

ORDINANCE NO. 2016-589

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA; AMENDING THE BAL HARBOUR VILLAGE CODE OF ORDINANCES BY AMENDING DIVISION III “ARCHITECTURAL REVIEW BOARD” OF ARTICLE III “BOARDS, COMMITTEES AND COMMISSIONS” OF CHAPTER 2 “ADMINISTRATION” AUTHORIZING A FEE FOR APPLICATIONS TO THE ARCHITECTURAL REVIEW BOARD; AND AMENDING CHAPTER 6 “BUILDINGS AND BUILDING REGULATIONS” AMENDING PERMIT FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village is authorized by state law to provide for fees for the issuance of building permits (“Permit Fees”); and

WHEREAS, this Council has determined that the Permit Fees should be adjusted to more accurately reflect the cost of providing building plans review and inspection services; and

WHEREAS, in addition to review by the Village building department, individuals submitting architectural plans for the review of the Village must make an application to the Village Architectural Review Board (the “ARB”) for a certificate of appropriateness; and

WHEREAS, the Council has determined that it is in the best interest of the Village to authorizing the levy of a fee for an application to the ARB for a certificate of appropriateness; and

WHEREAS, this Council has determined that this ordinance shall accomplish such purposes.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AS FOLLOWS: ¹

¹ Additions to existing Village Code text are shown by underline; deletions from existing Village Code text are shown by ~~strikethrough~~.

Section 1. Recitals Adopted. That the above stated recitals are hereby adopted and confirmed.

Section 2. Village Code Amended. That Division III “Architectural Review Board” of Article III “Boards, Committees and Commissions” of Chapter 2 “Administration” of the Village Code is hereby amended to read as follows:

Sec. 2-75. - Procedure for consideration of certificates of appropriateness and applications subject to Architectural Review Board review.

(a) *Application.*

- (1) Upon the filing of a complete application for a building permit subject to review by the ARB, as determined by the Building Official, and payment of an application fee which shall be set by resolution of the Village Council, the Building Official shall transmit such application to the ARB.
- (2) The fact that an application for a building permit has been referred to the ARB shall not be cause for the Building Official to delay the review of plans relating to the building and zoning aspects of the project, while such application is pending with the ARB.
- (3) The ARB shall establish regularly scheduled monthly meetings at which to review all applications.
- (4) Applications shall be submitted at least 21 calendar days prior to the scheduled monthly meetings in order to be considered at that scheduled monthly meeting.
- (5) The Village Clerk's office shall prepare an agenda containing a list of all applications filed for each scheduled monthly meeting, which shall be submitted to all members of the ARB at least five calendar days prior to the scheduled monthly meetings.
- (6) The Village Clerk's office shall further notify each applicant of the date and time of a hearing on his application, in writing, which notice shall be mailed at least seven days prior to such hearing and provide public notice through posting of the property with a copy of the notice.
- (7) In order to provide the members of the ARB with background knowledge concerning applications required to be reviewed by the ARB, each member of the ARB shall be required to individually visit the site which is the location of each application prior to the ARB hearing on such application. The Village Manager shall make arrangements for members of the ARB to be granted access to the Gated Residential Section, as necessary to conduct the site visits provided for in this subsection.
- (8) Upon such hearing, the ARB shall consider the application and receive additional evidence (such as a rendering) from the applicant, his agent or attorney and from

Village staff or other persons as to whether the application complies with the intent and purpose of this Appearance Plan.

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Section 3. Village Code Amended. That Article II “Permits and Inspections” of Chapter 6 “Buildings and Building Regulations,” of the Village Code is hereby amended to read as follows:

Sec. 6-28. - Exceptions to permit requirement.

No permit will be required for general maintenance or repairs if the work does not result in a change in occupancy as defined by the South Florida Building Code, or if the value of the complete job is less than ~~\$400.00~~ 500.00 in labor and materials as indicated by the 1986 edition of Cost Data, as published by R.S. Means Company, Inc.

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Sec. 6-35. - Building permit fees.

(a) Except as otherwise provided in this section, all building permit fees shall be as follows:

- (1) The minimum permit fee shall be ~~\$100.00~~\$150.00.
- (2) Permit fees, including all systems, shall be charged at a rate of 2.0 percent for the first \$1,000,000 in construction value and 1.0 percent for every dollar over \$1,000,000 in construction value.

(b) Permit fees to be calculated in the manner provided in subsection (a) of this section shall include, but not be limited to, fees for the following types of construction:

- (1) Awnings and canopies, rigid or canvas.
- (2) Building moving.
- (3) Built-on-site tanks.
- (4) Cabanas.
- (5) Demolitions.
- (6) Fences, wire, wood or masonry, permanent or temporary.
- (7) Gas tanks.
- (8) Insulation of existing buildings.
- (9) New buildings, additions, alterations and/or remodeling.
- (10) Painting.
- (11) Roofing.
- (12) Sandblasting.
- (13) Satellite dish Antennas.

- (14) Soil solidification in any form.
- (15) Storm shutters.
- (16) Swimming pools.
- (17) Signs, including the following:
 - a. Ground signs.
 - b. Projecting signs.
 - c. Flat signs.
 - d. Painted wall signs.
 - e. Change or alteration of approved existing sign.
- (18) Utility buildings.
- (19) Walk-in refrigerators and coolers.
- (c) Permit fees for other types of work shall be as follows:
 - (1) Fumigation, tent type: \$20.00.
 - (2) Temporary building: \$200.00. Cash removal bonds shall be calculated at the demolition rate per square foot of floor area, times a factor of 2.
 - (3) Building permit for public amusement event: \$200.00.

Sec. 6-36. - Engineering permit fees.

- (a) All engineering permit fees shall be as follows:
 - (1) The minimum permit fee shall be ~~\$100.00~~ \$150.00.
 - (2) Permit fees shall be charged at a rate of 2.0 percent for the first \$1,000,000 in construction value and 1.0 percent for every dollar over \$1,000,000 in construction value.
- (b) Permit fees to be calculated in the manner provided in subsection (a) of this section shall include, but not be limited to, fees for the following types of construction:
 - (1) Paving, concrete or asphalt.
 - (2) Resurfacing.
 - (3) Land clearing.
 - (4) Fill.
 - (5) Bulkheads.
 - (6) Bridges.
 - (7) Excavations.
 - (8) Docks.

Sec. 6-37. - Mechanical permit fees.

- (a) Except as otherwise provided in this section, all mechanical permit fees shall be as follows:
 - (1) The minimum permit fee shall be ~~\$400.00~~\$150.00.
 - (2) Permit fees shall be charged at a rate of 2.0 percent for the first \$1,000,000 in construction value and 1.0 percent for every dollar over \$1,000,000 in construction value.
- (b) Permit fees to be calculated in the manner provided in subsection (a) of this section shall include, but not be limited to, fees for the following types of construction:
 - (1) Duct work.
 - (2) All ventilation systems.
 - (3) Supply wells, discharge wells, and/or pumps.
 - (4) Walk-in refrigerators and coolers.
 - (5) Chemical fire extinguisher system.
 - (6) Low-pressure boilers.
 - (7) High-pressure boilers.
 - (8) Heat recovery unit added to air conditioning equipment.
 - (9) Gas tank piping.
 - (10) All wholesale and commercial storage tanks.
 - (11) Air conditioning and refrigeration.
 - (12) All escalators and other transporting devices.
 - (13) Fire sprinkler systems.
 - a. Automatic fire sprinkler system plans must have the seal of a State-registered engineer. In addition, such contractors must be registered with the State Fire Marshal and plans must be approved by the County Fire Bureau.
 - b. Automatic fire sprinkler systems may also require separate plumbing, electric and building permits.
- (c) The permit fee for installation of a wall or window air conditioning unit shall be \$15.00 per unit.

Sec. 6-38. - Plumbing permit fees.

- (a) All plumbing permit fees shall be as follows:
 - (1) The minimum permit fee shall be ~~\$400.00~~\$150.00.
 - (2) Permit fees shall be charged at a rate of 2.0 percent for the first \$1,000,000 in construction value and 1.0 percent for every dollar over \$1,000,000 in construction value.
- (b) Permit fees to be calculated in the manner provided in subsection (a) of this section shall include, but not be limited to, fees for the following types of construction:

- (1) Fixtures, appliances or equipment, installed or roughed-in.
- (2) Area drain or roof drain.
- (3) Built-on-site tanks.
- (4) Sewer connections. A fee shall be required for each separate sewer connection.
- (5) Swimming pool piping and filter equipment.
- (6) Pool heaters.
- (7) Solar energy systems. Depending upon design, a separate electrical permit may be required. Inspections of structural, plumbing and electrical components are required to be obtained by installers during work before final approval of installation.
- (8) Wells and pumps.

Sec. 6-39. - Gas permit fees.

All gas permit fees shall be as follows:

- (1) The minimum permit fee shall be ~~\$100.00~~\$150.00.
- (2) Permit fees shall be charged at a rate of 2.0 percent for the first \$1,000,000 in construction value and 1.0 percent for every dollar over \$1,000,000 in construction value.

Sec. 6-40. - Electrical permit fees.

- (a) Except as otherwise provided in this section, all electrical permit fees shall be as follows:
 - (1) The minimum permit fee shall be ~~\$100.00~~\$150.00.
 - (2) Permit fees shall be charged at a rate of 2.0 percent for the first \$1,000,000 in construction value and 1.0 percent for every dollar over \$1,000,000 in construction value.
- (b) Permit fees to be calculated in the manner provided in subsection (a) of this section shall include, but not be limited to, fees for the following types of construction:
 - (1) Switchboard or panel.
 - (2) New service.
 - (3) Service change.
 - (4) Motors, generators, transformers.
 - (5) Central air conditioning, strip heaters.
 - (6) Wiring outlets.
 - (7) Special purpose outlets.
 - (8) Radio towers, Antenna systems.
 - (9) Fire and/or smoke alarm, nurse call, speaker systems.

- (10) Security alarm systems.
 - (11) Telephone outlets.
 - (12) X-ray machines. Prior to new construction or installation of X-ray machines, equipment, approval of room layout and shielding must be obtained as required by the Department of Health and Rehabilitative Services or any other agency having jurisdiction.
 - (13) Welding machines.
 - (14) Swimming pool electric.
 - (15) Plug mold, special wiring assembly.
 - (16) Underfloor duct, wire mold, and the like.
 - (17) Signs, transformers and timeclocks.
 - (18) Solar energy systems. Depending upon design, a separate building permit may be required. Inspections of structural, mechanical and electrical components are to be obtained by installers during work before final approval of installation.
 - (19) Light fixtures.
 - (20) Low-voltage apparatus and equipment of 50 volts or less.
- (c) The minimum permit fee for public amusement events shall be \$150.00. The permit is to be procured by licensed and qualified electrical contractor who is to be responsible for the temporary system.

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Sec. 6-42. - ~~Fee for~~ Construction Activities in the Security District of residential section.

- (1) *Definitions.* The following terms have the meaning ascribed to them herein.
 - (a) *Entrance Permit* means the authorization granted upon payment of the applicable building permit fees provided by this ~~Section~~ Chapter, and the receipt for payment.
 - ~~(b) *Fee* means the fee payable pursuant to this Section.~~
 - (c) *Construction Activities* means the renovation, repair, remodeling or construction of, in or on any structure in the Security District, under circumstances in which the value of the improvements to be made is at least \$100,000.00.
 - (d) *Security District* means that certain residential section of the Village which is described in Village Code Section 18-111(a)(3), less and except Lots 1 and 2 of Block 1 and Lot 3 of Block 12-A (as described as District No. 3 in Section 18-111).
- ~~(2) *Fee.* A Fee shall be paid by the owner of each parcel of property at which Construction Activities, as defined above, are hereafter undertaken, payable to the Village upon issuance of the building permit, at the rate of one-half of one percent of the total cost of improvements for all improvements costing at least \$100,000.00. The Fee shall apply from the first dollar of such cost, and upon the full cost of the improvements.~~

- ~~(23)~~ *Term.* A ~~Fee paid building permit issued pursuant to this chapter pursuant to this section~~ shall authorize issuance by the Village of an Entrance Permit which shall be in full force and effect from the date of issuance of the corresponding building permit for a period of one year or until completion of the Construction Activities and issuance of a certificate of occupancy or certificate of completion for the work undertaken, whichever is sooner. The Village Manager may extend the term to correspond with any Village building permit extension.
- (34) *Restriction.* No person owning property in the Security District shall authorize or allow any contractor to perform Construction Activities upon such property without first paying the applicable building permit fees Fees to the Village and obtaining a current and valid Entrance Permit pursuant to this Section.
- ~~(5) Use of Fee.~~ All Fees collected pursuant to this section shall be utilized for the benefit of the Security District through the provision of enhanced security and/or related maintenance services or the completion of capital improvement projects which are related to enhanced security.
- (46) *Procedures.* The Village Manager shall provide for the implementation and administration of this Section by administrative order.
- ~~(57)~~ *Exemption.* This Section shall not apply to the construction of public utilities or public facilities or to the construction activities of the Village or other governmental entity.

Section 4. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in the Code. That it is the intention of the Village Council, and it is hereby ordained that this Ordinance shall become effective and made part of the Village Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word “Ordinance” shall be changed to “Section” or other appropriate word.

Section 6 **Conflict.** That all sections or parts of sections of the Village Code, all ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with this Ordinance are repealed to the extent of such conflict.

Section 7. **Effective Date.** That this Ordinance shall become effective on October 1, 2016.

PASSED AND ADOPTED on first reading this 13th day of September, 2016.

PASSED AND ADOPTED on second reading this 20th day of September, 2016.

Martin Packer, Mayor



ATTEST:

Dwight S. Danie, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Weiss Serota Helfman Cole & Bierman, P.L.
Village Attorney