

RESOLUTION NO. R2020- 1770

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

Item	Amount
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

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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.
- 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.

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- 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 November 17th, 2020.

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

District 1: Commissioner Maria G. Marino	Aye
District 2: Commissioner Gregg K. Weiss	Aye
District 3: Commissioner Dave Kerner	Aye
District 4: Commissioner Robert S. Weinroth	Aye
District 5: Commissioner Maria Sachs	Aye
District 6: Commissioner Melissa McKinlay	Aye
District 7: Commissioner Mack Bernard	Aye

The Mayor thereupon declared the Resolution duly passed and adopted this 17th day of November, 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*
Yelizaveta B. Herman,
Assistant County Attorney



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

November 30, 2020

Honorable Sharon R. Bock
Clerk and Comptroller
Palm Beach County
301 North Olive Avenue
West Palm Beach, Florida 33401

Attention: Mr. Timothy Montiglio

Dear Ms. Bock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Palm Beach County Ordinance No. 2020-026, which was filed in this office on November 25, 2020.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb