapter 18 are actually redundant repetitions of code language found elsewhere, such as in the Florida Statutes and the Florida Building Code (FBC). Chapter 18 has been updated throughout with the redundant sections removed or modified. The more significant changes are the proposal to return the Building Board of Adjustment and Appeals to this Chapter and the proposed moving of sections relating to temporary podiums into Chapter 106 – Streets, Sidewalks, and Other Places, and relating to signage into Chapter 134 Zoning.

Another major proposal, part of the proposed Chapter 18 changes, is to address the Town’s restrictive Administrative Amendments to the Florida Building Code. Administrative Amendments (“Amendments”) are local revisions made to the administrative chapters of the Florida Building Code. This is a process that is done throughout the state and is actually very common, as many building officials over time have developed their own unique administration of the building departments that usually exceeds state law. The Amendments are popular to certain building officials [and municipalities] as it increases their abilities to regulate staff, impose staff qualifications, control contractors and owners, limit “owner / builders”, access to private properties, mandate additional steps and procedures for the issuance of permits, create new inspections, mandate testing and product evaluations, regulate certificates of occupancy, etc. The Amendments, at one time, helped building departments deal with former weak building codes [CABO and SBCC]. However, with the adoption of the Florida Building Code in 2001, and with the periodic code updates to the Florida building Code prepared by the International Code Council (ICC), the administrative sections found in today’s code books are sufficient. The Amendments are no longer needed for the department to do its job in administering and enforcing the provisions of the building code. The current Town Administrative Amendments are 60 pages long and completely replace and over-ride Chapter 1 of the Florida Building Code.

In staff’s opinion, the Amendments are not as relevant as they once were and are unfriendly and restrictive to business. Now all of the regulations that were once found only in Administrative Amendments are actually provided in the Chapter 1’s of the Florida Building Code, the FBC Residential Code, and the FBC Existing Building Code. Staff has found most of the current Town Amendments to be irrelevant, redundant, repetitious, and restricting. The proposed Amendments to the Florida Building Code Chapter 1’s strike out more than 95% of the current Amendments, thereby shortening the length to about 3 pages, return the Annual Facility Permit section [which would be helpful to many commercial building owners], and place the activities of the building division in full compliance with Florida Statutes and the Florida Building Code.

Collectively three (3) ordinances are required to enact the proposed changes to Chapter 18. One to amend Chapter 18 and to adopt the proposed [greatly reduced] Administrative Amendments to the Florida Building Code – Ordinance 04-2019; Two to adopt the sections moving from Chapter 18 into Chapter 106 – Ordinance 03-2019; and Three to adopt the sections moving from Chapter 18 into Chapter 134 – Ordinance 05-2019.

### **FUNDING/FISCAL IMPACT**

No anticipated Impact to the General Fund, although it will be necessary to return to the Town Council with a revised Master Fee Schedule amendment to deal with the consolidation of multiple permits into one permit (sub-permits currently generate \$79 each). The goal would be to remain revenue-neutral with this change, or to possibly increase revenue.

### **STRATEGIC PLAN**

The changes to the Building Division, both those underway at this time and those proposed, are consistent with the Town's Strategic Plan, as the changes will help the Department become part of a more Responsive Town Government and will improve the Resident's Quality of Life by streamlining the Department, reducing bureaucracy and simplifying the building process.

### **COMPREHENSIVE PLAN**

Consistent with the Town's Comprehensive Plan and with Florida Statute 163 (Florida's Community Planning Act).

### **SPECIAL CONSIDERATIONS**

It is acknowledged that the proposed ordinances could follow a more typical path and first be reviewed by the Ordinance, Rules and Standards Committee and the Chapter 134 changes may be reviewed by the Planning and Zoning Board prior to Town Council consideration. However, since the changes are non-substantive and are intended to eliminate self-imposed bureaucracies, staff believes it is in the community's best interest to expedite the proposed changes.

Ordinance No. 03-2019 (Chapter 106), Ordinance No. 04-2019 (Chapter 18), and Ordinance No. 05-2019 (Chapter 134) are ready to be adopted on Second Reading.

Attachments  
WRB