

ORDINANCE NO. 2021-4404

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 14, "ENTITLED "BUILDING REGULATIONS," DIVISION 2, "PERMIT FEES," AT SECTION 14-61, ENTITLED "PERMITTING FEES, GENERALLY" TO TEMPORARILY WAIVE PERMIT FEES FOR ELECTRIC VEHICLE CHARGING STATIONS ON PRIVATE PROPERTIES UNTIL MARCH 31, 2023; AMENDING APPENDIX A, "FEE SCHEDULE," TO REFLECT ELECTRIC VEHICLE CHARGING STATION PERMIT FEE WAIVERS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach (the "City") has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

WHEREAS, the City declares that it is in the interest of the public health, safety, and welfare of its residents and visitors to reduce pollutants in the air, on the lands, and in the waters of the City; and

WHEREAS, greenhouse gas ("GHG") emissions from gasoline and diesel-powered vehicles trap heat in the atmosphere and contribute to the warming of the Earth; and

WHEREAS, GHG emissions also contribute to sea level rise, which is a growing and imminent threat to the health, safety, and welfare of residents, visitors, and businesses in Miami Beach; and

WHEREAS, the City has endorsed the pledge in the Global Covenant of Mayor for Climate & Energy to reduce GHG emissions at the City-level, track progress, and enhance resilience to climate change, in a manner that is consistent with and complimentary to national level climate protection efforts; and

WHEREAS, electric vehicles generate reduced greenhouse gas emissions as compared to gasoline and diesel-powered vehicles; and

WHEREAS, the availability of strategically placed electric vehicle charging stations throughout the City promotes the use of electric vehicles ("EV") by making them convenient and readily available; and

WHEREAS, benefits to the City from increased EV use include improved air quality, quieter and more livable streets, and decreased dependency on fossil fuels; and

WHEREAS, if EV charging stations are not readily available, the driving public is hesitant to invest in an EV due to "range anxiety" and as such, expansion of EV charging stations is necessary in order to establish a network of stations that will allow this technology to flourish; and

WHEREAS, the City Code establishes fees for development review, permitting, and other services to cover the City's costs of implementing the regulations contained therein; and

WHEREAS, on October 27, 2020, the Sustainability Committee passed a motion recommending the City Commission waive or reduce the permitting fees for a period of two

years for the installation of EV charging stations to incentivize and facilitate emission-free driving in Miami Beach; and

WHEREAS, at the November 18, 2020 City Commission meeting, the Mayor and City Commission referred this discussion to the Land Use and Sustainability Committee (“LUSC”); and

WHEREAS, at its December 15, 2020 meeting, LUSC recommended temporary waiving the permitting fees from the Building, Planning and Fire departments for EV charging stations projects on private property for a two-year period, with the exception of projects with exterior or underground transformers; and

WHEREAS, the amendments set forth below are necessary to accomplish the above objectives.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. That Chapter 14, “Building Regulations,” Article II “Construction Standards,” Section 14-61, entitled “Permit fees, generally” of the Code of the City Miami Beach is hereby amended as follows:

Chapter 14. BUILDING REGULATIONS

* * *

Article II. Construction Standards

Sec. 14-61. Permit fees, generally.

- (a) *Levied.* Permits, inspections and other fees of the building department of the city are hereby levied and imposed and shall apply to building, plumbing, electrical and mechanical permits and other activities undertaken by that department as specified in appendix A. Permit fee line items include, but are not limited to: Building, plumbing, electrical, and mechanical as well as those line items associated with planning, fire, and public works. In addition, all permits will include line items for outside agencies; State of Florida, Department of Business and Professional Regulation (DBPR), Building Code Administrators and Inspectors (BCAI), and Miami Dade County Building Code Compliance Office (BCCO). The Mayor and City Commission of the City of Miami Beach may direct the city manager to waive building permit fees that include building, planning, public works, parking, fire, and environmental permits that are directly related to city projects. The city shall waive the city building permit fees (Building Department Permit Fee, Sanitation Surcharge, Training/Technology fee - Building) associated with a plumbing/building permit for an authorized residential property to connect the residential stormwater system into the city's stormwater system; provided, however, that the permit request to connect is received by the city within 365 days of substantial completion of the applicable city stormwater, sanitary sewer and potable water neighborhood improvement project. An authorized residential property is defined as a single-family home, with the finished floor of the residential structure located at a grade which is below the grade of the crown of the road fronting the residential structure. The city does not have the authority to waive state or county building

permit fees (Florida Building Code DBPR Fee, Florida Building Code Admin and Inspector Fund, and MDC Compliance Fee).

- (b) *Double fees.* Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing systems before obtaining the building official's approval or the necessary permits shall be subject to a penalty of 100 percent of the required permit fee, in addition to the required permit fees, plus a penalty for the first, second and subsequent offenses as outlined in appendix A.
- (c) *Reinspection fees.*
 - (1) With respect to inspections, if the city finds it necessary, in order to enforce compliance with the Florida Building Code, to conduct an inspection, after an initial inspection and one subsequent reinspection, of any project or activity for the same code violation specifically and continuously noted in each rejection, including, but not limited to, egress, fire protection, structural stability, energy, accessibility, lighting, ventilation, electrical, mechanical, plumbing, and gas systems, or other requirements identified by the rule of the Florida Building Commission, a fee of four times the cost of initial inspection or first reinspection, whichever is greater, for each subsequent reinspection shall be paid. The inspection cost is determined by multiplying the actual time spent by the inspector by the inspection fee hourly rate, as defined in subsection 14-61(g) and as specified in appendix A.
 - (2) Payment of the reinspection fee shall be required before any subsequent permits will be issued to the person or entity owing same. Further inspections shall be withheld until payment of reinspection fees has been made.
- (d) *Lost plans fee.* When permitted set of plans are lost by the applicants, owners, contractors, or any of their representatives, a recertification fee will be required to reproduce, stamp and approve a new set of plans as a field copy. Such fee shall be based on a cost per page as specified in appendix A, plus an administrative processing fee as outlined in appendix A.
- (e) *Revised plans processing fee.* The charge for plans processing of revisions to a permitted set of plans shall be as specified in appendix A, plus an administrative processing fee as outlined in appendix A.
- (f) *Lost permit card fee.* After a permit has been issued, if the permit inspection card has been lost, a replacement fee as specified in appendix A shall be charged.
- (g) *Inspection fee.* The inspection fee shall be as specified in appendix A.
- (h) *Plans re-review fee.* When extra plans reviews are due to the failure to correct Florida Building Code discipline requirements specifically and continuously noted in each rejection, including, but not limited to, egress, fire protection, structural stability, energy, accessibility, lighting ventilation, electrical, mechanical, plumbing, and gas systems, or other requirements identified by the rule of the Florida Building Commission, in compliance with F.S. § 553.80(2)(b), each time after the third such review that plans are rejected for the same code requirement, a fee shall be charged, per discipline, as determined in appendix A.
- (i) *Expedited plans review and inspection fee.* Upon request from the applicant, the department may schedule an expedited plan review or inspection, on an overtime basis by city staff. When such service is provided, a fee as specified in appendix A shall be charged, in addition to the regular permit fee and other applicable fees. Expedited plan review service may be requested by the applicant at a charge, per discipline, as determined in appendix A, in addition to the other applicable fees required for the work.

- (j) *Permits for work not identified in appendix A.* If it is determined that no specific fee category directly matches a permit application request, the building official may identify a category that closely matches the level of effort or determine what the work will be charged at based on the time dedicated for plans review and inspection. The building official may require an upfront fee and a deposit to cover the estimated cost of the services to be provided.
- (k) *City projects.* The cost of enforcing state statutes, the building code, or the city's land development regulations on city related projects will be reimbursed based on the actual time spent in the processing, review and inspection of such projects. The payment will be due prior to issuance of the certificate of occupancy or completion for the project. Effective October 1, 2011, for any active permit applied for on or after February 1, 2010, fees shall be based on the permit fee schedule in place at the time of the permit application submittal and should be paid accordingly.
- (l) *[Annual adjustment of rates.]* The rates in appendix A pertaining to this division will be administratively adjusted annually to reflect increase(s) or decrease(s) in the Consumer Price Index for all urban consumers, CPI-U.
- (m) *Electronic concurrent plan processing.* In order to create a more efficient permitting process, the building department may be implementing procedures to process plans electronically via an automated workflow. Once implemented, the department may request that applicants submit plans in an electronic format. If the applicant chooses to submit paper plans, the director, or his designee has the authority to invoice for reimbursement of the conversion of documents submitted to an electronic format.
- (n) *Phase permits.* The building official is authorized by the Florida Building Code to provide early start approval. The holder of such permit shall proceed at the holder's own risk with the building construction and without assurance that a permit for the entire structure will be granted. A fee as specified in appendix A shall be paid.
- (o) *Private provider fee.* When a property owner uses the services of a licensed private company for plan review and inspections services (private provider), the fee will be assessed as a regular building permit with a discount of 40 percent of the original building permit fee. If only the inspections are done by the private provider, then the fee will be assessed as a regular building permit with a discount of 25 percent of the original building permit fee.
- (p) *Photovoltaic waiver.* All photovoltaic related building permit fees will be waived to promote the use of photovoltaic energy.
- (q) *Electric vehicle charging stations waiver.* All permitting fees for electric vehicle charging station installation projects on private property shall be waived, except for electric vehicle charging station installation projects with exterior or underground transformers. The waiver of permitting fees in this subsection shall automatically sunset and shall be repealed on March 31, 2023.

* * *

SECTION 2. Attached to this Ordinance is amended Appendix A, amending certain building permit fees.

SECTION 3. REPEALER

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith are hereby repealed.

SECTION 4. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 5. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this 17 day of March, 2021.

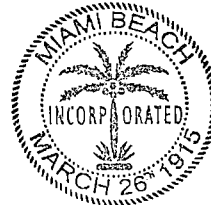


Dan Gelber, Mayor

ATTEST:



Rafael E. Granado, City Clerk



(Sponsored by Commissioner Mark Samuelian
Co-sponsored by Commissioner Michael Gongora)

Underlines denote additions
Doublelines denote additions at the second reading
~~Strikethrough~~ denotes deletions

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

2-1-21

Date

Exhibit "A"

APPENDIX A - FEE SCHEDULE

Pursuant to section 1-15 of this Code, this appendix includes all fees and charges established by the city commission that are referred to in the indicated sections of the Code of Ordinances. Certain specified fees and charges, as identified herein, shall be subject to annual adjustment by the city manager, pursuant to the provisions of section 1-15 and this Appendix "A". A schedule of all current city fees and charges as set forth in Appendix "A" shall be maintained on the city's website.

Section of this Code	Description	Amount (Sales tax or other taxes may apply)
	* * *	
	Chapter 14. Building Regulations Part I	
	* * *	
	<i>Division 2. Permit Fees</i>	
	* * *	
14-61(p)	Photovoltaic fees	0.00
<u>14-61(q)</u>	<u>Electric vehicle charging stations fees</u>	<u>0.00</u>
14-62(a)	Up-front processing fee: Percent of estimated permit fee or the minimum processing fee, whichever is greater	
	* * *	

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Raul J. Aguila, Interim City Manager
DATE: March 17, 2021

10:10 a.m. Second Reading Public Hearing

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 14, "ENTITLED "BUILDING REGULATIONS," DIVISION 2, "PERMIT FEES," AT SECTION 14-61, ENTITLED "PERMITTING FEES, GENERALLY" TO TEMPORARILY WAIVE PERMIT FEES FOR ELECTRIC VEHICLE CHARGING STATIONS ON PRIVATE PROPERTIES UNTIL MARCH 31, 2023; AMENDING APPENDIX A, "FEE SCHEDULE," TO REFLECT ELECTRIC VEHICLE CHARGING STATION PERMIT FEE WAIVERS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

RECOMMENDATION

The Administration recommends that the Mayor and City Commission approve the Ordinance on Second Reading.

BACKGROUND/HISTORY

On October 27, 2020, the Sustainability Committee passed a motion recommending that the City Commission waive or reduce the permitting fees for a period of two years for the installation of electric vehicle (EV) charging stations to incentivize and facilitate emission-free driving in Miami Beach.

At the City Commission meeting on November 18, 2020, the Mayor and City Commission referred this discussion to the Land Use and Sustainability Committee (LUSC). The item was sponsored by Commissioner Mark Samuelian and co-sponsored by Commissioner Michael Gongora.

At the December 15, 2020 LUSC meeting, the Committee passed a motion with a favorable recommendation to adopt an ordinance waiving permitting fees for Building, Planning and Fire departments for EV charging stations projects on private property, for a period of two years. This would not apply to projects with exterior or underground transformers.

ANALYSIS

The availability of strategically placed charging stations throughout the City promotes the use of EVs, by making them convenient and readily available. Benefits to the City from increased EV

use include improved air quality, quieter and more livable streets, and decreased dependency on fossil fuels. However, one of the inherent challenges for this technology to gain mainstream acceptance is analogous to the "chicken or the egg" conundrum. If EV charging stations are not readily available, the driving public is hesitant to invest in an EV due to "range anxiety", resulting in trips that are in close proximity to only known EV charging stations points. The expansion of EV charging stations is necessary in order to establish a network of stations that will allow this technology to flourish.

On January 13, 2016, the Mayor and City Commission approved the Electric Vehicle Parking Ordinance (Ordinance No. 2016-3988), to help expand the availability of EV parking. The Ordinance requires that at least two percent of the required off-street parking spaces be designated for level 2 EV parking. The City has agreements in place with Blink and Tesla to install EV charging stations in municipal garages, and currently has 13 stations installed. In addition, the Convention Center has close to 30 charging stations.

The Sustainability Committee recommended that the Mayor and City Commission waive or reduce the permitting fees for a period of two years for the installation of EV charging stations in Miami Beach. Currently, the Building and Planning Departments waive building and zoning permitting fees for solar photovoltaic (PV) projects to incentive solar installation projects.

The Building, Planning, Fire, and Environment & Sustainability Departments evaluated the recommendations from the Sustainability Committee. Analyzing 2020 data, there were seven building permit applications related to the installation of EV charging stations. These applications resulted in \$5,841.55 in permitting fees. Therefore, the overall fiscal impact is anticipated to be minimal.

The attached Ordinance amends Section 14-61 of the City Code, under Chapter 14 "Entitled Building Regulations", under Division 2 "permit fees", waiving permitting fees for Building, Planning and Fire departments for EV charging stations projects on private property for a period of two years. The Ordinance does not apply for projects with exterior or underground transformers, as these projects could potentially require additional permitting reviews and inspections and/or variance and land use board review.

SUPPORTING SURVEY DATA

Less than half of Miami Beach residents are satisfied with the City efforts to be a green or sustainable city.

CONCLUSION

The Administration recommends that the Mayor and City Commission approve the Ordinance on Second Reading.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

Strategic Connection

Environment & Infrastructure - Reduce greenhouse gas emissions and heat.

Legislative Tracking

Environment and Sustainability

Sponsor

Commissioner Mark Samuelian and Co-sponsored by Vice-Mayor Gongora & Commissioner Steinberg

ATTACHMENTS:

Description

- Ordinance