



TOWN OF CUTLER BAY
Department of Community Development
Building Division
(305) 234-4193

FENCE PERMIT CHECKLIST

- Permit Application**
- Owner-Builder Affidavit (if applicable)**
- Fence detail and material type (2 copies)**
- Property Survey (2 copies)**
- Site Plan showing location and dimensions of the proposed fence. (2 copies)**
- Ticket Number from Sunshine Network**
- Addendum to Fence Permit (if applicable, generally corner lots only)**
- Up-Front Fee of \$130.00 (required for review)**



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NOTICE OF SURVEY REQUIREMENTS

The Cutler Bay Town Council recently adopted Ordinance 21-06 amending Section 3-42 of the Land Development Regulations to require submission of recent property boundary surveys as part of building permit applications and submission of property boundary and topographic surveys prior to closing out permits. These requirements are summarized below:

Pre-Construction Survey Required

For any project that will change the footprint of a structure, increase impervious area, alter setbacks or install fences, applicants are required to provide a survey that is less than 6-months old. If a survey is older than 6-months but less than 3-years, the property owner will have to provide a signed affidavit attesting that the survey is accurate and no changes were made since the time of the survey.

The survey has to include the following information at a minimum:

- Property boundaries
- Existing easements and servitudes
- Existing paved areas and impermeable surfaces
- All existing structures and setbacks, including sheds, accessory buildings, swimming pools, pool decks, screen enclosures.
- Existing fence lines

Post-Construction Survey Required

At the completion of the project, the property owner is required to submit an as-built survey of the property to document that the project was built in accordance with the approved plans. This survey must include everything required on the initial survey with the appropriate changes to reflect what was changed during the course of the project.

Topographic Survey Required

For any project which changes the drainage pattern of a property, including exterior alterations to buildings, installation of slabs, construction of pools or creations of berms, swales, or other drainage devices, a post-construction topographic survey must be provided to the town prior to the issuance of final approval or Certificate of Occupancy/Completion.

**REQUIREMENTS WILL BE FULLY ENFORCED BEGINNING ON
MONDAY, AUGUST 23, 2021.**



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SURVEY AFFIDAVIT

This form may be submitted in compliance with the provisions of Section 3-42 of the Land Development Regulations (Ordinance No. 21-06) for submittal of surveys older than 6-months but not exceeding 3-years.

Affidavit: To be executed by the owner.

If ownership is a corporation, Articles of Incorporation (full document filed with the Secretary of State) and a Board Resolution authorizing an individual or agent to sign on its behalf must be included. If ownership is an LLC (or similar), Articles of Organization (full document filed with the Secretary of State) and legal documentation authorizing an individual or agent to sign on its behalf must be included.

State of _____

County of _____

The undersigned Affiant, _____ (property owner), does hereby attest that the attached survey performed by _____ (surveyor’s company), performed on _____ (date of survey), is an accurate representation of the existing conditions and locations of all structures and improvements on the property as of the date of this Affidavit.

The purpose of this Affidavit is to induce the Town of Cutler Bay to issue a building permit for the property without providing a survey less than six (6) months old. The Affiant, as property owner, further agrees to remove or obtain permits for any structures which now may exist on the property which are not permitted or which may violate zoning or building code regulations. The Affiant further understands that the existence of any such structures or improvements may affect final inspections as applicable to this or other permits.

 (Owner/Affiant Signature)

_____ being first duly sworn, deposes and says that: They are the

Owner Partner Officer Agent of _____ and that they, in the capacity indicated above, are authorized execute this affidavit for the purpose of this application with the Town of Cutler Bay. Sworn to (or affirmed) and subscribed before me **by means of** ___ **physical presence** or ___ **online notarization** this _____ day of _____, 20_____. They were personally known _____ or produced _____ as a form of identification.

 Notary Public for the State of Florida

My Commission Expires: _____

 Name typed printed, or stamped.



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Permit No: _____
Address: _____

OWNER-BUILDER DISCLOSURE STATEMENT

You are applying for a building permit as an owner-builder. You should be advised of the following provisions and requirements that apply to owner-builders.

Proof of Ownership: Prior to a building permit being issued to you, you must submit proof of ownership of the land concerned in the application in the form of a recorded deed, showing you own the property, or a copy of mortgage or warranty deed of the land, or a Miami-Dade County tax receipt statement to contain legal description of property and indicate property is in your name. Legal description and name on document of proof must correspond to the name and legal description on the application.

Property Information: (If the property is unaddressed, address must be assigned prior to permitting.)

Property Address: _____

Folio No.: _____

Property Owner Information:

Property Owner Name: _____

Property Owner Address: _____

Property Owner Email: _____

Property Owner Telephone Number: _____

Owner's Certification:

Furthermore, as an owner-builder, I hereby certify and state:

1. I understand that state law and County code requires construction to be done by a licensed contractor and have applied for an owner-builder permit under an exemption from the laws. The exemption specifies that I, as the owner of the property listed, may act as my own contractor with certain restrictions even though I do not have a license.
2. I understand that building permits are required to be signed by a property owner unless he or she is responsible for the construction and is not hiring a licensed contractor to assume responsibility.
3. I understand that, as an owner-builder, I am the responsible party of record on a permit. I understand that I may protect myself from potential financial risk by hiring a licensed contractor and having the permit filed in his or her name instead of my own name. I also understand that a contractor is required by law to be licensed by the state of Florida or Miami-Dade County and to list his or her license numbers on permits and contracts.
4. I understand that I may build or improve a one-family or two-family residence or a farm outbuilding. I may also build a one-story building or addition of not more than 500 square feet for commercial use or perform maintenance or repairs not to exceed \$5,000 on any building I own or lease. The building or residence must be for my own use or occupancy. It may not be built or substantially improved for sale or lease, unless I am completing the requirements of a building permit where the contractor listed on the permit substantially completed the project. If a building or residence that I have built or substantially improved myself is sold or leased within 24-months of permit issuances, the law will presume that I built or substantially improved it for sale or lease, which violates the exemption, and I will be subject to further enforcement action.
5. I understand that, as the owner-builder, I must provide direct, onsite supervision of the construction.
6. I understand that I may not hire an unlicensed person to act as my contractor or to supervise persons working on my building or residence. It is my responsibility to ensure that the persons whom I employ have the licenses required by law and by county or municipal ordinance. Anyone contracting, including labor, with me, verbally or in writing, who are not properly licensed may be subject to a fine of \$500 and or imprisonment for six months.

Permit No: _____

Address: _____

7. I understand that it is a frequent practice of unlicensed persons to have the property owner obtain an owner-builder permit that erroneously implies that the property owner is providing his or her own labor and materials. I, as an owner-builder, may be held liable and subjected to serious financial risk for any injuries sustained by an unlicensed person or his or her employees while working on my property. My homeowner's insurance may not provide coverage for those injuries. I am willfully acting as an owner-builder and am aware of the limits of my insurance coverage for injuries to workers on my property.
8. I understand that I may not delegate the responsibility for supervising work to a licensed contractor who is not licensed to perform the work being done. Any person working on my building who is not licensed must work under my direct supervision and must be employed by me, which means that I must comply with laws requiring the withholding of federal income tax and social security contributions under the Federal Insurance Contributions Act (FICA) and must provide workers' compensation for the employee. I understand that my failure to follow these laws may subject me to serious financial risk.
9. I agree that, as the party legally and financially responsible for this proposed construction activity, I will abide by all applicable laws and requirements that govern owner-builders as well as employers. I also understand that the construction must comply with all applicable laws, ordinances, building codes, and zoning regulations.
10. I understand that I may obtain more information regarding my obligations as an employer from the Internal Revenue Service, the United States Small Business Administration, the Florida Department of Financial Services, and the Florida Department of Revenue. I also understand that I may contact the Florida Construction Industry Licensing Board for more information about licensed contractors.
11. I am aware of, and consent to, an owner-builder building permit applied for in my name and understand that I am the party legally and financially responsible for the proposed construction activity at the following address: _____.
12. I agree to notify Town of Cutler Bay Building Division immediately of any additions, deletions, or changes to any of the information that I have provided on this disclosure.

Licensed contractors are regulated by laws designed to protect the public. If you contract with a person who does not have a license, the Construction Industry Licensing Board and Department of Business and Professional Regulation may be unable to assist you with any financial loss that you sustain as a result of a complaint. Your only remedy against an unlicensed contractor may be in civil court. It is also important for you to understand that, if an unlicensed contractor or employee of an individual or firm is injured while working on your property, you may be held liable for damages. If you obtain an owner-builder permit and wish to hire a licensed contractor, you will be responsible for verifying whether the contractor is properly licensed and the status of the contractor's workers' compensation coverage.

Before a building permit can be issued, this disclosure statement must be completed and signed by the property owner and returned to the local permitting agency responsible for issuing the permit. A copy of the property owner's driver license, the notarized signature of the property owner, or other type of verification acceptable to the local permitting agency is required before the permit is issued.

I, the owner of property located at address _____ do hereby certify that I maintain the level of competency and the knowledge of the Florida Building Code necessary to assume the scope of work identified by the permit I have applied for. I will not undertake any work for which I do not feel I have sufficient competent knowledge of, and I will supervise all hired laborers, or hire licensed contractors. I have read the foregoing instructions and I am aware of my responsibilities and liabilities under my application for a building permit for construction work on the above-described property.

State of Florida, Miami-Dade County

Property Owner Signature

Print Name: _____

Sworn to and subscribed before me this _____ day of _____, 20____.

By: _____

Personally Known or ID: _____



SUNSHINE NETWORK AFFIDAVIT

Date: _____

Process Number: _____

To whom it may concern:

The undersigned, as owner of the property located at _____
Town of Cutler Bay, Florida, hereby absolves Town of Cutler Bay of any and all legal
Responsibility of any claims, loss, damage or expense which may arise as a result of the
placement of a _____ in the utility easement area. Furthermore,
I have contacted the following and have received their consent.

Sunshine Network: **811 or 1-800-432-4770**

Ticket Number _____ Date _____

Signature of Owner

Print Name _____





ADDENDUM TO FENCE PERMIT APPLICATION

COURTESY NOTICE RELATING TO SECTION 3-161 OF THE CODE OF THE TOWN OF CUTLER BAY

JOB ADDRESS: _____

It is understood that fences and walls that obstruct vision not exceed 2½ feet in height when located either within the right-of-way or the “safe sight distance triangle” as defined in Section 3-161 of Town Code. I further acknowledge that the issuance of this permit shall not be construed as permission to violate any provision of the Town Code.

Additionally, an As-Built survey may be required by the department at the owner’s expense, if there is a concern that the fence or wall encroaches on neighboring properties, easements or public right-of-way.

Please be advised, if violations are found to exist the law provides that tickets shall be issued resulting in penalties of up to \$250.00 per day (Chapter 8-10 of the Town Code)

Owner’s Name

Owner’s Signature

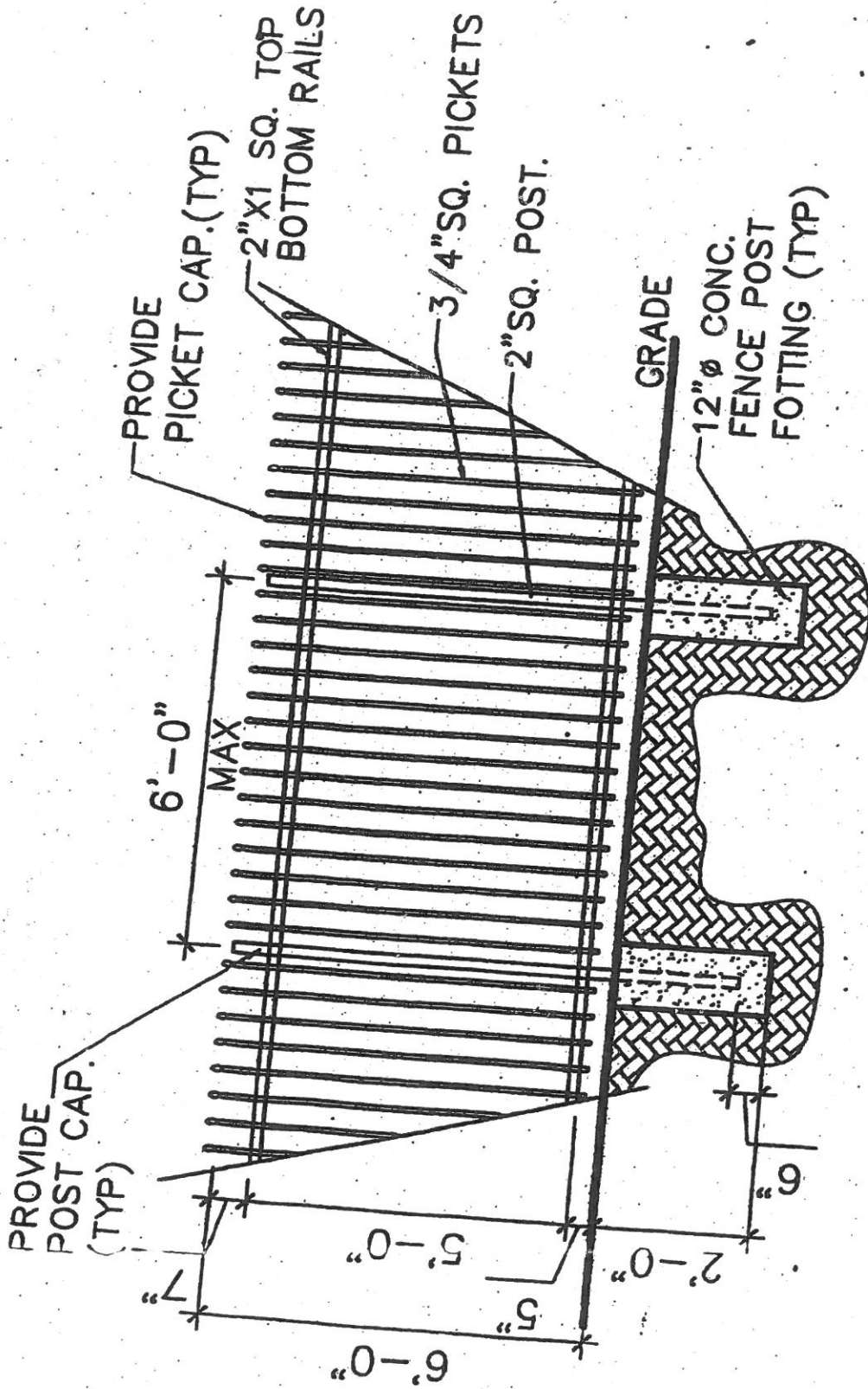
Date

Contractor’s Name

Contractor’s Signature

Date





NOTE : COMPONENTS SHALL BE OF ALUM. ALL CONNECTIONS TO BE WELDED

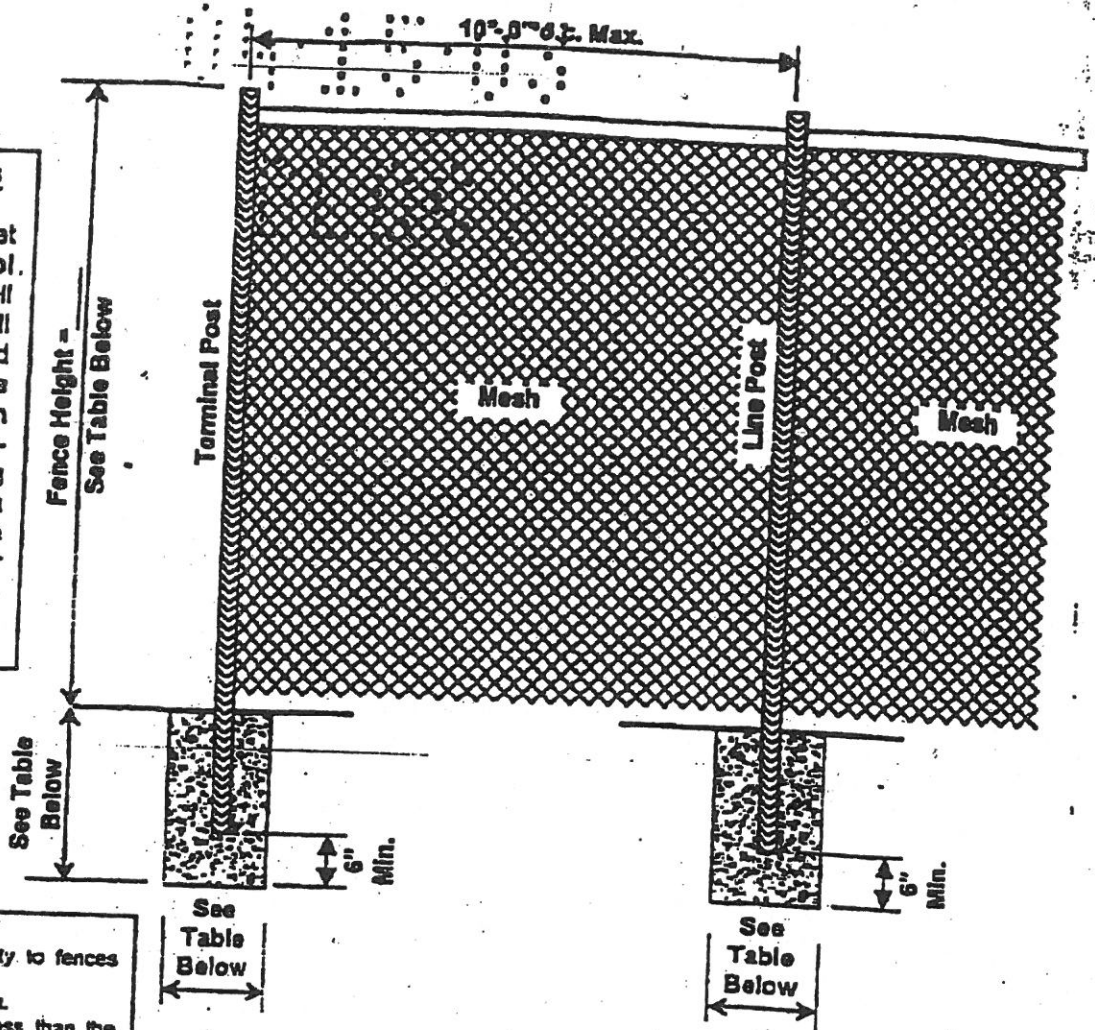
TYP. ALUM FENCE ELEVATION
DETAIL: 1
 SCALE: 1' = 1/4"

CHAIN LINK FENCE DESIGN DETAIL

N.T.S.

(ACCORDING TO THE F.B.C. SECTION 2224)

Notice to Properties with Pools:
 If the fence is to meet the criteria as a pool barrier, the fence shall not be climbable and all rails must be placed facing the inside of the property. Pedestrian gates shall have self-closing and latching devices installed at a minimum of 54" above ground. For further details see Section 424 of FBC.



- General Notes:**
1. This table is applicable only to fences with unrestricted airflow.
 2. Fabric: 12-1/2 gage minimum.
 3. Tension Bands: Use one less than the height of the fence in feet evenly spaced.
 4. Fabric Tie: Must be minimum the same gage of the fabric.
 5. Fabric Tie Spacing on the Top Rail: Five ties between posts, evenly spaced.
 6. Fabric Tie Spacing on Line Posts: One less than height of the fence in feet, evenly spaced.
 7. Either top rail or top tension wire shall be used.
 8. Braces must be used at Terminal Post if top-tension wire is used instead of Top Rail.
 9. In order to follow the contour of the land, the bottom of the fence may clear the contour of the ground by up to 3 inch without increasing table values to the next higher limit.

Fence Height	Terminal Post Size & Thick	Terminal Post Footing	Line Post Size & Thick	Line Post Footing
Up to 4'	2-3/8" x 0.042	10" x 24"	1-5/8" x 0.047	8" x 24"
Over 4' to 5'	2-3/8" x 0.042	10" x 24"	1-7/8" x 0.055	8" x 24"
Over 5' to 6'	2-3/8" x 0.042	10" x 24"	1-7/8" x 0.065	8" x 24"
Over 6' to 8'	2-3/8" x 0.110	10" x 24"	2-3/8" x 0.095	10" x 36"
Over 8' to 10'	2-7/8" x 0.110	12" x 40"	2-3/8" x 0.130	10" x 40"
Over 10' to 12'	2-7/8" x 0.160	12" x 42"	2-7/8" x 0.120	12" x 42"
Over 12'	Section 2224.1 FBC: Fences over 12' height shall be designed according to the loads specified in Chapter 16 (HVHZ).			

NOTICE: A MANDATORY FOOTING INSPECTION IS REQUIRED PRIOR TO POURING CONCRETE.

WOOD FENCE DESIGN DETAIL

N.T.S

(ACCORDING TO THE F.B.C.)

FINISHED
SIDE FACING
OUTWARDS

NOTE: ALL NAILS AND CONNECTIONS
SHALL BE GALVANIZED

5/8" WOOD PICKET MIN. DRESSED
THICKNESS. ATTACH EACH PICKET
TO RAILS WITH (2) 6D GALV. NAIL
OR #10 GALV. SCREW.

2"X4" NO. 3 WOOD RAILS (3) MINIMUM
ATTACHED TO WOOD POST WITH
MINIMUM (4) 10D NAILS.

4"X4"X8" P.T. No. 2 GRADE OR
BETTER WOOD POST

FENCE HEIGHT ABOVE GRADE	POST SPACING
6'-0"	4'-0"
5'-0"	5'-0"
4'-0"	6'-0"

10" DIAMETER
CONCRETE
FOOTING

NOTICE: INSPECTIONS REQUIRED

1. FOOTING
2. ZONING FINAL
3. BUILDING FINAL (LAST INSPECTION)

NOTICE TO PROPERTIES WITH POOLS:

IF THE FENCE IS TO MEET THE CRITERIA AS A BARRIER, THE FENCE SHALL NOT BE CLIMBABLE, ALL RAILS MUST BE PLACED FACING THE INSIDE OF THE PROPERTY. PEDESTRIAN GATES SHALL HAVE CLOSING AND LATCHING DEVICES INSTALLED MINIMUM 54" ABOVE GROUND. FOR FURTHER DETAILS SEE SECTION 424 OF F.B.C.

PRE-FAB WOOD FENCE PANELS:

PREASSEMBLED WOOD FENCE PANELS SOLD IN HARDWARE STORES ARE NOT COVERED BY THIS DETAIL. APPLICANT MUST OBTAIN THE NOTICE OF ACCEPTANCE PRODUCT APPROVAL (N.O.A.) FROM THE STORE, SUBMIT IT FOR PERMIT AND WHEN PERMIT IS OBTAINED, BUILD THE FENCE ACCORDING TO THE APPROVED DOCUMENT.

