

ORDINANCE NO. C-20-29

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING CHAPTER 25, STREETS AND SIDEWALKS, ARTICLE II. – DIVISION 3. - CURB OR SIDEWALK CUTS; SECTION 25-76. – PERMIT REQUIRED; FEE BY DELETING PERMIT FEE IN 25-76(c); CREATING A NEW ARTICLE XIII – “FEES” AND CREATING SECTIONS 25-322 THROUGH 327, ESTABLISHING ENGINEERING FEES FOR CONSTRUCTION, IN RIGHTS OF WAY AND EASEMENTS BASED UPON PERCENTAGE OF CONSTRUCTION VALUE, FIXED FEES AND FEES BASED UPON HOURLY REVIEW AND INSPECTION RATES, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

WHEREAS, the Engineering Division of the Department of Sustainable Development (“Engineering”) provides certain permit review and inspection services for construction in the Rights-of-Way to verify compliance with federal, state and local laws; and

WHEREAS, the City of Fort Lauderdale (“City”) recognizes the importance for providing these services in a fair and efficient manner to the development community, property owners and to other permit applicants; and

WHEREAS, a study has been conducted by the City to determine the actual cost of providing the permit review and inspection services; and

WHEREFORE, the City hereby establishes user fees to recover costs associated with these services, as follows;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

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SECTION 1. That Chapter 25, Streets and Sidewalks, Article II. – Division 3. - Curb or Sidewalk Cuts; Section 25-76. – Permit Required; Fee is hereby amended as follows:

...

Sec. 25-76. – Permit Required; Fee.

- (a) It shall be unlawful for any person to cut away or remove any curb or sidewalk or any part thereof in the city, unless and until a permit shall have been granted by the city therefor.
- (b) All applications for permits required by this section shall be made to the city engineer, and he shall have the authority to grant the same in conformity with the provisions of this division.
- (c) Before any permit shall be granted for the opening of or cutting of any sidewalk or curb or part thereof, the person desiring such excavation shall make application for a permit to the city engineer and shall post a cash bond or bond with good and sufficient securities in an amount to be determined by the city engineer. Said bond to be conditioned to properly cut and make proper repairs in the areas where construction is permitted, and to pay all damages in connection therewith. ~~Such person shall further pay a permit fee of ten (10) percent of the amount of the bond up to an amount of five thousand dollars (\$5,000.00) plus five (5) percent of all that portion of the bond exceeding five thousand dollars (\$5,000.00) to cover the cost to the city in connection with inspection of the work, testing of materials used, and for engineering supervisory purposes.~~

SECTION 2. That Chapter 25, Streets and Sidewalks, Article XIII. – Division 1. – Fees; Section 25-350. – Intent and Purpose, of the City of Fort Lauderdale, Florida, Code of Ordinances, is hereby created to provide as follows:

ARTICLE XIII

DIVISION 1. – FEES

Sec. 25-322. – Intent and Purpose

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The City Commission of the City of Fort Lauderdale finds and declares that:

- a. The Engineering Division of the Department of Sustainable Development of the City provides permit review services in association with construction and other activities in the Rights-of-Way and easements, in accordance with the State and County laws, City's Municipal Code of Ordinances, Uniform Land Development Regulations, the City's Comprehensive Plan, and other applicable regulations.
- b. The City desires to recover its costs for these services.
- c. Fees are hereby created to recover costs for these services.

Sec. 25-323. – Definitions

Accessory Structures – Any structure, enclosure, addition or equipment that is not physically attached to a main building.

After Hours Inspection – Any inspection or part of an inspection that takes place outside of the regular inspection hours (7:30 a.m. to 4:30 p.m., Monday through Friday, excluding holidays observed by the City).

Applicant – Any person that submits a Permit application for construction or a permit application for conducting certain activities in the Rights-of-Way under City jurisdiction.

City – City of Fort Lauderdale, a municipal corporation of the State of Florida.

City Engineer – See Section 25-97.

Cycle of Review (or Inspection) – One Cycle includes one set of review or inspection comments by the Plans Reviewer or inspector followed by Applicant's response or implemented corrective measures to address said comments.

Days – The number of days during which construction or an activity is authorized in a Permit or Revocable License Agreement, based on the beginning and ending date specified therein, excluding Saturdays, Sundays, Holidays observed by the City and any dates the City may be closed due to an emergency declaration.

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Decorative Streetscape Improvements – Improvements in the Public Right-of-Way consisting of materials other than the standard materials specified in the Engineering Standards such as concrete and asphalt; such materials are intended to enhance the aesthetics and architectural appeal of the installed improvements and may include architectural pavers or concrete, stamped concrete, stamped asphalt.

Department – Department of Sustainable Development of the City of Fort Lauderdale.

Easement – See 47-35.

Engineering Standards – See 47-35.

Estimated Construction Value – A written estimate or opinion of costs by a Civil Engineer licensed in the state of Florida that includes the total cost of construction to install the improvements approved through a Permit, including labor, materials, equipment, mobilization, maintenance of traffic, testing administrative costs, performance bonds and demobilization. The Estimated Construction Value shall include a detailed breakdown of said costs for each item of work.

Expedited Permit Application – A permit application that will be reviewed outside the regular hours for Plans Reviews (8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays observed by the City) with the goal of providing initial comments within four business days from the date of Permit application acceptance by the City.

Inspector – An inspector representing the Engineering Division of the Department of Sustainable Development that is responsible for inspecting all work authorized under a Permit.

Permit – For the purposes of this division, the term “Permit” shall mean a permit that is issued by the Engineering Division of the Department of Sustainable Development that authorizes construction or other activities in the Rights-of-Way or easements or that authorizes work on any utility owned by the City.

Permit Application Acceptance – A permit application that has been determined by the Department to be complete and have satisfactorily provided all submittal requirements that are prerequisite for initiating review.

Person – See Section 25-97.

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Plans Reviewer – The individual responsible for reviewing a Permit application on behalf of the Engineering Division of the Department of Sustainable Development.

Project, Small – Any project that is required to have ten (10) parking spaces or less prior to the deduction of any approved parking reductions.

Project, Large – Any project that is required to provide more than ten (10) parking spaces, prior to the deduction of any approved parking reductions.

Public Transportation Facility – Roadways, bicycle lanes, pedestrian pathways, parking areas and similar facilities in Rights-of-Way or easements that are dedicated for the use of the public and that are under the jurisdiction of the City.

Rights-of-Way – See Section 25-97.

Services – Administrative, legal or engineering review and/or processing in support of or in association with the permit approval process, other than Permit reviews. Examples include review and processing of easements, agreements and performance bonds.

Sec. 25-324. – City Engineer to Administer

The City Engineer shall be responsible for the administration of this chapter.

Sec. 25-325. – Engineering Permit Fees

(a) The fee amounts for Permits and services provided by the Engineering Division in the Department of Sustainable Development shall be based on the rates and fee calculation methodologies established herein.

(b) Permit Fees Based on Percentage of Estimated Construction Value

(1) The Permit fees in this subsection shall be based on the percentage of Estimated Construction Value as indicated in the fee schedule herein. Applicant shall submit the Estimated Construction Value with the Permit Application for review and acceptance by the Plans Reviewer. The estimates shall be based on commonly

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accepted cost estimating practices in the industry and may include additional documentation such as an executed contract for construction for the Permit work. Should there be a disagreement between the Plans Reviewer and the Applicant, the City Engineer shall have final authority in determining the Estimated Construction Value.

(i) Exception: At no time shall the permit fee in this category be less than \$120.

(2) The Permit fees based on the Estimated Construction Value shall be paid prior to the second cycle of review comments or prior to issuance of permit, whichever occurs first.

(3) Fee Schedule:

(i) Sidewalk and Curb – Installation, repair and restoration of concrete sidewalks, curbs, gutters, concrete flatwork, decorative streetscape improvements and similar construction: 2% of Estimated Construction Value.

(ii) Paving – Installation, repair and restoration of surfacing, base, subbase for any public transportation facility, restoration of pipe trench and similar construction: 2% of Estimated Construction Value.

(iii) Stormwater – Design and construction of stormwater management facilities and the installation, repair, maintenance of stormwater collection systems, including piping, manholes, junction structures and similar construction: 2% of Estimated Construction Value.

(iv) Water – Main System Extensions and Connections, fire hydrants, water services and similar construction: 3% of Estimated Construction Value.

(v) Sanitary Sewer – Gravity and Force Main Extensions and Connections, manholes, pump stations, lift stations, force and similar construction, but not including installation of sanitary sewer service laterals: 3% of Estimated Construction Value.

(c) Fixed Permit Fees

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(1) The Permit fees in this subsection shall be based on the fixed fee amounts established herein.

- (i) Exception: At no time shall the review fee for a permit exceed fifty (50) percent of the cost of material and labor required to complete the job. Upon request by the Plans Reviewer, proof of the actual cost of material and labor shall be submitted to the City Engineer and approval obtained for this exception to be granted.
- (ii) The fixed Permit fees shall be paid prior to Permit Application Acceptance.
- (iii) The fixed fees shall include three cycles of reviews and/or inspections, as applicable. Should the review or inspection for a Permit exceed three cycles due to noncompliance with engineering standards, governing laws or permit conditions, final written comments itemizing same, along with any necessary corrective actions, shall be provided to the Applicant. At the discretion of the City Engineer a mandatory staff meeting may be scheduled with Applicant and/or Applicant's representatives as a prerequisite to any further reviews or inspections. The hourly rates for re-reviews, reinspections and staff meetings established in Section 25-325(e)(3) shall apply.

(2) Fee Schedule:

- (i) Landscaping - Small Project ... \$175
- (ii) Landscaping - Large Project ... \$590
- (iii) Monitoring Well ... \$115
- (iv) Transit/Bus Shelter Permit ... \$175
- (v) Sidewalk Waiver Request ... \$175
- (vi) Seawall Elevation Waiver Request ... \$175
- (vii) Street Lighting ... \$295
- (viii) Application for water service - (Fire Hydrant, Fire Service, Domestic/Irrigation 4" and Larger) ... \$270
- (ix) Sanitary Sewer Laterals in accordance with Sections 28-51 through 28-59 ... \$725
- (x) FDEP and Broward County permits for water and sewer
Small Project ... \$340
Large Project ... \$685

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- (xi) Water and Sanitary Sewer Capacity Allocation Letter
Small Projects ... \$960
- (xii) Modifications to small projects that require capacity re-analyses ... \$960
Large Projects ... \$2,400
- (xiii) Modifications to large projects that require capacity re-analyses ... \$2,400
- (xiv) Bond Processing - Construction Value \$40,000 or less ... \$105
- (xv) Bond Processing - Construction Value more than \$40,000 ... \$370
- (xvi) Easement Dedication ... \$655
- (xvii) Maintenance Declaration ... \$680
- (xviii) Change of Contractor ... \$25
- (xix) Permit Renewal or Extension ... \$25
- (xx) Expired Permit Renewal ... \$25
- (xxi) Lost Plans ... \$100

(d) Permit Fees Based on Fixed Amount Plus Inspection Time

- (1) The Permit fees in this section shall be based on the fixed fee amounts plus a variable Inspection fee, as established herein. The added Inspection fee shall be calculated by multiplying the number of Days by the Inspection Rate per Day, as set forth below.
- (2) The fixed amount plus Inspection fee Permit fees shall be paid prior to Permit Application Acceptance.
- (3) Inspection Rate Per Day ... \$30
- (4) Fee Schedule:
 - (i) Site Preparation and Erosion Control ... \$165 plus Inspection Fee
 - (ii) Dewatering ... \$188 plus Inspection Fee
 - (iii) Temporary Traffic Control/Maintenance of Traffic ... \$210 plus Inspection Fee
 - (iv) Crane Operation ... \$960 plus Inspection Fee
 - (v) Revocable License ... \$4,200 plus Inspection Fee
 - (vi) Revocable License Extension ... \$1,000 plus Inspection Fee

(e) Permits Fees Based on Hourly Review and Inspection Rates

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(1) The permit fees in this section shall be based on the actual review and inspection times, at the rates established herein. Review and inspection times shall be charged in 15-minute increments and rounded to the nearest 15-minute increment.

(2) Fee Schedule:

(i) Permit Revisions \$120 per hour

(3) The fees for permit revisions shall be paid prior to any further reviews or prior to issuance of permit, whichever occurs first.

(i) Re-review \$120 per hour

(ii) Reinspection \$110 per hour

(iii) Meetings \$115 per hour/staff member

(4) Re-review fees shall be paid prior to any further reviews or prior to issuance of permit, whichever occurs first. Reinspection fees shall be paid within ten (10) business days after inspection or prior to final inspection, whichever occurs first. Meeting fees shall be paid within ten (10) business days of the meeting, prior to final inspection or prior to issuance of permit, as applicable. No further plan reviews or inspections will be conducted when fees are past due. Plan reviews and inspections will resume when all outstanding fees are paid.

(5) Expedited Review - After Hours:

(i) Minimum Fee/First Three Hours \$305

(ii) Each Additional Hour \$ 80

(6) Upon request by the Applicant an expedited review may be provided subject to the availability of resources at the time of the request. The minimum fee shall be paid prior to Permit Application Acceptance by the City and will cover up to three (3) hours of review. Any remaining balance shall be paid prior to issuance of the Permit.

(7) Inspection – After Hours:

(i) Minimum Fee/First Three Hours \$270

(ii) Each Additional Hour \$ 70

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(8) Upon request by the Applicant, After Hours Inspections may be provided for Permits and franchise utility construction subject to the availability of resources at the time of the request. The minimum fee shall cover up to three (3) hours of Inspection time and be paid prior to the inspection. Any remaining balance shall be paid within ten (10) business days after the inspection or prior to the final inspection, whichever occurs first. No further Plan Reviews or Inspections will be conducted when fees are past due. Plan Reviews and Inspections will resume when all outstanding fees are paid.

(9) Miscellaneous Permits – Permit fees for construction or activities that are not defined by any of the permit categories in this article shall be based on actual review time.

(i) Miscellaneous Permit Fee \$160/hour

(10) \$40 fee for the first 15-minute increment shall be paid at the time of building permit application and any remaining balance shall be paid prior to issuance of the Permit.

Sec. 25-326. - Refundability; administrative review or request for refund or credit.

Refundability. All permit and inspection fees are nonrefundable, except as provided for in Section 9-46 of the City of Fort Lauderdale Code of Ordinances, as may be amended from time to time.

Sec. 25-327. - Effective Date, Annual Increases and Periodic Updates

The engineering permit fees established in this section shall be effective October ~~21~~, 2020. A fee analysis by City staff or a hired contractor shall be conducted periodically, not to exceed five (5) years, and fees adjusted accordingly to ensure that the rates are reflective of the actual costs to the City.

SECTION 3. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

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SECTION 4. That all ordinance or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. That this Ordinance shall be in full force and effect on October ~~121~~, 2020.

PASSED FIRST READING this 18th day of August, 2020.

PASSED SECOND READING this _____ day of _____, 2020.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI

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