

1. Ordinance 2024-35, amending the Code of Ordinances, Chapter 33, Fire Department, by creating a new Subchapter 'Fire Prevention and Protection; Buildings and Structures', first reading.



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Lisa Frazier, Growth Management Director

**THRU:** Suzanne Sherman, City Manager

**DATE:** August 8, 2024

**RE:** Ordinance 2024-35, amending the Code of Ordinances, Chapter 33, Fire Department, by creating a new subchapter 'Fire Prevention and Protection; Buildings and Structures', first reading.

### **SUMMARY:**

The Palm Bay 2045 Comprehensive Plan Future Land Use Element was adopted on May 1, 2023, and became effective on June 10, 2023. The remaining Palm Bay Comprehensive Plan Elements were adopted on May 18, 2023, and became effective on July 20, 2023. To bring the Land Development Code into compliance with the Comprehensive Plan, an update has been drafted for consideration by the City Council.

The proposed update is more concise and only includes requirements pursuant to Chapter 163, F.S. As such, some regulations are proposed to be moved to other parts of the Palm Bay Code of Ordinances as new "Titles", "Chapters", "Sub-Chapters", and "Sections".

To facilitate the relocation, and to retain the City's authority to regulate certain issues, new "Titles", "Chapters", "Sub-Chapters", and "Sections" were created as listed below.

- Title X, Impact Fees Chapter 103 was created for the relocation of Parks, Police, and Fire Impact Fees
- Chapter 103, Closure and Abandonment of Easements and Drainage Rights-of-Way was created and added to Title IX, General Regulations
- Chapter 204, Stormwater Management Utility was created and added to Title XX, Utilities Code
- Chapter 205, Water Shortage Emergency was created and added to Title XX, Utilities Code
- Chapter 102, Public Nudity was created and added to Title IX, General Regulations
- Provisions For Emergency Power And Pumping Equipment In Residential Areas was moved to Title XX, Utilities Code, Chapter 201, Sewer Use, Subchapter Private Lift Stations
- Section 74.25, Regulation of Vehicles In Residential Areas was created and added to Title VII, Traffic and Vehicles, Chapter 74, Stopping, Standing, and Parking, Subchapter Parking Regulation
- Chapter 75, Golf Carts was created and added to Title VII, Traffic and Vehicles

Honorable Mayor and Members of the City Council

Legislative Memorandum

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· Subchapter 33, Fire Prevention and Protection; Buildings and Structures was created and added to Title III, Administration, Chapter 33, Fire Department

Upon repeal and replacement of Title XVII, Land Development Code, the aforementioned regulations will be retained in other sections of the Palm Bay Code of Ordinances.

**REQUESTING DEPARTMENTS:**

City Attorney's Office

City Manager's Office

Fire

Growth Management

**FISCAL IMPACT:**

None.

**STAFF RECOMMENDATION:**

Staff recommends approval of the proposed ordinance.

**ATTACHMENTS:**

1. Ordinance

## ORDINANCE 2024-35

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE III, ADMINISTRATION, CHAPTER 33, FIRE DEPARTMENT, BY CREATING A NEW SUBCHAPTER 'FIRE PREVENTION AND PROTECTION; BUILDINGS AND STRUCTURES'; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

**SECTION 1.** The City of Palm Bay Code of Ordinances, Title III, Administration, Chapter 33, Fire Department, Subchapter "Fire Prevention and Protection; Buildings and Structures", is hereby created and shall henceforth read as follows:

### **">>FIRE PREVENTION AND PROTECTION; BUILDINGS AND STRUCTURES**

#### **Section 33.30 USE OF HAZARDOUS CONSTRUCTION MATERIALS.**

Construction materials which, by their nature, generate undue fire hazard shall not be used. These materials will include, but are not necessarily limited to flammable fiberglass, flammable plastic and vinyl, interior or exterior finishes which have high flame-spread characteristics, exterior mansards with nonpressure-treated or no-fire retardant wood shakes or shingles, or any other roofing material which is easily ignitable or encourages the spread of fire and any flammable decorative materials. Wood shakes or shingles which have been chemically treated to be fire retardant must be accompanied by test documents verifying that such treatment will continue to be effective under prolonged exposure to the Brevard County coastal environment.

#### **Section 33.31 WATER SUPPLY AND ACCESS FOR NON-RESIDENTIAL BUILDINGS.**

(A) *Water supply for fire protection on lots, parcels, or tracts served by a public water system.* No building, excluding one- and two-family dwellings, shall be constructed or enlarged unless such building is supplied with a water supply or fire protection meeting the following requirements:

(1) Buildings protected by automatic fire sprinkler systems. Buildings equipped with automatic fire sprinkler systems throughout shall have as a required fire flow, the flow demand required by the largest fire sprinkler system.

(2) Buildings not protected by automatic fire sprinkler systems. Buildings not equipped with automatic fire sprinkler systems throughout shall have as a required fire flow, the fire flow calculated by using the "Determination of Required Fire Flow" published by the Insurance Services Office, current edition. When the sustained fire flow cannot be obtained, the fire flow may be decreased by the installation of an automatic fire sprinkler system, upgrading of construction, providing alternative water supplies acceptable to the fire marshal, or a combination of any of the above.

(B) *Water supply for fire protection on lots, parcels or tracts not served by a public water supply system.* Where a public water supply system is not available, the fire flow shall be determined in accordance with NFPA 1, current edition as adopted by the Florida Administrative Code. When a building requires a fire flow of five hundred (500) gallons per minute or less, an approved automatic fire detection system shall be installed in accordance with NFPA 72, current edition as adopted by the Florida Administrative Code. When a building requires a fire flow of more than five hundred (500) gallons per minute, an automatic fire sprinkler system shall be installed in accordance with the current edition of NFPA 13 as adopted by the Florida Administrative Code.

(C) *Hydrants, quantity, and spacing for other than one- and two-family dwellings.* The required fire flow shall be in accordance with the current edition of NFPA 1.

### **Section 33.32 WATER SUPPLY FOR RESIDENTIAL AREAS.**

(A) Hydrants in new one- and two-family residential subdivision/developments shall be installed at each intersection, with intermediate hydrants spaced at intervals not to exceed eight hundred (800) feet. The maximum distance to a fire hydrant from the closest point to a building shall not exceed six hundred (600) feet. Alternative placement configurations may be acceptable to the Fire Marshal. Hydrant spacing may be increased to twelve hundred (1200) feet apart if all new one- and two-family residential units are protected with a 13D automatic fire sprinkler system.

(B) Buildings other than detached one- and two-family dwellings. Fire hydrants shall be provided for buildings other than detached one- and two-family dwellings in accordance with both of the following:

(1) The maximum distance to a fire hydrant from the closest point on a building shall not exceed four hundred (400) feet.

(2) The maximum distance between fire hydrants shall not exceed five hundred (500) feet.

**Section 33.33 FIRE ALARM SYSTEMS.**

*Installations.* Fire alarm/automatic detection systems that are installed as an alternative to another code requirement shall be considered as a required system and shall be monitored by approved supervisory facilities.<<”

**SECTION 2.** It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of Ordinances and the sections may be renumbered to accomplish such intention.

**SECTION 3.** If any portion, clause, phrase, sentence, or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative, or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative, or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

**SECTION 4.** The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2024-xx, held on \_\_\_\_\_, 2024; and read in title only and duly enacted at Meeting 2024-xx, held on \_\_\_\_\_, 2024.

\_\_\_\_\_  
Rob Medina, Mayor

ATTEST:

\_\_\_\_\_  
Terese M. Jones, City Clerk

Reviewed by CAO: \_\_\_\_\_

City of Palm Bay, Florida

Ordinance 2024-35

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