

ORDINANCE NO. 18 - 1677

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 14-29. – “PERMIT FEES” – TO PROVIDE FOR WAIVER OF PERMIT FEES AND EXPEDITED PERMIT AND DEVELOPMENT REVIEW TO BE ADOPTED BY RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 14-29, Permit Fees, of the Town of Surfside (“Town”) Code, provides for permit fees for all buildings, structures, additions and alterations requiring a building permit as required by the Florida Building Code; and

WHEREAS, the Town Commission may wish to incentive certain development programs in the Town, including sustainable building programs, by waiving building permit fees and expediting permitting and development review by resolution to be adopted by the Town Commission; and

WHEREAS, the Town Commission desires to amend Section 14-29, Permit Fees, of the Town Code, to allow for waiver of building permit and other fees and expedited permitting and development review by resolution of the Town Commission, and finds that such would incentivize certain projects and serve the best interests of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA:¹

Section 1. Recitals. The above Recitals are true and correct and are incorporated herein by this reference.

Section 2. Town Code Amended. Section 14-29 – “Permit Fees” - of the Town of Surfside Code of Ordinances is hereby amended and shall read as follows:

¹ to the text are shown in underline. Deletions are shown in ~~strike through~~. Additions made Additions after first reading are shown in double underline. Deletions made after first reading are shown in ~~double-strike through~~.

Sec. 14-29. - Permit fees.

(a) For all buildings, structures, additions and alterations requiring a building permit as called for in Section 105 of the Florida Building Code, a fee for each building permit shall be paid as required, in accordance with the following fee schedule:

(1) The minimum fee for any one permit shall be \$80.00.

(2) For all construction activity where the construction costs are greater than \$1,000.00 but less than \$1,250,000.00, the fee shall be \$80.00 plus 2.3 percent of the cost of construction.

(3) For all construction activity where the construction costs are \$1,250,000.00 or more, but less than \$3,000,000, the fee shall be calculated as in (1) + (2) plus 1.6 percent of the cost of construction from \$1,250,000.00 up to \$3,000,000.00.

(4) For all construction activity where the construction costs are \$3,000,000.00 or greater, the fee shall be calculated as in (1) + (2) + (3) plus 1.3 percent of the cost of construction greater than \$3,000,000.00.

(5) Electrical, mechanical and plumbing permit fees shall be calculated in accordance with (1) through (4) above, except that when such electrical, mechanical or plumbing permit is a sub-permit to a master permit, the fee for the sub-permit shall be \$80.00 provided the cost of the electrical, mechanical or plumbing work is included in the overall cost of construction included in the master permit.

(6) For purposes of this section, the cost of construction is calculated as no less than \$250.00 per gross square foot for multi-family and commercial developments and no less than \$150.00 per gross square foot for single family homes for new construction or substantial improvements as defined in the Florida Building Code.

(7) The town reserves the right to conduct an audit of the construction costs for new construction or substantial improvements as defined in the Florida Building Code at the conclusion of the construction, based on a determination by the building official that the valuation is underestimated on the application. If a discrepancy is found, the applicant shall pay the difference in the building permit fee, if any, prior to issuance of the temporary certificate of occupancy. Applicant may provide evidence of final cost of construction and the Town will adjust the fee accordingly.

(b) ~~(a)~~ *Other specialized operations.* For other specialized operations for which permits are required, and the specialized operations are not specifically noted in this fee schedule, including but not limited to the moving of buildings or structures, the demolition of buildings or structures, the installation of driveways or sidewalks, the installation of underground fuel tanks, the installation of drainage facilities, the construction of roadways and site improvements, and the issuance of temporary structure or special event permits, the fee schedule listed above shall be applicable.

(c) ~~(b)~~ *Failure to obtain permit.* When work for which a permit is required is started prior to the obtaining of the permit, the applicant for a permit shall be required to pay \$100.00 plus double the regular permit fee, as the cost of the permit. The payment of such double fee plus \$100.00 shall not relieve any person from fully complying with all the requirements of all applicable regulations and codes; nor shall it relieve them from being subject to any of the penalties therein. The double fee requirement shall be applicable to sub-permits and to all divisions of the building department.

(d) ~~(e)~~ *Reinspection fee.* A re-inspection fee shall be charged when extra inspection trips are necessary due to:

- (1) Wrong address being given on request for inspection;
- (2) Prior rejection of work due to faulty construction;
- (3) Work not being ready for inspection at time specified;
- (4) Failure to call for final or other inspections;
- (5) Required corrections not being made or completed at time specified.

A fee of \$80.00 shall be charged for the first re-inspection. The Building Official may apply Florida Statutes Section 553.80(2)(c) for each subsequent re-inspection. The payment of re-inspection fees may be required before any further permits will be issued to the person owing same, and further inspections may be refused until payment of re-inspections fees has been made. The re-inspection fee requirement shall be applicable to all divisions of the building department.

(e) ~~(d)~~ *Application processing fee.*

- (1) A non-refundable fee may be charged at the time of submitting a permit application. The fee shall be \$80.00 or 25 percent of the building permit fee, whichever is greater. The fee paid will be deducted from the total permit fee at time of issuance of the permit.
- (2) A non-refundable fee shall be charged for reviewing plans on all new construction (or major remodeling) of multi-family residential structures and/or commercial structures. The fee shall be 25 percent of the estimated building permit fee. The fee will be deducted from the total permit fee at time of issuance of the permit.
- (3) A non-refundable zoning plan review fee of \$200.00 shall be charged at the time of application, for those projects requiring zoning review. This fee is in addition to the building permit fee and is not deductible from the building permit fee.
- (4) A non-refundable fee shall be charged for a preliminary review of plans and documentation prior to the submitting for a permit. The fee shall be calculated per subsection 14-29(g)(6) and (7).

(f) ~~(e)~~ *Fee for changes after permit has been issued.*

(1) When changes in the plans and/or specifications are requested after the permit has been issued, and the changes do not result in an increase in the scope of the original project, the fee for review of said changes shall be based upon review time, hourly per trade, in accordance with subsection [14-29\(g\)](#)(6) and (7).

(2) When changes or revisions are requested after the permit has been issued, which result in an increase of square footage and/or the cost of construction, the fee for the additional work shall be calculated in accordance with the fee schedule for a new permit, in accordance with this section.

(g) ~~(f)~~ *Refunds, time limitation.* The fees charged pursuant to this section may be refunded by the town manager subject to the following:

(1) No refund shall be made where any work has commenced, except where duplicate permits have been issued for the same work, in which case a refund may be granted to the initial permit holder provided the duplicate permits were issued within 90 days of each other.

(2) No refunds shall be made where permit has become void as provided by section 105.4 of the Florida Building Code.

(3) No refunds shall be made on permit fees of \$80.00 or less.

(4) Fifty percent refunds may be granted to a permit holder whose permit is canceled by owner authorization where work has commenced and such owner selects a second contractor to complete the work. The second contractor shall pay a full fee to complete the work unless the first contractor waives his opportunity to a refund in writing, in which case, the second contractor is entitled to a permit to cover the same work for a cost of 50% of the prevailing fee schedule.

(5) A full refund may be granted to a permit holder who takes out a permit covering work outside the jurisdictional permitting and inspection area.

(h) ~~(g)~~ *Other fees.*

(1) *Demolition:* \$80.00 per discipline (trade) inspecting.

(2) *Certificate of completion:* \$80.00.

(3) *Certificate of occupancy:* \$120.00.

(4) *Temporary certificate of occupancy*: \$365.00 per period of temporary certificate.

(5) *Duplicate permit card with list of passed inspections*: \$50.00.

(6) *Special services*:

a. \$100.00 per hour, normal business hours (1 hour minimum).

b. \$150.00 per hour outside normal business hours (3 hour minimum).

This fee is limited to client-requested services outside the normal permitting and inspection process, and any such fee shall be estimated and agreed-upon in advance.

(7) *Professional engineer review of structural drawings*: \$100.00 per hour.

(i) ~~(h)~~ *State and county fees*.

(1) \$0.01 per sq. ft. added to every building permit for the State of Florida to study the building code requirements for radon gas plus certification and regulation of building officials, inspectors, and plans examiners. This surcharge relates to new construction and under-roof floor area being added, altered, or renovated.

(2) Building code compliance fee (Miami-Dade Code Compliance): \$0.60 per every \$1,000.00 of value of construction.

(j) *Waiver of Fees and Expedited Permitting and Development Review. The Town Commission may by Resolution waive building permit fees and other fees as provided herein, and provide for expedited permitting and development review for certain programs.*

* * *

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 4. Inclusion in the Code. It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other appropriate word.

Section 5. Conflicts. Any and all Ordinances and Resolutions or parts of Ordinances or Resolutions in conflict herewith are hereby repealed.

Section 6. Effective Date. This ordinance shall become effective on second reading upon adoption.

PASSED AND ADOPTED on first reading this 13th day of February, 2018.

PASSED AND ADOPTED on second reading this 13th day of March, 2018.

On Final Reading Moved by: Commissioner Karukin

On Final Reading Second by: Commissioner Gielchinsky

FINAL VOTE ON ADOPTION:

Commissioner Daniel Gielchinsky
Commissioner Michael Karukin
Commissioner Tina Paul
Vice Mayor Barry Cohen
Mayor Daniel Dietch

yes
yes
absent
yes
yes




Daniel Dietch, Mayor

ATTEST:



Sandra Novoa, MMC, Town Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**



Weiss Serota Helfman Cole & Bierman, P.L.,
Town Attorney