ITEM 12B

To: Honorable Mayor and Village Council

Date: May 2, 2016

From: Edward Silva, Village Manager

Re: Amended Building Fee schedule- 1st Reading

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO BUILDING PERMIT FEES; AMENDING THE PERMIT FEE SCHEDULE FOR THE BUILDING DEPARTMENT; PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE. (Sponsored by Councilman Tim Schaffer and Co-Sponsored by Mayor Eugene Flinn)

BACKGROUND AND ANALYSIS:

The Village of Palmetto Bay provides a fee schedule to recover the cost of delivering services related to building permit fee activity. The Village last amended its building permit fee schedule in May of 2015. and once again reviewed its permit revenue. The findings of that review support an addition 5% across the board reduction in building permit fees. The proposed fee schedule is included as Exhibit A of the proposed ordinance.

FISCAL/BUDGETARY IMPACT:

The proposed fee schedule keeps the building department fund as a revenue-neutral enterprise fund, which requires that building fees be utilized not for supplementing the general revenue fund, but to be revenue-neutral to the building department.

RECOMMENDATION:

Approval is recommended.

Attachments:

Exhibit A – (Proposed Fee Schedule)

Darby Delsalle, AICP
Director of Planning and Zoning

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO BUILDING PERMIT FEES; AMENDING THE PERMIT FEE SCHEDULE FOR THE BUILDING DEPARTMENT; PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE. (Sponsored by Councilman Tim Schaffer and Co-Sponsored by Mayor Eugene Flinn)

WHEREAS, the Village of Palmetto Bay is authorized by state law to charge fees for the issuance of building permits and to recoup costs associated with the processing of building permit applications, permit plan reviews and inspection services provided by the Village; and

WHEREAS, the Village, pursuant to section 4.3(A)(5) of the Village Charter, may set service or user charges for municipal services or grant administrative authority to set such charges; and

WHEREAS, the Village Council, on May 4, 2014, passed on second reading Ordinance No. 2013-04, amending the Permit Fee Schedule; and

WHEREAS, the Village is entitled to amend its permit fee schedule; and

WHEREAS, the Building Department has once again reviewed its operational expenses, and after providing for appropriate levels of reserves in the event of an emergency, is recommending a reduction of building permit fees of approximately 5% across the board; and

WHEREAS, the Village Council desires to amend the Permit Fee Schedule, to provide for lower building permit fees and associated zoning permit fees.

NOW, THEREFORE, BE IT ENACTED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. The Village Council hereby amends APPENDIX A, Permit Fee Schedule, of the Village's Code of Ordinances, for the issuance of building permits, provisions of inspections, issuance of certificates of occupancy, and related building activities and services, as provided at ATTACHMENT "A" of this Ordinance.

Section 2. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason to be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 3. Effective Date. This Ordinance shall take effect immediately upon final adoption.

Section 4. This Ordinance shall be codified and included in the Code of Ordinances.

First Reading: _____

Second Reading: _____

PASSED and ENACTED this ____ day of _____, 2016.

Attest: _____ _____

Meighan Alexander
Village Clerk

Eugene Flinn
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

_____

Dexter W. Lehtinen
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Karyn Cunningham _____

Council Member Tim Schaffer _____

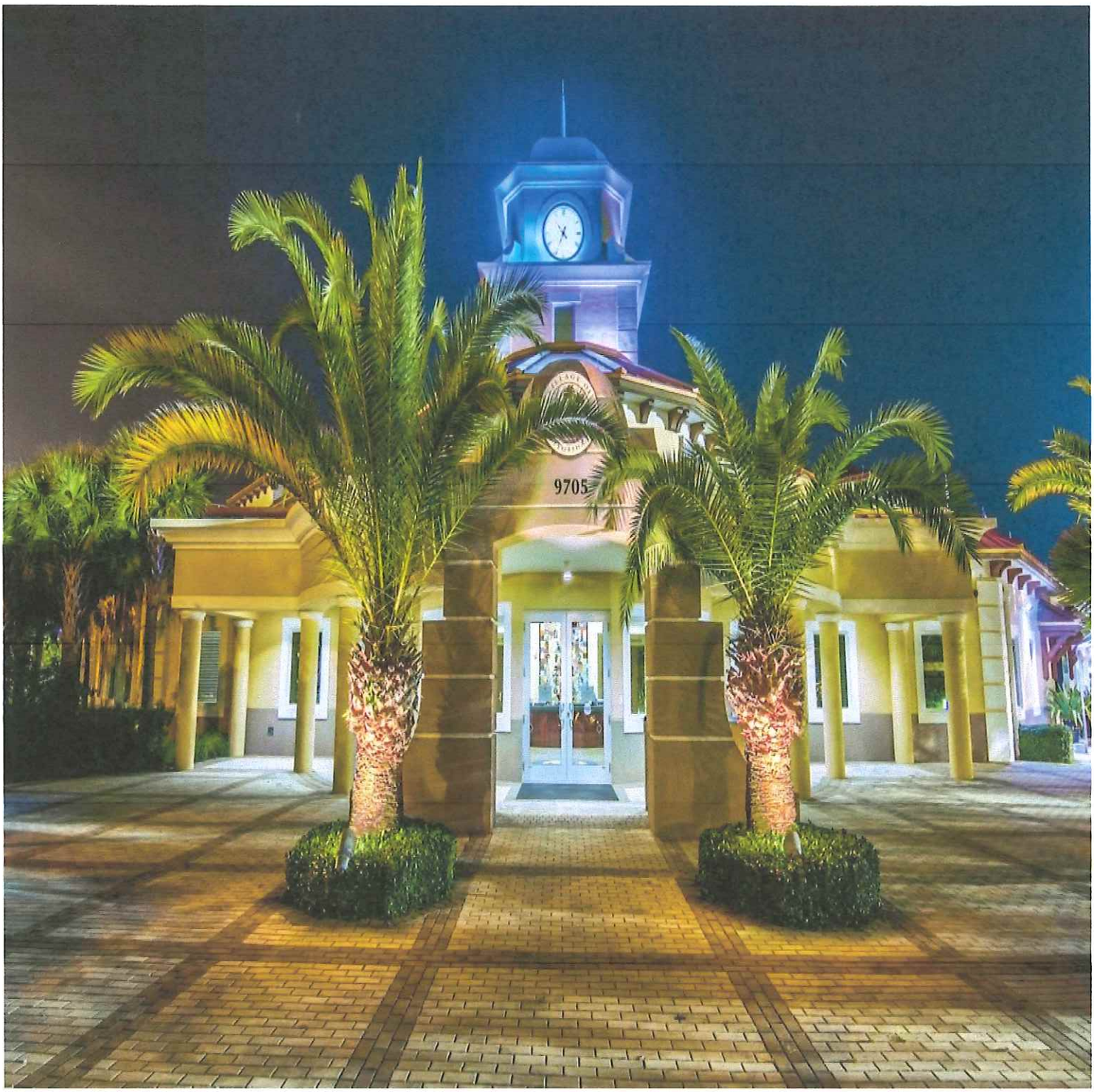
Council Member Larissa Siegel Lara _____

Vice-Mayor John DuBois _____

Mayor Eugene Flinn _____

APPENDIX "A"

VILLAGE OF PALMETTO BAY



FEE SCHEDULE

MAY 2016

Code	BUILDING PERMIT FEES	Building Fee	
BP102A	Upfront processing fee non-refundable(Required for all permit applications)	~~$115.00~~	$ 110.00
BP102B	Minimum fee for all Building Permits (Greater than $2000 in cost)	~~$165.00~~	$ 157.00
	New Building/ additions (residential) New construction for single family residences including all trade associated fees:		
BP107	0-500 square feet	~~$ 1520.00~~	$1145.00
BP108	501 square feet or greater (maximum fee amount $ 150,000)		4% of cost
	Alterations (residential):		
BP111A	Kitchen or Bath (New Cabinets and/or Replacement of fixtures)up to $25,000 cost	~~$ 700~~	$ 665.00
BP111B	Kitchen and Bathroom Remodeling combined up to 25,000 cost	~~$ 1,000~~	$950.00
BP110	All other Alterations exceeding $25,000 (maximum fee amount $ 125,000)		3.8% of cost
BP113	**Repairs due to Fire** Minimum fee	~~$650~~	$ 610.00
BP114	**Repairs due to** Fire (maximum fee amount $ 250,000)		4% of cost
BP126	**Shade Houses** per 100 square feet or fractional part thereof	~~$95.00~~	$ 91.00
	Tents (10'x10' or greater): (Inclusive Electrical & Plumbing Permits)		
BP130	0-300 square feet	~~$ 275.00~~	$ 262.00
	301 square feet or greater	~~$ 475.00~~	$ 452.00
	New Construction/ Additions- Commercial (per sq. ft., includes permit fees for all trades:		
BP112	0-1,000 sq. ft.	~~$ 750.00~~	$713
	1,001 sq. ft. or greater (maximum fee amount $ 500,000)	5% of cost	
	New Construction (Shell only)- Commercial (per sq. ft.) includes permit fees for all trades:		
BP112A	0-1,000 sq. ft.	~~$ 500.00~~	$475
	1,001 sq. ft. or greater (maximum fee amount $350,000)	3% of cost	
BP112B	**Alterations-Commercial** Minimum fee	~~$ 800.00~~	$760
	Alterations-Commercial (maximum fee amount $ 500,000)	5% of cost	
RP113	**Parking lots-Minimum fee:**	$ 175.00	$167.00
RP114	Resurfacing of Parking lots		$.05/ sq. ft.
RP115	Resealing of parking lots		$.03/sq. ft.
	Slabs:		
RP116	Driveway/Slabs only (Residential)		
	a) 0 - 500 square feet	~~$135.00~~	$129.00
	b) 501 and above	~~$215.00~~	$ 205.00
RP116B	Each Approach (Residential)		
	a) Up to two approaches	~~$ 85.00~~	$ 81.00
	b) 3rd. approaches or more	~~$150.00~~	$ 143.00
RP116C	Sidewalk only (Residential per residence)	~~$ 95.00~~	$ 91.00
	Roofing/Re-Roofing/Roof repair :		
RF01	Minimum Fee/ Upfront fee	~~$ 125.00~~	$ 119.00
RF02	All roof types		$ .17/ sq. ft.
	Fences and/or Walls:		
	Wood or chain link fences		
RP118A	Temporary Fence Fee (commercial/construction fencing)	~~$165.00~~	$ 157.00
RP118	Minimum Fee	*$ 150.00*	
RP117	0-500 linear feet	~~$ 0.55/lin. foot~~	$0.53/lin. foot
	Per additional 500 linear feet increment	~~$ 225.00~~	$ 214.00
RP119	**Masonry or Ornamental iron fences**	~~$ 700.00~~	$ 665.00
	Per 100 linear feet or increment thereof	~~$ 185.00~~	$ 176.00
	Swimming Pool, Spas and Hot Tubs (inclusive of all trade permits):		
SP01	a) Pools, Spas and deck (residential)	~~$ 950.00~~	$ 903.00
	b) Pools, Spas and deck (commercial)	~~$1,500~~	$1,425.00
SP01A	Spa/hot tub only	~~$ 650.00~~	$ 618.00
SP02	Repair of swimming pool/spa per trade required	~~$ 150.00~~	$ 143.00
SP04	a) Pool Resurfacing (residential)	~~$115.00~~	$ 110.00

	b) Pools, Spas and deck (commercial)	~~$ 250.00~~	$ 236.00
	Demolition of Building (per structure):		
DP01	Interior demolition only (residential)	~~$ 475.00~~	$ 452.00
DP02	Partial demolition (commercial)	~~$ 950.00~~	$ 903.00
DP03	Total demolition	~~$1,400.00~~	$1,3300.00
	Installation or Replacement of Windows or Doors:		
Wn01	Minimum Fee	~~$ 175.00~~	$ 167.00
Wn01A	Each additional opening	~~$ 5.75~~	$ 5.47
SD20	Ornamental Iron Security bars	~~$ 190.00~~	$ 181.00
	Screen Enclosures/Canopies/Awnings and Aluminum Roofs:		
BP135	Screen Enclosures	~~$ 475.00~~	$ 452.00
BP136	Free standing canopies/Trellises	~~$ 225.00~~	$ 214.00
BP137	Awnings/Canopies (Minimum fee $175.00)	~~$40./ awning~~	$ 38/awning
BP138	Repair Awnings and Canopies (Minimum fee $175.00)	~~$ 25.00 ea.~~	$24/awning
BP140	**Temporary Trailer for Construction (1 year permit)**	~~$ 750.00~~	$ 713.00
BP141	**Trailer Tie Down**	~~$150.00~~	$ 143.00
BP142	**Renewal Permit for Trailer**	~~$500.00~~	$475.00
********	**Sign Permit Fee**		
SI01	Fee per sign (up to 3 signs per fee) Non-Electrical	~~$ 400.00~~	$ 380.00
EL50	Electrical fee for signs (up to 3 signs per fee) (Inclusive of Electrical)	~~$ 425.00~~	$ 404.00
	Shutters		
WN05	Up to 10 openings	~~$ 140.00~~	$ 133.00
	11 openings or greater		$ 9/opening
CH01	**Chickee Hut (no trades)**	None	
RG01	**Gutters (Residential)**	~~$ 1,143.00~~	$ 1,086.00
BP125	**Utility Sheds (All sizes)**	~~$ 140.00~~	$ 133.00
	Stand-by generators (inclusive of all trade fees)		
GP01	20 kw or less	~~$ 615.00~~	$ 585.00
GP02	21 kw or greater	~~$1,000.00~~	$ 950.00
BP106A	**All work whose value does not exceed $ 500 (all inclusive)**	~~$ 50.00~~	$ 48.00
BP 106B	All work whose value exceeds $ 501 but less than $ 1,000 (all inclusive)	~~$ 85.00~~	$ 72.00
BP106C	All work whose value exceeds $ 1,001 but less than $ 2,000 (all inclusive)	~~$ 150.00~~	$ 143.00
	Temporary Platforms and Bleachers for Public Use (three months or less)		
BP131	For every 100 sq. ft. of platform or seating area	~~$11.00~~	$ 10.00
	New Construction other than specified		
BP112C	Minimum fee $250.00 (maximum fee amount $ 500,000)	6% of Building Cost	
BP112D	Flooring Fee (Commercial per unit)	~~$125.00~~	$ 119.00
	GENERAL INFORMATION ON SPECIAL FEES, REFUNDS, EXTENSIONS, AND CANCELLATIONS:		
BP01	**DOUBLE FEES:** When work for which a permit is required is commenced prior to obtaining a permit, the permit applicant will be required to pay an additional fee of 100% of the usual permit fee in addition to the required permit fee established herein plus one hundred dollars ($100.00) as per code of Miami-Dade County Chapter 8 Section 8-12 (c). The payment of the required fee shall not relieve the applicant of other penalties established by law. The double fee requirement shall be applicable to all division of the building department.	~~$ 100.00~~	Double permit fee plus $ 95.00
BP02	For second offense of doing work without a permit, the permit applicant shall be required to pay twice the double permit fees plus two hundred dollars ($200.00)	~~$200.00~~	Double permit fee plus $ 180.00
BP03	Each offense thereafter, the permit applicant shall be required to pay twice the double permit fee plus five hundred dollars ($500.00)	~~$500.00~~	Double permit fee plus $ 475.00
BP05A	**LOST PLANS AND PERMIT CARD FEE:**		
	LOST PLANS: When plans for new buildings and additions are lost by the owner or contractor, a recertification fee will be required to review, stamp and approve a new set of plans as a field copy.		Cost of reproduction and 30% of original permit fee
BP12	**LOST PERMIT CARD FEE:** A replacement fee shall be charged for loss of a permit inspection record card after a permit has been	~~$50.00~~	$ 48.00

	issued.		
	REFUNDS, TIME LIMITATION, CANCELLATIONS:		
BP14	The fees charged pursuant to this schedule, may be refunded by the Village of Palmetto Bay, subject to the following: a. **No refunds** shall be made on requests involving: 1. Permit fees for $100.00 or less; or 2. Permits revoked by the building official or the director of the building department under the authority granted by the Florida Building Code, or permits cancelled by court order, or conditions permits; or 3. Permits which have expired; or 4. Permits under which work has commenced as evidenced by any recorded inspection having been made by the building department; or 5. The original permit holder when there is a change of contractor; or 6. Upfront fees		
BP15	b. A full refund less $100.00 or 50 % of the permit fee, whichever is greater, rounded to the nearest dollar , shall be granted to a permit holder who: Requests a refund, provided; 1. That the building department received a written request from the permit holder prior to the permit expiration date; and 2. That the permit holder submits with such request that the applicant's validated copy of such permit; and 3. That no work has commenced under such permit as evidenced by any recorded inspection and/or field inspection.		
BP16	Where there is a ***change of contractor*** or qualifier involving a permit, the second permit holder shall apply a fee to cover the cost of transferring the data from the original permit to the second permit.	~~$175.00~~	$ 167.00
BP17	c. A fee shall be paid by the permit holder who submits a written request for a ***permit extension*** as authorized under the Florida Building code	~~$100.00~~	$ 95.00
BP18	d. Where a permit has been found null and void pursuant to Florida Building Code, a credit of fifty percent (50%) of the permit fee shall be applied to any reapplication fee for a –permit covering the same project and involving the same plans, provided that the complete reapplication is made within six (6) months of the expiration date of the original permit, and provided that no refund had been made as provided in his section.	50% of the original permit fee	
BP117	e. A fee of $200.00 shall be charged to renew and close expired permits previously issued by the Miami-Dade county, provided that the applicant submits to the village of Palmetto Bay's building official an affidavit from a registered architect or engineer that satisfies the requirements of the Florida Building Code to renew and close the expired permit, and that the affidavit includes evidence that the construction was completed to March 1, 2002.	~~$200.00~~	$ 190.00
BP117a	f. A fee of $50.00 shall be charged for each site inspections to close expired Miami-Dade county permits where the work was never initiated, and a building permit or an engineering or architect letter is not required, pursuant to (e) above.	~~$50.00~~	$ 48.00
BP-04	**INSPECTIONS/ PLAN REVIEWS REQUIRING OVERTIME:** g. Charges for construction inspections or plan reviews, which are requested shall be paid in advance.	$ ~~400.00~~ 380.00 on a regular weekends or $ ~~700.00~~ 665.00 holiday weekends	
BP-04a	**Partial inspection requests shall incur an additional fee per inspection**	~~$ 75.00~~	$ 72.00
BP-04b	**Re-inspection Fee (currently $100.00) each**	~~$ 100.00~~	$ 95.00
	FEES BASED ON ESTIMATED COST-DOCUMENTATION REQUIREMENTS: The Building Department may require the permit applicant to submit appropriate documentation, fully executed, as proof of estimated cost of construction used to compute permit fees.		
BP11	**ENFORCEMENT (Applicable to all trades):** Florida Statue 553.80 Enforcement "Section 2(b)- With respect to evaluation of design professionals' documents, if a local government finds it necessary , in order to enforce compliance with the Florida Building Code and issue a permit, to reject design documents required by the code three or more times for failure to correct a code violation specifically and continuously noted in each rejection, including but not limited to , egress fire protection, structural stability, energy accessibility, lighting, ventilation, electrical, mechanical, plumbing and gas systems, or other requirements identified by rule of Florida Building Commission adopted pursuant to Chapter 12, the local government shall impose, **each time after the third such review the plans are rejected for the code violation, a fee of four times the amount of the proportion of the permit fee attributed to plans review."**	~~$ 175.00~~	$ 167.00

BP04	**ENFORCEMENT (Applicable to all trades)—(cont'd):** "Section 2(c)- With respect to inspections, if a local government finds it necessary, in order to enforce compliance with the Florida Building Code, to conduct any inspection after an initial inspection and one subsequent re-inspection of any project or activity for the same code violation specifically and continuously noted in each rejection, including but not limited to egress, fire protection, structural stability, energy, accessibility, lighting, ventilation, electrical, mechanical, plumbing and gas systems, or other requirements identified by rule of the Florida Building Commission adopted pursuant to Chapter 120, **the local government shall impose a fee of four times the amount of the fee imposed for the initial inspection or first re-inspection, whichever is greater for each such subsequent re-inspection."**	~~$ 100.00~~	$ 95.00
	40 YEAR CERTIFICATION:		
BP127	40 year certification under Chapter 8 of the Miami-Dade County Code Review	~~$ 450.00~~	$ 428.00
BP128	a) Re-Certification at 10 year intervals thereafter	~~$ 450.00~~	$ 428.00
BP129	b) Extension request for a permit not to exceed 30 days	~~$ 100.00~~	$ 95.00
	LIEN SEARCHES:		
BP118	a) Regular (3-5 days)	~~$ 50.00~~	$48.00
BP099A	b) Express (next day)	~~$ 150.00~~	$143.00
	REVISIONS:		
BP10A	a) Minor revisions	$ 150.00	143.00
BP10B	b) **Minimum fee per trade** with a maximum of 50% of original permit fee or $1000.00	$75.00 per trade	
	CERTIFICATE OF OCCUPANCY/COMPLETION:		
	Single Family Residence, Townhouse (each unit), Duplex each unit (C.O)	~~$70.00~~	$ 67.00
	Apartments, Hotels, Multiple Family Uses:		
CO03	a) 2 to 50 units	~~$150.00~~	$ 143.00
	b) 51 to 100 units	~~$200.00~~	$ 190.00
	c) 101 or more units	~~$250.00~~	$ 236.00
CO07	d) Private School, Day Nursery, Convalescent and Nursing Home, Hospital, Assisted Living Facility (ALF) and developmentally disabled home care	~~$300.00~~	$ 285.00
	e) All Commercial Entities		
	Commercial/ Industrial:		
CO09	Per sq. Ft. of Business Area	$0.10	
CO09A	Minimum Fee	~~$200.00~~	$ 190.00
	Building Shell Commercial (New Construction) (C.C.):		
CO15	Building and Unit Shell	~~$150.00~~	$ 143.00
CO16	Occupancy without CO/CC a) (In Violation)	~~$250.00~~ 236.00 plus a double CO/CC	
CO17	Temporary Certificate of Occupancy (per 60 day interval)	~~$200.00~~	$ 190.00
BP23	a) **Building Code Compliance Fee (Miami-Dade Compliance) $0.60 per every $1000.00 of value of construction.**	As per the lasts MDC Code Ordinance Chapter 8-12 as updated	
BP-21A **BP-21B** **BP21A** **BP21B**	**EFFECTIVE October 1, 2010, a Florida Building Code Enforcement Surcharge (F.S. 553.721) and Building Code Administration and Inspection Fee (F.S. 468.631) shall be added to each permit equal to 3% of any building permits, mechanical, electrical, and plumbing permits, etc., with a minimum fee of $2.00 per permit.**	As per the latest Florida Statutes 468.631 and 553.721	
	SHOP DRAWING REVIEW:		
SD01	**a)** Trusses/Steel Structures	~~$45.00~~	$ 43
SD02	b) Precast/ Pre stress (Roof-Floor-Walls)	~~$45.00~~	$ 43
SD03	c) Overhead Doors each	~~$18.00~~	$ 17
SD04	d) Skylights each	~~$18.00~~	$ 17
SD05	e) Hand Rails/Stair Rails per linear feet	~~$18.00~~	$ 17
SD06	f) Storefront/Fixed Glazing (Under 8 feet high by 4 feet wide) each 100 square feet or part	~~$14.00~~	$ 13

SD07	g) Walk-in Coolers each	~~$175.00~~	$ 167.00
BP099	**EXPRESS PERMIT FEE**		$25.00

Code	PLUMBING PERMIT FEES	Building Fee	
PL04	Upfront Fee	~~$115.00~~	$110.00
PL07	Minimum Plumbing or Gas fee	~~$ 115.00~~	$110.00
PL05	Fixture rough or set		$ 9.00
	Settling tanks, gas or oil interceptors and grease traps & Septic tank		
PL08	Residential or Commercial	~~$ 95.00~~	$ 91.00
PL10	Sewer connection	~~$ 95.00~~	$ 91.00
PL19	Irrigation system per zone	~~$ 22.50~~	$ 22.00
PL15	Water service connection per meter	~~$ 15.00~~	$ 14.00
	Swimming Pools		
PS04	Swimming pool heater	~~$ 95.00~~	$ 91.00
PS05	Swimming pool repair	~~$ 115.00~~	$ 110.00
PS-06	Swimming Pools commercial (repair)	~~$ 250.00~~	$ 236.00
PL17	2" or less water service backflow assembly	$ 75.00	$ 72.00
PL18	2 ½" or greater water service backflow assembly	$125.00	$ 119.00
PL20	Solar panel (replace or additional) 10 kw or less	~~$ 100.00~~	$ 95.00
PL21	Solar panel (replace or additional) 11 kw or greater	~~$ 450.00~~	$ 428.00
PL22	Water heater replacement	~~$ 50.00~~	$ 48.00
	Wells		
PL26	1 ½ horse power or less	~~$ 115.00~~	$ 110.00
PL27	Greater than 1 ½ horse power	~~$ 290.00~~	$ 276.00
	Natural Gas or a liquefied petroleum		
GS05	For each meter (new or replacement)	~~$ 10.00~~	$ 9.00
GS04	For each outlet or appliance(Commercial)	~~$ 15.00~~	$ 14.00
GS08	Underground and above ground L.P. gas tanks at a single location	~~$ 110.00~~	$ 105.00
GS09	Gas water heater replacement	~~$ 50.00~~	$ 48.00
GS10	Gas Repair	~~$65.00~~	$ 62.00
	Water treatment plants, pumping stations, sewer treatments and lift stations		
PL32	Lift station	~~$ 500.00~~	$ 475.00
PL33	Sewage ejector	~~$ 130.00~~	$ 124.00
	Storm/sanitary utility/collector lines for building drain lines		
PL41	Minimum Fee includes first 30 feet	~~$ 15.00~~	$ 14.00
	Each additional 10 feet or portion thereof	~~$ 11.00~~	$ 10.00
	Manhole or Catch basin		
PL42	Minimum Fee	~~$ 175.00~~	$ 167.00
PL43	Each additional manhole or catch basin	~~$ 25.00~~	$ 24.00
	Temporary Toilets		
PL50	Minimum Fee	~~$ 100.00~~	$ 95.00
PL51	Each additional toilet	~~$ 10.00~~	$ 9.00
PL52	Renewal fee	~~$ 50.00~~	$ 48.00
PL53	Mobile home Connection	~~$ 150.00~~	$ 143.00
	Dental Vacuum lines		
PL60	Each chair	~~$ 125.00~~	$ 119.00

	Medical Gas line		
PL80	Installation per $ 1,000 value	~~$ 20.00~~	$19.00
PS03	Sump Pumps , Re-circulating pumps, domestic pumps, vacuum pumps	~~$ 25.00 each~~	$ 24.00 each

Code	ZONING FEES	Building Fee	
ZL-01	Zoning Inspections fee/per application	~~$ 50.00~~	$ 48.00
ZL-02	Zoning letters residential	~~$ 50.00~~	$ 48.00
ZL-03	Zoning letters Commercial	~~$ 150.00~~	$ 143.00
	Certificate of Use Inspection		
ZL-04a	Minimum fee	~~$ 175.00~~	$ 167.00
ZL-04b	Per square foot of unit	$ 0.07	
ZL-05	Special Event Inspection fee (for profit	~~$ 75.00~~	$ 72.00
	Landscape Plan review	~~83.75/hour min. fee $ 262.50~~	
Zl-06a	Residential	~~$25.00~~	$ 24.00
Zl-06b	Commercial	~~$ 262.50~~	$ 250.00
Zl-07	Waste Containers	~~$ 105.00~~	$ 100.00
Zl-08	Portable storage units per 30 days	~~$ 52.50~~	$ 50.00
ZL-09	Zoning Plan review remodeling	~~$ 50.00~~	$ 48.00
Zl-09a	Minimum fee		
Zl-09b	Maximum fee	~~$ 50.00~~	$ 48.00
Zl-10	Zoning plan review for new construction	~~$ 75.00~~	$ 72.00
ZL-10a	Minimum fee		
ZL-10b	Maximum fee	~~$ 75.00~~	$ 72.00
ZL-11	Zoning plan review fee for commercial per sq. ft.	$ 0.14	
Zl-11a	Minimum fee	~~$ 115.00~~	$ 110.00
ZL-11b	Maximum fee	~~$ 300.00~~	$ 285.00
Zl-12	Zoning plan review for alterations per $ 1.00 of estimated cost or fraction thereof	~~$ 50.00~~	$ 48.00
ZL-12 a	Minimum fee		
Zl-12 b	Maximum fee	~~$ 50.00~~	$ 48.00
ZL-13	Alcohol license application fee	~~$ 225.00~~	$ 214.00
Zl-13 b	Annual renewal fee	~~$ 75.00~~	$ 72.00
Zl-13 b	special event alcohol license fee	~~$ 75.00~~	$ 72.00
Zl-14	Flood plain management plan review	~~$ 100.00~~	$ 95.00
Zl-15	Occupational license inspection fee	~~$ 70.00~~	$ 67.00

Code	ELECTRICAL PERMIT FEES	Building Fee	
EL110	Upfront FEE	~~$ 115.00~~	$ 110.00
EL110A	Minimum Electrical Permit Fee inclusive of repair work	~~$ 115.00~~	$ 110.00
EL40	Roughing per Fixtures / Outlets		$ 2.75
	Electrical Service		
EL01	Permanent service to building per each 100 amps or fraction thereof		$ 9.00
EL06	Temporary service for construction per service	~~$ 95.00~~	$ 91.00
EL07	Construction field office service	~~$ 200.00~~	$ 190.00
EL07A	Minor panel repair	~~$ 100.00~~	$ 95.00
EL08	Reconnect meter	~~$ 100.00~~	$ 95.00
	Feeders (includes feeders to panels. M.C.C., switchboards, elevators, etc.		
EL05	Each feeder	~~$ 20.00~~	$ 19.00
EL05A	Generators, Automatic Transfer switches per 10 kw	~~$ 15.00~~	$ 14.00

	Temporary Service Test		
EL10	Equipment and service (30 day maximum) per service	~~$ 100.00~~	$ 95.00
EL11	Elevator (180 day maximum) per elevator	~~$ 150.00~~	$ 143.00
EL61	**Free Standing Service**	~~$ 150.00~~	$ 143.00
FD01	**Fire Detection System**	~~$ 200.00~~	$ 190.00
	Burglar Alarm System		
BA01	Complete system or repair (commercial only)	~~$ 115.00~~	$ 110.00
IS01	**Intercom System**	~~$ 50.00~~	$ 48.00
	Energy management System		
EP01	Per floor or repair	~~$ 105.00~~	$ 100.00
IS04	Closed Circuit TV	~~$ 105.00~~	$ 100.00
IS05	Vacuum System	~~$ 105.00~~	$ 100.00
IS06	Security System (card reader)	~~$ 105.00~~	$ 100.00
EL60	Temporary Work on Circuses, Carnivals, fairs, Christmas tree lots< fireworks, Tents, Etc.	~~$ 150.00~~	$ 143.00
EL80	Ground Wire for Screen Bonding per installation	~~$ 125.00~~	$ 119.00
EL70	Conduit Duct Bank per linear foot	$ 3.00	
	ALL OTHER WIRING AND OUTLETS:		
EL24	Commercial equipment (cooking, generator, presses, transformer) per 100 KW	~~$ 17.00~~	$ 16.00
EL26	Motors (installation, repair or replacement)	~~$ 20.00~~	$ 19.00
EL27	Air Conditioning and Refrigeration system (new work) per ton	~~$ 12.50~~	$ 12.00

Code	MECHANICAL PERMIT FEE SCHEDULE	Building Fee	
AC04	**Upfront Fee**	$ 115.00	$ 110.00
AC01	Minimum Fee	$ 115.00	$ 110.00
	A/C and refrigeration including replacement, relocation of equipment, and installation of new equipment		
AC05	Each ton	~~$ 22.50~~	$ 22.00
AC10	KW each	~~$ 5.50~~	$ 5.00
AC07	Drain each	~~$ 8.00~~	$ 7.50
	Storage tank for flammable liquids		
TK01	Per tank	~~$ 325.00~~	$ 309.00
	Furnace and heating equipment, including commercial dryers, ovens, and other fired objects not elsewhere classified (pool heater, boilers)		
AC08	Per KW	~~$ 5.00~~	$ 4.75
	Fire Sprinkler System:		
FS101	Per Standpipe	~~$ 45.00~~	$ 43.00
FS102	Per Sprinkler Head	~~$ 2.00~~	
FS103	Per hose rack or bob	~~$ 20.00~~	$ 19.00
FS104	Fire pump	~~$ 200.00~~	$ 180.00
FS105	Each 50 feet of underground piping or part thereof	~~$ 40.00~~	$ 38.00
	Internal Combustion Engines		
ME01	Stationary	~~$ 150.00~~	$ 143.00
	Commercial Kitchen Hoods		
HO01	each	~~$ 250.00~~	$ 236.00
	Other fees		
FS100	Fire chemical halon and spray booths per system	~~$ 190.00~~	$ 181.00
ME100	Insulation, pneumatic tube, conveyor systems, pressure and process piping, sheet metal or fiberglass air conditioning ducts, cooling towers, mechanical ventilation per every thousand square feet	~~$ 50.00~~	$ 48.00
	BOILERS AND PRESSURE VESSELS:		
BO01	Boilers less than 837 MBTU, each	~~$ 175.00~~	$ 167.00
BO02	Boilers 837 MBTU to 6,695, each	~~$ 200.00~~	$ 190.00

BO03	Boilers 6,695 MBTU and up, each	~~$ 300.00~~	$ 285.00
BO10	Steam driven prime movers, each	~~$ 120.00~~	$ 115.00
BO12	Steam actuated Machinery, each	~~$ 120.00~~	$ 115.00
CP01	Unfired pressure vessels (operating at pressure in excess of 60 psi and having volume or more than 5 cubic feet, each	~~$ 175.00~~	$ 167.00
	FEES FOR PERIODIC INSPECTIONS:		
BO04	Steam boilers (annual) each	~~$ 200.00~~	$ 190.00
BO05	Hot water boilers (annual) each	~~$ 100.00~~	$ 95.00
BO06	Unfired pressure vessels (annual) each	~~$ 100.00~~	$ 95.00
BO07	Miniature Boilers (annual) each	~~$ 100.00~~	$ 95.00
BO08	Certificate of inspection(where inspected by insurance company) each	~~$ 175.00~~	$ 167.00
BO11	Shop inspection of boiler or pressure vessels per completed vessel	~~$ 175.00~~	$ 167.00

Code	ANNUAL FACILITY PERMIT FEES	Building Fee	
	In accordance with provisions of the Florida Building Code and Chapter 10 of the Code of Miami-Dade County each firm or organization which performs its own maintenance work with certified maintenance personnel in Factory-Industrial (Group F) Facilities, as well as helpers there under, may pay to Palmetto Bay an annual master and Subsidiary Facility Permit (Premise Permit) – fee in lieu of other fees for maintenance work. Such fee shall be paid to the Building Department and such permit shall be renewed annually at a fee which is calculated in accordance with the provisions of this sub-section.		
	(1) CALCULATION OF THE INITIAL MASTER FACILITY PERMIT FEE Each firm or organization which obtains an annual master facility permit shall include in their application for such permit the total number of maintenance personnel, including helpers and trainees there under, assigned to building, electrical, plumbing or mechanical work. The Master Facility Permit (Premise Permit) fee shall be computed by multiplying the total number of such employees times the fee.		
	Master Facility Permit Fee (multiplying number of employees by fee) Minimum Master Facility Permit Fee	~~$ 52.50~~ ~~$ 1,135.00~~	$ 50.00 $ 1,079.00
	(2) CALCULATION OF THE INITIAL SUBSIDIARY FACILITY PERMIT FEE Each firm or organization, which utilizes decentralized locations in addition to the main location in addition to the main location described under Point 1 above, any additionally applied for Subsidiary Facility Permit (Premise Permit) for each such decentralized location. Such application for a Subsidiary Facility Permit (Premise Permit) shall include the same information required in Point 1 above.		
	Subsidiary Facility Permit Fee (multiply number of employees by fee) Minimum Subsidiary Facility Permit Fee	~~$ 60.11~~ ~~$ 318.57~~	$ 58.00 $ 303.00
	(3) RENEWAL OF FACILITY PERMIT Prior to each Facility Permit expiration, the holder will be sent a renewal notice to continue the Premise Permit for the next renewal period. The calculation of the renewal Premise Permit Fee shall be the same as the method used to calculate the original Facility Permit Fee. No allowances shall be made for late renewal fees or part year renewal fees.		
	ELEVATORS, ESCALATORS AND OTHER LIFTING APPARATUS:		
	Fee for original installation or major alternations and remodeling (includes initial inspection and Certificate).		
	PASSENGER AND FREIGHT ELEVATORS:		
EL01	New Elevator traction – each	~~$1050.00~~	$ 998.00
EL02	New Elevator hydraulic – each	~~$ 735.00~~	$ 699.00
EL03	Freight Elevator each	~~$1050.00~~	$ 998.00
EL04	Residential Elevator – each	~~$ 630.00~~	$ 599.00
EL05	Escalator	~~$ 420.00~~	$ 399.00
EL06	Dumbwaiters each	~~$ 210.00~~	$ 200.00
EL07	Wheelchairs lift each	~~$ 315.00~~	$ 300.00
EL08	Man Lift each	~~$ 525.00~~	$ 499.00
EL09	Conveyors and all other lifting and transporting apparatus (except as otherwise provided) each drive		
EL10	Major alterations and remodeling for an elevator, first two landings	~~$ 157.50~~	$ 150.00
EL11	Each landing thereafter – per floor	~~$ 15.75~~	$ 15.00
EL12	Refinish cab interior (no electrical work)	~~$ 210.00~~	$ 200.00

EL13	Vertical Conveyor	~~$ 315.00~~	$ 300.00
EL14	Key Box each	~~$ 89.25~~	$ 85.00
	FEES FOR PERIODIC RE-INSPECTIONS:		
EL15	Dumbwaiters, wheelchair lifts and all other lifting and transporting apparatus Vertical conveyors (Annual inspection per code)	~~$ 115.50~~	$ 115.00

Code	PUBLIC WORK FEES	Building Fee	
	REVIEW FEES:		
PB01	Review of Plans for Paving and Drainage	~~$ 400.00~~	$ 380.00
PB02	Review of plans except Paving and Drainage plans (Installation or repair of Sanitary and Storm Sewers, Water Lines, gas lines, buried electric, telephone, C.A.T.V., or other underground utilities.	$ 210.00	$ 200.00
PB03	For 100 linear feet or less	~~$ 147.00~~	$ 140.00
PB04	For each additional 100 linear feet or fraction thereof	~~$ 45.00~~	$ 43.00
	EXFILTRATION DRAINS:		
PB05	Consisting of catch basins, exfiltration trench, or slab covered trench for each 100 linear feet or fraction thereof.	~~$ 400.00~~	$ 380.00
	INSTALLATION OF POOLS:		
PB06	Poles or down guys for overhead utilities for each pole or down guy	~~$ 400.00~~	$ 380.00
	STREET PAVEMENT:		
PB10	Construction of street pavements, including paving of parkways and shoulders (includes base and sub grade) for one or two lane pavements (max. width 24 feet)	~~$ 241.50~~	$ 229.00
	For each additional 100 linear feet or less	~~$ 57.75~~	$ 55.00
PB11	For three or more lanes of pavement (greater than 24 feet) First 100 linear feet or less	~~$ 357.00~~	$ 340.00
	For each additional 100 feet or fraction thereof	~~$ 120.00~~	$ 114.00
	EMBANKMENTS:		
PB12	For the installation of embankment and/or sub-grade material in dedicated or zoned right-of-way, excluding base rock and asphalt for 100 linear feet or less	~~$ 120.75~~	$ 115.00
	For each additional 100 linear feet or fraction thereof	~~$ 31.50~~	$ 30.00
	CURB SEPARATORS:		
PB13	For each 100 linear feet or less	~~$ 57.75~~	$ 55.00
	For each additional 100 feet or portion thereof	~~$ 15.75~~	$ 15.00
	STREET SIGNS:		
PB14	Erection of street name signs, traffic or directional signs per sign	~~$ 15.75~~	$ 15.00
	BRIDGE CONSTRUCTION:		
PB15	For bridge construction with area less 100 square feet	~~$1197.00~~	$ 1,138.00
	For each additional 100 square feet or fraction thereof	~~$ 241.50~~	$ 230.00
	BARRICADES (PERMANENT):		
PB16	Installation of permanent type traffic barricades, guardrails, or guide posts for each 100 linear feet or fraction thereof	~~$ 89.50~~	$ 85.00
	CULVERTS:		
PB17	Construction of street or driveway culverts for each 100 linear feet or fraction thereof	~~$ 120.75~~	$ 115.00
	Installation of culvert pipe to enclose existing drainage ditch or canal for each 100 linear feet or fraction thereof	~~$ 178.50~~	$ 170.00
	TRAFFIC SIGNALS:		
PB18	Installation of traffic signals (includes signals, poles, and all incidental wiring and interconnects) for each intersection	~~$1795.00~~	$ 1,706.00
	For upgrades or modification of existing signals	~~$1197.00~~	$1,138.00
	BUS SHELTER:		
PB19	For each shelter	~~$ 120.75~~	$ 115.00
	RACKS:		
PB20	Fees for placement of a newspaper or storage rack under permit from public works in the public right of way (Newspaper racks at a given placement location defined as a location where no two racks are more than 200 feet from each other) per year	~~$ 26.25~~	$ 25.00
	For each additional rack within distance not to exceed ½ mile	~~$ 10.50~~	$ 10.00
	Fee for placement sticker used to identify permitted rack	~~$ 5.25~~	$ 5.00
	FENCES/PARKING AREAS:		
PB21	Review of application for permission to fence within the right of way	~~$ 598.50~~	$ 567.00
	Fees for temporary use of Public Works controlled land or easements $0.31 per square foot per year		

	with a min. of $120.75 per year for residential with the fair market rate per square foot as determined by the director for commercial but not to be less than $1197.00 per year		
	MISCELLANEOUS:		
PB22	Re-inspection fees other than traffic signals	$ 52.50	$ 50.00
	Re-inspection fees for traffic signals	$ 105.00	$ 100.00
	Tree Planting inspection fee in right of way per trees	$ 26.25	$ 25.00

To: Honorable Mayor and Village Council

Date: May 2, 2016

From: Edward Silva, Village Manager

Re: Public School Distance Separation – 1st Reading

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACTING IN ITS CAPACITY AS THE MAYOR AND VILLAGE COUNCIL AND AS THE LOCAL PLANNING AGENCY, AMENDING POLICY 1.4.1 RELATING TO PUBLIC SCHOOLS; ESTABLISHING A DISTANCE SEPARATION REQUIREMENT BETWEEN SUCH SCHOOLS FOR THE PURPOSE OF ENSURING COMPLIANCE WITH TRAFFIC LEVEL OF SERVICE CONCURRENCY; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

BACKGROUND:

It is generally accepted that school facilities have the potential to generate voluminous traffic in and around the areas in which they are located. This phenomenon is easy to observe on those days when school is out and traffic congestion is considerably eased. However, on school days, traffic demands often result in unacceptable Level of Service (LOS) ratings to the adjacent roadway network. The impact is driven in part by start times that require all students to be present when roadways are experiencing peak rush-hour traffic conditions. This impact may be further compounded where there are multiple schools within relatively close proximity to one another. In such cases, impacts may accrue to a broader portion of the roadway network than those streets immediately adjacent to either school.

Whether the school is a public or private institution, the potential for negative road LOS impact is possible. The Village has a thorough set of provisions regarding the establishment, siting, growth, and operational standards for private school facilities. By way of example, these standards allow the Village to require operational features such as providing for appropriate vehicular stacking area, requiring staggered school start times, and the placement caps on total student population. Through those provisions, a wide number of unintended impacts can be mitigated. However, Florida law does not allow local jurisdictions to regulation public schools the same way.

Section 1013.33(13), Florida Statute, provides for municipal regulation of public schools through the implementation of a local jurisdiction's comprehensive plan land use policies. Notwithstanding design modification voluntarily agreed to by a school's governing authority,

any such facility which complies with those polices must be permitted regardless of the overlaid zoning provisions. This rule equally applies to charter schools, which pursuant to Florida Statute's Section 1002.31, defines them as public schools.

Florida Statue 1002.33(18)(a) prohibits local governing authorities from imposing site development and building standards that are stricter than State Requirements for Education Facilities of the Florida Building Code. The statue does not preclude a local jurisdiction from requiring a charter school to complete a site plan review procedure that is equivalent to the process that a public school board would follow when citing one of their own facilities[1].

While the Village may request or desire certain development features as part of a public hearing process, State Statute makes their compliance voluntary to the favor of the public school. Thus as stated above, a municipality's main avenue to public school regulation must then be contained within the land use policies of its Comprehensive Plan.

The Village's Comprehensive Plan at policy 1.4.1, permits public schools in all of its zoning districts. The Comprehensive Plan also provides for roadway concurrency standards at Objective 2A.1 and its policies provided therein, and at Table 9.1 of the Capital Improvement Element, to ensure all developments comply with acceptable Level of Service (LOS) standards. Public schools are not exempt from those polices and must equally comply.

A comprehensive plan is not meant to be a detailed list of development standards, rather its design, in part, is meant to ensure municipal infrastructure is capable a managing development. The proposed amendment attempts address potential roadway capacity LOS requirements when two or more public schools are within 1,500 of each other. When such proximity exists, no new school or expansions thereto would be permitted should any portion of the roadway network within the overlapping buffer areas be caused to not meet roadway LOS as a result of said establishment or expansion. All other level of services standards within the Village's Comprehensive Plan shall continue to apply.

COMPREHENSIVE PLAN AMENDMENTS – PROCEDURALLY:

At the first public hearing, the Village Council shall take action to deny or approve the proposed ordinance, or approve it with modifications or conditions for purposes of transmittal to Florida Department of Economic Opportunity (DEO) Pursuant to Section 163.3184, Florida Statutes. If denied by the DEO, the Village may resubmit the application as provided under Section 30-30.2, of the Village's Code. If approved for purposes of transmittal, the Village shall thereafter provide the necessary administrative support for the DEO's review process required under Section 163.3184, et seq., Florida Statutes, and the Village's ordinance would go into effect upon adoption at the second public hearing.

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[1] The Village of Palmetto Bay participates in an interlocal agreement with the Miami-Dade School Board, Miami-Dade County, and its' area municipalities that provides for an exhaustive review procedure. Charter schools are not subject to the interlocal agreement. Hence, the Village relies upon Section 30-120 of its Land Development Code to review site plan requests for charter school facilities.

ANALYSIS:
The following is a review of the request pursuant to the Village's Comprehensive Amendment criteria found at Section 30-30.8(b) of the Land Development Code. The Background Section of this report is hereby incorporated by reference into this analysis.

Criteria (1) Whether the proposal is internally consistent with the Comprehensive Plan, including the adopted infrastructure minimum levels of service standards and the concurrency management program.

Analysis: The following Goals, Objectives and Policies (GOP) were identified as relating to this request. Each GOP is provided with a brief analysis. A final finding is provided at the end of this criterion.

Goal 1: To guide the Village of Palmetto Bay from birth to early maturity as an outstanding and truly livable community in southeast Florida by building on, and improving, the existing land use blueprint through visionary planning and place-making, cost efficient provision of high quality facilities and services, quality neighborhood protection, and enhancement of its unique and beautiful coastal environmental resources.

Analysis: See Background Section of this report. Most traffic studies associated with development only measure the impact of the adjacent roadways and intersections. This amendment seeks ensure other nearby roads do not exceed LOS when another public school is within 1,000 feet. By doing this, an added protection is provided to minimize unintended impacts to the neighborhoods of Palmetto Bay.

Objective 10.1 Work with Miami-Dade County Public Schools towards the reduction of the overcrowding which currently exists in Miami-Dade County Public Schools, while striving to attain and optimum level of service pursuant to Objective 2. Provide additional solutions to overcrowding so that countywide enrollment in Miami-Dade County's Public Schools will meet state requirements for class size by September 1, 2010.

Analysis: See Background section and Goal 1 above. All public schools are required to comply with roadway LOS. This amendment allows for additional consideration when multiple public schools facilities are located in close proximity to one another.

Finding: Consistent.

Criteria (2) Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing Comprehensive Plan, and whether the changes support or work against the proposed amendment.

Analysis: The majority of the goals, objectives and policies within the Comprehensive Plan were adopted in 2005. Since that time, Miami-Dade County has

considerable growth in the number of charter school facilities and the Village recently adopted new provision that will encourage residential development. The proposed amendment is offered to ensure roadway LOS continues to perform at existing or prescribed levels.

Finding: Consistent.

Criteria (3) Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved, the impact on adjacent or neighboring properties, consistency with existing development, as well as compatibility with existing and proposed neighboring property land use.

Analysis: See Background section of this report. Public schools are allowed in all land use and zoning categories. This provision seeks to ensure greater compatibility by seeking to maintained desired roadway LOS when public schools are in close proximity to one another.

Finding: Consistent.

Criteria (4) Whether, and the extent to which, the proposal would adversely affect the property values in the affected area, or adversely affect the general welfare.

Analysis: It is not clear what impact the proposed amendment would have on property values. However, it is believed the provision serves the general welfare by providing a roadway LOS requirement when there are school facilities that are close to one another.

Finding: Consistent.

Criteria (5) Whether the proposal would result in an orderly and compatible land use pattern. Any positive and negative effects on such pattern shall be identified.

Analysis: See Criteria 1 through 4 and the Background Section of the report.

Finding: Consistent.

Criteria (6) Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and intent of the Comprehensive Plan.

Analysis: Please see Criteria 1 through 4 and the Background Section of the report.

Finding: Consistent.

Criteria (7) Whether the proposed amendment meets the requirements of Florida Statutes Section 163.3161, Florida Statutes, entitled "The Local Government Comprehensive Planning and Land Development Regulation Act."

Analysis: See Background Section. No portion of the amendment violates Section 163.31.61.

Finding: Consistent.

Criteria (8) Other matters which the Local Planning Agency [here the Village Council, in its legislative discretion, may deem appropriate.

Finding: Decision for the Village Council.

FISCAL/BUDGETARY IMPACT:
No budgetary impact is anticipated at this time.

RECOMMENDATION:
Approval is recommended.

Darby Delsalle, AICP
Director of Planning and Zoning

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACTING IN ITS CAPACITY AS THE MAYOR AND VILLAGE COUNCIL AND AS THE LOCAL PLANNING AGENCY, AMENDING POLICY 1.4.1 RELATING TO PUBLIC SCHOOLS; ESTABLISHING A DISTANCE SEPARATION REQUIREMENT BETWEEN SUCH SCHOOLS FOR THE PURPOSE OF ENSURING COMPLIANCE WITH TRAFFIC LEVEL OF SERVICE CONCURRENCY; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Section 1013.33(13), Florida Statute, provides, that once a public school facility is determined consistent with a municipality's Comprehensive Plan Land Use Policies, a zoning site plan application my not be denied; and

WHEREAS, Florida Statutes Section 1002.31 defines "charter school" as public school; and

WHEREAS, Policy 1.4.1 of the Village's Comprehensive Plan (Comp Plan) permits public schools and charter schools in all zoning categories identified within the Village's Land Development Code (LDC), consistent with Florida Statues 1013.33(13); and

WHEREAS, among the policies adopted within the Village's Comp Plan are Levels of Service (LOS) standards for roadway capacity within the Village as more specifically noted at Objective 2A.1 and its policies provided therein, and Table 9.1 of the Capital Improvement Element; and

WHEREAS, it generally understood that public school facilities have the potential to generate voluminous traffic in and around the areas in which they are located which may result in unacceptable roadway LOS; and

WHEREAS, while the Village desires to continue accommodating public schools within all its zoning districts, the Village now seeks to clarify land use Policy 1.4.1 in such cases where two or more public schools within 1,500 feet of each other causes an adjacent roadway(s) to perform below required roadway LOS standards; and

WHEREAS, such a policy is consistent with Florida Statute 1013.33(13), which requires public schools facilities to comply with a municipal's land use policy; and

WHEREAS, pursuant to Section 163.3174, *Florida Statutes* the Village Council has been designated as the Local Planning Agency for the Village; and

Additions shown by underlining and deletions shown by ~~overstriking~~.
"***" indicates portions of code excluded.

WHEREAS, on _____, 2016, the Local Planning Agency recommended approval the proposed ordinance; and

WHEREAS, in light of the above, Village of Palmetto Bay desires to amend Policy 1.4.1 of the Comprehensive Plan as described more particularly herein.

NOW, THEREFORE, BE IT ENACTED BY THE MAYOR AND COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. **Recitals.** The above recitals are true and correct and incorporated herein by this reference.

Section 2. The Land Use Element of the Village's Comprehensive Plan is amended to read as follows:

1.0 FUTURE LAND USE ELEMENT

GOAL 1 **TO GUIDE THE VILLAGE OF PALMETTO BAY FROM BIRTH TO EARLY MATURITY AS AN OUTSTANDING AND TRULY LIVABLE COMMUNITY IN SOUTHEAST FLORIDA BY BUILDING ON, AND IMPROVING, THE EXISTING LAND USE BLUEPRINT THROUGH VISIONARY PLANNING AND PLACE-MAKING, COST EFFICIENT PROVISION OF HIGH QUALITY FACILITIES AND SERVICES, QUALITY NEIGHBORHOOD PROTECTION, AND ENHANCEMENT OF ITS UNIQUE AND BEAUTIFUL COASTAL ENVIRONMENTAL RESOURCES.**

Objective 1.1 **Schools and Co-location with Public Facilities**
Help the Miami-Dade County School Board and local charter school developers provide the high-quality elementary, secondary, and college level education facilities and resources.

* * *

Policy 1.4.1 Public schools are allowed in all land use categories shown on the adopted FLUM and all zoning districts contain in the LDC. However, if located in or near neighborhoods, adverse impacts to the tranquility of the resident around the school and in the surrounding neighborhood must be minimized to the maximum extent possible. A public school located within a 1,500 foot concentric ring buffer of another such facility, as measured from the property line, shall not be permitted if those roads that fall within the overlapping buffer area of the schools causes those roadways to exceed LOS standards as provided at Objective 2A.1 and its policies provided therein, and Table 9.1 of the Capital Improvement Element.

* * *

Additions shown by underlining and deletions shown by ~~overstriking~~.
"***" indicates portions of code excluded.

Section 3. **Conflicting Provisions.** The provisions of the Comprehensive Plan of the Village of Palmetto Bay, Florida and all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. **Severability.** The provisions of this Ordinance are declared to be severable, and if any sentence, section, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sentences, sections, clauses or phrases of the Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. **Codification.** It is the intention of the Village Council and it is hereby ordained the provisions of this Ordinance shall become and be made part of the Comprehensive Plan of the Village of Palmetto Bay, Florida.

Section 6. **Effective Date.** This ordinance shall only take effect once the conditions of companion Resolution No. _____ have been fulfilled.

PASSED and ENACTED this _____ day of _____, 2016.

First Reading: _____

Second Reading: _____

Attest: _____ _____

Meighan Alexander — Village Clerk

Eugene Flinn — Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

_____

Dexter W. Lehtinen
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Karyn Cunningham _____

Council Member Tim Schaffer _____

Council Member Larissa Siegel Lara _____

Additions shown by underlining and deletions shown by ~~overstriking~~.
"***" indicates portions of code excluded.

Vice-Mayor John DuBois _____

Mayor Eugene Flinn _____

Additions shown by underlining and deletions shown by ~~overstriking~~.
"***" indicates portions of code excluded.

ORDINANCE NO:_____

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ESTABLISHING THE REQUIREMENT FOR A SOLICITATION PERMIT FOR SOLICITATION WITHIN THE VILLAGE; PROVIDING DEFINITIONS, EXCLUSIONS, CIVIL PENALTIES, AND MINIMUM APPLICATION CONTENTS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. (Sponsored by Councilman Tim Schaffer.)

WHEREAS, solicitation by persons within the Village of Palmetto Bay provides both positive economic opportunities and negative concerns regarding resident privacy; and

WHEREAS, permitting procedures will help to maximize the positive economic opportunities and minimize the negative concerns regarding privacy.

BE IT ENACTED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. The Village of Palmetto Bay hereby creates a Section of the Village Code that shall read as follows:

Solicitation Permits

(1) Solicitation Permit Required

(a) No person, on their own behalf or on behalf of any organization, shall conduct solicitation, as defined herein, within the Village of Palmetto Bay without first obtaining a current solicitation permit, as provided herein, except as provided in subsection (2) herein.

(b) The term "solicitation" as used in this section means an unsolicited request or petition intended to obtain something of value or information by a person who seeks such things or information by approaching residences or businesses at their residential or business location.

(c) The permit for solicitation shall be carried at all times while conducting home solicitation, and the permit shall be produced and available for inspection at all such times by any Palmetto Bay police officer, Village Manager, or Code Compliance Officer.

(d) A person regarding whom there is reasonable belief that such person is engaging in solicitation may be asked by any Palmetto Bay Police Officer, Village Manager, or Code Compliance Officer, to produce for inspection the required solicitation license or suitable identification if no solicitation license is produced upon request.

(2) Exclusions -- The following are excluded from the operation of this section:

(a) Bona fide agents, business representatives, or sales persons making calls or soliciting orders at the usual place of business of a customer regarding products or services for use in connection with the customer's business.

(b) Solicitors, sales persons, or agents making a call or business visit upon the express invitation, oral or written, of an inhabitant of the premises or his or her agent.

(c) Telephone solicitors, sales persons, or agents making calls that involve transactions that are unsolicited by the customer and consummated by telephone and without any other contact between the buyer and the seller or its representative prior to delivery of the goods or performance of the services.

(d) Solicitors, sales persons, or agents conducting a sale, lease, or rental of consumer goods or services by sample, catalog, or brochure for future delivery.

(e) Minors under the age of 18 years conducting home solicitation sales under the supervision of an adult supervisor who holds a valid solicitation permit from the Village. Minors excluded from the operation of this section must, however, carry personal identification that includes their full name, date of birth, residence address, name of employer or sponsoring entity, and name and solicitation permit number of the adult supervisor.

(f) Those sellers or their representatives who are currently regulated as to the sale of goods or services by Florida Statutes Chapter 475 or Chapter 497.

(g) Solicitors, sales persons, or agents making calls or soliciting orders on behalf of a religious, charitable, scientific, educational, or veterans' institution or organization holding a sales tax exemption certificate under Florida Statute 212.08(7).

(h) Candidates for election to public office or their representatives.

(3) Civil Penalties:

(a) Any person violating this section shall receive a civil citation from a Palmetto Bay Police Officer, the Village Manager, or a Code Compliance Officer following substantially the procedures established in Sections 2-204 and 2-204 of the Village of Palmetto Bay Code of Ordinances.

(b) Any civil citation issued pursuant to this section may be appealed under the procedures in the Palmetto Bay Code.

(c) The civil fine and penalties for a violation of this section shall be as follows:

(i) First offense for failure to have obtained a permit, Fifty dollars ($50) fine;

(ii) Second and subsequent offenses for failure to obtain a permit, One hundred fifty dollars ($150) for each offense thereafter; and, in addition, ineligibility to receive a solicitation permit for a period of one year following the second or subsequent offense(s); and

(iii) First offense for failure to carry or produce upon request an otherwise valid permit issued to the person, twenty dollars ($20) fine;

(iv) Second offense for failure to carry or produce upon request an otherwise valid permit issued to the person, forty dollars ($20) fine;

(v) For the third and each subsequent failure to carry or produce upon request an otherwise valid permit issued to the person, suspension of the permit for one year.

(4) Permit Application: Applicants for permits shall file a sworn application in writing with the department designated by the Village Manager. The permit application fee shall be twenty-five dollars ($25). Each application shall be on a form specified by the Village Manager, containing the following as a minimum:

(a) full name of applicant;

(b) date of birth of the applicant;

(c) race and sex of applicant;

(d) permanent residence address of applicant;

(e) local residence address of applicant;

(f) name and address of the applicant's employer;

(g) two recent color photographs of applicant;

(h) a statement as to whether or not the applicant has been convicted or has pleaded guilty or has pleaded nolo contendere or has had adjudication withheld, with respect to any crime (misdemeanor or felony) in any jurisdiction; and, if so, the nature of the offense and the penalty assessed therein; and

(i) two sets of fingerprints taken within six months by the Palmetto Bay Police Department or by an authorized law enforcement agency.

(5) Permit Revocation, Suspension or Denial: The Village Manager or the Manager's designee may revoke, suspend, or deny the issuance of a solicitation permit, if it is determined that an applicant or permit holder has:

(a) Misstated, misrepresented, withheld any material information, or failed to truthfully answer any question in the application;

(b) Has warranted the penalty of suspension as provided in subsection (3)(c)(ii) above or has otherwise substantially failed to comply in any material respect with the requirements of this section; or

(c) Has answered "yes" to any of the questions in subsection (4)(h) above regarding prior criminal activity, if the action reported is less than five years old for a felony charge and less than three years old for a misdemeanor charge.

Section 2. The Village Manager is hereby authorized to take all actions necessary to implement the terms and conditions of this Ordinance.

Section 3. If any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

Section 4. This ordinance shall take effect fifteen (15) days following adoption on second reading.

PASSED AND ENACTED this _____ day of _____, 2016.

First Reading: _____

Second Reading: _____

Attest: _____
Meighan Alexander,
Village Clerk

_____
Eugene Flinn,
Mayor

APPROVED AS TO FORM:

_____
Dexter Lehtinen
Office of Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Karyn Cunningham _____

Council Member Tim Schaffer _____

Council Member Larissa Siegel Lara _____

Vice-Mayor John DuBois _____

Mayor Eugene Flinn _____