



## CITY OF BELLE ISLE, FLORIDA CITY COUNCIL AGENDA ITEM COVER SHEET

**Meeting Date:** December 1, 2020

**To:** Honorable Mayor and City Council Members

**From:** B. Francis, City Manager

**Subject:** “After the Fact” (ATF) Permits

**Background:** As a result of the November 4, 2020 meeting on the above subject, the City Council directed that the City staff prepare a draft ordinance for “after-the-fact” (ATF) permits. The issue still remaining is the amount of fines to be levied for ATF permits as defined below and working without a permit (WWP) as defined below.

Currently Belle Isle is double the permit fee, but it is not much of a deterrent. However if the Council wants to continue with this fee, then there is no need to change the BIMC. For my reasons stated in my previous two memos, I believe that this could be an issue for property owners and staff at some time.

To reiterate, permits are essential because they provide a permanent record of the work performed and inspections conducted on the project. It is important to meet code standards to ensure safety for current and future owners. Codes are not only written for safety reasons, but also for environmental and energy saving considerations. For the property owner, a home or business is an investment. If a construction project does not comply with the codes, the value of the investment could be reduced. Also, property insurers may not cover work or damages caused by work done without permits and inspections. Lastly, the City could make the owner take down the unpermitted work and therefore the project is more expensive.

### **AFT or AFT/WWP**

Work done without a permit prior to March 1, 2010 will be considered “**After-The-Fact**”. Work done after March 1, 2010 will be considered “**Working Without a Permit**”

“**After-The-Fact**” is defined as “an improvement made to a property prior to March 1, 2010. The improvement has been existing, used, occupied, or otherwise known to the current owner as legal and is not shown, located or identified upon any property record within the permitting department of the city.”

“**Working Without a Permit**” will be defined as “commencement of an improvement made or completed to a property after March 1, 2010 and prior to the issuance of a permit; the improvement of which may include building, electrical, gas, mechanical, plumbing, or roofing work.”

### **After-The-Fact Permit**

The purpose of the ATF permit is not to verify compliance with the current code, but to observe if the current state of the building, structure, or any component is safe to utilize for its' intended use. Many un-permitted improvements were built years ago, and as such, they may not be in compliance with the current Florida Building Codes and the BIMC.

An ATF permit does not grant permission to make alterations, changes, renovations, or any remodeling improvement which is the function of a regular building permit. The ATF permit is intended to be a vehicle to document the existing improvement, legitimize existing improvements through inspections, insure the un-permitted work is safe, and inform any current and future interested parties the result of ATF inspections.

ATF permits can be considered as the grand-fathering of un-permitted improvements. The improvements of which have been existing, used, occupied, or otherwise known to the current owner as legal and not shown, located or identified upon any property record within the city.

To assist properties affected with un-permitted improvements the city would establish a policy to simplify the issuance of permits and simplify the process of inspections for ATF work.

### **Working Without a Permit**

Working without a permit (WWP) is defined as the commencement of an improvement made or completed to a property after March 1, 2010 and prior to the issuance of a permit; the improvement of which may include building, electrical, gas, mechanical, plumbing, or roofing work or work identified, observed, or revealed during the course of an investigation or inspection of a valid permit; the work of which was not specifically described on the original permit application for which the permit was issued. In this instance, the permit applicant will be required to stop their current improvement and obtain approval of their revisions from the building official prior to recommencing their project. This may also require the permit applicant to get another permit for any improvement not included with the original description of work.

### **FEES**

1. ATF fee would be the cost of a permit plus any inspection costs related to inspections.
2. WWP fee: \$500 and double the cost of the permit fee plus all costs related to the issuance of the permit and inspections.

**Staff Recommendation:** Direct the staff to prepare the ordinance for a first reading based on tonight's discussion and recommendations.

**Suggested Motion:** I move that we direct that Ordinance 20-13 be written in final form with changes approved this evening and read the ordinance for the first time at the December 1, 2020 Council Meeting.

**Alternatives:** Do not change the current code

**Fiscal Impact:** TBD

**Attachments:** Draft ordinance 20-13.