

ORDINANCE NO. 3683

AN ORDINANCE
To Be Entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CITY CODE, SUB-PART B, LAND DEVELOPMENT CODE, CHAPTER 102 BUILDING AND CONSTRUCTION REGULATIONS, ARTICLE II ADMINISTRATION, DIVISION 3 PERMITS, BY DELETING SECTION 102-86 FEE SCHEDULE COMMUNITY DEVELOPMENT DEPARTMENT; BUILDING, PERMITTING AND INSPECTIONS, SECTION 102-88 FEE SCHEDULE FOR PUBLIC WORKS DEPARTMENT; ENGINEERING DIVISION; SECTION 102-89 FEE SCHEDULE FOR COMMUNITY DEVELOPMENT DEPARTMENT; DEVELOPMENT SERVICES DIVISION; AND SECTION 102-90 SUPPLEMENTAL FEES AND REGULATIONS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, that:

SECTION 1. The City Code of the City of Fort Myers, Florida, Sub-Part B, Land Development Code, Chapter 102 Building and Construction Regulations, Article II. Administration, Division 3, Permits, Section 102-86 Fee schedule for community development department; building, permitting and inspections division is hereby deleted in its entirety:

Sec. 102-86. ~~Fee schedule for community development department; building, permitting and inspections division.~~ Reserved

~~The fees for permits shall be determined according to the following schedule:~~

~~(1) *Building permits.*~~

~~a. No permit is required to perform construction which has a valuation of \$500.00 or less of the fair market value of labor and materials as determined by the community development official, of~~

ORDINANCE NO. 3683

~~nonstructural repairs and maintenance to work which has previously been performed with approved permits and inspections, provided that any such work does not add new structure, fixtures, appliances, or devices, or affect any life safety equipment, systems or designs, except electric service changes, panel change outs, and/or electrical construction requiring the local electric utility company to disconnect or reconnect a service shall require an electric permit. All new work, regardless of value, shall require permits. Roofing repairs in excess of 100 square feet shall require permitting.~~

~~b. The permit fee is \$35.00, plus \$4.50 per \$1,000.00 of valuation rounded to the next higher 1,000.~~

~~c. A plan review fee shall be collected on every permit application wherein plans or technical review is required. The plan review fee shall be equal to one-half of the permit fee.~~

~~d. After permit issuance, the fee for a revision shall be \$40.00, plus any additional plan review and permitting fees, impact fees and any other fees~~

ORDINANCE NO. 3683

~~resulting from any increase in the value of the construction cost or other factor effecting the project.~~

~~(2) Demolition permits. The fee for each demolition permit shall be \$50.00, plus \$0.05 per square foot of gross building area to be demolished.~~

~~(3) Sub trade permits. Unless specified otherwise in this section, the fee for each sub trade permit shall be \$35.00, plus \$4.50 per \$1,000.00 of valuation rounded to next higher 1,000. Plumbing, electrical, mechanical, and roofing permits that are subordinate to a building permit shall be \$35.00 each, without an additional charge for valuation or plan review when the fees paid on the building permit include the valuation of the work for which the subordinate permit is being issued. Special events and temporary outdoor activities are subject to the permitting, and related fees if stages, risers, bleachers, or electric services are being utilized and are governed by the state building code (see section 118 522).~~

~~(4) Mobile or manufactured home move in permits. The permit fee for a mobile home move in shall be \$50.00. The permit for a manufactured building shall be \$50.00 for the first living or tenant unit, plus \$25.00 for each additional unit which makes up one building.~~

ORDINANCE NO. 3683

~~This fee will not include sewer or water tap fees or any other items which are not listed as included above. The plan review fee shall be equal to one half the permit fee.~~

~~(5) *Building moving permits.* The permit fee for each building moving permit shall be \$50.00, plus \$0.05 per square foot of the area of the building being moved. All fees for moving of buildings declared historic on a national, state or local level shall be waived.~~

~~(6) *Roofing permits.* The fee for each roofing permit shall be \$35.00 for up to 1,000 square feet, plus \$0.015 per square foot of all roofing area. A roofing permit shall be required in addition to a building permit on all permitted projects, except pre-engineered metal buildings wherein the roofing permit shall not be required. Roofing permits subordinate to a building permit shall be \$35.00 without an additional charge for area or plan review when the fees paid on the building permit include the valuation of the work for which the roofing permit is being issued.~~

~~(7) *Sign permits.* The fee for each sign permit shall be \$35.00, plus \$4.50 per \$1,000.00 of valuation rounded to the next higher 1,000. The plan review fee shall be equal to one half of the permit fee. Special events and temporary outdoor activities are exempt from~~

ORDINANCE NO. 3683

~~permitting and fees for all signs, but will be subject to inspections (see sections 118-522 and 126-61(12)).~~

~~(8) *Tent permits and inspections.*~~

~~a. Tents 100 square feet or smaller are exempt from permitting and fees, but are subject to fire inspections.~~

~~b. A fee of \$50.00 is required for up to ten tents larger than 100 square feet.~~

~~c. A fee of \$25.00 is required for each additional group of ten tents, or portion thereof. (For additional applicable fees see section 40-4(kk)).~~

~~(9) *Lien fee.* A lien fee of \$5.00 per permit shall be assessed for each permit where the value exceeds \$2,500.00.~~

~~(10) *Certificates; affidavits.* A certificate of occupancy, certificate of completion, affidavits of code compliance or completion status, and other certifications by the community development official are \$35.00 and shall be collected at permit issuance, unless it is not issued as a result of a permitted activity. A temporary certificate of occupancy may be issued at the discretion of the community development official upon the payment of a \$100.00 fee and posting of a cash bond equal to the estimated cost of any outstanding work only after complete review of all relevant facts~~

ORDINANCE NO. 3683

~~by the community development official and a determination by the community development official that issuance of a temporary certificate of occupancy is in the best interest of all parties. Such bond shall be received by the city and held without interest until all requirements are met and the final certificate of occupancy is issued. Failure to complete the work within the timeframe specified shall authorize the city to revoke the bond and the certificate. The permit holder's failure to obtain satisfactory final inspection shall be prima facie evidence of failure to complete the work within the timeframe specified. Any structure or site occupied under a temporary certificate of occupancy shall be vacated immediately upon expiration of the temporary certificate of occupancy unless by then a final certificate of occupancy has been issued by the community development official. The city shall be held harmless in any action under which a temporary certificate of occupancy is issued. The city and the community development official have no obligation whatsoever to issue a temporary certificate of occupancy. In lieu of the cash bond requirement stated above, the community development official reserves the right, at his discretion, to receive a letter of credit from a~~

ORDINANCE NO. 3683

~~local financial institution, which shall be returned to the permit holder upon satisfaction of the terms of the temporary certificate of occupancy.~~

~~(11) *Additional fees.* Additional applicable fees shall be as set forth in section 102-90.~~

SECTION 2. The City Code of the City of Fort Myers, Florida, Sub-Part B, Land Development Code, Chapter 102 Building and Construction Regulations, Article II. Administration, Division 3 Permits, Section 102-88 Fee schedule for public works department; engineering division is hereby deleted in its entirety:

Sec. 102-88. ~~Fee schedule for public works department; engineering division.~~ Reserved

~~(a) *Right of way permit.* Any work within public rights of way will require a permit fee of \$50.00 for a single family or duplex with a single driveway, \$75.00 for a single family or duplex with a double driveway, and \$150.00 for commercial projects which include three residential units or more.~~

~~(b) *Site clearing, grubbing, grading, excavating, tree removal or filling.* A permit shall be required for site clearing, including scraping, grubbing, grading, excavating, tree removal or filling of a site or lot. Where environmentally sensitive lands are involved, clearance letters from appropriate regulatory agencies must first be received before the city issues a site clearing permit. A tree removal fee of \$75.00 per acre is required and paid concurrent with the site clearing permit. A tree survey shall be provided~~

ORDINANCE NO. 3683

~~by the applicant according to the growth management code prior to any site preparation. The site clearing permit fee shall be a minimum of \$50.00, plus \$25.00 per acre or portion thereof.~~

~~(c) *Site work.* A permit shall be required for site work, and shall include any or all of the following: paving, drainage, water, and sewer. The permit fee for site work, including plan review, shall be:~~

~~(1) Residential development site less than two acres and more than two units, \$750.00, plus \$10.00 for each unit.~~

~~(2) Residential development site equal to or greater than two acres and more than two units, \$3,000.00, plus \$60.00 per acre or portion thereof in excess of one acre.~~

~~(3) Commercial development site which includes three residential units or more, \$3,000.00, plus \$60.00 per acre or portion thereof in excess of one acre.~~

~~(d) *Utility inspection fee.* The utility inspection fee shall be 1½ percent of the engineer's cost estimate for water, sewer and drainage construction costs for items reviewed and inspected by the engineering division.~~

~~(e) *Roadway inspection fee.* The roadway inspection fee shall be 1¼ percent of the engineer's cost estimate for road construction cost.~~

~~(f) *Single family, duplex, and multifamily plan review fee.* The single family, duplex and multifamily plan~~

ORDINANCE NO. 3683

~~review fee shall be one-tenth of one percent of the job value or a minimum of \$15.00, whichever is greater.~~

~~(g) Engineering plan review for all other permits not specified in this section. The engineering plan review fee for all other permits not specified in this section shall be two-tenths of one percent of the job value or a minimum of \$15.00, whichever is greater.~~

~~(h) Revisions/additions. After permit issuance, the plan review fee for revision or addition shall be \$40.00 or two-tenths of one percent of the job value, whichever is greater.~~

~~(i) Additional applicable fees. For additional applicable fees, see section 102-90.~~

SECTION 3. The City Code of the City of Fort Myers, Florida, Sub-Part B, Land Development Code, Chapter 102 Building and Construction Regulations, Article II. Administration, Division 3 Permits, Section 102-89 Fee schedule for community development department; development services division is hereby deleted in its entirety:

Sec. 102-89. Fee schedule for Community Development Department; Development Services Division. Reserved

~~(a) Zoning plan review fee. The zoning plan review fee shall be one-tenth of one percent of the job value or a minimum of \$15.00, whichever is greater.~~

~~(b) Revisions/additions. After permit issuance, the plan review fee for revisions or additions shall be \$40.00 or one-tenth of one percent of the job value, whichever is greater.~~

ORDINANCE NO. 3683

~~(c) — *Tree removal fee.* The fee for tree removal shall be \$75.00 per acre or fraction thereof and shall be paid with the site clearing permit.~~

~~(d) — *Additional applicable fees.* For additional applicable fees, see section 102-90.~~

SECTION 4. The City Code of the City of Fort Myers, Florida, Sub-Part B, Land Development Code, Chapter 102 Building and Construction Regulations, Article II. Administration, Division 3 Permits, Section 102-90 Supplemental fees and regulations is hereby deleted in its entirety:

Sec. 102-90. ~~Supplemental fees and regulations.~~

Reserved

~~(a) — *Calculation.* The fees for permits shall be determined according to the fee schedule within each applicable section. Where permit fees are calculated based on a project value, they shall use the actual retail construction value, or be calculated using the current edition of either the Southern Building Code Congress International, Inc.'s schedule of valuation, R.S. Means or other standard estimating guide acceptable to the community development official. The greatest value determined by these methods shall be used to calculate the fee. Valuations will be rounded to the next highest \$1,000.00.~~

~~(b) — *Fast track plan reviews.* Fast track plan reviews performed by the community development department, public works department and fire department shall be available subject to the following conditions and fees:~~

ORDINANCE NO. 3683

~~(1) Original sealed plans and application information shall be submitted in sufficient quantity to provide one plan for each review entity. Nothing in this subsection shall supersede the requirements of F.S. § 553.80(2)(b), which requires specific penalty fees for plans reviewed for compliance with the state building code which failed to correct a code violation specifically and continuously noted in each rejection.~~

~~(2) The applicant shall write "fast track services requested" on the construction permit application in the description of work, or shall provide other written means of communication requesting fast track services. This written request shall be prima facie evidence that the applicant is aware of the additional fees associated with fast track processing and their acknowledgement to pay the same.~~

~~(3) The applicant shall pay an additional fast track fee due and payable at the time the permit is issued based on the following rates:~~

~~a. Plan reviewer, per hour\$60.00~~

~~b. Clerical, per hour30.00~~

~~c. All fast track plan reviews and clerical services shall be conducted outside of regular working hours. Minimum fee equals one quarter hour per plan review discipline and one half hour per~~

ORDINANCE NO. 3683

~~clerical person. Fees shall be distributed proportionately to each division performing fast track plan reviews. No waiver provision in this section shall apply to fast track plan review.~~

~~(4) Outside agency approvals are the sole responsibility of the applicant to identify and obtain. Nothing in this subsection shall supersede the requirements of F.S. § 553.80(2)(c), which requires specific penalty fees for the third and subsequent reinspections that result in the failure to comply with a rejection notice when such failure is a violation of the state building code.~~

~~(5) The community development official may refuse acceptance of fast track applications if available resources make such services impossible or impractical to render.~~

~~(c) *General inspections.* Any inspection that is not included with a permit shall be \$25.00 per inspection, and shall be paid in advance. (See special inspections in subsection (h) of this section.)~~

~~(d) *Reinspection fees.*~~

~~(1) If reinspection is necessary because work was not ready, was incomplete, was not to code or plan, or access for the inspection is denied, the fee shall be as follows, for each inspector:~~

ORDINANCE NO. 3683

Access denied, plans and/or permits not on site	\$25.00
First failed inspection	No charge, unless the community development official determines that the conditions warrant a reinspection fee of \$50.00 be imposed
Repeat failed inspection	\$50.00

~~(2) Failure to finalize a permit within 180 days from the date of issue or last inspection shall result in a \$100.00 fine. No subsequent inspections or other permits will be issued until all fees are paid and the permit has been finalized.~~

~~(c) *Special inspections performed outside normal working hours.* Special inspections performed outside normal working hours as approved by the community development official, city engineer, fire marshal or their designees, when requested by the permit holder, shall be billed at a minimum fee of \$75.00 for the first hour, portal to portal, and \$60.00 for each hour thereafter, with a minimum fee of \$75.00 which must be paid at the time of issuance of the final certificate of occupancy, or in advance in the absence of a certificate of occupancy for the permit. Special events held on public land or held in or at a public facility or a~~

ORDINANCE NO. 3683

~~combination of both public land and public facility are exempt from this fee.~~

~~(f) Occupational licensing certificates and inspection fees.~~

~~Occupational licensing certificates and inspection fees are as follows:~~

Square Footage	Zoning Certificate	Inspections			Certificate of Occupancy	Total
		Fire	Building	Zoning		
1,000 and less	\$25.00	\$ 30.00	\$25.00	\$25.00	\$35.00	\$140.00
1,001—2,500	25.00	40.00	25.00	25.00	35.00	150.00
2,501—5,000	25.00	50.00	25.00	25.00	35.00	160.00
5,001—7,500	25.00	60.00	25.00	25.00	35.00	170.00
7,501—10,000	25.00	70.00	25.00	25.00	35.00	180.00
10,001—12,500	25.00	80.00	25.00	25.00	35.00	190.00
12,501—15,000	25.00	90.00	25.00	25.00	35.00	200.00
15,001—17,500	25.00	100.00	25.00	25.00	35.00	210.00
17,501 and up	25.00	110.00	25.00	25.00	35.00	220.00

~~Note: A change of use may require payment of impact fees.~~

ORDINANCE NO. 3683

~~(g) — *Work without permit.* The permit fee for any work started without a required permit will be doubled, plus any work that is completed without a required permit will be charged an additional \$200.00.~~

~~(h) — *Cost for permit extensions, duplicate permits and expired permits.*~~

~~(1) — The cost for permit extensions, duplicate permits and expired permits shall be as follows:~~

~~a. — Permit extension (before expiration), 25 percent of the original permit fee.~~

~~b. — Second extension (before expiration), 50 percent of the original permit fee.~~

~~c. — Duplicate permit card, \$15.00.~~

~~(2) — Expired permits require reapplication and are subject to original fees, including plan review.~~

~~(i) — *Refunds.*~~

~~(1) — No refund shall be given if work has commenced.~~

~~(2) — No refund shall be given if the permit has expired.~~

~~(3) — No refund shall be given on any plan review fee.~~

~~(4) — No refund shall be given on permits of \$50.00 or less, unless issued in error by the city.~~

~~(5) — Refunds of all other permits shall be limited to 75 percent of the permit fee.~~

~~(6) — An inspection fee of \$50.00 will be deducted from any refund to pay for the cost of~~

ORDINANCE NO. 3683

~~confirming conditions on the site and for minimal administrative costs associated with the refund.~~

~~(j) *Permit application expiration date.* A permit application will expire six months from the date of submittal. The applicant will have ten days after notification to pick up the permit application and associated paperwork or they will be deemed abandoned and will be disposed. One or more extensions of time for a period of not more than 90 days may be allowed by the community development official for the permit application, provided the extension is requested in writing and a justifiable hardship is demonstrated.~~

~~(k) *Permit fee waivers and reductions.* Permit fee waivers and reductions include the following:~~

~~(1) Building permit fees up to and including the first \$250.00 for any single project for not for profit entities, whose primary home offices are located within the city, and who are identified as tax exempt from the property appraiser, or by furnishing a current tax exempt status certificate from the Internal Revenue Service, and possess a current, valid occupational license issued by the city, as approved by the community development official.~~

~~(2) Permit fees up to and including \$300.00 for special events as determined and approved by~~

ORDINANCE NO. 3683

~~the council member within whose ward the event will occur.~~

~~(3) Permit fees for the installation of hurricane protection systems to existing structures, including shutters, windows, doors, safe rooms or other components approved by the community development official that comply with the current wind load standards, and can satisfy the impact resistant standards as delineated in the most current edition of American Society of Civil Engineers 7, as approved by the community development official.~~

~~(4) One half of the permit fees for any person obtaining permits on their homesteaded house when such person qualifies as receiving income at or below 80 percent of the local poverty level, as defined by the United States Department of Labor, as approved by the community development official.~~

~~(5) Permit fees for tents erected by city employees for city sponsored events.~~

~~(6) Permit fees for city approved projects constructed on city owned land or within public rights of way, exclusive of permits required by the state building code.~~

~~(f) *Other services.* Other services not specified in this section shall be billed at actual cost of time, benefits, material, and outside services, plus an~~

ORDINANCE NO. 3683

~~administrative fee of 20 percent as determined by the community development official, city engineer, fire marshal or their designees.~~

~~(m) *Collection of fees.* All fees collected by the community development department, exclusive of impact fees or any fee that exceeds \$5,000.00, may be paid by credit or debit card and the discounts and fees collected for the use of the debit or credit card shall be paid from the fees stated in this chapter. Those fees collected for other agencies shall be paid in their full amount, paying the discount of fee from the city permit fee. Such acceptance of payment shall be subject to the availability of equipment, policies, systems and resources to receive such payment.~~

~~(n) *Permits not requiring plan or technical review.* Permits that do not require a plan or technical review and that are applied for and issued over the internet shall be issued at a rate which is ten percent below the specified amount in this chapter. Those fees collected for other agencies shall be paid in their full amount, paying the discount of the fee from the city permit fee.~~

SECTION 5. Severability. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than that part declared to be invalid.

SECTION 6. Effective Date. This ordinance shall become effective October 1, 2013.