

ORDINANCE NO. 19/1

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF GULF STREAM, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES AT CHAPTER 42, BUILDINGS AND BUILDING REGULATIONS, ARTICLE II CONSTRUCTION STANDARDS, SECTION 42-27, ISSUANCE OF PERMITS; INSPECTIONS, TO CLARIFY THE PROCESS FOR SUBMISSION OF BUILDING PERMITS; DELETING SECTION 42-28, COUNTY TO PROCESS APPLICATIONS; FEES FOR SERVICE, IN ITS ENTIRETY; AMENDING SECTION 42-29, CONSTRUCTION ABANDONMENT, TO ADD REGULATIONS THAT ADDRESS THE EXPIRATION OF TOWN ISSUED SITE PLANS, TO BE RENUMBERED 42-28; AND ADDING A NEW SECTION 42-29, DEMOLITION PERMITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF GULF STREAM, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Code of Ordinances of the Town of Gulf Stream is hereby amended at Chapter 42, Buildings and Building Regulations, Article II Construction Standards, Section 42-27, Issuance of permits; inspections; Section 42-28, County to process applications; fees for service; and Section 42-29 Construction abandonment to read as follows:

Sec. 42-27. - Issuance of permits; inspections.

(a) The City of Delray Beach serves as the town's building official and shall issue all building permits for construction in the town. The town shall charge a fee to cover the costs associated with reviewing for compliance with zoning, design manual and other town ordinances. Such fee shall be established in a fee schedule adopted by a resolution of the town commission. The City of Delray Beach shall charge the builder a permit fee as established by the City of Delray Beach fee schedule. The fee to the City of Delray Beach shall be paid by the builder at the time application for permit is submitted to the City of Delray Beach. The town manager or the contractor will request the City of Delray Beach building department for inspection for a given time and date and the permit inspection card and plan shall be on the construction site at all times and the inspector on completion of this inspection will mark the card as to acceptance and the date thereon or will note reasons for rejection. Upon completion of the project and approved final inspection, by both the City of Delray Beach, the City of Delray Beach shall issue a certificate of occupancy or completion, to be held in abeyance by the town pending a final review and inspection by the town of all applicable rules, codes, and conditions of approval. Upon final inspection and approval by the town, the certificate of occupancy or completion shall be released to the builder or owner. and the town if necessary, the inspector will report this to the City of Delray Beach building department, which shall then issue the certificate of occupancy to the builder.

(b) If there is a change in the initial plans as approved, the contractor shall be required to file such plan change with the town for approval and subsequent

submission to the City of Delray Beach. The fee payable to the town for review of such change in plans shall be as indicated in the town fee schedule.

(c) If the contractor wishes to either demolish or move a building or structure located within the town, a permit must be obtained by submitting an application to the town for approval pursuant to the Code and subsequent submission to the City of Delray Beach. ~~from the town and a~~ A fee established by the town's fee schedule shall be paid to the town for processing such application. ~~receipt of such permit.~~

(d) If a construction trailer is parked within the town a permit shall be required therefor along with approval of the town commission, and a permit fee in the amount established in the town's fee schedule shall be paid to the town. The permit will be valid for a period of time established by the Town Commissions ~~six months.~~

(e) If a person fails to obtain a building permit where otherwise required within the town, the penalty fee applicable by the City of Delray Beach in the amount of three times the regular fee due to the City of Delray Beach shall be paid. In addition, there shall be paid to the town a fee three times the regular fee due the town.

~~Sec. 42-28. County to process applications; fees for service.~~

~~The county building department shall process plans that are submitted in triplicate, checking the same for compliance with the codes adopted in this article, and will determine the amount of the permit fee and supply a copy of the same to the town. For this and the inspection service the county shall charge the builder a permit fee as established by the county building permit fee schedule. The fee to the county shall be paid by the builder at the time application for permit is submitted to the county.~~

~~Sec. 42-289. - Construction abandonment.~~

All authorized construction shall be completed prior to the expiration of the building permit issued by the ~~county~~building department. The expiration of a building permit or site plan issued by the Town shall be prima facie evidence that the building project has not commenced or has been abandoned.

Failure of the permit holder or ~~the~~ property owner to file for a building permit before expiration of the Town approved site plan, obtain a building permit, or complete construction once it has been initiated within the timeframe of the building permit is a violation that will be referred to the special master pursuant to Chapter 2, Article III, Division 2, of this Code. Failure to restore the site to its preconstruction conditions, including removal of all structural improvements and ~~placement of sod~~ sodding the site with sufficient irrigation on all disrupted portions of the site, may result in a fine not to exceed \$250.00 per working day ~~after the permit expires.~~

Sec. 42-29. Demolition Permits.

Demolition permits are approved by the applicable review authority pursuant to Chapter 66, Article V, Division 2 of this Code. If construction does not commence within 60 days of commencement of demolition or a construction permit becomes null and void, the site shall be sodded with sufficient irrigation within ten working days of demolition or default and the property maintained so as not to be in an unsightly condition.

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Gulf Stream, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Gulf Stream.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session on the first reading this 12<sup>th</sup> day of April 2019, and for a second and final reading on this 16<sup>th</sup> day of May 2019.

  
MAYOR

  
VICE MAYOR

  
COMMISSIONER

  
COMMISSIONER

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COMMISSIONER

ATTEST:

  
TOWN CLERK