

CITY OF HOLMES BEACH

ORDINANCE NO. 20 - 08

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF HOLMES BEACH, FLORIDA, ADDING ARTICLE VIII TO CHAPTER 2 AS SECTION 2-201 (BUILDING PERMIT FEE SCHEDULE AND APPLICATION FEE SCHEDULE) OF THE CITY OF HOLMES BEACH CODE OF ORDINANCES; AMENDING SECTION 14-1 OF THE CODE OF ORDINANCES TO REFERENCE THE BUILDING PERMIT FEE SCHEDULE; ADDING SECTION 14-8 TO THE CODE OF ORDINANCES FOR PRIVATE PROVIDER REVIEWS FOR BUILDING PERMIT APPLICATIONS; AMENDING SECTION 1.5(B) OF THE LAND DEVELOPMENT CODE TO REFERENCE THE BUILDING PERMIT FEE SCHEDULE; AND PROVIDING FOR SEVERABILITY, CONFLICTING ORDINANCES, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Holmes Beach has determined that the application fees and permit fees for building improvements need to be updated and recodified in one central location in the City's Code of Ordinances; and

WHEREAS, Section 553.80, *Florida Statutes*, and Section 166.222, *Florida Statutes*, authorize the City to regulate all private and public building construction and to adopt a schedule of fees to be assessed by the City to carry out the City's responsibility to enforce the Florida Building Code and other applicable state and local codes regarding the condition of structures; and

WHEREAS, Article VIII, Section 2, of the Florida Constitution and Section 166.021(1), *Florida Statutes*, provide that a municipality may exercise any power for municipal purposes, except when expressly prohibited by law.

NOW, THEREFORE, be it ordained by the City Commission of the City of Holmes Beach, Florida, as follows:

SECTION 1. Findings of Fact: The above "whereas" clauses are adopted as findings of fact and made a part of this Ordinance.

SECTION 2. Section 2-201 Added: Chapter 2 of the Code of Ordinances is amended by adding the following provision as Article VIII, Section 2-201:

ARTICLE VIII. BUILDING PERMIT FEE SCHEDULE

Sec. 2-201. – Application Fees and Build Permit Fees

- (1) All permits are subject to the following non-refundable fees. Fees may only be waived by the Building Official. Fee waiver applications must be in writing.

- (2) All after-the-fact permit fees are assessed at double the normal fee, plus original fees.
- (3) Permit valuations will be determined by the Building Official for the proposed work or contract signed by the owner and contractor. Valuation documentation must be submitted at the time of permit application.
- (4) All permit plan reviews will incur a 15% plan review fee, based on total permit costs associated with Florida Building Code Compliance.
- (5) State surcharge fees of 1.5% for the Florida Department of Business and Professional Regulation and 1% for the Building Code Administrators and Inspectors Fund associated with Florida Building Code compliance will be collected for all permits pursuant to Sections 553.721 and 468.631, Florida Statutes. The minimum charge shall be \$4.00.
- (6) Permit applications may require City engineer, City Planner, and/or West Manatee Fire District review in addition to Building Code review. Separate fees may apply.
- (7) A re-inspection fee of \$75.00 applies to all failed inspections.
- (8) The following fee schedule shall apply for applications for permits and permit fees:

TYPE	PROPOSED APPLICATION FEE	PROPOSED PERMIT FEE
New Structure	\$900	\$20 per \$1000
Remodels/Renovations/Alterations/Additions Includes windows, doors, shutters, soffit/siding, etc.	\$75	\$20 per \$1000
NOTE: A flat fee of \$50.00 per trade will be charged for new and altered structures requiring a permit for all of the following trades: gas, plumbing, mechanical, electrical, roofing, etc.	\$50	Each
Spas and Pools (includes required pool barriers)	\$75	\$20 per \$1000
Ground water discharge from excavation, pools, and other dewatering projects using the Right-of-Way or stormwater system (for holding of ground water discharge)	\$250	Each
Fences – Property line screening other than that required for a swimming pool	\$75	\$20 per \$1000
Driveways and walkways on private property	\$75	\$20 per \$1000

Driveways aprons (within Right-of-Way)	\$100	Each
Curb Cuts for sidewalks or driveways	\$100	Each
All trade-related permits (roofing, electrical, plumbing, mechanical, gas, etc.)	\$75	\$20 per \$1000
Sheds, canopies, etc.	\$75	\$20 per \$1000
Other structural not associated with a building such as rip rap/retaining walls and pads, seawalls, signs, etc.	\$75	\$20 per \$1000
Marine - Docks, decks, and boat lifts	\$75	\$20 per \$1000
Demolition – Structure or interior	\$75	\$20 per \$1000
Elevator/lift (with structural modifications)	\$75	\$20 per \$1000
Miscellaneous and Permits < \$1,000	\$45	Flat Rate Each
MISCELLANEOUS ADMINISTRATIVE FEES		
Temporary Certificate of Occupancy	\$100	Per Unit
Certificate of Occupancy	\$100	Each
Certificate of Completion	\$50	Per Unit
Stop Work Order	1st issuance: \$500 2nd Issuance: \$1000 (w/in 12 months of 1 st issuance, not job site specific) 3rd Issuance: \$2000 (w/in 12 months of 1 st issuance, not job site specific)	
Written staff interpretations/assessments	\$100	Each
Appeal of staff decisions to P&Z or Commission or Special Magistrate	\$1500	
Scheduled meeting with building official requiring attendance by attorney or professional consultants	\$500 deposit, with actual cost based on the hourly rates of the consultants in attendance at a meeting or whose opinion is sought by telephone or other media	
Building and planning administrative searches	No charge	\$75 non-refundable fee, plus \$30 an hour for staff time spent beyond the initial hour
MISCELLANEOUS FEES		
Flood code compliance inspection	\$100	Each
Flood elevation written determination	\$75	Each
FEMA 50% cost analysis plan review fee (non-contested)	\$75	Each

FEMA 50% cost analysis plan review fee (contested)	\$150	Each
Floodplain review (new construction)	\$200	Each
Renewing or extending a permit – 30% of original permit	Minimum \$75/Maximum \$400	Each
Review of revisions to permitted plans (each review - \$100 Minimum + per hour charge)	\$100 minimum	Per hour
Transfer or release of general contractor from permit	\$200	Each
Courtesy inspection w/written report	\$100	Each
Re-inspection fee	\$75	Each
PLANNING, ZONING AND LAND USE FEES		
Planning or Building Official pre-application visit	No charge	First ½ hour
Planning or Building Official Consultation	\$150	Per hour
Planning review of Land Development Code compliance	\$100	Each
Site Plan Review LDC Major Development – Original Application	\$3000	Each
Site Plan Review – Major Development – Amendment	\$1500	Each
Site Plan Review – LDC Minor Development	\$1500	Each
Zoning or Final Site Plan compliance inspection	\$150	Each
Application for Variance	\$750	Each
Comprehensive plan amendment petitions	Small scale (map amendment) - \$6,000 All others - \$12,000	
Rezone	\$4500	Each
Vacations and Easements	\$3750	Each
Letter of No Objection per FDEP CCCL	\$250	
Special exception permit (telecommunication towers and special exception use antennas)	No charge	\$1500
Antennas (permitted use)	No charge	\$20 per \$1,000
Telecommunications facility annual report fee	No charge	\$750
MISCELLANEOUS ZONING PERMITS		
Signs	\$75	\$20 per \$1000
Application for temporary use permit (includes weddings/events on public beach or land)	No charge	\$75
Alcohol license review	No charge	\$100

Tree/shrubbery removal	\$50.00 No separate fee charged when reviewed in conjunction with other applications no fee charged for removal of exotics, as defined in the City of Holmes Beach Land Development Code	
Earthmoving	General Earthmoving - \$750 After-the-Fact Earthmoving - \$2250 Tree & Shrubbery Removal - \$0 Earthmoving Exemption - \$0	
Storm water review w/required inspections	\$500	Plus permit fees
Preliminary subdivision plat	No charge	\$750, plus \$50 per lot shown on plat
Final subdivision plat	No charge	\$300, plus \$50.00 per lot shown on plat

SECTION 3. Section 14-1 Amended. Section 14-1 of the Code of Ordinances is hereby amended to read as follows with the addition of the underlined provisions set forth in this Section:

Sec. 14-1. - Fees to accompany applications for permits.

Application for permits required pursuant to this chapter shall be accompanied by a fee in accordance with the fee schedule as set forth in Section 2-201 of this Code, or as may be established by resolution of the city commission, which resolution may be amended from time to time.

SECTION 4. Section 14-8 Added. Article I of Chapter 14 (Buildings and Building Regulations) is amended with the addition of the following provision as Section 14-8:

Sec. 14-8. - Alternative Plans Review and Inspection Program (Private Providers)

(1) Generally. As set forth in F.S. § 553.791, as may be amended, private providers may perform alternative plans review and building inspections under the circumstances provided therein. For purposes of this section, the term "private provider" shall have the meaning set forth in F.S. § 553.791. Notwithstanding the preceding, a private provider may not provide building code inspection services pursuant to this section or F.S. § 553.791, upon any building designed or constructed by the private provider or the private

provider's firm. No fee owner or contractor shall use a private provider that has not registered with the city building department and otherwise complied with this section,

(2) Registration. Any private provider intending to perform or provide building code inspection services as set forth in F.S. § 468.603(5), including building plans examination as set forth in F.S. § 468.603(8), for building or structures within the city, prior to engaging in any building code inspection services, shall register with the city building department and:

(a) Provide the city with current, legible copies of any and all applicable and current Florida licensures providing proof of eligibility as a building code administrator under F.S. pt. XII of ch. 468, as an engineer under F.S. ch. 471, or as an architect under F.S. ch. 481. Additionally, for purposes of performing inspections under F.S. § 553.791, for additions and alterations that are limited to 1,000 square feet or less to residential buildings, a private provider shall also include a person who holds a standard certificate under F.S. pt. XII of ch. 468;

(b) Deliver to the city acceptable proofs of insurance or other evidence demonstrating that the private provider has and maintains insurance for professional liability covering all services performed as a private provider. Such insurance shall have minimum policy limits of \$1,000,000.00 per occurrence and \$2,000,000.00 in the aggregate for any project with a construction cost of \$5,000,000.00 or less and \$2,000,000.00 per occurrence and \$4,000,000.00 in the aggregate for any project with a construction cost of over \$5,000,000.00. The term "construction cost" means the total cost of building construction as stated in the building permit application. If the private provider chooses to secure claims-made coverage to fulfill this requirement, the private provider must also maintain coverage for a minimum of five years subsequent to the performance of building code inspection services. The insurance required under this subsection shall be written only by insurers authorized to do business in this state with a minimum A.M. Best's rating of A;

(c) Set forth in sufficient detail the services to be performed by the private provider;

(d) State the name, firm, address, telephone number, and facsimile number of each private provider who is performing or will perform such services, his or her professional license or certification number, qualification statements or resumes, and, a certificate of insurance demonstrating that professional liability insurance coverage is in place for the private provider's firm, the private provider, and any duly authorized representative in the amounts required by F.S. § 553.791, and subsection (2) above; and

(e) Provide an acknowledgment from the fee owner in substantially the following form:

I have elected to use one or more private providers to provide building code plans review and/or inspection services on the building or structure that is the subject of the enclosed permit application, as authorized by section 553.791, Florida Statutes. I understand that the local building official may not review the plans submitted or perform the required building inspections to determine compliance with the applicable codes, except to the extent specified in said law. Instead, plans review and/or required building inspections will be performed by licensed or certified personnel identified in the application. The law requires minimum insurance requirements for such personnel, but I understand that I may require more insurance to protect my interests. By executing this form, I acknowledge that I have made inquiry regarding the competence of the licensed or certified personnel and the level of their insurance and am satisfied that my interests are adequately protected. I agree to indemnify, defend, and hold harmless the local government, the local building official, and their building code enforcement personnel from any and all claims arising from my use of these licensed or certified personnel to perform building code inspection services with respect to the building or structure that is the subject of the enclosed permit application,

(3) Notice provisions. The private provider and any fee owner or fee owner's contractor shall be jointly and severally responsible for ensuring compliance with the notice provisions of F.S. § 553.791, which establishes various notices that must be provided to the city. Such notices include, but are not limited to, the following:

(a) A private provider performing required inspections under F.S. § 553.791, shall provide notice to the city's building inspector of the date and approximate time of any such inspection no later than the prior business day by 2:00 p.m. local time or by any later time permitted by the city's building official. Thereafter, the city building official may visit the building site as often as necessary to verify that the private provider is performing all required inspections; and

(b) A private provider shall report to the city's building inspector any condition that poses an immediate threat to public safety and welfare as set forth in F.S. § 553.791. For subdivision developments involving more than two platted lots, the fee owner or fee owner's contractor shall provide the city notice of its intention to utilize a private provider registered with the city prior to obtaining the first building permit for any structure within the development. If such notice of intention to use a private provider is not timely provided as set forth in the foregoing sentence, then a private provider cannot be used for any structure within or building permit concerning the development.

(4) Fees when using private provider. When a fee owner of a building or a structure, or the fee owner's contractor upon written authorization of the fee owner, utilizes a private

provider as set forth in this section and F.S. § 553.791, for all required building or structure plan reviews and building or structure inspections, then city permitting and inspection fees will be assessed as a regular building permit with a credit of 30 percent towards the applicable inspection fee and permit fee charged without use of a private provider. If just building inspections are performed by a private provider under this section and F.S. § 553.791, then the credit of 15 percent will only apply towards the permitting or inspection fee associated with the service being privately provided.

(5) City reservations. The city expressly reserves all rights available under federal, state, and local law relating to the provisions of this section, including but not limited to, the immunity provisions set forth in F.S. § 553.791, and the city's authority to perform audits, issue stop-work orders, and otherwise conduct building planning review, inspection, and code compliance to the fullest extent permissible. Additionally, if the fee owner or the fee owner's contractor uses a private provider to provide plans review, the city building official may require the fee owner or the fee owner's contractor to use a private provider to also provide required building inspections. The city shall also have authority to implement the provisions of this section and the provisions of F.S. § 553.791, as may be amended, through the creation and requiring the completion of forms and affidavits and through the adoption and enforcement of policies by the community development director or his/her designee.

SECTION 5. Section 1.5(B) of the Land Development Code Amended. Section 1.5 of the Land Development Code is hereby amended to read as follows with the addition of the underlined provisions and the deletion of the stricken provisions set forth in this Section:

~~B. Amendment of land-Land use application fee schedule.~~ The nonrefundable fees payable in accordance with the fee schedule set forth in Section 1.5(A) shall be payable in addition to the application and permit fees set forth in Section 2-201 of the Code of Ordinances, except for any fees that may be duplicative, in which case the higher fee shall apply. ~~The City of Holmes Beach, acting through its city commission is hereby authorized to amend the land use application fee schedule by resolution duly passed, which resolution may be amended as may be necessary from time to time.~~

SECTION 6. Severability. If any section, subsection, paragraph, sentence, clause, or phrase in this Ordinance is held invalid by a court of competent jurisdiction, then such invalidity shall not affect the remaining portions of this Ordinance.

SECTION 7. Conflicting Ordinances. Any section or provision in the City's Code of Ordinances that conflicts with the provisions of this Ordinance is hereby superseded.

SECTION 8. Effective Date. This Ordinance shall be effective upon adoption by the City Commission and approval by the Mayor in accordance with the Charter of the City of Holmes Beach.

PASSED AND ADOPTED, by the City Commission of the City of Holmes Beach, Florida, in regular session assembled, this 18th day of August, 2020.

First Reading: 7-28-2020

Publication Date: 8-9-2020

Second Reading and Public Hearing Date: 8-18-2020

COVID-19 Deconflicting notes
were as follows Aye

Jim Kihm

Carol Soustek

Patrick Morton

Terry Schaefer

Kim Rash

APPROVED BY ME THIS 18th DAY OF August, 2020.


Judy Pittsworth, Mayor

ATTEST:


Stacey Johnston, MMC, City Clerk