



Cover Memorandum/Staff Report

File #: 24-859

Agenda Date: 9/16/2024

Item #: 7.H.

TO: Mayor and Commissioners
FROM: Anthea Gianniotas, Development Services Director
THROUGH: Terrence R. Moore, ICMA-CM
DATE: September 16, 2024

RESOLUTION NO. 191-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, UPDATING THE DEVELOPMENT SERVICES FEE SCHEDULE TO ADD NEW FEES FOR THE BUILDING MILESTONE RECERTIFICATION PROCESS, PURSUANT TO THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH, FLORIDA, SECTION 2.4.2(F) "FEES," ADOPTING NEW PERMIT FEES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommended Action:

Review and consider Resolution No. 191-24, amending and adopting the Development Services Fee Schedule to add fees for the Building Milestone Recertification review process.

Background:

In response to the building collapse in Surfside, Florida in 2021, an amendment was made to Section 553.899 Florida Statutes (2023), establishing a statewide structural inspection program. The Statute requires that condominiums and cooperative associations of three or more stories undergo a milestone inspection by December 31st of the year in which the building reaches thirty years of age and every 10 years thereafter; or, if the building is located within three miles of a coastline, the inspection must be performed by December 31st of the year in which the building reaches 25 years of age and every 10 years thereafter. The milestone inspection consists of a Phase I inspection during which an architect or engineer will complete a visual examination of the building's structural integrity and submit an inspection report and summary of findings to the Building Official, and if structural deterioration is found then, a Phase II inspection will be required to provide material findings and recommendations for repairing the structure. The Phase I and Phase II milestone inspection process requires that the City's Development Services Department maintain, process and review all inspection reports and monitor the progress of completing any requisite improvements.

In May 2024, notices were sent by certified mail to 52 property owners and/or homeowner's associations that qualified for the requisite milestone inspection process. Some of those developments that received a notice include more than one building, thereby requiring more than one report per development. To date, the City has received 11 responses, with 2 requiring a Phase II inspection. Those property owners and/or homeowner's associations that have not yet responded have until December 31, 2024 to submit the Phase I milestone inspection.

The proposed amendment to the fee schedule includes a \$150 fee for the Phase I milestone inspection and a \$250 fee for the Phase II milestone inspection. The fee will assist in cost recovery for staff review of development applications. A fee of \$50 is also included for a Certificate of

Completion once all requisite work has been completed. To determine the appropriate fee amounts, Staff reviewed the fees charged by other nearby municipalities, which ranged from no fee to \$500. Those properties with a single building and that require a Phase II inspection will have a total amount of \$500 in fees for this process.

It is important to note that those Development Application Fees, Plan Check Fees, Permit Fees, Impact and Connection Fees, User Fees, Delray Beach Fire-Rescue Department Fees, and Other Development Related Fees included in and adopted with Resolution No. 205-23 are not being modified and are carried forward as previously adopted.

City Attorney Review:

Approved as to legal form and sufficiency.

Funding Source/Financial Impact:

The new fees will assist in cost recovery related to Staff review of the Phase I and Phase II inspections, in addition to the issuance of a Certificate of Completion and maintenance of public records.

Timing of Request:

Development Services Staff has notified property owners and started receiving Phase I responses.