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ORDINANCE NO. 2017-299

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 12 ENTITLED "LAND DEVELOPMENT CODE" BY SPECIFICALLY CREATING SECTION 12-7 TO BE ENTITLED "MINIMUM WORK AND HOURLY REQUIREMENTS AND CONSTRUCTION TIME SCHEDULE"; PROVIDING FOR A CONSTRUCTION SCHEDULE; PROVIDING REVOCATION OF BUILDING PERMIT; PROVIDING FOR REINSTATEMENT OF BUILDING PERMIT BY THE TOWN COMMISSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission has determined that the quality of life enjoyed by residents of the Town is adversely affected in the Town when construction projects exceed reasonable time limits; and

WHEREAS, the Town Commission finds that the increase in vehicular traffic caused by construction projects has an adverse impact on the residents of the Town; and

WHEREAS, the Town Commission finds that the failure to complete a construction project within a reasonable time has detrimental impact on the aesthetics of the Town of Hillsboro Beach given the existence of fencing, dumpsters, and accumulation of construction materials; and

WHEREAS, the Town Commission deems it appropriate and in the best interests of the residents of the Town of Hillsboro Beach to amend its Code of Ordinances to establish a maximum time for completion of construction and establish a schedule for completion; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF HILLSBORO BEACH, FLORIDA THAT:

Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

Section 2. Chapter 12 of the Code of Ordinances is hereby amended to create Section 12-7 to be entitled "Minimum work and hourly requirements and construction time schedule" which shall read as follows:

SECTION 12-7. Minimum work and hourly requirements and construction time schedule.

A. Definitions:

Permit shall be defined as any and all permits issued by the Town or on its behalf for any construction projects undertaken on a lot or lots in the Town. Such permits shall include but not be limited to building and demolition permits.

1 B. Agreed maximum time schedule for completion of construction. A maximum time is established for
 2 the completion of construction projects as set forth in the construction schedule that follows herein.
 3 The maximum time is a condition of all applicable permits, and acceptance of the permit by the
 4 permit holder or property owner constitutes consent to such condition. Failure of the permit holder
 5 or property owner to pursue construction under the permit in accordance with the maximum time
 6 schedule shall be prima facie evidence that the construction project has not commenced or has been
 7 suspended or abandoned. Such prima facie evidence shall be in addition to any other evidence that
 8 construction under the permit has not been commenced or has been suspended or abandoned under
 9 the permit. For purposes of this section, the maximum time schedule shall commence as of the date
 10 of the issuance of the demolition permit or building permit, whichever shall occur first.

11 MAXIMUM TIME FOR ISSUANCE OF A CERTIFICATE OF OCCUPANCY

	<u>Maximum Time Permitted</u>
I. <u>Small projects:</u> All new or remodel 3,999 gross square feet or less under roof	18 months
II. <u>Medium projects:</u> All new or remodel 4,000 gross square feet to 9,999 square feet	24 months
III. <u>Large projects:</u> All new or remodel 10,000 gross square feet to 12000 square feet	42 months
IV. Above 12,000 feet- any increment of 1,000 feet:	1 additional month

13 A courtesy notice may be given by the Town building official to the permit holder or property owner
 14 advising the permit holder or property owner that the permit has been revoked and is null and void due
 15 to a lack of progress or abandonment.

17 Gross square footage shall be defined as all square footage under roof and any square footage consisting
 18 of subterranean basements, patios, and courtyards.

19 C. Reinstatement of permit. In the event no request is made for extension of time from the above
 20 referenced schedule, all applicable permits issued by the Town shall be automatically and
 21 immediately terminated and all work shall cease and desist on the construction project. In order
 22 to resume work, the contractor and the permit holder must apply to the Town for an extension of
 23 time. The application for extension of time shall include specific reasons for the necessity of
 24 granting an extension of time, a revised construction schedule, proposed nuisance mitigation
 25 measures, and a statement that notice to neighbors within 200 feet will be provided at least 15
 26 days prior to the hearing before the Town to consider the extension of time. The application for
 27 extension shall take place in a quasi-judicial proceeding and the Town Commission shall hear
 28 testimony of witnesses and review documentary evidence and thereafter may grant or deny the
 29 extension. In the event the Town Commission grants an extension, it may impose conditions on
 30 the extension which may include the implementation of mitigation measures deemed appropriate
 31 by the Town Commission and the imposition of an extension fee as established by resolution by
 32 the Town Commission for each day of the extension beyond the term set forth in the above stated
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1 construction schedule. If an extension of time is granted and in the case of a terminated permit,
2 a new permit application is required and the permit extension fee shall be paid.

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4 D. The issuance of the certificate of occupancy or completion shall be withheld until any fees
5 incurred under this section are paid. If the Town Commission does not approve the extension of
6 time, the permit holder and property owner may be required by the Town to remove all evidence
7 of construction, and ensure that the project conforms to all applicable provisions of the code.
8 Failure to cease construction or conform to all codes constitutes a violation and will be referred
9 to the Town's Special Magistrate.

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11 Section 3. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid,
12 the remainder of this Ordinance shall not be affected by such invalidity.

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14 Section 4. That all ordinances or parts of ordinances and all resolutions or parts of resolutions in
15 conflict with this Ordinance are repealed to the extent of such conflict.

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17 Section 5. It is the intention of the Town Commission of the Town of Hillsboro Beach, that the
18 provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Town of
19 Hillsboro Beach, Florida, and the Sections of this ordinance may be renumbered, re-lettered and the word
20 "Ordinance" may be changed to "Section," "Article," or such other word or phrase in order to accomplish
21 such intention.

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23 Section 6. This Ordinance shall be effective fifteen (15) days after its passage and adoption by the
24 Town Commission of the Town of Hillsboro Beach.

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26 PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO
27 BEACH, FLORIDA, ON FIRST READING, THIS 3rd DAY OF OCTOBER, 2017.

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33 PASSED ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH,
34 FLORIDA, ON SECOND AND FINAL READING, THIS 14TH DAY OF NOVEMBER, 2017.

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By: Deborah L. Tarrant
Deborah L. Tarrant, Mayor

ATTEST:

By: Sherry D. Henderson
Sherry D. Henderson, CMC
Town Clerk

