

ORDINANCE NO. 16 – 1656

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 14 “BUILDINGS AND BUILDING REGULATIONS”; SPECIFICALLY AMENDING SECTION 14-29. “PERMIT FEES” TO PROVIDE FOR A CONSISTENT CALCULATION FOR THE COST OF CONSTRUCTION FOR PERMIT FEES AND FOR THE RIGHT OF THE TOWN OF SURFSIDE TO CONDUCT AN AUDIT OF THE CONSTRUCTION COSTS AT THE CONCLUSION OF CONSTRUCTION; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission finds it is in the best interest of the Town to promote clarification and consistency by calculating the cost of construction using set values per square foot for building permit fees in the Town of Surfside; and

WHEREAS, the Town Administration has determined based on research that the amount of \$250 per square foot is considered an average cost of construction for multi-family and commercial developments; and

WHEREAS, the Town Administration has determined based on research that the amount of \$150 per square foot is considered an average cost of construction for single family homes; and

WHEREAS, establishing a base amount for the cost of construction will allow the Town and the Applicant to have a degree of certainty for the amount of permit fees; and

WHEREAS, the Town recognizes that renovations and minor projects which do not meet the substantial improvement criteria as defined in the Florida Building Code shall be excluded from the cost of construction calculation requirements and from Town audits of construction costs at the conclusion of construction as stated herein; and

WHEREAS, the Town Commission held its first public hearing on November 9, 2016 having complied with the notice requirements required by Florida Statutes; and

WHEREAS, the Town Commission conducted a second duly noticed public hearing on these regulations as required by law on December 13, 2016 and further finds the proposed change to the Code necessary and in the best interest of the community.

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

Section 1. Recitals. The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2. Code Amendment. The Code of the Town of Surfside, Florida is hereby amended as follows:

Sec. 14-29. - Permit fees.

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 per gross square foot for multi-family and commercial developments and no less than \$150 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.

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. Conflict. All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

Section 5. Inclusion in the Code of Ordinances. 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 6. Effective Date. This Ordinance shall be effective upon adoption on second reading.

PASSED and ADOPTED on first reading this 9th day of November 2016.

PASSED and ADOPTED on second reading this 13th day of December 2016.

On Final Reading Moved by: Commissioner Gielchinsky

On Final Reading Second by: Commissioner Karukin

FINAL VOTE ON ADOPTION:

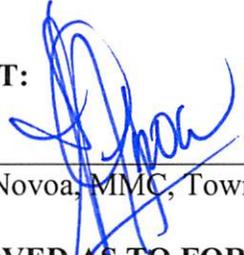
Commissioner Daniel Gielchinsky
Commissioner Michael Karukin
Commissioner Tina Paul
Vice Mayor Barry Cohen
Mayor Daniel Dietch

yes
yes
absent
yes
yes



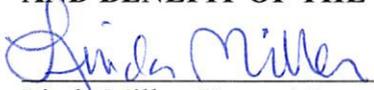
Daniel Dietch, Mayor

ATTEST:



Sandra Novoa, MMC, Town Clerk

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



Linda Miller, Town Attorney