

## ORDINANCE NO. 2820-10

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO BUILDINGS; AMENDING CHAPTER 22 TO IMPLEMENT REQUIREMENTS FOR INACTIVE CONSTRUCTION SITES; ELECTRONIC SUBMISSION OF BUILDING PLANS WITH RELATED FEES AND MEMBERSHIP CRITERIA FOR THE CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS; PROVIDING FOR CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE.**

**Whereas**, inactive building sites in the City have occurred and exist which should be properly secured and maintained for both safety and aesthetic reasons; and

**Whereas**, this ordinance is enacted pursuant to the City's police power for the health and welfare of the general populace to abate nuisances existing in the City, and accordingly inactive construction sites existing for 90 days on the effective date of this ordinance will be required to comply with Section 22-28 upon adoption of this ordinance; and

**Whereas**, the City Commission also desires to amend the code to require the electronic filing of permit documents to facilitate storage of said plans under the State's public records law; and

**Whereas**, membership on the Construction Board of Adjustments and Appeals should include either one mechanical contractor or a mechanical engineer to have representation from that facet of the construction industry.

**NOW, THEREFORE, BE IT ORDAINED BY THE OF CITY COMMISSION OF WINTER PARK, FLORIDA** that the Building Code of Winter Park be amended as follows:

**Section 1.** Article II, "Building Code"; of Chapter 22 of the Code of Ordinances of the City of Winter Park is hereby amended to read as follows (words with underlined type shall constitute additions to the original text and ~~strike through~~ shall constitute deletions to the original text, and asterisks (\* \* \*) indicate that text shall remain unchanged from the language existing prior to adoption of this Ordinance):

### ARTICLE II. Building Code

#### **Sec. 22-28. Amendments to the Florida Building Code (Administrative)**

The Florida Building Code as adopted in section 22-27 is amended in the following respects:

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105.15.1.3 **With respect to commercial or multifamily building projects**, construction activity which has commenced under a valid building permit shall proceed without stoppages of work exceeding ninety (90) days or ninety (90) days after the last inspection after which the building permit may be revoked and become void and the project shall be deemed an inactive construction site for the purpose of this Section. The licensed contractor or property owner shall maintain all

construction sites in a safe condition and shall provide fencing or other protective barriers if needed for security and safety on active or inactive construction sites, where work has ceased for a period of time more than 7 days. Such inactive All building sites shall be kept clean so as to minimize unsafe or hazardous conditions and unsightly appearance.

For inactive construction sites the licensed contractor or owner shall remove any silt fencing unless deemed necessary to protect adjacent public or private property from soil erosion or adverse drainage. During the first twelve (12) months after a construction project has become an inactive construction site the licensed contractor or owner shall comply with one of the following actions:

- 1) Paint unfinished surfaces of uncompleted structure(s) with muted or approved paint color and remove construction fencing or set back exterior fencing and cover with a black or muted color screen cover at least ten(10) feet (or approved distance) from all property lines abutting public streets. Provide an approved landscape barrier, sod or other approved surface; such as, but not limited to, mulch, within the approved set back area. The approved landscape barrier or sod must be irrigated and maintained in good condition until the project can proceed with active construction. All buildings must be secured in an aesthetic manner to prevent entry in accordance with Section 22-177(108.8) where boarding up openings are used. All construction debris must be removed from the site and overgrowth of grass, weeds and vegetative growth must be mowed regularly to comply with Section 22-177 (302.4) of the Winter Park Code; or
- 2) Remove all incomplete structures (exclusive of the principal building(s) under construction); remove unused materials or store inside incomplete building or place out of view from the surrounding lot lines and maintain the property free of debris and overgrowth in accordance with Section 22-177 (302.4) of Winter Park Code; or
- 3) Provide a written plan and completion time line outlining proposed measures to be taken to maintain the construction site in a safe and aesthetic manner until construction of the project can proceed. The plan must be reviewed and approved by the building official.

In addition to the above required actions for an inactive construction site, after twelve (12) months, at the discretion of the Building Official based on safety concerns, all temporary or non-permitted fencing must be removed and the property shall be maintained free of overgrowth in accordance with Section 22-177 (302.4) of Winter Park Code.

Upon a determination by the building official that the subject project is not in compliance with this section, the licensed contractor or property owner may appeal the building official's decision to the Construction Board of Adjustments and Appeals to affirm or to amend and modify the decision of the building official. Failure to comply with any of these actions will result in the Building Official referring the matter to the Code Enforcement Board. If the Code Enforcement Board finds a serious threat to public health, safety and welfare, the Code Enforcement Board may recommend reasonable repairs to bring the property into compliance and charge the violator with the reasonable cost of the repairs along with a fine, as provided for in Section 162.09, Florida Statutes.

Active construction sites shall be protected as directed by the Florida Building Code and the building official.

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**105.19 Schedule of Permit fees and electronic filing of permit documents.**

**105.19.1 Permit fees.** On all buildings, structures, electrical, plumbing, mechanical and gas systems or alterations requiring a permit, a plan review fee for each permit shall be paid as required at the time of applying for the permit, and a fee shall be paid as required at the time of obtaining the permit in accordance with the schedule as established by the city commission of the city as set forth in its schedule of fees. The established permit and plan review fee shall include the costs of services for enforcing the land development code in the areas of plan review, inspection, and preliminary consultation for a project and administration of the land development code. The amount of refunds for any building permit, including single-family dwellings, shall be determined by deducting the cost of all city services including but not limited to plan review fees. When one year has elapsed from the time of issuance of a permit, no refunds shall be processed. No new permit shall be issued to a building permit applicant who has outstanding unpaid fees from any previous permit issued to said applicant, including but not limited to re-inspection fees, impact fees, or "Stop work order" charges or who has outstanding permits which have not received either final inspection approval or a release on abandoned projects after more than six months of inactivity except for extenuating circumstances such as good cause as delineated under Section 105.15.1.6.

**105.19.2 Electronic filing of permit documents.** After all applicable city departments have reviewed and approved submitted permit documents and plans filed as part of an application for a building permit, and after all required corrections are made to the submitted permit documents and plans, prior to final issuance of the approved permit, the permit applicant must submit an electronic copy of the approved permit documents and plans in a format compatible with the city's electronic storage and retrieval system prior to obtaining the building permit, or the permit applicant may pay a fee in lieu of providing the electronic copy of the approved plan documents. The fee shall be the city's cost plus administrative costs to produce an electronic copy of the approved permit documents and plans and shall be listed in the city's most recently adopted or amended schedule of fees as approved by the City Commission. The building official may allow the building permit to be issued prior to providing the electronic permit documents and plans to prevent delays in the construction project. However, such electronic documents and plans must be submitted within thirty (30) days of issuing the building permit. In addition, when plan revisions occur during the construction process, the permit applicant must submit an electronic copy of the final construction documents with approved revisions prior to final inspection approval of the project or the permit applicant may pay a fee in lieu of providing the electronic copy of the final construction documents with approved revisions as referenced in this section. The implementation of these provisions for electronic filing and storage of permitting documents may be suspended or amended to implement any improved methods of permit document storage which become available.

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**SECTION 112 CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS**

**112. Construction board of adjustments and appeals.**

**112.1 Membership.** There is hereby established a board to be called the construction board of adjustments and appeals, which shall consist of 7 members. The board shall be comprised of two (2) licensed contractors (building, residential or general), one (1) practicing architect one (1) structural engineer, one (1) master electrician, one (1) master plumber and one(1) mechanical contractor or mechanical engineer. The board shall be appointed by the Mayor and confirmed by the City Commission.

**Section 2.** Commercial or multifamily building projects which are inactive 90 days prior to the adoption of this ordinance shall be deemed to be an "inactive construction site" as described in **Section 1**, subsection 105.15.1.3 and shall be governed by the provisions in this ordinance. This section shall not be codified.

**Section 3.** It is the intention of the city commission of the city that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the city; and that sections of this ordinance may be numbered or renumbered or lettered or relettered and the word "ordinance" may be changed to "chapter", "section", "article", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the code is accomplished, sections of this ordinance may be numbered or renumbered or lettered or relettered and typographical errors which do not affect the intent may be authorized by the city manager, without need of public hearing, by filing a corrected or recodified copy of same with the city clerk.

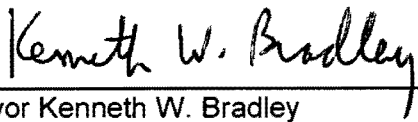
**Section 4.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 5.** If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses or phrases under application shall not be affected thereby.

**Section 6.** This ordinance enacting an administrative amendment to the Florida Building Code shall be transmitted to the Florida Building Commission within 30 days.

**Section 7. Effective Date.** This ordinance shall take effect on immediately upon its adoption.

**ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held at City Hall, Winter Park, Florida, on the 13 day of September, 2010.**

  
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Mayor Kenneth W. Bradley

Attest   
FOR City Clerk Cynthia S. Bonham