

CITY OF LYNN HAVEN, FLORIDA

ORDINANCE NO. 1144

AN ORDINANCE OF THE CITY OF LYNN HAVEN, FLORIDA CREATING SECTION 14-36 OF ARTICLE II, CHAPTER 14 OF THE CODE OF ORDINANCES PROVIDING PENALTIES FOR COMMENCING WORK BEFORE PERMIT ISSUANCE; AMENDING SECTION 10.00.02 OF THE LYNN HAVEN UNIFIED LAND DEVELOPMENT CODE PROVIDING PENALTIES FOR COMMENCING WORK BEFORE PERMIT ISSUANCE; REPEALING PROVISIONS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR CODIFICATION; AND RECITING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF LYNN HAVEN, FLORIDA:

SECTION 1. Section 14-36, Article II, Chapter 14 of the City of Lynn Haven Code of Ordinances is hereby created to read as follows (new text **bold and underlined**):

**Section 14-36. - Work commencing before permit issuance.**

**Any person who commences any work on land, a building, structure, electrical, gas, mechanical or plumbing system before obtaining the building official's approval or the necessary permits shall be subject to a penalty of 100 percent of the usual permit fee in addition to the required permit fees. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger. But in all such cases the required permit(s) must be applied for within three (3) business days and any unreasonable delay in obtaining those permit(s) shall result in the charge of a double fee. The payment of a double fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The building official may grant extensions of time or waive fees when justifiable cause has been demonstrated in writing.**

SECTION 2. Section 10.00.02 of Chapter 10 of the Lynn Haven Unified Land Development Code is hereby amended to read as follows (new text **bold and underlined**):

10.00.02 Development Permits and Local Development Orders Required

- A. A development permit or local development order shall be required in conformance with the provisions of this ULDC prior to the commencement of any development activities.
- B. A development permit shall be required for the following activities:

1. Land clearing or modification;
2. Tree removal, and construction of any building or structure;
3. Installation of utilities, streets, driveways, drainage systems, building systems (electrical, gas, mechanical, or plumbing), accessory structures; and
4. Any other construction, reconstruction, site improvements, or modifications to the land or water on a site.

C. A local development order shall be required prior to initiating construction for any of the activities authorized by the following:

1. Final development plan for planned unit development (PUD);
2. Final development plan for traditional neighborhood development (TND);
3. Preliminary and final subdivision plats;
4. Replat or reconfiguration;
5. Site plan;
6. Site plan for development subject to supplemental standards;
7. A change of use to food service uses, medical uses, uses that require an increase in parking spaces, or uses that require concurrency review; and
8. Development orders for developments of regional impact as defined in Section 380.06, F.S.

D. Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of Section 3.01.00 the Floodplain Damage Prevention Ordinance, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of Section 3.01.00 and all other applicable codes and regulations has been satisfied.

E. Development orders or permits shall be issued pursuant to Section 3.01.00 for any development activities in flood hazard areas not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a development order or permit is required in addition to a building permit.

F. No development permit shall be approved unless all required local development orders necessary to the development activity proposed in the development permit application have first been approved.

G. Development orders and permits and building permits for development in flood hazard areas shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including, but not limited to, the following:

1. The Northwest Florida Water Management District; section 373.036, F.S.
2. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
3. Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; section 161.041, F.S.
4. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
5. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
6. Federal permits and approvals.

**H. Any person who commences any work on land, a building, structure, electrical, gas, mechanical or plumbing system before obtaining the building official's approval or the necessary permits shall be subject to a penalty of 100 percent of the usual permit fee in addition to the required permit fees. In addition to the double fee, the City may impose a penalty of up to \$2,500. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger. But in all such cases the required permit(s) must be applied for within three (3) business days and any unreasonable delay in obtaining those permit(s) shall result in the charge of a double fee. The payment of a double fee or penalty shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The building official may grant extensions of time or waive fees when justifiable cause has been demonstrated in writing.**


SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict. If any phrase, clause, sentence, paragraph, section, or subsection of this Ordinance shall be declared unconstitutional or invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the remaining phrases, clauses, sentences, paragraphs, sections or subsections of this Ordinance.

SECTION 4. It is the intention of the Commission that the provisions of this Ordinance shall become a part of the City's Code of Ordinances. The provisions of this Ordinance may be renumbered or re-lettered with cross-references corrected and the word "ordinance" may be changed to "section", "article", "division" or other appropriate word to accomplish such intention.

SECTION 5. This Ordinance shall take effect immediately upon its passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Commission of the City of Lynn Haven, Florida, this 14<sup>th</sup> day of February, 2023.

CITY OF LYNN HAVEN, FLORIDA

  
\_\_\_\_\_  
Jesse Nelson, Mayor

ATTEST.

  
\_\_\_\_\_  
Vickie Gainer, City Manager-Clerk

First Reading: 1/10/23  
Second Reading: 2/14/23