

**Agenda Item #:**

## AGENDA ITEM SUMMARY

**Department: Engineering and Public Works**  
**Submitted By: Engineering and Public Works**  
**Submitted For: Land Development Division**

**Motion and Title: Staff recommends motion to:**

- A) **adopt:** an ordinance of the Board of County Commissioners (BCC) of Palm Beach County (County), Florida, amending Chapter 22, Article I, of the County Code (Ordinance 87-12) governing Land Development Division (LDD) fees; providing for future fee increases; providing for a repeal of laws and ordinances in conflict; providing for a savings clause; providing for inclusion in the Code of Laws and Ordinances; providing for severability; and providing for an effective date; and
- B) **approve** a resolution amending Resolution No. R2009-0952 to adopt an amended fee schedule for the Land Development Division; providing for a repeal of laws, resolutions and policies in conflict; providing for posting of Fee Schedule; providing for severability; and providing for an effective date.

**SUMMARY:** This amended ordinance provides for an update to the fee schedule to provide funding for the various functions and services of the LDD, as well as other agencies that perform various functions and services on behalf of the LDD, such as the Roadway Production and Traffic Divisions of the Engineering Department. The amended resolution updates the fee schedule to provide the fees for services offered by the LDD to offset actual review costs, as well as establish new fees to cover new services and services previously provided at no cost, such as ancillary reviews provided by other agencies on behalf of the LDD. As provided in the ordinance, as amended, the fees shall be automatically increased to match the increase in the Consumer Price Index (CPI) on October 1 of each year. Changes in fee types, decreases in fees or increases beyond the CPI increase shall continue to require a resolution by the BCC. Countywide (YBH)  
(Continue on Page 3)

1. Proposed Ordinance (strickethrough and underline version)
2. Proposed Ordinance (clean version)
3. Proposed Resolution (strickethrough and underline version)
4. Proposed Resolution (clean version)

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Recommended by: gmc ybh Theresa Connell 11/2/2020  
for County Engineer Date

Approved by: Pao 11/12/20  
Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2021	2022	2023	2024	2025
Capital Expenditures	\$ -0-	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	\$ -0-	-0-	-0-	-0-	-0-
# ADDITIONAL FTE					
POSITIONS (Cumulative)					

Is Item Included in Current Budget? Yes No  
Does this item include the use of federal funds? Yes No X

Budget Account No:

Fund Dept Unit Object

Recommended Sources of Funds/Summary of Fiscal Impact:

\*\*Fiscal impact is indeterminable at this time. Land Development fees shall be automatically increased to match the increase in the Consumer Price Index (CPI) on October 1<sup>st</sup> of each year. It is expected that the increased fees will offset actual review costs which are not fully covered under current fee schedules.

C. Departmental Fiscal Review: Alii Kovalainen

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

OFMB 11/3/2020 8/11/20  
Contract Dev. and Control 11/10/2020 11-10-20 TW

B. Approved as to Form and Legal Sufficiency:

ybh Jean Adel Williams  
Assistant County Attorney

C. Other Department Review:

Department Director

This summary is not to be used as a basis for payment.

(Continued from Page 1)

**Background and Policy Issues:** The last fee schedule adjustment for the LDD was approved through Resolution R2009-0952, adopted in June 2009. Since that time, costs associated with providing LDD services including, but not limited to, right-of-way permitting, creation of legal lots and platting, base building line waivers and removal agreements, have increased. Further, new fees are needed to cover review costs for applications with multiple resubmittals, permit modifications and the expense of reviews by other agencies. According to the United States Bureau of Labor Statistics, the CPI has increased by 19% since the last fee resolution was adopted in June 2009. The revised fees are based on that CPI increase to better offset actual review costs. These changes necessitate revisions to the Ordinance for consistency.

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## 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

## ORDINANCE NO. 2020-

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.

(c)(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~~

## **ORDINANCE NO. 2020-**

application, or issuance of a permit, as determined by the County Engineercounty engineer.

### **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.

**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 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



## ORDINANCE NO. 2020-

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 schedule 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.

### 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.

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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 purpose of enforcing any alleged violations of said Code which occurred prior to its repeal or amendment.

## **ORDINANCE NO. 2020-**

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### **Part 5. SEVERABILITY**

If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by 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**

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(Remainder of page left intentionally blank)

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 \_\_\_\_\_  
Mayor

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By */s/ Yelizaveta B. Herman*  
Yelizaveta B. Herman,  
County Attorney

Filed with the Department of State on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**RESOLUTION NO. R2020-\_\_\_\_\_**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING RESOLUTION NO. R2009-0952 TO ADOPT AN AMENDED FEE SCHEDULE FOR THE LAND DEVELOPMENT DIVISION; PROVIDING FOR A REPEAL OF LAWS, RESOLUTIONS AND POLICIES IN CONFLICT; PROVIDING FOR POSTING OF FEE SCHEDULE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 22, Article I, Section 22-2, of the Code of Ordinances (Code), as amended, provides that 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 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 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 related fee; and

**WHEREAS**, Ordinance 87-12 established the creation of Land Development fees and was adopted in July 1987; and

**WHEREAS**, Resolution R2009-0952 amended the fee schedule and was adopted in June 2009; and

**WHEREAS**, the Land Development Division in conjunction with the Office of Financial Management and Budget conducted a study for the R2009-0952 fee schedule amendment, including an analysis of changes in the Consumer Price Index (CPI) to determine fair and reasonable fees for the required reviews, tasks and processes that are managed by the Land Development Division and established that future increases should be based upon increases to the CPI; and

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**WHEREAS**, the CPI has increased by 19% between December 2009 and December 2019; and

**WHEREAS**, the amended fee scheduled adopted in this resolution reflects the 19% CPI increase; and

**WHEREAS**, it is appropriate and desirable that the fee schedule be amended as provided herein.

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

SECTION 1. FEE SCHEDULE AMENDMENT

The Palm Beach County Land Development Division of the Department of Engineering and Public Works Fee Schedule, for among other things, publications, documents, applications, reviews, permits and services of the Land Development Division, is hereby amended as follows:

Legal Lot Creation and Required Improvements Fee Schedule

<u>Item</u>	<u>Amount</u>
1. Application for Plat Waiver	<del>\$600</del> 715
2. Application for Required Improvements Installation Waiver	<del>\$375</del> 450
3. Application for Lot Combination	<del>\$7</del> 15
<del>3.4.</del> Application for Technical Compliance:	
a. Plat and plans for residential subdivision, including Required Improvements Installation Waiver for one or more improvements	<del>\$1,600</del> 1,905 plus <del>\$25-30</del> per unit
b. Boundary Plat establishing single residential lot for single-family or multi-family or commercial/industrial use	<del>\$1,400</del> 1,670
<del>4.5.</del> Applications for Land Development Permit:	
a. Application for Land Development Permit (amount based on the estimated construction cost of the required improvements, less the cost of water and sewer	<del>\$300-360</del> + 2% of the estimated

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improvements)	cost
b. Application for extension of time to construct required improvements	<del>\$450</del> <u>540</u>
c. Application for reduction of surety posted for construction of required improvements including paving, drainage, water and sewer	<del>\$450</del> <u>540</u>
<del>5-6.</del> Application to revise Land Development Permit (Developer, Surety, Guaranty, Developer's Engineer, Construction Plans)	<del>\$450</del> <u>540</u>
<del>6-7.</del> Application to review minor changes in approved construction plans	<del>\$75-90</del> first sheet <del>\$45</del> each add'l for each modified sheet in set
<del>7-8.</del> Application for <b>Variance</b> application pursuant to requirement(s) within Unified Land Development Code Article 11 <del>ULDC Secs. 8.30 and 5.7.</del> This cost does not include the legal ad fee which is paid directly to the Zoning Division, in accordance with that Division's fee schedule.	<del>\$1,100</del> plus <del>\$79</del> for ad <del>2,631</del> for Concurrent and <del>\$4,717</del> for standalone
9. Application for Type II Waiver of requirement(s) within Unified Land Development Code Article 11. This cost does not include the legal ad fee which is paid directly to the Zoning Division, in accordance with that Division's fee schedule.	<u>\$2,828</u>
<del>8-10.</del> Application for review of removable structures or plantings in lake maintenance easements (recording in the Public Records completed and paid for by applicant)	<del>\$175-210</del> per lot
<del>9-11.</del> Application for review of removable structures on drainage easements	<del>\$125-150</del> per lot
<del>10-12.</del> Application for Abandonment of rights-of-way, easements, or plat vacation etc	<del>\$1,600</del> <u>1,905</u> plus any remaining <del>+</del> Privilege Fee
<del>11-13.</del> Re-submittal of any of the above applications after 3 submittals have been made	<u>Fee in the amount of original application fee</u>
<del>12-14.</del> Application for approval of street trees within private road rights of way subject to a current Land Development Permit	
a. Land Development Division Fee	<u>\$75 for each sheet in set</u>

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b. Streetscape Section Fee	\$200
15. Application for Legal Lot Review	\$150 per lot

Permitting Facilities within County-Maintained Public Rights-of-Way Fee Schedule

Item	Amount
1. Application Fee	<del>\$150</del> 180
2. Installation of gravity sanitary and storm sewer, including appurtenant manholes and/or catch basins <u>and exfiltration trench</u> :	
a. First 500 lineal feet or less	<del>\$200</del> 240
b. Each additional 500 lineal feet or fraction thereof	<del>\$50</del> 60
3. Installation of all other underground facilities including, but not limited by the following: sanitary force, water, gas, liquid or semi-liquid pipe lines, including appurtenant manholes and/or catch basins:	
a. First 500 lineal feet or less	<del>\$200</del> 240
b. Each additional 500 lineal feet or fraction thereof	<del>\$50</del> 60
4. Construction or installation of individual catch basins, manholes or junction boxes not erected in connection with and installation of 1 or 2 above	<del>\$100</del> 120
5. All underground crossings of paved road widths up to 25' in paving width (open cut):	
a. For pipe sizes 24" or less in diameter	<del>\$150-180</del> per cut
b. For pipe sizes over 24" and up to 48" in diameter	<del>\$200-240</del> per cut
c. For pipe sizes in excess of 48" in diameter	<del>\$300-360</del> per cut
6. All underground crossings of <del>paved public County</del> roadways over 25' in paving width (open cut):	
a. For pipe sizes 24" or less in diameter	<del>\$300-360</del> per cut
b. For pipe sizes over 24" and up to 48" in diameter	<del>\$450-540</del> per cut
c. For pipe sizes in excess of 48" in diameter	<del>\$600-715</del> per cut
7. All underground <del>jack and bore</del> <u>no-dig crossings</u> of paved <del>public County</del> roadway based on width of paving, including median:	

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a. For pipe sizes 24" or less in diameter	<del>\$3.50</del> <u>5.00</u> -per ft
b. For pipe sizes over 24" and up to 48" in diameter	<del>\$6.50</del> <u>10.00</u> per ft
c. For pipe sizes in excess of 48" in diameter	<del>\$9.15</del> <u>15.00</u> per ft
8. Installation of pole line for overhead facilities:	
a. First 500 lineal feet or less	<del>\$200</del> <u>240</u>
b. Each additional 500 lineal feet or fraction thereof	<del>\$50</del> <u>60</u>
9. <u>Installation of New Utility Pole including Replacement of Existing Pole</u>	<u>\$100 per pole</u>
10. <u>Installation of Transformer or Utility Cabinet</u>	<u>\$100 per location</u>
11. <u>Down Guy Replacement or Relocation</u>	<u>\$50 per location</u>
12. <u>Overhead Maintenance of Existing Pole Line Facilities</u>	<u>\$100 per application</u>
9-13. <u>Turnouts and Driveway Connections:</u>	
a. Commercial turnout connection – Minor (Less than 500 ADT)	
i. <u>Land Development Division Fee</u>	<u>\$600</u>
ii. <u>Roadway Production Division Fee</u>	<del>\$500</del> <u>600</u>
iii. <u>Traffic Division Fee</u>	<del>\$500</del> <u>600</u>
b. Commercial turnout connection – Intermediate (500 - 2000 ADT)	
i. <u>Land Development Division Fee</u>	<u>\$780</u>
ii. <u>Roadway Production Division Fee</u>	<del>\$650</del> <u>780</u>
iii. <u>Traffic Division Fee</u>	<del>\$650</del> <u>780</u>
c. Commercial turnout connection – Major (> 2000 ADT)	
i. <u>Land Development Division Fee</u>	<u>\$1,190</u>
ii. <u>Roadway Production Division Fee</u>	<del>\$1,000</del> <u>1,190</u>
iii. <u>Traffic Division Fee</u>	<del>\$1,000</del> <u>1,190</u>
d. Residential turnout	<del>\$175</del> <u>210</u>
e. Where culverts are used with turnout	<u>\$5-10 per ft of culvert length</u>
14. <u>Removal Agreement for Paver Bricks</u>	<u>\$25</u>



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15. Sidewalk connection or ramp modifications	\$250
<del>10.</del> 16. Street connections:	
a. Paved street connection for tying into existing and/or new County roads.	<del>\$500</del> 600 each
b. Where culverts are used with street connections.	<del>\$5</del> 10 per ft of culvert length
<del>11.</del> 17. Construction of elevated or submerged facilities crossing County owned canals or waterways.	<del>\$100</del> 120
<del>12.</del> 18. Landscaping within <del>public</del> County right-of-way:	
a. Land Development Division Fee	\$400 + 53% of project cost
b. Streetscape Section Fee	\$200
<del>13.</del> 19. All other types of construction within or upon public right-of-way, does not include landscaping.	3% of cost
<del>14.</del> 20. Modification of any valid Permit requested after <u>issue-issuance of the Permit. (Substantial modifications require new permit submittal with fee)</u>	<del>\$100</del> 120 per review agency
<del>15.</del> 21. Extension of any Permit, provided Permit has not expired. <u>(Expired Permits require new permit submittal and fee)</u>	<del>\$100</del> 120
<del>16.</del> 22. Fee for Facilities installed in County-Maintained Rights-of-way without required permit	4 times cost of regular permit fee
<del>17.</del> 23. Moving of Structure across or along County-Maintained Rights-of-way	<del>\$500</del> 600 per structure
<del>18.</del> 24. Bridge Widening / Replacement – Roadway Production Division Fee	<del>\$1,000</del> 1,190
<del>19.</del> 25. Turn Lane Addition (not requiring through lane transition, impacting high side of roadway):	
a. Roadway Production Division Fee	<del>\$500</del> 600
b. Traffic Division Fee	<del>\$1,000</del> 1,190
c. Land Development Division Fee	<del>\$600</del>
<del>20.</del> 26. Turn Lane Addition (not requiring through lane transition, impacting low side of roadway):	
a. Roadway Production Division Fee	<del>\$1,900</del> 2,265
b. Traffic Division Fee	<del>\$1,500</del> 1,785
c. Land Development Division Fee	<del>\$600</del>

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<del>24-27.</del> Turn Lane Addition (through lane transition required):	
a. Roadway Production Division Fee	<del>\$3,600</del> 4,285
b. Traffic Division Fee	<del>\$2,500</del> 2,975
c. Land Development Division Fee	\$600
<del>22-28.</del> Through Lane Addition	<del>\$1,050</del> 1,250 per 0.1 Lane Mile (0.3 Lane Mile Minimum Charge)
29. Re-submittal of any of the above applications after 3 submittals have been made	Fee in the amount of original application fee
30. Fee to Expedite Review	Fee in the amount of two times the total permit fee

Miscellaneous Services and Applications

<u>Item</u>	<u>Amount</u>
1. Application for Base Building Line Waiver per Section 200.2 of the Zoning Code of Palm Beach County and Standard Building Code, as amended	<del>\$75</del> 90
2. Drainage Plan Review for Residential or Commercial Development (based on affected area). This fee will be added to a RW permit if no Drainage Review application is issued:	
a. 2 acres	<del>\$400</del> 480
b. 2.1 – 5 acres	<del>\$800</del> 960
c. 5.1 – 10 acres	<del>\$1,000</del> 1,190
d. 10.1 + acres	<del>\$1,300</del> 1,550

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3. <u>Additional Fee for Applications submitted through Zoning Division's Concurrent Process</u>	<u>Fee in the amount of 2 times the standard application fee (This fee is capped at a maximum of \$5,000)</u>
4. <u>Processing Application for Communication Provider</u>	<u>\$100</u>

The application fee shall be paid at time of application submittal and any balance due shall be paid prior to issuance of the permit.

NOTES CONCERNING POTENTIAL ADDITIONAL COSTS

- A. Bridge Widening/Replacement review fee does not include the cost for structural review on behalf of Palm Beach County. It may be necessary to directly contract with a current Palm Beach County Structural Annual Consultant for these review services.
- B. These fees were originally established based upon man-hour estimates for typical projects and were subsequently adjusted pursuant to the CPI. For projects including, but not limited to, resolution of significant issues, acquisition of property rights, conceptual designs, or alignment studies, payment of review fees in addition to those shown above will be required to compensate the County for the additional staff costs incurred.
- C. For projects to be bid and constructed by the County, payment of staff costs for bidding and Construction, Engineering and Inspection costs will be required. These costs are set by the Division responsible for the work.

SECTION 2. REPEAL OF LAWS, RESOLUTIONS AND POLICIES IN CONFLICT.

All resolutions, administrative orders, or policies in conflict with this resolution, including but not limited to Resolution R2009-0952 are hereby repealed or shall be of no further force and effect.

SECTION 3. FEE SCHEDULE POSTED

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. Approval of any application not accompanied by payment of the required application fee shall be withheld until full payment is made.

SECTION 4. SEVERABILITY.

If any section, paragraph, sentence, clause, phrase or word of this Resolution is for any reason held by the Courts to be unconstitutional, invalid, inapplicable, inoperative, or void, such holding shall not affect the remainder of this Resolution.

**RESOLUTION NO. R2020-\_\_\_\_\_**

**SECTION 5. EFFECTIVE DATE.**

~~This Resolution shall become effective upon adoption by the Board of County Commissioners.~~ The effective date of this Resolution shall be the same date as the effective date of the Ordinance of the Board "amending Chapter 22, Article I, Section 22-2 of the Palm Beach County Code (Ordinance 87-12) Pertaining to Land Development Fees," which was adopted by the Board on \_\_\_\_\_, 2020.

(Remainder of page left intentionally blank)

The foregoing Resolution was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and, upon being put to a vote, the vote was as follows:

District 1: Commissioner

District 2: Commissioner Gregg K. Weiss

District 3: Commissioner

District 4: Commissioner Robert S. Weinroth

District 5: Commissioner

**RESOLUTION NO. R2020-\_\_\_\_\_**

District 6: Commissioner Melissa McKinlay

District 7: Commissioner

The Mayor thereupon declared the Resolution duly passed and adopted this  
\_\_\_\_\_ day of \_\_\_\_\_, 2020.

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

**Sharon R. Bock, Clerk & Comptroller**

**BY:** \_\_\_\_\_  
Deputy Clerk

**APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY**

**BY:** \_\_\_\_\_  
Yelizaveta B. Herman,  
Assistant County Attorney

**RESOLUTION NO. R2020-\_\_\_\_\_**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING RESOLUTION NO. R2009-0952 TO ADOPT AN AMENDED FEE SCHEDULE FOR THE LAND DEVELOPMENT DIVISION; PROVIDING FOR A REPEAL OF LAWS, RESOLUTIONS AND POLICIES IN CONFLICT; PROVIDING FOR POSTING OF FEE SCHEDULE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 22, Article I, Section 22-2, of the Code of Ordinances (Code), as amended, provides that 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 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 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 related fee; and

**WHEREAS**, Ordinance 87-12 established the creation of Land Development fees and was adopted in July 1987; and

**WHEREAS**, Resolution R2009-0952 amended the fee schedule and was adopted in June 2009; and

**WHEREAS**, the Land Development Division in conjunction with the Office of Financial Management and Budget conducted a study for the R2009-0952 fee schedule amendment, including an analysis of changes in the Consumer Price Index (CPI) to determine fair and reasonable fees for the required reviews, tasks and processes that are managed by the Land Development Division and established that future increases should be based upon increases to the CPI; and

**RESOLUTION NO. R2020-\_\_\_\_\_**

**WHEREAS**, the CPI has increased by 19% between December 2009 and December 2019; and

**WHEREAS**, the amended fee scheduled adopted in this resolution reflects the 19% CPI increase; and

**WHEREAS**, it is appropriate and desirable that the fee schedule be amended as provided herein.

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

**SECTION 1. FEE SCHEDULE AMENDMENT**

The Palm Beach County Land Development Division of the Department of Engineering and Public Works Fee Schedule, for among other things, publications, documents, applications, reviews, permits and services of the Land Development Division, is hereby amended as follows:

**Legal Lot Creation and Required Improvements Fee Schedule**

<u>Item</u>	<u>Amount</u>
1. Application for Plat Waiver	\$715
2. Application for Required Improvements Installation Waiver	\$450
3. Application for Lot Combination	\$715
4. Application for Technical Compliance:	
a. Plat and plans for residential subdivision, including Required Improvements Installation Waiver for one or more improvements	\$1,905 plus \$30 per unit
b. Boundary Plat establishing single residential lot for single-family or multi-family or commercial/industrial use	\$1,670
5. Applications for Land Development Permit:	
a. Application for Land Development Permit (amount based on the estimated construction cost of the required improvements, less the cost of water and sewer improvements)	\$360 + 2% of the estimated cost

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b. Application for extension of time to construct required improvements	\$540
c. Application for reduction of surety posted for construction of required improvements including paving, drainage, water and sewer	\$540
6. Application to revise Land Development Permit (Developer, Surety, Guaranty, Developer's Engineer, Construction Plans)	\$540
7. Application to review minor changes in approved construction plans	\$90 for each modified sheet in set
8. Application for Variance to requirement(s) within Unified Land Development Code Article 11 This cost does not include the legal ad fee which is paid directly to the Zoning Division, in accordance with that Division's fee schedule.	\$2,631 for Concurrent and \$4,717 for standalone
9. Application for Type II Waiver of requirement(s) within Unified Land Development Code Article 11. This cost does not include the legal ad fee which is paid directly to the Zoning Division, in accordance with that Division's fee schedule.	\$2,828
10. Application for review of removable structures or plantings in lake maintenance easements (recordation in the Public Records completed and paid for by applicant)	\$210 per lot
11. Application for review of removable structures on drainage easements	\$150 per lot
12. Application for Abandonment of rights-of-way, easements, or plat vacation	\$1,905 plus any remaining Privilege Fee
13. Re-submittal of any of the above applications after 3 submittals have been made	Fee in the amount of original application fee
14. Application for approval of street trees within private road rights of way subject to a current Land Development Permit	
a. Land Development Division Fee	\$75 for each sheet in set
b. Streetscape Section Fee	\$200
15. Application for Legal Lot Review	\$150 per lot



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### Permitting Facilities within County-Maintained Public Rights-of-Way Fee Schedule

<u>Item</u>	<u>Amount</u>
1. Application Fee	\$180
2. Installation of gravity sanitary and storm sewer, including appurtenant manholes and/or catch basins and exfiltration trench:	
a. First 500 lineal feet or less	\$240
b. Each additional 500 lineal feet or fraction thereof	\$60
3. Installation of all other underground facilities including, but not limited by the following: sanitary force, water, gas, liquid or semi-liquid pipe lines, including appurtenant manholes and/or catch basins:	
a. First 500 lineal feet or less	\$240
b. Each additional 500 lineal feet or fraction thereof	\$60
4. Construction or installation of individual catch basins, manholes or junction boxes not erected in connection with and installation of 1 or 2 above	\$120
5. All underground crossings of paved road widths up to 25' in paving width (open cut):	
a. For pipe sizes 24" or less in diameter	\$180 per cut
b. For pipe sizes over 24" and up to 48" in diameter	\$240 per cut
c. For pipe sizes in excess of 48" in diameter	\$360 per cut
6. All underground crossings of County roadways over 25' in paving width (open cut):	
a. For pipe sizes 24" or less in diameter	\$360 per cut
b. For pipe sizes over 24" and up to 48" in diameter	\$540 per cut
c. For pipe sizes in excess of 48" in diameter	\$715 per cut
7. All underground no-dig crossings of County roadway based on width of paving, including median:	
a. For pipe sizes 24" or less in diameter	\$5.00per ft
b. For pipe sizes over 24" and up to 48" in diameter	\$10.00per ft
c. For pipe sizes in excess of 48" in diameter	\$15.00 per ft
8. Installation of pole line for overhead facilities:	
a. First 500 lineal feet or less	\$240
b. Each additional 500 lineal feet or fraction thereof	\$60
9. Installation of New Utility Pole including Replacement of Existing Pole	\$100 per pole

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10. Installation of Transformer or Utility Cabinet	\$100 per location
11. Down Guy Replacement or Relocation	\$50 per location
12. Overhead Maintenance of Existing Pole Line Facilities	\$100 per application
13. Turnouts and Driveway Connections:	
a. Commercial turnout connection – Minor (Less than 500 ADT)	
i. Land Development Division Fee	\$600
ii. Roadway Production Division Fee	\$600
iii. Traffic Division Fee	\$600
b. Commercial turnout connection – Intermediate (500 - 2000 ADT)	
i. Land Development Division Fee	\$780
ii. Roadway Production Division Fee	\$780
iii. Traffic Division Fee	\$780
c. Commercial turnout connection – Major (> 2000 ADT)	
i. Land Development Division Fee	\$1,190
ii. Roadway Production Division Fee	\$1,190
iii. Traffic Division Fee	\$1,190
d. Residential turnout	\$210
e. Where culverts are used with turnout	\$10 per ft of culvert length
14. Removal Agreement for Paver Bricks	\$25
15. Sidewalk connection or ramp modifications	\$250
16. Street connections:	
a. Paved street connection for tying into existing and/or new County roads.	\$600 each
b. Where culverts are used with street connections.	\$10 per ft of culvert length
17. Construction of elevated or submerged facilities crossing County owned canals or waterways.	\$120
18. Landscaping within County right-of-way:	
a. Land Development Division Fee	\$400 + 3% of project cost

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b. Streetscape Section Fee	\$200
19. All other types of construction within or upon public right-of-way, does not include landscaping.	3% of cost
20. Modification of any valid Permit requested after issuance of the Permit. (Substantial modifications require new permit submittal with fee)	\$120 per review agency
21. Extension of any Permit, provided Permit has not expired. (Expired Permits require new permit submittal and fee)	\$120
22. Fee for Facilities installed in County-Maintained Rights-of-way without required permit	4 times cost of regular permit fee
23. Moving of Structure across or along County-Maintained Rights-of-way	\$600 per structure
24. Bridge Widening / Replacement – Roadway Production Division Fee	\$1,190
25. Turn Lane Addition (not requiring through lane transition, impacting high side of roadway):	
a. Roadway Production Division Fee	\$600
b. Traffic Division Fee	\$1,190
c. Land Development Division Fee	\$600
26. Turn Lane Addition (not requiring through lane transition, impacting low side of roadway):	
a. Roadway Production Division Fee	\$2,265
b. Traffic Division Fee	\$1,785
c. Land Development Division Fee	\$600
27. Turn Lane Addition (through lane transition required):	
a. Roadway Production Division Fee	\$4,285
b. Traffic Division Fee	\$2,975
c. Land Development Division Fee	\$600
28. Through Lane Addition	\$1,250 per 0.1 Lane Mile (0.3 Lane Mile Minimum Charge)
29. Re-submittal of any of the above applications after 3 submittals have been made	Fee in the amount of original application fee

**RESOLUTION NO. R2020-\_\_\_\_\_**

30. Fee to Expedite Review	Fee in the amount of two times the total permit fee
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**Miscellaneous Services and Applications**

<u>Item</u>	<u>Amount</u>
1. Application for Base Building Line Waiver per Section 200.2 of the Zoning Code of Palm Beach County and Standard Building Code, as amended	\$90
2. Drainage Plan Review for Residential or Commercial Development (based on affected area). This fee will be added to a RW permit if no Drainage Review application is issued:	
a. 2 acres	\$480
b. 2.1 – 5 acres	\$960
c. 5.1 – 10 acres	\$1,190
d. 10.1 + acres	\$1,550
3. Additional Fee for Applications submitted through Zoning Division's Concurrent Process	Fee in the amount of 2 times the standard application fee (This fee is capped at a maximum of \$5,000)
4. Processing Application for Communication Provider	\$100

The application fee shall be paid at time of application submittal and any balance due shall be paid prior to issuance of the permit.

**NOTES CONCERNING POTENTIAL ADDITIONAL COSTS**

- A. Bridge Widening/Replacement review fee does not include the cost for structural review on behalf of Palm Beach County. It may be necessary to directly contract with a current Palm Beach County Structural Annual Consultant for these review services.
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**RESOLUTION NO. R2020-\_\_\_\_\_**

- C. For projects to be bid and constructed by the County, payment of staff costs for bidding and Construction, Engineering and Inspection costs will be required. These costs are set by the Division responsible for the work.

**SECTION 2. REPEAL OF LAWS, RESOLUTIONS AND POLICIES IN CONFLICT.**

All resolutions, administrative orders, or policies in conflict with this resolution, including but not limited to Resolution R2009-0952 are hereby repealed or shall be of no further force and effect.

**SECTION 3. FEE SCHEDULE POSTED**

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. Approval of any application not accompanied by payment of the required application fee shall be withheld until full payment is made.

**SECTION 4. SEVERABILITY.**

If any section, paragraph, sentence, clause, phrase or word of this Resolution is for any reason held by the Courts to be unconstitutional, invalid, inapplicable, inoperative, or void, such holding shall not affect the remainder of this Resolution.

**SECTION 5. EFFECTIVE DATE.**

The effective date of this Resolution shall be the same date as the effective date of the Ordinance of the Board "amending Chapter 22, Article I, Section 22-2 of the Palm Beach County Code (Ordinance 87-12) Pertaining to Land Development Fees," which was adopted by the Board on \_\_\_\_\_, 2020.

(Remainder of page left intentionally blank)

**RESOLUTION NO. R2020-\_\_\_\_\_**

The foregoing Resolution was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and, upon being put to a vote, the vote was as follows:

District 1: Commissioner

District 2: Commissioner Gregg K. Weiss

District 3: Commissioner

District 4: Commissioner Robert S. Weinroth

District 5: Commissioner

District 6: Commissioner Melissa McKinlay

District 7: Commissioner

The Mayor thereupon declared the Resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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

**Sharon R. Bock, Clerk & Comptroller**

BY: \_\_\_\_\_  
Deputy Clerk

**APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY**

BY: */s/ Yelizaveta B. Herman*  
Yelizaveta B. Herman,  
Assistant County Attorney