

RESOLUTION NO. 2024-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, PROVIDING FOR THE TEMPORARY WAIVER OF CERTAIN BUILDING PERMITS AND FEES FOR PROPERTIES AFFECTED BY HURRICANES HELENE OR MILTON WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF VENICE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, consistent with Chapter 553, Building Construction Standards of the Florida Statutes, the City of Venice (City) requires building permits pursuant to Chapter 88 of the City Code of Ordinances and Florida Statutes; and

WHEREAS, the City Council adopted Resolution No. 2022-15, which currently sets forth the schedule of fees and penalties relating to the review, issuance, and inspection of permits, permit amendments, and enforcement remedies; and

WHEREAS, in response to Hurricane Helene in September 2024 and Hurricane Milton in October 2024, the President of the United States, the Governor of the State of Florida, the Sarasota County Administrator, and the City of Venice City Manager each, under their respective authority, declared a State of Emergency to protect the health and safety of the community and property; and

WHEREAS, on September 26, 2024, high winds and storm surge from Hurricane Helene caused catastrophic flooding damage to structures and properties in the City; and

WHEREAS, while the City was still recovering from Hurricane Helene, on October 9, 2024, high winds and storm surge from Hurricane Milton caused further damage to structures and properties in the City; and

WHEREAS, Section 553.7922, Florida Statutes, specifically authorizes local governments to waive application and inspection fees for certain non-technical building permits that are subject to expedited issuance, including, but not limited to, roof repairs, reroofing, electrical repairs, service changes, or the replacement of one window or one door; and

WHEREAS, Section 252.38, Florida Statutes, authorizes the City to take whatever prudent action is necessary to ensure the health, safety and welfare of the community during a declared emergency; and

WHEREAS, pursuant to Florida Statutes Section 252.46 and Section 26-35 of the City Code of Ordinances, the City Manager has the power to issue emergency orders with the force of the law; and

WHEREAS, on October 29, 2024, the City Manager enacted Executive Order No. 2024-04 to temporarily waive certain building permit fees consistent with Section 553.7922, Florida Statutes; and

WHEREAS, to assist in the post-storm recovery of City residents, property owners, and local businesses, and to protect and promote the health, safety, and welfare of the general public, the City finds it in the best interest of the public to temporarily waive certain enumerated building permit and review fees for permit applications that are not anticipated to require a significant level of review and are submitted as a result of documented property damage caused by Hurricanes Helene or Milton.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA:

SECTION 1. Recitals. The above Whereas clauses are true and correct and are hereby ratified, confirmed, and incorporated fully herein by reference.

SECTION 2. Intent and Purpose. It is the intent and purpose of this Resolution to only address building or structural damage directly caused by Hurricanes Helene or Milton. This Resolution is not intended to apply to building permit applications filed with the City that are not related to repairing building or structural damage caused by Hurricanes Helene or Milton.

SECTION 3. Temporary Waiver of Certain Building Permit Fees. The City hereby provides that certain non-technical building permit fees are hereby waived for any building permit application that does not require technical review, including, but not limited to, roof repairs, reroofing, electrical repairs, service changes, or the replacement of one window or one door, filed with the City related to repairing building or structural damage caused by Hurricanes Helene or Milton. All such applications must be filed with the City's Building Department on or after September 27, 2024, but no later than January 31, 2025. In addition, building permit inspection fees for the permits described herein shall also be waived. For purposes of granting the building permit fee waiver, the Building Official or his or her designee shall be responsible for verifying that the repairs being permitted are directly related to damage caused by Hurricanes Helene or Milton. Notwithstanding the fee waiver authorized herein, all building application, licensing, insurance, inspection, and other building permit conditions required by law shall apply.

SECTION 4. Building Permit Extensions for Waived Permit Fees. This temporary waiver of building permit and review fees is intended to facilitate the repair and reconstruction of storm damaged structures from Hurricanes Helene or Milton. In order to reduce the amount of application submittals that seek to utilize the temporary fee waiver but fail to proceed with any construction activity, no extensions to these permits will be granted. If no work has commenced on any of the permits that have had the fees waived, they will be considered abandoned 180 days after issuance, and the applicant will have to reapply with new applications, plan packages and will be subject to all applicable fees and deadlines set forth within the Florida Building Code, including but not limited to 2023 FBC 105.3.2 and the City Code of Ordinances.

SECTION 5. Limitation. Except for the temporary permit and fee waiver specifically enumerated herein, this Resolution does not amend, suspend, waive, or modify any other building permit or review fees contained in City Resolution 2022-15. Additionally, this Resolution does not amend, suspend, waive, or modify any other existing regulations relating to building permits, reviews, or other regulations set forth within the City’s Code of Ordinances, the Florida Building Code, or Florida Statutes.

SECTION 6. Effect on Emergency Order. This Resolution shall supersede and replace Emergency Order No. 2024-04.

SECTION 7. Effective Date. This Resolution shall apply *nunc pro tunc* to eligible permit applications submitted to the City on or after September 27, 2024, through January 31, 2025. Accordingly, any administrative action related to the waiver of building permit and review fees as set forth herein that occurred prior to the execution of this Resolution is hereby ratified.

APPROVED AND ADOPTED AT A REGULAR MEETING OF THE VENICE CITY COUNCIL HELD ON THE 19TH DAY OF NOVEMBER 2024.

Nick Pachota, Mayor

ATTEST:

Kelly Michaels, MMC, City Clerk

I, Kelly Michaels, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true, and correct copy of a Resolution duly adopted by the City Council of the City of Venice, Florida, at a meeting thereof duly convened and held on the 19th day of November 2024, a quorum being present.

WITNESS my hand and official seal of said City this 19th day of November 2024.

Kelly Michaels, MMC, City Clerk

(S E A L)

Approved as to form:

Kelly Fernandez, City Attorney