

**ORDINANCE NO. 2016- 477**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SUNNY ISLES BEACH, FLORIDA, AMENDING SECTION 265-20 OF THE CITY CODE TO REQUIRE THE SUBMITAL OF SPOT SURVEYS TO THE CHIEF BUILDING OFFICIAL AND ZONING ADMINISTRATOR DURING THE CONSTRUCTION OF RESIDENTIAL AND COMMERCIAL BUILDINGS; PROVIDING FOR APPLICABILITY AND SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Building Official of the City of Sunny Isles Beach is responsible for inspecting the construction of residential and commercial projects to ensure compliance with the Florida Building Code and zoning approvals issued by the City Commission; and

**WHEREAS**, the Building Official and the Zoning Administrator have requested spot surveys from building permit holders as a matter of practice during the construction of residential and commercial projects to ensure compliance with building permit requirements and zoning approval ; and

**WHEREAS**, the Building Official is requesting that the City Commission amend Section 265-20 of the City Code to require mandatory spot surveys for residential and commercial projects.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSISON OF THE CITY OF SUNNY ISLES BEACH, FLORIDA, AS FOLLOWS:**

Section 1.     Amendment. Section 265-20 of the City Code is amended to read as follows:

§ 265-20. - Reviews of building permits.

- A. Purposes and applicability. The building permit and certificate of occupancy represent the last point in the development review process. All other approvals, permits and certificates required by the LDR must be applied for and obtained before an application for a building permit may be considered for approval by the City. The Florida Building Code, as amended, is hereby adopted as the regulation governing the construction of buildings and structures in the City. Any qualified applicant desiring a permit to be issued by the Chief Building Official as required, shall file an application in writing on a form provided by the Department of Zoning, Planning and Building for that purpose. No development shall occur until and unless the Building Division has issued a building permit.
- B. Application requirements. Each application shall describe the land on which the proposed work is to be done, by legal description and address; shall show the use or occupancy of the building or structure; shall be accompanied by plans and specifications as required; shall state the value of the proposed work; shall give such other information as reasonably may be required by the Chief Building Official and the Florida Building Code

to describe the proposed work; and shall be attested by the qualified applicant and property owner.

- C. Action by building department. The Chief Building Official shall review all applications for building permits or certificates of occupancy for compliance with the provisions of the LDRs, the City Code and the Florida Building Code, as amended. The Building Department shall issue a building permit if the applicant demonstrates that the proposed development is in compliance with all applicable codes and is compliance with any and all development orders issued in connection with the project and that all fees have been paid.
- D. Permit card. Upon approval of plans, specifications and application for permit and the payment of the required fee, the Chief Building Official shall issue a permit. With each permit, the Chief Building Official shall issue a permit card which shall bear the description of the property, the nature of the work being done, the name of the owner and contractor and other pertinent information; and such card shall be maintained in a conspicuous place on the front of the premises affected thereby during the hours of work in progress and available on demand for examination by the Chief Building Official.
- E. Spot survey. During the construction of a residential or commercial building, the holder of a permit card or building permit shall submit to the Chief Building Official a spot survey of the building slab in place to be checked by the Building Department and the Zoning Department before any construction work can be continued above the slab. Additional spot surveys shall be submitted to the Chief Building Official for multi-floor or multi-level buildings at every four (4) stories constructed before any work can be continued. It shall be the duty of the permit holder to submit the required spot surveys before proceeding with construction of the vertical structure of a building. A final spot survey must be submitted to the Chief Building Official before issuance of Certificate of Occupancy. For the purpose of this subsection, a spot survey is a survey showing the locations, sizes, shapes, and measurements of the building on the lot.

The Chief Building Official may issue a stop work order against the permit holder if the following occurs:

- (1) Failure to submit the required spot surveys prepared by professional land surveyor whose signature and seal must bear the survey; or
- (2) Continuation of construction without the approval and acceptance of the spot survey by the Building Department and the Zoning Department.

Section 2. Applicability. This Ordinance shall apply retroactively to all residential and commercial building projects that have not been issued a Certificate of Occupancy as of the effective date of this Ordinance even if a building permit have been issued for such project.

Section 3. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 4. Repeal of Conflicting Provisions. All ordinances, or parts of ordinances in conflict herewith be, and the same, are hereby repealed

Section 5. Inclusion in the Code. It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the City of Sunny Isles Beach Code; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall become effective ten (10) days after adoption on second reading.

**PASSED and ADOPTED** on First Reading the 17<sup>th</sup> day of March 2016.

**PASSED and ADOPTED** on Second Reading this 21<sup>st</sup> day of April 2016.

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George "Bud" Scholl, Mayor

**ATTEST:**

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Jane A. Hines, MMC, City Clerk

**APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY**

\_\_\_\_\_  
Hans Ottinot, City Attorney

Moved by: \_\_\_\_\_

Second by: \_\_\_\_\_

**VOTE AS FOLLOWS:**

Mayor Scholl	( ) yes	( ) no
Vice Mayor Gatto	( ) yes	( ) no
Commissioner Aelion	( ) yes	( ) no
Commissioner Goldman	( ) yes	( ) no
Commissioner Levin	( ) yes	( ) no