AN ORDINANCE RELATING TO BUILDING FEES; AMENDING SECTION 16-51, DEFINITIONS; AMENDING SECTION 16-52, PERMIT FEES; AMENDING SECTION 16-53, PLAN REVIEW FEE; AMENDING SECTION 16-54, PLAN REVISIONS; ADDING SUBSECTIONS (e) AND (f) TO SECTION 16-55, INSPECTION FEES; AMENDING SECTION 16-58, MISCELLANEOUS FEES, OF THE CODE OF ORDINANCES, CITY OF NAPLES; AMENDING SECTION 16-52, BUILDING PERMIT FEES; ADDING SECTION 16-54, PLAN REVISION FEE; AMENDING SECTION 16-55, INSPECTION FEES; AMENDING SECTION 16-58(a), TEMPORARY USE PERMIT APPLICATION; AMENDING SECTION 16-59 CONTRACTOR LICENSING FEES, OF APPENDIX "A", FEES AND CHARGES SCHEDULE; FOR THE PURPOSE OF INCREASING EXISTING FEES AND ESTABLISHING NEW FEES; PROVIDING FOR CODIFICATION; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.

WHEREAS, the City has not increased building permit fees since 2001; and

WHEREAS, it is necessary to increase some building permit fees that have been identified as being under-funded; and

WHEREAS, it is necessary to establish new building permit fees and inspection fees due to increased costs associated with the implementation of new stormwater construction standards as set forth in ordinance, 07-11807; and

WHEREAS, the building department is self-supported by revenues collected from building permit revenues;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPLES, FLORIDA:

Section 1. That Section 16-51 of the Code of Ordinances of the City of Naples is amended to read as follows (with underlining indicating additions and strikeout indicating deletions):

Sec. 16-51. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory structures (type I) are nonhabitable structures that normally have a roof and a measurable floor area, or ground surface area, e.g. gazebos, sheds, detached garages, chickees, boathouses, swimming pools, etc.

Accessory structures (type II) are nonhabitable structures that usually do not have a roof and a measurable floor area, e.g. fences, signs, driveways, sidewalks, exterior screen walls, etc.

Commercial means all other occupiable areas that are not classified as residential, including multifamily residential.

Detention facility is a facility used to temporarily store stormwater runoff and rainfall that recovers its storage volume by the controlled release of water through designed drawdown structures and mechanisms (see "retention facility" for contrast.)

Gross square footage is the total square footage of the structure measured to the outside of the exterior walls, or column lines where there are no walls.
This is the same as the building footprint. Where the structure contains multiple floors (stories), the gross square footage is calculated to include the area of all floors (stories).

**Impact fees** are charges assessed and collected on newly developed property by local governments. The intent of the fee is to recover the cost incurred by providing public amenities required for the new development.

**Impermeability** is the relative inability of a material to allow the flow of water to pass through the material, typically associated with solid surfaces that prohibit rainfall or both rainfall and rainfall runoff from entering and passing through the material.

**Impervious** means impenetrable or impermeable by water.

**Impervious area** means the percentage of the lot land area covered by impervious surfaces such as buildings or structures, swimming pools, decks, lanais, patios, driveways, and also includes any surface covered by concrete, bricks, blocks, flagstones, paving, sealant, or any other impermeable material. Standard engineering coefficients of permeability shall be used for partially pervious materials.

**Occupiable areas** are, for the purpose of this article, defined as any enclosed space that can be occupied by humans. This would include every square foot of floor area under the same roof of residential and commercial buildings computed to the outside of the exterior walls, or column line for areas without exterior walls, of the structure. In a residential structure this would include attached garages, detached garages, carports, storage rooms, etc.

**Paved areas** are any exterior areas covered with human-made or natural materials to provide a walking and/or vehicle traversing surface as opposed to real grass or other vegetation. Materials could include but shall not necessarily be limited to concrete, asphalt, brick, stone, and astro-turf type surfaces.

**Penalty fees** are additional fees imposed upon the project for failure to comply with some certain requirements of this article.

**Permit fees** means monies collected for the processing of permits and operation of the building and zoning division.

**Plan review fees** are fees collected at the time an application for a permit is submitted to the building and zoning division to cover the cost of reviewing the plans and specifications for code compliance. This fee will be charged for all construction projects involving habitable structures and accessory structures where plans have to be submitted.

**Residential** means 1- or 2-family units of occupiable areas.

**Retention facility** is a facility used to store stormwater runoff and rainfall that recovers its storage volume only when the water evaporates, transpires, or percolates from the facility.

**Re-development** is any construction activity on a site where the aggregate of actions and/or costs to reconstruct, modify, alter, or improve the property, whether in one phase or in multiple phases, are anticipated to do any of the following: (1) increase the appraised value of the property more than 50 percent
of its current appraised value: (2) replaces the existing building or
reconstructs more than 50 percent of the area under existing roof; (3) raises
more than 50 percent of the existing finished floor; or (4) modifies the existing
site grading sufficiently to warrant concern that the new activities could create
problems for offsite or adjacent property.

Surcharge fees are additional fees imposed by some level of government to
be used for some specific purpose.

Temporary use permits are permits issued for special activities or events
that do not meet local zoning requirements. These permits are issued for a
specific time period determined by the building official based on the applicant's
request.

Section 2. That Section 16-52 of the Code of Ordinances of the City of Naples
is amended to read as follows (with underlining indicating additions
and strikeout indicating deletions):

Sec. 16-52. Permit fees.

(a) Generally. On all buildings and structures being built new or being
altered and/or added to requiring a building permit, as set forth in
the Florida Building Code, there shall be a fee for each of the
following categories applicable to the work being done. All fees
generated in the building and zoning division building department,
except those specifically designated, shall be used for operating
and capital expenses of the building and zoning division of the
department of community development department and partially for
other divisions supporting the building and zoning division
department. The building and zoning division department shall
operate as a special revenue system and be self-sufficient
financially, requiring no support from the city's general fund and
miscellaneous support from other city departments. A separate fund
shall be maintained for all monies collected with separate
accounting by the city's finance department. In addition to the
operating expenses collected, an additional amount may be held in
the fund for use in the operation of the building and zoning
division department during periods of time when funds generated are
below normal levels to meet operating expenses. The fee rate
schedules will be evaluated annually to make adjustments to keep the
income generated in line with the expenses. This will be done at the
time the city's normal budget process is being considered.

(b) New residential structure permit. On all new construction for
habitable residential structures, there shall be a building permit
fee as set forth in appendix A to this Code, per square foot of the
gross square footage of the structure.

(c) New commercial structure permit. On all new construction for
habitable commercial structures, there shall be a building permit
fee as set forth in appendix A to this Code.

(d) Additions and alterations permit. On all additions and/or
alterations to habitable residential and commercial structures there
shall be a building permit fee as set forth in appendix A to this
Code, per square foot of the gross square footage of the additional
structure and/or the area being altered. The altered areas will be figured on a room-by-room basis with the total square footage of the room used for any work done in that space. In unusual cases or configuration, the building official shall determine the area that the permit fee is based on.

(e) Demolition/moving permit. For any demolition work there shall be a fee as set forth in appendix A to this Code. The area will be computed the same as in subsections (b) and (d) above.

(f) Electrical permit. Any person installing or constructing any electrical wiring or equipment shall be required to obtain a permit and pay a fee as set forth in appendix A to this Code. The area will be computed the same as in subsections (b) and (d) above.

(g) Plumbing permit. Any person installing any plumbing piping, fixtures, appliances or equipment shall be required to obtain a permit and pay a fee as set forth in appendix A to this Code. The area will be computed the same as in subsections (b) and (d) above.

(h) Mechanical permit. Any person installing any heating, air conditioning, refrigeration or ventilation, duct work, equipment or related accessories shall be required to obtain a permit and pay a fee as set forth in appendix A to this Code. The area will be computed the same as in subsections (b) and (d) above.

(i) Fire alarm and suppression systems permit. Any person installing any fire alarm, fire sprinkler system and/or related pipes, pumps, equipment, wiring or related accessories shall be required to obtain a permit and pay a fee as set forth in appendix A to this Code. The area will be computed the same as in subsections (b) and (d) above. Fire alarm and/or smoke detection devices for residential structures are exempt from having to have a separate fire alarm and suppression systems permit.

(j) Site work permit. Any person doing any type of site work that is separate from a building permit will be required to obtain a permit and pay a fee as set forth in appendix A to this Code. Sprinkler system rework and drainage rework are not included.

(k) Right-of-way permit. Any person other than employees of the governing authority of the right-of-way who need to do any work on the right-of-way must first obtain a permit and pay a fee as set forth in appendix A to this Code.

(l) Re-roof permit. Any person doing any type of roof work will be required to obtain a permit and pay a fee as set forth in appendix A to this Code.

(m) Stormwater permit. Any person altering the designed features of the property which collect, convey, channel, hold, inhibit or divert the movement of stormwater, will be required to obtain a permit and pay a fee as set forth in appendix A.

(n) Temporary use permits (type I). Any person who desires to have a small-scale event or construction-related activity including but
not limited to:

(1) Sidewalk sale;
(2) Promotional banners or sign;
(3) Estate sale;
(4) Construction signs, fences, trailers, or construction-related street closure;

must first obtain a permit and pay an application fee as set forth in appendix A to this Code.

(o) Temporary use permits (type II). Any person who desires to have one of the following including but not limited to:

(1) Residential garage sales;
(2) Contractor request to perform work during nonconstruction hours in residential or commercial areas;

must first obtain a permit. No fee is charged for this permit.

(p) Accessory structures (type I) permit. Any person that builds and/or installs an accessory structure that is of, or similar to, one of the following:

(1) Garages;
(2) Carports;

(a) Gazebos;
(b) Bath houses;
(c) Covered walkways;
(d) Chickees;
(e) Boat houses;
(f) Docks;

must first obtain a permit and pay a fee as set forth in appendix A to this Code.

(q) Accessory structures (type II) permit.

(1) Any person who builds and/or installs an accessory structure that is of, or similar to, one of the following:

a. Fences longer than 50 feet;
Ordinance 08-12122

b. Driveways more than 500 square feet;
c. Sidewalks more than 150 square feet;
d. Screen walls;
e. Signs;
f. Antennas;
g. Wells/sprinkler systems;
h. Seawalls;
i. Boat lifts;

must first obtain a permit and pay a flat fee as set forth in appendix A to this Code.

(2) The following accessory structures are exempt from needing a permit:

a. Fences 50 feet and shorter in length;

b. Driveways 500 square feet or less in paved areas;
c. Sidewalks 150 square feet or less in paved areas;
d. Dish antennas 18 inches and smaller in diameter;
e. Indoor antennas;
e. Temporary signs like "For Sale" signs

Change-out permit. Mechanical change-out permit. Any contractor or homeowner that changes an existing mechanical compressor unit or air handling unit, electrical panel, hot water heater or similar item, for maintenance reasons, with the same or equal type unit, must first obtain a permit and pay a flat rate fee as set forth in appendix A to this Code for each major unit being changed.

Section 3. That Section 16-53 of the Code of Ordinances of the City of Naples is amended to read as follows (with underlining indicating additions and strikeout indicating deletions):

Sec. 16-53. Plan review fee.

A fee as set forth in appendix A to this Code will be charged at the time an application for a permit is received for processing. This fee is not refundable nor is it credited to any other fee. The plan review fee will be collected at the time of application unless it is less than $10.00. Plan review fees less than $10.00 will be collected when the permit is issued or billed to the applicant if the application is withdrawn.
Section 4. That Section 16-54 of the Code of Ordinances of the City of Naples is amended to read as follows (with underlining indicating additions and strikeout indicating deletions):

Sec. 16-54. Plan revisions.

Any time a project is revised or changed in any way after the application has been received then an additional fee will be charged the same as if an addition/alteration had been made to an existing structure.

Any time a project is submitted for revisions after the permit has been issued, an additional fee will be applied. Revisions that result in additional square footage will be charged in the same manner as when the permit was originally issued. Revisions that result in modifications only, will be charged a flat fee for each trade utilized. A plan review fee will be charged also in accordance with section 16-53.

Section 5. That subsections (e) and (f) are hereby added to Section 16-55 of the Code of Ordinances of the City of Naples which shall read as follows:

Sec. 16-55. Inspection fees.

(e) Fire inspection fee. All existing multi-family and commercial buildings shall be required to be inspected for existing fire code deficiencies in order to receive a Certificate of Occupancy or Certificate of Completion. The inspection fee shall be applied as set forth in appendix A of this Code.

(f) Partial Inspection. For every partial inspection made, a fee shall be applied as set forth in appendix A of this Code.

Section 6. That Section 16-58 of the Code of Ordinances of the City of Naples is amended to read as follows (with underlining indicating additions and strikeout indicating deletions):

Sec. 16-58. Miscellaneous fees.

(a) Charter Boat Temporary use permit. The fee for a charter boat temporary use permit application shall be as set forth in appendix A to this Code. A separate fee shall be charged for each initial application and for each request for an extension of time. The fee for a temporary use permit application for charter boats shall be as set forth in appendix A to this Code. A temporary use permit for a charter boat shall not be extended. Separate applications are required for multiple uses, such as more than 1 construction trailer on a site.

(b) Garage sale permit. There shall be no fee for garage sale permits.

(c) Contractor name change. The fee for a contractor name change on a building permit shall be as set forth in appendix A of this Code.

(d) Building permit extension fee. A contractor may request an
Ordinance 08-12122

extension of time to the expiration date on a building permit up to ninety (90) days. When a contractor requests an extension of time on a building permit, there shall be a fee as set forth in appendix A of this Code.

Section 7. That Section 16-52 of Appendix A, Fees and Charges Schedule of the Code of Ordinances of the City of Naples is amended to read as follows (with underlining indicating additions and strikeout indicating deletions):

§ 16-52. Building permit fees.

(1) New residential structure permit: $0.50 per square foot of the gross square footage of the structure. Minimum fee: $50.00 $150.00.

(2) New commercial structure permit: $0.50 per square foot for the first 50,000 square feet, $0.40 per square foot for the second 50,000 square feet and $0.30 for the balance of the gross square footage of the structure. Minimum fee: $200.00 $150.00.

(3) Additions and alterations permit: $0.50 per square foot of the gross square footage of the additional structure and/or the area being altered. Minimum fee: $150.00.

(4) Demolition/moving permit: $0.10 $0.20 per square foot.

(5) Electrical permit: $0.10 per square foot. Minimum fee: $70.00 $100.00.
   a. Low Voltage permit fee: $70.00.

(6) Plumbing permit: $0.10 per square foot. Minimum fee: $70.00 $100.00.

(7) Mechanical permit: $0.10 per square foot. Minimum fee: $70.00 $100.00.

(8) Fire alarm and suppression systems permit: $0.10 per square foot. Minimum fee: $70.00 $100.00.

(9) Site work permit: $0.02 per square foot of site outside of the building area permitted in one of the permits above.

(10) Right-of-way permit: (Driveways and Sidewalks) $0.50 per square foot of right-of-way. Minimum fee: $150.00.

(11) Temporary use permits (type I), application fee: $35.00 $50.00.

(12) Temporary use permits (type II): No fee.

(13) Accessory structures (type I) permit: $0.30 per gross square footage of the structure. Minimum fee: $70.00 $100.00.

(14) Accessory structures (type II) permit: $70.00 $100.00.

(15) Change-out permit: Flat rate fee, $50.00 for each major unit being first unit changed.
(15) Mechanical change-out permit: $60.00 for first unit changed and $20.00 for each additional unit.

(16) Stormwater permit fee: $0.05 per square foot of lot size.

(17) Re-roof permit fee: $5.00 per square foot. Minimum fee: $70.00.

Section 8. That Section 16-54 of Appendix A, Fees and Charges Schedule of the Code of Ordinances of the City of Naples is amended to read as follows (with underlining indicating additions and strikeout indicating deletions):

§ 16-54. Plan Revision fee: $35.00 per trade.

Section 9. That Section 16-55 of Appendix A, Fees and Charges Schedule of the Code of Ordinances of the City of Naples is amended to read as follows (with underlining indicating additions and strikeout indicating deletions):

§ 16-55. Inspection fees.

(1) Generally: $40.00 -- $100.00 per hour.

(2) Inspections after hours: $50.00 -- $70.00 per hour.

(3) Re-inspection fee: $50.00 for the first, $75.00 for the second and $100.00 for the third.

(4) Time certain inspection: $70.00 per inspection.

(5) Partial inspection: $25.00 for second and subsequent inspections.

(6) Fire inspection fee for multi-family and commercial buildings: $100.00.

Section 10. That Section 16-58 of Appendix A, Fees and Charges Schedule of the Code of Ordinances of the City of Naples is amended to read as follows (with underlining indicating additions and strikeout indicating deletions):

§ 16-58(a). Temporary use permit application.

(1) Generally: $25.00.

(2) Charter boats: $50.00, plus an additional $50.00 per day of operation.

§ 16-58. Miscellaneous fees.

(1) Charter boat Temporary Use Permit: $50.00, plus an additional $50.00 per day of operation.

(2) Garage sale permit: no fee.

(3) Contractor name change on building permit: $50.00.
Ordinance 08-12122

(4) Building permit extension fee: $35.00 for 90 days.

Section 11. That Section 16-59 of Appendix A, Fees and Charges Schedule of the Code of Ordinances of the City of Naples is amended to read as follows (with underlining indicating additions and strikeout indicating deletions):

§ 16-59. Contractor licensing fees.

(1) Lawn maintenance contractors:
   a. Each competency card application . . . . 10.00
   b. Lawn maintenance certificate of competency . . . . 75.00

(2) State certified contractors:
   a. Contractor's registration of new state license . . . . 10.00
   b. Contractor's biannual renewal of license . . . . 5.00-10.00

Section 12. If any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 13. That all sections or parts of sections of the Code of Ordinances, City of Naples, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 14. This ordinance shall take effect 30 days after adoption at second reading.

APPROVED AT FIRST READING THIS 4TH DAY OF JUNE, 2008.


Bill Barnett, Mayor

Attest: Tara A. Norma, City Clerk

Approved as to form and legality: Robert D. Pritt, City Attorney

M:\REF\COUNCIL\ORD\2008\08-12122

Date filed with City Clerk: 7-22-08