

ORDINANCE NO. 2020-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 22, ARTICLE I, SECTION 22-2 OF THE PALM BEACH COUNTY CODE (ORDINANCE 87-12) PERTAINING TO LAND DEVELOPMENT FEES; PROVIDING FOR A REPEAL OF LAWS IN CONFLICT; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Palm Beach County (County) Unified Land Development Code (ULDC), as amended, requires that the County Engineer, through the Department of Engineering and Public Works (Department), process applications for preliminary plat and final plat approvals; review and either approve or deny applications for plat waivers and lot combinations; review and process construction plans and development under said applications; review and make recommendations to the County Zoning Commission for variances and to the Board of County Commissioners (Board) for Type II Waivers; and review and process other matters pursuant to ULDC Article 11; and

WHEREAS, The County's Right-of-Way Permitting Ordinance 2019-030 requires that the Department review, process, and either approve or deny applications to place or maintain facilities within County rights of way; and

WHEREAS, other ordinances of the County, including but not limited to the County Structure Moving Ordinance 73-2, as amended, require reviews, processing and approval or denial by the Department in accordance with procedures established by such ordinances; and

WHEREAS, the Board previously enacted the fee ordinance codified in Chapter 22, Article I, Section 22-2 of the Palm Beach County Code (Code), Ordinance 87-12, which provides that the Board shall by resolution establish, from time to time, a fee schedule to fund the various functions and services of the Land Development Division in the Department; and

WHEREAS, the Board now determines that Ordinance No. 87-12, should be amended, as set forth below.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that:

Part 1. Chapter 22, Article I, Section 22-2 of the Code is hereby amended as follows:

(a) It is the intent of this section that the functions and services, including publications, of the Land Development Division of the Department of Engineering and Public Works be funded to the greatest extent practicable by persons utilizing the services of and served by the Land Development Division.

(b) The Board of County Commissioners (Board) shall by resolution establish, ~~from time to time,~~ a fee schedule to fund the various functions and services of the Land Development Division of the Department of Engineering and Public Works, as well

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as other agencies that perform various functions and services on behalf of the Land Development Division. A fee shall be paid in accordance with the fee schedule established by the Board of County Commissioners for applications, permits, reviews, records, searches, publications, legal advertisements, and other administrative services of the Land Development Division and shall be paid at the time established by the County Engineer. Lack of provision in any ordinance, resolution, administrative order, policy, or memo for a fee shall not be construed as a limitation on the authority of the Board of County Commissioners to adopt a related fee.

~~(b)~~(c) Applications, petitions or permits initiated officially by the county County by its duly authorized agencies or officers are exempt from the payment of fees under the fee schedule. Additionally, any exemption from payment of fees specifically set forth in any ordinance of the county County shall govern.

~~(e)~~(d) The permit fee shall be four (4) times the fee set by the board of county commissioners Board pursuant to subsection (b) should work commence prior to the issuance of a permit as required by the County Engineer.

~~(d)~~(e) The fee schedule shall be evaluated and adopted on an annual basis on or about the first day of October of every year, commencing with the year 1988. The annual evaluation shall be conducted by the County Engineer. On October 1 of each year, each fee in the fee scheduled shall automatically increase by a percent equal to the percentage increase in the Consumer Price Index (CPI) from the previous fiscal year, with all fees rounded up to the nearest five dollar increment. The County Engineer shall amend the fee schedule to reflect the CPI increases, if any, by October 31. Any amendment to the fee schedule other than the amendment to reflect the automatic increase pursuant to the CPI must be done by Board resolution. The Home Builders and Contractors Association, Associated General Contractors and the Florida Engineering Society Industry Public input shall be given the opportunity to comment sought on any Board resolution that will amend the fee schedule prior to the Board's consideration of that resolution. participate in such annual review. If a new fee schedule is not adopted by the first day of October of each year the fee schedule of the prior year shall remain in effect until a new schedule is adopted.

~~(e)~~ The fee schedule, as amended from time to time, shall be posted in the Land Development Division. All applications and permits, as the case may be, shall be accompanied by the required fee. Any application not accompanied by payment of the required fee shall be deemed incomplete and shall not be processed. All fees shall be nonreimbursable, unless otherwise stated in the resolution of the Board of County Commissioners, and shall be payable to the Board of County Commissioners upon request for services or advertisement, submission of an application, or issuance of a permit, as determined by the County Engineer.

~~(f)~~ The fee schedule, as amended from time to time, shall be posted in the Land Development Division. All applications and permits, as the case may be, shall be accompanied by the required fee. Any application not accompanied by payment of the required fee shall be deemed incomplete and shall not be processed. All fees shall be nonreimbursable, unless otherwise stated in the resolution of the Board board of county commissioners, and shall be payable to the Board board of county commissioners upon request for services or advertisement, submission of an

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Part 2. REPEAL OF LAWS IN CONFLICT

All local laws and ordinances in conflict with any provision of this Ordinance are hereby repealed to the extent of such conflict.

Part 3. SAVINGS CLAUSE

Notwithstanding anything to the contrary, all provisions of Palm Beach County Code Section 22-2, codifying Palm Beach County Ordinance No. 87-12, as amended, are specifically preserved and remain in full force and effect for the limited purposed of enforcing any alleged violations of said Code which occurred prior to its repeal or amendment.

Part 4. INCLUSION IN THE CODE OF LAWS AND ORDINANCES

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida. The Articles and Sections of this Ordinance may be renumbered or relettered to accomplish such and the word "ordinance" may be changed to "section," "article," "chapter" or any other appropriate word.

Part 5. SEVERABILITY

If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by ~~the~~ a Court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

Part 6. EFFECTIVE DATE

The provisions of this Ordinance shall become effective upon filing with the Department of State.

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ORDINANCE NO. 2020-

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, Florida on the _____ day of _____, 2020.

ATTEST: SHARON R. BOCK
CLERK & COMPTROLLER

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By _____
Deputy Clerk

By _____
Dave Kerner, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By _____
Yelizaveta B. Herman,
County Attorney

Filed with the Department of State on the _____ day of _____, 2020.

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- (b) The Board of County Commissioners (Board) shall by resolution establish a fee schedule to fund the various functions and services of the Land Development Division of the Department of Engineering and Public Works, as well as other

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agencies that perform various functions and services on behalf of the Land Development Division. A fee shall be paid in accordance with the fee schedule for applications, permits, reviews, records, searches, publications, legal advertisements, and other administrative services of the Land Development Division and shall be paid at the time established by the County Engineer. Lack of provision in any ordinance, resolution, administrative order, policy, or memo for a fee shall not be construed as a limitation on the authority of the Board to adopt a fee.

- (c) Applications, petitions or permits initiated by the County are exempt from the payment of fees under the fee schedule. Additionally, any exemption from payment of fees specifically set forth in any ordinance of the County shall govern.
- (d) The permit fee shall be four (4) times the fee set by the Board pursuant to subsection (b) should work commence prior to the issuance of a permit.
- (e) On October 1 of each year, each fee in the fee scheduled shall automatically increase by a percent equal to the percentage increase in the Consumer Price Index (CPI) from the previous fiscal year, with all fees rounded up to the nearest five dollar increment. The County Engineer shall amend the fee schedule to reflect the CPI increases, if any, by October 31. Any amendment to the fee schedule other than the amendment to reflect the automatic increase pursuant to the CPI must be done by Board resolution. Public input shall be sought on any Board resolution that will amend the fee schedule prior to the Board's consideration of that resolution.
- (f) The fee schedule, as amended from time to time, shall be posted in the Land Development Division. All applications and permits, as the case may be, shall be accompanied by the required fee. Any application not accompanied by payment of the required fee shall be deemed incomplete and shall not be processed. All fees shall be nonreimbursable, unless otherwise stated in the resolution of the Board ,and shall be payable to the Board upon request for services or advertisement, submission of an application, or issuance of a permit, as determined by the County Engineer.

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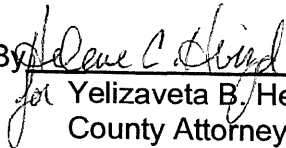
ATTEST: SHARON R. BOCK
CLERK & COMPTROLLER

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By _____
Deputy Clerk

By _____
Dave Kerner, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By  _____
for Yelizaveta B. Herman,
County Attorney

Filed with the Department of State on the _____ day of _____, 2020.