

**TOWN OF OCEAN RIDGE
TOWN COMMISSION WORKSHOP
AGENDA**



**May 13, 2024 at 10:00 AM
Town Hall - Meeting Chambers**

To join the meeting from your computer, tablet or smartphone.
<https://meet.goto.com/930143117>

You can also dial in using your phone.
Access Code: 930-143-117
United States: +1 (872) 240-3212

TOWN COMMISSIONERS

Mayor Geoff Pugh
Vice Mayor Steve Coz
Commissioner Carol Cassidy
Commissioner David Hutchins
Commissioner Ainar Aijala Jr.

ADMINISTRATION

Town Administrator Lynne Ladner
Town Attorney Christy Goddeau
Town Clerk Kelly Avery
Chief of Police Scott McClure

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

WORKSHOP DISCUSSION ITEMS

1. Walls fronting the ROW to include landscaping requirements/permissions on the exterior side – carried over from Jan. 2023
2. Redefine/Clarify the role of P&Z to include “Architectural Review” carried over from Jan 2023
3. Sea Walls – Raising to reduce/eliminate flooding carried over from Jan 2023
 - Develop an ordinance for minimum seawall height with a requirement for raising seawalls when other major improvements are made (home additions etc.) and date(s) by which all seawalls must meet minimum height.
4. Before any Mill & Pave projects, factor in future road elevation requirements to mitigate standing waters/Improve safety during storm events carried over from Jan 2023
5. Updating landscaping Ordinance/Trees/protecting our canopy carried over from Jan 2023
6. Parking ordinance – regulations related to on-street parking including construction one way and multi-family.

7. Drainage issues – swales, etc
 - Develop a Master Drainage Plan for the town identifying road and drainage improvements needed to manage current and future drainage issues.
8. Authorize P&Z and BOA to allow members to attend remotely and fully participate in meetings.
9. 50% substantial improvement for AE flood zones. How much discretion do we have? For example, can roof, A/C, mold remediation, etc be considered “necessary maintenance,” and therefore not included in the threshold amount for “renovations?”
10. Zoning - most properties in our RMM (5 units per acre) and RHM (10 units per acre) districts are non-conforming. Is this wise? Can we have Cory be present for the workshop, as this is directly pertinent to our Comprehensive Plan?
11. Sign ordinance - Can we dissect our Town Sign Ordinance and see where we need to make changes?
12. Customary use - What is enforceable? Just because we did not put a customary use ordinance in place before the state prohibited it (at least that’s my understanding from Christy), can’t we maintain that the use by the residents of Tropical Drive has been “ancient, reasonable, without interruption, and free from dispute?” What is the erosion control line as compared to the mean high water mark?
13. Permit fees - I would like to look at all permit fees, including the surety bond or LOC that residents are required to provide for demolition. Can we please have a table or chart for the workshop that clearly defines the fee requirements and schedule?
14. Building Permit Process-Changes?
15. Septic to Sewer Conversion
16. FAR Discussion

ADJOURNMENT

- 1. Walls fronting the ROW to include landscaping requirements/permissions on the exterior side – carried over from Jan. 2023**

Sec. 64-44. - Fences, walls and hedges.

- (a) In all residential districts, fences, walls and hedges may be erected or maintained along or adjacent to a lot line.
- (b) All tennis courts shall be fenced, and, should such fence be greater than six feet in height, it shall be constructed of material allowing no less than 50 percent light and 50 percent air circulation, shall not be roofed and shall be placed subject to all building setback requirements.
- (c) The height of a wall, fence or hedge located in the front yard shall be measured on the street side of the wall, fence or hedge from the top of the fence, wall or hedge. The height of walls and fences located in the front yard setback shall not exceed four feet in height. The height of a wall, fence or hedge located in a side or rear yard setback shall be measured on either side of the wall, fence or hedge from the top of the wall, fence or hedge. Walls and fences located in a side or rear yard setback shall not exceed six feet in height from the lowest grade opposite such point of measurement. Where the grade elevation is different on either side of the wall or fence, and the wall or fence is within five feet of the property line, the wall or fence height may be increased, as measured from the lowest grade, by one-half of the difference in elevations, provided that such increase is constructed of lattice, open bars, or other type of nonsolid material which will permit no less than 50 percent light and 50 percent air circulation.
- (d) Additional landscaping requirements: In any location where a fence or a wall is placed along or parallel to an improved public right-of-way (roadway or waterway), the following additional landscaping requirements shall apply:
 - (1) Not more than 50 percent of any wall, fence, or hedge (measured linearly) shall be within 18 inches from the public right-of-way; and
 - (2) At least 50 percent of the linear distance of any such wall or fence shall be landscaped using plant materials and standards as provided in article IV, landscaping, of chapter 66 of this land development code. Notwithstanding any other requirement of this land development code, such landscaping shall be shown on the site plan furnished to the town for permitting.
- (e) *Chain link fences; where permitted and prohibited.* No chain link fence shall be permitted to be erected in or across any yard within the town which abuts an improved street or waterway. Where chain link fences are permitted, they may extend only up to and no further than the setback line of any adjacent yard or portion of the lot which abuts an improved street or waterway. All chain link fences shall be made of or covered in their entirety by vinyl.
- (f) Block walls: No concrete block, or cinder block wall, but not including split face, or other decorative block, shall be erected within the town unless the same shall be finished with stucco with integral color or finished with stucco and painted, or finished with other decorative opaque material so the seams of the blocks are obscured.
- (g)

A wall or fence may include lighting or decorative elements which exceed the height limitation herein provided such do not cause off-site lighting or shading effects and do not constitute more than five percent of the cumulative area of the fence.

(Ord. No. 540, 3-13-2003; Ord. No. 558, § 1, 10-3-2005)

Cross reference— Streets and sidewalks, ch. 46; landscaping requirements, § 66-116 et seq.; buildings and building regulations, ch. 67.

2. Redefine/Clarify the role of P&Z to include “Architectural Review” carried over from Jan 2023

3. Sea Walls – Raising to reduce/eliminate flooding carried over from Jan 2023

- **Develop an ordinance for minimum seawall height with a requirement for raising seawalls when other major improvements are made (home additions etc.) and date(s) by which all seawalls must meet minimum height.**

ORDINANCE NO. 22/9

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF GULF STREAM, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 70. GULF STREAM DESIGN MANUAL; ARTICLE IV. SITE DEVELOPMENT REGULATIONS; SECTION 70-78. SEAWALL HEIGHT. TO INCREASE THE MAXIMUM PERMITTED SEAWALL HEIGHT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF GULF STREAM, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS

Section 1. The Code of Ordinances of the Town of Gulf Stream is hereby amended at Chapter 70. Gulf Stream Design Manual; Article IV, Site Development Regulations; Section 70-78. Seawall height; to read as follows:

Sec. 70-78. – Seawall height.

The maximum height of a new or replacement seawall abutting waters connected to the Intracoastal Waterway shall be no greater than ~~six~~ eight feet NGVD or its equivalent in NAVD.

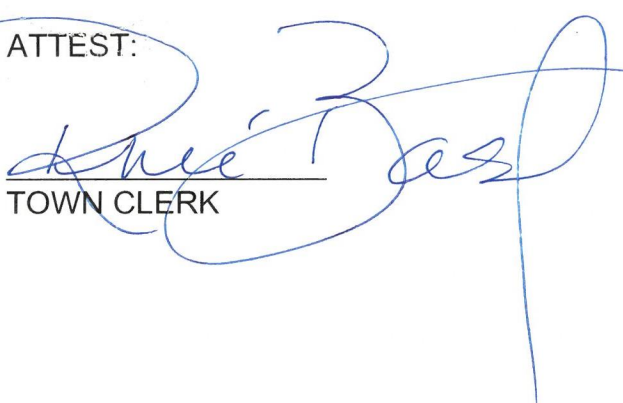
Section 2. All other ordinances of the Town of Gulf Stream, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

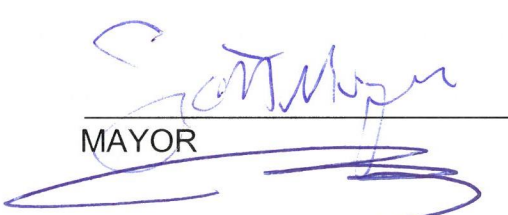
Section 3. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Gulf Stream.

Section 4. This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session on the first reading this 14th day of OCTOBER 2022, and for a second and final reading on this 28th day of OCTOBER 2022.

ATTEST:


TOWN CLERK


MAYOR


VICE MAYOR

COMMISSIONER

COMMISSIONER


COMMISSIONER

4. Before any Mill & Pave projects, factor in future road elevation requirements to mitigate standing waters/Improve safety during storm events carried over from Jan 2023

5. Updating landscaping Ordinance/Trees/protecting our canopy carried over from Jan 2023

6. Parking ordinance – regulations related to on-street parking including construction one way and multi-family.

ARTICLE III. - PARKING

Footnotes:

--- (4) ---

Cross reference— *Off-street parking regulations, § 64-46; off-street loading regulations, § 64-48.*

Sec. 54-76. - General authority of traffic engineer to restrict or prohibit parking.

The traffic engineer is hereby authorized to prohibit or restrict the stopping, standing or parking of vehicles on any street of the town and to erect signs giving notice thereof when, in his opinion, such stopping, standing or parking of vehicles interferes with the movement of traffic thereon. Such signs shall be official signs, and no person shall stop, stand or park any vehicle in violation of the signs.

(Code 1993, § 54-76)

Sec. 54-77. - Authority to prohibit parking on narrow streets.

The traffic engineer is hereby authorized to prohibit parking upon any street when the width of the roadway does not exceed 20 feet, or upon one side of a street when the width of the roadway does not exceed 30 feet, and to erect signs giving notice thereof.

(Code 1993, § 54-77)

Sec. 54-78. - Parking on one-way streets.

(a) The traffic engineer is authorized to prohibit the standing or parking of vehicles upon the lefthand side of any one-way street, and to erect signs giving notice thereof.

(b) The traffic engineer is authorized to determine when standing or parking of vehicles upon the lefthand side of any one-way street shall be permitted, and to erect signs giving notice thereof.

(Code 1993, § 54-78)

Sec. 54-79. - Authority to restrict stopping, standing or parking near hazardous or congested places.

The traffic engineer is hereby authorized to designate by proper signs places not exceeding 100 feet in length in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.

(Code 1993, § 54-79)

Sec. 54-80. - Designation of angle parking zones.

The traffic engineer shall determine the location of angle parking zones, and shall erect and maintain appropriate signs indicating the zones and giving notice thereof.

(Code 1993, § 54-80)

Sec. 54-81. - Designation of no parking zones.

The traffic engineer shall designate certain places where parking shall be prohibited at all times and shall erect signs giving notice thereof.

(Code 1993, § 54-81)

Sec. 54-82. - Designation of limited parking zones.

The traffic engineer shall erect signs in each block limiting the parking time on certain streets and giving notice thereof.

(Code 1993, § 54-82)

Sec. 54-83. - Authority to prohibit all-night parking.

The traffic engineer is authorized to prohibit all-night parking, and to erect signs giving notice thereof, upon any street or portion thereof, whenever in his opinion such prohibition is necessary or advisable in the interest of public safety.

(Code 1993, § 54-83)

Sec. 54-84. - Obstruction of traffic.

(a) No person shall park any vehicle upon a street in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic.

(b) Where streets are not completely paved or curbs provided, the parking of a car shall not usurp more than 12 inches of the paved portion of the street.

(Code 1993, § 54-84)

Sec. 54-85. - Parking in alleys.

(a) No person shall stop, stand or park a vehicle within an alley in a business district except for the expeditious loading or unloading of materials, and in no event for a period of more than 20 minutes, and no person shall stop, stand or park a vehicle in any other alley in such a manner or

under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic.

- (b) No person shall stop, stand or park a vehicle within an alley in such position as to block the driveway or entrance to any abutting property.

(Code 1993, § 54-85)

Sec. 54-86. - Parking for certain purposes prohibited.

No person shall park a vehicle upon any street for the principal purpose of:

- (1) Displaying such vehicle for sale.
- (2) Washing, greasing or repairing such vehicle, except repairs necessitated by an emergency.
- (3) Displaying advertising.
- (4) Selling merchandise from such vehicle, except in a duly established marketplace or when so authorized or licensed under the ordinances of the town.
- (5) Storage or for storage as junk or dead storage for more than 24 hours.

(Code 1993, § 54-86)

State Law reference— Similar provisions, F.S. § 316.1951.

Sec. 54-87. - Overnight parking on public streets prohibited.

It shall be unlawful for any person to park any motor vehicle on any public street within the town for a period of time longer than 30 minutes between the hours of 2:00 a.m. and 5:00 a.m. of any day.

(Code 1993, § 54-87; Ord. No. 589, § 2, 7-12-2010)

Sec. 54-88. - Parking on sidewalk or bicycle path.

It shall be unlawful for any person to park any self-propelled vehicle or conveyance on any sidewalk or bicycle path at any time within the town.

(Code 1993, § 54-88)

Sec. 54-89. - Designation of loading zones.

The traffic engineer is hereby authorized to determine the location of passenger and freight curb loading zones, and shall place and maintain appropriate signs indicating the zones and stating the hours during which such provisions are applicable.

(Code 1993, § 54-89)

Sec. 54-90. - Designation of public carrier stands; use of stands by buses and taxicabs.

- (a) The traffic engineer is hereby authorized to establish bus stops, bus stands, taxicab stands and stands for other passenger common carrier motor vehicles on such public streets, in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public. Every such bus stop, bus stand, taxicab stand or other stand shall be designated by appropriate signs.
- (b) The operator of a bus or taxicab shall not stop, stand or park upon any street in any business district at any place other than at a bus stop, or taxicab stand, respectively, except that this subsection shall not prevent the operator of any such vehicle from temporarily stopping in accordance with other stopping, standing or parking regulations at any place for the purpose of and while engaged in the expeditious unloading of passengers.

(Code 1993, § 54-90)

Sec. 54-91. - Use of bus and taxicab stands by other vehicles.

No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand, when such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in expeditious loading or unloading of passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

(Code 1993, § 54-91)

Secs. 54-92—54-99. - Reserved.

7. Drainage issues – swales, etc

- **Develop a Master Drainage Plan for the town identifying road and drainage improvements needed to manage current and future drainage issues.**

Sec. 67-33. - Drainage, required; swales; construction of driveways.

- (a) *Drainage required.* New construction of single or multifamily buildings, or any other new building made on any lot within the town or any addition of or removal of fill or grade alteration on a lot shall require a drainage system adequate to detain, retain and transport volumes of runoff as may be regulated from time to time by federal, state and county laws and regulations and this Code. The required drainage system shall not cause additional runoff to discharge to adjacent properties. Swales shall be installed where public or private rights-of-way are wide enough to accommodate both the roadway and a viable swale. Such swales shall be no less than six inches below the elevation of the nearest edge of the roadway, and the normal design shall be not less than eight feet in width with a contour slope of 1:8. It is at all times prohibited to plant trees or bushes on swales or otherwise obstruct the flow of water in any swale system. Variations in these criteria may be made by the building code administrator to accommodate individual property limitations. Where it is not practical to install a swale, other means of retaining, detaining and transporting runoff shall be made with the approval of the building code administrator.
- (b) *Driveways; change of grade.* No person shall cause the changing of a street or road grade abutting any property or cause the right-of-way to be changed in grade in any manner which blocks or impedes proper or adequate drainage along the swale of such road. No driveway or approach shall interfere with public drainage. Where grading of a right-of-way is required, approval by the building code administrator shall be required prior to changing any grade of the swale within the right-of-way.
- (c) *Trench drains; required.* A trench drain, as used herein, is any drainage structure approved by the building code administrator for the transport of runoff, which is below grade, and which crosses a driveway or other impervious structure, and which also allows for the collection of runoff from the surface elevation. It may include perforated pipe, a grade and trough, or other approved means. Trench drains along a property line shall connect to an existing or new drainage system. Any construction or reconstruction of a driveway, other than resurfacing, patching or top dressing, shall require the placement of a trench drain across the driveway at a suitable point where the driveway crosses the public right-of-way, if surface swaling is either insufficient to carry the drainage flow, or the angle of elevation of the driveway without a trench drain would otherwise impede normal vehicular use.

(Code 1993, §14-28; Ord. No. 637, § 3, 11-5-2018)

Cross reference— Streets and sidewalks, ch. 46; driveway access requirements, § 64-45.

8. Authorize P&Z and BOA to allow members to attend remotely and fully participate in meetings.

9. 50% substantial improvement for AE flood zones. How much discretion do we have? For example, can roof, A/C, mold remediation, etc be considered “necessary maintenance,” and therefore not included in the threshold amount for “renovations?”

UNIT 8

SUBSTANTIAL IMPROVEMENT AND

SUBSTANTIAL DAMAGE

In this unit

This unit covers:

- The substantial improvement rule – how to regulate major additions and other improvements to buildings in the floodplain.
- The substantial damage rule – how to regulate reconstruction and repairs to buildings that have been severely damaged.
- Exceptions to the basic rules for some special cases.

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INTRODUCTION

In previous units we focused on the rules and regulations that prevent or reduce damage from floods to new buildings. But what happens when the owner wishes to make an improvement, such as an addition, to an existing building? What if a building is damaged by a fire, flood or other cause?

Basic rule: *If the cost of improvements or the cost to repair the damage exceeds 50 percent of the market value of the building, it must be brought up to current floodplain management standards.*

That means an existing building must meet the requirements for new construction.

People who own existing buildings that are being substantially improved will be required to make a major investment in them in order to bring them into compliance with the law. They will not be happy. If the buildings have just been damaged, they will be financially strapped and your elected officials will want to help them, not make life harder for them.

For these reasons, it is easy to see that this basic rule can be difficult to administer. It is also the one time when your regulatory program can reduce flood damage to existing buildings. That's why this course devotes this unit to administering the substantial improvements and substantial damage regulations.

In this reference guide, the term "building" is the same as the term "structure" in the NFIP regulations. Your ordinance may use either term. The terms are reviewed in more detail in Unit 5, Section E.

A. SUBSTANTIAL IMPROVEMENT

44 CFR 59.1. Definitions: “Substantial improvement” means any reconstruction, rehabilitation, addition or other improvement to a structure, the total cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement.

This section provides information on determining whether a building has been substantially improved and on what NFIP requirements apply.

PROJECTS AFFECTED

All building improvement projects worthy of a permit must be considered. These include:

- Remodeling projects.
- Rehabilitation projects.
- Building additions.
- Repair and reconstruction projects (these are addressed in more detail in Section B on substantial damage)

If your community does not require permits for, say, reroofing, minor maintenance or projects under a certain dollar amount, then such projects are not subject to the substantial improvement requirements. However, if you have a larger project that includes reroofing, etc., then it must include the entire cost of the project.

One problem you may face is a builder trying to avoid the requirement by applying for a permit for only part of the job and then later applying for another permit to finish the work. If both applications are together worth more than 50% of the value of the building, the combined project should be considered a substantial improvement and subject to the rules.

FEMA requires that the entire improvement project be counted as one. In order to help you enforce this, you may want to count all applications submitted over, say, one year as one project. Check with your attorney on whether your ordinance clearly gives you the authority to do this and be sure to spell it out in the permit papers given to the applicant.

Some communities require that improvements be calculated cumulatively over several years. All improvement and repair projects undertaken over a period of five years, 10 years or the life of the structure are added up. When they total 50 percent, the building must be brought into compliance as if it were new construction.



The Community Rating System credits keeping track of improvements to enforce a cumulative substantial improvement requirement. It also credits using a lower threshold than 50 percent. These credits are found under Activity 430, Section 431.c and d in the *CRS Coordinator's Manual* and the *CRS Application*. See also *CRS Credit for Higher Regulatory Standards* for example regulatory language.

Post-FIRM buildings

The rules do not address only pre-FIRM buildings—they cover *all* buildings, post-FIRM ones included.

In most cases, a post-FIRM building will be properly elevated or otherwise compliant with regulations for new construction. However, sometimes a map change results in a higher BFE or change in FIRM zone. A substantial improvement to a post-FIRM building may require that the building be elevated to protect it from the new, higher, regulatory BFE.

It should be remembered that all additions to a post-FIRM building must be elevated at least as high as the BFE in effect when the building was built. (You can't allow a compliant building to become noncompliant by allowing additions at grade.) If a new, higher BFE has been adopted since the building was built, additions that are substantial improvements must be elevated to the new BFE.

THE FORMULA

A project is a substantial improvement if:

$$\frac{\text{Cost of improvement project}}{\text{Market value of the building}} \geq 50 \text{ percent}$$

For example, if a proposed improvement project will cost \$30,000 and the value of the building is \$50,000:

$$\frac{\$30,000}{\$50,000} = 0.6 \text{ (60 percent)}$$

The cost of the project exceeds 50 percent of the building's value, so it is a substantial improvement. The floodplain regulations for new construction apply and the building must meet

the post-FIRM construction requirements. If the project is an addition, only the addition has to be elevated (see the examples later in this section).

The formula is based on the cost of the project and the value of the building. These two numbers must be reviewed in detail.

Project cost

The cost of the project means all structural costs, including

- all materials
- labor
- built-in appliances
- overhead
- profit
- repairs made to damaged parts of the building worked on at the same time

A more detailed list is included in Figure 8-1.

To determine substantial improvement, you need a detailed cost estimate for the project, prepared by a licensed general contractor, professional construction estimator or your office.

Your office must review the estimate submitted by the permit applicant. To verify it, you can use your professional judgment and knowledge of local and regional construction costs, or you can use building code valuation tables published by the major building code groups. These tables can be used for determining estimates for particular replacement items if the type of structure in question is listed in the tables.

There are two possible exemptions you should be aware of: 1) improvements to correct code violations do not have to be included in the cost of an improvement or repair project and 2) historic buildings can be exempted from substantial improvement requirements. These are explained in more detail later on.

Market value

In common parlance, market value is the price a willing buyer and seller agree upon. The market value of a structure reflects its original quality, subsequent improvements, physical age of building components and current condition.

Substantial Improvement/Damage

8-6

However, market value for property can be different than that of the building itself. Market value of developed property varies widely due to the desirability of its location. For example, two houses of similar size, quality and condition will have far different prices if one is on the coast, or in the best school district, or closer to town than the other—but the value of the building materials and labor that went into both houses will be nearly the same.

For the purposes of determining substantial improvement, market value pertains only to the structure in question. It does not pertain to the land, landscaping or detached accessory structures on the property. Any value resulting from the location of the property should be attributed to the value of the land, not the building.

Items to be included

- All structural elements, including:
 - Spread or continuous foundation footings and pilings
 - Monolithic or other types of concrete slabs
 - Bearing walls, tie beams and trusses
 - Floors and ceilings
 - Attached decks and porches
 - Interior partition walls
 - Exterior wall finishes (brick, stucco, siding) including painting and moldings
 - Windows and doors
 - Reshingling or retiling a roof
 - Hardware
- All interior finishing elements, including:
 - Tiling, linoleum, stone, or carpet over subflooring
 - Bathroom tiling and fixtures
 - Wall finishes (drywall, painting, stucco, plaster, paneling, marble, etc.)
 - Kitchen, utility and bathroom cabinets
 - Built-in bookcases, cabinets, and furniture
 - Hardware
- All utility and service equipment, including:
 - HVAC equipment
 - Plumbing and electrical services
 - Light fixtures and ceiling fans
 - Security systems
 - Built-in kitchen appliances
 - Central vacuum systems
 - Water filtration, conditioning, or recirculation systems
- Cost to demolish storm-damaged building components
- --- Labor and other costs associated with moving or altering undamaged building components to accommodate improvements or additions
- --- Overhead and profits

Items to be excluded

- Plans and specifications
- Survey costs
- Permit fees
- Post-storm debris removal and clean up
- Outside improvements, including:
 - Landscaping
 - Sidewalks
 - Fences
 - Yard lights
 - Swimming pools
 - Screened pool enclosures
- Detached structures (including garages, sheds and gazebos)
- Landscape irrigation systems

Figure 8-1. Items included in calculating cost of the project

Acceptable estimates of market value can be obtained from these sources:

- An independent appraisal by a professional appraiser. The appraisal must exclude the value of the land and not use the “income capitalization approach” which bases value on the use of the property, not the structure.
- Detailed estimates of the structure’s actual cash value— the replacement cost for a building, minus a depreciation percentage based on age and condition. For most situations, the building’s actual cash value should approximate its market value. Your community may prefer to use actual cash value as a substitute for market value, especially where there is not sufficient data or enough comparable sales.
- Property values used for tax assessment purposes with an adjustment recommended by the tax appraiser to reflect current market conditions (adjusted assessed value).
- The value of buildings taken from NFIP claims data (usually actual cash value).
- Qualified estimates based on sound professional judgment made by the staff of the local building department or tax assessor’s office.

Some market value estimates are often used only as screening tools (i.e., NFIP claims data and property appraisals for tax assessment purposes) to identify those structures where the substantial improvement ratios are obviously less than or greater than 50 percent (i.e., less than 40 percent or greater than 60 percent). For structures that fall in the 40 percent to 60 percent range, more precise market value estimates are sometimes necessary.

SUBSTANTIAL IMPROVEMENT EXAMPLES

Example 1. Minor rehabilitation

A rehabilitation is defined as an improvement made to an existing structure which does not affect the external dimensions of the structure.

If the cost of the rehabilitation is less than 50 percent of the structure's market value, the building does not have to be elevated or otherwise protected. However, it is advisable to incorporate methods to reduce flood damage, such as use of flood-resistant materials and installation of electrical, heating and air conditioning units above the BFE.

Figure 8-2 shows a building that had a small rehabilitation project. Central air conditioning was installed and the electrical system was upgraded. The value of the building before the project was \$60,000. The value of the project was \$12,000:

$$\frac{\$12,000}{\$60,000} = 0.2 \text{ (20 percent)}$$

The project costs less than 50 percent of the building, so this is not a substantial improvement.

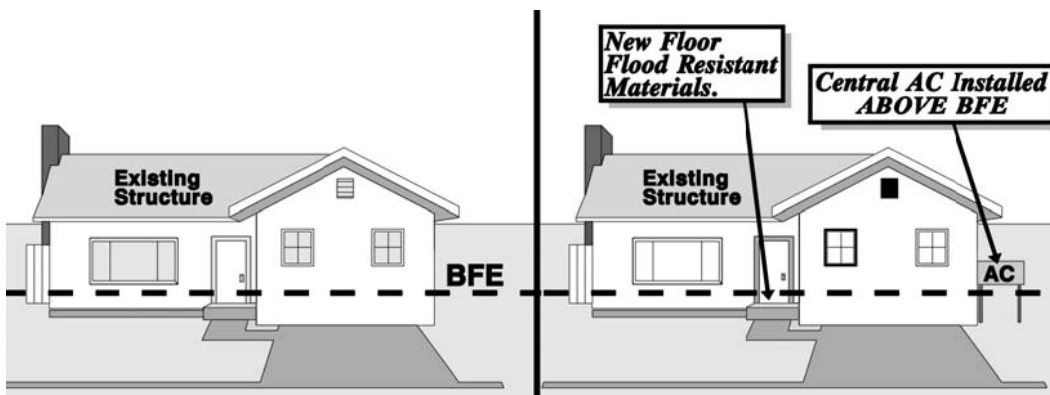


Figure 8-2. Minor rehabilitations use flood-resistant methods and materials

Neither structure would benefit from post-FIRM flood insurance rates because they are not elevated.

Note: To gauge what happens to flood insurance premiums if a substantially improved building is not brought up to post-FIRM standards, see Figures 7-7 through 7-12.

Example 2. Substantial rehabilitation

If the rehab costs more than 50 percent of the value of the building, your ordinance requires that an existing structure be elevated and/or the basement filled to meet the elevation standard.

Figure 8-3 shows a building that has been allowed to run down. It's market value is \$35,000. To rehab it will require gutting the interior and replacing all wallboard, built-in cabinets, bathroom fixtures and furnace. The interior doors and flooring will be repaired. The house will get new siding and a new roof. The cost of this rehab will be \$25,000:

$$\frac{\$25,000}{\$35,000} = 71.4 \text{ percent}$$

Because total cost of the project is greater than 50 %the rehab is a substantial improvement

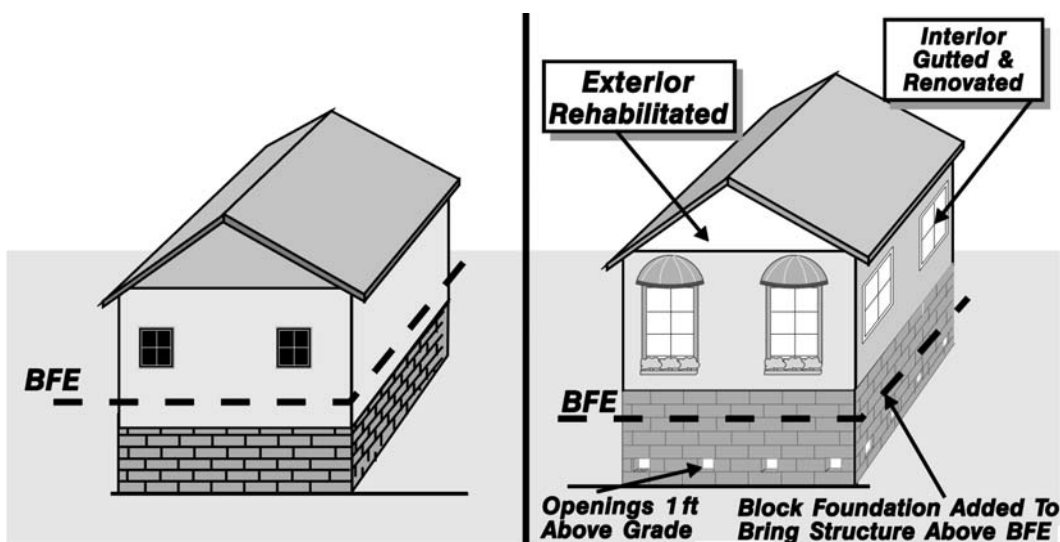


Figure 8-3. substantially rehabilitated building elevated above the BFE.

In A Zones, elevation may be on fill, crawlspace, columns, etc. In V Zones, only pilings, columns or other open foundations are allowed. The new structure would benefit from post-FIRM flood insurance rates.

Example 3. Lateral addition—residential

Additions are improvements that increase the square footage of a structure. Commonly, this includes the structural attachment of a bedroom, den, recreational room garage or other type of addition to an existing structure. Note that if one building is attached to another through a covered breezeway or similar connection, it is a separate building and not an addition.

When an addition is a substantial improvement, the addition must be elevated or floodproofed, providing that improvements to the *existing* structure are minimal. Figures 8-4 and 8-5 illustrate lateral additions that are compliant.

Depending on the flood zone and details of the project, the existing building may not have to be elevated. The determining factors are the common wall and what improvements are made to the existing structure. If the common wall is demolished as part of the project, then the entire structure must be elevated. If only a doorway is knocked through it and only minimal finishing is done, then only the addition has to be elevated.

In A Zones only, if significant improvements are made to the existing structure (such as a kitchen makeover), both it and the addition must be elevated and otherwise brought into compliance. Some states and many communities require that both the existing structure and lateral additions be elevated in all cases.

In V Zones, the existing structure always has to be elevated, placed on an engineered foundation system, etc., when an addition is proposed that constitutes a substantial improvement. This is due to the “free-of obstruction” standard whereby the lower existing structure would obstruct the storm surge, causing damage to the addition.

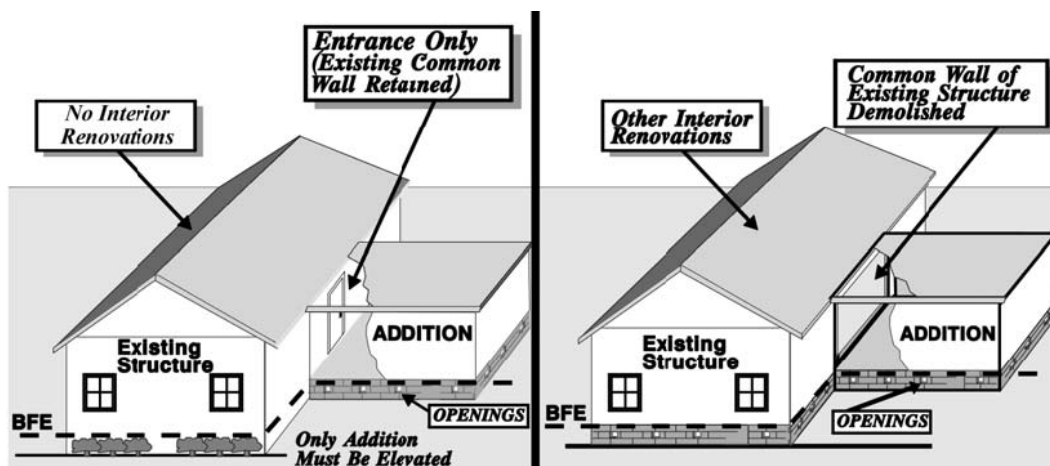


Figure 8-4. Lateral additions to a residential building in an A Zone.

In V Zones, the entire building must be elevated on pilings, columns or other open foundations. The Substantial Improvement/Damage

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structure on the left would not benefit from post-FIRM flood insurance rates because it was not elevated.

Example 4. Lateral addition—nonresidential

A substantial improvement addition to a nonresidential building may be either elevated or floodproofed. Otherwise, all the criteria for residential buildings reviewed in Example 3 must be met.

If floodproofing is used, the builder must ensure that the wall between the addition and the original building is floodproofed. Floodproofing is not allowed as a construction measure in V Zones.

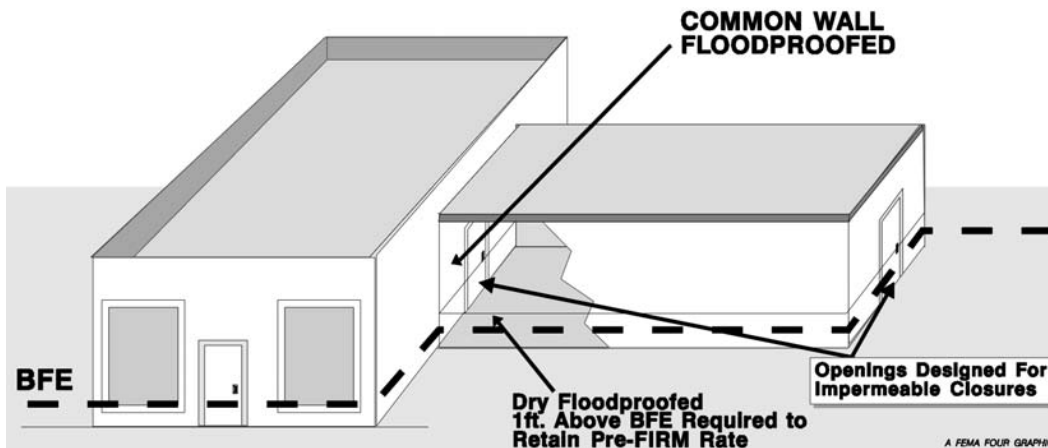


Figure 8-5. Lateral addition to a nonresidential building in an A Zone.

This approach is not allowed in V Zones. The structure would *not* benefit from post-FIRM flood insurance rates because the original building was not elevated or flood-proofed.

Example 5. Vertical addition—residential

When the proposed substantial improvement is a full or partial second floor, the entire structure must be elevated (Figure 8-6). In this instance, the existing building provides the foundation for the addition. Failure of the existing building would result in failure of the addition, too.

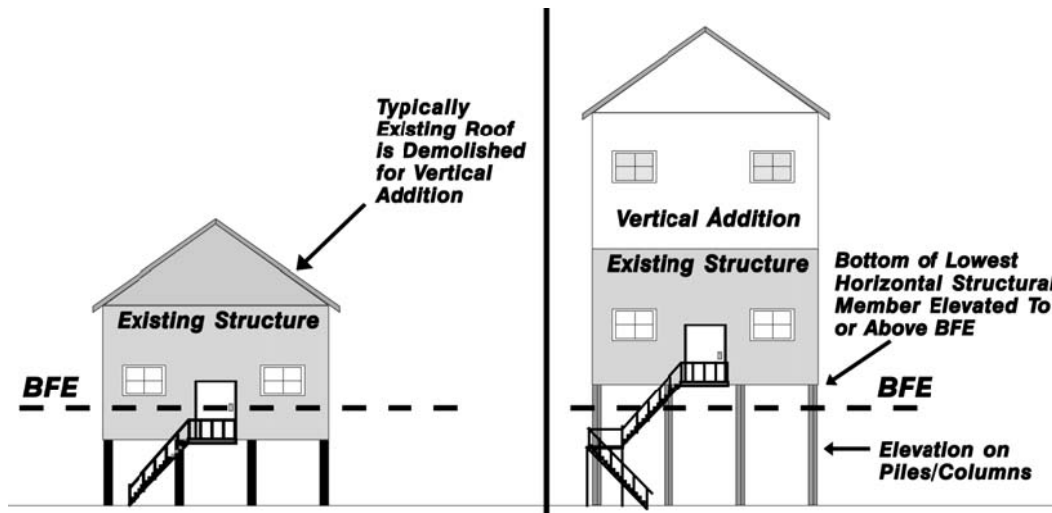


Figure 8-6. Vertical addition to a residential building in a V Zone.

The new structure would benefit from post-FIRM flood insurance rates.

Example 6. Vertical addition—nonresidential

When the proposed substantial improvement is a full or partial second floor, the entire structure must be elevated or floodproofed (Figure 8-7).

The owner could obtain post-FIRM rates on the building if it is floodproofed to one foot above the BFE and he has a floodproofing certificate signed by a registered engineer. An optional approach is to elevate the entire building and obtain an elevation certificate.

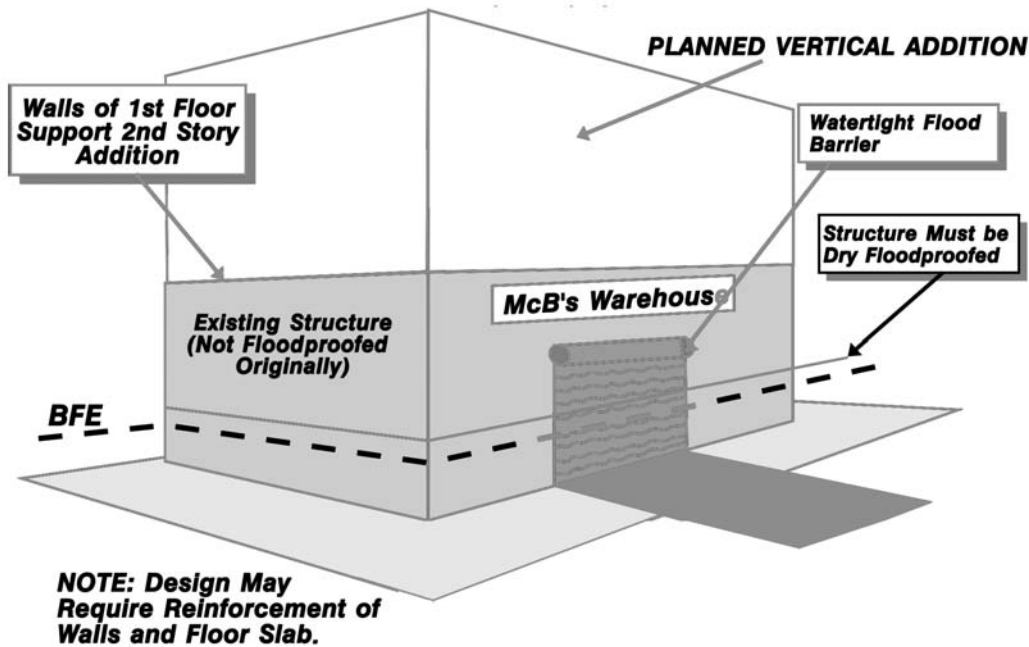


Figure 8-7. Vertical addition to a nonresidential building in an A Zone.

The new floodproofed structure would benefit from post-FIRM flood insurance rates.

Example 7. Post-FIRM building—minor addition

All additions to post-FIRM buildings are defined as new construction and must meet the requirements of your floodplain management ordinance regardless of the size or cost of the addition (Figure 8-8). A small addition to a residential structure that is not a substantial improvement must be elevated at least as high as the BFE in effect when the building was built. Minor additions to nonresidential structures can be floodproofed to the BFE.

If a map revision has taken place and the BFE has increased, only additions that are substantial improvements have to be elevated to the new BFE or flood-proofed (nonresidential buildings only).

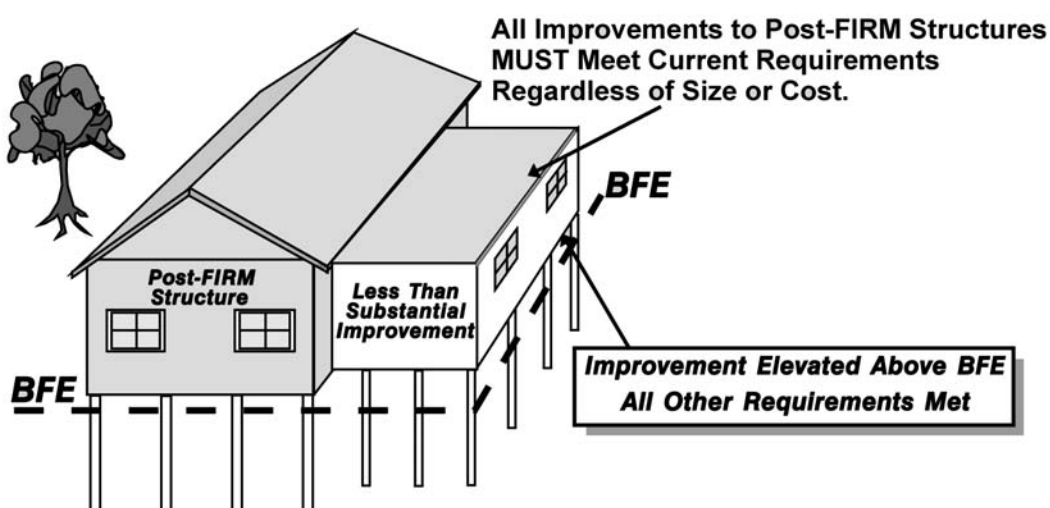


Figure 8-8. Small additions to post-FIRM buildings must be elevated.

Example 8. Post-FIRM building—substantial improvement

Substantial improvements made to a post-FIRM structure must meet the requirements of the current ordinance. Figure 8-9 shows a lateral addition made after a map revision took place and the BFE was increased.

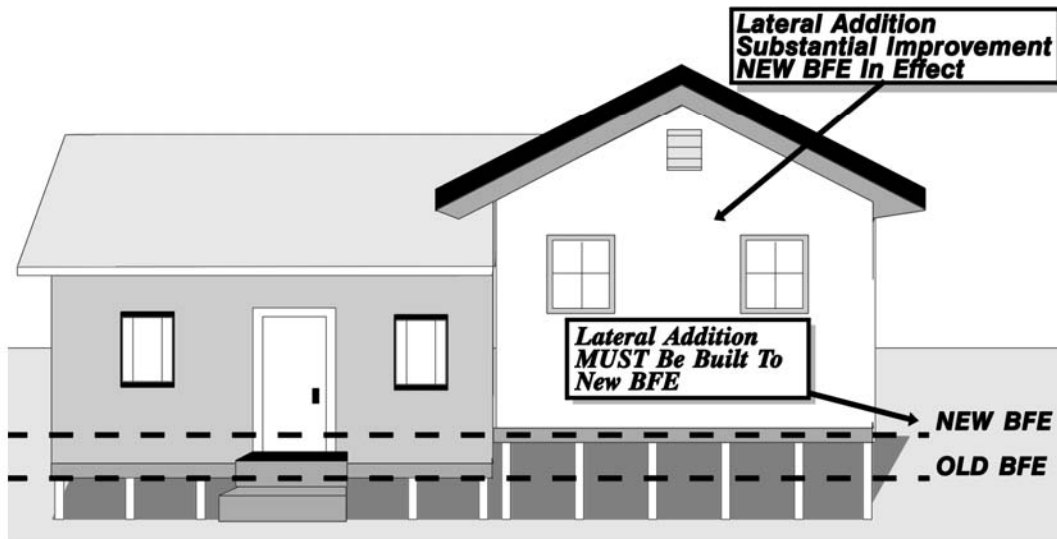


Figure 8-9. Substantial improvements to post-FIRM buildings must be elevated above the new BFE. Nonresidential buildings may be floodproofed

B. SUBSTANTIAL DAMAGE

44 CFR 59.1. Definitions: *"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.*

Two key points:

- The damage can be from any cause—flood, fire, earthquake, wind, rain, or other natural or human-induced hazard.
- The substantial damage rule applies to all buildings in a flood hazard area, regardless of whether the building was covered by flood insurance.

The formula is essentially the same as for substantial improvements:

$$\frac{\text{Cost to repair}}{\text{Market value of the building}} \geq 50 \text{ percent}$$

Market value is calculated in the same way as for substantial improvements. Use the pre-damage market value.

COST TO REPAIR

Notice that the formula uses “cost to repair,” not “cost of repairs.” The cost to repair the structure must be calculated for full repair to the building’s before-damage condition, even if the owner elects to do less. It must also include the cost of any improvements that the owner has opted to include during the repair project.

The total cost to repair includes the same items listed in Figure 8-1. As shown in Example 2 below, properly repairing a flooded building can be more expensive than people realize. The owner may opt not to pay for all of the items needed. The owner may:

- Do some of the work, such as removing and discarding wallboard.
- Obtain some of the materials free.
- Have a volunteer organization, such as the Mennonites, do some of the work.
- Decide not to do some repairs, such as choosing to nail down warped flooring rather than replace it.

Basic rule: *Substantial damage is determined regardless of the actual cost to the owner. You must figure the true cost of bringing the building back to its pre-damage condition using qualified labor and materials obtained at market prices.*

The permit office and the owner may have serious disagreements over the total list of needed repairs and their cost, as the owner has a great incentive to show less damage than actually occurred in order to avoid the cost of bringing the building into compliance. Here are four things that can help you:

- Get the cost to repair from an objective third-party or undebatable source, such as:
 - A licensed general contractor.
 - A professional construction estimator.
 - Insurance adjustment papers (exclude damage to contents).
 - Damage assessment field surveys conducted by building inspection, emergency management or tax assessment agencies after a disaster.
 - Your office.
- Even if your office does not prepare the cost estimate, it needs to review the estimate submitted by the permit applicant. You can use your professional judgment and knowledge of local and regional construction costs. Or, you can use building code valuation tables published by the major building code groups.
- Use an objective system that does not rely on varying estimates of market value or different opinions of what needs to be repaired. The Substantial Damage Estimator Program discussed later in this section will do this.
- Publicize the need for the regulations and the benefits of protecting buildings from future flooding. A well-educated public won't argue as much as one that sees no need for the requirement.
- Help the owner find financial assistance to meet the extra cost of complying with the code. If there was a disaster declaration, there may be sources of financial assistance as discussed in the next unit. If the owner had flood insurance and the building was substantially damaged by a flood, the new Increased Cost of Compliance coverage will help (see next section).

SUBSTANTIAL DAMAGE EXAMPLES

Example 1. Reconstruction of a destroyed building

Reconstructions are cases where an entire structure is destroyed, damaged, purposefully demolished or razed, and a new structure is built on the old foundation or slab. The term also applies when an existing structure is moved to a new site.

Reconstructions are, quite simply, “new construction.” They must be treated as new buildings.

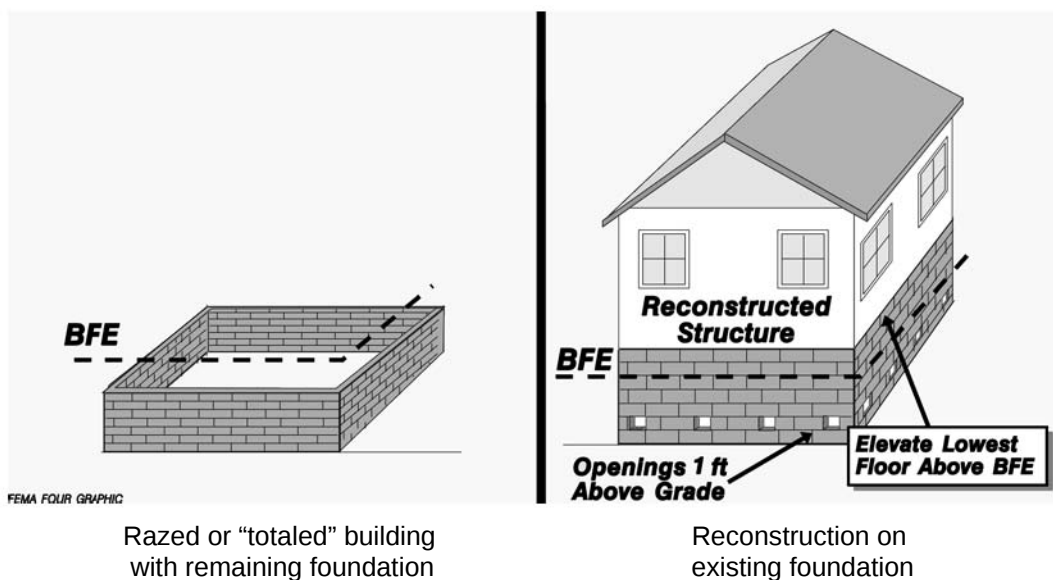


Figure 8-10. A reconstructed house is new construction.

This example is for A Zones only. A new building in the V Zone must be elevated on piles or columns.

Example 2. Substantially damaged structure

To determine if a damaged structure meets the threshold for substantial damage, the cost of repairing the structure to its before-damaged condition is compared to the market value of the structure prior to the damage. The estimated cost of the repairs must include all costs necessary to fully repair the structure to its before-damaged condition.

If equal to or greater than 50 percent of that structure's market value before damage, then the structure must be elevated (or floodproofed if it is nonresidential) to or above the level of the base flood, and meet other applicable local ordinance requirements. This is the basic requirement for substantial damage.

Figure 8-11 graphically illustrates the amount of damage that can occur to a building flooded only four feet deep. Even though the structure appears sound and there are no cracks or breaks in the foundation, the total cost of repair can be significant.

The cost of repair after a flood that simply soaked the building will typically include the following structural items:

- Remove all wallboard and insulation.
- Install new wallboard and insulation.
- Tape and paint.
- Remove carpeting and vinyl flooring.
- Dry floor, replace warped flooring.
- Replace cabinets in the kitchen and bathroom.
- Replace built-in appliances.
- Replace hollow-core interior doors.
- Replace furnace and water heater.
- Clean and disinfect duct work.
- Repair porch flooring and front steps.
- Clean and test plumbing (licensed plumber may be required).
- Replace outlets and switches, clean and test wiring (licensed electrician may be required).

Note: See also Figures 7-7 through 7-12 for what happens to flood insurance premiums if a substantially damaged building is granted a variance and is not brought up to post-FIRM standards.



Figure 8-11. Even slow moving floodwater can cause substantial damage.

SUBSTANTIAL DAMAGE SOFTWARE

FEMA has developed a software program to help local officials make substantial damage determinations. The software is based on Microsoft Access, but is self-contained and does not require any software in addition to a Windows operating system.

The software comes with a manual, *Guide on Estimating Substantial Damage Using the NFIP Residential Substantial Damage Estimator*, FEMA 311. This includes a user's manual and worksheets that allow the calculations to be done manually.

Contact your FEMA Regional Office for a copy of the software package and help in using it. Following a major disaster declaration, training sessions and technical assistance may be available.

INCREASED COST OF COMPLIANCE

On June 1, 1997, the NFIP began offering additional coverage to all holders of structural flood insurance policies. This coverage is called Increased Cost of Compliance or ICC.

The name refers to cases where the local floodplain management ordinance requires elevation or retrofitting of a substantially damaged building. Under ICC, the flood insurance policy will not only pay for repairs to the flooded building, it will pay up to \$30,000 to help cover the additional cost of complying with the ordinance. This is available for any flood Substantial Improvement/Damage

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insurance claim and, therefore, is not dependent on the community receiving a disaster declaration.

There are some limitations to ICC:

- It's only available if there was a flood insurance policy on the building before the flood.
- It covers only damage caused by a flood.
- Claims are limited to \$30,000 per structure.
- Claims must be accompanied by a substantial damage determination by the floodplain ordinance administrator.

It should also be mentioned that a portion of the rest of the claim payment may help meet the cost of bringing the building up to code. For example, if there was foundation damage, the regular claim will pay for the cost of repairing or replacing the foundation. The ICC funds would only be needed for the extra costs of raising the foundation higher than it was before.

An ICC claim cannot be paid unless the community has determined the building to be substantially damaged and requires that the building comply with local ordinance requirements. For further information on how ICC coverage works and how you can help policyholders in your community qualify for the coverage, refer to *National Flood Insurance Program's Increased Cost of Compliance Coverage: Guidance for State and Local Officials, FEMA 301*.

In certain cases, an ICC claim can be filed if the building is repetitively flooded, and has had two or more claims averaging 25% or more of building value within a ten-year period, provided the community has language in the flood damage ordinance that implements the substantial damage rule in these cases.

Figure 8-12 has example ordinance language. This language exceeds the minimum NFIP requirements, but would be needed if you wanted to trigger the ICC provision for repetitively damaged buildings.



The Community Rating System credits keeping track of improvements to enforce a cumulative substantial improvement requirement. The 1999 *CRS Coordinator's Manual* credits the ordinance language in Figure 8-12. These credits are found under Activity 430, Section 431.c in the *CRS Coordinator's Manual* and the *CRS Application*.

Option 1

A. Adopt the Following Definition:

“Repetitive Loss” means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

B. And modify the “substantial improvement” definition as follows:

“Substantial Improvement” means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “repetitive loss” or “substantial damage”, regardless of the actual repair work performed.

Option 2

Modify the substantial damage definition as follows:

“Substantial Damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

NOTE 1: Communities need to make sure that these definitions are tied to the floodplain management requirements for new construction and substantial improvements and to any other requirements of the ordinance, such as the permit requirements, in order to enforce this provision.

NOTE 2: An ICC Claim Payment is ONLY made for flood-related damage. The substantial damage part of the definition must still include “damage of any origin” to be compliant with the minimum NFIP Floodplain Management Regulations.

Figure 8-12. Sample ordinance language for ICC repetitive loss definitions

Source: -- *Increased Cost of Compliance Coverage: Guidance for State and Local Officials*, FEMA-301, September 2003. This language is only needed to trigger an ICC payment for a repetitive loss. No ordinance changes are needed for the ICC coverage for substantial damage.

C. SPECIAL SITUATIONS

As explained in previous sections, the substantial improvement and substantial damage requirements affect all buildings regardless of the reason for the improvement or the cause of the damage. There are three special situations you should be aware of: exempt costs, historic buildings and corrections of code violations.

EXEMPT COSTS

Certain costs related to making improvements or repairing damaged buildings do not have to be counted toward the cost of the improvement or repairs. These include:

- Plans and specifications.
- Surveying costs.
- Permit fees.
- Demolition or emergency repairs made for health or safety reasons or to prevent further damage to the building.
- Improvements or repairs to items outside the building, such as the driveway, fencing, landscaping and detached structures.

HISTORIC STRUCTURES

Historic structures are exempted from the substantial improvement requirements subject to the criteria listed below. The exemption can be granted administratively if the current NFIP definitions of substantial improvement and historic structure are included in your ordinance, or they can be granted through a variance procedure.

In either case, they are usually granted subject to conditions.

If the improvements to a historic structure meet the following three criteria and are approved by the community, the building will not have to be elevated or floodproofed. It can also retain its pre-FIRM flood insurance rating status.

1. The building must be a bona fide “historic structure.” Figure 7-13 has the definition that must be followed.

2. The project must maintain the historic status of the structure. If the proposed improvements to the structure will result in it being removed from or ineligible for the National Register or federally-certified state or local inventory, then the proposal cannot be granted an exemption from the substantial improvement rule.

The best way to make such determinations is to seek written review and approval of proposed plans by the local historic preservation board, if it is federally-certified, or by the state historic preservation office. If the plans are approved, you can grant the exemption. If not, no exemption can be permitted.

3. Take all possible flood damage reduction measures. Even though the exemption to the substantial improvement rule means the building does not have to be elevated to or above BFE, or be renovated with flood-resistant materials that are not historically sensitive, many things can and should be done to reduce the flood damage potential. Examples include:

- Locating mechanical and electrical equipment above the BFE or flood-proofing it.
- Elevating the lowest floor of an addition to or above the BFE with the change in floor elevation disguised externally.

CORRECTIONS OF CODE VIOLATIONS

The NFIP definition of substantial improvement includes another exemption:

44 CFR 59.1 Definitions: *"Substantial improvement" means The term does not, however, include ... Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions*

Note the key words in this exemption: *correct* existing violations, *identified* by the local official, and *minimum* necessary to assure safe conditions. This language was included in order to avoid penalizing property owners *who had no choice* but to make improvements to their buildings or face condemnation or revocation of a business license.

This exemption was intended for *involuntary* improvements or violations that existed before the improvement permit was applied for or before the damage occurred—for example, a restaurant owner who must upgrade the wiring in his kitchen in order to meet current local and state health and safety codes.

You can only exempt the items specifically required by code. For example, if a single stair tread was defective and had to be replaced, do not exempt the cost of rebuilding the entire stairway. Similarly, count only replacement in like kind and what is minimally necessary. If the

Substantial Improvement/Damage

owner chooses to upgrade the quality of a code-required item, the extra cost is not exempt from the formula—it's added to the true cost of the improvement or repairs.

Unfortunately, many property owners and builders pressure local building official to exclude “code violation corrections” from their voluntary improvement proposals. There are “code violations” in all structures built before the current code was enacted. In many cases, those elements must be brought up to code as part of an improvement project.

This is very different from a code violation citation that forces a property owner to correct those violations and make improvements that were otherwise not planned. The building official must know about and document the violations before or at the time the permit is issued.

Example

A small business in a 40-year old building was damaged by a fire. The building's pre-fire market value was \$100,000. The insurance adjuster and the permit office concluded that the total cost to repair would be \$45,000.

However, the community's building code states that whenever an applicant applies for a permit to modify or improve a building, the building must be brought up to code. This building would need the following additional work:

- Replace unsafe electrical wiring.
- Install missing fire exit signs, smoke detectors and emergency lighting.
- Widen the front door and install a ramp to make the business accessible to handicapped and mobility-impaired people.

The total cost of these code requirements would be \$8,000. However, since these were required by the code before the fire occurred, they would not have to be counted toward the cost to repair. Based on the basic formula:

$$\frac{\$45,000}{\$100,000} = 0.45 \text{ or } 45\%$$

The building is not declared
substantially damaged

In this example, the building can be repaired without elevating or floodproofing. However, the permit office should strongly recommend incorporating flood protection measures and flood resistant materials in the repair project (as in the example in Figure 8-2).

10. Zoning - most properties in our RMM (5 units per acre) and RHM (10 units per acre) districts are non-conforming. Is this wise? Can we have Cory be present for the workshop, as this is directly pertinent to our Comprehensive Plan?

11. Sign ordinance - Can we dissect our Town Sign Ordinance and see where we need to make changes?

Footnotes:

--- (1) ---

Cross reference— *Licenses and business regulations, ch. 30; nuisances, ch. 34; buildings and building regulations, ch. 67.*

ARTICLE I. - IN GENERAL

Sec. 70-1. - Purpose and intent of article.

The purpose and intent of this article is to establish a set of standards for the fabrication, erection and use of signs, symbols, markings or advertising devices within the town. These standards are designed to protect and promote the health and safety of persons within the community and to aid and assist in the promotion of a planned residential environment by providing regulations which allow and encourage creativity, effectiveness and flexibility in the design and use of such devices, and minimize the unreasonable restraint upon the needs of the community, while avoiding an environment that encourages visual blight.

(Code 1993, § 26-75)

Sec. 70-2. - Periodic inspection.

The administrative official shall cause to be inspected annually, or at such additional times as he/she deems necessary, each sign or advertising structure regulated by this chapter for the purpose of ascertaining if it is in compliance with this article. A reinspection fee as set forth by resolution of the town commission will be paid by the owner of the sign for any required reinspections after notification in writing by the administrative official of an alleged violation of this article.

(Code 1993, § 26-77; Ord. No. 633, § 12, 9-6-2018)

Sec. 70-3. - Dangerous signs.

Should any sign become insecure or in danger of falling or otherwise unsafe in the opinion of the administrative official, the owner thereof or the person maintaining the sign shall secure the sign in a manner approved by the administrative official in conformity with the provisions of this chapter, or immediately remove the dangerous sign. If the administrative official's order is not complied with, the sign shall be removed at the expense of the owner or lessee thereof. In the case of imminent danger, the administrative official shall cause the sign to be removed or repaired immediately and shall bill the owner or the sign lessee for the costs and expenses of removal or repair.

Sec. 70-4. - Permitted signs.

The following types of signs of a stationary nature are permitted in all zoning districts:

(1) *Temporary signs.*

- a. *Residential uses.* One unilluminated, freestanding sign with white background, not exceeding 40 square inches in size to advertise the sale or rental of the premises upon which it is erected, and one additional unilluminated sign with white background, not exceeding two square feet in size, said sign to read "Open" or "Open House," may be displayed as an accessory to the advertising sign referred to herein, provided that it shall be displayed only between the hours of 9:00 a.m. to 5:00 p.m. All such signs shall be removed within one week after the premises have been sold or rented.
- b. *Construction signs.* One unilluminated, freestanding sign with white background denoting the name and telephone number of the architect, or engineer or general contractor when placed on construction sites and not exceeding a total of 40 square inches in surface area, and provided such sign shall be removed upon the issuance of a certificate of occupancy or abandonment of work.
- c. *Sign setbacks.* No sign permitted by this section shall be closer than three feet from the paved surface of a road.
- d. *Double frontage lots.* On each of the frontage lots, one unilluminated, freestanding sign with white background, not exceeding 40 square inches in size to advertise the sale or rental of the premises upon which it is erected, and one additional unilluminated sign with white background, not exceeding two square feet in size, said sign to read "Open" or "Open House," may be displayed as an accessory to the advertising sign referred to herein, provided that it shall be displayed only between the hours of 9:00 a.m. to 5:00 p.m.; provided that all such signs shall be removed with one week after the premises have been sold or rented.
- e. *Sign-post size and placement of signs.* Each sign permitted herein shall be erected on or suspended from a post, rod or pipe composed of metal, and not exceeding one inch diameter or one inch square and six feet long. The bottom of a temporary sign, when attached to the above post, rod or pipe shall be not lower than three feet nor higher than four feet above the surrounding grade.

(2) *Identification signs.*

- a. One permanent identification sign not exceeding five square feet in size may be erected or maintained as a freestanding sign in the front yard of any multifamily structure or may be installed flat against the main wall of such multifamily structure, but in no case closer

than 20 feet to a street right-of-way.

- b. One permanent identification sign containing letters not exceeding 18 inches in height and 30 feet in length may be attached flat on the wall or entrance gates at the access points of planned residential developments or multifamily structures.
 - c. One permanent identification sign not exceeding 30 square feet in area may be erected at the principal entrance to a planned residential development.
 - d. Identification signs may be illuminated by a floodlight.
 - e. Freestanding signs shall be able to withstand wind pressure of not less than 50 pounds per square feet.
- (3) *Governmental signs.* Signs of a duly constituted governmental body shall be a special exception use in all land use districts and may be erected only upon site plan approval by the town commission, as provided in this chapter. This requirement shall not include signs erected by the town or its officials, or signs which are otherwise exempt from this article.
- (4) *Security signs.* Two freestanding signs evidencing the presence of a security, or alarm system not exceeding eighty square inches in size may be erected or maintained on two separate faces of any structure, but in no case farther than ten feet from the structure.

(Ord. No. 540, 3-13-03; Ord. No. 561, § 2, 12-5-2005)

Cross reference— Signs for garage sales, § 2-256.

Sec. 70-5. - Signs exempted.

The following signs are exempt from the provisions of this article:

- (1) Any duly authorized signs erected by the town or its employees or agents; or any signs of a duly constituted governmental body, which are specifically authorized or required by federal or state law, including traffic or similar regulatory devices, legal notices or warnings at water bodies and for which such authorization is preempted to the federal or state government.
- (2) Flags or emblems of the United States, the state or other governmental agency.
- (3) Memorial signs or tablets erected and authorized by the town.
- (4) Directional signs displayed for the public, including signs which identify restrooms, freight entrances or the like, and small instructional signs, including those advising of private property or the like, with a total surface area not exceeding two square feet, on any lot, provided the total sign area and number of signs per lot and placement of each has written approval from the administrative official.
- (5) Address signs indicating only the numerical address, or the numerical address and the name of the street, and restricted to not more than one sign for each separate mailing address on the premises, and one identification sign for each single-family residence. Such signs shall not

exceed one square foot surface area each.

(Code 1993, § 26-80)

Sec. 70-6. - Prohibited signs.

All signs and advertising devices not expressly permitted or exempted by this article shall be prohibited.

(Code 1993, § 26-81)

Sec. 70-7. - Nonconforming signs amortization schedule.

- (a) Those signs that were rendered nonconforming by the adoption of Ordinance No. 229, as amended, shall be removed in accordance with the original amortization schedule provided for in Ordinance No. 229, adopted on December 30, 1969, as follows:

Individual Sign Replacement Cost	Time Limit (years)
Under \$100.00	1
\$100.00 to \$250.00	2
Over \$250.00	3

Provided, however, that each nonconforming or grandfathered use may erect or maintain only one sign, not to exceed five square feet of surface area for each 25 feet of front yard frontage.

- (b) Nonconforming signs and structures shall not be enlarged, replaced, redesigned or structurally altered except as required by the administrative official in cases where it has been determined that there exists imminent danger to the public safety.

(Code 1993, § 26-82)

Sec. 70-8. - Permit fees.

Sign permit fees regulated by this chapter shall be as set forth by resolution of the town commission.

(Code 1993, § 26-83; Ord. No. 633, § 13, 9-6-2018)

12. Customary use - What is enforceable? Just because we did not put a customary use ordinance in place before the state prohibited it (at least that's my understanding from Christy), can't we maintain that the use by the residents of Tropical Drive has been "ancient, reasonable, without interruption, and free from dispute?" What is the erosion control line as compared to the mean high water mark?

13. Permit fees - I would like to look at all permit fees, including the surety bond or LOC that residents are required to provide for demolition. Can we please have a table or chart for the workshop that clearly defines the fee requirements and schedule?



TOWN OF OCEAN RIDGE FEE SCHEDULE

DESCRIPTION	FEE	CODE SECTION
<u>TOWN CLERK</u>		
ALARM MONITORING, ANNUAL	\$ 200.00	
ALARM USER PERMIT, ANNUAL	\$ 10.00	
ALARM MONITORING & USER PERMIT LATE FEE, PER QUARTER	\$ 25.00	
ANNEXATION	\$ 1,500.00	63-131
APPEAL DECISION OF ADMINISTRATIVE OFFICIAL, MINIMUM	\$ 250.00	63-91
APPEAL DECISION OF PLANNING & ZONING COMMISSION	\$ 1,500.00	63-56
BOUNCED CHECK, BANK FEE	\$ 35.00	BANK FEE
BUSINESS TAX RECEIPT (BTR)	SEE CODE	30-26 TO 30-36
BUSINESS TAX RECEIPT (BTR), INSURANCE COMPANIES	\$ 100.00	30-36
BTR TRANSFER, MIN \$3 TO \$25 MAX, UP TO 10% OF ANNUAL TAX	SEE CODE	30-30
CERTIFIED COPIES OF TOWN COMMISSION ACTION, EACH PAGE	\$ 1.00	63-33
COMP PLAN AMENDMENT, MINIMUM	\$ 1,500.00	63-131
DEVELOPMENT PLAN REVIEW, MINIMUM	\$ 1,500.00	63-51 & 63-56
CONSTRUCTION EAST OF THE CCCL	\$ 1,500.00	63-131
DUNE TRIMMING PERMIT ANNUAL FEE	\$ 75.00	66-161
GARAGE SALE PERMIT	\$ 5.00	2-256
GARBAGE & RECYCLING FEE, ANNUAL, SINGLE-FAMILY	\$ 260.00	
GARBAGE & RECYCLING FEE, ANNUAL, MULTI-FAMILY	\$ 182.00	
GARBAGE & RECYCLING LATE FEE, PER QUARTER	\$ 25.00	
LIEN RECORDING FEE	\$ 30.00	
LIEN SATISFACTION RECORDING FEE	\$ 30.00	
LIEN SEARCH	\$ 30.00	
NON-CONFORMING OR GRANDFATHERED USES, STRUCTURES, CHARACTERISTICS OF USE	\$ 1,500.00	63-131
PLANNED RESIDENTIAL DEVELOPMENT (PRD)	\$ 1,500.00	63-131
PLAT/RE-PLAT	\$ 1,500.00	63-131
FINAL PLAT PREPARATION	\$ 250.00	64-104
FINAL PLAT APPROVAL, COST PLUS 1% COST OF REQUIRED IMPROVEMENTS	\$ 250.00	64-105
PETITION SUBMITTED TO THE TOWN COMMISSION FOR REFERENDUM	\$ 900.00	63-131
PLANNED RESIDENTIAL DEVELOPMENT (PRD) AMENDMENT	\$ 1,500.00	63-131
RENTAL REGISTRATION, PER UNIT	\$ 35.00	30-158
SIGN PERMIT FOR REAL ESTATE OR CONSTRUCTION SIGN, EACH	\$ 5.00	70-8
SIGN PERMIT, VALUE \$250 OR LESS, MINIMUM	\$40.00	70-8
SIGN PERMIT, VALUE MORE THAN \$250	See Appendix "B"	70-8
SIGN INSPECTION, ANNUALLY	\$ 5.00	70-2
SITE PLAN REVIEW	\$ 1,500.00	63-131
SPECIAL EVENT PERMIT, REFUNDABLE DEPOSIT, MINIMUM	\$ 1,000.00	30-164
SPECIAL EVENT PERMIT, APPLICATION FEE	\$ 100.00	
SPECIAL EXCEPTION	\$ 1,500.00	63-131
VARIANCE, ADMINISTRATIVE	\$ 500.00	63-131
VARIANCE, CODE	\$ 1,500.00	63-131
ZONING/RE-ZONING/DISTRICT BOUNDARY CHANGES	\$ 1,500.00	63-131
* ALL FEES ARE MINIMUMS AND SUBJECT TO ADDITIONAL COST FOR RECOUPMENT OF PROFESSIONAL CONSULTANT FEES		
<u>BUILDING DEPARTMENT - SEE APPENDIX "B"</u>		
<u>FACILITY USE</u>		
DAMAGE DEPOSIT, REFUNDABLE (ALCOHOL/HIGH RISK EVENT INSURANCE REQUIRED)	\$ 200.00	
FACILITY USE, PER HOUR	\$ 10.00	
ROOM SETUP BY TOWN STAFF, PER HOUR	\$ 25.00	
ROOM TEAR DOWN BY TOWN STAFF, PER HOUR	\$ 25.00	



TOWN OF OCEAN RIDGE FEE SCHEDULE

DESCRIPTION	FEE	CODE SECTION
SEE BELOW FOR POLICE SERVICES FOR PARKING OR SECURITY DETAIL		
<u>PUBLIC RECORDS REQUEST (TOWN HALL & POLICE DEPT)</u>		
PHOTOCOPY, SINGLE SIDED, LETTER SIZE	\$ 0.15	
PHOTOCOPY, DOUBLE SIDED, LETTER SIZE	\$ 0.20	
PHOTOCOPY, SINGLE SIDED, LEGAL SIZE	\$ 0.20	
PHOTOCOPY, DOUBLE SIDED, LEGAL SIZE	\$ 0.25	
PHOTOCOPY, SINGLE SIDED, 11x17	\$ 0.30	
PHOTOCOPY, DOUBLE SIDED, 11x17	\$ 0.35	
CERTIFIED COPY OF RECORD	\$ 1.00	
ADMIN TIME PER HR AFTER 15 MINUTES FOR TOWN HALL & POLICE PERSONNEL	\$ 25.00	
ADMIN TIME PER HR AFTER 15 MINUTES FOR PUBLIC WORKS DEPT PERSONNEL	\$ 30.00	
EMAIL EXTRACTION OR OTHER I/T SEARCHES, PER HR	\$ 105.00	
RECORDS IN POSSESSION OF TOWN ENGINEER, PER HR	\$ 150.00	
RECORDS IN POSSESSION OF TOWN ATTORNEY, PER HR	\$ 190.00	
CD	\$ 1.00	
USB	\$ 8.00	
<u>POLICE</u>		
PARKING TICKET, NO PARKING AS POSTED	\$ 30.00	54-2
PARKING TICKET, VIOLATION OF TOWN ORDINANCE	\$ 30.00	54-2
PARKING TICKET, BLOCKING FIRE HYDRANT YELLOW ZONE	\$ 75.00	54-2
PARKING TICKET, PARKING WITHIN 15' OF FIRE HYDRANT	\$ 75.00	54-2
PARKING TICKET, PARKING WITHIN 15' OF CORNER	\$ 75.00	54-2
PARKING TICKET, PARKING WITHIN 15' OF STOP SIGN	\$ 75.00	54-2
PARKING TICKET, BLOCKING RIGHT OF WAY	\$ 75.00	54-2
PARKING TICKET, PARKING ON SIDEWALK	\$ 75.00	54-2
PARKING TICKET, HANDICAP	\$ 250.00	54-2
PARKING TICKET LATE FEE AFTER 10 DAYS, OTHER THAN HANDICAP	\$ 10.00	54-2
PARKING TICKET LATE FEE AFTER 10 DAYS, HANDICAP	\$ 50.00	54-2
POLICE SERVICES/PARKING CONTROL, PER HOUR (3 HOUR MINIMUM)	\$ 65.00	
POLICE SERVICES/PARKING CONTROL, PER HOUR PREMIUM RATE (3 HOUR MINIMUM)	\$ 70.00	
POLICE SERVICES/PARKING CONTROL, PER HOUR HOLIDAY (3 HOUR MINIMUM)	\$ 130.00	
POLICE VEHICLE, PER HOUR	\$ 25.00	
<u>COMMUNITY STANDARDS HEARING ADMIN COSTS</u>		
CODE ENFORCMENT HEARING FEE	\$ 100.00	
CODE OFFICER, PER HOUR	\$ 30.00	
BUILDING OFFICIAL, PER HOUR	\$ 36.00	
ZONING OFFICIAL, PER HOUR	\$ 45.00	
CODE ENFORCEMENT CLERK, PER HOUR	\$ 34.00	
INSPECTION PHOTOGRAPHS, EACH	\$ 2.00	
POSTAGE	ACTUAL COST	

TOWN OF OCEAN RIDGE FEE SCHEDULE

DESCRIPTION	FEE	CODE SECTION
<u>COMMUNITY STANDARDS FINES</u>		
FIRST OFFENSE PER DAY, NOT TO EXCEED	\$ 250.00	16-9
REPEAT OFFENSE PER DAY, NOT TO EXCEED	\$ 500.00	16-9
IRREPLACEABLE/IRREPARABLE OFFENSE, NOT TO EXCEED	\$ 5,000.00	16-9
VIOLATIONS OF LAND DEVELOPMENT CODE, NOT TO EXCEED	\$ 500.00	63-4
CABLE COMMUNICATIONS, VIOLATIONS OF CHAPTER, PER DAY	\$ 100.00	15-29
CONSTRUCTION ABANDONMENT, PER DAY AFTER PERMIT EXPIRES	\$ 250.00	67-12
CONSTRUCTION DURING CERTAIN DAYS/HOURS, 1ST OFFENSE	\$ 100.00	34-83
CONSTRUCTION DURING CERTAIN DAYS/HOURS, 2ND OFFENSE	\$ 200.00	34-83
CONSTRUCTION DURING CERTAIN DAYS/HOURS, 3+ OFFENSE	\$ 300.00	34-83
CONSTRUCTION WORK WITHOUT A PERMIT, JOB COST OVER \$5,000	4x PERMIT FEE	
CONSTRUCTION WORK WITHOUT A PERMIT, JOB COST UNDER \$5,000	2x PLUS \$200	
ENGINEERING REVIEW & SURVEY, NOT TO EXCEED	\$ 500.00	67-57
NOT POSTING CONSTRUCTION PERMIT AS REQUIRED, 1ST OFFENSE	\$ 100.00	67-59
REMOVAL OF RUBBISH, NOXIOUS PLANTS, STAGNANT WATER & WEEDS, 1ST OFFENSE	\$ 100.00	34-6
REMOVAL OF RUBBISH, NOXIOUS PLANTS, STAGNANT WATER & WEEDS, 2ND OFFENSE	\$ 200.00	34-6
REMOVAL OF RUBBISH, NOXIOUS PLANTS, STAGNANT WATER & WEEDS, 3RD OFFENSE	\$ 300.00	34-6
WATER RESTRICTION PENALTIES, 1ST VIOLATION, NOT TO EXCEED	\$ 25.00	58-47
WATER RESTRICTION PENALTIES, 2ND VIOLATION, NOT TO EXCEED	\$ 500.00	58-47
<u>COMMUNITY STANDARDS CITATIONS</u>		
COMMUNITY STANDARDS CITATION, GENERAL, FIRST OFFENSE IS A WARNING, OR	\$ 25.00	16-24
COMMUNITY STANDARDS CITATION, GENERAL, SECOND OFFENSE	\$ 100.00	16-24
COMMUNITY STANDARDS CITATION, GENERAL, THIRD OFFENSE	\$ 250.00	16-24
COMMUNITY STANDARDS CITATION, GENERAL, FOURTH + OFFENSE	\$ 500.00	16-24
COMMUNITY STANDARDS CITATIONS, PENALTIES FOR CONTESTING, UP TO	\$ 500.00	16-24
DUMPSTER COVER VIOLATION, FIRST OFFENSE	\$ 50.00	
DUMPSTER COVER VIOLATION, SECOND OFFENSE	\$ 100.00	
DUMPSTER COVER VIOLATION, THIRD OFFENSE	\$ 200.00	
DUMPSTER COVER VIOLATION, FOURTH + OFFENSE	\$ 300.00	
OVERGROWN LOT ON CONSTRUCTION SITE, FIRST OFFENSE	\$ 50.00	
OVERGROWN LOT ON CONSTRUCTION SITE, SECOND OFFENSE	\$ 100.00	
OVERGROWN LOT ON CONSTRUCTION SITE, THIRD + OFFENSE	\$ 250.00	
CONSTRUCTION SITE PARKING, FIRST OFFENSE	\$ 50.00	
CONSTRUCTION SITE PARKING, SECOND OFFENSE	\$ 100.00	
CONSTRUCTION SITE PARKING, THIRD + OFFENSE	\$ 250.00	
CONSTRUCTION SITE WORK HOURS, FIRST OFFENSE	\$ 50.00	
CONSTRUCTION SITE WORK HOURS, SECOND OFFENSE	\$ 100.00	
CONSTRUCTION SITE WORK HOURS, THIRD + OFFENSE	\$ 250.00	
FOR THE VIOLATIONS LISTED BELOW, THE FIRST OFFENSE IS A WARNING OR \$25 CITATION; SECOND OFFENSE IS \$50 CITATION, AND THIRD + OFFENSE IS \$100 CITATION:		
POD WITHOUT APPROVAL		
OVERNIGHT PARKING		



TOWN OF OCEAN RIDGE FEE SCHEDULE

DESCRIPTION	FEE	CODE SECTION
U-HAUL/COMMERCIAL VEHICLES		
BOATS/TRAILERS		
SIGNAGE VIOLATION (NON-CONTRACTOR)		
DOG ON BEACH		
TRASH VIOLATION		
OVERGROWN LOT - NON-CONSTRUCTION SITE		
GENERAL GOVERNMENT		
ANTENNA/RADIO MAST/EQUIPMENT INSTALLATION PERMIT	\$ 10.00	64-56
ANTENNA/RADIO MAST/EQUIPMENT INSTALLATION RE-INSPECTION	\$ 10.00	64-56
FORECLOSURE REGISTRATION	\$ 200.00	30-171

Effective 9/6/2018

Amended 1/7/2019, 4/1/2019, 10/7/2019, 3/2/2020, 4/5/2021, 8/2/2021, 1/3/2022, 4/4/2022, 12/5/22

RESOLUTION NO. 04-2023

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF MANALAPAN, FLORIDA, REPEALING ANY AND ALL PREVIOUSLY ADOPTED SCHEDULES OF RATES, FEES AND CHARGES AND ADOPTING A NEW CONSOLIDATED SCHEDULE OF RATES, FEES AND CHARGES FOR VARIOUS SERVICES RENDERED BY THE TOWN OF MANALAPAN FOR ITS CITIZENS AND OTHER MEMBERS OF THE PUBLIC INCLUDING UTILITY FEES AND CHARGES; PROVIDING THAT THIS CONSOLIDATED SCHEDULE OF RATES, FEES AND CHARGES SHALL BE AVAILABLE FOR INSPECTION AT ALL TIMES AT THE TOWN HALL DURING REGULAR BUSINESS HOURS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, The Town Commission of the Town of Manalapan, Florida, (the "Town") desires to repeal and readopt an amended and consolidated schedule of rates, fees and charges relating to various services rendered by Town Government for the citizens of the Town of Manalapan and for other members of the public; and

WHEREAS, the Town Commission desires to incorporate all fees and charges assessed into one comprehensive fee schedule; and

WHEREAS, the Town Commission desires to make certain the schedule of rates, fees and charges is available for inspection such that any member of the public may be aware of the cost of each and every service provided by the Town of Manalapan.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF MANALAPAN, FLORIDA:

Section 1: The Town Commission of the Town of Manalapan hereby officially adopts the updated and consolidated schedule of rates, fees and charges attached hereto as Exhibit "A" and made a part hereof as is fully set forth herein.

Section 2: This Resolution specifically supersedes and repeals any and all other consolidated fee schedules and/or utility department service rate, fee, charge and/or surcharge schedules previously adopted.

Section 3: This duly adopted schedule of rates, fees and charges shall be available at the Town Hall for inspection by the public during normal business hours.

Section 4: This Resolution shall take effect upon adoption.

PASSED AND ADOPTED this ____ day of July 2023.

TOWN OF MANALAPAN

Stewart Satter, MAYOR

ATTEST:

(Seal)

Erika Petersen, TOWN CLERK

Exhibit A
Town of Manalapan
Rates, Fees and Charges Schedule

A. PLANNING AND ZONING APPLICATION FEES AND CHARGES

1.	Application fee for variance	\$750.00
2.	Application fee for special exception	\$750.00
3.	Application fee for site plan review	\$750.00
4.	Application fee for landscape plan review	\$400.00
5.	Application fee for zoning text and/or map amendment.....	\$1,500.00
6.	Application fee for comprehensive plan amendment.....	\$1,500.00
7.	Application fee for Planned Unit Development or PUD Amendment	\$750.00
8.	Application fee for paver agreement.....	\$500.00
9.	Application fee for MMOA(Maintenance Memorandum of Agreement).....	\$500.00
10.	Application fee for ARCOM review Level I.....	\$100.00
11.	Application fee for ARCOM review Level II.....	\$250.00
12.	Application fee for ARCOM review Level III.....	\$500.00
13.	Application fee for ARCOM review Level IV.....	\$1,000.00
14.	Application fee for Vegetation Removal or Trimming and Pruning Permit.	\$100.00
15.	Proportionate Fair Share Program (app. Review per §150-20)	\$750.00
16.	<u>Administrative Permit Extension Fee (90 days max)</u>	<u>\$1,000.00</u>
17.	<u>Permit Transfer Fee (Change of Contractor)</u>	<u>\$75.00</u>

B. BUILDING PERMIT FEES

The following three (3) fees are cumulative for all projects requiring a building permit:

1.	Standard fee	- for cost valuation of project up to and including \$2,750.00.....	\$75.00
2.	Additional fee	- for cost valuation of project over \$2,750.00 up to and including \$2,500,000.00	2.7%
3.	Additional fee	- for cost valuation of project over \$2,500,000.00.....	2.0%

C. PLAN REVISION FEES

Plan Revision Base Fee.....	\$100.00
plus, per plan sheet, page or attachment page fee.....	\$20.00

D. CONSTRUCTION TRAILER FEE

Fee for approved construction trailer	\$100.00
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E. SPECIAL INSPECTION FEES

Fees for special inspections due to circumstances as set forth in

Section 152.45 (D)..... ~~\$50.00~~ **\$75.00**

F. DEFAULT COST VALUATION FOR CONSTRUCTION RELATED ACTIVITY

1. Single family residence - enclosed living area
computed from outside surface of exterior walls.....\$400.00/sq.ft.
2. Single family residence - garages, carports, patios
(covered or uncovered) and porches.....\$200.00/sq.ft.
3. Two or multi family residences, townhouses, commercial
and all other structures - enclosed living or commercial
area computed from outside surface of exterior walls\$400.00/sq.ft.
4. Two or multi family residences, townhouses, commercial
and all other structures - garages, carports, patios (covered
or uncovered) and porches.....\$200.00/sq.ft.
5. For alterations to portions of any of the above, only the
square footage affected shall be included in the default
cost valuation calculation.

G. ADDITIONAL FEES; ENFORCEMENT

1. Failure or refusal by the owner or the owner's contractor to
obtain proper Building Permit(s) and/or Architectural Commission
approval prior to the commencement of construction activities 4x required
ARCOM
fee and/or
building
permit fee

H. BUSINESS TAX TRANSFER FEES

1. Transfer to new owner: 10% of the annual business tax, but not less than
\$3.00 nor more than \$25.00.
2. Transfer to new location: 10% of the annual business tax, but not less than
\$3.00 nor more than \$25.00.
3. Transfer to new name: 10% of the annual business tax, but not less than
\$3.00 nor more than \$25.00.

I. BUSINESS TAX ADMINISTRATIVE FEES

1. Voluntary Business Registration.....~~\$36.00~~ **\$37.80**

- (Businesses regulated by DBPR)
2. Mandatory Business Registration~~\$36.00~~ **\$37.00**
 3. Registration Fee (Palm Beach County-wide Business Tax).....\$2.00

J. ADMINISTRATIVE FEES & CHARGES

1. Publications and Manuals (Cost of printing, plus tax)
 - Code of Ordinances.....\$80.00 + S&H
 - Supplements.....\$35.00
 - Comprehensive Land Use Plan\$75.00
 - Zoning Code Only.....\$25.00
2. Public Records Requests (per Florida Statutes, plus tax)
 - Photocopies **Letter Size** (black & white or color) \$0.15 each (single sided)
 \$0.20 each (double sided)
 - Photocopies 11x17 Size (black & white or color)..... \$0.30 each (single sided)**
\$0.35 each (double sided)
 - Research (Deposit Required) Hourly rate + copy costs
 - CD Recordings of Public Meetings\$1.00 per CD
 - Residential Building Plans/Drawings Actual Duplication Cost
 - Resident Mailing Labels ~~\$1.00~~ **\$5.00** per page
 - Zoning Map.....\$3.00
3. Fee for Returned Checks **Actual Cost +** \$25.00
4. **Temporary Certificate of Completion\$100.00**
5. **Certificate of Completion\$100.00**

K. J. TURNER MOORE MEMORIAL LIBRARY

- Annual fee for Residents and Non-Resident Volunteers.....~~\$35.00~~ **\$50.00**
- Annual Fee for Non-Residents..... ~~\$50.00~~ **\$100.00**

L. UTILITY DEPARTMENT RATES, FEES AND CHARGES SCHEDULE

1. **SERVICE DEPOSIT CHARGES.*** All water department users/customers are hereby required to pay the Water Department prior to the commencement of water service or use by such water user/customer, a Service Deposit Charge in the following amount based upon the water meter size installed or to be installed for service from the water system to the user/customer, as follows:

RESIDENTIAL

5/8	inch	\$70
3/4	inch	\$90
1	inch.....	\$150
1 1/2	inches.....	\$250
2	inches.....	\$350
3	inches.....	\$550
4	inches.....	\$850

COMMERCIAL

5/8	inch.....	\$200.00
3/4	inch.....	\$280.00
1	inch.....	\$470.00
1 1/2	inches.....	\$700.00
2	inches.....	\$1,000.00
3	inches.....	\$1,500.00
4	inches.....	\$2,400.00

2. **METER CONNECTION AND INSTALLATION CHARGES.** For any water system user/customer requesting or requiring new or different capacity water system service thereby necessitating the installation of a new or different sized water meter, such user/customer shall pay the Water Department, simultaneously with the request, the following Water Meter Connection and Installation Charge applicable to the appropriate size meter to be installed, as follows:

a. **METER SIZE**

5/8 & 3/4	inch.....	\$440.00
1	inch.....	\$500.00
1 1/2	inches.....	\$675.00
2	inches.....	\$840.00

- b. **Water Meter Connections Larger than two (2) inches.** The Water Meter Connection and Installation Charge for such users/customers requiring a water meter or meters larger than two (2) inches, or multiple water meters, or a special water meter or meters based upon desired, expected or reasonably anticipated flows and variations of the flow of water, shall be determined by the Water Department based upon the costs of labor, materials and supplies, plus any appropriate professional fees and charges, plus a reasonable sum for administration, and plus all other costs and expenses incurred or to be incurred related thereto.

3. **MONTHLY WATER CHARGES.** There shall be a monthly Water Charge, which

the Town Utility Department bills to and which is paid by each user/customer of the Town Water system, in accordance with the following schedule:

- a. **Water Monthly Demand Charge.** For each water meter in place and connected to the water system, there shall be a Monthly Demand Charge as follows:

METER SIZE (inches)	RESIDENTIAL	COMMERCIAL
5/8	\$42.85	\$64.27
3/4	\$64.27	\$96.40
1	\$107.12	\$160.67
1 ½	\$192.82	\$289.21
2	\$278.52	\$417.75
3	\$407.07	\$610.56
4	\$664.17	\$996.18

Note: For each and every residential dwelling unit over and above the first, serviced by the same meter, there shall be an additional Monthly Demand Charge of twenty and 17/100 dollars (\$20.17) for each such additional residential dwelling unit.

- b. **Water Monthly Commodity Charge.** For all water flowing through each meter connected to the water system there shall be a Monthly Commodity Charge, in addition to the monthly demand charge listed above, such charge shall be for each one thousand (1,000) gallons of flow as follows:

\$2.34 per 1,000 gallons

4. **WATER IMPACT FEES.** Based upon the established Unit Classification for new or expanding use, such owner or new or expanding user/customer shall pay the Utility Department a Water Impact fee for such new or expanded use as follows:

<u>Unit Classification</u>		<u>Water Impact Charge per Unit</u>
Class I	residential	\$1,104
Class II	residential	\$1,229
Class III	residential	\$1,354
Class IV	commercial	\$1,004
Class V	commercial	\$1,004

5. **MONTHLY SEWAGE CHARGES.** There shall be a monthly Sewage Charge, which the Town Utility Department bills to and which is paid by each user/customer of the Town sewage collection and disposal system, in accordance with the following schedule:

- a. **Sewer Monthly Demand Charge.** For each user/customer, there shall be a Monthly Demand Charge based on the size of the water meter of each user, as follows:

METER SIZE (inches)	RESIDENTIAL	COMMERCIAL
5/8	\$54.06	\$81.06
3/4	\$81.07	\$121.58
1	\$135.15	\$202.63
1 ½	\$243.20	\$364.75
2	\$351.32	\$525.94
3	\$513.47	\$770.08
4	\$837.76	\$1,256.50

- b. **Sewer Monthly Commodity Charge.** For all sewage flowing through a sewage meter, there shall be a Monthly Commodity Charge of six and 07/100 dollars (\$6.07) for each one thousand (1,000) gallons of water flow. This charge is in addition to the Monthly Demand Charge listed above.

- c. **Sewage Capacity Charge.** For all sewage users/customers, there shall be an initial capacity charge to be paid at the rate charged by Lake Worth (as pass-through to Lake Worth) plus a Town administration fee payable to the Town of Manalapan.

6. ~~**HYPOLUXO SURCHARGE.** All Water Monthly Demand and Water Monthly Commodity Charges listed herein above, which are charged to Hypoluxo Users/Customers shall include a Surcharge of twenty percent (20%).~~

AFTER HOURS FEE FOR MISCELLANEOUS SERVICE.....\$100.00

7. **LIEN SEARCH SURVEYS.** All Lien Search Surveys performed by the Utility Department.....~~\$25.00~~ **\$75 for standard**
Expedited Lien Search (2 business days)\$100.00

8.	TAMPERING/ <u>PROHIBITED CONNECTION FEE</u>	\$250 TO \$500
9.	TEMPORARY TURN <u>ON</u> / OFF	\$50.00
10.	CUT LOCK FEE	\$55.00
11.	RE-CONNECTION FEE (NON-PAYMENT)	\$50.00 \$100
	<u>a. RE-CONNECTION AFTER HOURS ADDITIONAL FEE.....</u>	<u>\$100</u>
12.	<u>RE-CHECK METER READING (EXCESSIVE).....</u>	<u>\$50.00</u>

Value of Construction			Gulf Stream Fee
\$0.00	up to	\$4,999.00	\$85.00
\$5,000.00	up to	\$9,999.00	\$110.00
\$10,000.00	up to	\$14,999.00	\$125.00
\$15,000.00	up to	\$19,999.00	\$150.00
\$20,000.00	up to	\$24,999.00	\$185.00
\$25,000.00	up to	\$29,999.00	\$200.00
\$30,000.00	up to	\$39,999.00	\$260.00
\$40,000.00	up to	\$49,999.00	\$335.00
\$50,000.00	up to	\$69,999.00	\$460.00
\$70,000.00	up to	\$99,999.00	\$585.00
\$100,000.00	up to	\$149,999.00	\$750.00
\$150,000.00	up to	\$199,999.00	\$1,000.00
\$200,000.00	up to	\$399,999.00	\$1,170.00
\$400,000.00	up to	\$649,999.00	\$1,625.00
\$650,000.00	up to	\$999,999.00	\$1,835.00
\$1,000,000.00	up to	\$1,499,999.00	\$3,000.00
\$1,500,000.00	up to	\$1,999,999.00	\$3,670.00
\$2,000,000.00	up to	\$2,499,999.00	\$4,170.00
\$2,500,000.00	up to	\$2,999,999.00	\$4,670.00
\$3,000,000.00	up to	\$3,499,999.00	\$5,170.00
\$3,500,000.00	up to	\$3,999,999.00	\$5,670.00
\$4,000,000.00	up to	\$4,499,999.00	\$6,170.00
\$4,500,000.00	up to	\$4,999,999.00	\$6,670.00
\$5,000,000.00	up to	\$7,499,999.00	\$7,500.00
\$7,500,000.00	and	above	.0010 of Construction Value
Demolition			
Less than		999 sq. ft.	\$125.00
1,000 sq. ft.	to	2,500 sq. ft.	\$335.00
Greater than		2500 sq. ft.	\$670.00
Construction Trailer			
			\$250.00
Other Minor Work			\$85.00 Minimum
Plan Revision or Permit Renewal			\$50.00 plus any additional Gulf Stream Fee based on updated Value of Construction
Septic Tank			\$200.00
Driveway			\$75.00
Lift Station Including as-builts			\$200.00
Damage Bond			\$5,000.00
Applications			
Comprehensive Plan Text Amendment			\$1,500.00 plus advertising
Future Land Use Map Amendment			\$1,500.00 plus advertising
Zoning Code Text Amendment			\$1,500.00 plus advertising
Official Zoning Map Amendment (Rezoning)			\$1,500.00 plus advertising
Development Agreement			\$300.00
Annexation/Contraction (Voluntary)			\$300.00 plus advertising
Variance			\$500.00 plus advertising
Subdivision			\$1,500.00 plus \$500.00 for each lot
Lot Line Amendment- Between 2 Existing Lots			\$250.00
Special Exception			\$400.00
Appeal			\$400.00
Rezoning Review			\$1,500.00
Architectural/Site Plan Review		Level 3	\$1,500.00 including design review
Architectural/Site Plan Review		Level 2	\$1,000.00 including design review
Architectural/Site Plan Review		Level 1	\$0.00
Site Plan Revision Review			\$500.00
Mailing Costs for Notification (per mailing)			\$15.00
Land Clearing Plan Review			\$50.00
North Ocean Boulevard Landscape Disturbance Permit			\$200.00
Construction Permit, Time Extension Fee, Request Submitted Within Time Allowed			\$0.10 per sq. ft., (minimum \$500.00) / day
Construction Permit, Time Extension Fee, Request Submitted After Permit Expiration			\$0.20 per sq. ft., (minimum \$1,000.00) / day
Developments of Regional Impact or otherwise subject to review under the provisions of the Intergovernmental Coordination Element of the Comprehensive Plan			All Recoverable direct expenses plus staff time to be charged at rates set by the Town Commission at the time of the application is submitted.
*\$650.00 if sent to Design Consultant for full review			

EXHIBIT “A”

TOWN OF HIGHLAND BEACH **BUILDING AND LAND DEVELOPMENT** **SCHEDULE OF FEES**

EFFECTIVE 10/01/2023 – 09/30/2024

I. BUILDING DEPARTMENT

- a. All building permit fees shall be based upon the value of the work to be performed. The "value of work" shall be determined in accordance with Section 109 of the Town's Administrative Amendments to the Florida Building Code.
- b. The minimum building permit fee shall be \$100.
- c. Building permit fees shall be calculated per each \$1,000 of valuation or portion thereof, for each trade (building, plumbing, mechanical or electrical) or for each specialty (pools, fire suppression, alarm, or security systems, etc.). Those fees are as follows:
 - i. \$25.00 per \$1,000 or portion thereof of value up to \$500,000.
 - ii. \$20.00 per \$1,000 or portion thereof of value above \$500,000.
- d. Sales Trailer Permit Fee: The fee for sales trailers shall be \$500 per trailer, shall include all sub-trade inspections, and shall expire after six (6) months. The permit may be renewed for additional six (6) month increments upon payment of an additional fee.
- e. Construction Trailer Permit Fee: The fee for construction trailers shall be \$250 and shall include all sub-trade inspections.
- f. Contractor Registration: All contractors must be registered with the Building Department of the Town of Highland Beach. Registration includes basic information about the contractor, and proof of licenses and insurance. Licenses and insurance are typically demonstrated through a State of Florida registration or certification, or a Palm Beach County Business Tax Receipt. There will be no charge for registering with the Town of Highland Beach.
- g. Reinspection Fees:
 - i. \$75.00 for second inspection (same item).
 - ii. \$150.00 for third inspection* (same item).
 - iii. \$250.00 for fourth inspection* (same item).
 - iv. \$300.00 for fifth inspection* (same item).

* (requires license holder or qualifier to be at the site)
- h. Additional Fees:
 - i. \$100.00 for fire sprinkler permits, except electrical component of permit. (Delray Fire Fee Schedule)

- ii. \$50.00 per page for plans requiring additional review after the initial review.
- iii. \$50.00 for change in contractor
- iv. \$100.00 floor and/or balcony tile fee (not shower tile or pan replacement).
- v. \$100.00 for water heater change-out
- vi. \$100.00 installation of residential alarm or security system.
- vii. Portable Storage Unit: \$50.00 for site permit fee
- viii. \$100.00 for failure to call for a final inspection prior to permit expiring.
- ix. \$50.00 per page for plans requiring additional review after the initial review.
- i. Penalty Fees:
 - i. Two and half times (2.5X) the original permit fee, but not to exceed \$10,000, for work commenced without a permit.
Approved by the Town Commission on October 7, 2020
- j. Planning & Zoning Fees:
 - i. Site plan: \$1,500.00
 - ii. Special Exception: \$1,500.00
 - iii. Comprehensive Plan Amendment: \$1,500.00
 - iv. Revision to Code of Ordinances: \$1,500.00
 - v. Variance: \$1,500.00
 \$500.00 each additional variance
 - vi. Appeal of Building Code or Zoning Determination: \$1,500.00
 - vii. Zoning Verification Letter: \$150.00
 - viii. Hourly attorney consultation fee. Must be paid with all land development applications. \$500.00 deposit plus any costs that exceed the \$500.00
 - ix. License Agreement or Unity of Title: \$1,000.00

- x. Appeal to Town Commission: \$1,500.00
- xi. Engineering Review Fee: \$500.00 plus any additional cost
- xii. Short-Term Rentals registration fee. \$250.00
- xiii. Short-Term Rentals inspection fee. \$150.00
- xiv. Short-Term Rentals re-inspection fee (failure to pass initial inspection) \$50.00
- xv. Short-Term Rentals annual renewal fee. \$100.00
- xvi. Short-Term Rentals change of agent fee. \$50.00
- xvii. Short-Term Rentals penalties:
 - a. \$250.00 fine, daily, per violation for first offence;
 - b. Up to \$500.00 fine, daily, per violation for repeat offences;
 - c. \$150.00 administrative fee.

Refund Policy

- *No refunds for issued permits, permits under \$200, penalty fees, surcharges, etc.*
- *No refunds on permit applications greater than 30 days old*
- *Refunds shall be 60% of the fee paid in excess of \$200.*

Cost Recovery Provision. Applicant is responsible for the cost of recovering administrative, engineering, legal review, and/or any other professional service required in conjunction with any application, including any public notice costs in excess of minimum advertising fee, including notice costs, such as postage, etc.

Agenda: Monday, May 13, 2024
Memo: Item #14.

Town of Ocean Ridge, Florida

Town Commission Agenda Memorandum

Kelly Avery, Town Clerk
Geoff Pugh, Mayor

Subject: Building Permit Process-Changes?

We would like to simplify the building permit process/application process just a little bit. Some of our suggestions include:

1. Not removing the handbook, but not requiring the entire handbook to be submitted with the permit application - only the acknowledgment page w/ signatures.
2. Currently, we charge the applicant upfront for the Permit Fee, the permit DCA fees, the Scanning fees and the Plan Review Fees. We are proposing that we do not charge for all of it upfront - just the Scanning Fees and the Plan Review Fees. The Permit Fee and the DCA Fees would be payable upon issuance of the permit. This would save us in having to refund money if someone should have to cancel a permit. It also keeps the applicant from thinking they are "good to go" as they have already paid for their permit in full and have a permit #, which happens more than you can imagine.
3. We would like to have an established time frame for when comments should be responded to before we "void" a permit

Mayor Pugh will have other suggestions for the process.

Suggested Motion:

Respectfully,
Kelly Avery, Town Clerk
Geoff Pugh, Mayor

15. Septic to Sewer Conversion

16. FAR Discussion