

Sec. 14-37. - Building permits; professional plans; display of permits.

(a) *Building permit required; display.* Building permits shall be procured from the building official before performance of any work or construction of any character, whether permanent or temporary. Within 48 hours after it is issued, the applicant must cause the permit to be posted and displayed at the work site so that it is readily visible from an adjacent public street throughout the term of the work. No work shall be performed unless a proper permit is so posted.

(b) *Professional plans required.* Professional plans shall be required as follows:

(1) Plans for work requiring a building permit shall be submitted in duplicate or in triplicate if required by the state to the building official and shall be prepared by, and bear the seal of, an architect or structural engineer duly registered in the state, except if the work is by the owner-occupant upon a one- or two-family residence, and the work is cosmetic, nonstructural repair, alteration or addition.

(2) Notwithstanding subsection (b)(1) of this section, plans for work which requires a building permit and which involves mechanical, plumbing or electrical repairs, alterations or additions shall be prepared by and shall bear the impress seal of an engineer duly registered in the state, as reasonably required in the interest of health and safety by the building official.

(c) *Work done by owner-occupant.* A building permit may be issued to the owner-occupant of real property to construct or cause to be constructed, while the owner-occupant is present on the site, a one- or two-family residential structure for his own use and not offered for sale or lease or to repair the structure without being required to be a qualified contractor himself in accordance with this article and without being required to employ a licensed contractor. The owner-occupant may not construct or repair or cause the construction or repair of more than one such structure during any one-year period.

Sec. 90-356. - Building permits required.

(a) No building or other structure shall be erected, demolished, moved, added to, or structurally altered without a **building permit** issued by the chief building official.

(b) In accordance with F.S. § 380.04, changes in use classification of a building or structure shall also require a development permit issued by the chief building official.

(c) All **building permits** issued shall be in conformity with the provisions of the fire codes, the building codes, and the land development regulations, except after written order in the form of an administrative review or a variance from the board of adjustment as provided for in the land development regulations. No **building permit** shall be granted unless the developer has submitted all requisite plans and permits required by the city and other entities having jurisdiction. No **building permit** shall be issued until concurrency management program requirements in chapter 94 are met.

(d) Any required supportive written documentation from other essential public facility and service agencies must be submitted and shall demonstrate that sufficient capacity exists to supply the proposed development.

(Ord. No. 97-10, § 1(1-2.3(A)), 7-3-1997)

Sec. 90-357. - Application for **building permit.**

(a) All applications for **building permits** for any structure shall be accompanied by a development plan, if required pursuant to article II of chapter 108. Where development plan approval is required, the approved development plan, including a construction management plan and schedule as provided in section 108-248, if the construction period is anticipated to exceed one year, and all other required components, shall be submitted with the **building permit** application. If no development plan is required pursuant to article II of chapter 108, the application for a **building permit** shall include a scale drawing at one inch to 20 feet, in triplicate, showing the following:

(1) A survey prepared and certified by a state-registered land surveyor showing the actual dimensions and shape of the lot to be built upon.

(2) The exact sizes and locations on the lots of buildings already existing, if any.

(3) The location and dimensions of the proposed building or alteration.

(4) When applicable, the required parking spaces, loading and unloading spaces, maneuvering space and openings for ingress and egress.

(5) When applicable, grading and drainage plans meeting the South Florida Water Management District requirements and showing any and all cuts, fills and provisions for adequately carrying off surface water on premises plus provisions for any surface water which would naturally flow over or through the area. Such plans shall be reviewed and approved by the city engineer.

(6) All applications shall contain written documentation from the Florida Keys Aqueduct Authority and the city, including but not limited to the city engineering department, which states that the respective public facilities have sufficient existing capacity to supply the proposed development or that capacity will exist upon completion of the proposed development.

(7) Such other information as required by the city planner, city engineer or chief building official, including but not limited to the following:

- a. Existing or proposed building construction or alteration;
- b. Existing or proposed uses of the building and land;
- c. The number of families, housekeeping units, or rental units the building is designed to accommodate;
- d. Conditions existing on the lot; and
- e. Such other matters as may be necessary to determine conformance with and provide for the enforcement of the land development regulations.

(b) One copy of the plans shall be returned to the applicant by the chief building official, after the chief building official shall have marked such copy either as approved or disapproved as attested to by signature of the chief building official on the copy. The original and one copy of the plans, similarly marked, shall be retained by the building department.

(Ord. No. 97-10, § 1(1-2.3(B)), 7-3-1997)

Sec. 90-358. - Building permit time limitations.

(a) After a **building permit** has been issued, the permittee must commence construction within 90 days following issuance of the permit. A **building permit** shall expire if construction activity is dormant for a period of six months. Similarly, a **building permit** shall expire if the developer fails to call for and achieve approved inspections within planned 120-day intervals as shall be evidenced in the construction schedule.

(b) Large scale developments may be phased. However, no single phase of development shall exceed a period of two years. Prior to commencing each phase of a phased development, the permittee shall be required to obtain a new **building permit** unless the multiphased project has a construction span less than two years.

(c) No **building permit** shall be valid for a period longer than two years.

(Ord. No. 97-10, § 1(1-2.3(C)), 7-3-1997)

Sec. 90-359. - Expiration of building permits.

(a) A **building permit** shall be declared null and void if any of the following conditions fail to occur:

- (1) The construction shall commence within 90 days from the time the **building permit** was released;
- (2) The structures accommodating the principal use shall be entirely completed within two years following the release of the **building permit** or within the period identified in the development plan's construction management plan and schedule;
- (3) The construction activity shall be continuous, and no period of dormancy shall exist for six months or more; and
- (4) The developer shall call for and achieve approved inspections within a 120-day interval as required pursuant to the building code or the approved construction management plan and schedule.

(b) Barring force majeure, no extension shall be granted once a **building permit** has expired.
(Ord. No. 97-10, § 1(1-2.3(D)), 7-3-1997)

Sec. 90-360. - Notice requirement for expired **building permits.**

If any conditions identified in section 90-359 fail to occur, the chief building official shall cancel the permit and give written notice to the permittee. If construction has commenced, the notice shall also be sent to the contractor. The notice shall describe the nature of the violation and/or the condition causing the permit expiration and shall state that no further work described in the canceled permit shall proceed unless and until a new **building permit** has been obtained. Notwithstanding, if the development was the subject of a construction management plan which included a city-approved schedule for construction activity beyond a one-year period, the terms of the construction schedule shall be used as the basis for rendering decisions regarding permit expiration. Barring force majeure, no extension shall be granted once a **building permit** has expired.

(Ord. No. 97-10, § 1(1-2.3(E)), 7-3-1997)

Sec. 90-361. - Phased projects.

Large scale developments may be phased. However, no single phase of development shall exceed a period of two years. Prior to commencing each phase of a phased development, the permittee shall be required to obtain a new **building permit** unless the multiphased project has a construction span less than two years. No **building permit** shall be valid for a period longer than two years.

(Ord. No. 97-10, § 1(1-2.3(F)), 7-3-1997)

Sec. 90-362. - Temporary certificates of occupancy.

A temporary certificate of occupancy may be issued by the chief building official to accommodate extraordinary conditions for a period not exceeding 90 days during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may require special conditions and safeguards which the city deems necessary to protect the safety of the occupants and the public. Violations of provisions contained in the temporary certificate of occupancy or other related violations occurring on properties operating pursuant to a temporary certificate of occupancy shall be a violation of the building code and/or land development regulations, as applicable, and shall be punishable as provided in article VI of chapter 2.

(Ord. No. 97-10, § 1(1-2.3(G)), 7-3-1997)

Sec. 90-363. - Certificate of occupancy—Required.

No land or building or part thereof erected or altered in its use or structure after the effective date of the ordinance from which this section derives shall be used until the chief building official shall have issued a certificate of occupancy stating that such land, building, or part thereof

and the proposed use thereof are found to be in conformity with the provisions of the land development regulations. Development permits shall also be required as provided in section 90-356. It shall be the duty of the chief building official to make a final inspection of the building or premises and to issue a certificate of occupancy if the land, building or part thereof and the proposed use thereof are found to conform with the land development regulations or, if such certificate is refused, to state such refusal in writing together with the cause. Failure to obtain a certificate of occupancy shall be deemed a violation of the land development regulations.

(Ord. No. 97-10, § 1(1-2.3(H)), 7-3-1997; Ord. No. 98-14, § 3, 5-5-1998)

Sec. 90-364. - Same—Restrictions and limitations.

Building permits or certificates of occupancy issued on the basis of plans and applications approved by the chief building official shall authorize only the use, arrangements, and construction set forth in approved plans and application. No other use, arrangement or construction shall be allowed unless a new certificate of occupancy is issued and such use complies with all applicable requirements of the land development regulations as well as all adopted building and fire codes, including advisory standards of the National Fire Protection Association Code. Unauthorized use, arrangement, or construction activity shall be deemed a violation of the land development regulations.

(Ord. No. 97-10, § 1(1-2.3(I)), 7-3-1997)

Sec. 90-365. - Violations and penalties.

Proceeding with any type of construction or use without an approved authorization for a **building permit** or land use shall be a violation of the land development regulations and punishable as provided in section 1-15 and in article VI of chapter 2.