

ORDINANCE NO. 41-20

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES BY AMENDING CHAPTER 2, "ADMINISTRATIVE PROVISIONS," ARTICLE 2.4, "GENERAL PROCEDURES," SECTION 2.4.3, "SUBMISSION REQUIREMENTS," TO REMOVE THE DEVELOPMENT SERVICES FEE SCHEDULE FROM THE LAND DEVELOPMENT REGULATIONS AND TO UPDATE THE PROCEDURES FOR ESTABLISHING AND AMENDING DEVELOPMENT APPLICATION PROCESSING FEES; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Land Development Regulations ("LDRs") of the City of Delray Beach ("City") Code of Ordinances provide authority for the City Commission to amend, change, supplement, or repeal the LDRs from time to time; and

WHEREAS, the City determined development application fees should no longer be incorporated into Section 2.4.3 the LDRs, but rather be set through resolution; and

WHEREAS, the City is concurrently considering Resolution No. 133-20 to adopt a development application fee schedule upon this Ordinance becoming effective; and

WHEREAS, pursuant to Florida Statutes 163.3174(4)(c), the Planning and Zoning Board for the City of Delray Beach, sitting as the Local Planning Agency, considered this item at a public hearing on September 21, 2020, and voted 7 to 0 to recommend approval of the proposed text amendments, finding the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations; and

WHEREAS, the City Commission of the City of Delray Beach finds this Ordinance is consistent with the Comprehensive Plan, meets the criteria set forth the Land Development Regulations, and is in the best interests of the City.

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

Section 1. The recitations set forth above are incorporated herein.

Section 2. That Chapter 2, "Administrative Provisions," Article 2.4, "General Procedures," Section 2.4.3, "Submission requirements," of the Land Development Regulations of the City of Delray Beach, Florida,

be and the same is hereby amended to read as follows:

Sec. 2.4.3. - Submission requirements.

This Section sets forth items which are to accompany an application for development approval. These requirements may be waived when, on a case by case basis, the Director finds that such material is not relevant or necessary to fully analyze or make a determination relative to an application. Also, the Director may require submission of additional information as set forth herein.

- (A) ***Standard application items.*** Every application for a development approval shall contain the following items:
- (1) A completed application form, appropriate for the development approval which is sought, as provided by the Director.
 - (2) A copy of the latest warranty deed, as recorded with the County Clerk, for all the property under consideration, and a certificate from an attorney-at-law or a title insurance company certifying who the current fee simple title holders of record of the subject property are, and the nature and extent of their interest therein.
 - (3) If the applicant is other than a single person owner, the written consent of the owner(s) must be provided in a certified form. When an application is executed on behalf of a corporation or a business entity, documentation must be provided which demonstrates that the corporation's representative is authorized to act on behalf of the corporation.
 - (4) A vicinity map which clearly shows the subject property, adjacent properties, and their relationship to streets located, at a minimum, within one-half mile of the property. Vicinity map shall be at a scale that is readily readable and include sufficient landmarks to quickly identify location of proposed project.
 - (5) A survey or plat which shows the property described pursuant to the legal description contained in the warranty deed required in subsection (2), above. Such survey or plat shall show all improvements on the property and must be certified as reflecting conditions on the site as they existed within six months prior to the filing of the application.
 - (6) For all items which involve a public hearing which must be noticed by letter, a list of adjacent property owners pursuant to Section 2.4.2(B)(1)(n).
 - (7) Copy of a letter of notification to the utility providers referenced in Section 2.4.2(C)(2)(a) to which a copy of the site plan or plat is provided. (Standard form letter to be provided by the City). ~~{Reference 2.4.2(C)(2)(a)}~~.
 - (8) Payment of the appropriate processing fee-~~See,~~ which shall be adopted pursuant to the procedures outlined in Section 2.4.3(K).
 - (9) A completed "School District of Palm Beach County - School Concurrency Application and Service Provider Form", and a check or money order for the appropriate fee, made payable to: The School District of Palm Beach County. This is required for all projects which include residential dwelling units.

(B) - (J) (These sections shall remain in full force and effect as adopted.)

(K) ***Fees.*** Processing fees shall be collected for development applications. The fees shall be ~~as established herein and as modified by ordinance~~ established by resolution of the City Commission. One copy of the Fee schedule shall be identified as an official copy and shall be kept on file with the City Clerk for public use, inspection, and examination. A copy of the fee schedule shall be kept on file with the Development Services Department for use, inspection and examination by City Staff and any applicant. One digital copy of the official copy of the adopted Fee schedule shall be posted to the City's website with development applications.

(1) ***Exceptions.***

(a) Application and permit fees shall not apply to requests initiated by the City, any agency of the City, or by other units of government.

(b) Waiver of payment of development application, plan check and permit fees may be granted by the City Manager upon a written request from eligible non-profit and service organizations. Those organizations eligible for waiver consideration are:

1. Non-profit organizations currently receiving a portion of their annual operating budget from the United Way and/or the City and possessing a 501C(3) designation from the State of Florida.
2. Service organizations which elect to sponsor and participate in special event and/or fund raising activities that are of benefit to the general public. For this purpose, eligible organizations must provide in writing the extent of their involvement with the proposed activity. A group's physical presence (active involvement) during the event is required.

(c) The waiver of fees is applied in the following manner:

1. For fees assessed for development applications, 100 percent of assessed fees may be waived.
2. For Plan Check and Permit Fees, no more than 70 percent of the assessed fees may be waived.
3. All fees may be waived for the use of the City's portable stage when used in conjunction with special event activities and activities held at City facilities.

(1) ~~***Development applications.*** The following fees shall be charged for development applications. All fees are cumulative and separate unless otherwise indicated. Combined applications shall provide multiple fees.~~

~~Fees repealed and replaced by [Amd. Ord. 20-15 10/6/2015]~~

(a) Abandonment easement row (specific)	\$1,000.00
(b) Abandonment of easement row (general)	\$1,000.00
(c) Abandonment of right of way	\$3,000.00
(d) Ad Valorem tax; Historic	\$100.00

(e)	Address—New Assignment	\$100.00
(f)	Annexation—Voluntary	\$3,000.00 (2)
(g)	Appeals—Administrative and all boards	\$1,000.00
(h)	Beach Overlay Fee (N. Beach/Seagate and Ocean)	\$2,000.00 (1)
(i)	Beach Project Zoning Verification Letter	\$250.00
(j)	Blanket Sign Program	\$250.00
(k)	Blanket Sign Program Amendment	\$150.00
(l)	Site Plan Review	
	Class I	\$500.00
	Class II	\$750.00
	Class III	\$1,500.00 (1)
	Class IV	\$3,000.00 (1)
	Class V	\$5,000.00 (1)
	Reduced to \$4,000.00 with prior sketch plan review within one year.	
(m)	Color Change—SPRAB Approval Required	\$100.00
(n)	Commercial Parking Lot Permit	\$1,000.00
(o)	Comp Plan Amendment/FLUM (large scale)	\$10,000.00
(p)	Comp Plan Amendment/FLUM (small scale)	\$5,000.00
(q)	Comp Plan Text Amendment—Text Amendment	\$5,000.00
(r)	Conditional Use	\$3,000.00
(s)	Conditional Use Amendment	\$1,500.00
(t)	Extensions	
	Class I—Extension	\$150.00
	Class II—Extension	\$250.00
	Class III—Extension	\$500.00
	Class IV—Extension	\$1,000.00
	Class V—Extension	\$1,500.00
	Extension—COA Major	\$500.00
	Extension—Extension Minor	\$150.00
	Extension—Conditional Use	\$1,000.00
(u)	Historic COA Major	\$1,000.00
(v)	Historic COA Minor	\$500.00

(w)	Historic Appeal	\$750.00
(x)	Historic COA Relocation	\$585.00
(y)	Historic Demolition (change Principal or greater than 25 percent)	\$1,500.00
(z)	Historic Demolition: Accessory or less than 25%	\$750.00
(aa)	Historic Designation—District	\$250.00
(bb)	Historic Designation/Change (change individual)	\$250.00
(cc)	In Lieu of Parking Fees	\$500.00
(dd)	Land Development Text Amendment	\$5,000.00
(ee)	Master Plan	\$3,000.00 (1)
(ff)	Master Plan—Amendment	\$1,500.00
(gg)	Master Sign Modification (SPRAB)	\$250.00
(hh)	Master Sign Program	\$500.00
(ii)	Off Site parking Agreements (per ten pages)	\$500.00
(jj)	Plat Major Subdivision	\$3,000.00 (1)
(kk)	Plat—Minor Subdivision	\$1,500.00 (1)
(ll)	Postponement Request	\$150.00
(mm)	Public Notice Signs (per sign)	\$100.00
(nn)	Redevelopment Plan Modification	\$5,000.00
(oo)	Resubmittal Fee (3rd and subsequent)	\$500.00
(pp)	Rezoning/SAD	\$5,000.00
(qq)	Similarity of Use—Determination	\$500.00
(rr)	Sketch Plan—Formal Review	\$1,500.00
(ss)	Stand Alone Bar	\$500.00
(tt)	Temporary Use—Request—City Commission	\$300.00
(uu)	Variance—Historic Preservation Board/BOA	\$1,500.00
(vv)	Waivers—Administrative (per Waiver)	\$500.00
(ww)	Waivers after site or master plan submittal	\$2,500.00
(xx)	Waivers during site or master plan review	\$1,000.00
(yy)	Water Service Agreement—without concurrent site plans	\$500.00
(zz)	Zoning Verification letter/LDR Interpretation	\$250.00

~~NOTES:-~~

- ~~(1) Plus an additional fee of \$100.00 per acre, (or fraction thereof), beginning at 3.01 acres; or \$100.00 for each new 10,000 square feet (or fraction thereof) above 100,000 square feet of non-residential or mixed-~~

~~use floor area; or \$50.00 for each new ten residential units (or fraction thereof) above 100 units, whichever is greater, up to a maximum of \$3,000.00 per project.~~

- ~~(2) Fee may be waived by the City Manager, for properties that have already been developed, or for sites under one acre in size.~~
- ~~(3) The Applicant shall be responsible for all advertising fees including newspaper publications. The applicant shall provide pre-addressed envelopes with the required postage for mailed notices. If the required advertising fees are not paid at least four days prior to the hearing, the presiding body, shall postpone action on the application until such fees are paid. In the event such postponement results in additional mailing or publication costs the applicant shall be responsible for the additional fees.~~
- ~~(4) Recording fees of any documents shall be paid by the Applicant.~~
- ~~(5) An applicant may file a request with the Planning and Zoning Director for the development application review to be performed by an outside consultant selected by the City of Delray Beach, to provide a fast-tracked review. If the request is approved by the Director, the applicant shall pay prior to review an initial preliminary deposit of \$10,000.00 which shall be credited toward the overall costs, and shall pay additional deposits of half of the initial deposit whenever the account balance is 20 percent or less of the original deposit. The review costs shall cover 120 percent of the total administrative and outside consultant fees required for the review. At the time the Director determines that no further action is necessary for the review of the request, any remaining funds shall be refunded to the applicant within two months of the determination.~~

~~(2) **Plan check fees.**~~

- ~~(a) The Plan Check fee shall be paid when plans are submitted to apply for the applicable permit. The fee shall be equal to one-half of the permit fee [see item (3)]. This Plan Check fee shall be credited to the cost of the applicable permit at its time of issuance and is non-refundable.~~
- ~~(b) A Change to Plans or Shop Drawings Fee of \$75.00 per discipline for the first sheet plus \$1.00 per each additional sheet shall be charged for any Plans not submitted with the original permit application.~~
- ~~(c) A Master Plan Submission Fee of \$1,500.00 shall be paid when the Master Plan for a project is submitted and is for Plan Review. It is not part of the permit fee and is non-refundable.~~

- ~~(3) **Permit fees.** Fees associated with permits are applicable per the following. All fees are cumulative and separate unless otherwise indicated. Combined applications shall provide multiple fees. No permit fees are included in the imposition of application fees.~~

~~Fees amended by [Ord. 23-12 8/7/12]; [Ord. 51-09 10/20/09]; [Ord. 33-09 8/4/09]; [Ord. 25-07 8/21/07]; [Ord. 42-02 10/15/02]~~

- ~~(a) Shrub Clearing Permit: \$100.00 and \$20.00 for each additional acre above one acre~~
- ~~(b) Tree Removal Permit: \$25.00 per tree~~
~~Where a tree has died due to natural causes including disease, lethal \$0.00~~

~~yellowing, freezing temp., lightning and storms, or if the tree is of a prohibited species, there shall be no permit fee even though inspection and permit requirements shall be met.~~

- ~~(c) Temporary Use, not requiring City Commission action (e.g. Tents) \$150.00~~
- ~~(d) Work in the Public Right of way \$15.00~~
- ~~(e) Renewal/Extension of Permit \$150.00~~
- ~~(f) Signs and Signing~~
 - ~~Application Fee \$25.00~~
 - ~~Minimum Permit Fee \$25.00~~
 - ~~Permit Fee, non electric \$ 3.00/square feet / face~~
 - ~~Permit Fee, electric \$20.00/Plus \$3.00/square feet /face~~
 - ~~Master Sign Permit Fee \$150.00~~
 - ~~Master Sign Permit Modification~~
 - ~~Requiring SPRAB action \$75.00~~
 - ~~Banner Permit \$50.00 each~~
- ~~(g) Permits for new buildings and additions which include all the following items:-~~
 - ~~1. Building Permit~~
 - ~~2. Electrical Permit~~
 - ~~3. Plumbing Permit~~
 - ~~4. Mechanical Permit~~
 - ~~5. Roofing Permit~~
 - ~~For permit activity valued at \$1,000.00 or less:-~~
 - ~~— Minimum fee of: \$50.00~~
 - ~~— Plus: \$30.00 per required inspection~~
 - ~~— Plus: \$50.00 per re-inspection (1)~~
 - ~~— Plus: \$100.00/each change of contractor~~
 - ~~For permit activity valued at \$1,001.00 or more:-~~
 - ~~— Minimum fee of: \$50.00 and \$22.00 per each additional \$1,000.00 of value, or fraction thereof~~
 - ~~— Plus: \$50.00 per re-inspection (1)~~
 - ~~— Plus: \$100.00/each change of contractor~~
- ~~(h) Permits for miscellaneous items such as driveways, fences, reroofs,~~

~~residential pools, utility sheds, patios, sidewalks, landscaping, irrigation:-~~

~~For permit activity valued at \$1,000.00 or less:-~~

~~— Minimum fee of: \$40.00-~~

~~— Plus: \$30.00 per required inspection-~~

~~— Plus: \$50.00 per reinspection (1)-~~

~~— Plus: \$100.00/each change of contractor-~~

~~For permit activity valued at \$1,001.00 or more:-~~

~~— Minimum fee of: \$40.00 and \$22.00 for each additional \$1,000.00 of value or fraction thereof-~~

~~— Plus: \$50.00 per reinspection (1)-~~

~~— Plus: \$100.00/each change of contractor-~~

~~(i) Permits for sub trade work including, but not limited to:-~~

~~1. Site work-~~

~~2. Structural Pest Control-~~

~~3. Underground Fuel Tanks-~~

~~4. General Construction-~~

~~5. Subcontracts for General Construction-~~

~~6. Commercial Public Pool-~~

~~For permit activity valued at \$1,000.00 or less:-~~

~~— Minimum fee of: \$50.00-~~

~~— Plus: \$30.00 per required inspection-~~

~~— Plus: \$50.00 per re-inspection (1)-~~

~~— Plus: \$100.00/each change of contractor-~~

~~For permit activity valued at \$1,001.00 or more:-~~

~~— Minimum fee of: \$50.00-~~

~~— Plus: \$42.00 for each \$1,000.00 of value or fraction thereof-~~

~~— Plus: \$50.00 per re-inspection (1)-~~

~~— Plus: \$100.00/each change of contractor-~~

~~(j) Moving of a building or structure:-~~

~~\$400.00-~~

~~(k) Demolition of single family residence:-~~

~~\$150.00 for every 3,000 square feet or fraction thereof~~

~~Demolition of commercial structure:-~~

~~\$250.00 for every 5,000~~

	square feet or fraction thereof
Demolition of commercial accessory building:-	\$150.00 per building
Interior demolition for single family and commercial only; non-structural:-	\$200.00
(l) Drilling or Driving a Potable well:-	\$70.00
(m) Change-out Permits: A change-out permit is for work by a sub-trade contractor or qualified owner-builder which involves the repair or replacement of minor components. Minor components include, but are not limited to, showers, sinks, water heaters, air-conditioning condenser units, air handlers, heat strips, minor duct repair, electrical fixtures, electrical service upgrades, pool pumps, irrigation systems pumps and accessories, and ceiling fans.-	
Value of less than \$200.00:-	\$0.00
Value of \$200.00 to \$1,000.00:-	\$50.00
Value greater than \$1,000.00 per normal permit	
(n) Certificate of Occupancy:-	
— \$25.00 for single family and duplex	
— \$50 for commercial and multi-family	
— Conditional Certificates: \$700.00	
(o) Penalty for failing to call for a final inspection:-	\$100.00
(p) Penalty where work is begun without a permit: Where work for which a permit is required is started or proceeded with prior to obtaining said permit, the fees herein specified shall be tripled. The payment of such triple fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work, nor from any other penalties prescribed herein.-	
(q) All service stations, grocery stores, kidney dialysis centers, pharmacies, residential buildings with elevators, country clubs and/or clubhouses in residential communities shall be permitted to install generators and all appurtenances related to generators including fuel storage areas and screening and all permit fees for installation shall be waived. [Amd. Ord. 21-06 4/18/06]-	
(r) Construction Trailer/Container:-	\$250.00 each plus sub-trade permits-
(s) Sales Trailer:-	\$750.00 each plus sub-trade permits-
(t) Accessory Buildings:-	
Pre-Fab:-	
Up to 36 square feet:-	\$50.00 +

	\$30.00 per required inspection
37 square feet and above:	\$100.00 + \$30.00 per required inspection
Site Built:	
Up to 36 square feet:	\$100.00 + \$20.00 per required inspection
37 square feet and above:	\$150.00 + \$20.00 per required inspection
(u) Electrical Inspection of Unoccupied Property for Meter Installation:	
Residential	\$250.00
Commercial	\$300.00
(v) Electrical "Temp for Test" 30-day Power Release:	
Up to 2,000 square feet	\$100.00
2,000 square feet to 5,000 square feet	\$150.00
5,001 square feet to 50,000 square feet	\$200.00
50,001 square feet and over	\$300.00
(w) Flood Zone Determination	\$25.00 per property
(x) Foundation Only Permit	\$1,200.00 single family
	\$2,000.00 multi-family
	\$3,000.00 commercial
(y) Early Submission Fee (pre-certified site plan)	\$200.00 each
(z) Lost/Replacement Plans	\$150.00 plus printing costs

(aa) Custom Bathtub Inspection	\$50.00 per inspection
(bb) Open Permit/Property Search	\$15.00 per request
(cc) Overtime Inspections	\$100.00/hr (4-hour minimum)
(dd) Engineer Letter or Affidavit	\$50.00 per inspection
	\$100.00 final inspection
(ee) Stocking Permit	\$250.00
(ff) Liquor License Review	
 —Business	\$100.00 per Application
 —Special Event	\$25.00 per Application

~~NOTE~~

~~(1) Reasons necessitating additional inspection fees include, but are not limited to:~~

- ~~* The work, or correction to previously inspected work, does not meet code requirements;~~
- ~~* An incorrect address is on the application by action of the applicant;~~
- ~~* The work, or correction to previously inspected work, is not ready for inspection at the time specified in the application for reinsertion.~~

~~(4) **Impact and connection fees.** Impact and connection fees are paid at the time of issuance of a residential building permit or at the time of connection to the water or sewer system, as applicable.~~

~~(a) In lieu of Park Dedication Fee (residential development) [see Section 5.3.2(C)(1)]: \$500.00 per unit.~~

~~(b) **Traffic impact fee.** This fee shall be assessed pursuant to the Palm Beach County Traffic Impact Fee ordinance and shall be collected by the City at the time of issuance of appropriate building permits.~~

~~(c) **County imposed impact fees.** The following impact fees have been imposed Countywide by the Palm Beach County Commission. These fees shall be in the amount as established by that Commission and are to be paid at the time of issuance of building permits.~~

~~— Schools~~

~~— Regional Recreation Facilities (partial)~~

~~Countywide fees which are not imposed due to the provision of services by the City of Delray Beach are:~~

- ~~— Local and Community Facilities~~
- ~~— Law Enforcement Facilities~~
- ~~— Fire and Emergency Medical Facilities~~
- ~~— Library Facilities~~

~~(d) **Water system connection fees.** Refer to Section 52.31, City Code of Ordinances, for water system connection fees.~~

~~Meter installation charge: Refer to Section 52.32, City Code of Ordinances, for meter installation fees.~~

~~(e) **Sewer system connection fees.** Refer to Section 53.130(B), City Code of Ordinances, for residential and commercial sewer system connection fees.~~

~~(5) **User fees.** User charges and storm water assessments are applied through monthly billings by the City.~~

~~(a) **Water system user fees.** See Chapter 52 of the Code of Ordinances of the City of Delray Beach, Florida.~~

~~(b) **Storm water drainage utility fee.** This fee is variable depending upon the type of use and amount of impervious area associated with its development. Please refer to Section 56.16 of the City Code for further information.~~

~~(c) **Sewer system user fees.** See Chapter 53 of the Code of Ordinances of the City of Delray Beach, Florida.~~

~~(6) **Delray Beach Fire-Rescue Department fees.**~~

~~(a) The following formula, which is based on the valuation of the proposed work, shall be used to determine plans review fees.~~

\$0.00 up to \$100,000.00	Charge 0.5% total valuation of work. With a minimum of \$50.00. (This works out to \$5.00 per thousand dollars of value.)
\$100,001.00 to \$250,000.00	Charge \$500.00 for the first \$100,000.00 and then charge 0.25% of the balance of the value.
\$250,001.00 to \$750,000.00	Charge \$875.00 for the first \$250,000.00 and then charge 0.125% of the balance of value.
\$750,001.00 to \$2,000,000.00	Charge \$1,500.00 for the first \$750,000.00 and then charge 0.0625% of the balance of the value.
\$2,000,001.00 and up	Charge \$2,281.25 for the first two million and then charge 0.03125% of the balance of the value.

(b) ~~Set forth below are examples of valuations and estimated correlating fees.~~

Estimated Valuation	Plan Review Fees
\$10,000.00 and under	\$50.00
\$100,000.00	\$500.00
\$200,000.00	\$750.00
\$300,000.00	\$937.50
\$400,000.00	\$1,062.50
\$500,000.00	\$1,187.50
\$600,000.00	\$1,312.50
\$700,000.00	\$1,437.50
\$800,000.00	\$1,531.25
\$900,000.00	\$1,593.75
\$1,000,000.00	\$1,656.25
\$1,100,000.00	\$1,718.75
\$1,200,000.00	\$1,781.25
\$2,000,000.00	\$2,281.25

(c) ~~**Design review.** A fee of \$100.00 will be charged for design review of drawings or specifications. This amount shall not be refunded.~~

(d) ~~**Civil drawings.** A fee of \$100.00 will be charged for the plans review of all civil drawings.~~

(e) ~~**Plan revisions.** The following fees shall apply to the various revisions and related services:~~

1. ~~Pre Permit Minor Revision:~~ No charge.
2. ~~Pre Permit Major Revision:~~ 10% of the original fee.
3. ~~Post Permit Revision:~~ \$5.00 per page, with a minimum fee of \$20.00, except when value increases (then see schedule).
4. ~~Restamp:~~ \$2.50 per page with a minimum fee of \$10.00.
5. ~~Invalid Permits:~~ 30% of the original fee. If construction has commenced, payment of a fee for the remaining construction is based on the original schedule.

- ~~(f) **Water flow tests.** A fee of \$150.00 shall be paid for all flow tests performed by Delray Beach Fire Rescue on wet hydrants.~~
- ~~(g) **Fire watch.** A fee equal to the overtime cost incurred by Delray Beach Fire Rescue shall be paid for any Fire Watch (as defined by the Florida Fire Prevention Code) required by the Florida Fire Prevention Code or by the Fire Rescue Department.~~
- ~~(h) **Fire Department survey (water supply).** There shall be a twenty-five-dollar charge for any survey conducted by Delray Beach Fire Rescue to establish the adequacy of water supply, distance to closest fire station, and/or any other pertinent insurance information.~~
- ~~(i) **Permits for fire-related operations.** There shall be a twenty-five-dollar permit charge for hazardous operations included in Section 1.12.20 of the Florida Fire Prevention Code, and identified by Delray Beach Fire Rescue as requiring a permit.~~
- ~~(7) **Other development related fees.**~~
 - ~~(a) Radon detection fee: \$0.01 per square foot of the improvement.~~
- ~~(8) **Exceptions.**~~
 - ~~(a) Application and permit fees shall not apply to requests initiated by the City, any agency of the City, or by other units of government.~~
 - ~~(b) Waiver of payment of development application, plan check and permit fees may be granted by the City Manager upon a written request from eligible non-profit and service organizations. Those organizations eligible for waiver consideration are:~~
 - ~~1. Non-profit organizations currently receiving a portion of their annual operating budget from the United Way and/or the City and possessing a 501C(3) designation from the State of Florida.~~
 - ~~2. Service organizations which elect to sponsor and participate in special event and/or fund raising activities that are of benefit to the general public. For this purpose, eligible organizations must provide in writing the extent of their involvement with the proposed activity. A group's physical presence (active involvement) during the event is required.~~
 - ~~(c) The waiver of fees is applied in the following manner:~~
 - ~~1. Fees assessed under Section 2.4.3(K)(1), Development Applications, 100 percent of assessed fees may be waived.~~
 - ~~2. Fees assessed under Section 2.4.3(K)(2) and (3), Plan Check and Permit Fees, no more than 70 percent of the assessed fees may be waived.~~
 - ~~3. All fees may be waived for the use of the City's portable stage when used in conjunction with special event activities and activities held at City facilities.~~

(L) - (M) (These sections shall remain in full force and effect as adopted.)

Section 3. All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

Section 4. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 5. Specific authority and direction is hereby given to the City Clerk to codify this Ordinance.

Section 6. That this ordinance shall become effective immediately upon its passage on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this ____ day of _____, 2020.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

First Reading _____

Second Reading _____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney