VILLAGE OF PALMETTO BAY

Mayor Karyn Cunningham
Vice Mayor Mark Merwitzer
Council Member Patrick Fiore (Seat 1)
Council Member Steve Cody (Seat 2)
Council Member Marsha Matson (Seat 3)

Village Manager Nick Marano
Village Attorney John Quick
Village Clerk Missy Arocha

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation, a sign language interpreter, or hearing impaired to participate in this proceeding should contact the Village Clerk at (305) 259-1234 for assistance no later than four days prior to the meeting.

AGENDA
ZONING HEARING
MONDAY, OCTOBER 19, 2026 – 7:00 PM

VILLAGE HALL MUNICIPAL CENTER
9705 EAST HIBISCUS STREET, PALMETTO BAY, FL 33157
(305) 259-1234

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1. **CALL TO ORDER, ROLL CALL, INVOCATION, PLEDGE OF ALLEGIANCE, AND DECORUM STATEMENT, IN THAT ORDER:** Any person making impertinent or slanderous remarks, or who becomes boisterous, while addressing the Council may be barred from further appearance before the Council by the Mayor, unless permission to continue or again address the Council is granted by a majority vote of the Council. Applauding speakers shall be discouraged. Heckling or verbal outbursts in support or opposition to a speaker, or his or her remarks, shall be prohibited. No signs or placards shall be allowed in the Council meeting. Persons exiting the Council meeting shall do so quietly. All cellular telephones and beepers are to be silenced during the meeting.

2. **REQUEST, PETITIONS, AND PUBLIC COMMENTS** Individuals wishing to speak on matters on the agenda and on items pertinent to the Village may do so by speaking during this section of the agenda. The Mayor will recognize those persons who wish to speak. Each speaker must sign-in prior to speaking on the designated public commentary sign-in sheet. Items for public hearing provided for within the agenda shall not be a topic of discussion during this section of the agenda. Please limit your comments to three (3) minutes or less. Public comments made by members of the public are important to the Village Council. Speakers will address the Village Council with respect.

3. APPROVAL OF MINUTES

A. Local Planning Agency Meeting (September 28, 2026)

B. Zoning Hearing (September 28, 2026)

4. MAJOR PROJECTS UPDATE

5. ORDINANCES FOR SECOND READING AND PUBLIC HEARING

A. **Applicant:** Village of Palmetto Bay
Location: Village-wide
Request: AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO COMMUNITY PLANNING AND DEVELOPMENT, TO ADOPT HIGHER REGULATORY STANDARDS; AMENDING CHAPTER 30 “ZONING,” ARTICLE II “VILLAGE OF PALMETTO BAY, FLORIDA - LAND DEVELOPMENT CODE,” DIVISION 30-100.6 “FLOODPLAIN MANAGEMENT REGULATIONS” TO REVISE THE EFFECTIVE DATE OF THE FLOOD INSURANCE STUDY; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. *(Sponsored by Administration and prepared by Sustainability & Resiliency Planner, Andrea Candelaria) (Passed on First Reading on September 28, 2026, Zoning Hearing)*

6. ORDINANCES FOR FIRST READING AND PUBLIC HEARING

A. **Applicant:** Village of Palmetto Bay
Location: Village-wide
Request: AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ADOPTING THE ANNUAL UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT (CIE) OF THE VILLAGE’S COMPREHENSIVE PLAN FOR 2026 AND THE FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS FOR FISCAL YEARS 2026/2027 – 2030/2031 PURSUANT TO SECTION 163.3177(3)(B), FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Administration and prepared by Planning and Zoning Director, Javier Gonzalez)*

B. **Applicant:** Village of Palmetto Bay
Location: Village-wide
Request: AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACCEPTING AND ADOPTING THE MOBILITY FEE TECHNICAL REPORT AND PARKS IMPACT FEE STUDY REPORT PREPARED BY STANTEC CONSULTING SERVICES INC.; AMENDING APPENDIX A, "FEE SCHEDULE," OF THE CODE OF ORDINANCES RELATING TO THE VILLAGE-WIDE MOBILITY IMPACT FEE SCHEDULE AND PARK CONCURRENCY IMPACT FEE SCHEDULE PURSUANT TO THE FLORIDA IMPACT FEE ACT (SECTION 163.31801, FLORIDA STATUTES); PROVIDING FOR STATUTORY PHASE-IN INCREMENTS AND NOTICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Administration and prepared by Planning and Zoning Director, Javier Gonzalez)*

C. **Applicant:** Village of Palmetto Bay
Location: Village-wide
Request: AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO BUILDING PERMIT FEES; RESTRUCTURING APPENDIX A OF THE CODE OF ORDINANCES IN COMPLIANCE WITH HB 399 AND HB 803 OF THE 2026 FLORIDA LEGIUSLATURE; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. *(Sponsored by Administration and prepared by Building Official, Dean Klements)*

7. PUBLIC HEARING ITEMS

8. ADJOURNMENT

WE, THE VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, HEREBY COMMIT OURSELVES TO MAINTAINING CIVILITY IN OUR PUBLIC AND POLITICAL DISCOURSE AND PLEDGE TO THE FOLLOWING PRINCIPLES:

- We will respect the right of all citizens in our community to hold different opinions;
- We will avoid rhetoric intended to humiliate or question the wisdom of those whose opinions are different from ours;
- We will strive to understand differing perspectives;
- We will choose our words carefully;
- We will speak truthfully without accusation and we will avoid distortion;
- We will speak out against violence, prejudice, and incivility in all of their forms, whenever and wherever they occur.

NOTICE OF APPEAL RIGHTS

Pursuant to Florida Statutes 286.0105, the Village hereby advises the public that if a person decides to appeal any decision made by the Council with response to any matter considered at its meeting or hearing, he or she will need a record of the proceedings, and that for such purpose, the affected person may need to ensure that verbatim record of the proceedings is made, which record includes testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the Village for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed.

AMERICAN DISABILITIES ACT OF 1990

This meeting is open to the public. In accordance with the American Disabilities Act of 1990, persons needing special accommodation or a sign language interpreter to participate in this

proceeding should contact the Village Clerk at (305) 259-1234 no later than four (4) days prior to the meeting. Hearing Assistance Devices are available with the Village Clerk.

AGENDA ITEM NO. 3.A

Item Cover Page

ZONING HEARING AGENDA ITEM REPORT

DATE:	October 19, 2026
SUBMITTED BY:	Missy Arocha, Village Clerk's Office
ITEM TYPE:	Minutes
AGENDA SECTION:	**APPROVAL OF MINUTES**
SUBJECT:	Local Planning Agency Meeting (September 28, 2026)
SUGGESTED ACTION:	

ATTACHMENTS:
2026-09-28 LPA-Minutes

MINUTES
LOCAL PLANNING AGENCY MEETING
MONDAY, SEPTEMBER 28, 2026 – 7:00 PM
VILLAGE HALL MUNICIPAL CENTER
9705 EAST HIBISCUS STREET, PALMETTO BAY, FL 33157

1. CALL TO ORDER, ROLL CALL, INVOCATION, PLEDGE OF ALLEGIANCE, AND DECORUM STATEMENT, IN THAT ORDER.

Mayor Karyn Cunningham called the meeting to order at 7:00 p.m.

The following members of the Village Council were present during the roll call:
Mayor Karyn Cunningham
Vice Mayor Mark Merwitzer
Councilmember Patrick Fiore
Councilmember Steve Cody
Councilmember Marsha Matson

The following Charter Officers were present during the roll call:
Village Manager Nick Marano
Village Attorney John Quick
Village Clerk Missy Arocha

The innovation was led by Councilmember Patrick Fiore and the pledge of allegiance was led by Building and Planning Director, Dean Klement.

2. REQUESTS, PETITIONS, AND PUBLIC COMMENTS: The following speakers spoke for a time allotment of three minutes:

- Jeffrey Berman (14063 SW 67th Place) – explained that he is the president of the Homeowner's Association of Yacht Club by Luxcom and inquired by the settlement agreement between the Village and Luxcom.

3. PUBLIC HEARING ITEMS

A. **Applicant:** Village of Palmetto Bay
Location: Village-wide
Request: A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, SITTING AS THE LOCAL PLANNING AGENCY; RECOMMENDING APPROVAL TO THE VILLAGE COUNCIL OF AMENDING CHAPTER 30 "ZONING," ARTICLE II "VILLAGE OF PALMETTO BAY, FLORIDA – LAND DEVELOPMENT CODE," DIVISION 30-100.6 "FLOODPLAIN MANAGEMENT REGULATIONS" TO REVISE THE EFFECTIVE DATE OF THE FLOOD INSURANCE STUDY; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Administration and*

prepared by Sustainability & Resiliency Planner, Andrea Candelaria)

Item 3A was **moved** by Councilmember Patrick Fiore and **seconded** by Vice Mayor Mark Merwitzer.

There were no public comments or public comments submitted by form on the public hearing item.

Sustainability & Resiliency Planner, Andrea Candelaria explained and presented the changes regarding the floodplain management section of the Division 30-100.6 of the Code of Ordinances.

There were no Council objections, questions, or comments to the public hearing item.

Final Vote for Item 3A

The question was called in favor of the Resolution. **All voted in favor (5-0). The Ordinance passed unanimously by a roll-call vote.**

- Vice Mayor Mark Merwitzer - YES
- Councilmember Steve Cody - YES
- Councilmember Patrick Fiore - YES
- Mayor Karyn Cunningham - YES
- Councilmember Marsha Matson - YES

B. **Applicant:** Village of Palmetto Bay
Location: Village-wide
Request: A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, SITTING AS THE LOCAL PLANNING AGENCY; RECOMMENDING APPROVAL TO THE VILLAGE COUNCIL OF A TEXT AMENDMENT TO SECTION 30-40 OF THE VILLAGE CODE OF ORDINANCES ENTITLED "DEFINITIONS AND RULES OF CONSTRUCTION;" RECOMMENDING THE CREATION OF SECTION 30-60.32 TO EXPRESSLY PROHIBIT DATA CENTERS IN ALL ZONING DISTRICTS; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Vice Mayor Mark Merwitzer)*

Item 3B was **moved** by Vice Mayor Mark Merwitzer and **seconded** by Councilmember Patrick Fiore.

There were no public comments or public comments submitted by form on the public hearing item.

Vice Mayor Mark Merwitzer introduced the proposed Ordinance, explaining that data centers are a rapidly growing industry throughout Miami-Dade County and reported that that these facilities may be established through the conversion of existing buildings or developed as artificial intelligence (AI) and telecommunications hubs. He reported that the Ordinance would define data centers and their operations within the Village Code and prohibit data centers throughout Palmetto Bay, while preserving the legality of small businesses and other permitted uses in the Village.

Councilmember Steve Cody directed questions to Village Attorney John Quick and Planning and Zoning Director, Javier Gonzalez regarding the need for the proposed legislation and the Village's existing regulations.

Director Javier Gonzalez reported that AI data centers are not currently permitted under the Village Code, that no zoning district allows such facilities, and that the Village has not received any applications, zoning determination requests, or pre-application meeting requests for a data center.

Councilmember Steve Cody further questioned whether staff had identified any properties where a data center could be approved under the existing Code and whether the Planning and Zoning Department had conducted an analysis supporting the proposed legislation.

Director Javier Gonzalez responded that no such analysis had been conducted and explained that determining whether additional restrictions were necessary was a legislative decision for the Village Council.

Councilmember Steve Cody questioned what the proposed measure would prohibit beyond what is already prohibited under the existing Code and what specific provisions would be codified.

Village Attorney John Quick indicated that the Ordinance would provide clarification through an express prohibition.

Councilmember Steve Cody questioned the planning basis for treating different types and scales of data center facilities similarly under the proposed measure.

Village Attorney John Quick explained that determining whether such facilities should be treated the same was a policy decision for the Village Council and he further stated that additional information regarding the facilities' scale and impacts would be needed to evaluate potential legal concerns associated with imposing restrictions.

Councilmember Cody questioned whether staff had conducted studies to support a complete prohibition, identified potential locations for data centers within the Village, or received information indicating demand for such facilities in Palmetto Bay.

Director Javier Gonzalez reported that no studies had been conducted, no potential locations had been identified through a staff study, and no information regarding demand had been identified.

Village Manager Nick Marano confirmed that these studies had not been performed and stated that they were not required for the Council to consider the proposed measure as a policy decision.

Councilmember Cody referenced the Comprehensive Plan's Map FLU-2, Vacant Land, during the discussion of potential locations and development considerations.

Village Attorney John Quick responded to questions raised during the discussion.

Councilmember Marsha Matson discussed the proposed prohibition and the inclusion of an express prohibition in the Village Code.

Councilmember Patrick Fiore discussed the proposed legislation, indicating support for the Resolution as a recommendation to the Local Planning Agency (LPA) and stating that he will not support the item if it comes back as an Ordinance.

Councilmember Cody requested that consideration of the proposal be deferred to allow staff to conduct studies regarding the potential impacts and practical considerations associated with data center facilities.

Councilmember Steve Cody **motioned** to defer consideration of the LPA Resolution until December 7, 2026, to allow staff to gather and present additional information to the newly seated Council. Mayor Karyn Cunningham **seconded** the motion.

Mayor Karyn Cunningham questioned about the time needed to compile additional information regarding the proposed data center prohibition.

Director Javier Gonzalez stated that the scope of the study and the data or analysis required would need to be determined and that a consultant might be needed to assist with areas outside the Village's expertise.

Village Attorney John Quick stated that completing the work by the next Zoning Hearing scheduled for October 19, 2026, would be difficult.

Vice Mayor Mark Merwitzer discussed the proposed Resolution and Ordinance process, reporting that the Ordinance would require two readings for adoption. He also explained the possibility of scheduling the subsequent Ordinance hearing for December to allow the incoming Village Council to consider the matter and staff to evaluate the proposal.

Councilmember Steve Cody **amended his motion** to defer consideration of the LPA Resolution until February 2027. Mayor Karyn Cunningham **accepted the amendment.** There were no Council objections to the amendment on the motion.

Vice Mayor Mark Merwitzer urged the Council to support the Resolution and explained the potential future implications of data center development and the Village's existing Code provisions.

Councilmember Steve Cody stated that the LPA Resolution was not accompanied by a staff memorandum or supporting analysis and requested that staff compile additional information regarding the need for the proposed measure before the Council decides.

Village Clerk Missy Arocha read the motion on the floor to defer consideration of the LPA Resolution until February 2027. The **motion failed by a vote of (2–3)**, with Vice Mayor Mark Merwitzer, Councilmember Patrick Fiore, and Councilmember

Marsha Matson voting in opposition.

Final Vote for Item 3B

The question was called in favor of the Resolution. **The Resolution passed by a vote of (3-2),** with Councilmember Steve Cody and Mayor Karyn Cunningham voting in opposition.

- Vice Mayor Mark Merwitzer - YES
- Councilmember Marsha Matson - YES
- Councilmember Steve Cody - NO
- Mayor Karyn Cunningham - NO
- Councilmember Patrick Fiore - YES

4. ADJOURNMENT:

Councilmember Steve Cody **motioned** to adjourn the meeting. Councilmember Patrick Fiore **seconded the motion. All voted in favor (5-0). The motion passed unanimously.**

The meeting adjourned at 8:09 PM.

The meeting minutes were approved this 19th day of October, 2026.

Attest:

_____ _____

Mayor Karyn Cunningham Village Clerk Missy Arocha

AGENDA ITEM NO. 3.B

Item Cover Page

ZONING HEARING AGENDA ITEM REPORT

DATE:	October 19, 2026
SUBMITTED BY:	Missy Arocha, Village Clerk's Office
ITEM TYPE:	Minutes
AGENDA SECTION:	**APPROVAL OF MINUTES**
SUBJECT:	Zoning Hearing (September 28, 2026)
SUGGESTED ACTION:	

ATTACHMENTS:
2026-09-28 Zoning-Minutes

MINUTES
ZONING HEARING
MONDAY, SEPTEMBER 28, 2026 – 7:00 PM
VILLAGE HALL MUNICIPAL CENTER
9705 EAST HIBISCUS STREET, PALMETTO BAY, FL 33157

1. CALL TO ORDER, ROLL CALL, INVOCATION, PLEDGE OF ALLEGIANCE, AND DECORUM STATEMENT, IN THAT ORDER.

Mayor Karyn Cunningham called the meeting to order at 8:15 p.m. immediately following the Local Planning Agency Meeting.

The following members of the Village Council were present during the roll call:
Mayor Karyn Cunningham
Vice Mayor Mark Merwitzer
Councilmember Patrick Fiore
Councilmember Steve Cody
Councilmember Marsha Matson

The following Charter Officers were present during the roll call:
Village Manager Nick Marano
Village Attorney John Quick
Village Clerk Missy Arocha

The innovation was led during the Local Planning Agency Meeting and the pledge of allegiance was led by Resiliency and Sustainability Planner, Andrea Candelaria.

2. REQUESTS, PETITIONS, AND PUBLIC COMMENTS: There were no public comments or public comments submitted by form.

3. APPROVAL OF THE MINUTES

Councilmember Steve Cody **motioned** to approve the minutes. Vice Mayor Mark Merwitzer **seconded** the motion. **All voted in favor (5-0). The motion passed unanimously.**

A. Local Planning Agency Meeting (June 15, 2026)
B. Zoning Hearing (June 15, 2026)

4. MAJOR PROJECTS UPDATE

Principal Planner, Edgar illustrated a PowerPoint presentation on current planning and development projects and activities, including rezoning applications, site plan applications

under review, and approved site plan applications. Following his presentations, he answered questions raised by the Council regarding the site plan applications under review.

5. ORDINANCES FOR SECOND READING AND PUBLIC HEARING

A. **Applicant:** Village of Palmetto Bay
Location: Village-wide
Request: AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING SECTION 30-30.2 OF THE VILLAGE LAND DEVELOPMENT CODE ENTITLED "GENERAL APPLICATION REQUIREMENTS," SUBSECTION (D)(4), TO UPDATE SURVEY "GENERAL APPLICATION REQUIREMENTS," SUBSECTION (0)(4), TO UPDATE SURVEY STANDARDS FOR MINOR RESIDENTIAL BUILDING PERMITS; PROVIDING FOR THE ACCEPTANCE OF SURVEYS OLDER THAN THREE YEARS FOR MINOR WORK SUBJECT TO A NOTARIZED AFFIDAVIT OF NO CHANGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Mayor Karyn Cunningham)*

Item 5A was **moved** by Councilmember Steve Cody and **seconded** by Vice Mayor Mark Merwitzer.

There were no public comments or public comments submitted by form on the public hearing item.

Mayor Karyn Cunningham reported that the approval of the Ordinance would allow surveys older than three years for minor projects.

There were no Council objections, questions, or comments to the public hearing item.

Final Vote for Item 5A
The question was called in favor of the Ordinance on Second Reading. **All voted in favor (5-0). The Ordinance passed unanimously by a roll-call vote.**

- Mayor Karyn Cunningham - YES
- Councilmember Marsha Matson - YES
- Councilmember Patrick Fiore - YES
- Councilmember Steve Cody - YES
- Vice Mayor Mark Merwitzer - YES

6. ORDINANCES FOR FIRST READING AND PUBLIC HEARING

A. **Applicant:** Village of Palmetto Bay
Location: Village-wide
Request: AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO COMMUNITY PLANNING AND DEVELOPMENT, TO ADOPT HIGHER REGULATORY STANDARDS; AMENDING CHAPTER 30 "ZONING," ARTICLE II "VILLAGE OF PALMETTO BAY, FLORIDA - LAND DEVELOPMENT CODE," DIVISION 30-100.6

"FLOODPLAIN MANAGEMENT REGULATIONS" TO REVISE THE EFFECTIVE DATE OF THE FLOOD INSURANCE STUDY; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. *(Sponsored by Administration and prepared by Sustainability & Resiliency Planner, Andrea Candelaria)*

Item 6A was **moved** by Councilmember Marsha Matson and **seconded** by Vice Mayor Mark Merwitzer.

There were no public comments or public comments submitted by form on the public hearing item.

There were no Council objections, questions, or comments to the public hearing item.

Final Vote for Item 6A

The question was called in favor of the Ordinance on First Reading. **All voted in favor (5-0). The Ordinance passed unanimously by a roll-call vote.**

- Councilmember Steve Cody - YES
- Councilmember Patrick Fiore - YES
- Councilmember Marsha Matson - YES
- Mayor Karyn Cunningham - YES
- Vice Mayor Mark Merwitzer - YES

B. **Applicant:** Village of Palmetto Bay
Location: Village-wide
Request: AN ORDINANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING CHAPTER 30, DIVISION 30-40, "DEFINITIONS AND RULES OF CONSTRUCTION"; DEFINING DATA CENTERS AND ACCESSORY SERVER ROOMS; CREATING SECTION 30-60.32 TO EXPRESSLY PROHIBIT DATA CENTERS IN ALL ZONING DISTRICTS; CLARIFYING THE TREATMENT OF TELECOMMUNICATIONS FACILITIES AND ACCESSORY SERVER ROOMS; PROVIDING FOR LAWFUL EXISTING USES AND VESTED RIGHTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Vice Mayor Mark Merwitzer)*

Item 6B was **moved** by Councilmember Marsha Matson and **seconded** by Vice Mayor Mark Merwitzer.

The following speaker spoke for a time allotment of three minutes:

- Jeffrey Berman (14063 SW 67th Place) – explained that he is the president of the Homeowner's Association of Yacht Club by Luxcom and inquired by the settlement agreement between the Village and Luxcom

Vice Mayor Mark Merwitzer **motioned** to defer the Ordinance to the January 2027, Zoning Hearing. Councilmember Patrick Fiore **seconded** the motion. The **motion passed (3-2)**, with Councilmember Steve Cody and Councilmember Marsha Matson voting in opposition.

7. ADJOURNMENT:

Councilmember Steve Cody **motioned** to adjourn the meeting. Councilmember Patrick Fiore **seconded the motion. All voted in favor (5-0). The motion passed unanimously.**

The meeting adjourned at 8:36 PM.

The meeting minutes were approved this 19th day of October, 2026.

Attest:

_____	_____
Mayor Karyn Cunningham	Village Clerk Missy Arocha

AGENDA ITEM NO. 5.A

Item Cover Page

ZONING HEARING AGENDA ITEM REPORT

DATE: October 19, 2026

SUBMITTED BY: Andrea Candelaria, Village Manager's Office

ITEM TYPE: Ordinance

AGENDA SECTION: **ORDINANCES FOR SECOND READING AND PUBLIC HEARING**

SUBJECT:

Applicant: Village of Palmetto Bay
Location: Village-wide
Request: AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO COMMUNITY PLANNING AND DEVELOPMENT, TO ADOPT HIGHER REGULATORY STANDARDS; AMENDING CHAPTER 30 "ZONING," ARTICLE II "VILLAGE OF PALMETTO BAY, FLORIDA - LAND DEVELOPMENT CODE," DIVISION 30-100.6 "FLOODPLAIN MANAGEMENT REGULATIONS" TO REVISE THE EFFECTIVE DATE OF THE FLOOD INSURANCE STUDY; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. *(Sponsored by Administration and prepared by Sustainability & Resiliency Planner, Andrea Candelaria) (Passed on First Reading on September 28, 2026, Zoning Hearing)*

SUGGESTED ACTION:

ATTACHMENTS:
VPB CRS 430 Standards SB 180 2026

LFD-430Changes Memo
Attachment A-Official FEMA LFD Notice
Attachment B-Strikethough Ord.docx

ORDINANCE 2026-X

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO COMMUNITY PLANNING AND DEVELOPMENT, TO ADOPT HIGHER REGULATORY STANDARDS; AMENDING CHAPTER 30 "ZONING," ARTICLE II "VILLAGE OF PALMETTO BAY, FLORIDA - LAND DEVELOPMENT CODE," DIVISION 30-100.6 "FLOODPLAIN MANAGEMENT REGULATIONS" TO REVISE THE EFFECTIVE DATE OF THE FLOOD INSURANCE STUDY; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. *(Second Reading) (Sponsored by Administration and Prepared by Sustainability & Resiliency Planner Andrea Candelaria)*

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 – Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Village of Palmetto Bay participates in the National Flood Insurance Program and the Mayor and Council desire to continue to meet the requirements of Title 44 Code of Federal Regulations, Parts 59 and 60, necessary for such participation; and

WHEREAS, the Federal Emergency Management Agency has revised and reissued the Flood Insurance Study for Miami-Dade County, Florida and Incorporated Areas, with an effective date of February 19, 2027; and

WHEREAS, the Mayor and Council have determined that it is in the public interest to amend Section 30-100.6 Floodplain Management Regulations to identify the effective date of the revised Flood Insurance Study and Flood Insurance Rate Maps; and

WHEREAS, the Mayor and Council are amending a previously adopted local amendment to include repetitive flood damage in the definition of substantial damage for buildings and structures in flood hazard areas for

the purpose of participating in the National Flood Insurance Program's Community Rating System and, pursuant to section 553.73(5), F.S., is formatting that requirement to coordinate with the Florida Building Code; and

WHEREAS, the Mayor and Council have determined that previously adopted amendments to the Florida Building Code located in the Code of Ordinances, Appendix B, are unnecessary, out-of-date, or already included in the Land Development Code, Section 30-100.6 Floodplain Management Regulations, and have determined it is in the public interest to repeal Appendix B.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. Incorporation of Recitals. The above recitals are incorporated as if set forth in full herein.

Section 2. Amendments to the Code. The Code of Ordinances, Chapter 30 "Zoning", Article II "Village of Palmetto Bay, Florida – Land Development Code, Division 30-100.6 "Floodplain Management Regulations" shall be amended as follows:

Sec. 30-100.6. Floodplain management regulations.

(a) *General provisions.*

(1) *Title*. These regulations shall be known as the *Floodplain Management Ordinance* of the Village of Palmetto Bay, hereinafter referred to as "this section."

(2) *Scope*. The provisions of this section shall apply to all development that is wholly within or partially within any flood hazard area except as otherwise specified in Section (w)(2) below, and including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the *Florida Building Code*; placement, installation, or

replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

(3) *Intent.* The purposes of this section and the flood load and flood resistant construction requirements of the *Florida Building Code* are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

i. Minimize unnecessary disruption of commerce, access and public service during times of flooding;

ii. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;

iii. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;

iv. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;

v. Minimize damage to public and private facilities and utilities;

vi. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;

vii. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and

viii. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

(4) *Coordination with the Florida Building Code.* This section is intended to be administered and enforced in conjunction with the *Florida Building Code*. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the *Florida Building Code*.

(5) *Warning.* The degree of flood protection required by this section and the *Florida Building Code*, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by manmade or natural causes. This section does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the flood insurance study and shown on flood insurance rate maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this section.

(6) *Disclaimer of liability*. This section shall not create liability on the part of the Village Council of the Village of Palmetto Bay or by any officer or employee thereof for any flood damage that results from reliance on this section or any administrative decision lawfully made thereunder.

(b) Applicability

(1) *General.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(2) *Areas to which this section applies*. This section shall apply to all flood hazard areas within the Village of Palmetto Bay, as established in subsection 30-100.6(b)(3) of this section.

(3) *Basis for establishing flood hazard areas.* The Flood Insurance Study for Miami-Dade County, Florida and Incorporated Areas dated ~~September 11, 2009~~ February 19, 2027 and all subsequent amendments and revisions, and the accompanying flood insurance rate maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this section and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at Village Hall, 9705 East Hibiscus Street; Building Department, Palmetto Bay, Florida 33157.

(4) Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, pursuant to section 30-100.6(r) of this section the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

i. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this section and, as applicable, the requirements of the *Florida Building Code.*

ii. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a letter of map change that removes the area from the special flood hazard area.

(5) *Other laws.* The provisions of this section shall not be deemed to nullify any provisions of local, state or federal law.

(6) *Abrogation and greater restrictions*. This section supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the *Florida Building Code*. In the event of a conflict between this section and any other ordinance, the more restrictive shall govern. This section shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this section.

(7) *Interpretation*. In the interpretation and application of this section, all provisions shall be:

i. Considered as minimum requirements;

ii. Liberally construed in favor of the governing body; and

iii. Deemed neither to limit nor repeal any other powers granted under state statutes.

(c) *Duties and powers of the floodplain administrator.*

(1) *Designation.* The village manager or his/her designee is designated as the floodplain administrator. The floodplain administrator may delegate performance of certain duties to other employees.

(2) *General.* The floodplain administrator is authorized and directed to administer and enforce the provisions of this section. The floodplain administrator shall have the authority to render interpretations of this section consistent with the intent and purpose of this section and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this

section without the granting of a variance pursuant to subsection 30-100.6(t) of this section.

(3) *Applications and permits.* The floodplain administrator, in coordination with other pertinent offices of the community, shall:

i. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;

ii. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this section;

iii. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;

iv. Provide available flood elevation and flood hazard information;

v. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;

vi. Review applications to determine whether proposed development will be reasonably safe from flooding;

vii. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*, when compliance with this section is demonstrated, or disapprove the same in the event of noncompliance; and

viii. Coordinate with and provide comments to assure that applications, plan reviews, and inspections for building

permits for buildings and structures in flood hazard areas comply with the requirements of this section.

(d) *Substantial improvement and substantial damage determinations*. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the building division, shall:

(1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

(2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

(3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; ~~the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement";~~ for proposed work to repair damage caused by flooding, the determination requires evaluation of previous permits issued to repair flood-related damage as specified in the definition of "substantial damage"; and

(4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the *Florida Building Code* and this section is required.

(e) *Modifications of the strict application of the requirements of the Florida Building Code.* The floodplain administrator shall review requests submitted to the building official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to subsection 30-100.6(t) of this section.

(f) *Notices and orders*. The floodplain administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this section.

(g) *Inspections*. The floodplain administrator shall make the required inspections as specified in subsection 30-100.6(s) of this section for development that is not subject to the *Florida Building Code*, including buildings, structures, and facilities exempt from the *Florida Building Code*. The floodplain administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

(h) *Other duties of the floodplain administrator*. The floodplain administrator shall have other duties, including but not limited to:

(1) Establish, in coordination with the building official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to subsection 30-100.6(d) of this section;

(2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);

(3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the flood insurance rate maps if the analyses propose to change base flood elevations, flood hazard

area boundaries, or floodway designations; such submissions shall be made within six months of such data becoming available;

(4) Review required design certifications and documentation of elevations specified by this section and the *Florida Building Code* and this section to determine that such certifications and documentations are complete;

(5) Notify the Federal Emergency Management Agency when the corporate boundaries of the Village of Palmetto Bay are modified; and

(6) Advise applicants for new buildings and structures, including substantial improvements that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on flood insurance rate maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."

(i) *Floodplain management records*. Regardless of any limitation on the period required for retention of public records, the floodplain administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this section and the flood resistant construction requirements of the *Florida Building Code*, including flood insurance rate maps; letters of map change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the *Florida Building Code* and this section; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this section and the flood resistant construction requirements of the *Florida Building Code*. These records shall

be available for public inspection at Village Hall, 9705 East Hibiscus Street, Building Department, Palmetto Bay, Florida 33157.

(j) *Permits required*. Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this section, including buildings, structures, and facilities exempt from the *Florida Building Code*, which is wholly within or partially within any flood hazard area shall first make application to the floodplain administrator, and the building official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this section and all other applicable codes and regulations has been satisfied.

(k) *Floodplain development permits or approvals*. Floodplain development permits or approvals shall be issued pursuant to this section for any development activities not subject to the requirements of the *Florida Building Code*, including buildings, structures, and facilities exempt from the *Florida Building Code*. Depending on the nature and extent of proposed development that includes a building or structure, the floodplain administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

(l) *Buildings, structures and facilities exempt from the Florida Building Code*. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the *Florida Building Code* and any further exemptions provided by law, which are subject to the requirements of this section:

(1) Railroads and ancillary facilities associated with the railroad.

(2) Nonresidential farm buildings on farms, as provided in F.S. § 604.50.

(3) Temporary buildings or sheds used exclusively for construction purposes.

(4) Mobile or modular structures used as temporary offices.

(5) Those structures or facilities of electric utilities, as defined in F.S. § 366.02, which are directly involved in the generation, transmission, or distribution of electricity.

(6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.

(7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.

(8) Temporary housing provided by the department of corrections to any prisoner in the state correctional system.

(9) Structures identified in F.S. § 553.73(10)(k), are not exempt from the *Florida Building Code* if such structures are located in flood hazard areas established on flood insurance rate maps.

(m) *Application for a permit or approval*. To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

(1) Identify and describe the development to be covered by the permit or approval.

(2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.

(3) Indicate the use and occupancy for which the proposed development is intended.

(4) Be accompanied by a site plan or construction documents as specified in subsection 30-100.6(r) of this section.

(5) State the valuation of the proposed work.

(6) For projects proposing to enclose areas under elevated buildings. a signed nonconversion agreement; the agreement shall be recorded on the property deed prior to issuance of the certificate of occupancy.

(7) Be signed by the applicant or the applicant's authorized agent.

(8) Give such other data and information as required by the floodplain administrator.

(n) *Validity of permit or approval*. The issuance of a floodplain development permit or approval pursuant to this section shall not be construed to be a permit for, or approval of, any violation of this section, the Florida Building Codes, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the floodplain administrator from requiring the correction of errors and omissions.

(o) *Expiration*. A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

(p) *Suspension or revocation*. The floodplain administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this section or any other ordinance, regulation or requirement of this community.

(q) *Other permits required*. Floodplain development permits and building permits shall include a condition that all other applicable state or federal

permits be obtained before commencement of the permitted development, including but not limited to the following;

(1) The South Florida Water Management District; F.S. § 373.036.

(2) Florida Department of Health for onsite sewage treatment and disposal systems; F.S. § 381.0065, and Chapter 64E-6, Florida Administrative Code.

(3) Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; F.S. § 161.141.

(4) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; F.S. § 161.055.

(5) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.

(6) Federal permits and approvals.

(r) *Site plans and construction documents*. All site plans and construction documents shall comply with the following:

(1) *Information for development in flood hazard areas*. The site plan or construction documents for any development subject to the requirements of this section shall be drawn to scale and shall include, as applicable to the proposed development:

i. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.

ii. Where base flood elevations, or floodway data are not included on the FIRM or in the flood insurance study, they shall be established in accordance with subsection 30-100.6(r)(2)(ii) or (iii) of this section.

iii. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than five acres and the base flood elevations are not included on the FIRM or in the flood insurance study, such elevations shall be established in accordance with subsection 30-100.6(r)(2)(i) of this section.

iv. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.

v. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.

vi. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.

vii. Delineation of the coastal construction control line or notation that the site is seaward of the coastal construction control line, if applicable.

viii. Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.

ix. Existing and proposed alignment of any proposed alteration of a watercourse.

The floodplain administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this section but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such

that the review of such submissions is not necessary to ascertain compliance with this section.

(2) *Information in flood hazard areas without base flood elevations (approximate Zone A)*. Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the floodplain administrator shall:

i. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.

ii. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.

iii. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the floodplain administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:

(A) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or

(B) Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.

iv. Where the base flood elevation data are to be used to support a letter of map change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer

in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

(3) *Additional analyses and certifications*. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

i. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in subsection 30-100.6(r)(4) of this section and shall submit the conditional letter of map revision, if issued by FEMA, with the site plan and construction documents.

ii. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the flood insurance study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analysis' that demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as zone AO or zone AH.

iii. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices

which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in subsection 30-100.6(r)(4) of this section.

iv. For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.

(4) *Submission of additional data*. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a letter of map change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

(s) *Inspections*.

(1) *General*. Development for which a floodplain development permit or approval is required shall be subject to inspection.

(2) *Development other than buildings and structures*. The floodplain administrator shall inspect all development to determine compliance with the requirements of this ~~ordinance~~ section and the conditions of issued floodplain development permits or approvals.

(3) *Buildings, structures, and facilities exempt from the Florida Building Code*. The floodplain administrator shall inspect buildings, structures and facilities exempt from the *Florida Building Code* to determine

compliance with the requirements of this ~~ordinance~~ section and the conditions of issued floodplain development permits or approvals.

(4) *Buildings, structures, and facilities exempt from the Florida Building Code, lowest floor inspection*. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the *Florida Building Code*, or the owner's authorized agent, shall submit to the floodplain administrator:

i. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or

ii. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with subsection 30-100.6(r)(2)(iii)(B) of this section, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

(5) *Buildings, structures, and facilities exempt from the Florida Building Code, final inspection*. As part of the final inspection, the owner or owner's authorized agent shall submit to the floodplain administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in subsection 30-100.6(s)(4) of this section.

(6) *Manufactured homes*. The floodplain administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ~~ordinance~~ section and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the floodplain administrator.

(t) *Variances and appeals*.

(1) *General*. The village council shall hear and decide on requests for appeals and requests for variances from the strict application of the requirements of this section. Pursuant to F.S. § 553.73(5), the village council shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code. This section does not apply to Section 3109, of the *Florida Building Code, Building*.

(2) *Appeals*. The village council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the administration and enforcement of this section. Any person aggrieved by the decision of the village council may appeal such decision to the circuit court, as provided by Florida Statutes.

(3) *Limitations on authority to grant variances*. The village council shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in subsection 30-100.6(t)(7) of this section, the conditions of issuance set forth in subsection 30-100.6(t)(8) of this section, and the comments and recommendation of the floodplain administrator and the building official. The village council has the right to attach such conditions as it deems necessary to further the purposes and objectives of this section.

(4) *Restrictions in floodways.* A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in subsection 30-100.6(r)(3) of this section.

(5) *Historic buildings.* A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the *Florida Building Code, Existing Building, Chapter 12 Historic Buildings*, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum

necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the *Florida Building Code*.

(6) *Functionally dependent uses*. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this ~~ordinance~~ section, provided the variance meets the requirements of subsection 30-100.6(t)(4), is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

(7) *Considerations for issuance of variances*. In reviewing requests for variances, the village council shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this section, and the following:

i. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;

ii. The danger to life and property due to flooding or erosion damage;

iii. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;

iv. The importance of the services provided by the proposed development to the community;

v. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;

vi. The compatibility of the proposed development with existing and anticipated development;

vii. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;

viii. The safety of access to the property in times of flooding for ordinary and emergency vehicles;

ix. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

x. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

(8) *Conditions for issuance of variances*. Variances shall be issued only upon:

i. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this section or the elevation standards;

ii. Determination by the village council that:

(A) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;

(B) The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances,

cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and

(C) The variance is the minimum necessary, considering the flood hazard, to afford relief;

iii. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the office of the clerk of the court in such a manner that it appears in the chain of title of the affected parcel of land; and

iv. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation a copy in the record of a written notice from the floodplain administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as $25.00 for $100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

(u) *Violations.*

(1) *Violations*. Any development that is not within the scope of the Florida Building Code but that is regulated by this ~~ordinance~~ section that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this section, shall be deemed a violation of this section. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this section or the *Florida Building Code* is presumed to be a violation until such time as that documentation is provided.

(2) *Authority*. For development that is not within the scope of the *Florida Building Code* but that is regulated by this section and that is determined to be a violation, the floodplain administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

(3) *Unlawful continuance*. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

(v) *Definitions-Generally*.

(1) *Scope*. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this section, have the meanings shown in this section.

(2) *Terms defined in the Florida Building Code*. Where terms are not defined in this section and are defined in the *Florida Building Code*, such terms shall have the meanings ascribed to them in that code.

(3) *Terms not defined*. Where terms are not defined in this section or the *Florida Building Code*, such terms shall have ordinarily accepted meanings such as the context implies.

(4) *Definitions*.

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal. A request for a review of the floodplain administrator's interpretation of any provision of this section.

ASCE 24. A standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood. A flood having a one-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the "100-year flood" or the "one-percent-annual chance flood."

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the flood insurance rate map (FIRM). [Also defined in FBC, B, Section 1612.2.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 1612.2.]

Building official. The officer or other designated authority charged with the administration and enforcement of the *Florida Building Code*, or a duly authorized representative. [Also defined in FBC, B, Section 1612.2.]

~~*Coastal construction control line*. The line established by the State of Florida pursuant to F.S. § 161.053, and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.~~

Coastal high hazard area. A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on flood insurance rate maps (FIRM) as Zone V1—V30, VE, or V.

Critical facility. A facility for which the impact of even a slight chance of flooding might be too great, including, but not limited to, hospitals, police, fire and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste. The term includes buildings and structures assigned to Flood Design Class 3 and Flood Design Class 4 in accordance with ASCE 24.

Crown of road. The elevation of the highest surface of street pavement within the right-of-way abutting the property relative to the National Geodetic Vertical Datum (NGVD) or North America Vertical Datum (NAVD). Depending on site conditions, if there is a variation in the crown elevations abutting the property, the highest and lowest elevations may be averaged to obtain the regulatory crown elevation provided the elevation is above the base flood elevation.

Design flood. The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

1. Area with a floodplain subject to a one-percent or greater chance of flooding in any year; or

2. Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two feet. [Also defined in FBC, B, Section 1612.2.]

Development. Any manmade change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment

or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment. The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before September 29, 1972. [Also defined in FBC, B, Section 1612.2.]

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or *flooding*. A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 1612.2.]

1. The overflow of inland or tidal waters.

2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

1. The area within a floodplain subject to a one-percent or greater chance of flooding in any year.

2. The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood insurance rate map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

Flood insurance study (FIS). The official report provided by the Federal Emergency Management Agency that contains the flood insurance rate map, the flood boundary and floodway map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]

Floodplain administrator. The office or position designated and charged with the administration and enforcement of this section (may be referred to as the floodplain manager).

Floodplain development permit or approval. An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this section.

Floodway. The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. [Also defined in FBC, B, Section 1612.2.]

Floodway encroachment analysis. An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code. The family of codes adopted by the Florida Building Commission, including: *Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas*.

Freeboard. The additional height, usually expressed as a factor of safety in feet, above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors, such as wave action, blockage of bridge or culvert openings, and hydrological effect of urbanization of the watershed, which could contribute to flood heights greater than the heights calculated for a selected frequency flood and floodway conditions.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building, Chapter 12, Historic Buildings.*

Letter of map change (LOMC). An official determination issued by FEMA that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

(1)Letter of map amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

(2)Letter of map revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations,

special flood hazard area boundaries and floodway delineations, and other planimetric features.

(3) *Letter of map revision based on fill (LOMR-F):* A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

(4) *Conditional letter of map revision (CLOMR):* A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map or flood insurance study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds gross vehicular weight rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or

2. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or

3. Available with special features enabling off-street or off-highway operation and use.

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for

vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the *Florida Building Code* or ASCE 24. [Also defined in FBC, B, Section 1612.2.]

Manufactured home. A structure, transportable in one or more sections, which is eight feet or more in width and greater than 400 square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value. ~~The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this section, the term refers to the market.~~ The value of buildings and structures, excluding the land and other improvements on the parcel. Market value ~~may be established by a qualified independent appraiser,~~ is the actual cash value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value adjusted to approximate market value by a factor provided by the county property appraiser.

New construction. For the purposes of administration of this section and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after September 29, 1972 and includes any subsequent improvements to such structures.

Nonconversion agreement. A form provided by the floodplain administrator to be signed by the owner and recorded on the property deed in official records of the clerk of courts, for the owner to agree not to convert or modify in any manner that is inconsistent with the terms of the building permit and these regulations, enclosures below elevated buildings.

Park trailer. A transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in F.S. § 320.01]

Recreational vehicle. A vehicle, including a park trailer, which is: [Defined in F.S. § 320.01)

1. Built on a single chassis;

2. 400 square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light-duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Sand dunes. Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area. An area in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1—A30, AE, A99, AH, V1—V30, VE or V. The term also includes areas shown on other flood hazard maps, if such maps are adopted by the Village of Palmetto Bay or otherwise legally designated. [Also defined in FBC, B Section 1612.2.]

Start of construction. The date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 49 percent of the market value of the building or structure before the damage occurred. The term also includes flood-related damage sustained by a structure on ~~one~~ two separate occasions during a ~~one year~~ ten-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

Substantial improvement. Any ~~combination~~ of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure ~~taking place during a five-year period, the cumulative~~ the cost of which equals or exceeds 49 percent of the market value of the

building or structure before the improvement or repair is started. ~~For each building or structure, the five-year period begins on the date of the first improvement or repair of that building or structure subsequent to the March 7, 2016.~~ If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 1612.2.]

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

2. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

Variance. A grant of relief from the requirements of this ~~ordinance~~ section, or the flood resistant construction requirements of the *Florida Building Code*, which permits construction in a manner that would not otherwise be permitted by this ~~ordinance~~ section or the *Florida Building Code*.

Watercourse. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

(w) *Flood resistance development*.

(1) *Buildings and structure*.

i. *Design and construction of buildings, structures, and facilities exempt from the Florida Building Code*. Pursuant to subsection 30-100.6(l) of this section, buildings, structures, and facilities that are exempt from the *Florida Building Code*, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction

requirements of ASCE 24. Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall comply with the requirements of subsection 30-100.6(cc) of this section.

ii. *Buildings and structures seaward of the coastal construction control line.* If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:

(A) Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the *Florida Building Code*, Building Section 3109 and Section 1612 or *Florida Building Code*, Residential Section R322.

(B) Minor structures and non-habitable major structures as defined in F.S. § 161.54, shall be designed and constructed to comply with the intent and applicable provisions of this section and ASCE 24.

(2) *Subdivisions*.

i. *Minimum requirements*. Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

(A) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

(B) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

(C) Adequate drainage is provided to reduce exposure to flood hazards; in zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

(3) *Subdivision plats*. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

i. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;

ii. Where the subdivision has more than 50 lots or is larger than five acres and base flood elevations are not included on the FIRM, the information required in subsection 30-100.6(r)(2)(i) of this section; and

iii. Compliance with the site improvement and utilities requirements of subsection (x) of this section.

(4) *Specific methods of construction and requirements*. Pursuant to Chapter 8, Article III of the Miami-Dade County Code, the following specific methods of construction and requirements apply:

i. Additional elevation of buildings - Freeboard.

(A) For buildings located in the special flood hazard area, the minimum elevation <u>of the top of the lowest floor or lowest horizontal structural member as applicable to the designated flood zone</u> ~~requirements in the *Florida Building Code*~~ shall be ~~to~~ <u>located at</u> or above the ~~base flood elevation plus one (1) foot~~ <u>required elevation in the *Florida Building Code*</u>, or the back of the sidewalk elevation plus one (1) foot, or if there is no sidewalk, the elevation of the crown of the road or street abutting such building site plus one (1) foot, whichever is higher.

(B) For <u>new</u> residential buildings not located in the special flood hazard area, the minimum lowest floor elevation requirements shall be a minimum of one (1) foot above the back of sidewalk elevation, or if there is no sidewalk, a

minimum of one (1) foot above the elevation of the crown of road or street abutting such building site whichever is higher.

(C) For new non-residential buildings not located in the special flood hazard area, the minimum lowest floor elevation shall be a minimum of one (1) foot above the back of sidewalk, or if there is no sidewalk, a minimum of one (1) foot above the elevation of the crown of road or street abutting such building site, whichever is higher.

(D) For critical facilities, the minimum elevation requirements shall be the elevation of the 0.2 percent (500-year) flood plus one (1) foot.

ii. *Limitations on Enclosures Under Elevated Buildings*. ~~For buildings applications for enclosed areas under elevated buildings shall be accompanied by a Nonconversion Agreement which is required to be recorded with the property (deed) so that the restriction runs with the title of the property and future owners must also comply with the requirement. Enclosures shall:~~ Enclosed areas below the required elevation for buildings in flood hazard areas shall be limited as follows:

(A) Applications for buildings with enclosures below the required elevation shall include signed declarations of land restrictions (nonconversion agreements), as defined in subsection 30-100.6(v). The agreements shall be recorded on the property deed prior to issuance of the Certificate of Occupancy.

(B) In coastal high hazard areas and Coastal A Zones, enclosed areas below the lowest floor are not permitted, unless enclosed by lattice or screening. Breakaway walls are not permitted.

~~(A)~~ (C) ~~Have a maximum size of 299 square feet~~ Access to enclosed areas shall be the minimum necessary to allow for

parking of vehicles (garage door), limited storage of maintenance equipment used in connection with the premises (standard exterior door), or entry/access to the elevated building (stairway or elevator).

~~(B)~~ (D) ~~Not have the interior portion partitioned~~ The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms, unless required by fire code.

~~(C)~~ (E) ~~Not to be constructed with breakaway walls.~~ Where perimeter walls are permitted, the limitation on partitions does not apply to loadbearing walls interior to perimeter wall (crawlspace) foundations.

~~(D)~~ (F) All enclosures below an elevated floor shall be limited to 299 square feet.

~~(E)~~ (G) Have an inspection one (1) time per year to make sure the area below an elevated floor is not converted ~~into livable space~~ to uses other than parking, storage, and building access.

iii. ~~*Cumulative Substantial Improvement*. The definition of "substantial improvement" shall be as defined in subsection 30-100.6(v). follows:~~

~~*Substantial improvement*. Any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a five (5) year period, the cumulative cost of which equals or exceeds 49 percent of the market value of the building or structure before the improvement or repair is started. For each building or structure, the five (5) year period begins on the date of the first improvement or repair of that building or structure subsequent to March 7, 2016. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:~~

~~1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.~~

~~2. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.~~

iii. ~~iv.~~ *Include repetitive loss in the definition for substantial damage*. The definition of "substantial damage" shall be as defined in subsection 30-100.6(v). ~~as follows:~~

~~*Substantial damage*. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 49 percent of the market value of the building or structure before the damage occurred. The term also includes flood-related damage sustained by a structure on one occasion during a 1 year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.~~

(x) *Site improvements, utilities and limitations*.

(1) *Minimum requirements*. All proposed new development shall be reviewed to determine that:

i. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

ii. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

iii. Adequate drainage is provided to reduce exposure to flood hazards; in zones AH and AO, adequate drainage paths shall

be provided to guide floodwaters around and away from proposed structures.

(2) *Sanitary sewage facilities*. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

(3) *Water supply facilities*. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

(4) *Limitations on sites in regulatory floodways*. No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in section 30-100.6(r)(3)(i) of this section demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

(5) *Limitations on placement of fill*. Subject to the limitations of this section, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.

(6)*Limitations on sites in coastal high hazard areas (Zone V).* In coastal high hazard areas, alteration of sand dunes and mangrove stands

shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by subsection 30-100.6(r)(3)iv. of this section demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with section 30-100.6(bb)(8)(iii) of this section.

(y) *Manufactured homes*.

(1) *General*. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to F.S. § 320.8249, and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this section. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.

(2) *Limitations on installation in floodways and coastal high hazard areas (Zone V)*. New installations of manufactured homes shall not be permitted in floodways and coastal high hazard areas (Zone V).

(3) *Foundations*. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

i. In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the *Florida Building Code*, Residential Section R322.2 and this section. ~~Foundations for manufactured homes subject to Section 30-100.6(y)(7) of this section are permitted to be reinforced piers or other foundation elements of at least equivalent strength.~~

ii. In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the *Florida Building Code*, Residential Section R322.3 and this <u>section</u> ~~ordinance~~.

(4) *Anchoring*. All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

(5) *Elevation*. All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V and Coastal A Zone).

(6) *Enclosures*. Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code*, Residential Section R322 for such enclosed areas, as applicable to the flood hazard area.

(7) *Utility equipment*. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code,* Residential Section R322, as applicable to the flood hazard area.

(z) *Recreational vehicles and park trailers*.

(1) *Temporary placement, only*. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

i. Be on the site for fewer than 180 consecutive days; or

ii. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type

utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

(2) *Permanent placement*. Recreational vehicles and park trailers that do not meet the limitations in subsection 30-100.6(z)(1) of this section for temporary placement shall meet the requirements of Section 30-100.6(y)(6) or (7) of this section for manufactured homes.

(aa) *Tanks*.

(1) *Underground tanks*. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse and lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

(2) *Above-ground tanks, not elevated*. Above-ground tanks that do not meet the elevation requirements of subsection 30-100.6(aa)(3) of this section shall:

i. Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse and lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

ii. Not be permitted in coastal high hazard areas (Zone V).

(3) *Above-ground tanks, elevated*. Above-ground tanks in flood hazard areas shall be attached to, and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse and lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

(4) *Tank inlets and vents*. Tank inlets, fill openings, outlets and vents shall be:

i. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

ii. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(bb) *Other development*.

(1) *General requirements for other development*. All development, including manmade changes to improved or unimproved real estate for which specific provisions are not specified in this section or the *Florida Building Code*, shall:

i. Be located and constructed to minimize flood damage;

ii. Meet the limitations of subsection 30-100.6(aa)(4) of this section if located in a regulated floodway;

iii. Be anchored to prevent flotation, collapse and lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;

iv. Be constructed of flood damage-resistant materials; and

v. Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

(2) *Fences in regulated floodways*. Fences in regulated floodways that have the potential to block the passage of floodwaters, such as

stockade fences and wire mesh fences, shall meet the limitations of subsection 30-100.6(aa)(4) of this section.

(3) *Retaining walls, sidewalks and driveways in regulated floodways*. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of subsection 30-100.6(aa)(4) of this section.

(4) *Roads and watercourse crossings in regulated floodways*. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of subsection 30-100.6(aa)(4) of this section. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of subsection 30-100.6(r)(3)(iii) of this section.

(5) *Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V).* In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

i. Structurally independent of the foundation system of the building or structure;

ii. Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and

iii. Have a maximum slab thickness of not more than four inches.

(6) *Decks and patios in coastal high hazard areas (Zone V)*. In addition to the requirements of the *Florida Building Code*, in coastal high

hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:

i. A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.

ii. A deck or patio that is located below the design flood elevation shall be structurally independent from buildings and structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.

iii. A deck or patio that has a vertical thickness of more than 12 inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.

iv. A deck or patio that has a vertical thickness of 12 inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

(7) *Other development in coastal high hazard areas (Zone V).* In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

i. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;

ii. Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and

iii. On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.

(8) *Nonstructural fill in coastal high hazard areas (Zone V).* In coastal high hazard areas:

i. Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.

ii. Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.

iii. Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction

and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

Section 3. Repeal of Appendix B. The Code of Ordinances, Appendix B "Florida Building Code Amendments" shall be 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 intent of the Village Council and is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the Village of Palmetto Bay, Florida, that sections of this Ordinance may be numbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. Conflicting Provisions. The provisions of the Code of Ordinances 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 7. Effective Date. This Ordinance shall take effect immediately upon adoption at second reading.

PASSED ON FIRST READING this 28th day of September 2026.

PASSED AND ADOPTED ON SECOND READING this 19th day of October 2026.

Attest: _____ _____

Missy Arocha **Karyn Cunningham**
Village Clerk **Mayor**

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

_____
John J. Quick
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore ____

Council Member Steve Cody ____

Council Member Marsha Matson ____

Vice-Mayor Mark Merwitzer ____

Mayor Karyn Cunningham ____

To: Honorable Mayor and Village Council

Date: October 19th, 2026

From: Andrea Candelaria, MPA, Sustainability & Resiliency Planner

Re: Section 30-100.6 Floodplain Management Regulations | Letter of Final Determination

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO COMMUNITY PLANNING AND DEVELOPMENT, TO ADOPT HIGHER REGULATORY STANDARDS; AMENDING CHAPTER 30 "ZONING," ARTICLE II "VILLAGE OF PALMETTO BAY, FLORIDA - LAND DEVELOPMENT CODE," DIVISION 30-100.6 "FLOODPLAIN MANAGEMENT REGULATIONS" TO REVISE THE EFFECTIVE DATE OF THE FLOOD INSURANCE STUDY; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. *(Second Reading) (Sponsored by Administration and Prepared by Sustainability & Resiliency Planner Andrea Candelaria)*

BACKGROUND AND ANALYSIS:

Village Staff continuously seek opportunities to update the Village's Land Development Code. The proposed changes to Section 30-100.6 Floodplain Management Regulations support the mandatory changes issued from the State of Florida with Senate Bill CS/CS/SB 180: Emergencies passed by the Florida State Legislature on June 26th, 2025, and made effective on July 1st, 2025.

In 2023, the Village updated its floodplain management code in order to create higher regulatory standards for the Village that considered the community's safety and resiliency. These changes also surrounded around the subjects of substantial damage and improvements, changes to the required lowest floor elevation, among others. With these results, the Village was able to attain a substantial number of points within the FEMA National Flood Insurance Program (NFIP) Community Rating System (CRS) and improve the Village's ranking to a Rank Five (5), providing a twenty-five percent (25%) discount on flood insurance premiums for Village residents.

Additionally, the Village will be adopting new flood maps from FEMA that were initially under review from Miami-Dade County. These new flood maps have been distributed and have an effective date of February 19th, 2027. The changes to the flood maps can be found in Attachment A of this package.

Due to the ramifications of Senate Bill CS/CS/SB 180, the Village is required to amend changes to the floodplain management code including changes regarding the following:

- Letter of Final Determination (LFD) new effective date
- Grammatical changes to areas of the Code
- Removes definition of coastal construction control line
- Adds numbering system for the Letter of map change (LOMC)
- Changes the definition of market value to a traditional market appraisal.
- Changes the definition of substantial damage back to the Village's earlier definition of two separate occasions during a ten-year period
- Changes the specific methods of construction and requirements for new residential and non-residential buildings
- Modifies language based on nonconversion agreements based on the State of Florida's requirements
- Removes the additional requirements of cumulative substantial improvement
- Removes the additional requirements of substantial damage

SUMMARY OF AMENDMENTS

The below chart summarizes the proposed amendments to Section 30-100.6. Additionally, an attachment has been provided with all strikethrough/underline in red font for ease of reference. There have been no changes or amendments since the passage of first reading on September 28th, 2026.

Code Section	Intent of Proposed Change
Sec. 30-100.6 (b)(3). – General Provisions – Applicability	• Adds new effective date of Letter of Final Determination (LFD) the Flood Insurance Study for Miami-Dade County, Florida and Incorporated Areas on February 19, 2027.
Sec. 30-100.6 (d)(3). – Substantial improvement and substantial damage determinations	• Phrase removed due to pertaining to cumulative substantial improvement.
Sec. 30-100.6 (s) (2). – Inspections.	• Grammatically changes the verbiage from ordinance to section.
Sec. 30-100.6 (s) (3). – Inspections.	• Grammatically changes the verbiage from ordinance to section.
Sec. 30-100.6 (s) (6). – Inspections.	• Grammatically changes the verbiage from ordinance to section.
Sec. 30-100.6 (t) (6). – Variances and appeals.	• Grammatically changes the verbiage from ordinance to section.
Sec. 30-100.6 (u) (1). – Violations.	• Grammatically changes the verbiage from ordinance to section.
Sec. 30-100.6 (v) (4). – Definitions.	• Removes definition of Coastal construction control line due to mentioned line existing within the Village.
Sec. 30-100.6 (v) (4). – Definitions.	• Adds a numbering system for the Letter of map change (LOMC). This numbering system includes Letter of map amendment (LOMA), Letter of map revision (LOMR), Letter of map revision based on fill (LOMR-F), and Conditional letter of map revision (CLOMR).
Sec. 30-100.6 (v) (4). – Definitions.	• Changes the definition of market value to a traditional market appraisal. FDEM approved this to rely on ACV as primary method. It's recommended because there's less judgement and less opportunity for bias. The starting "like-kind replacement cost" is what it would cost to build exactly as shown (not to current code).
Sec. 30-100.6 (v) (4). – Definitions.	• Changes the definition of substantial damage back to the Village's earlier definition of two separate occasions during a ten-year period. This provision is no longer enforceable by a local municipality due to Senate Bill CS/CS/SB 180.
Sec. 30-100.6 (v) (4). – Definitions.	• Changes the definition of substantial improvement to include a full repeal of cumulative provisions. This provision is no longer enforceable by a local municipality due to Senate Bill CS/CS/SB 180.
Sec. 30-100.6 (v) (4). – Definitions.	• Grammatically changes the verbiage from ordinance to section.

Sec. 30-100.6 (v) (4). – Definitions.	• Grammatically changes the verbiage from ordinance to section.
Sec. 30-100.6 (v) (4). – Definitions.	• Grammatically changes the verbiage from ordinance to section.
Sec. 30-100.6 (w) (4) (A). – Flood resistant development.	• Changes to reflect highest standard available, which will be the *Florida Building Code*.
Sec. 30-100.6 (w) (4) (B). – Flood resistant development.	• Changes the specific methods of construction and requirements to only enforcing any new residential building not located in the special flood hazard area to be a minimum of one foot above the back of sidewalk elevation, instead of enforcing all residential buildings.
Sec. 30-100.6 (w) (4) (C). – Flood resistant development.	• Changes the specific methods of construction and requirements to only enforcing any new non-residential building not located in the special flood hazard area to be a minimum of one foot above the back of sidewalk elevation, instead of enforcing all residential buildings.
Sec. 30-100.6 (w) (4) (ii). – Flood resistant development.	• Modified language based on nonconversion agreements based on the State of Florida's requirements.
Sec. 30-100.6 (w) (4) (iii). – Flood resistant development.	• Removes the additional requirements of cumulative substantial improvement based on the State of Florida's requirements and refers back to the modified definition in Sec. 30-100.6 (v) (4). – Definitions.
Sec. 30-100.6 (w) (4) (iv). – Flood resistant development.	• Removes the additional requirements of substantial damage based on the State of Florida's requirements and refers back to the modified definition in Sec. 30-100.6 (v) (4). – Definitions.
Sec. 30-100.6 (y) (3) (ii). – Flood resistant development.	• Grammatically changes the verbiage from ordinance to section.

ANALYSIS

In evaluating this proposed text amendment, staff has considered the criteria outlined in Section 30-30.7(b) of the Village's Land Development Code:

1. **Whether the proposal is consistent with the comprehensive plan, including the adopted infrastructure minimum levels of service standards and the village's concurrency management program.**

    - **Response:** While higher standards are generally available elsewhere, the proposed amendments are consistent with the highest standards available through the State of Florida mandate. Accordingly, the proposed amended language reflects the highest standards available to Village at this time and, as a result, would be consistent with the Village's Comprehensive Plan. The Village of Palmetto Bay's Comprehensive Plan considers the safety measures of the community, providing the highest standards available to keep its community and environment a priority.

2. **Whether the proposal is in conformance with all applicable requirements of Chapter 30.**

    - **Response:** The proposal is in conformance with Chapter 30. It establishes certain requirements of the Village from the State of Florida that require modifications to the Village Code regarding floodplain management standards, including removing substantial damage enforcement.

3. **Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations, and whether the changes support or work against the proposed change in land use policy.**

    - **Response:** The amendment modifies floodplain management standards, not land use. Although contained in Chapter 30, it will not result in land development conditions or changes.

4. **Whether the proposal would result in any incompatible land uses.**

    - **Response:** The amendment modifies floodplain management standards, not land use. It will not result in any incompatible land uses or adverse impacts on neighboring properties.

5. **Whether the proposal would result in demands on transportation systems or public facilities.**

    - **Response:** The proposed changes only are a result of a mandate from the State of Florida and do not increase density or intensity of use and have no impact on transportation systems.

6. **Whether the proposal would result in adverse impacts on the natural environment.**

    - **Response:** The proposed changes only are a result of a mandate from the State of Florida and do not have a direct impact on the natural environment.

7. **Whether the proposal would adversely affect property values or the general welfare.**

    - **Response:** According to the State of Florida, the proposed changes could have a positive effect on the general welfare of the Village due to eliminating the local government enforcement of cumulative substantial improvement and substantial damage. These changes reduce the responsibility of the homeowner by not requiring them to repair what was enforced and could save the homeowners time and money.

8. **Whether the proposal would result in an orderly and compatible land use pattern.**

    - **Response:** The proposed changes only are a result of a mandate from the State of Florida and do not have a direct impact on the land use patterns.

9. **Whether the proposal would be in conflict with the public interest.**

    - **Response:** According to the State of Florida, the proposed changes do not conflict with the public interest due to eliminating the local government enforcement of cumulative substantial improvement and substantial damage. These changes reduce the responsibility of the homeowner by not requiring them to repair what was enforced and could save the homeowners time and money.

RECOMMENDATION:
The Administration recommends that the Mayor and Village Council approve the proposed ordinance on second reading and appropriate changes to the flood maps.

FISCAL IMPACT:
None.

ATTACHMENTS:
A. Official LFD Letter from FEMA to the Village of Palmetto Bay
B. Ordinance with red strikethrough

U.S. Department of Homeland Security
Washington, DC 20472

FEMA

August 19, 2026

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
19P

Nick Marano
Village Manager, Village of Palmetto Bay
9705 East Hibiscus Street
Palmetto Bay, FL 33157

Community Name: Village of Palmetto Bay, Miami-Dade County, Florida
Community No.: 120687
Map Panels Affected: See FIRM Index

Dear Village Manager Marano:

This is to notify you of the final flood hazard determination for Miami-Dade County, Florida and Incorporated Areas, in compliance with Title 44, Chapter I, Part 67, Section 67.11, Code of Federal Regulations (CFR). This section requires that notice of final flood hazards shall be sent to the Chief Executive Officer of the community, all individual appellants, and the State Coordinating Agency, and shall be published in the *Federal Register*.

The statutory 90-day appeal period that was initiated for your community when the Department of Homeland Security's Federal Emergency Management Agency (FEMA) published a notice of proposed flood hazard determinations for your community in the local newspaper has elapsed. FEMA did not receive any appeals of the proposed flood hazard determinations or submittals regarding the Preliminary Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM) during that time.

Accordingly, the flood hazard determinations for your community are considered final. The final notice for flood hazard determinations will be published in the *Federal Register* as soon as possible. The FIS report and FIRM for your community will become effective on February 19, 2027. Before the effective date, we will send your community final printed copies of the FIS report and FIRM. For insurance purposes, the community number and new suffix code for the panels being revised are indicated on the FIRM and must be used for all new policies and renewals.

Because the FIS report for your community has been completed, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968, as amended, within 6 months from the date of this letter.

It must be emphasized that all the standards specified in 44 CFR Part 60.3(e) of the National Flood Insurance Program (NFIP) regulations must be enacted in a legally enforceable document. This includes adoption of the current effective FIS report and FIRM to which the regulations apply and other modifications made by this map revision. Some of the standards should already have been enacted by your community in order to establish initial eligibility in the NFIP. Your community can meet any additional requirements by taking one of the following actions in this Paragraph of the NFIP regulations:

1. Amending existing regulations to incorporate any additional requirements of 44 CFR Part 60.3(e);

2. Adopting all the standards of 44 CFR Part 60.3(e) into one new, comprehensive set of regulations; or

3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of 44 CFR Part 60.3(e).

Also, prior to the effective date, your community is required, as a condition of continued eligibility in the NFIP, to adopt or show evidence of adoption of the floodplain management regulations that meet the standards of 44 CFR Part 60.3(e) of the NFIP regulations by the effective date of the FIRM. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

Many states and communities have adopted building codes based on the International Codes (I-Codes); the model I-Codes (2009 and more recent editions) contain flood provisions that either meet or exceed the minimum requirements of the NFIP for buildings and structures. The model codes also contain provisions, currently found in an appendix to the International Building Code, that apply to other types of development and NFIP requirements. In these cases, communities should request review by the NFIP State Coordinator to ensure that local floodplain management regulations are coordinated (not duplicative or inconsistent) with the State or Local building code. FEMA's resource, *Reducing Flood Losses through the International Code: Coordinating Building Codes and Floodplain Management Regulations, 5th Edition (2019)*, provides some guidance on this subject and is available at https://www.fema.gov/emergency-managers/risk-management/building-science/building-codes/flood.

Please note, any enclosed correspondence from Jillian Kraynak, NFIP State Coordinator for Florida, is provided to assist States and communities in coordinating to meet State requirements. Its inclusion with this determination should not be construed as FEMA's specific endorsement of its contents.

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) as amended, and 44 CFR Part 59.24.

To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions (SOMA) to document previous Letters of Map Change (LOMC) actions (i.e., Letters of Map Amendment, Letters of Map Revision) that will be affected when the revised FIRM panels referenced above become effective. If no LOMCs were issued previously for your community, you are receiving a SOMA for informational purposes only.

Once the FIS report and FIRM are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance requirements, and many other planning applications. Copies of the digital files of the FIRM panels may be obtained by calling our FEMA Mapping and Insurance eXchange (FMIX), toll free, at (877) 336-2627 (877-FEMA MAP) or by visiting the Map Service Center at https://www.msc.fema.gov. In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

For assistance with your floodplain management ordinance or enacting the floodplain management regulations, please contact Jillian Kraynak, NFIP State Coordinator for Florida by telephone at (850) 815-4560. If you should require any additional information, we suggest that you contact the Director, Mitigation Division of FEMA, Region 4 at (202) 304-5185 for assistance. If you have any questions concerning mapping issues in general or the enclosed SOMA, please call our FMIX at the telephone number shown above. Additional information and resources you may find helpful regarding the NFIP and floodplain management can be found on our website at https://www.fema.gov/flood-maps.

Sincerely,



David N. Bascom, Acting Director
Engineering and Modeling Division
Federal Insurance Directorate, Resilience

Enclosures:
Final SOMA
Adoption of NFIP- Compliant Flood Ordinances Coordinated with the FBC

cc: Community Map Repository
Dean Klements, Building Official, Village of Palmetto Bay
The Honorable Karyn Cunningham, Mayor, Village of Palmetto Bay

FINAL SUMMARY OF MAP ACTIONS

Community: PALMETTO BAY, VILLAGE OF Community No: 120687

To assist your community in maintaining the Flood Insurance Rate Map (FIRM), we have summarized below the effects of the enclosed revised FIRM panels(s) on previously issued Letter of Map Change (LOMC) actions (i.e., Letters of Map Revision (LOMRs), Letter of Map Revision based on Fill (LOMR-Fs), and Letters of Map Amendment (LOMAs)) that will be affected when the revised FIRM becomes effective on February 19, 2027.

1. LOMCs Incorporated

The modifications effected by the LOMCs listed below will be reflected on the revised FIRM. In addition, these LOMCs will remain in effect until the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		

2. LOMCs Not Incorporated

The modifications effected by the LOMCs listed below will not be reflected on the revised FIRM panels or will not be reflected on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lot(s) or structure(s) involved were outside the Special Flood Hazard Area, as shown on the FIRM. These LOMCs will remain in effect until the revised FIRM becomes effective. These LOMCs will be revalidated free of charge 1 day after the revised FIRM becomes effective through a single revalidation letter that reaffirms the validity of the previous LOMCs.

FINAL SUMMARY OF MAP ACTIONS

Community: PALMETTO BAY, VILLAGE OF Community No: 120687

2A. LOMCs on Revised Panels

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
LOMA	10-04-6340A	06/28/2010	Lot 2, Howard Drive Estates Subdivision - 13625 SW 83rd Avenue	12086C0464L	12086C0464M
LOMA	10-04-8322A	09/14/2010	Lot 12, Block 3, Old Cutler Shores Subdivision - 18014 SW 185 Street	12086C0602L	12086C0602M
LOMA	12-04-4371A	06/12/2012	OLD CUTLER VILLAS, BLOCK 1, LOT 12 -- 7901 SW 171ST STREET	12086C0602L	12086C0602M
LOMA	13-04-1908A	12/26/2012	SUBURBAN ESTATES, BLOCK 1, LOT 1 -- 7395 SW 148TH STREET	12086C0464L	12086C0464M
LOMA	13-04-6092A	06/20/2013	Lot 2, Block 2, Herman Estates Subdivision - 13625 SW 78th Place	12086C0464L	12086C0464M
LOMA	14-04-7698A	08/07/2014	LOT 6, BLOCK 1, CUTLER OAKS - 7267 SW 146TH STREET CIRCLE	12086C0468L	12086C0468M
LOMA	15-04-0870A	02/19/2015	ALAN GROVE ESTATES, FIRST ADDITION, BLOCK 4, LOT 4 --- 15320 SOUTHWEST 74TH PLACE	12086C0464L	12086C0464M
LOMA	15-04-2654A	04/08/2015	VICTORIA BAY ESTATES, BLOCK 1, LOT 13 -- 17085 SW 93RD AVENUE	12086C0602L	12086C0602M
LOMA	15-04-7240A	07/10/2015	DEL - MAR ESTATES, BLOCK 2, LOT 4 -- 17205 SW 77TH AVENUE	12086C0602L	12086C0602M
LOMA	15-04-A297A	09/22/2015	Lot 1, Block 3, Herman Estates Subdivision - 7850 SW 139th Terrace	12086C0464L	12086C0464M
LOMA	15-04-A616A	11/04/2015	TANGLEWOOD LAKE, BLOCK 1, LOT 5 -- 13805 SW 70TH AVENUE	12086C0468L	12086C0468M
LOMA	16-04-2778A	02/05/2016	Lot 6, Block 1, Pine Gleen Estates Subdivision - 16190 Southwest 84th Place	12086C0602L	12086C0602M
LOMA	17-04-6442A	08/09/2017	BEL-AIRE, SECTION 21, BLOCK 79, LOT 5 -- 18020 SW 88TH COURT	12086C0602L	12086C0602M
LOMA	18-04-5390A	07/10/2018	BEL AIRE, SECTION SIXTEEN, BLOCK 60, LOT 21 -- 18315 SW 94TH AVENUE	12086C0601L	12086C0601M
LOMA	18-04-6217A	07/27/2018	Lot 6, Chris Homesites Subdivision - 7780 SW 141st Street	12086C0464L	12086C0464M
LOMA	19-04-0007A	10/03/2018	Lot 3, Block 73, Coral Reef Homesites Subdivision - 9020 SW 157th Street	12086C0602L	12086C0602M

FINAL SUMMARY OF MAP ACTIONS

Community: PALMETTO BAY, VILLAGE OF Community No: 120687

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
LOMA	19-04-0070A	10/19/2018	8900 SW 158th Street	12086C0602L	12086C0602M
LOMA	19-04-5448A	07/05/2019	Casa Granada Condominium Subdivision - 8701 SW 141st Street	12086C0464L	12086C0464M
LOMA	19-04-5927A	09/10/2019	PINEWOOD ESTATES, THIRD ADDITION, BLOCK 12, LOT 23 -- 18121 SW 84TH AVENUE	12086C0602L	12086C0602M
LOMA	20-04-0042A	11/13/2019	PINEWOOD ESTATES, 3RD ADDITION, BLOCK 12, LOT 22 -- 18141 SW 84TH AVENUE	12086C0602L	12086C0602M
LOMA	22-04-1305A	01/18/2022	SUN CORAL ESTATES THIRD ADDITION, BLOCK 6, LOT 10 -- 14401 SW 85 AVENUE	12086C0464L	12086C0464M
LOMA	22-04-5196A	09/20/2022	MITCHELL EAST, LOT 6 -- 8481 SW 144TH STREET	12086C0464L	12086C0464M
LOMA	23-04-3143A	04/19/2023	STONEHAVEN SOUTH, LOT 11 -- 15540 SW 78TH PLACE	12086C0464L	12086C0464M
LOMA	24-04-0250A	10/13/2023	Lot 7, Block 5, Green Briar Acres Subdivision - 8100 SW 139th Terrace	12086C0464L	12086C0464M
LOMA	24-04-1179A	01/11/2024	CENTURY AT PALMETTO BAY, BLOCK 1, LOT 4 -- 15870 SW 89TH COURT	12086C0602L	12086C0602M
LOMA	24-04-2536A	03/01/2024	Lot 9, Block 4, Green Briar Acres Subdivision - 8061 SW 139th Terrace	12086C0464L	12086C0464M
LOMA	24-04-2323A	03/11/2024	MALBROOK, BLOCK 7, LOT 7 -- 17525 SW 87TH AVENUE	12086C0602L	12086C0602M
LOMA	25-04-5706A	08/18/2025	OLD CUTLER SHORES, BLOCK 1, LOT 5 -- 17745 SW 83RD COURT	12086C0602L	12086C0602M
LOMA	25-04-5897A	08/28/2025	BUNING SUBDIVISION, BLOCK 1, LOT 1 -- 15657 SOUTH DIXIE HIGHWAY	12086C0464L 12086C0602L	12086C0464M 12086C0602M
LOMA	26-04-4261A	06/23/2026	Banyan Gardens Condominium - 16240-16246 (even) SW	12086C0602L	12086C0602M
LOMA	26-04-3805A	06/29/2026	BEL-AIRE SECTION 21, BLOCK 81, LOT 3 -- 17920 SW 87TH COURT	12086C0602L	12086C0602M

FINAL SUMMARY OF MAP ACTIONS

Community: PALMETTO BAY, VILLAGE OF Community No: 120687

2B. LOMCs on Unrevised Panels

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		

3. LOMCs Superseded

The modifications effected by the LOMCs listed below have not been reflected on the Final revised FIRM panels because they are being superseded by new or revised flood hazard information or the information available was not sufficient to make a determination. The reason each is being superseded is noted below. These LOMCs will no longer be in effect when the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Reason Determination Will be Superseded
			NO CASES RECORDED	

1. Insufficient information available to make a determination.
2. Lowest Adjacent Grade and Lowest Finished Floor are below the proposed Base Flood Elevation.
3. Lowest Ground Elevation is below the proposed Base Flood Elevation.
4. Revised hydrologic and hydraulic analyses.
5. Revised topographic information.
6. Superseded by another LOMC.

4. LOMCs To Be Redetermined

The LOMCs in Category 2 above will be revalidated through a single revalidation letter that reaffirms the validity of the determination in the previously issued LOMC. For LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures is no longer valid, the LOMC cannot be revalidated through this administrative process. Therefore, we will review the data previously submitted for the LOMC requests listed below and if appropriate issue a new determination for the affected properties after the effective date of the revised FIRM.

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		

ORDINANCE 2026-X

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO COMMUNITY PLANNING AND DEVELOPMENT, TO ADOPT HIGHER REGULATORY STANDARDS; AMENDING CHAPTER 30 "ZONING," ARTICLE II "VILLAGE OF PALMETTO BAY, FLORIDA - LAND DEVELOPMENT CODE," DIVISION 30-100.6 "FLOODPLAIN MANAGEMENT REGULATIONS" TO REVISE THE EFFECTIVE DATE OF THE FLOOD INSURANCE STUDY; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. *(Second Reading) (Sponsored by Administration and Prepared by Sustainability & Resiliency Planner Andrea Candelaria)*

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 – Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Village of Palmetto Bay participates in the National Flood Insurance Program and the Mayor and Council desire to continue to meet the requirements of Title 44 Code of Federal Regulations, Parts 59 and 60, necessary for such participation; and

WHEREAS, the Federal Emergency Management Agency has revised and reissued the Flood Insurance Study for Miami-Dade County, Florida and Incorporated Areas, with an effective date of February 19, 2027; and

WHEREAS, the Mayor and Council have determined that it is in the public interest to amend Section 30-100.6 Floodplain Management Regulations to identify the effective date of the revised Flood Insurance Study and Flood Insurance Rate Maps; and

WHEREAS, the Mayor and Council have determined that previously adopted amendments to the Florida Building Code located in the Code of Ordinances, Appendix B, are unnecessary, out-of-date, or already included

in the Land Development Code, Section 30-100.6 Floodplain Management Regulations, and have determined it is in the public interest to repeal Appendix B.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. The Code of Ordinances, Chapter 30 "Zoning", Article II "Village of Palmetto Bay, Florida – Land Development Code, Division 30-100.6 "Floodplain Management Regulations" shall be amended as follows:

Sec. 30-100.6. Floodplain management regulations.

(a) *General provisions.*

(1) *Title*. These regulations shall be known as the *Floodplain Management Ordinance* of the Village of Palmetto Bay, hereinafter referred to as "this section."

(2) *Scope*. The provisions of this section shall apply to all development that is wholly within or partially within any flood hazard area except as otherwise specified in Section (w)(2) below, and including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the *Florida Building Code*; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

(3) *Intent.* The purposes of this section and the flood load and flood resistant construction requirements of the *Florida Building Code* are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

i. Minimize unnecessary disruption of commerce, access and public service during times of flooding;

ii. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;

iii. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;

iv. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;

v. Minimize damage to public and private facilities and utilities;

vi. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;

vii. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and

viii. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

(4) *Coordination with the Florida Building Code.* This section is intended to be administered and enforced in conjunction with the *Florida Building Code*. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the *Florida Building Code*.

(5) *Warning.* The degree of flood protection required by this section and the *Florida Building Code*, as amended by this community, is considered the minimum reasonable for regulatory purposes and is

based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by manmade or natural causes. This section does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the flood insurance study and shown on flood insurance rate maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this section.

(6) *Disclaimer of liability*. This section shall not create liability on the part of the Village Council of the Village of Palmetto Bay or by any officer or employee thereof for any flood damage that results from reliance on this section or any administrative decision lawfully made thereunder.

(b) Applicability

(1) *General.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(2) *Areas to which this section applies*. This section shall apply to all flood hazard areas within the Village of Palmetto Bay, as established in subsection 30-100.6(b)(3) of this section.

(3) *Basis for establishing flood hazard areas.* The Flood Insurance Study for Miami-Dade County, Florida and Incorporated Areas dated ~~September 11, 2009~~ February 19, 2027 and all subsequent amendments and revisions, and the accompanying flood insurance rate maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this section and shall serve as the minimum basis for establishing flood hazard areas.

Studies and maps that establish flood hazard areas are on file at Village Hall, 9705 East Hibiscus Street; Building Department, Palmetto Bay, Florida 33157.

(4) Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, pursuant to section 30-100.6(r) of this section the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

i. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this section and, as applicable, the requirements of the *Florida Building Code.*

ii. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a letter of map change that removes the area from the special flood hazard area.

(5) *Other laws.* The provisions of this section shall not be deemed to nullify any provisions of local, state or federal law.

(6) *Abrogation and greater restrictions*. This section supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the *Florida Building Code*. In the event of a conflict between this section and any other ordinance, the more restrictive shall govern. This section shall not impair any deed restriction, covenant or easement,

but any land that is subject to such interests shall also be governed by this section.

(7) *Interpretation*. In the interpretation and application of this section, all provisions shall be:

i. Considered as minimum requirements;

ii. Liberally construed in favor of the governing body; and

iii. Deemed neither to limit nor repeal any other powers granted under state statutes.

(c) *Duties and powers of the floodplain administrator.*

(1) *Designation.* The village manager or his/her designee is designated as the floodplain administrator. The floodplain administrator may delegate performance of certain duties to other employees.

(2) *General.* The floodplain administrator is authorized and directed to administer and enforce the provisions of this section. The floodplain administrator shall have the authority to render interpretations of this section consistent with the intent and purpose of this section and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this section without the granting of a variance pursuant to subsection 30-100.6(t) of this section.

(3) *Applications and permits.* The floodplain administrator, in coordination with other pertinent offices of the community, shall:

i. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;

ii. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this section;

iii. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;

iv. Provide available flood elevation and flood hazard information;

v. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;

vi. Review applications to determine whether proposed development will be reasonably safe from flooding;

vii. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*, when compliance with this section is demonstrated, or disapprove the same in the event of noncompliance; and

viii. Coordinate with and provide comments to assure that applications, plan reviews, and inspections for building permits for buildings and structures in flood hazard areas comply with the requirements of this section.

(d) *Substantial improvement and substantial damage determinations*. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the building division, shall:

(1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction

of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

(2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

(3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; ~~the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement";~~ for proposed work to repair damage caused by flooding, the determination requires evaluation of previous permits issued to repair flood-related damage as specified in the definition of "substantial damage"; and

(4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the *Florida Building Code* and this section is required.

(e) *Modifications of the strict application of the requirements of the Florida Building Code.* The floodplain administrator shall review requests submitted to the building official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to subsection 30-100.6(t) of this section.

(f) *Notices and orders*. The floodplain administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this section.

(g) *Inspections*. The floodplain administrator shall make the required inspections as specified in subsection 30-100.6(s) of this section for development that is not subject to the *Florida Building Code*, including

buildings, structures, and facilities exempt from the *Florida Building Code*. The floodplain administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

(h) *Other duties of the floodplain administrator*. The floodplain administrator shall have other duties, including but not limited to:

(1) Establish, in coordination with the building official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to subsection 30-100.6(d) of this section;

(2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);

(3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the flood insurance rate maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six months of such data becoming available;

(4) Review required design certifications and documentation of elevations specified by this section and the *Florida Building Code* and this section to determine that such certifications and documentations are complete;

(5) Notify the Federal Emergency Management Agency when the corporate boundaries of the Village of Palmetto Bay are modified; and

(6) Advise applicants for new buildings and structures, including substantial improvements that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement

Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on flood insurance rate maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."

(i) *Floodplain management records*. Regardless of any limitation on the period required for retention of public records, the floodplain administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this section and the flood resistant construction requirements of the *Florida Building Code*, including flood insurance rate maps; letters of map change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the *Florida Building Code* and this section; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this section and the flood resistant construction requirements of the *Florida Building Code*. These records shall be available for public inspection at Village Hall, 9705 East Hibiscus Street, Building Department, Palmetto Bay, Florida 33157.

(j) *Permits required*. Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this section, including buildings, structures, and facilities exempt from the *Florida Building Code*, which is wholly within or partially within any flood hazard area shall first make application to the floodplain administrator, and the building official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this section and all other applicable codes and regulations has been satisfied.

(k) *Floodplain development permits or approvals*. Floodplain development permits or approvals shall be issued pursuant to this section for any development activities not subject to the requirements of the *Florida Building Code*, including buildings, structures, and facilities exempt from the *Florida Building Code*. Depending on the nature and extent of proposed development that includes a building or structure, the floodplain administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

(l) *Buildings, structures and facilities exempt from the Florida Building Code*. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the *Florida Building Code* and any further exemptions provided by law, which are subject to the requirements of this section:

(1) Railroads and ancillary facilities associated with the railroad.

(2) Nonresidential farm buildings on farms, as provided in F.S. § 604.50.

(3) Temporary buildings or sheds used exclusively for construction purposes.

(4) Mobile or modular structures used as temporary offices.

(5) Those structures or facilities of electric utilities, as defined in F.S. § 366.02, which are directly involved in the generation, transmission, or distribution of electricity.

(6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.

(7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered

on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.

(8) Temporary housing provided by the department of corrections to any prisoner in the state correctional system.

(9) Structures identified in F.S. § 553.73(10)(k), are not exempt from the *Florida Building Code* if such structures are located in flood hazard areas established on flood insurance rate maps.

(m) *Application for a permit or approval*. To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

(1) Identify and describe the development to be covered by the permit or approval.

(2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.

(3) Indicate the use and occupancy for which the proposed development is intended.

(4) Be accompanied by a site plan or construction documents as specified in subsection 30-100.6(r) of this section.

(5) State the valuation of the proposed work.

(6) For projects proposing to enclose areas under elevated buildings. a signed nonconversion agreement; the agreement shall be recorded on the property deed prior to issuance of the certificate of occupancy.

(7) Be signed by the applicant or the applicant's authorized agent.

(8) Give such other data and information as required by the floodplain administrator.

(n) *Validity of permit or approval*. The issuance of a floodplain development permit or approval pursuant to this section shall not be construed to be a

permit for, or approval of, any violation of this section, the Florida Building Codes, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the floodplain administrator from requiring the correction of errors and omissions.

(o) *Expiration*. A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

(p) *Suspension or revocation*. The floodplain administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this section or any other ordinance, regulation or requirement of this community.

(q) *Other permits required*. Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following;

(1) The South Florida Water Management District; F.S. § 373.036.

(2) Florida Department of Health for onsite sewage treatment and disposal systems; F.S. § 381.0065, and Chapter 64E-6, Florida Administrative Code.

(3) Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; F.S. § 161.141.

(4) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; F.S. § 161.055.

(5) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.

(6) Federal permits and approvals.

(r) *Site plans and construction documents*. All site plans and construction documents shall comply with the following:

(1) *Information for development in flood hazard areas*. The site plan or construction documents for any development subject to the requirements of this section shall be drawn to scale and shall include, as applicable to the proposed development:

i. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.

ii. Where base flood elevations, or floodway data are not included on the FIRM or in the flood insurance study, they shall be established in accordance with subsection 30-100.6(r)(2)(ii) or (iii) of this section.

iii. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than five acres and the base flood elevations are not included on the FIRM or in the flood insurance study, such elevations shall be established in accordance with subsection 30-100.6(r)(2)(i) of this section.

iv. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.

v. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.

vi. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.

vii. Delineation of the coastal construction control line or notation that the site is seaward of the coastal construction control line, if applicable.

viii. Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.

ix. Existing and proposed alignment of any proposed alteration of a watercourse.

The floodplain administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this section but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this section.

(2) *Information in flood hazard areas without base flood elevations (approximate Zone A)*. Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the floodplain administrator shall:

i. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.

ii. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base

flood elevation and floodway data available from a federal or state agency or other source.

iii. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the floodplain administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:

(A) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or

(B) Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.

iv. Where the base flood elevation data are to be used to support a letter of map change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

(3) *Additional analyses and certifications*. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

i. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake

development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in subsection 30-100.6(r)(4) of this section and shall submit the conditional letter of map revision, if issued by FEMA, with the site plan and construction documents.

ii. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the flood insurance study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analysis' that demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as zone AO or zone AH.

iii. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in subsection 30-100.6(r)(4) of this section.

iv. For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.

(4) *Submission of additional data*. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are

submitted to support an application, the applicant has the right to seek a letter of map change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

(s) *Inspections*.

(1) *General*. Development for which a floodplain development permit or approval is required shall be subject to inspection.

(2) *Development other than buildings and structures*. The floodplain administrator shall inspect all development to determine compliance with the requirements of this ~~ordinance~~ **section** and the conditions of issued floodplain development permits or approvals.

(3) *Buildings, structures, and facilities exempt from the Florida Building Code*. The floodplain administrator shall inspect buildings, structures and facilities exempt from the *Florida Building Code* to determine compliance with the requirements of this ~~ordinance~~ **section** and the conditions of issued floodplain development permits or approvals.

(4) *Buildings, structures, and facilities exempt from the Florida Building Code, lowest floor inspection*. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the *Florida Building Code*, or the owner's authorized agent, shall submit to the floodplain administrator:

i. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or

ii. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with subsection 30-100.6(r)(2)(iii)(B) of this section, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

(5) *Buildings, structures, and facilities exempt from the Florida Building Code, final inspection*. As part of the final inspection, the owner or owner's authorized agent shall submit to the floodplain administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in subsection 30-100.6(s)(4) of this section.

(6) *Manufactured homes*. The floodplain administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ~~ordinance~~ **section** and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the floodplain administrator.

(t) *Variances and appeals*.

(1) *General*. The village council shall hear and decide on requests for appeals and requests for variances from the strict application of the requirements of this section. Pursuant to F.S. § 553.73(5), the village council shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code. This section does not apply to Section 3109, of the *Florida Building Code, Building*.

(2) *Appeals*. The village council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the administration and enforcement of this section. Any person aggrieved by the decision of

the village council may appeal such decision to the circuit court, as provided by Florida Statutes.

(3) *Limitations on authority to grant variances*. The village council shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in subsection 30-100.6(t)(7) of this section, the conditions of issuance set forth in subsection 30-100.6(t)(8) of this section, and the comments and recommendation of the floodplain administrator and the building official. The village council has the right to attach such conditions as it deems necessary to further the purposes and objectives of this section.

(4) *Restrictions in floodways.* A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in subsection 30-100.6(r)(3) of this section.

(5) *Historic buildings.* A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the *Florida Building Code, Existing Building, Chapter 12 Historic Buildings*, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the *Florida Building Code*.

(6) *Functionally dependent uses*. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this ~~ordinance~~ **section**, provided the variance meets the requirements of subsection 30-100.6(t)(4), is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and

materials that minimize flood damage during occurrence of the base flood.

(7) *Considerations for issuance of variances*. In reviewing requests for variances, the village council shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this section, and the following:

i. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;

ii. The danger to life and property due to flooding or erosion damage;

iii. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;

iv. The importance of the services provided by the proposed development to the community;

v. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;

vi. The compatibility of the proposed development with existing and anticipated development;

vii. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;

viii. The safety of access to the property in times of flooding for ordinary and emergency vehicles;

ix. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

x. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

(8) *Conditions for issuance of variances*. Variances shall be issued only upon:

i. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this section or the elevation standards;

ii. Determination by the village council that:

(A) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;

(B) The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and

(C) The variance is the minimum necessary, considering the flood hazard, to afford relief;

iii. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the office of the clerk of the court in such a manner that it appears in the chain of title of the affected parcel of land; and

iv. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation a copy in the record of a

written notice from the floodplain administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as $25.00 for $100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

(u) *Violations.*

(1) *Violations*. Any development that is not within the scope of the Florida Building Code but that is regulated by this ~~ordinance~~ **section** that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this section, shall be deemed a violation of this section. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this section or the *Florida Building Code* is presumed to be a violation until such time as that documentation is provided.

(2) *Authority*. For development that is not within the scope of the *Florida Building Code* but that is regulated by this section and that is determined to be a violation, the floodplain administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

(3) *Unlawful continuance*. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

(v) *Definitions-Generally*.

(1) *Scope*. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this section, have the meanings shown in this section.

(2) *Terms defined in the Florida Building Code*. Where terms are not defined in this section and are defined in the *Florida Building Code*, such terms shall have the meanings ascribed to them in that code.

(3) *Terms not defined*. Where terms are not defined in this section or the *Florida Building Code*, such terms shall have ordinarily accepted meanings such as the context implies.

(4) *Definitions*.

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal. A request for a review of the floodplain administrator's interpretation of any provision of this section.

ASCE 24. A standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood. A flood having a one-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the "100-year flood" or the "one-percent-annual chance flood."

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the flood insurance rate map (FIRM). [Also defined in FBC, B, Section 1612.2.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 1612.2.]

Building official. The officer or other designated authority charged with the administration and enforcement of the *Florida Building Code*, or a duly authorized representative. [Also defined in FBC, B, Section 1612.2.]

~~*Coastal construction control line*. The line established by the State of Florida pursuant to F.S. § 161.053, and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.~~

Coastal high hazard area. A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on flood insurance rate maps (FIRM) as Zone V1—V30, VE, or V.

Critical facility. A facility for which the impact of even a slight chance of flooding might be too great, including, but not limited to, hospitals, police, fire and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste. The term includes buildings and structures assigned to Flood Design Class 3 and Flood Design Class 4 in accordance with ASCE 24.

Crown of road. The elevation of the highest surface of street pavement within the right-of-way abutting the property relative to the National Geodetic Vertical Datum (NGVD) or North America Vertical Datum (NAVD). Depending on site conditions, if there is a variation in the crown elevations abutting the property, the highest and lowest elevations may be averaged to obtain the regulatory crown elevation provided the elevation is above the base flood elevation.

Design flood. The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

1. Area with a floodplain subject to a one-percent or greater chance of flooding in any year; or

2. Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two feet. [Also defined in FBC, B, Section 1612.2.]

Development. Any manmade change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment. The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before September 29, 1972. [Also defined in FBC, B, Section 1612.2.]

Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of

streets, and either final site grading or the pouring of concrete pads) is completed before September 29, 1972. The village does not contain any existing manufactured home parks or subdivisions.

Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or *flooding*. A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 1612.2.]

1. The overflow of inland or tidal waters.

2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

1. The area within a floodplain subject to a one-percent or greater chance of flooding in any year.

2. The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood insurance rate map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated

both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

Flood insurance study (FIS). The official report provided by the Federal Emergency Management Agency that contains the flood insurance rate map, the flood boundary and floodway map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]

Floodplain administrator. The office or position designated and charged with the administration and enforcement of this section (may be referred to as the floodplain manager).

Floodplain development permit or approval. An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this section.

Floodway. The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. [Also defined in FBC, B, Section 1612.2.]

Floodway encroachment analysis. An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code. The family of codes adopted by the Florida Building Commission, including: *Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas*.

Freeboard. The additional height, usually expressed as a factor of safety in feet, above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors, such as wave action, blockage of bridge or culvert openings, and hydrological effect of urbanization of the watershed, which could contribute to flood heights greater than the heights calculated for a selected frequency flood and floodway conditions.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building, Chapter 12, Historic Buildings.*

Letter of map change (LOMC). An official determination issued by FEMA that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

(1) *Letter of map amendment (LOMA):* An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

(2) *Letter of map revision (LOMR):* A revision based on technical data that may show changes to flood zones, flood elevations,

special flood hazard area boundaries and floodway delineations, and other planimetric features.

(3) *Letter of map revision based on fill (LOMR-F):* A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

(4) *Conditional letter of map revision (CLOMR):* A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map or flood insurance study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds gross vehicular weight rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or

2. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or

3. Available with special features enabling off-street or off-highway operation and use.

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for

vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the *Florida Building Code* or ASCE 24. [Also defined in FBC, B, Section 1612.2.]

Manufactured home. A structure, transportable in one or more sections, which is eight feet or more in width and greater than 400 square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value. ~~*The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this section, the term refers to the market.*~~ The value of buildings and structures, excluding the land and other improvements on the parcel. Market value ~~may be established by a qualified independent appraiser~~, is the actual cash value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value adjusted to approximate market value by a factor provided by the county property appraiser.

New construction. For the purposes of administration of this section and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after September 29, 1972 and includes any subsequent improvements to such structures.

New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after September 29, 1972.

Nonconversion agreement. A form provided by the floodplain administrator to be signed by the owner and recorded on the property deed in official records of the clerk of courts, for the owner to agree not to convert or modify in any manner that is inconsistent with the terms of the building permit and these regulations, enclosures below elevated buildings.

Park trailer. A transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in F.S. § 320.01]

Recreational vehicle. A vehicle, including a park trailer, which is: [Defined in F.S. § 320.01)

1. Built on a single chassis;

2. 400 square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light-duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Sand dunes. Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area. An area in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1—A30, AE, A99, AH, V1—V30, VE or V. The term also includes areas shown on other flood hazard maps, if such maps are adopted by the Village of Palmetto Bay or otherwise legally designated. [Also defined in FBC, B Section 1612.2.]

Start of construction. The date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 49 percent of the market value of the building or structure before the damage occurred. The term also includes flood-related damage sustained by a structure on ~~one~~ two separate occasions during a ~~one year~~ ten-year period for which the cost of repairs at the time of each such flood event, on

average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

Substantial improvement. Any ~~combination~~ of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure ~~taking place during a five-year period, the cumulative~~ the cost of which equals or exceeds 49 percent of the market value of the building or structure before the improvement or repair is started. ~~For each building or structure, the five-year period begins on the date of the first improvement or repair of that building or structure subsequent to the March 7, 2016.~~ If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 1612.2.]

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

2. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

Variance. A grant of relief from the requirements of this ~~ordinance~~ section, or the flood resistant construction requirements of the *Florida Building Code*, which permits construction in a manner that would not otherwise be permitted by this ~~ordinance~~ section or the *Florida Building Code*.

Watercourse. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

(w) *Flood resistance development*.

(1) *Buildings and structure*.

i. *Design and construction of buildings, structures, and facilities exempt from the Florida Building Code*. Pursuant to subsection 30-100.6(l) of this section, buildings, structures, and facilities that are exempt from the *Florida Building Code*, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall comply with the requirements of subsection 30-100.6(cc) of this section.

ii. *Buildings and structures seaward of the coastal construction control line.* If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:

(A) Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the *Florida Building Code*, Building Section 3109 and Section 1612 or *Florida Building Code*, Residential Section R322.

(B) Minor structures and non-habitable major structures as defined in F.S. § 161.54, shall be designed and constructed to comply with the intent and applicable provisions of this section and ASCE 24.

(2) *Subdivisions*.

i. *Minimum requirements*. Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

(A) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

(B) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

(C) Adequate drainage is provided to reduce exposure to flood hazards; in zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

(3) *Subdivision plats*. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

i. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;

ii. Where the subdivision has more than 50 lots or is larger than five acres and base flood elevations are not included on the FIRM, the information required in subsection 30-100.6(r)(2)(i) of this section; and

iii. Compliance with the site improvement and utilities requirements of subsection (x) of this section.

(4) *Specific methods of construction and requirements*. Pursuant to Chapter 8, Article III of the Miami-Dade County Code, the following specific methods of construction and requirements apply:

i. Additional elevation of buildings - Freeboard.

(A) For buildings located [HA1.1]in the special flood hazard area, the minimum elevation of the top of the lowest floor or lowest horizontal structural member as applicable to the designated flood zone ~~requirements in the *Florida Building Code*~~ shall be ~~to~~ located at or above the ~~base flood elevation plus one (1) foot~~ required elevation in the *Florida Building Code*, or the back of the sidewalk elevation plus

one (1) foot, or if there is no sidewalk, the elevation of the crown of the road or street abutting such building site plus one (1) foot, whichever is higher.

(B) For new residential buildings not located in the special flood hazard area, the minimum lowest floor elevation requirements shall be a minimum of one (1) foot above the back of sidewalk elevation, or if there is no sidewalk, a minimum of one (1) foot above the elevation of the crown of road or street abutting such building site whichever is higher.

(C) For new non-residential buildings not located in the special flood hazard area, the minimum lowest floor elevation shall be a minimum of one (1) foot above the back of sidewalk, or if there is no sidewalk, a minimum of one (1) foot above the elevation of the crown of road or street abutting such building site, whichever is higher.

(D) For critical facilities, the minimum elevation requirements shall be the elevation of the 0.2 percent (500-year) flood plus one (1) foot.

~~ii.~~ *Limitations on Enclosures Under Elevated Buildings*. ~~For buildings applications for enclosed areas under elevated buildings shall be accompanied by a Nonconversion Agreement which is required to be recorded with the property (deed) so that the restriction runs with the title of the property and future owners must also comply with the requirement. Enclosures shall:~~ Enclosed areas below the required elevation for buildings in flood hazard areas shall be limited as follows:

(A) Applications for buildings with enclosures below the required elevation shall include signed declarations of land restrictions (nonconversion agreements), as defined in subsection 30-100.6(v). The agreements shall be recorded on

the property deed prior to issuance of the Certificate of Occupancy.

(B) In coastal high hazard areas and Coastal A Zones, enclosed areas below the lowest floor are not permitted, unless enclosed by lattice or screening. Breakaway walls are not permitted.

~~(A)~~ (C) ~~Have a maximum size of 299 square feet~~ Access to enclosed areas shall be the minimum necessary to allow for parking of vehicles (garage door), limited storage of maintenance equipment used in connection with the premises (standard exterior door), or entry/access to the elevated building (stairway or elevator).

~~(B)~~ (D) ~~Not have the interior portion partitioned~~ The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms, unless required by fire code.

~~(C)~~ (E) ~~Not to be constructed with breakaway walls.~~ Where perimeter walls are permitted, the limitation on partitions does not apply to loadbearing walls interior to perimeter wall (crawlspace) foundations.

~~(D)~~ (F) All enclosures below an elevated floor shall be limited to 299 square feet.

~~(E)~~ (G) Have an inspection one (1) time per year to make sure the area below an elevated floor is not converted ~~into livable space~~ to uses other than parking, storage, and building access.

~~iii. *Cumulative Substantial Improvement*. The definition of "substantial improvement" shall be as defined in subsection 30-100.6(v). follows:~~

~~*Substantial improvement*. Any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a five (5) year~~

~~period, the cumulative cost of which equals or exceeds 49 percent of the market value of the building or structure before the improvement or repair is started. For each building or structure, the five (5) year period begins on the date of the first improvement or repair of that building or structure subsequent to March 7, 2016. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:~~

~~1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.~~

~~2. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.~~

iii. ~~iv.~~ *Include repetitive loss in the definition for substantial damage*. The definition of "substantial damage" shall be as defined in subsection 30-100.6(v). ~~as follows:~~

~~*Substantial damage*. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 49 percent of the market value of the building or structure before the damage occurred. The term also includes flood-related damage sustained by a structure on one occasion during a 1 year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.~~

(x) *Site improvements, utilities and limitations*.

(1) *Minimum requirements*. All proposed new development shall be reviewed to determine that:

i. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

ii. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

iii. Adequate drainage is provided to reduce exposure to flood hazards; in zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

(2) *Sanitary sewage facilities*. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

(3) *Water supply facilities*. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

(4) *Limitations on sites in regulatory floodways*. No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in section 30-100.6(r)(3)(i) of this section demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

(5) *Limitations on placement of fill*. Subject to the limitations of this section, fill shall be designed to be stable under conditions of flooding

including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.

(6) *Limitations on sites in coastal high hazard areas (Zone V).* In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by subsection 30-100.6(r)(3)iv. of this section demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with section 30-100.6(bb)(8)(iii) of this section.

(y) *Manufactured homes*.

(1) *General*. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to F.S. § 320.8249, and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this section. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.

(2) *Limitations on installation in floodways and coastal high hazard areas (Zone V)*. New installations of manufactured homes shall not be permitted in floodways and coastal high hazard areas (Zone V).

(3) *Foundations*. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

i. In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the *Florida Building Code*, Residential Section R322.2 and this section. Foundations for manufactured homes

subject to Section 30-100.6(y)(7) of this section are permitted to be reinforced piers or other foundation elements of at least equivalent strength.

ii. In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the *Florida Building Code*, Residential Section R322.3 and this section ~~ordinance~~.

(4) *Anchoring*. All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

(5) *Elevation*. Manufactured homes that are placed, replaced, or substantially improved shall comply with subsection 30-100.6(y)(6) or 30-100.6(y)(7) of this section, as applicable.

(6) *General elevation requirement*. Unless subject to the requirements of subsection 30-100.6(y)(7) of this section, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V).

(7) *Elevation requirement for certain existing manufactured home parks and subdivisions*. Manufactured homes that are not subject to subsection 30-100.6(y)(6) of this section, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

i. Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code,* Residential Section R322.2 (Zone A) or Section R322.3 (Zone V); or

ii. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

(8) *Enclosures*. Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code*, Residential Section R322 for such enclosed areas, as applicable to the flood hazard area.

(9) *Utility equipment*. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code,* Residential Section R322, as applicable to the flood hazard area.

(z) *Recreational vehicles and park trailers*.

(1) *Temporary placement, only*. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

i. Be on the site for fewer than 180 consecutive days; or

ii. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type

utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

(2) *Permanent placement*. Recreational vehicles and park trailers that do not meet the limitations in subsection 30-100.6(z)(1) of this section for temporary placement shall meet the requirements of Section 30-100.6(y)(6) or (7) of this section for manufactured homes.

(aa) *Tanks*.

(1) *Underground tanks*. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse and lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

(2) *Above-ground tanks, not elevated*. Above-ground tanks that do not meet the elevation requirements of subsection 30-100.6(aa)(3) of this section shall:

i. Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse and lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

ii. Not be permitted in coastal high hazard areas (Zone V).

(3) *Above-ground tanks, elevated*. Above-ground tanks in flood hazard areas shall be attached to, and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse and lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

(4) *Tank inlets and vents*. Tank inlets, fill openings, outlets and vents shall be:

i. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

ii. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(bb) *Other development*.

(1) *General requirements for other development*. All development, including manmade changes to improved or unimproved real estate for which specific provisions are not specified in this section or the *Florida Building Code*, shall:

i. Be located and constructed to minimize flood damage;

ii. Meet the limitations of subsection 30-100.6(aa)(4) of this section if located in a regulated floodway;

iii. Be anchored to prevent flotation, collapse and lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;

iv. Be constructed of flood damage-resistant materials; and

v. Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

(2) *Fences in regulated floodways*. Fences in regulated floodways that have the potential to block the passage of floodwaters, such as

stockade fences and wire mesh fences, shall meet the limitations of subsection 30-100.6(aa)(4) of this section.

(3) *Retaining walls, sidewalks and driveways in regulated floodways*. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of subsection 30-100.6(aa)(4) of this section.

(4) *Roads and watercourse crossings in regulated floodways*. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of subsection 30-100.6(aa)(4) of this section. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of subsection 30-100.6(r)(3)(iii) of this section.

(5) *Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V).* In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

i. Structurally independent of the foundation system of the building or structure;

ii. Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and

iii. Have a maximum slab thickness of not more than four inches.

(6) *Decks and patios in coastal high hazard areas (Zone V)*. In addition to the requirements of the *Florida Building Code*, in coastal high

hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:

i. A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.

ii. A deck or patio that is located below the design flood elevation shall be structurally independent from buildings and structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.

iii. A deck or patio that has a vertical thickness of more than 12 inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.

iv. A deck or patio that has a vertical thickness of 12 inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

(7) *Other development in coastal high hazard areas (Zone V).* In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

i. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;

ii. Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and

iii. On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.

(8) *Nonstructural fill in coastal high hazard areas (Zone V).* In coastal high hazard areas:

i. Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.

ii. Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.

iii. Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction

and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

Section 2. 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 3. Codification. It is the intent of the Village Council and is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the Village of Palmetto Bay, Florida, that sections of this Ordinance may be numbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 4. Conflicting Provisions. The provisions of the Code of Ordinances 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 5. Effective Date. This Ordinance shall take effect immediately upon enactment.

PASSED and ENACTED this day of 19th day of October 2026.

FIRST READING: September 28, 2026

SECOND READING: _____

Attest: _____ _____

Missy Arocha **Karyn Cunningham**
Village Clerk **Mayor**

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

_____
John Quick
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore ____

Council Member Steve Cody ____

Council Member Marsha Matson ____

Vice-Mayor Mark Merwitzer ____

Mayor Karyn Cunningham ____

AGENDA ITEM NO. 6.A

Item Cover Page

ZONING HEARING AGENDA ITEM REPORT

DATE: October 19, 2026

SUBMITTED BY: Javier Gonzalez, Community and Economic Development

ITEM TYPE: Ordinance

AGENDA SECTION: **ORDINANCES FOR FIRST READING AND PUBLIC HEARING**

SUBJECT:

Applicant: Village of Palmetto Bay
Location: Village-wide
Request: AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ADOPTING THE ANNUAL UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT (CIE) OF THE VILLAGE'S COMPREHENSIVE PLAN FOR 2026 AND THE FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS FOR FISCAL YEARS 2026/2027 – 2030/2031 PURSUANT TO SECTION 163.3177(3)(B), FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Administration and prepared by Planning and Zoning Director, Javier Gonzalez)*

SUGGESTED ACTION:

ATTACHMENTS:
Ordinance-2026_Update_to_5-Year_SCI
Staff Report-2026 Update to 5-Year SCI
Exhibit A - Capital Improvements Element (CIE) and SCI Update

ORDINANCE 2026 - ___

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ADOPTING THE ANNUAL UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT (CIE) OF THE VILLAGE'S COMPREHENSIVE PLAN FOR 2026 AND THE FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS FOR FISCAL YEARS 2026/2027 – 2030/2031 PURSUANT TO SECTION 163.3177(3)(B), FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Administration and Prepared by Planning and Zoning Director, Javier Gonzalez)*

WHEREAS, pursuant to Section 163.3177(3)(b), Florida Statutes, local governments are required to undertake an annual review of the Capital Improvements Element to update the Five-Year Schedule of Capital Improvements; and

WHEREAS, the Five-Year Capital Improvements Schedule must be reviewed annually by the Village to reflect the timing, location and funding of capital projects to achieve and maintain adopted level of service standards for public facilities that are necessary to implement the comprehensive plan; and

WHEREAS, the Planning and Zoning Department is submitting the annual update to the Capital Improvements Element (CIE) of the Village's Comprehensive Plan for 2026 and the Five-Year Capital Improvements Schedule for Fiscal Years 2026/2027 – 2030/2031 which identifies the capital projects for the five-year planning period; and

WHEREAS, the Mayor and Village Council held a duly noticed public hearing on the proposed Annual Update to the Capital Improvements Element (CIE) on October 19, 2026, and passed this Ordinance on First Reading; and

WHEREAS, the Mayor and Village Council finds that the adoption of the 2026 update to the Capital Improvements Element is in the best interest of the health, safety and welfare of the residents and citizens of the Village of Palmetto Bay.

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

Section 1. Recitals. The above recitals are incorporated as if set forth in full.

Section 2. Adoption. The Village Council hereby adopts the 2026 update to the Capital Improvements Element (CIE) of the Village's Comprehensive Plan and the Five-Year Schedule of Capital Improvements for Fiscal Years 2026/2027 – 2030/2031 pursuant to Section 163.3177(3)(b), Florida Statutes. A copy of the Annual Update to the Capital Improvements Element (CIE) and Five-Year Schedule of Capital Improvements for Fiscal Years 2026/2027 – 2030/2031 is provided in Exhibit A.

Section 3. Effective Date. This Ordinance shall take effect immediately upon enactment at Second Reading.

PASSED ON FIRST READING this 19th day of October, 2026.

PASSED AND ADOPTED ON SECOND READING this 2nd day of November, 2026.

Attest: _____ _____

Missy Arocha	**Karyn Cunningham**
Village Clerk	**Mayor**

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE SOLE USE AND BENEFIT OF THE VILLAGE:

_____

John J. Quick
Village Attorney

VOTE ON FIRST READING:

Mayor Karyn Cunningham ___

Council Member Steven Cody ___

Council Member Marsha Matson ___

Vice-Mayor Mark Merwitzer ___

Council Member Patrick Fiore ___

FINAL VOTE AT ADOPTION ON SECOND READING:

Mayor Karyn Cunningham ___

Council Member Steven Cody ___

Council Member Marsha Matson ___

Vice-Mayor Mark Merwitzer ___

Council Member Patrick Fiore ___

VILLAGE OF PALMETTO BAY, FLORIDA
PLANNING AND ZONING DEPARTMENT

9705 East Hibiscus Street • Palmetto Bay, Florida 33157
Phone: 305-259-1243 • Fax: 305-259-1290 • www.palmettobay-fl.gov

Date:	October 19, 2026
To:	Honorable Mayor and Village Council
From:	Javier Gonzalez, AICP, CFM, Planning and Zoning Director
Subject:	Annual Update to the Capital Improvement Element of the Comprehensive Plan for 2026 and the Five-Year Schedule of Capital Improvements (SCI) for Fiscal Years 2026/2027 – 2030/2031

REQUEST

The Planning & Zoning Department is requesting Mayor and Village Council approval of the annual update to the Capital Improvements Element (CIE) of the Village's Comprehensive Plan for 2026 and the Five-Year Schedule of Capital Improvements (SCI) for Fiscal Years 2026/2027 – 2030/2031.

BACKGROUND

Section 163.3177(3)(b), Florida Statutes, requires local governments to update their Five-Year Schedule of Capital Improvements of the Comprehensive Plan yearly. The primary purpose of the SCI update is to stay abreast of the facility needs of the community and to ensure that the deficiencies as well as the improvements identified in the other elements of the Village's Comprehensive Plan are programmed and adjusted accordingly.

With the 2011 legislative changes, Florida's local governments are no longer required to submit the annual update of the Five-Year Schedule of Capital Improvements (SCI) to the Florida Department of Commerce (formerly known as the Florida Department of Economic Opportunity). However, the Capital Improvements Element remains a required critical component of the local government's comprehensive plan. The schedule must be reviewed annually by the local government to reflect the timing, location and funding of capital projects to achieve and maintain adopted level of service standards for public facilities that are necessary to implement the comprehensive plan. Furthermore, local governments may adopt annual updates of the Five-Year Schedule of Capital Improvements (SCI) by ordinance and are not considered an amendment to the Comprehensive Plan.

The update provides a Level of Service (LOS) analysis for all public facilities in the Village based on population projections and related data. Projects included in the updated Five-Year Schedule of Capital Improvements are necessary to address projected public facility needs to meet future LOS demand. A copy of the annual update to the Capital Improvements Element (CIE) of the Village's Comprehensive Plan for 2026 and the Five-Year Schedule of Capital Improvements (SCI) is provided in Attachment A.

BUSINESS IMPACT ESTIMATE

This ordinance updates the Village's Five-Year Schedule of Capital Improvements (SCI), a required annual action for local governments under Section 163.3177(3)(b), Florida Statutes. Therefore, pursuant to Section 166.041(4)(c)1, Florida Statutes, which exempts ordinances required for compliance with state law or regulation, a business impact estimate is not required.

RECOMMENDATION

Staff recommends that the Mayor and Village Councilmembers authorize approval of the annual update to the Capital Improvements Element (CIE) of the Village's Comprehensive Plan for 2026 and the Five-Year Schedule of Capital Improvements for Fiscal Years 2026/2027 – 2030/2031.

VILLAGE OF PALMETTO BAY

2026 CAPITAL IMPROVEMENTS ELEMENT (CIE) UPDATE & FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS (SCI)

Prepared by: Planning & Zoning Dept.

PUBLIC FACILITIES NEEDS ASSESSMENT

INTRODUCTION

The purpose of the 2026 Capital Improvements Element (CIE) Update is to annually review and maintain the 5-Year Schedule of Capital Improvements (SCI) consistent with the requirements set forth in Subsection 163.3177(3)(b), Florida Statutes. The Updated 5-Year SCI will replace the existing capital improvement projects in the Capital Improvement Element" of the Village of Palmetto Bay Comprehensive Plan.

The 2026 CIE Update includes all capital projects for which the Village has fiscal responsibility, including parks and recreation, stormwater management, and transportation. The Update also includes capital improvement projects which are the responsibility of other government agencies and entities, including water supply, sanitary sewer, solid waste, public school facilities, and transportation facilities. These "non-Village" projects are funded through Miami-Dade County, Miami-Dade Public School Board, and the Miami-Dade Transportation Planning Organization (TPO).

This Update also provides Level of Service (LOS) analyses for all public facilities within the Village based on population projections and related data. Projects included in the updated 5-Year SCI are necessary to address projected public facility needs to meet future LOS demand.

POPULATION ESTIMATES AND PROJECTIONS

Population projections serve as the foundation to forecast future demand for municipal public facilities and services. In developing the Village's population projections for this Capital Improvements Element (CIE) update, demographic data from the Shimberg Center – Florida Housing Data Clearinghouse was reviewed and incorporated.

Based on the updated Shimberg Center total population projections for Palmetto Bay, Table 1 reflects the revised baseline and projected counts through 2045:

Table 1: Population Estimates and Projections

YEAR	POPULATION
Historic Population	
2010	23,410
2020	24,439
Current and Projected Population	
2026	25,217
2030	25,799
2035	26,208
2040	26,468
2045	26,629

Source: Shimberg Center – Florida Housing Data Clearinghouse

The population levels in Table 1 above are utilized as the Village's current population projections for this CIE update to determine the Village's future public facility needs during the 5-year planning period. This ensures that the Capital Improvements Element is consistent with the projected growth of the Village.

LEVEL OF SERVICE ANALYSIS

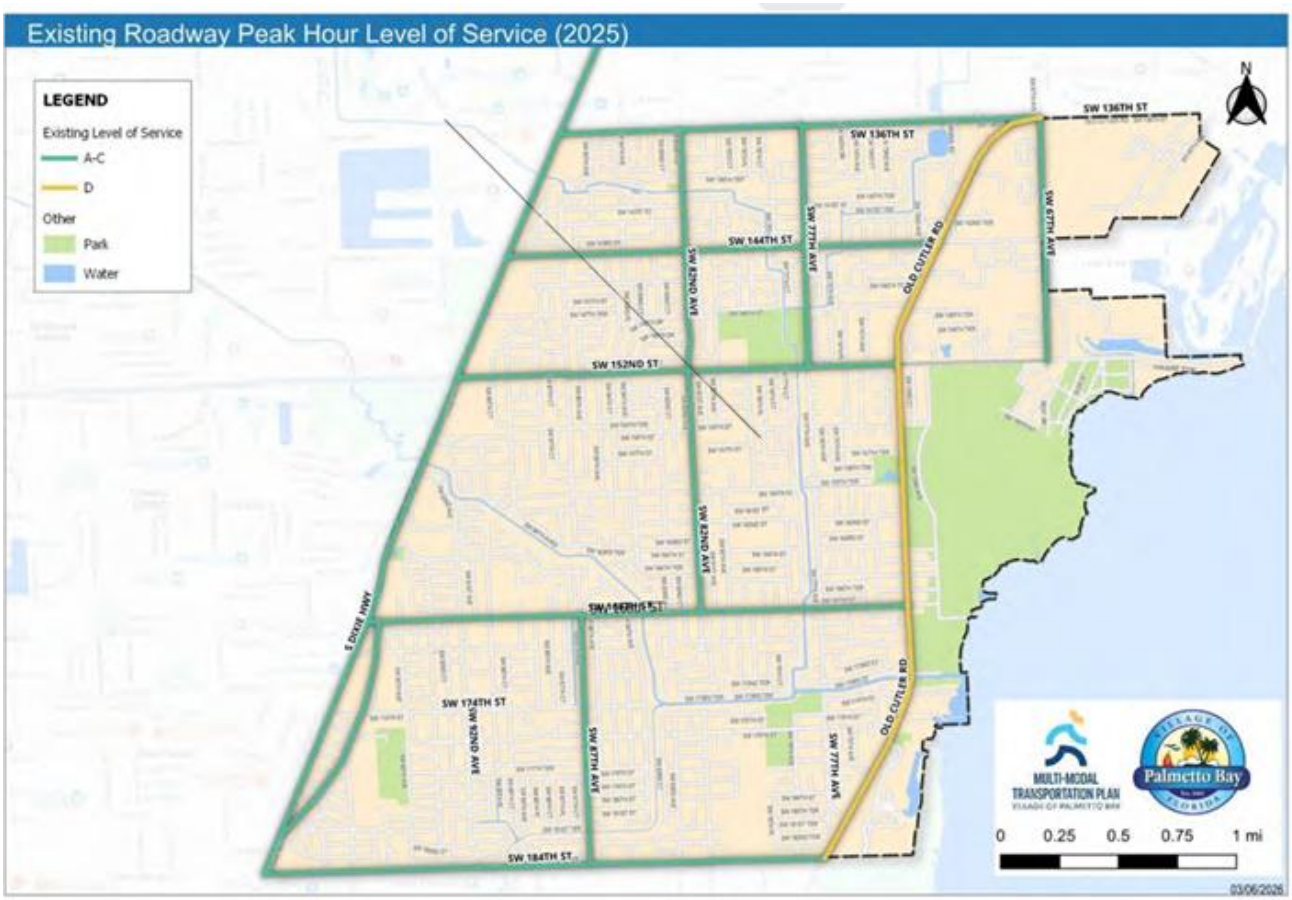
TRANSPORTATION

The Level-of-Service (LOS) analysis is a critical tool for assessing the performance of the Village's transportation system and ensuring it meets adopted standards. As defined by the Florida Department of Transportation (FDOT), LOS is a qualitative measure of the user's perception of traffic flow, rated on a scale from "A" to "F," with "A" representing the best conditions and "F" representing the worst. The analysis below is based on updated baseline modeling from the Southeastern Florida Regional Planning Model (SERPM 8.0) and the Village of Palmetto Bay Multi-Modal Transportation Plan (March 2026)

Summary of Key Findings

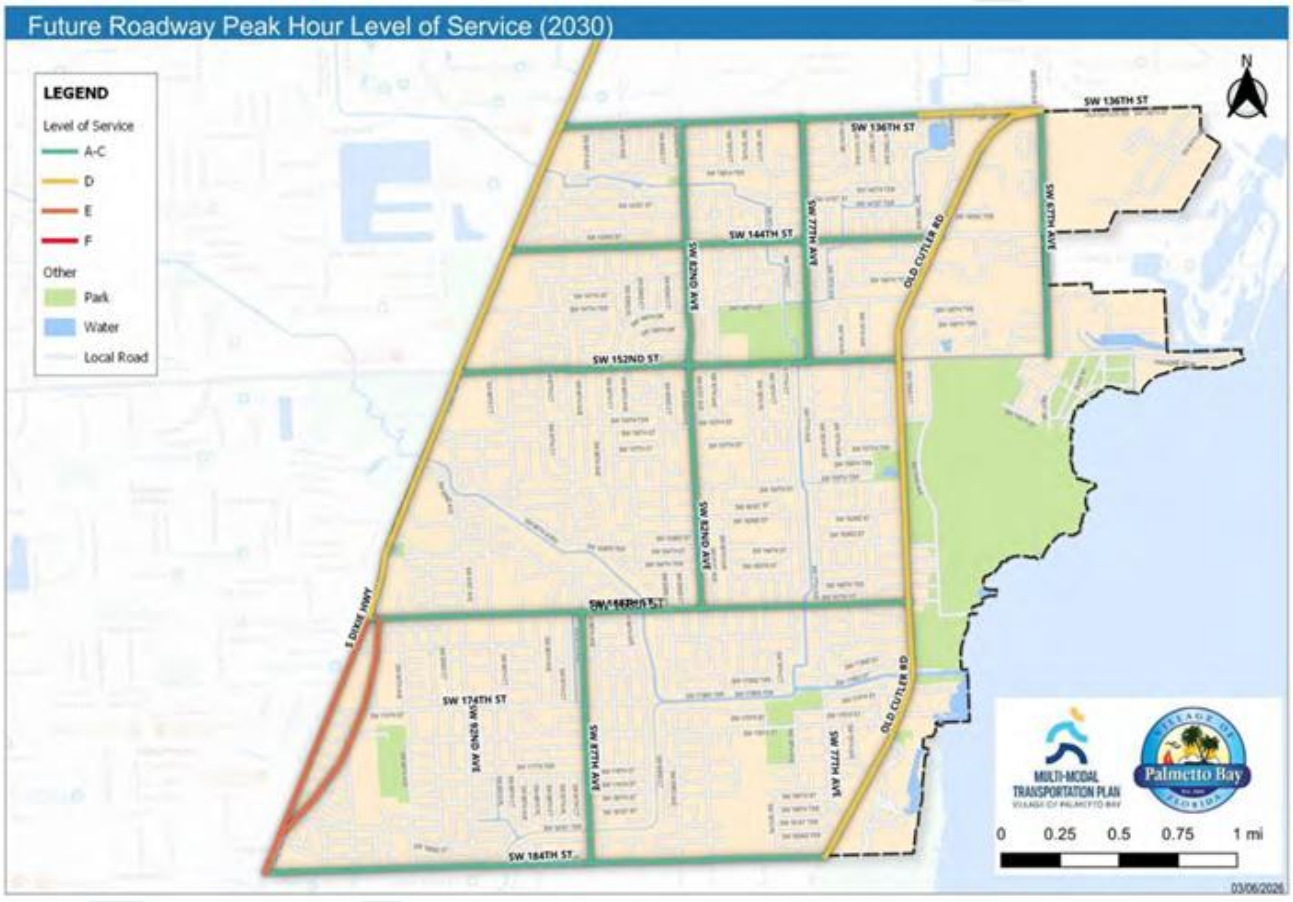
1) Current Roadway Performance (2025):

   a) As indicated in the 2025 Existing Conditions LOS analysis, all study segments currently operate at an acceptable LOS of C or better, except for six (6) segments on Old Cutler Road (from SW 136th Street to SW 184th Street), which operate at LOS D.
   b) US-1 is currently operating at the upper limit of LOS C



2) Projected Roadway Performance (2030):

a) Based on the 2030 Future Conditions analysis, thirty (30) study segments will operate at an LOS of C or better, ten (10) will operate at LOS D, and two (2) segments—US-1 from SW 168th Street to SW 184th Street (Northbound and Southbound)—will operate at LOS E.
b) All study segments are projected to continue operating at an acceptable LOS within the 5-year planning horizon (through 2030).



5-Year Level-of-Service Transportation Projects

The Village of Palmetto Bay, in conjunction with the Miami-Dade Transportation Planning Organization (TPO), maintains a comprehensive capital program to address Level-of-Service (LOS) deficiencies, improve multi-modal safety, and satisfy long-term mobility needs. The following table highlights the Phase 1 priority projects for the 2026–2030 planning horizon. These projects are adopted directly from the Village's 2026 Multi-Modal Transportation Plan (MMTP) and are funded through a combination of the Village's Transportation Fund, local People's Transportation Plan (PTP) surtax revenues, and federal/state discretionary grants.

Rank	Project	Mode	Corridor / Location	Key Improvement	Priority Driver
Phase 1 Priority Projects (2026–2030)					
1	Bus Shelters & Amenities	T	Village-wide	Install shelters, benches, and transit amenities	4 - Transit Access
2	Sidewalk Gaps & ADA Improvements	P	Village-wide	Close ADA sidewalk gaps alo transit corridors	2 - ADA Access
3	Coral Reef Neighborhood Mobility Hub	B/P/T	SW 152 St – SW 77 Ave	Multimodal hub with s path and per an improvem nts	3 - Multimodal Connectivity
4	Downtown Neighborhood Mobility Hub	B/P/T	Franjo Rd – Village Hall	Multimodal hub serving civic and downtown destinations	3 - Multimodal Connectivity
5	Traffic Calming – Continuing Studies	R	Village-wide	Neighborhood traffic calming studies	1 - Safety
6	Arterial & Local Street Safety Studies	R	Village-wide	Corridor and intersection safety evaluations	7 - Planning Study
7	Arterial & Local Street Landscaping	R	Village	Streetscape and corridor landscaping improvements	1 - Safety
8	SW 136 Street Study	R/B	US-1 – SW Ave	cle and congestion ent study	7 - Planning Study
9	SW 184 Street Study	R	US-1 – SW 97	Intersection congestion management study	7 - Planning Study
10	Old Cutler Road Pedestrian Bridge	P	.00 Canal	Pedestrian bridge improving connectivity	5 - Network Connection
11	SW 82 Avenue Bike Lanes (Planning & Design)	B	SW 152 St – SW 136 St	On-street bike lanes planning and design	6 - Bike/Ped Network Expansion
12	SW 87 Avenue Mini-Traffic Circle	R	SW 87 Ave	Neighborhood traffic calming circle	1 - Safety
13	SW 152 St (Coral Reef Dr)	B/P	SW 79 Ave – SW 80 Ave	School-area bicycle and pedestrian safety improvements	1 - Safety
14	SW 184 St (Eureka Dr)	P	SW 82 Ave – Old Cutler Rd	Sidewalk gap closure (design phase)	2 - ADA Access

DRAFT

POTABLE WATER

This section evaluates the potable water system serving the Village of Palmetto Bay, inclusive of structures designed to collect, treat, and distribute potable water in addition to water wells, treatment plants, reservoirs, and distribution mains.

Miami-Dade County Water and Sewer Department (MDWASD) Geographic Service Area

The Village of Palmetto Bay does not own or operate a municipal potable water treatment facility. Potable water throughout the Village is provided entirely by a regional utility system owned and operated by the Miami-Dade County Water and Sewer Department (MDWASD). The Village is served by MDWASD's Alexander Orr, Jr. Water Treatment Plant, located at 6800 SW 87th Avenue in Unincorporated Miami-Dade County.

Because the Village relies on MDWASD for retail water distribution and system capacity, water supply planning and long-term facility capacity are evaluated directly through MDWASD's 20-Year Water Master Plan.

Water Sources & Treatment

Potable water delivered to Palmetto Bay is received from the County's water treatment plant. The Alexander Orr, Jr. Water Treatment Plant draws water from the Biscayne Aquifer, which receives lime treatment to reduce hardness, and is then fluoridated, disinfected, and filtered.

The Alexander Orr, Jr. WTP originally had a design capacity of 40 Million Gallons per Day (MGD) in 1954 and has undergone several expansions over the past 50 years. Raw water pumping capacity was increased by 32 MGD to 262 MGD in 1995 with an additional source from the West Wellfield. Additional reservoir and high-pressure service capacities bring the total plant design capacity to 256 MGD.

The Alexander Orr, Jr. (AO) subarea is comprised of a high-pressure system consisting of two major piping loops. This system delivers water to nearly all of Miami-Dade County south of approximately Flagler Street and north of SW 248th Street. The Alexander Orr, Jr. subarea plant is supplied by four water supply wellfields (Alexander Orr, Jr. – capacity 74.4 MGD; Snapper Creek – capacity 40.0 MGD; Southwest – capacity 161.2 MGD; and West – capacity 32.4 MGD), with a total designed capacity of approximately 308 MGD. In this subarea, there are also Upper Floridan Aquifer wells at two of the wellfields (West Wellfield and Southwest Wellfield) with a combined capacity of 25.08 MGD. MDWASD uses these wells for seasonal storage and recovery of fresh Biscayne Aquifer water, utilizing ultra-violet (UV) light disinfection systems prior to injection.

Potable Water Level of Service

The Village's adopted Level of Service (LOS) standard for potable water is **139 gallons per capita per day**. Table 4 provides a listing of projected potable water demand based upon population projections and total service area coverage by MDWASD. In order to meet projected demand in 2030, the Village will require an estimated 3,586,061 gallons per day (3.586 MGD). To ensure the continuous, adequate delivery of potable water services, the Village maintains ongoing intergovernmental coordination with MDWASD.

Table 4: Projected Potable Water Demand

Year	Population	Per Capita (gallons per day finished water)	Potable Water Demands (daily average annual, MGD)
2026	25,217	139	3.51
2030	25,799	139	3.59

Source: Population Projections from Shimberg Center – Florida Housing Data Clearinghouse; Per Capita demand based on adopted Village LOS standards and MDWASD Water Master Plan data.

Water Conservation

Water conservation is key to maintaining the health and productivity of the Surficial Aquifer System. Promoting water conservation equipment, techniques, and practices benefits customers economically and maintains a realistic water demand outlook for utilities. Protection of the aquifer system and wellfields through conservation and reuse, recharge enhancement, limitations on withdrawal, regulation of land use, and maintenance of minimum flows and levels ensures the availability of an adequate water supply for all competing demands, maintains natural systems, and preserves water quality.

The Village of Palmetto Bay works in coordination with MDWASD and the South Florida Water Management District (SFWMD) on water conservation, use, and protection through several programs and policies that include:

- High-efficiency plumbing requirements under the Florida Building Code
- Florida-Friendly Landscaping practices as described in Section 373.185, Florida Statutes
- Implementation and execution of the Village Stormwater Master Plan

SANITARY SEWER

The sanitary sewer system is defined as structures or systems designed for the collection, transmission, treatment, or disposal of sewage. Disposal includes solids and effluent reuse, which is also referred to as reclaimed or grey water.

Geographic Service Area

The Village of Palmetto Bay does not maintain a sanitary sewer facility within its corporate limits, and the majority of homes and commercial properties within the Village are currently serviced by onsite sewage treatment and disposal systems (septic tanks). Those properties within the Village of Palmetto Bay connected to central sewer service receive retail service from the Miami-Dade County Water and Sewer Department (MDWASD). The entire Village lies within the County's designated utility service area.

Treatment Facilities and Capacity

The MDWASD regional wastewater system serves approximately 375,345 retail customers and 13 wholesale customers, consisting of 12 municipal customers and the Homestead Air Reserve Base. The system infrastructure consists of three regional wastewater treatment plants (WWTPs), over 1,000 sewage pump stations, and nearly 6,400 miles of collection and transmission pipelines, manholes, lift stations, and force mains across a service area covering approximately 375 square miles.

The three regional plants are the South District, Central District, and North District WWTPs. The disposal and beneficial reuse of treatment process by-products (sludge and treated effluent) form an essential component of MDWASD's long-term capital expansion and environmental compliance plans.

Disposal of treated wastewater at the North District Plant and the Central District Plant is accomplished primarily via ocean outfalls discharging into the Atlantic Ocean, complemented by deep injection wells at the North District facility. The South District Wastewater Treatment Plant—which directly serves the southern subarea inclusive of Palmetto Bay—disposes of its treated effluent through deep injection wells into the lower Floridan Aquifer at depths below 2,400 feet. All 17 deep injection wells at the South District WWTP operate under active FDEP operational permits.

MDWASD continues to design and implement expanded reclaimed water infrastructure. High-quality public access reuse water produced at the South District Wastewater Treatment Plant is designated for aquifer recharge, industrial power plant cooling, agricultural irrigation, and potential coastal wetlands rehydration projects as technically, environmentally, and economically feasible.

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Projected Wastewater Demand

The Village's adopted Level of Service (LOS) standard for sanitary sewer is **122 gallons per capita per day**. Table 5 depicts projected wastewater demand based upon regional population projections assuming total ultimate connectivity across the Village service area to the County wastewater system. To ensure the efficient delivery of wastewater services and support future septic-to-sewer conversion initiatives, ongoing intergovernmental coordination with MDWASD is recommended.

Table 5: Projected Wastewater Demand

Year	Population	Per Capita (gallons per day)	Wastewater Demands (daily average annual, MGD)
2026	25,217	122	3.08
2030	25,799	122	3.15

Source: Population Projections from Shimberg Center – Florida Housing Data Clearinghouse; Per Capita demand based on adopted Village LOS standards and MDWASD Wastewater Master Plan data.

SOLID WASTE

The Village of Palmetto Bay relies on Miami-Dade County's Department of Solid Waste Management (DSWM) for its solid waste collection and disposal services. The County's Solid Waste Management Master Plan identifies programs, operational updates, and emerging technologies to provide sustainable waste management services and meet projected long-term regional demand.

Collection and Recycling Services

Miami-Dade County's Department of Solid Waste Management (DSWM) provides scheduled garbage, bulky trash pickup, and curbside recycling collection services—including electronic equipment recycling—for residential properties in Palmetto Bay. Garbage collection occurs twice weekly, with curbside recycling collected bi-weekly. Each residential household is entitled to two (2) scheduled bulky waste pickups per calendar year of up to 25 cubic yards each.

In addition to curbside collection services, DSWM operates 13 Neighborhood Trash and Recycling Centers (TRCs) across the County, which accept yard trash, old appliances, passenger vehicle tires, fencing, and light residential construction debris. The **Eureka Drive Trash and Recycling Center**, located at 9401 SW 184th Street, is situated directly within the Village limits.

Active Disposal Facilities & Regional Strategy

Miami-Dade County DSWM currently maintains and operates primary active solid waste disposal landfills:

- **North Dade Landfill:** A Class III (trash and clean debris only) facility located adjacent to the Dade-Broward county line. Gas extraction systems capture landfill methane for controlled flaring and environmental compliance.
- **South Dade Landfill:** This 320-acre Class I facility serves as the primary disposal site for residential garbage and non-processable municipal waste in southern Miami-Dade County. The facility features synthetic liners, leachate collection, groundwater monitoring systems, and a sequencing batch reactor. DSWM continues coordination on landfill gas-to-energy recovery infrastructure to pipe landfill gas to the adjacent South District Wastewater Treatment Plant for energy conversion.

Following the February 12, 2023, fire that permanently rendered the Resources Recovery Facility in Doral inoperable, Miami-Dade County discontinued waste-to-energy processing at that location. To maintain uninterrupted disposal capacity, DSWM utilizes existing Class I/III landfill capacity alongside long-term contractual agreements with private waste haulers and regional disposal facilities. Concurrently, Miami-Dade County is advancing site selection, environmental reviews, and procurement plans to construct a state-of-the-art **Sustainable Solid Waste Campus** to replace the former waste-to-energy capacity and support long-term regional sustainability goals.

5-Year Level-of-Service Solid Waste Projects

The Department of Solid Waste Management (DSWM) maintains an active Level-of-Service (LOS) capacity determination confirming system adequacy to issue development orders under concurrency management rules. DSWM's system-wide capacity analysis confirms sufficient operational disposal capacity to meet and exceed adopted LOS standards through the 5-year planning horizon (2026–2031) and beyond, supported by remaining landfill capacity at the South Dade Landfill, North Dade Landfill, and supplemental private hauler disposal agreements.

STORMWATER MANAGEMENT

The Village of Palmetto Bay is a co-permittee on the Miami-Dade County Municipal Separate Storm Sewer System (MS4) Permit through the EPA's National Pollutant Discharge Elimination System (NPDES). The permit is administered and enforced by the Florida Department of Environmental Protection (FDEP).

The Village actively coordinates with the National Flood Insurance Program (NFIP) and participates in the Community Rating System (CRS). The Village maintains a Class 5 CRS rating, which provides a 25% discount on flood insurance premiums for Palmetto Bay property owners in Special Flood Hazard Areas.

The Village's Stormwater Master Plan Update evaluates priority sub-basin performance against level-of-service goals and incorporates sea-level rise modeling and climate resiliency considerations. Proposed stormwater system modifications, sub-basin retrofits, and localized drainage projects identified in the Master Plan serve as the foundation for the Capital Improvement Program.

Drainage Level of Service

Stormwater facilities within the Village shall be designed to meet the design and performance standards established in Chapters 62-302.500 and 62-25, F.A.C., requiring water quality treatment for the runoff from the first one (1) inch of rainfall. Where two or more regulatory standards impact a specific project or development, the most restrictive standard applies:

- Post-development peak runoff rates shall not exceed pre-development runoff rates for a 25-year, 24-hour storm event.
- Onsite retention and treatment of runoff from the first one (1) inch of rainfall, or the runoff from the first 0.5 inches of direct runoff, whichever is greater.

5-Year Level-of-Service Stormwater Projects

The Village's Capital Improvement Program includes recurring expenditures for routine Operations and Maintenance (O&M) of existing catch basins, French drains, outfalls, and drainage infrastructure, totaling **$1,150,000** over the 5-year planning window (utilizing Vac-Con operations).

In addition to routine maintenance, the program includes **$8,549,000** in active capital drainage improvement projects ($7,049,000 across priority sub-basins plus $1,500,000 in localized drainage solutions). Bringing together active capital projects, localized drainage, and Vac-Con O&M, the total 5-year stormwater investment for the 2026–2031 planning horizon is **$9,699,000**. Table 6 outlines the active project schedule.

Table 6: Village Stormwater Projects and Estimated Costs (2026-2031)

Project Description	Drainage Sub-Basin / Location	Estimated 5-Year Cost
Drainage Improvement Project #43 (SW 165th Ter, N of SW 168th St, W of SW 72nd Ave, E of SW 77th Ave)	#43	$1,500,000
Drainage Improvement Project #41 (S of SW 173 St, N of SW 174 St, W of Old Cutler Rd, E of SW 77 Ave)	#41	$1,270,000
Drainage Improvement Project #11 (S of SW 152 St, N of SW 156 St, W of 89 Ave, E of Dixie Hwy)	#11	$1,530,000
Drainage Improvement Project #12 (S of SW 168 St, N of SW 170 Terr, W of Old Cutler Rd, E of SW 76 Ave)	#12	$799,000
Drainage Improvement Project #39 (S of SW 170 Terr, N of SW 173 St, W of Old Cutler Rd, E of SW 77 Ave)	#39	$1,020,000
Drainage Improvement Project #42 (S of SW 168th St, N of SW 171	#42	$930,000

St, W of SW 76 Ave, E of SW 77 Ave)		
Localized Drainage Improvements	Village-Wide	$1,500,000
Stormwater Vac-Con Operations (Routine O&M)	System-Wide	$1,150,000
Total 5-Year Stormwater Capital & O&M Program		**$9,699,000**

Source: Village of Palmetto Bay Public Services Dept.

Aquifer Recharge

There are no designated prime groundwater recharge areas within the corporate limits of the Village of Palmetto Bay. Primary natural aquifer recharge mechanisms in the Village include the C-100 Cutler Drain Canal system, Biscayne Bay coastal margins, swale systems, and pervious open space. The Village's zoning code, flood damage prevention regulations, land development regulations, and environmental review standards protect natural drainage flows, promote localized infiltration, and preserve natural groundwater recharge capacity.

EDUCATIONAL FACILITIES

Public school facility planning for the Village of Palmetto Bay is coordinated through Miami-Dade County Public Schools (MDCPS). Pursuant to Florida Statutes and the Interlocal Agreement (ILA) for Public School Facility Planning, MDCPS annually updates and adopts a 5-Year District Facilities Work Plan to evaluate available Florida Inventory of School Houses (FISH) capacity, projected student enrollment, concurrency standards, and capital funding allocations across public school facilities. The Village coordinates closely with MDCPS during comprehensive plan updates and development reviews to ensure educational facilities meet adopted Level of Service (LOS) standards.

Public School Facilities & Enrollment

The Village of Palmetto Bay is served by several elementary, middle, and senior high schools located within or adjacent to municipal boundaries. Table 8 details current student enrollment and facility data for these public schools.

Table 8: Palmetto Bay Area Public Schools Capacity and Enrollment

Public School	Student Enrollment
Coral Reef Elementary School	693
Dr. Henry E. Perrine Academy of the Arts	517
Southwood Middle School	1,061
Howard Drive Elementary School	344
Miami Palmetto Senior High School*	2,651
Coral Reef Senior High School**	3,351

*Located outside the Village but serves residents.
**Serves a portion of the Village.
Source: Miami-Dade County Public Schools

5-Year Capacity Projects

MDCPS maintains a district-wide 5-Year District Facilities Work Plan to schedule capital improvements, facility modernizations, and capacity expansion projects. The Village works in coordination with MDCPS to monitor housing development applications, verify school concurrency capacity prior to development order approval, and support planned capital improvements that maintain adopted Level of Service (LOS) standards across all feeder patterns serving Palmetto Bay.

Charter and Private Educational Options

While no public charter schools are physically located within the Village limits, Palmetto Bay residents have access to regional public charter schools operating throughout Miami-Dade County.

Palmetto Bay is home to several established private educational institutions. Table 9 outlines current enrollment figures for private schools located within the Village.

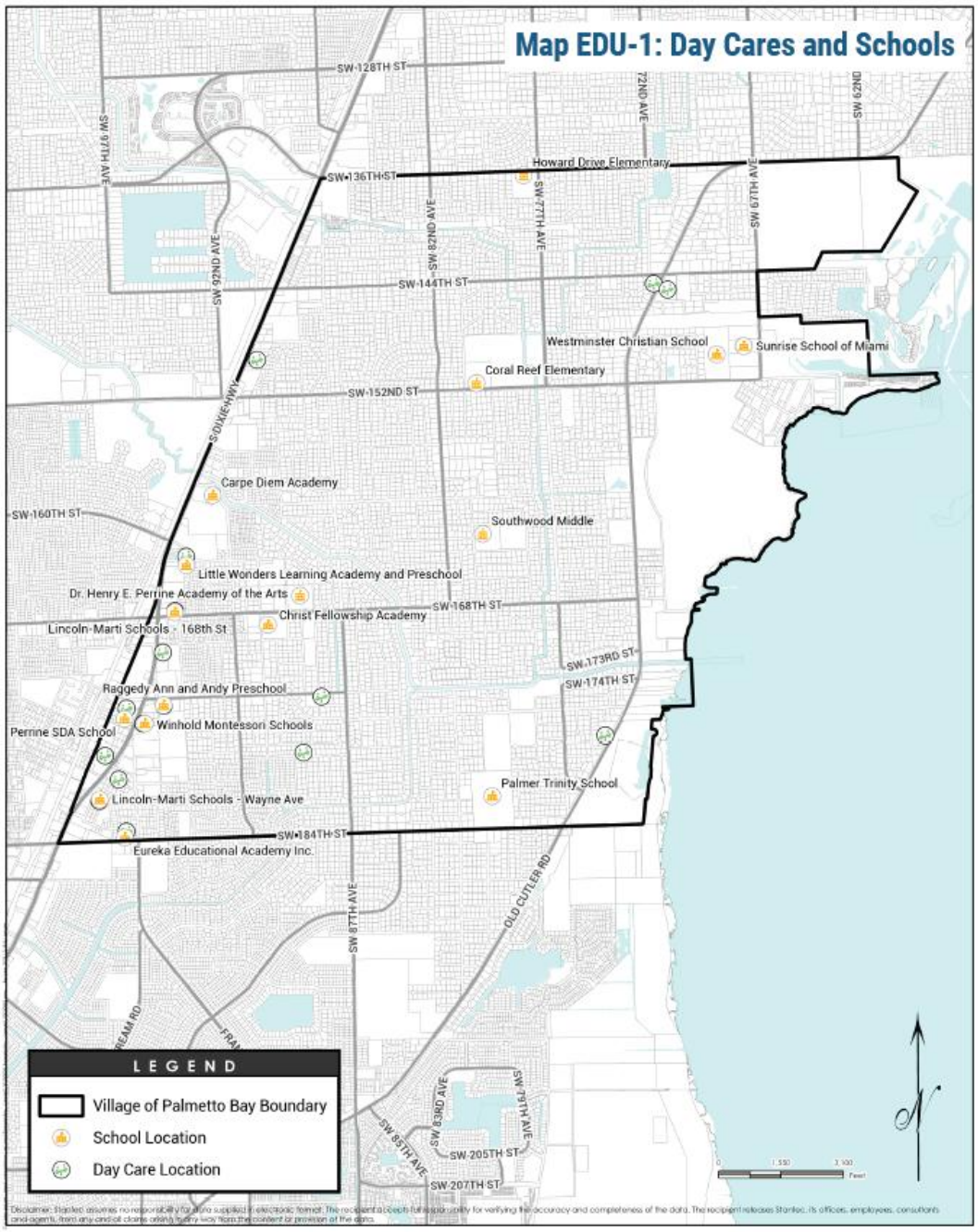
Table 9: Enrollment for Private Schools in Palmetto Bay

Private School	Student Enrollment
Westminster Christian School	1,159
Sunrise School of Miami*	98
Palmer Trinity School	770
Christ Fellowship Academy	321

Palmetto Bay Academy	35
Alexander Montessori School	247

Source: MDC Open Data Hub 2026
*Sunrise School of Miami has been acquired by Westminster Christian School

Day Care and Schools Location Map



PARKS AND RECREATION

The Level of Service (LOS) standard for the Village of Palmetto Bay's parks and open space system is established in the Recreation and Open Space Element of the Village Comprehensive Plan. The primary municipal LOS standard is 3.0 acres of recreation and open space per 1,000 residents. For mixed-use developments within the designated Downtown Palmetto Bay area, a separate urban open space standard of 0.25 acres per 1,000 residents is applied.

Public Parks Inventory

The Village's current park system serves as the baseline for evaluating statutory concurrency and level-of-service compliance. Municipal facilities range from active athletic parks to eco-historical sites and neighborhood green spaces, totaling **95.02 acres** of municipal parkland. Additionally, major regional environmental assets managed by Miami-Dade County complement local recreational offerings.

Table 10: Village of Palmetto Bay and County Public Parks Inventory

Village Park Name	**Acreage**
Coral Reef Park	48
Palmetto Bay Park	25
Ludovici Park	3
Perrine Wayside (Dog) Park	3
Thalatta Estate Park	4
Perrine Community House	.33
The Woods	8.69
Veterans Park	3
Total Village	**95.02**
County Parks	
Bill Sadowski Park & Nature Center	30
Deering Estate	444
Total County	**474**

Level of Service Analysis & Acreage Needs

Based on the adopted municipal standard of 3.0 acres per 1,000 residents, population growth trends, and the municipal park inventory (95.02 acres), Table 11 evaluates parkland concurrency through the 5-year planning horizon (2026–2031). The Village currently maintains a substantial acreage surplus (20.54-acre surplus in 2026), confirming that existing parkland capacity exceeds adopted Level of Service requirements throughout the 5-year planning window.

Table 11: Projected Parks Level-of-Service Acreage Needs

YEAR	PROJECTED POPULATION	PARK LOS NEED (Acres)	SURPLUS (Acres)
2026	25,217	75.65	19.37
2030	25,799	77.39	17.62

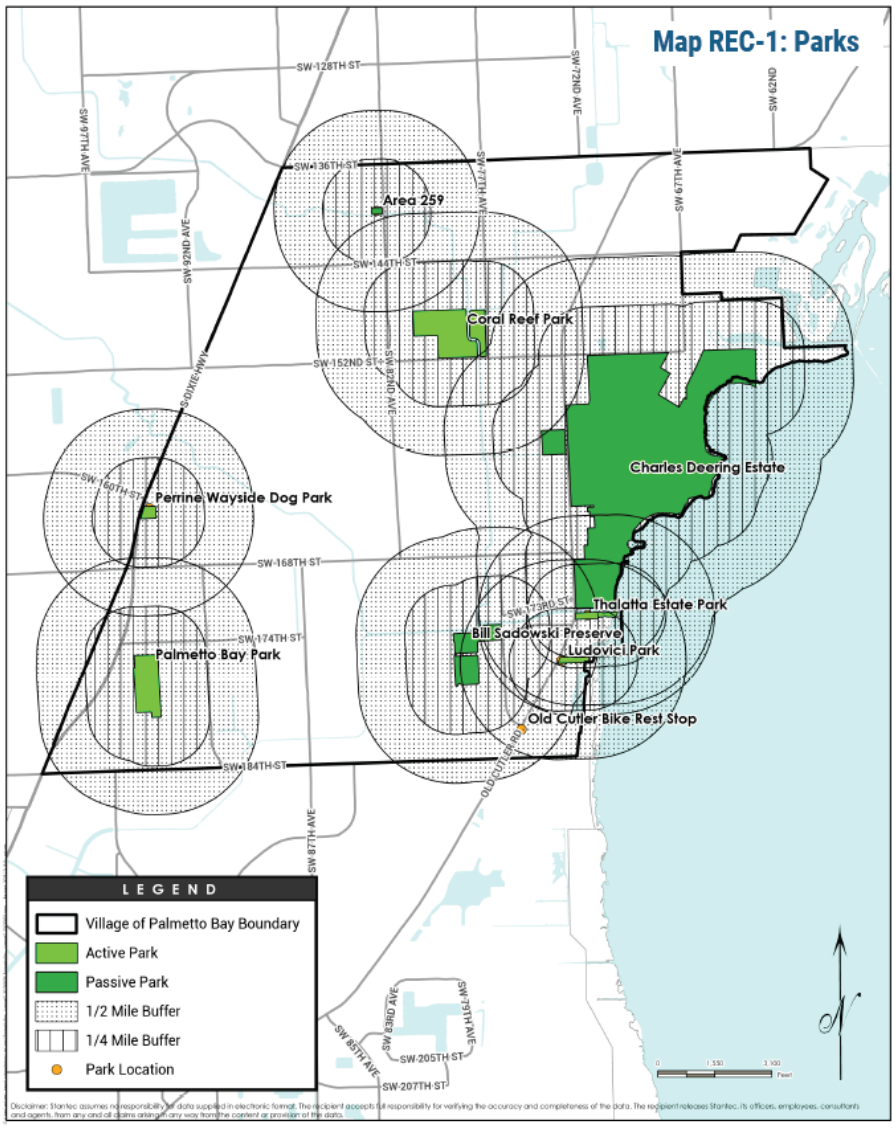
*Source: Village of Palmetto Bay Parks & Recreation Department & Planning & Zoning Department Population Projections.

5-Year Level of Service Projects

Because the Village maintains a healthy parkland surplus, capital improvement programming focuses on asset preservation, facility modernizations, trail enhancements, and environmental compliance. Key capital initiatives scheduled across the 5-year planning horizon include:

- Coral Reef Park Recreation Center: Construction of a new 5,000 sq. ft. multi-purpose recreation facility.
- Coral Reef Park Watercraft Access: Boat ramp, dock, and shoreline access upgrades.
- Coral Reef Park Trail & Environmental Upgrades: Repair and resurfacing of the existing 2.5-mile perimeter trail system, including conversion of park restroom facilities from septic to central sewer.
- Palmetto Bay Park Trail Resurfacing: Root pruning, asphalt leveling, and trip-hazard mitigation along existing walking paths.
- Palmetto Bay Park Skate Park Renovations: Concrete resurfacing, ramp replacement, and safety enclosure upgrades.
- Parks Master Plan Phased Implementation: Continued execution of priority recommendations identified in the Village Parks Master Plan, including public space retrofits and park amenity enhancements.

Parks Location Map



SCHEDULE OF CAPITAL IMPROVEMENTS

The following table presents the Village of Palmetto Bay's proposed Schedule of Capital Improvements for the five-year period from 2026-27 to 2030-31. This schedule outlines planned and ongoing capital projects designed to address the Village's infrastructure needs and enhance the quality of life for residents. The projects managed by the Public Services Department and Parks Department, focus on a variety of improvements, including parks, transportation, drainage, and pedestrian and bicycle facilities. The table details project descriptions, their current status, and the anticipated funding sources and expenditures over the five-year planning period.

VILLAGE OF PALMETTO BAY CAPITAL IMPROVEMENT PROGRAM (CIP) FY 2026-27 THROUGH FY 2030-31

Project Description	Lead Dept	Status	Funding Source	2026-27	2027-28	2028-29	2029-30	2030-31	5 Year Total
CRP - Multipurpose Building / Tennis Shop	Parks	Completed	Village	$4,994,752	$0	$0	$0	$0	$4,994,752
CRP - Expanded Playground / Improvements	Parks	Future	TBD	$0	$0	$0	$1,755,600	$0	$1,755,600
CRP - Walking Trails Repairs and Improvements	Parks	On-Going	Village	$64,672	$0	$0	$0	$800,000	$864,672
RP - Pine Rockland Restoration & Management	Parks	On-Going	Village	$10,000	$0	$0	$0	$0	$10,000
Pine Rockland & Other Parks Preservation Lands Exotic Invasive Removal	Parks	On-Going	Village	$0	$25,000	$25,000	$25,000	$25,000	$100,000
Covered Pedestrian Connection from Multi-Purpose Building to Concessions	Parks	Future	TBD	$0	$0	$0	$0	$640,000	$640,000
Gymnasium Construction Option	Parks	Future	TBD	$0	$0	$0	$0	$4,500,000	$4,500,000
Frisbee Golf	Parks	Future	TBD	$0	$0	$0	$0	$24,500	$24,500
Canal Water Feature	Parks	Future	TBD	$0	$0	$0	$15,000	$0	$15,000
Canoe Launch / Paddle Boat / Storage	Parks	Future	TBD	$0	$0	$45,000	$0	$0	$45,000
CRP - Tennis Court Resurfacing and Restriping	Parks	Completed	Village	$49,852	$0	$0	$0	$0	$49,852
CRP - Tennis Court Fencing	Parks	Completed	Village	$88,165	$0	$0	$0	$0	$88,165
CRP - Recreation Center Furniture	Parks	Completed	Village	$19,000	$0	$0	$0	$0	$19,000
Police - Boat Dock	Parks	Programmed	Village	$180,000	$0	$0	$0	$0	$180,000
CRP - Dumpster Enclosure	Parks	Future	Village	$0	$0	$25,000	$0	$0	$25,000
PBP - Redesign / Upgrades Playground	Parks	Future	TBD	$0	$0	$1,935,000	$0	$0	$1,935,000
PBP - Splash Pad	Parks	Future	TBD	$0	$0	$0	$0	$450,000	$450,000
PBP - Expanded Basketball Courts (3)	Parks	Future	TBD	$0	$110,000	$0	$0	$0	$110,000
PBP - Irrigation System	Parks	Programmed	Village	$98,500	$0	$0	$0	$0	$98,500
PBP - Skate Park Improvements	Parks	Programmed	TBD	$450,000	$0	$0	$0	$0	$450,000
PBP - Enhanced Landscape	Parks	Programmed	TBD	$10,000	$0	$0	$0	$100,000	$110,000
PBP - Modify Parking Lot Expansion	Parks	Future	TBD	$0	$0	$0	$144,000	$0	$144,000
PBP - Mower	Parks	Future	Village	$0	$0	$47,500	$0	$0	$47,500
PBP - Community Facility Building w/ Indoor Gymnasium	Parks	Future	TBD	$0	$0	$0	$0	$5,500,000	$5,500,000
PBP - Pineland Preserve	Parks	Future	TBD	$0	$0	$0	$120,000	$0	$120,000
PBP - Labyrinth / Sensory Garden	Parks	Future	TBD	$0	$0	$0	$0	$204,000	$204,0[illegible]

PBP - Dog Park	Parks	Future	TBD	$0	$0	$200,000	$0	$0	$200,000
PBP - Shared Storage Area w/ PS	Parks	Future	TBD	$0	$0	$500,000	$0	$0	$500,000
PBP - New Outdoor Exercise Stations	Parks	Future	TBD	$0	$0	$0	$75,600	$0	$75,600
PBP - Safety Netting behind field #1 (Playground)	Parks	Future	TBD	$0	$50,000	$0	$0	$0	$50,000
PBP - Pickleball Center	Parks	Programmed	Village	$3,324,512	$0	$0	$0	$0	$3,324,512
PBP - Improved Walkways/Trails	Parks	Programmed	Village	$134,249	$0	$0	$150,000	$0	$284,249
PWS - Recontour Lake Bank	Parks	Future	TBD	$0	$0	$0	$160,000	$0	$160,000
PWS - Seating Areas	Parks	Future	TBD	$0	$24,000	$0	$0	$0	$24,000
PWS - ADA Bathroom w/ Grooming Building	Parks	Future	TBD	$0	$0	$0	$0	$270,000	$270,000
PWS - Improved Walkways	Parks	Future	TBD	$0	$0	$0	$150,000	$0	$150,000
PCH - New Impact Windows	Parks	Future	TBD	$0	$35,000	$0	$0	$0	$35,000
TE - Design/Build Pier/Gazebo	Parks	Future	TBD	$0	$0	$0	$2,000,000	$0	$2,000,000
TE - Chair Lift - Carriage House	Parks	Future	Village	$0	$0	$15,000	$0	$0	$15,000
TE - Walkway along Canal	Parks	Future	TBD	$0	$0	$0	$144,000	$0	$144,000
TE - Event Stage Area	Parks	Future	TBD	$0	$250,000	$0	$0	$0	$250,000
TE - Indoor Multipurpose Room/Space	Parks	Future	TBD	$0	$0	$990,000	$0	$0	$990,000
TE - New Pedestrian Bridge	Parks	Future	TBD	$0	$0	$0	$0	$2,000,000	$2,000,000
Veterans Park	Parks	Programmed	Village	$3,800,271	$3,854,819	$0	$1,634,958	$0	$9,290,048
LP - ADA Bathroom - 2nd Floor	Parks	Future	TBD	$0	$0	$0	$50,000	$0	$50,000
LP - Elevator Improvements	Parks	Future	TBD	$0	$60,000	$0	$0	$0	$60,000
LP - Planter Wall Barrier	Parks	Future	TBD	$0	$0	$15,000	$0	$0	$15,000
LP - Fence - Rear of property	Parks	Future	TBD	$0	$0	$0	$0	$20,000	$20,000
The Woods Park - Perimeter Walking Path, Benches, Signage & Receptacles	Parks	Programmed	Village	$20,827	$200,000	$100,000	$100,000	$100,000	$520,827
The Woods - Phase 1 - Restoration	Parks	Completed	Village	$194,500	$0	$0	$0	$250,000	$444,500
All Parks - Add Trees, Nature Preserve Area, Bioswales, Butterfly Gardens	Parks	Future	TBD	$0	$15,000	$15,000	$15,000	$15,000	$60,000
All Parks - Recycling Bins (Next to every existing trash can)	Parks	Future	TBD	$0	$10,000	$10,000	$10,000	$10,000	$40,000
Parks - Bike Repair Stations and Bike Racks	Parks	Future	TBD	$0	$5,000	$5,000	$5,000	$5,000	$20,000
Parks - Additional Water Fountains and Bottle Refill Stations	Parks	Future	TBD	$0	$2,500	$2,500	$2,500	$2,500	$10,000
Parks Cost Subtotal				**$13,439,300**	**$4,641,319**	**$3,930,000**	**$6,556,658**	**$14,916,000**	**$43,48[illegible]**

Project Description	Lead Department	Status	Funding Source	2026-27	2027-28	2028-29	2029-30	2030-31	5 Year Total
Roadway Resurfacing Village Wide	Public Services	On-going	Special Revenue Fund - Transportation	$150,000	$150,000	$100,000	$100,000	$100,000	$600,000
ADA-Compliant Sidewalks	Public Services	On-going	Special Revenue Fund - Transportation	$100,000	$100,000	$100,000	$100,000	$100,000	$500,000
Traffic Calming Various Locations (prioritized in Traffic Calming Plan)	Public Services	On-going	Special Revenue Fund - Transportation	$150,000	$150,000	$100,000	$100,000	$100,000	$600,000
Localized Drainage Improvements	Public Services	Programmed	Special Revenue Fund - Capital Projects	$300,000	$300,000	$300,000	$300,000	$300,000	$1,500,000
Freebee — Operate I-Bus Route	Public Services	Future	MPO TDM - Local Match	$250,000	$250,000	$0	$0	$0	$500,000
Bus Benches, Bus Shelters and Amenities	Public Services	On-going	TBD	$50,000	$50,000	$50,000	$50,000	$0	$200,000
Bicycle Lane SW 82 AVE (from SW 160 St to SW 152 St) — FY 26-27	Public Services	Programmed	Special Revenue Fund - Transportation	$350,000	$0	$0	$0	$0	$350,000
Traffic Studies Main Corridors	Public Services	Programmed	Special Revenue Fund - Transportation	$65,000	$65,000	$35,000	$0	$0	$165,000
Freebee Service Expansion (On-Demand)	Public Services	Programmed	Special Revenue Fund - CITT - Transit	$305,000	$305,000	$0	$0	$0	$610,000
Tree Planting Main Corridors	Public Services	Programmed	Special Revenue Fund - Capital Projects	$250,000	$50,000	$50,000	$50,000	$50,000	$450,000
Drainage Sub-Basin 43 (SW 165th Ter, N of SW 168th St, W of SW 72nd Ave, E of SW 77th Ave) — FY 26-27	Public Services	On-going	Grants / State Appropriations	$1,500,000	$0	$0	$0	$0	$1,500,000
Drainage Sub-Basin 41 (S of SW 173 St, N of SW 174 St, W of Old Cutler Rd, E of SW 77 Ave) — PENDING FUNDING	Public Services	On-going	Grants / State Appropriations	$0	$770,000	$500,000	$0	$0	$1,270,000
Drainage Sub-Basin 11 (S of SW 152 St, N of SW 156 St, W of 89 Ave, E of Dixie Hwy) — PENDING FUNDING	Public Services	On-going	Grants / State Appropriations	$0	$0	$770,000	$760,000	$0	$1,530,000
Drainage Sub-Basin 12 (S of SW 168 St, N of SW 170 Terr, W of Old Cutler Rd, E of SW 76 Ave) — **UNDER CONSTRUCTION**	Public Services	On-going	Grants / State Appropriations	$799,000	$0	$0	$0	$0	$799,000
Drainage Sub-Basin 39 (S of SW 170 Terr, N of SW 173 St, W of Old Cutler Rd, E of SW 77 Ave) — FY 26-27	Public Services	On-going	Grants / State Appropriations	$1,020,000	$0	$0	$0	$0	$1,020,000
Drainage Sub-Basin 42 (S of SW 168th St, N of SW 171 St, W of SW 76 Ave, E of SW 77 Ave) — **UNDER CONSTRUCTION**	Public Services	On-going	Grants / State Appropriations	$930,000	$0	$0	$0	$0	$930,000
Public Services Site Improvement Project — FY 26-27	Public Services	Programmed	Special Revenue Fund - Capital Projects	$727,000	$0	$0	$0	$0	$727,000
Restriping Roadway-Driveway Intersections, Crosswalks, Reflectors, Signage Around Schools	Public Services	Future	DOT SS4A - Village	$10,000	$10,000	$10,000	$10,000	$10,000	$50,000
Restriping Roadway-Driveway Intersections, Crosswalks, Reflectors, Signage Around Parks	Public Services	Future	DOT SS4A - Village	$10,000	$10,000	$10,000	$10,000	$10,000	$50,000
Stormwater Vac-Con Operations — (ON-GOING)	Public Services	On-going	Special Revenue - Stormwater	$200,000	$225,000	$225,000	$250,000	$250,000	$1,150,000
Public Services Cost Subtotal				**$6,571,000**	**$2,935,000**	**$2,250,000**	**$1,730,000**	**$920,000**	**$13,906,000**
Village Cost Total				**$20,305,300**	**$7,576,319**	**$6,180,000**	**8,286,658**	**$15,836,000**	**$58,184,277**

AGENDA ITEM NO. 6.B

Item Cover Page

ZONING HEARING AGENDA ITEM REPORT

DATE: October 19, 2026

SUBMITTED BY: Javier Gonzalez, Community and Economic Development

ITEM TYPE: Ordinance

AGENDA SECTION: **ORDINANCES FOR FIRST READING AND PUBLIC HEARING**

SUBJECT:

Applicant: Village of Palmetto Bay
Location: Village-wide
Request: AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACCEPTING AND ADOPTING THE MOBILITY FEE TECHNICAL REPORT AND PARKS IMPACT FEE STUDY REPORT PREPARED BY STANTEC CONSULTING SERVICES INC.; AMENDING APPENDIX A, "FEE SCHEDULE," OF THE CODE OF ORDINANCES RELATING TO THE VILLAGE-WIDE MOBILITY IMPACT FEE SCHEDULE AND PARK CONCURRENCY IMPACT FEE SCHEDULE PURSUANT TO THE FLORIDA IMPACT FEE ACT (SECTION 163.31801, FLORIDA STATUTES); PROVIDING FOR STATUTORY PHASE-IN INCREMENTS AND NOTICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Administration and prepared by Planning and Zoning Director, Javier Gonzalez)*

SUGGESTED ACTION:

ATTACHMENTS:

Ord-Acceptance of Mobility Parks Impact Fee Studies
Staff Report -Acceptance of Mobility & Parks Impact Fee Studies & Fee Schedule Updates.docx
Attachment A - Mobility Fee Technical Report
Attachment B - Parks Impact Fee Report
Attachment C - 90 Day Public Notice

ORDINANCE 2026 - ___

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACCEPTING AND ADOPTING THE MOBILITY FEE TECHNICAL REPORT AND PARKS IMPACT FEE STUDY REPORT PREPARED BY STANTEC CONSULTING SERVICES INC.; AMENDING APPENDIX A, "FEE SCHEDULE," OF THE CODE OF ORDINANCES RELATING TO THE VILLAGE-WIDE MOBILITY IMPACT FEE SCHEDULE AND PARK CONCURRENCY IMPACT FEE SCHEDULE PURSUANT TO THE FLORIDA IMPACT FEE ACT (SECTION 163.31801, FLORIDA STATUTES); PROVIDING FOR STATUTORY PHASE-IN INCREMENTS AND NOTICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Administration and Prepared by Planning and Zoning Director, Javier Gonzalez)*

WHEREAS, pursuant to Section 163.31801, Florida Statutes (the "Florida Impact Fee Act"), and municipal home rule powers under Article VIII, Section 2(b) of the Florida Constitution and Chapter 166, Florida Statutes, the Village of Palmetto Bay (the "Village") is authorized to adopt, administer, and collect impact fees on new development to ensure that new growth pays its proportionate share of necessary capital facilities; and

WHEREAS, the Village retained Stantec Consulting Services Inc. to perform comprehensive, plan-based impact fee technical updates using the most recent localized data, culminating in the *Mobility Fee Technical Report* (dated September 18, 2026) and the *Parks Impact Fee Study Report* (dated October 1, 2026); and

WHEREAS, the Village Council desires to formally accept these technical studies, which establish an independent, plan-based methodology linking projected 10-year growth and travel demand to specific capital improvements in the Village's Multimodal Transportation Plan (MMTP), Capital Improvement Program (CIP), Safety Action Plan (SAP), and Parks Master Plan; and

WHEREAS, the proposed updates comply with all statutory standards of dual rational nexus, rough proportionality, non-assessment of historical deficiencies, and phase-in limitations required under F.S. 163.31801; and

WHEREAS, the Village Council finds that the adoption of this Ordinance is in the best interests of the health, safety, and general welfare of the Village and its residents.

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

Section 1. Recitals. The above recitals are incorporated as if set forth in full.

Section 2. Acceptance of Technical Reports. The Village Council hereby accepts and approves the Mobility Fee Technical Report (dated September 18, 2026) and the Parks Impact Fee Study Report (dated October 1, 2026), prepared by Stantec Consulting Services Inc., as the technical support and plan-based methodology for the Village's Mobility and Park Impact Fees.

Section 3. Amendment to Fee Schedule. Appendix A, "Fee Schedule," of the Code of Ordinances of the Village of Palmetto Bay, Florida, is hereby amended as follows:

APPENDIX A – FEE SCHEDULE

* * *

5. Village-wide Fee Schedule

A. ~~*Residential*~~ **Park Concurrency Impact Fee.**

1. *Applicability and Rate:* Pursuant to F.S. 163.31801, the Park Concurrency Impact Fee shall apply strictly to residential land uses on a per dwelling unit basis.

2. *Fee Schedule:* The calculated full cost recovery rate for the Park Concurrency Impact Fee is $2,879.00 per dwelling unit.

3. *Statutory Phase-In Schedule:* Pursuant to Section 163.31801(6), Florida Statutes, because the fee increase exceeds 25 percent but does not exceed 50 percent of the prior $2,000.00 base rate, the increase shall be implemented in four (4) equal annual installments of $219.75 as follows:

Implementation Stage	**Effective Date**	**Base Park Impact Fee Per Unit**	**2% Administrative Fee**	**Total Fee Per Dwelling Unit**
Current Rate	Prior to Effective Date	$2,000.00	$200.00 (10%)	**$2,200.00**
Year 1 Phase-In	Effective Date	$2,219.75	$44.40	**$2,264.15**
Year 2 Phase-In	1 Year Post-Adoption	$2,439.50	$48.79	**$2,488.29**
Year 3 Phase-In	2 Years Post-Adoption	$2,659.25	$53.19	**$2,712.44**
Year 4 Phase-In	3 Years Post-Adoption	$2,879.00	$57.58	**$2,936.58**

(Note: In accordance with F.S. 163.31801(4)(c), a 2% administrative fee based on actual collection costs shall be assessed alongside impact fee payments.)

~~**Description**~~	~~**Fee**~~
~~Land acquisition~~	~~$1,000.00 per unit~~
~~Improvements~~	~~$1,000.00 per unit~~
~~Administrative~~	~~10% of Acquisition + Improvements~~

B. ~~*Commercial Park Concurrency Impact Fee.*~~**Mobility Impact Fee**

1. *Applicability:* The Mobility Impact Fee shall be assessed on all new development, expansion, or change of use within the Village boundaries based on Person Travel Demand per Use (PTDu).

2. *Base Rate: The Person Miles of Travel Rate (PMTr) is established at $270.02 per person mile of travel.*

3. *Fee Schedule: The Mobility Impact Fee Schedule by land use category is established as follows:*

ITE Code	Land Use Category	Unit of Measure	PTDu	Calculated Mobility Fee	2% Admin Fee	Total Fee
210	Single-Family Detached Housing	Dwelling Unit (DU)	17.07	**$4,608.00**	$92.16	**$4,700.16**
215	Single-Family Attached Housing	Dwelling Unit (DU)	12.34	**$3,331.00**	$66.62	**$3,397.62**
220	Multifamily Housing	Dwelling Unit (DU)	11.66	**$3,148.00**	$62.96	**$3,210.96**
310	Hotel	Room	10.85	**$2,929.00**	$58.58	**$2,987.58**
435	Multi-Purpose Recreational Facility	1,000 SF (KSF)	4.25	**$1,147.00**	$22.94	**$1,169.94**
492	Health/Fitness Club	1,000 SF (KSF)	37.07	**$10,010.00**	$200.20	**$10,210.20**
710	General Office Building	1,000 SF (KSF)	12.19	**$3,292.00**	$65.84	**$3,357.84**
820	Shopping Center	1,000 SF (KSF)	30.04	**$8,113.00**	$162.26	**$8,275.26**
850	Food Market	1,000 SF (KSF)	65.42	**$17,665.00**	$353.30	**$18,018.30**
932	High-Turnover (Sit-Down) Restaurant	1,000 SF (KSF)	56.69	**$15,308.00**	$306.16	**$15,614.16**
936	Coffee/Donut Shop	1,000 SF (KSF)	26.88	**$7,259.00**	$145.18	**$7,404.18**
941	Quick Lubrication Vehicle Shop	1,000 SF (KSF)	51.37	**$13,871.00**	$277.42	**$14,148.42**

(Note: Pursuant to F.S. 163.31801(4)(c), a 2% administrative fee shall be charged to cover staff labor and processing costs.)

~~**Description**~~	~~**Fee**~~
~~Land acquisition~~	~~$1,000.00 per sf~~
~~Improvements~~	~~$1,000.00 per sf~~
~~Administrative~~	~~10% of Acquisition + Improvements~~

~~*C. Mobility Impact Fee.*~~

~~1. Purpose and Intent.~~

~~(a) The Village Mobility Impact Fee is intended to implement and be consistent with the adopted Village of Palmetto Bay Comprehensive Plan, and to mitigate the impacts that future growth will place on its mobility system by developing multimodal mobility options that provide alternatives in addition to automobile use; to develop a range of mobility options with funding sources in addition to Miami-Dade County, the State of Florida, and federal funding.~~

~~(b) The Village of Palmetto Bay, Florida has the authority to adopt to adopt the Mobility Impact Fee pursuant to F.S. ch. 163.~~

~~2. Definitions - reserved.~~

~~3. Findings - reserved.~~

~~4. Applicability.~~

~~(a) Any application for a building permit for development activity within the Village of Palmetto Bay shall be subject to the imposition of the Mobility Impact Fee in the manner and amount set forth in this Section.~~

~~(b) No such building permit shall be issued by the Village unless and until the applicant has paid the Mobility Impact Fee, or presented a letter of credit for the fee in a form acceptable to the Village of Palmetto Bay Planning and Zoning Director or Village Manager's designee.~~

~~(c) Notwithstanding the payment of the Mobility Impact Fee or provision of a contribution in-lieu-of-fee in conjunction with land development activity, other State, County and Village regulations may limit the issuance of building or use permits.~~

~~(d) Nothing herein shall prohibit the Village from paying the required impact fee on behalf of any applicant. In such an instance, said impact fee payment shall be from other allowable fundable sources other than prior impact fee revenues.~~

~~5. Assessment District.~~

~~(a) The entire area within Village boundaries shall constitute the Mobility Impact Fee assessment district.~~

~~6. Benefit District.~~

~~(a) The entire area within the Village boundaries shall constitute the Mobility Impact Fee benefits district.~~

~~7. Benefit District Expenditures and Trust Fund - reserved.~~

~~8. Payment Procedures.~~

~~(a) The applicant shall pay the Mobility Impact Fee amount based on the formula set forth in Section 9.~~

~~(b) Payment shall be made in a form acceptable to the Zoning Director or Village Manager's designee. The Director or Village Manager's designee may charge a nonrefundable convenience fee to cover any transactional costs imposed by the institution processing the form of payment. Notwithstanding any other provision to the contrary, the payment amount due shall be based on the fee in effect on the date the plans are filed with a building permit application are submitted to the Village of Palmetto Bay for impact fee assessment.~~

~~(c) No building permit shall be issued by the Village therein until payment for the Mobility Impact Fee has been received. The total fee shall be paid prior to issuance of a certificate of use and occupancy for any part of construction authorized by the building permit.~~

~~(d) Upon receiving notice that a payment proffered for the Mobility Impact Fee is invalid due to insufficient funds, improper execution or for any other reason, the Building Department shall have the authority to stop all construction authorized by the permit until payment in full is received. Payment in full shall include the amount owed for the Mobility Impact Fee plus any penalty amount charged by a bank against the Village as a result the invalid payment.~~

~~(e) If the amount of the Mobility Impact Fee paid is found to have been insufficient for any reason, the Building Department~~

~~shall have the authority to stop all construction authorized by the permit until payment in full is received.~~

~~9. Calculation of Fee.~~

~~(a) The formula to be used to calculate the Mobility Impact Fee shall be 45% of the current and applicable fee calculated by the method of described in the Miami-Dade County Code of Ordinances, Sec. 33E-7. Road Impact Fee Formula.~~

~~(b) In the case of development activity involving a change of existing use and/or magnitude of existing use in which a building permit is required, the proposed development shall be required to pay the Mobility Impact Fee only for any increase in development activity. In this case, the impact fee shall be calculated by computing the difference between the impact fee for the proposed development activity and the impact fee for the existing development activity, less the applicable administrative fee. No refunds will be given for proposed development activity resulting in a negative fee calculation.~~

~~(c) No Mobility Impact Fee payment shall be required for any applicants seeking development activity for which the computed fee amount under the terms of this chapter is less than $50.00.~~

~~(d) Any change of use, redevelopment or modification of an existing use which requires the issuance of a building permit and which generates additional vehicular trips shall pay a Mobility Impact Fee based on the net increase in the fee above that which would have been required for the previous use.~~

~~10. Mobility Contributions in Lieu of Fee - reserved.~~

~~11. Exemptions.~~

~~(a) Any facilities that are permitted by the Village and sited on Village-owned land are exempt from the Mobility Impact Fee.~~

~~(b) Transit station components, including: station platforms, waiting areas, pedestrian circulation, waiting lobbies, network and information lobbies, park-and-ride areas, pick-up and drop-off areas, bike-sharing docks, bicycle storage and maintenance facilities, and other areas as may be determined by the Planning and Zoning Director or Village Manager's designee are exempt from the Mobility Impact Fee.~~

~~(c) Preserves and environmental mitigation lands, including lands reserved as part of applicable developments, are exempt from the Village Mobility Impact Fee.~~

Section 4. Severability. If any section, subsection, sentence, clause, or provision of this Ordinance is held invalid, the remainder of this Ordinance shall not be affected by such invalidity.

Section 5. Conflicts. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Codification. It is the intention of the Village Council that the provisions of Section 3 of this Ordinance shall become and be made part of the Code of Ordinances of the Village of Palmetto Bay, Florida.

Section 7. Effective Date. This Ordinance shall become effective on the later of adoption on second reading, or ninety-one (91) days after the Village provides the notice required by Section 163.31801(4)(d), Florida Statutes, to wit on the 22nd day of December, 2026.

PASSED ON FIRST READING this 19th day of October, 2026.

PASSED AND ADOPTED ON SECOND READING this 2nd day of November, 2026.

Attest: _____ _____

Missy Arocha	**Karyn Cunningham**
Village Clerk	**Mayor**

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE SOLE USE AND BENEFIT OF THE VILLAGE:

_____
John J. Quick
Village Attorney

VOTE ON FIRST READING:

Mayor Karyn Cunningham ___

Council Member Steven Cody ___

Council Member Marsha Matson ___

Vice-Mayor Mark Merwitzer ___

Council Member Patrick Fiore ___

FINAL VOTE AT ADOPTION ON SECOND READING:

Mayor Karyn Cunningham ___

Council Member Steven Cody ___

Council Member Marsha Matson ___

Vice-Mayor Mark Merwitzer ___

Council Member Patrick Fiore ___

VILLAGE OF PALMETTO BAY, FLORIDA
PLANNING AND ZONING DEPARTMENT

9705 East Hibiscus Street • Palmetto Bay, Florida 33157
Phone: 305-259-1243 • Fax: 305-259-1290 • www.palmettobay-fl.gov

Date: October 19, 2026

To: Honorable Mayor and Village Council

From: Javier Gonzalez, AICP, CFM, Planning and Zoning Director

Subject: Acceptance and Adoption of the Mobility and Parks Impact Fee Technical Studies and Ordinance Amending Appendix A (Fee Schedule) of the Code of Ordinances

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REQUEST

The Planning and Zoning Department presents an Ordinance to formally accept and adopt the *Mobility Fee Technical Report* (dated September 18, 2026) and the *Parks Impact Fee Study Report (dated October 1, 2026)*, both prepared by Stantec Consulting Services Inc.. The Ordinance amends Appendix A, "Fee Schedule," of the Village Code of Ordinances to establish updated, plan-based Mobility and Park Impact Fee schedules pursuant to the Florida Impact Fee Act (Section 163.31801, Florida Statutes).

In 2024 and 2026, new Florida laws (HB 479 and HB 1329) updated the regulations for city impact and mobility fees. Key requirements under state law now include:

- A plan-based methodology supported by an independent technical study using localized data collected within the last four years.
- Aligning fee schedules with 10-year growth projections and identified capital project inventories in adopted master plans.
- Limiting fee increases to a maximum of 50% over prior rates, with increases between 25% and 50% phased in across four equal annual installments.
- Providing a mandatory 90-day public notice prior to the effective date of an ordinance imposing or increasing impact fees.

The proposed Ordinance accepts Stantec's technical studies, updates the Village's Mobility and Park Impact Fee schedules to reflect localized cost-recovery calculations, incorporates a 2% administrative collection fee, and establishes the required statutory phase-in schedule for residential park impact fees.

BACKGROUND AND ANALYSIS

1. Mobility Impact Fee Technical Study

The Village currently assesses Mobility Impact Fees as a 45% percentage-based calculation of the Miami-Dade County road impact fee formula under Ordinance No. 2018-14. To comply with F.S. 163.31801, the Village retained Stantec to eliminate the dependency on County rates and establish an independent, Palmetto Bay-specific mobility fee structure.

The study establishes a Person Miles of Travel Rate (PMTr) of $270.02 per person mile of travel, derived from $48,638,232 in eligible growth-related capital projects across the Village's Multimodal Transportation Plan (MMTP), Capital Improvement Program (CIP), and Safety Action Plan (SAP), divided by 180,126 projected daily Person Miles of Travel (PMT).

Key Mobility Fee Rates (Base Fee + 2% Admin Fee):

- Single-Family Detached Housing: $4,608.00 base + $92.16 admin = $4,700.16 per DU (down from prior rate of $4,781.00/DU).
- Single-Family Attached Housing: $3,331.00 base + $66.62 admin = $3,397.62 per DU.
- Multifamily Housing: $3,148.00 base + $62.96 admin = $3,210.96 per DU.
- General Office Building: $3,292.00 base + $65.84 admin = $3,357.84 per 1,000 SF (down from $8,740.00/KSF).
- Shopping Center: $8,113.00 base + $162.26 admin = $8,275.26 per 1,000 SF.
- High-Turnover Restaurant: $15,308.00 base + $306.16 admin = $15,614.16 per 1,000 SF.

2. Parks Impact Fee Technical Study
The Village's current Park Impact Fee is $2,000.00 per unit (plus a 10% administrative charge of $200.00, totaling $2,200.00/DU) established under Ordinance No. 2018-05 and Ordinance No. 2021-22.

Based on $2,372,072 in "Early Action" expansion-related park capital projects from the August 2023 Parks Master Plan and a 10-year projected population growth of 2,570 residents, Stantec calculated a Parks Cost per Capita of $922.89. Applied to the Village's average household size of 3.120 persons per dwelling unit, the full cost-recovery fee is $2,879.00 per dwelling unit (an overall increase of $879.00 or 43.95% over the $2,000 base rate).

Because the increase exceeds 25% but is under 50%, F.S. 163.31801(6) requires four equal annual phase-in increments of $219.75 per year:

- Current Rate: $2,000.00 base + $200.00 admin (10%) = $2,200.00 Total
- Year 1 Phase-In: $2,219.75 base + $44.40 admin (2%) = $2,264.15 Total
- Year 2 Phase-In: $2,439.50 base + $48.79 admin (2%) = $2,488.29 Total
- Year 3 Phase-In: $2,659.25 base + $53.19 admin (2%) = $2,712.44 Total
- Year 4 Phase-In: $2,879.00 base + $57.58 admin (2%) = $2,936.58 Total

3. Administrative Fee and Statutory 90-Day Notice
Under F.S. 163.31801(4)(c), administrative fees charged for impact fee processing must reflect actual collection costs. The Ordinance adjusts administrative collection charges from 10% to **2%** for both mobility and park impact fees.

In compliance with Section 163.31801(4)(d), Florida Statutes, formal 90-day public notice was published in the *Miami Herald* on September 22, 2026. This notice informed the public of the proposed Mobility and Park Impact Fee updates, study documentation availability, and the scheduled public hearings on October 19, 2026 (First Reading) and November 2, 2026 (Second Reading). Following enactment at Second Reading, the updated fee schedules will take effect pursuant to statutory requirements.

COMPREHENSIVE PLAN ALIGNMENT
The acceptance of these technical studies and the adoption of the updated fee schedules support the Goals, Objectives, and Policies of the Village of Palmetto Bay Comprehensive Plan by:

1. Ensuring that new growth pays its fair, proportionate share of multimodal infrastructure and park facility expansions necessitated by development.
2. Maintaining adopted Levels of Service (LOS) for mobility and recreation across the Village.
3. Establishing transparent, plan-based financial tracking through dedicated impact fee revenue funds.

RECOMMENDATION
Staff recommends that the Mayor and Village Council **APPROVE** the proposed Ordinance on First Reading accepting the *Mobility Fee Technical Report* and *Parks Impact Fee Study Report* prepared by Stantec Consulting Services Inc., and amending Appendix A of the Code of Ordinances.

ATTACHMENTS
Attachment A: Mobility Fee Technical Report (Stantec, Sept. 18, 2026)
Attachment B: Parks Impact Fee Study Report (Stantec, Oct 1, 2026)
Attachment C: Miami Herald 90-Day Public Notice Confirmation

Mobility Fee Technical Report

Prepared for:
Village of Palmetto Bay, FL

Date:
September 18, 2026

Prepared by:
Stantec Consulting Services Inc.

Disclaimer

The conclusions in the Report titled Mobility Fee Technical Report are Stantec's professional opinion, as of the time of the Report, and concerning the scope described in the Report. The opinions in the document are based on conditions and information existing at the time the scope of work was conducted and do not take into account any subsequent changes. The Report relates solely to the specific project for which Stantec was retained and the stated purpose for which the Report was prepared. The Report is not to be used or relied on for any variation or extension of the project, or for any other project or purpose, and any unauthorized use or reliance is at the recipient's own risk.

Stantec has assumed all information received from Village of Palmetto Bay, FL (the "Client") and third parties in the preparation of the Report to be correct. While Stantec has exercised a customary level of judgment or due diligence in the use of such information, Stantec assumes no responsibility for the consequences of any error or omission contained therein.

This Report is intended solely for use by the Client in accordance with Stantec's contract with the Client. While the Report may be provided by the Client to applicable authorities having jurisdiction and to other third parties in connection with the project, Stantec disclaims any legal duty based upon warranty, reliance or any other theory to any third party, and will not be liable to such third party for any damages or losses of any kind that may result.

Re: Mobility Fee Technical Report

Dear Javier Gonzalez,

Stantec Consulting Services Inc. is pleased to present this Mobility Fee Technical Report that we performed for the Village of Palmetto Bay, Florida. We appreciate the fine assistance provided by you and all the members of Village staff who participated in the Study.

If you or others at the Village have any questions, please do not hesitate to call me at (941) 907-6900 or email me at Frank.Domingo@stantec.com. We appreciate the opportunity to be of service to the Village and look forward to the possibility of doing so again in the near future.

Sincerely,
Francisco B. Domingo, PE
Principal

6920 Professional Parkway
Sarasota, Florida 34240
(941) 907-6900 Frank.Domingo@stantec.com

Enclosure

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1 Executive Summary

1.1 Introduction

Stantec Consulting Services, Inc. (Stantec) was retained by the Village of Palmetto Bay, Florida (hereafter referred to as the "Village") to prepare a Mobility Fee Technical Report (Report). This document presents the results of the Report, including background information, legal requirements, an explanation of the calculation methodology employed, results of the analysis as well as a comparative impact fee survey.

The principal objectives or components of the Report are as follows:

Mobility Fee – Calculate the maximum mobility fee that the Village can charge based on the planned improvements and level of service provided to residents in the form of Mobility facilities.

1.2 Background

Mobility fees are assessed against new development to cover the cost of providing capital facilities (infrastructure) needed to serve new development. Such charges are the mechanism by which new growth can "pay its own way" and minimize the extent to which existing residents must bear the cost of new or expanded facilities, which are necessitated by new residents. Mobility fees are capital cost recovery fees and are commonly referred to as impact fees, capacity fees, and development fees. For the purposes of this report, the use of the terms impact fees, capacity fees, development fees, or connection charges is interchangeable with impact fees.

The Village of Palmetto Bay currently charges mobility fees on a Village-wide basis to allocate towards the acquisition and development cost of mobility facilities within the Village according to Ordinance No. 2018-05. The Village's current Mobility Fees are summarized in **Table 1** below.

Table 1 – Current Mobility Fee Schedule

Land Use	Unit of Measure	Miami-Dade County Fee	45% of Miami-Dade/Previous Fee
Single-Family Detached Housing	Dwelling Unit	$10,625/DU	**$4,781/DU**
Single-Family Attached Housing	Dwelling Unit	$8,112/DU	**$3,650/DU**
Multifamily Housing	Dwelling Unit	$7,594/DU	**$3,417/DU**
Hotel	Room	$5,635/Room	**$2,536/Room**
Health/Fitness Club	Per 1,000 Sq. Ft	$2,718/KSF	**$1,223/KSF**
Office	Per 1,000 Sq. Ft	~$19,422/KSF	**$8,740/KSF**
Shopping Center	Per 1,000 Sq. Ft	~$13,794/KSF	**$6,207/KSF**
Food Market	Per 1,000 Sq. Ft	~$65,946/KSF	**$29,676/KSF**
Restaurant	Per 1,000 Sq. Ft	$40,949/KSF	**$18,427/KSF**
Coffee/Donut Shop	Per 1,000 Sq. Ft	~$107,790/KSF	**$48,506/KSF**

1.3 Summary of Recommendations

The proposed Mobility fees calculated herein are shown in **Table 2**. This fee schedule consolidates all components of the fee calculation and summarizes the results of this study. The proposed fees reflect the per unit cost of Mobility improvements. The mobility fee is applied evenly to the land use type on a per dwelling unit or per 1,000 square foot basis. The mobility fee is designed to reflect the service demand of new development based on the current level of service.

Table 2 - Mobility Fee

ITE	Land Use	Unit	Calculated Fee
210	Single-Family Detached Housing	DU	**$4,608/DU**
215	Single-Family Attached Housing	DU	**$3,331/DU**
220	Multifamily Housing	DU	**$3,148/DU**
310	Hotel	Room	**$2,929/Room**
435	Multi-Purpose Recreational Facility	1,000 SF	**$1,147/KSF**
492	Health/Fitness Club	1,000 SF	**$10,010/KSF**
710	General Office Building	1,000 SF	**$3,292/KSF**
820	Shopping Center	1,000 SF	**$8,113/KSF**
850	Food Market	1,000 SF	**$17,665/KSF**
932	High-Turnover Restaurant	1,000 SF	**$15,308/KSF**
936	Coffee/Donut Shop	1,000 SF	**$7,259/KSF**
941	Quick Lubrication Vehicle Shop	1,000 SF	**$13,871/KSF**

Note: We recommend that the Village charge a 2% administrative fee to cover staff labor and processing costs for collecting the impact fees in accordance with F.S. 163.31801 (4)(c).

Table 3 – Phased-In Increases

OPTIONAL

2 Legislative Background

2.1 Evolution of Transportation Concurrency and Mobility Planning in Florida

Florida's contemporary growth management framework began with the Local Government Comprehensive Planning and Land Development Regulation Act of 1985, commonly referred to as the Growth Management Act. The Act required local governments to adopt comprehensive plans to guide future development and established the principle that adequate public facilities should be available concurrent with the impacts of development. Transportation concurrency became the principal mechanism used by state and local governments to determine whether adequate roadway capacity was available to accommodate travel demand generated by new development.



Traditional transportation concurrency focused primarily on roadway level-of-service standards and vehicular capacity. When adequate capacity was not available, development could be delayed, phased, or required to construct or contribute toward transportation improvements. This approach generally emphasized the construction of new roadways, widening of existing roadways, and expansion of intersection capacity.

Although transportation concurrency established a direct relationship between development and infrastructure, the system created challenges in established urban and suburban communities. In these areas, opportunities to expand roadway capacity were often constrained by existing development, limited right-of-way, utilities, environmental conditions, neighborhood impacts, and the cost of acquiring developed property. These constraints could discourage infill and redevelopment in locations where public infrastructure and services were already available, while encouraging development in outlying areas where roadway capacity was less constrained or less costly to provide.

In response, the Florida Legislature gradually expanded the transportation planning and mitigation tools available to local governments. These tools included Transportation Concurrency Exception Areas, Transportation Concurrency Management Areas, Multimodal Transportation Districts, proportionate-share mitigation, and other strategies through which transportation impacts could be addressed using multimodal improvements and area-wide planning rather than roadway widening alone.

The Legislature enacted a substantial change in 2011 through the Community Planning Act. The Act eliminated mandatory statewide transportation concurrency and made transportation concurrency optional for local governments. Local governments remained responsible for transportation planning through their comprehensive plans, including the adoption of appropriate level-of-service standards for capital planning and the identification of improvements necessary to serve existing and future development. The legislation provided local governments with greater discretion to establish transportation systems appropriate to their land use patterns, infrastructure conditions, and mobility objectives.

Florida Commerce guidance recognizes that local comprehensive plans should promote coordinated land use and transportation planning and support an integrated multimodal transportation network. The guidance identifies interconnected streets, pedestrian and bicycle facilities, public transportation, compact mixed-use development, Complete Streets, and context-sensitive transportation design as strategies that may be used to improve mobility and expand transportation choice. Florida Commerce also recognizes mobility-fee-based plans as an available alternative for local governments that elect to repeal transportation concurrency.

2.2 Alternative Transportation Systems

Section 163.3180(5)(i), Florida Statutes, authorizes a local government that elects to repeal transportation concurrency to adopt either a mobility-plan-and-fee-based alternative transportation system or an alternative transportation system that is not mobility-plan-and-fee-based. The statute provides that an alternative transportation system may not be used to deny, time, or phase specified development approvals when the developer agrees to pay for the development's identified transportation impacts through the funding mechanism implemented by the local government. Revenues generated by the funding mechanism must be used to implement the needs identified in the local government plan serving as the basis for the fee.



An alternative transportation system may not assign to new development the responsibility for correcting an existing transportation deficiency. Accordingly, a local government must distinguish between improvements needed to correct existing deficiencies and improvements, or portions of improvements, needed to accommodate the impacts of projected development. Only the growth-related share of an eligible transportation or mobility project may be included in the cost basis of a mobility fee.

Chapter 2026-161, Laws of Florida, further clarifies that section 163.3180 does not require a local government to adopt a mobility fee in place of a transportation impact fee. A local government may select an alternative transportation system appropriate to its adopted plans and local objectives, provided the resulting system complies with sections 163.3180 and 163.31801, Florida Statutes.

2.3 Village of Palmetto Bay Mobility Fee

The Village of Palmetto Bay adopted Ordinance No. 2018-14 to establish a Village Mobility Impact Fee. Under the existing methodology, the Village fee is calculated as 45 percent of the applicable fee determined under the Miami-Dade County road impact fee formula. The proposed mobility fee program would eliminate that percentage-based relationship and establish an independently calculated Village fee supported by Palmetto Bay-specific growth projections, travel characteristics, mobility projects, project costs, credits, assessment procedures, and benefit findings.

The purpose of this Technical Report is to document the demonstrated need, plan-based methodology, localized data, fee calculations, and implementation framework supporting the proposed Village Mobility Fee. The methodology is intended to allocate the growth-related cost of eligible mobility projects to new development in proportion to the person travel demand attributable to each land use.

The Village Mobility Fee is intended to be a one-time charge on new development and on the incremental impact associated with redevelopment, expansion, or a change of use. Revenues would be deposited into a separate accounting fund and restricted to eligible mobility projects that provide a documented benefit to development paying the fee. Existing development would not be assessed merely because it continues to occupy or use property without an increase in development impact.

2.4 House Bill 479 and the Formal Recognition of Mobility Fees

In 2024, the Florida Legislature enacted Committee Substitute for House Bill 479 as Chapter 2024-266, Laws of Florida. The legislation amended sections 163.3164, 163.3180, and 163.31801, Florida Statutes, and expressly recognized mobility-plan-and-fee-based alternative transportation systems.

House Bill 479 defined a “mobility fee” as a local government fee schedule established by ordinance and based on projects included in the local government’s adopted mobility plan. The legislation defined a “mobility plan” as an alternative transportation system mobility study developed using a plan-based methodology and adopted into the local government comprehensive plan. The statutory definition describes a mobility plan as promoting compact, mixed-use, and interconnected development served by a multimodal transportation system in an area that is urban in character or designated to become urban in character.

The legislation also confirmed that an alternative transportation system must comply with section 163.31801, Florida Statutes, which governs impact fees. As a result, a mobility fee must satisfy the procedural, accounting, credit, benefit, proportionality, and reporting requirements of the Florida Impact Fee Act.

House Bill 479 additionally protects holders of transportation or road impact fee credits when a local government transitions to an alternative transportation system. A holder of an existing credit is entitled to retain the benefit of the development intensity or density prepaid by the credit balance as of the date the credit was established.

2.5 County-Municipal Coordination

House Bill 479 added section 163.3180(5)(j), Florida Statutes, to address situations in which both a county and a municipality charge a developer for transportation capacity impacts. Where applicable, the statute requires an interlocal agreement that:

- prevents new development or redevelopment from being charged twice for the same transportation capacity impacts;
- establishes a plan-based methodology for determining the legally permissible fee;
- identifies the county or municipality responsible for collecting the fee; and
- provides a method for distributing fee revenue or assigning responsibility for mitigating county and municipal transportation impacts.

The mandatory interlocal agreement provisions of section 163.3180(5)(j) do not apply to Miami-Dade County or its municipalities. The statute expressly exempts “a county as defined in s. 125.011(1),” which is the statutory classification applicable to Miami-Dade County. Accordingly, Palmetto Bay is not subject to the mandatory interlocal agreement process established by section 163.3180(5)(j).

The statutory exemption does not prevent voluntary coordination between the Village and Miami-Dade County. Coordination may be appropriate where Village mobility projects involve County-owned facilities, where County projects provide a documented mobility benefit to development within the Village, or where the governments wish to address project delivery, credits, revenue participation, or overlapping mitigation obligations. Any such arrangement should be supported by appropriate technical analysis and documented through an agreement approved by the participating governments.

2.6 Florida Impact Fee Act

Section 163.31801, Florida Statutes, is the Florida Impact Fee Act. The Act recognizes impact fees as an important source of local government revenue for infrastructure necessitated by new growth and as an outgrowth of local government home-rule authority. Because an alternative transportation system adopted under section 163.3180 must comply with the Act, its requirements apply to the proposed Palmetto Bay Mobility Fee.

For impact fees adopted or increased after July 1, 2026, section 163.31801 requires the fee calculation to be based on a plan-based, demonstrated-need study using the most recent and localized data available within

four years of the current fee update. If the local government increases the fee, the new study must be adopted within 12 months after initiation of the study.

The statute requires the Village to provide for accounting and reporting of mobility fee collections and expenditures in a separate accounting fund. Administrative charges associated with collecting the fee may not exceed actual costs. The Village must provide at least 90 days' notice before the effective date of an ordinance or resolution imposing a new or increased fee, and collection may not occur earlier than issuance of the applicable building permit. Unless the result is a reduction in the applicant's total mitigation cost or impact fees, a new or increased fee may not be applied to a current or pending permit application submitted before the effective date of the fee.

The Act also requires that the fee be proportional and reasonably connected to the need for additional capital facilities created by new residential or nonresidential development. Expenditure of fee revenues must be proportional and reasonably connected to the benefits accruing to new development paying the fee. Collected revenues must be specifically earmarked for acquiring, constructing, reconstructing, or improving qualifying capital facilities that benefit new users.

Mobility fee revenue may not be used to pay existing debt or fund previously approved projects unless the expenditure is reasonably connected to the increased impact generated by new development. Qualifying infrastructure generally consists of fixed capital expenditures or capital outlays associated with public facilities having a life expectancy of at least five years, together with associated land acquisition, land improvement, design, engineering, permitting, and construction costs. Routine repairs and maintenance are not included within the statutory definition of infrastructure.

2.7 2026 Amendments and Plan-Based Methodology

The Florida Legislature enacted Committee Substitute for Committee Substitute for House Bill 1329 as Chapter 2026-161, Laws of Florida. The Act takes effect on January 1, 2027. However, the amended language in section 163.31801(4) expressly addresses impact fees adopted or increased after July 1, 2026. A Village study and ordinance prepared during this period should therefore be structured to satisfy the amended requirements.

Chapter 2026-161 defines an "impact fee" as a one-time charge imposed by a local government on new development to fund the capital costs of public infrastructure needed to serve that development.

The Act defines a "plan-based methodology" as a study methodology that:

- uses the most recent and localized data;
- projects growth within the jurisdiction over a 10-year period;
- anticipates capacity impacts on relevant systems resulting from projected growth; and
- establishes a list of capital projects to be constructed or purchased within a defined period to mitigate the anticipated capacity impacts.

The legislation further provides that capital projects identified in a county or municipal impact fee study, together with any necessary interlocal agreement, must comport with the requirements of section 163.3177(6)(h), Florida Statutes.

Consistent with these requirements, the Palmetto Bay Mobility Fee Technical Report should identify a specific 10-year growth projection, quantify the resulting mobility-capacity impacts, and establish a defined list of mobility projects to address those impacts. The data used in the analysis should be localized to the Village or a technically appropriate study area and should satisfy the applicable four-year recency requirement.

2.8 Existing Deficiencies and Growth-Related Costs

Florida law prohibits an alternative transportation system from assigning responsibility for an existing transportation deficiency to new development.

Where a mobility project addresses both an existing condition and projected growth, the Technical Report should identify the portion of project cost attributable to existing demand and the portion attributable to future development. Costs needed solely to correct an existing deficiency should not be included in the mobility fee calculation. Only the documented growth-related share of the project may be allocated to new development.

2.9 Dual Rational Nexus and Proportionality

The Florida Impact Fee Act codifies the two principal relationships commonly described as the dual rational nexus test. First, there must be a reasonable connection between new development and the need for additional capital facilities. Second, there must be a reasonable connection between expenditure of the fee and the benefits received by development paying the fee.

Florida courts developed these principles before their incorporation into the Florida Impact Fee Act. In Hollywood, Inc. v. Broward County, the Fourth District Court of Appeal held that a valid development fee must demonstrate a reasonable connection between the need for additional capital facilities and the growth generated by development. The government must also demonstrate a reasonable connection between expenditure of the collected funds and the benefits accruing to the development, including earmarking the funds for facilities benefiting new users.

The United States Supreme Court's decisions in Nollan v. California Coastal Commission and Dolan v. City of Tigard established the constitutional requirements of an essential nexus and rough proportionality for land-use exactions. Koontz v. St. Johns River Water Management District confirmed that these requirements apply to monetary exactions associated with land-use permitting. In 2024, Sheetz v. County of El Dorado held that a legislatively established permit condition is not categorically exempt from review under the principles established in Nollan and Dolan.

The Florida Impact Fee Act places the burden on the local government in a fee challenge to demonstrate, by a preponderance of the evidence, that the imposition or amount of the fee satisfies the Act and applicable legal precedent. A reviewing court may not apply a deferential standard in favor of the government.

2.10 Application to the Palmetto Bay Mobility Fee

The Village Mobility Fee is intended to establish a transparent and predictable mechanism through which new development contributes its proportionate share of the cost of growth-related mobility projects. The fee is not intended to charge new development for existing transportation deficiencies, routine maintenance, or improvements unrelated to projected growth.

The Technical Report applies a plan-based methodology to establish the required relationships among projected development, person travel demand, mobility project needs, growth-related project costs, fee rates, and the benefit provided to fee-paying development. The resulting fee schedule is based on Palmetto Bay-specific conditions and is not derived as a percentage of the Miami-Dade County road impact fee.

This approach is consistent with the general plan-based structure used in several other Florida counties and municipalities, while incorporating the statutory requirements enacted through Chapter 2026-161 and the legal conditions specific to Palmetto Bay. These reports link projected development and person travel demand to an identified list of mobility projects and a defined benefit district. The Palmetto Bay Technical Report applies those general principles using Village-specific data, projects, geographic areas, and fee calculations.

2.11 New Statutory Changes

On June 25, 2026, the State of Florida’s Governor signed into law House Bill No. 1329, amending the Florida Impact Fee Act in several areas, imposing additional requirements on impact fee increases, requiring a “plan-based” methodology be utilized, and requiring use of “localized data” for impact fee studies. The impact fee calculations conducted in this Study are prepared according to our interpretation of new guidelines.

3 Legal Framework

3.1 Purpose

The purpose of this section is to document the legal authority supporting the Village of Palmetto Bay's Mobility Fee Program and to identify the statutory, judicial, and constitutional standards that guide the development, calculation, administration, and expenditure of mobility fee revenues. Florida law authorizes local governments to recover the growth-related costs of transportation infrastructure through impact fees and mobility fees, provided such fees are proportional, supported by a documented nexus between development impacts and infrastructure needs, and expended in a manner that benefits fee-paying development. Florida's recently enacted mobility fee legislation expressly incorporates these longstanding legal principles into the statutory framework governing alternative transportation systems.

The authorities reviewed in this section establish five overarching legal principles applicable to the Village's Mobility Fee Program:

- New development may be required to fund a proportionate share of infrastructure necessitated by growth;
- A reasonable relationship must exist between development impacts and the need for transportation improvements;
- Fee revenues must be expended on improvements that benefit fee-paying development;
- Existing transportation deficiencies may not be assigned to new development; and
- Impact fees and mobility fees must satisfy constitutional standards of nexus and proportionality.

3.2 Florida Statutory Authority

3.2.1 Municipal Home Rule Powers

The Village's authority to adopt and implement a Mobility Fee derives from Article VIII, Section 2(b) of the Florida Constitution and Section 166.021, Florida Statutes. These provisions grant municipalities broad authority to exercise governmental, proprietary, and corporate powers necessary to provide municipal facilities and services.

Florida courts have consistently recognized impact fees as a legitimate exercise of municipal home-rule authority when designed to fund infrastructure needed to accommodate new growth rather than generate general governmental revenue.

3.2.2 Mobility Fee and Mobility Plan Authority

In 2024, the Florida Legislature enacted Chapter 2024-266, Laws of Florida (House Bill 479), which formally recognized mobility-fee-based transportation systems.

Section 163.3164(32), Florida Statutes, defines a mobility fee as:

> *"a local government fee schedule established by ordinance and based on the projects included in the local government's adopted mobility plan."*
> *§ 163.3164(32), Fla. Stat.*

Section 163.3164(33), Florida Statutes, defines a mobility plan as:

> *"an alternative transportation system mobility study developed by using a plan-based methodology and adopted into a local government comprehensive plan."*
> *§ 163.3164(33), Fla. Stat.*

These provisions provide express statutory authority for municipalities to establish mobility plans and mobility fees as alternatives to traditional road impact fee systems.

3.2.3 Existing Transportation Deficiencies

One of the most significant provisions enacted by HB 479 appears in Section 163.3180(5)(i), Florida Statutes, which provides:

> *"An alternative transportation system may not impose upon new development any responsibility for funding an existing transportation deficiency."*
> *§ 163.3180(5)(i), Fla. Stat.*

The Legislature further defines a transportation deficiency in Section 163.3180(5)(h), Florida Statutes, as a condition where adopted service standards are exceeded by existing, committed, vested, and projected background traffic independent of the development under review.

Accordingly, a legally defensible mobility fee methodology should ensure that transportation projects addressing both existing conditions and future development demand are allocated between:

- Existing users and conditions; and
- Future growth and development.

Only the growth-related share of project costs should be eligible for inclusion within the mobility fee calculation.

3.2.4 Florida Impact Fee Act

Section 163.31801, Florida Statutes, known as the Florida Impact Fee Act, establishes the governing framework applicable to both traditional impact fees and mobility fees. HB 479 expressly requires mobility fees to comply with Section 163.31801.

Sections 163.31801(4)(f) and (g), Florida Statutes, codify Florida's dual rational nexus doctrine and require impact fees to be:

> *"proportional and reasonably connected to, or have a rational nexus with, the need for additional capital facilities and the increased impact generated by the new residential or commercial construction"*
> *§ 163.31801(4)(f), Fla. Stat.*

and

> *"proportional and reasonably connected to, or have a rational nexus with, the expenditures of the funds collected and the benefits accruing to the new residential or nonresidential construction."*
> *§ 163.31801(4)(g), Fla. Stat.*

These provisions form the principal statutory standards against which Florida mobility fees are evaluated.

3.3 Florida Judicial Authority

Florida courts have developed a substantial body of impact-fee jurisprudence over the last five decades. The resulting legal framework provides the foundation for modern mobility fee programs.

3.3.1 Contractors & Builders Association v. City of Dunedin

The Florida Supreme Court first recognized the validity of growth-related infrastructure fees in Contractors & Builders Ass'n of Pinellas County v. City of Dunedin, 329 So. 2d 314 (Fla. 1976).

There, the Court upheld utility connection charges imposed on new development and stated:

> *"The new user can be required to bear his fair share of the cost of expansion."*
> *Contractors & Builders Ass'n of Pinellas County v. City of Dunedin, 329 So. 2d 314, 318 (Fla. 1976).*

The Court further emphasized that revenues must be dedicated to capital expansion and not used as general revenue. Although the case involved utility facilities, its principles became the foundation of modern impact fee law in Florida.

3.3.2 Development of the Dual Rational Nexus Doctrine

In Hollywood, Inc. v. Broward County, 431 So. 2d 606 (Fla. 4th DCA 1983), the Fourth District Court of Appeal upheld Broward County's transportation impact fee ordinance and articulated the analytical framework that would later become known as the dual rational nexus test.

The court held:

> *"There must be a reasonable connection between the need for additional capital facilities and the growth generated by the subdivision."*
> *Hollywood, Inc. v. Broward County, 431 So. 2d 606, 611 (Fla. 4th DCA 1983).*

The court further required:

> *"a reasonable connection between the expenditure of the funds collected and the benefits accruing to the subdivision."*
> *Hollywood, 431 So. 2d at 612.*

In the same year, the Fourth District reinforced these principles in Home Builders & Contractors Ass'n of Palm Beach County v. Board of County Commissioners, 446 So. 2d 140 (Fla. 4th DCA 1983), holding that impact fee methodologies need not achieve exact mathematical precision and may rely upon reasonable planning assumptions, engineering judgment, and forecasting methodologies.

Together, these decisions established the legal framework that continues to govern transportation impact fees throughout Florida.

3.3.3 St. Johns County v. Northeast Florida Builders Association

The Florida Supreme Court formally adopted the dual rational nexus test in St. Johns County v. Northeast Florida Builders Ass'n, 583 So. 2d 635 (Fla. 1991), Florida's leading impact fee decision.

The Court held:

> *"There must be a reasonable connection, or rational nexus, between the need for additional capital facilities and the growth in population generated by the subdivision."*
> *St. Johns County v. Northeast Florida Builders Ass'n, Inc., 583 So. 2d 635, 637 (Fla. 1991).*

The Court further stated:

> *"There must also be a reasonable connection between the expenditure of the funds collected and the benefits accruing to the subdivision."*
> *St. Johns County, 583 So. 2d at 638.*

The principles articulated in St. Johns County now appear directly in Section 163.31801(4)(f) and (g), Florida Statutes.

3.3.4 Subsequent Florida Authority

In Volusia County v. Aberdeen at Ormond Beach, L.P., 760 So. 2d 126 (Fla. 2000), the Florida Supreme Court reaffirmed that impact fees remain valid growth-management tools when dedicated to infrastructure necessitated by new development rather than raising general governmental revenue.

Collectively, Florida case law consistently supports impact fee and mobility fee methodologies that allocate growth-related infrastructure costs to new development while protecting development from responsibility for historical deficiencies.

3.4 Federal Constitutional Standards

Although mobility fees are principally governed by state law, they are also subject to the Takings Clause of the Fifth Amendment to the United States Constitution.

The United States Supreme Court has developed a series of decisions that establish constitutional standards applicable to land-use exactions, development conditions, and impact fees.

In Nollan v. California Coastal Commission, 483 U.S. 825 (1987), the Court established the "essential nexus" requirement, holding that development conditions must be connected to a legitimate governmental objective.

In Dolan v. City of Tigard, 512 U.S. 374 (1994), the Court established the "rough proportionality" test, explaining:

> *"No precise mathematical calculation is required, but the city must make some sort of individualized determination that the required dedication is related both in nature and extent to the impact."*
> *Dolan v. City of Tigard, 512 U.S. 374, 391 (1994).*

The Court extended those standards to monetary exactions in Koontz v. St. Johns River Water Management District, 570 U.S. 595 (2013), observing:

> *"Extortionate demands for property in the land-use permitting context run afoul of the Takings Clause."*
> *Koontz v. St. Johns River Water Management District, 570 U.S. 595, 605 (2013).*

Most recently, Sheetz v. County of El Dorado, 601 U.S. 267 (2024), confirmed that legislatively adopted development exactions are not categorically exempt from constitutional scrutiny, reinforcing the importance of maintaining a documented technical record supporting nexus and proportionality findings.

These constitutional principles closely mirror the dual rational nexus standards already embodied in Florida law. Accordingly, a mobility fee supported by a documented methodology, identifiable project list, and reasonable growth projections will generally satisfy both Florida statutory requirements and federal constitutional standards.

3.5 Findings and Recommendations

Based on the statutory and judicial authorities reviewed above, the following findings and recommendations are provided for implementation of the Village Mobility Fee Program:

Finding 1. Florida law expressly authorizes mobility-fee-based transportation systems and requires compliance with the Florida Impact Fee Act.

Finding 2. The Village Mobility Fee must demonstrate both a documented need nexus and a documented benefit nexus between future development and proposed mobility improvements.

Finding 3. The Village may require new development to fund growth-related mobility improvements but may not assign responsibility for existing transportation deficiencies to new development.

Recommendation 1. The Mobility Fee Technical Report should maintain a clearly documented ten-year growth forecast supported by the most recent localized demographic, land use, and development data available.

Recommendation 2. The Mobility Fee should be based on an adopted mobility project inventory that identifies project costs, anticipated mobility benefits, implementation timing, and growth-related eligibility.

Recommendation 3. Each mobility project should be evaluated to determine whether any portion of the project addresses existing transportation deficiencies. Where applicable, those costs should be segregated and excluded from mobility fee calculations.

Recommendation 4. The Village should maintain a separate Mobility Fee Fund and use revenues solely for eligible mobility projects that provide a documented benefit to fee-paying development, consistent with Section 163.31801, Florida Statutes.

Recommendation 5. The Village should periodically update the Mobility Fee Technical Report, project inventory, and fee schedule to ensure continued compliance with the recency, proportionality, and plan-based methodology requirements of Florida law.

4 Mobility Fee Calculation

The Palmetto Bay Mobility Fee was developed using a plan-based process that links anticipated development and future person travel demand to the cost of eligible mobility improvements. The analysis begins with the Village's adopted plans and projected development, estimates future vehicle and person travel demand, identifies eligible mobility projects and costs, and develops a Person Miles of Travel Rate (PMTr). A separate Person Travel Demand per Use (PTDu) calculation is then completed for each land use in the fee schedule. The PMTr is multiplied by the PTDu for each use to calculate the mobility fee. **Figure 1** summarizes the 15-step technical approach used to develop the Palmetto Bay Mobility Fee.

Figure 1 - Developing a Mobility Fee



4.1 Projected Development

Projected development establishes the amount and type of new growth expected to create additional travel demand within the Village. The development inventory was assembled from the Village's anticipated future development information and subsequent project-specific clarifications. The inventory distinguishes approved or under-review projects from the longer-range planned development and identifies projects that should be held out until transportation mitigation status or land-use classification is confirmed.

4.1.1 Development Screening

The screening approach is intentionally project based. A development is included when it represents future development reasonably expected within the study horizon and has not been identified as already mitigated. Under-construction projects with an unresolved transportation fee or mitigation history are held for confirmation to avoid charging future growth for travel demand that may already have been addressed. Speculative development not anticipated by the Village is also excluded from the current working forecast. The list of anticipated development Inventory is shown in **Table 4**.

Table 4 – Anticipated Development Inventory and Screening

Development	Status	Development Program	Treatment	Basis
Shores at Palmetto Bay	Under Construction	80 DU + 5,892 SF mixed use	Exclude	Project already under construction
Vistas at Palmetto Bay	Under Review	11 multifamily DU	Include	Near-term residential development
1 Franjo LLC	Approved	175 DU	Include	Approved residential component
Bravo Estates	Approved	5 single-family DU	Include	Approved residential development
Navarrete Estates	Approved	7 single-family DU	Include	Approved residential development
Fernando Chamula Rezoning	Approved	3 single-family DU	Include	Approved residential development
Rockwell Estates	Plat Under Review	3 single-family DU	Include	Near-term residential development
Take 5 Oil Change	Under Review	1,328 SF	Include	Included as auto-service development
Pinecrest Bakery	Under Construction	942 SF	Include	Included based on Village-provided fee/mitigation information.
Palmetto Bay Development LLC	Approved	36 DU	Include	Approved residential development
Almond Court	Building Permit Review	4 DU	Include	Near-term residential development

Luxcom	Not Approved	60 DU potential	Exclude	Not currently anticipated by Village
VMU Property	Settlement Agreement Approved	455 DU + 120 hotel rooms + nonresidential	Include	Approved mixed-use development capacity
Downtown Development Capacity	Long-Range Planned	1,220 DU + 955,000 SF commercial	Include	Planned long-range development capacity

The individual development projects were aggregated by development type and status to establish the projected development used in the mobility fee analysis. Approved and under-review development was combined with planned development, while projects identified for exclusion or pending confirmation were not included. The resulting development totals were then assigned to the applicable land use categories for the travel demand analysis as shown in **Table 5**.

Table 5 – Projected Development

Development Category	Approved / Under Review	Planned Development	Projected Development
Single-Family Residential (Dwelling Unit)	120	0	120
Multi-Family Residential (Dwelling Unit)	639	1,220	1,859
Overnight Lodging (Rooms)	120	0	120
Retail (Sq.Ft.)	181,942	668,500	850,442
Office (Sq.Ft.)	0	286,500	286,500
Institutional / Community Serving (Sq.Ft.)	0	0	0
Commercial Recreation/Fitness (Sq.Ft.)	100,000	0	100,000
Automotive Services (Sq.Ft.)	1,328	0	1,328

For calculation purposes, the development inventory is converted from individual projects to ITE land-use quantities. This step is necessary because mixed-used projects may contain travel-generating components with different trip rates and travel characteristics. For example, the VMU program is not treated as one generic commercial use; hotel, residential, retail, restaurant, fitness and other components are assigned separately.

Table 6 – Daily Trips

ITE	Land Use	Projected Quantity	Daily Trip Rate	Daily Trips
210	Single-Family Detached Housing	78 DU	9.09	709.02
215	Single-Family Attached Housing	42 DU	6.57	275.94
220	Multifamily Housing	1,859 DU	6.21	11,544.39
310	Hotel	120 rooms	5.84	700.8
435	Multi-Purpose Recreational Facility	50,000 SF	3.44	172
492	Health/Fitness Club	100,000 SF	30.02	3,002.00
710	General Office Building	286,500 SF	7.83	2,243.30
820	Shopping Center	721,500 SF	41.17*	29,702.51
850	Food Market	48,000 SF	92.29	4,429.92
932	High-Turnover (Sit-Down) Restaurant	30,000 SF	103.75	3,112.50
936	Coffee/Donut Shop	942 SF	91.02	85.74
941	Quick Lubrication Vehicle Shop	1,328 SF	69.57	92.39

**ITE 820 uses a weighted rate reflecting the retail components represented in the development forecast.*

Example - nonresidential trip generation
A 50,000-SF multi-purpose recreational facility using a rate of 3.44 trips per 1,000 SF generates: (50,000 ÷ 1,000) × 3.44 = 172 daily trips. The division by 1,000 is required because the ITE rate is expressed per 1,000 square feet.

4.2 Vehicle Miles Traveled (VMT)

VMT was estimated to quantify the amount of vehicle travel associated with anticipated future development in the Village. Average weekday vehicle trips generated by each land use were multiplied by the applicable Vehicle Trip Length (VTL) derived from the 2022 National Household Travel Survey (NHTS) Version 2.1.

NHTS trip-purpose categories were assigned to the Palmetto Bay land uses based on the general purpose of the travel associated with each use, Residential, lodging, recreation, employment, and retail/services uses were evaluated to account for difference in travel characteristics. The VTL for each trip-purpose category was calculated as follows:

VTL = VMT ÷ Vehicle Trips

Projected VMT for each land use was then calculated as:

Projected VMT = Projected Daily Trips x VTL

Based on the anticipated future development and current travel assumptions, future development is projected to generate approximately 121,355 vehicle miles of travel per average weekday.

Table 7 – Projected Vehicles Miles Traveled

Land Use	Projected Daily Trips	VTL	Projected VMT
Single-Family Detached Housing	709.02	2.42	1,719.20
Single-Family Attached Housing	275.94	2.42	669.09
Multifamily Housing	11,544.39	2.42	27,992.27
Hotel	700.8	2.42	1,697.39
Multi-Purpose Recreational Facility	172	2.32	399.04
Health/Fitness Club	3,002.00	2.32	6,964.61
General Office Building	2,243.30	2.91	6,532.56
Shopping Center	29,702.51	2.01	59,815.60
Food Market	4,429.92	2.02	8,931.13
High-Turnover Restaurant	3,112.50	2.02	6,275.09
Coffee/Donut Shop	85.74	2.02	172.86
Quick Lubrication Vehicle Shop	92.39	2.02	186.26
Total	**56,070.50**		**121,355.10**

4.2.1 Person Miles Traveled (PMT)

PMT accounts for the movement of people rather than vehicles and provides the travel-demand basis for the mobility fee calculation. VMT was converted to PMT using Person Miles of Travel Factors (PMTf) derived from the 2022 NHTS.

The PMTf represents the relationship between person travel and vehicle travel for each applicable trip-purpose category and was calculated as:

PMTf = PMT ÷ VMT

Projected PMT was calculated separately for each land use as follows:

Projected PMT = Projected VMT x PMTf

The resulting PMT accounts for differences in vehicle occupancy and person travel characteristics among trip purposes. Based on the current development forecast, the anticipated future development is projected to generate approximately 180,125.95 person miles of travel per average weekday as shown in Table 8.

Table 8 – Projected Person Miles Traveled

ITE	Land Use	Projected VMT	PMTf	Projected PMT
210	Single-Family Detached Housing	1,719.20	1.55	2,662.35
215	Single-Family Attached Housing	669.09	1.55	1,036.15
220	Multifamily Housing	27,992.27	1.55	43,348.90
310	Hotel	1,697.39	1.53	2,603.41
435	Multi-Purpose Recreational Facility	399.04	2.13	849.58
492	Health/Fitness Club	6,964.61	2.13	14,828.21
710	General Office Building	6,532.56	1.07	6,985.14
820	Shopping Center	59,815.60	1.42	85,008.50
850	Food Market	8,931.13	1.47	13,084.38
932	High-Turnover Restaurant	6,275.09	1.47	9,193.20
936	Coffee/Donut Shop	172.86	1.47	253.25
941	Quick Lubrication Vehicle Shop	186.26	1.47	272.88
Total		**121,355.10**		**180,125.95**

4.3 Mobility fee

The Palmetto Bay Mobility Fee is calculated by relating the cost of eligible mobility improvements to the person travel demand generated by anticipated future development. The calculation consists of two primary components: the Person Miles of Travel rate (PMTr) and the Person Travel Demand per Use (PTDu).

The PMTr establishes the costs per person mile of travel based on the eligible mobility project program. PTDu establishes the person travel demand associated with one unit of each land use. The calculated mobility fee is the product of these two components:

Mobility Fee per Use = PMTr x PTDu

This approach applies to a common cost per person mile of travel while recognizing that individual land uses generate different amounts and types of travel.

4.4 Mobility Project Summary

The mobility projects included in the fee calculation were identified through a review of Villages adopted and programmed transportation planning documents, primarily the multimodal Transportation Plan (MMTP), Capital Improvement Program (CIP) and Safety Action Plan (SAP).

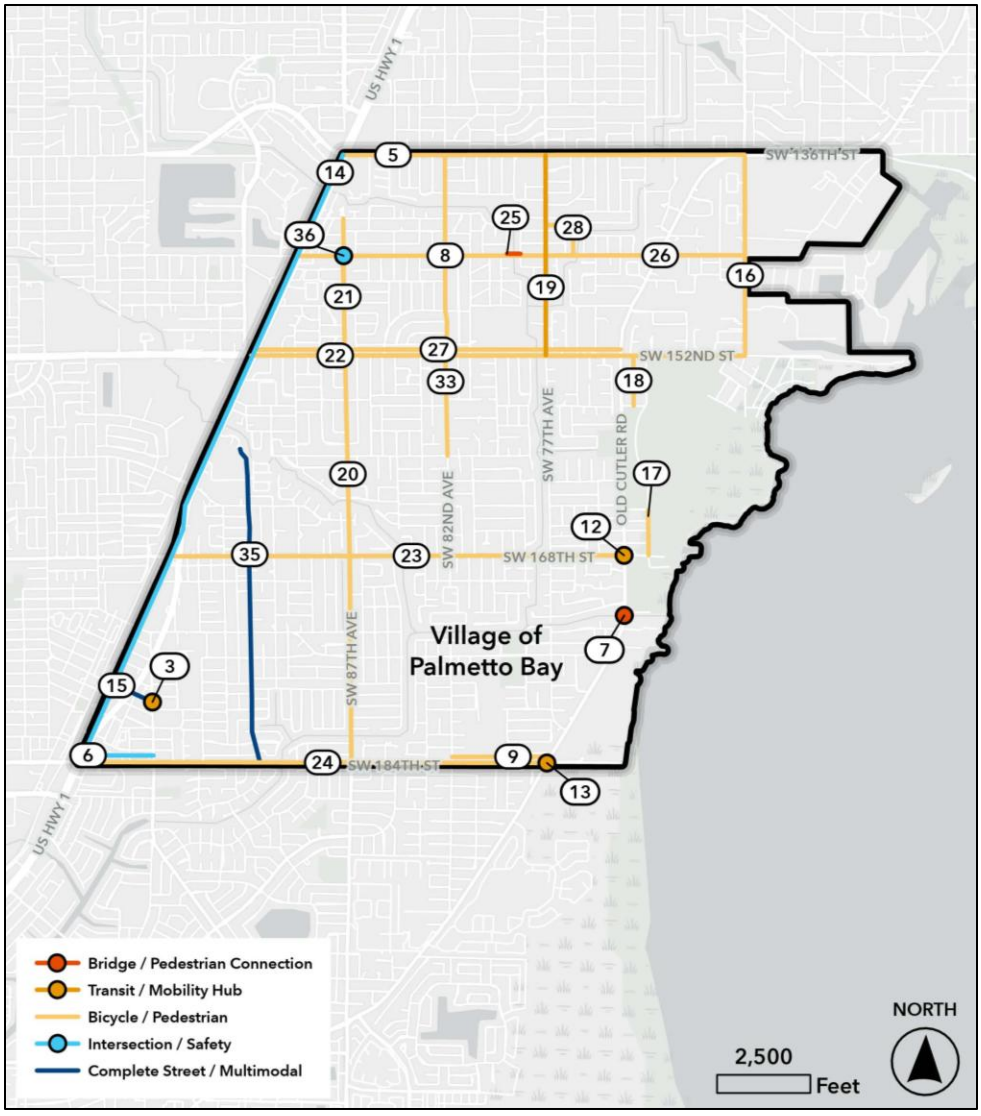
The project review focused on improvements that provide additional or improved mobility infrastructure to accommodate future travel demand. The project program includes multimodal improvements, mobility hubs, roadway and intersection improvements, and other eligible transportation capital improvements.

Projects appearing in more than one planning document were cross-checked to avoid double counting. The CIP was also reviewed to identify mobility-related projects or project phases not already represented in the MMTP. Safety Action Plan recommendations were reviewed against the MMTP and CIP, safety improvements already represented by another project were not added as separate costs.

Project eligibility was reviewed separately from whether a project was identified in an adopted plan. Routine maintenance, repair, resurfacing, existing-deficiency work, and other costs not attributable to future development were excluded from the mobility fee calculation. As shown in **Table 9**, the eligible planning-level capital cost used in the mobility fee calculation is $48,638,232.



Figure 2 Village of Palmetto Bay Mobility Fee Projects Map



Note: Project numbers correspond to the projects identified in the Mobility Project Program Summary.
The map depicts mobility fee projects with identifiable geographic locations or project limits.
Village-wide and programmatic projects without defined project limits are not shown.
Project locations and limits are shown for planning purposes and are approximate.

Table 9 – Mobility Project Program Summary

ID	Mobility Project / Facility	Improvement / Scope	Phase / Status	Source	Eligible Cost
1	Bus Shelters	Install bus shelters on Miami-Dade County and Village routes	2026–2030	MMTP	$240,000
2	Sidewalk Gaps	Address sidewalk gaps on bus routes	2026–2030	MMTP	$864,250
3	Downtown Neighborhood Hub	Implement mobility hub from Franjo Road to Hibiscus Street	2026–2030	MMTP	$900,700
4	Arterial & Local Street Safety Studies	Address section lines and public requests	2026–2030	MMTP	$210,375
5	SW 136 Street	Bicycle improvement needs and congestion management study, US 1 to SW 67 Avenue	2026–2030	MMTP	$75,000
6	SW 184 Street	Intersection congestion management study, US 1 to SW 97 Avenue	2026–2030	MMTP	$50,000
7	Old Cutler Road	Pedestrian bridge at Cutler Canal C-100	2026–2030	MMTP	$2,384,000
8	SW 82 Avenue	4-foot-wide bike lanes on both sides, planning and design, SW 152 Street to SW 136 Street	2026–2030	MMTP	$750,000
9	SW 184 Street (Eureka Drive)	North-side 6-foot-wide sidewalk gap improvements west of SW 82 Avenue	2026–2030	MMTP	$231,250
10	Bus Shelters	Complete shelters on Miami-Dade County and Village routes	2031–2035	MMTP	$250,000
11	Sidewalk Gaps	Complete sidewalk gaps on bus routes	2031–2035	MMTP	$571,250
12	Old Cutler Commercial Hub	Implement mobility hub at SW 168 Street / Old Cutler Road	2031–2035	MMTP	$375,000
13	Village Center Neighborhood Hub	Implement mobility hub at SW 184 Street / Old Cutler Road	2031–2035	MMTP	$277,200
14	SR 5 (US 1)	Intersection and pedestrian improvements at SW 184, SW 168, SW 144, and SW 136 Streets	2031–2035	MMTP	$765,000
15	Hibiscus Street	Multimodal improvements from Franjo Road to US 1	2031–2035	MMTP	$950,250
16	SW 67 Avenue	10-foot shared-use path on east side, SW 152 Street to SW 136 Street	2031–2035	MMTP	$1,060,800
17	SW 72 Avenue	Shared-use path, SW 164 Street to SW 167 Street	2031–2035	MMTP	$362,500
18	SW 156 Street	Shared-use path from SW 152 Street	2031–2035	MMTP	$412,500
19	SW 77 Avenue	Two-way cycle track, crosswalks, bus shelters, and 30-mph improvements, SW 152 Street to SW 136 Street	2031–2035	MMTP	$2,400,000
20	SW 87 Avenue	Bicycle lane, SW 184 Street to SW 144 Street	2031–2035	MMTP	$8,016,000
21	SW 87 Avenue	Sidewalk gaps, crosswalks, bike lanes, and raised intersection improvements, SW 152 Street to SW 141 Street	2031–2035	MMTP	$1,280,500
22	SW 152 Street (Coral Reef Drive)	South-side 10-foot-wide shared-use sidewalk, US 1 to SW 67 Avenue	2031–2035	MMTP	$1,449,600
23	SW 168 Street (Richmond Drive)	North-side 10-foot widened shared path, US 1 to Old Cutler Road	2031–2035	MMTP	$1,932,000
24	SW 184 Street (Eureka Drive)	North-side 10-foot widened shared path, US 1 to Old Cutler Road	2031–2035	MMTP	$2,004,000
25	SW 144 Street	Bridge over Canal 100-A repair/replacement, SW 78 Court to SW 78 Avenue	2036–2045	MMTP	$12,336,000
26	SW 144 Street	10-foot north-side shared-use path, US 1 to SW 67 Avenue	2036–2045	MMTP	$1,628,400

ID	Mobility Project / Facility	Improvement / Scope	Phase / Status	Source	Eligible Cost
27	SW 152 Street (Coral Reef Drive)	Bicycle/pedestrian safety traffic study, US 1 to Old Cutler Road	2036–2045	MMTP	$50,000
28	Greenway Trail	Off-road 10-foot multi-use trail, SW 77 Avenue to SW 144 Street	2036–2045	MMTP	$262,500
29	US 1 Downtown Street Lighting	Study, design, and construction	Future	CIP	$350,000
30	Circulator / Freebee Route Improvements	Route improvements and post-Busway study realignment	Future	CIP	$50,000
31	Safe Routes to School Improvements	Implementation of study recommendations	Future	CIP	$300,000
32	Safe Routes to Parks Improvements	Implementation of study recommendations	Future	CIP	$300,000
33	Bicycle Lane – SW 82 Avenue	Bicycle lane from SW 160 Street to SW 152 Street	Programmed	CIP	$400,000
34	Freebee Service Expansion	Transit/microtransit service expansion	Programmed	CIP	$710,000
35	SW 92 Avenue Complete Street Project	Complete street improvements	On-going	CIP	$549,157
36	Traffic Circle – SW 144 Street & SW 82 Avenue	Traffic circle improvement	Programmed	CIP	$600,000
37	Franjo Road West of US 1 Complete Street	Bike lane and lighting improvements on north side	Future	CIP	$400,000
38	Downtown Sidewalk Connectivity, Maintenance, Repairs	Downtown sidewalk connectivity improvements	Future	CIP	$75,000
39	Roadway / Driveway Intersection Restriping Around Schools	Crosswalks, reflectors, signage, and restriping	Future	CIP	$50,000
40	Roadway / Driveway Intersection Restriping Around Parks	Crosswalks, reflectors, signage, and restriping	Future	CIP	$50,000
41	Pedestrian Improvements Across Canals	Pedestrian connection improvements	Future	CIP	$75,000
42	Covered Pedestrian Connection	Connection from Multi-Purpose Building to concessions	Future	CIP	$640,000
43	New Pedestrian Bridge	New pedestrian bridge	Future	CIP	$2,000,000
44	Village-Wide Neighborhood Greenway / Safe Routes Home Network	Neighborhood greenway network with traffic calming, bicycle, crossing, and sidewalk treatments	Safety Action Plan	Safety Action Plan	$0
	Total Eligible Planning-Level Cost				**$48,638,232**

4.5 Person Miles of Travel Rate (PMTr)

The PMTr represents the eligible mobility project cost associated with one persona mile of travel generated by anticipated future development. The PMTr is calculated by dividing the eligible planning-level mobility project cost by the projected PMT.

PMTr = Eligible Planning-Level Mobility Project Cost ÷ Projected PMT

Using the current Palmetto Bay mobility project program and projected travel demand is as shown in **Table 10.**

Table 10 – Person Miles of Travel Rate

Component	Value
Eligible Planning-Level Mobility Project Cost	$48,638,232
Projected Person Miles of Travel	180,125.95
Person Miles of Travel Rate (PMTr)	**$270.02**

The PMTr is applied uniformly to the land uses included in the mobility fee schedule. Differences in the resulting fee are attributable to difference in the PTDu.

4.6 Person Travel Demand per Use (PTDu)

PTDu represents the person travel demand associated with one unit of development, PTDu was calculated separately for each land use using the applicable ITE trip generation rate, percentage of new trips, vehicle trip length, origin/destination factor, and PMT factor.

PTDu = TG × % NT × VTL × ODf × PMTf

where:

TG = average weekday ITE trip generation rate

% NT = percent new trips

VTL = vehicle trip length

ODf = origin/destination factor of 0.50

PMTf = person miles of travel factor

The 0.50 origin/destination factor accounts for the two ends of a trip so that the full trip is not assigned independently to both the origin and destination.

The percentage of new trips (% NT) presented in **Table 11**, represents the portion of trips generated by land use that are considered new to the transportation system after accounting for pass-by travel. The % NT assumptions were developed using available ITE pass-by data and engineering judgment. Where

applicable ITE pass-by data was available for specific land use, the data were considered in establishing the % NT. For land uses where applicable ITE pass-by data were limited or unavailable, engineering judgment was used considering the travel characteristics and expected trip-making behavior of the land use.

Table 11 – Person Travel Demand per Use

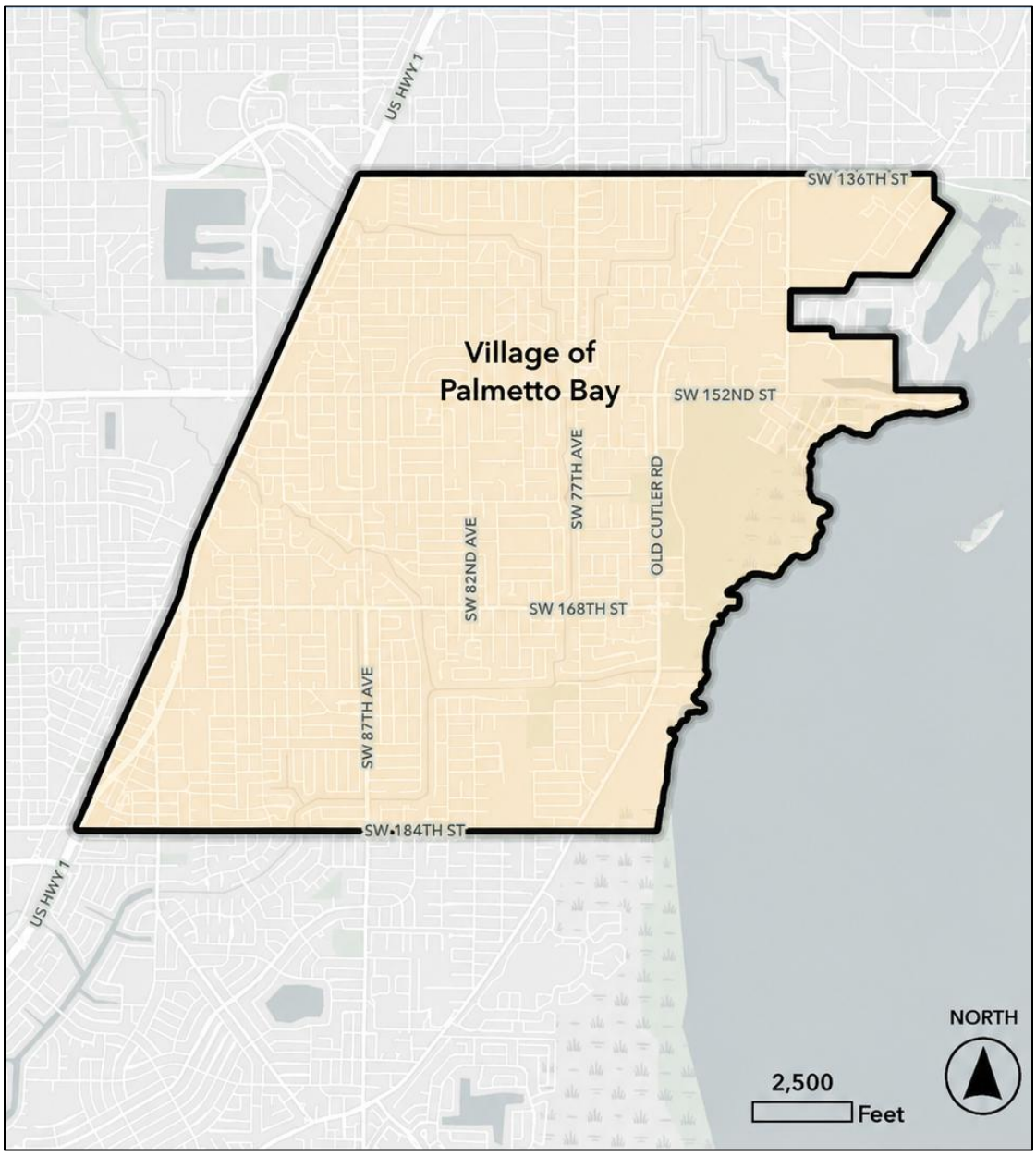
ITE	Land Use	TG	% New	VTL	ODf	PMTf	PTDu
210	Single-Family Detached Housing	9.09	100%	2.42	0.5	1.55	**17.07**
215	Single-Family Attached Housing	6.57	100%	2.42	0.5	1.55	**12.34**
220	Multifamily Housing	6.21	100%	2.42	0.5	1.55	**11.66**
310	Hotel	5.84	100%	2.42	0.5	1.53	**10.85**
435	Multi-Purpose Recreational Facility	3.44	50%	2.32	0.5	2.13	**4.25**
492	Health/Fitness Club	30.02	50%	2.32	0.5	2.13	**37.07**
710	General Office Building	7.83	100%	2.91	0.5	1.07	**12.19**
820	Shopping Center	41.17	51%	2.01	0.5	1.42	**30.04**
850	Food Market	92.29	48%	2.02	0.5	1.47	**65.42**
932	High-Turnover Restaurant	103.75	37%	2.02	0.5	1.47	**56.69**
936	Coffee/Donut Shop	91.02	20%	2.02	0.5	1.47	**26.88**
941	Quick Lubrication Vehicle Shop	69.57	50%	2.02	0.5	1.47	**51.37**

4.7 Mobility Fee Assessment Area

The Mobility Fee Assessment Area establishes the geographic area within which new development is subject to the mobility fee. The current Palmetto Bay methodology uses the entire Village as a single assessment area.

A Village-wide assessment area is consistent with the development forecast, mobility project program, and travel-demand analysis, which were developed on a Village-wide basis. Accordingly, the same PMTr is applied throughout the Village. The amount of the fee varies by land use based on the applicable PTDu rather than geographic location within Palmetto Bay.

Figure 3 Mobility Fee Assessment Area



Notes: The map shows the Village of Palmetto Bay boundary, which represents the Mobility Fee Assessment Area. The entire Village is evaluated as a single assessment area for the mobility fee analysis.

4.8 Mobility Fee Schedule

The mobility fee for each land use is calculated by multiplying the PTDu by the PMTr of $270.02 per person mile of travel.

Table 12 – Calculated Mobility Fee Schedule

ITE	Land Use	Unit	PTDu	PMTr	Calculated Fee
210	Single-Family Detached Housing	DU	17.07	$270.02	**$4,608/DU**
215	Single-Family Attached Housing	DU	12.34	$270.02	**$3,331/DU**
220	Multifamily Housing	DU	11.66	$270.02	**$3,148/DU**
310	Hotel	Room	10.85	$270.02	**$2,929/Room**
435	Multi-Purpose Recreational Facility	1,000 SF	4.25	$270.02	**$1,147/KSF**
492	Health/Fitness Club	1,000 SF	37.07	$270.02	**$10,010/KSF**
710	General Office Building	1,000 SF	12.19	$270.02	**$3,292/KSF**
820	Shopping Center	1,000 SF	30.04	$270.02	**$8,113/KSF**
850	Food Market	1,000 SF	65.42	$270.02	**$17,665/KSF**
932	High-Turnover Restaurant	1,000 SF	56.69	$270.02	**$15,308/KSF**
936	Coffee/Donut Shop	1,000 SF	26.88	$270.02	**$7,259/KSF**
941	Quick Lubrication Vehicle Shop	1,000 SF	51.37	$270.02	**$13,871/KSF**

Note: We recommend that the Village charge a 2% administrative fee to cover staff labor and processing costs for collecting the impact fees in accordance with F.S. 163.31801 (4)(c).

4.9 Mobility Fee Comparison

The calculated Palmetto Bay mobility fees were compared with applicable Miami-Dade County and West Plam Beach mobility fee rates to provide context for the resulting fee schedule. The comparison is intended as a reasonableness check and does not serve as an input to the Palmetto Bay calculation. Difference between the schedules is expected because the underlying methodologies, project programs, travel assumptions, geographic areas, and land-use categories are not identical.

Table 13 – Mobility Fee Comparison

Land Use	Palmetto Bay Calculated Fee	Miami-Dade County Fee	PB as % of Miami-Dade	West Palm Beach Fee	PB as % of West Palm Beach
Single-Family Detached Housing	$4,608/DU	$10,625/DU	43%	$5,640/DU	82%
Single-Family Attached Housing	$3,331/DU	$8,112/DU	41%	-	-
Multifamily Housing	$3,148/DU	$7,594/DU	41%	$4,655/DU	68%
Hotel	$2,929/Room	$5,635/Room	52%	$4,057/Room	72%
Health/Fitness Club	$10,010/KSF	$2,718/KSF	368%	$8,730/KSF	115%
Office	$3,292/KSF	~$19,422/KSF	17%	$4,562/KSF	72%
Shopping Center	$8,113/KSF	~$13,794/KSF	59%	$6,916/KSF	117%
Food Market	$17,665/KSF	~$65,946/KSF	27%	$14,803/KSF	119%
Restaurant	$15,308/KSF	$40,949/KSF	37%	$14,803/KSF	103%
Coffee/Donut Shop	$7,259/KSF	~$107,790/KSF	7%	$32,695/KSF	22%

4.10 Definitions

Table 14 – Definitions and Abbreviations

Term	Definition
ITE	Institute of Transportation Engineers
NHTS	National Household Travel Survey
PD	Projected Development
TG	Average weekday trip generation rate for the applicable land use
% NT	Percentage of trips generated considered new to the transportation system after applicable pass-by adjustments
VT	Vehicle Trips
VMT	Vehicle Miles Traveled
VTL	Vehicle Trip Length; VMT divided by vehicle trips
PMT	Person Miles Traveled
PMTf	Person Miles of Travel Factor; PMT divided by VMT
ODf	Origin/Destination Factor; 0.50 used to allocate a trip between its two ends
PLC	Eligible Planning-Level Mobility Project Cost
PMTr	Person Miles of Travel Rate; eligible project cost divided by projected PMT
PTDu	Person Travel Demand per Use; person travel attributable to one unit of a land use
Assessment Area	Geographic area in which the mobility fee is assessed
Benefit District	Geographic area within which mobility fee revenues may be expended on eligible improvements benefiting new development
MMTP	Village of Palmetto Bay Multimodal Transportation Plan
CIP	Capital Improvement Program
SAP	Safety Action Plan

5 Conclusions & Recommendations

The Village of Palmetto Bay Mobility Fee was developed to establish a consistent methodology for assessing the transportation impacts associated with future development and identifying the proportionate cost of mobility improvements needed to serve that development. The analysis considered anticipated future development within the Village, travel characteristics associated with individual land uses, and the capital cost of eligible mobility projects identified through the Village's transportation planning documents.

Based on the anticipated development included in the analysis, future development is projected to generate approximately 180,126 person miles of travel (PMT) per average weekday. The mobility project review identified approximately $48.64 million in eligible planning-level capital improvements for use in the current calculation. These values result in a Person Miles of Travel Rate (PMTr) of approximately $270.02 per person mile of travel.

The calculated mobility fee varies by land use based on the Person Travel Demand per Use (PTDu). PTDu accounts for differences in trip generation, new-trip characteristics, vehicle trip length, and person travel characteristics among the individual ITE land uses included in the fee schedule. This provides a consistent basis for relating the fee assessed to a development to its anticipated travel demand.

The calculated mobility fee schedule presented in this report represents the technical results of the analysis. Prior to adoption, the Village should confirm the final mobility project program and eligible capital costs, anticipated development assumptions, and applicable credits or other funding considerations. The Village should also coordinate the final fee schedule, assessment area, benefit district, and implementation provisions with the implementing ordinance.

Following adoption, the mobility fee program should be reviewed periodically as development occurs and the Village's transportation program changes. Updates should consider changes in anticipated development, completed or newly identified mobility projects, updated project costs, outside funding, and current travel-demand data. This will allow the mobility fee to continue to reflect the transportation improvements and travel demand associated with future development.



Stantec

Stantec is a global leader in sustainable engineering, architecture, and environmental consulting. The diverse perspectives of our partners and interested parties drive us to think beyond what's previously been done on critical issues like climate change, digital transformation, and futureproofing our cities and infrastructure. We innovate at the intersection of community, creativity, and client relationships to advance communities everywhere, so that together we can redefine what's possible.

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Parks Impact Fee Study Report

Prepared for:
Village of Palmetto Bay, FL

Date:
October 1, 2026

Prepared by:
Stantec Consulting Services Inc.

Disclaimer

The conclusions in the Report titled Parks Impact Fee Study Report are Stantec's professional opinion, as of the time of the Report, and concerning the scope described in the Report. The opinions in the document are based on conditions and information existing at the time the scope of work was conducted and do not take into account any subsequent changes. The Report relates solely to the specific project for which Stantec was retained and the stated purpose for which the Report was prepared. The Report is not to be used or relied on for any variation or extension of the project, or for any other project or purpose, and any unauthorized use or reliance is at the recipient's own risk.

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Javier Gonzalez
Planning & Zoning Director
Village of Palmetto Bay
9705 East Hibiscus Street
Palmetto Bay, FL 33157

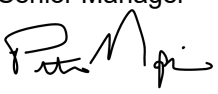
Re: Parks Impact Fee Study – Report

Dear Javier Gonzalez,

Stantec Consulting Services Inc. is pleased to present this Report of the Parks Impact Fee Study that we performed for the Village of Palmetto Bay, Florida. We appreciate the fine assistance provided by you and all the members of Village staff who participated in the Study.

If you or others at the Village have any questions, please do not hesitate to call me at (904) 671-0117 or email me at Peter.Napoli@stantec.com. We appreciate the opportunity to be of service to the Village and look forward to the possibility of doing so again in the near future.

Sincerely,
Peter Napoli
Senior Manager



777 S. Harbour Island Blvd., Suite 600
Tampa, Florida 33602
(813) 204-3311 Peter.Napoli@stantec.com

Enclosure

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1 Executive Summary

1.1 Introduction

Stantec Consulting Services, Inc. (Stantec) was retained by the Village of Palmetto Bay, Florida (hereafter referred to as the "Village") to conduct a Parks Impact Fee Study (Study). This report presents the results of the Study, including background information, legal requirements, an explanation of the calculation methodology employed, results of the analysis as well as a comparative impact fee survey.

The principal objectives or components of the Study are as follows:

Parks Impact Fee – Calculate the maximum impact fee that the Village can charge based on the planned improvements and level of service provided to residents in the form of Parks services.

1.2 Background

Impact fees are assessed against new development to cover the cost of providing capital facilities (infrastructure) needed to serve new development. Such charges are the mechanism by which new growth can "pay its own way" and minimize the extent to which existing residents must bear the cost of new or expanded facilities, which are necessitated by new residents. Impact fees are capital cost recovery fees and are commonly referred to as impact fees, capacity fees, and development fees. For the purposes of this report, the use of the terms impact fees, capacity fees, development fees, or connection charges is interchangeable with impact fees.

The Village of Palmetto Bay currently charges impact fees on a Village-wide basis to allocate towards the acquisition and development cost of park lands within the Village according to Ordinance No. 2018-05. The Village's current Park Impact Fees total $2,200 per unit including a 10% charge for administration. The current schedule of Parks Impact Fees is shown in Table 1 below.

Table 1 – Current Impact Fee Schedule

IX. Village-wide Fee Schedule

A. Park Concurrency Impact Fee

Description	Fee
Land Acquisition	$1,000.00 per unit (minimum of 3 units)
Improvements	$1,000.00 per unit (minimum of 3 units)
Administration	10% of Acquisition + Improvements (minimum of 3 units)

1.3 Summary of Recommendations

The proposed Parks impact fees calculated herein are shown in Table 2. This fee schedule consolidates all components of the fee calculation and summarizes the results of this study. The proposed fees reflect the per unit cost of parks improvements on a per capita basis. The impact fee is applied evenly to the

residential land use type on a per dwelling unit basis. The impact fee is designed to reflect the service demand of new development based on the current level of service.

Table 2 - Parks Impact Fee

Parks Impact Fee [1]	Parks Cost per Capita	Average People per Unit [2]	Impact Fee per Unit [3]	Unit Type
Residential	$922.89	3.120	$2,879.00	Dwelling Unit

[1] *The Parks Impact Fee only applies to Residential Land Use properties on a per dwelling unit basis.*
[2] *Palmetto Bay Village Comprehensive Plan Update, 2025.*
[3] *Rounded to the nearest whole dollar.*

It is recommended that the Village implement these impact fees in accordance with Florida Statutes 163.31801. As such, the Village should follow the phase-in limitations as described in Section 5:

> *(b) An increase to a current impact fee rate of not more than 25 percent of the current rate must be implemented in two equal annual increments beginning with the date on which the increased fee is adopted.*
>
> *(c) An increase to a current impact fee rate which exceeds 25 percent but is not more than 50 percent of the current rate must be implemented in four equal installments beginning with the date the increased fee is adopted.*
>
> *(d) An impact fee increase may not exceed 50 percent of the current impact fee rate.*

The resulting phase-in increases based on the Village's current impact fees and the calculated impact fees herein are summarized in Table 3 below.

Table 3 – Phased-In Increases

Parks Impact Fee	Current Impact Fee	Calculated Impact Fee	Year 1	Year 2	Year 2	Year 4
Residential	$2,000.00	$2,879.00	**$2,219.75**	**$2,439.50**	**$2,659.25**	**$2,879.00**
Increase $			*$219.75*	*$219.75*	*$219.75*	*$219.75*

2 Legal Framework

Many of the legal precedents and requirements for impact fees in Florida date back to a Florida Supreme Court decision in the case of *Contractors and Builders Association of Pinellas County versus the Village of Dunedin, Florida*. This case identified certain conditions to support a valid impact fee. These legal standards require that impact fees must 1) bear a reasonable relationship to the benefit received by those who pay it, 2) must not exceed the proportional share of the cost of new facilities or services needed to serve new

development and must include credits for contributions the development will make toward deferring that cost, and 3) must be earmarked and expended in such a way as to ensure that those paying the fee receive benefit from that payment.

Also, in 2006 Florida Legislature passed Senate Bill 1194 that created Section 163.31801, Florida Statutes, which has also come to be known as the "Florida Impact Fee Act". This legislation outlined additional requirements regarding the calculation and accounting of impact fees. Most notably, this legislation requires 1) that the calculation of impact fees be based upon the most recent, localized data, 2) separate reporting/accounting of impact fee revenue and expenditures must be made in a dedicated fund for each impact fee category, 3) that the administrative charges collected in impact fees be based upon actual costs, and 4) that 90 days' notice be given prior to the effective date of an ordinance imposing or amending an impact fee.

In summary, the courts and subsequent legislation have addressed three areas associated with the development of impact fees. These areas include: 1) "fair share" allocation rules dealing with payment of impact fees by the affected property owners, 2) "rational nexus" standards, which focus on the purpose of impact fees, and 3) expenditure requirements including "credit" allowances, which recognize offsets in the calculation of impact fees for other dedicated funding sources such as grants, donations, sales tax programs, etc.

The "fair share" allocation rules require that an impact fee only be used for capital expenditures that are attributable to new growth. Additionally, the "fair share" allocation rules recognize that the cost of facilities used by both existing and new development must be apportioned between the two user groups, such that the user groups are treated equally, and one group does not subsidize the other.

The "rational nexus" standards require that there is a reasonable relationship between the need for capital facilities and the benefits received by new customers for which the impact fee will be expended.

There are two conditions that limit where and when impact fees can be collected and used. With respect to the first condition, although there is no specific limit as to distance between an applicant paying the impact fee and the capital expenditure to be constructed by the fee, there should be a general geographical relationship between fee collection and use. The second nexus condition recognizes that the property must receive a benefit from the service for which the impact fee is being applied. With respect to the impact fees considered in this study, the facilities and equipment included are used by and constructed or purchased on behalf of all properties within the Village service area, and they benefit all residential property-owners. Consequently, all new residential growth requesting capacity from the Village will be subject to these impact fees.

The "credit" allowance requirements recognize that if a public agency has received property in the form of a cost-free capital donation, or if there is another revenue source that will be used for the capital expenditures necessitated by new growth, a credit should be included within the determination of the impact fees. Specifically, "credits" should be reflected as part of calculating impact fees to recognize any grants, assessments, and other sources that provide funds for the same capital expenditures included in the basis of impact fees to avoid a double recovery of costs.



2.1 New Statutory Changes

On June 25, 2026, the State of Florida's Governor signed into law House Bill No. 1329, amending the Florida Impact Fee Act in several areas, imposing additional requirements on impact fee increases, requiring a "plan-based" methodology be utilized, and requiring use of "localized data" for impact fee studies. The impact fee calculations conducted in this Study are prepared according to our interpretation of new guidelines.

3 Methodology

For the impact fees developed in this Study, we applied a plan-based methodology based on the Village's adopted plans for capital improvements and the Village's level of service based on the most recent and localized data.

3.1 Plan-Based Method

A plan-based approach to impact fee calculation is a methodology that derives the impact fee from a local government's adopted capital improvements plan (CIP), master plan, or facilities plan, rather than the value of existing infrastructure. The plan-based approach ties the fee directly to the capital facilities needed to accommodate projected growth. The Village completed a Village-Wide Parks Master Plan in August 2023 and this Study utilizes this document as the basis for identifying growth-related improvements. The Village also completed a Comprehensive Plan Update in May 2025 and this Study utilizes this document to identify local demographic characteristics.

4 Impact Fee Calculation

Determining impact fees for general government services such as Parks services is a level of service (LOS) based process. The objective is to determine the costs of planned facilities necessary to serve new growth through an analysis of the Village's adopted plans.

4.1 Cost Basis

The Village-Wide Parks Master Plan provides specific costs for parks improvements related to the Parks Department. Costs are separated by the Village's existing park's locations and by implementation horizon. For purposes of this Study, the costs identified by "Early-Action" as the implementation horizon were utilized. The costs related to "Mid-Term" and "Long-Term" implementation horizons were not included in the Study. The direct and indirect costs that were identified by the Village's Parks Master Plan were included for the "Early-Action" expansion-related projects. Table 4 presents the projects identified as growth-related under the "Early-Action" horizon timeline and their associated direct and indirect costs.

Table 4 – Project Cost Summary

Projects by Village Park		"Early Action" Expansion Cost
Palmetto Bay Park		
Golf Cart Access (East)	$	20,000
Golf Cart Access (North)	$	20,000
Expanded / Reconstructed Basketball Courts	$	110,000
Parking Lot Expansion	$	144,000
Pine Tree Preserve	$	120,000
Pickleball Center		
Parking Area	$	286,000
Pickleball Courts	$	308,000
Plaza	$	133,400
Entrance Signage	$	15,000
Coral Reef Park		
Additional Volleyball Courts	$	168,750
Canoe Launch/Paddle Boats/Storage	$	45,000
Total Direct Costs	**$**	**1,370,150**
A&E (10%)	$	137,015
General Conditions/General Req (10%)	$	137,015
Insurance and Bonding (3.5%)	$	47,955
Overhead and Profit (15%)	$	205,523
Total Direct and Indirect Costs	**$**	**1,897,658**
Cost Estimate Contigency (25%)	$	474,414
Total Construction Costs	**$**	**2,372,072**

Source: Village of Palmetto Bay Parks Master Plan, August 2023

4.2 Dwelling Units

Different types of development must be translated into a common unit of measurement that reflects the impact of new development on the demand for Parks services. The impact fees calculated in this report utilize a common service unit based on a residential dwelling unit, which represents the impact of the average household size in the Village and applies the cost on a per capita basis. For purposes of measuring impact created by new development, a residential dwelling unit is a fair and reasonable unit of measure for allocating cost.

4.2.1 Existing Population

To establish the Village's existing population as a basis for the Study, an analysis of the Miami-Dade County Property Appraiser's database was conducted to identify existing dwelling units on residential properties within the Village. The average household size based on the Village's Comprehensive Plan Update was

applied to the existing dwelling units to calculate a total current population of 25,703 in the Village. The Study's calculated population of 25,703 was validated against the University of Florida's Bureau of Economic and Business Research data on population, which was reported at 25,217 in April, 2025. Table 5 summarizes the calculation of population.

Table 5 - Residential Population

Land Use	Average People per Unit [1]	Existing Units [2]	Population	Unit Type
Residential	3.120	8,238	25,703	Dwelling Unit
		8,238	**25,703**	

[1] *Based on the Palmetto Bay Village Comprehensive Plan Update, 2025.*
[2] *Based on an analysis of the Miami-Dade County Property Database.*

4.3 Growth

According to the Village's Comprehensive Plan Update, the projected population growth rate for the Village is 1.0% a year through 2045. The planning period for the Study is 10 years and the resulting population growth is 2,570 based on the annual growth rate of 1% for that period. The population growth for the 10-year period is utilized by the Study as the planned additional capacity for the improvements identified in Section 3.1.

4.4 Parks Cost Per Capita

The Parks Cost per Capita was calculated based on dividing the "Early-Action" expansion-related costs of parks expansion projects over the next 10 years by the projected 10-year population growth consistent with the Comprehensive Plan. The Parks Cost per Capita is the basis for determining a Parks Impact Fee per dwelling unit. The calculation of the Parks Cost per Capita is summarized in Table 6 below.

Table 6 – Parks Cost per Capita Calculation

Plan-Based Impact Fee Approach		
"Early Action" Expansion Parks Projects	$	2,372,072
Net Future Parks Asset Cost	**$**	**2,372,072**
Projected 10-Year Population Growth		2,570
Total Population for Cost Apportionment		**2,570**
Cost Recovery		100.0%
Parks Cost per Capita *	**$**	**922.89**

* Calculations may vary slightly due to rounding

4.5 Existing Parks Cost per Capita

The Existing Parks Cost per Capita was calculated to verify that the proposed impact fee does not exceed the Village's current level of service provided to existing residents. The Village's inventory of existing park facilities was identified from the Parks Master Plan, and replacement costs were estimated using industry-standard benchmarks and relevant Village planning documents. The total value of the Village's existing investment in park facilities was divided by the current population to calculate the Existing Parks Cost per Capita, as presented in Table 7. The resulting cost per capita exceeds the plan-based Parks Cost per Capita calculated in Table 6, confirming that the proposed impact fee is based on, and does not increase, the Village's existing level of service.

Table 7 - Existing Parks Cost per Capita

Parks Facilities	Inventory	Cost per Unit	Total Existing Cost
Playgrounds	2	$ 500,000	$ 1,000,000
Basketball Courts	2	$ 250,000	$ 500,000
Tennis Courts	8	$ 175,000	$ 1,400,000
Dog Parks	1	$ 500,000	$ 500,000
Diamond Fields	9	$ 2,000,000	$ 18,000,000
Volleyball Courts	3	$ 50,000	$ 150,000
Soccer Fields	15	$ 1,000,000	$ 15,000,000
Pickleball Courts	4	$ 75,000	$ 300,000
Total Facilities & Total Existing Cost	**44**		**$ 36,850,000**
		Current Population	25,703
		Existing Parks Cost per Capita	**$ 1,433.71**

4.6 Parks Impact Fee

The Parks Cost per Capita is applied to the average household size to calculate a Parks Impact Fee per dwelling unit. The calculation of residential impact fee per unit is featured in Table 8 .

Table 8 - Parks Impact Fee by Property Class

Parks Impact Fee [1]	Parks Cost per Capita	Average People per Unit [2]	Impact Fee per Unit [3]	Unit Type
Residential	$922.89	3.120	$2,879.00	Dwelling Unit

[1] *The Parks Impact Fee only applies to Residential Land Use properties on a per dwelling unit basis.*

[2] *Palmetto Bay Village Comprehensive Plan Update, 2025.*

[3] *Rounded to the nearest whole dollar.*

5 Conclusions & Recommendations

The fundamental conclusions and recommendations of the Parks Impact Fee calculations are as follows:

We recommend the Village adopt Parks impact fees up to or below the 100% cost recovery levels identified below to maximize the recovery of expansion-related capital costs from new customers, while minimizing the burden of these capital costs to existing properties.

- We recommend that the Village update the Impact Fee calculations approximately every 4 years to reflect the most current data regarding assets, development/population and projected Capital needs.
- We recommend that the Village phase-in the impact fee increases for the impact fee increase according to Table 3 presented in this report.
- We recommend that the Village charge a 2% administrative fee to cover staff labor and processing costs for collecting the impact fees in accordance with F.S. 163.31801 (4)(c).

Stantec

Stantec is a global leader in sustainable engineering, architecture, and environmental consulting. The diverse perspectives of our partners and interested parties drive us to think beyond what's previously been done on critical issues like climate change, digital transformation, and futureproofing our cities and infrastructure. We innovate at the intersection of community, creativity, and client relationships to advance communities everywhere, so that together we can redefine what's possible.

Stantec Consulting Services Inc.
One Biscayne Tower, Suite 1670, 2 South Biscayne Boulevard
Miami FL 33131-1804
stantec.com

THANK YOU for your legal submission!

Your legal has been submitted for publication. Below is a confirmation of your legal placement. You will also receive an email confirmation.

ORDER DETAILS

Order Number:	**IPL0375546**
Order Status:	Submitted
Classification:	Display Ad - ROP
Package:	Display Ad ROP - Upl...
Site:	miami
Final Cost:	$1,426.06
Referral Code:	**Mobility & Park Im**...
Payment Type:	Account Billed
User ID:	IPL0023354

ACCOUNT INFORMATION

VILLAGE OF PALMETTO BAY IP
9705 E HIBISCUS ST
MIAMI, FL 33157-5606
305-259-1234
marocha@palmettobay-fl.gov
VILLAGE OF PALMETTO BAY

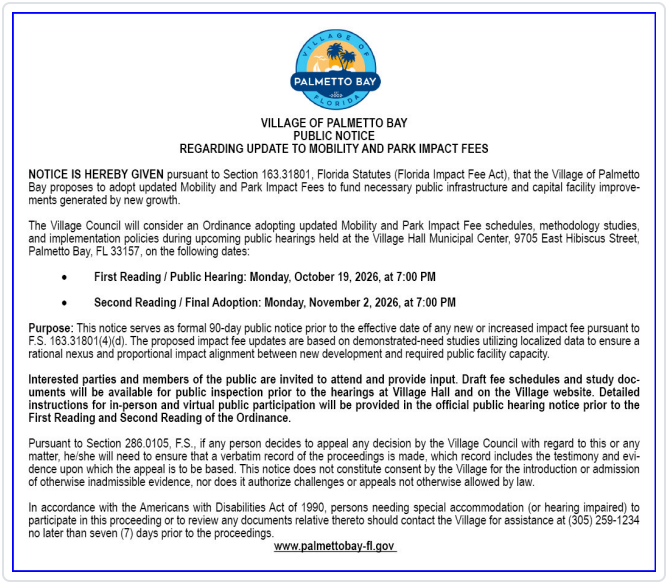
TRANSACTION REPORT

Date	September 18, 2026 1...
Amount:	$1,426.06

SCHEDULE FOR AD NUMBER IPL03755460

PREVIEW FOR AD NUMBER IPL03755460

4.9inches x 4.25inches



VILLAGE OF PALMETTO BAY
PUBLIC NOTICE
REGARDING UPDATE TO MOBILITY AND PARK IMPACT FEES

NOTICE IS HEREBY GIVEN pursuant to Section 163.31801, Florida Statutes (Florida Impact Fee Act), that the Village of Palmetto Bay proposes to adopt updated Mobility and Park Impact Fees to fund necessary public infrastructure and capital facility improvements generated by new growth.

The Village Council will consider an Ordinance adopting updated Mobility and Park Impact Fee schedules, methodology studies, and implementation policies during upcoming public hearings held at the Village Hall Municipal Center, 9705 East Hibiscus Street, Palmetto Bay, FL 33157, on the following dates:

- **First Reading / Public Hearing: Monday, October 19, 2026, at 7:00 PM**
- **Second Reading / Final Adoption: Monday, November 2, 2026, at 7:00 PM**

Purpose: This notice serves as formal 90-day public notice prior to the effective date of any new or increased impact fee pursuant to F.S. 163.31801(4)(d). The proposed impact fee updates are based on demonstrated-need studies utilizing localized data to ensure a rational nexus and proportional impact alignment between new development and required public facility capacity.

Interested parties and members of the public are invited to attend and provide input. Draft fee schedules and study documents will be available for public inspection prior to the hearings at Village Hall and on the Village website. Detailed instructions for in-person and virtual public participation will be provided in the official public hearing notice prior to the First Reading and Second Reading of the Ordinance.

Pursuant to Section 286.0105, F.S., if any person decides to appeal any decision by the Village Council with regard to this or any matter, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the Village for the introduction or admission of otherwise inadmissible evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation (or hearing impaired) to participate in this proceeding or to review any documents relative thereto should contact the Village for assistance at (305) 259-1234 no later than seven (7) days prior to the proceedings.

www.palmettobay-fl.gov

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NUMBER H E03733100

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AGENDA ITEM NO. 6.C

Item Cover Page

ZONING HEARING AGENDA ITEM REPORT

DATE: October 19, 2026

SUBMITTED BY: Andrea Candelaria, Village Manager's Office

ITEM TYPE: Ordinance

AGENDA SECTION: **ORDINANCES FOR FIRST READING AND PUBLIC HEARING**

SUBJECT:

Applicant: Village of Palmetto Bay
Location: Village-wide
Request: AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO BUILDING PERMIT FEES; RESTRUCTURING APPENDIX A OF THE CODE OF ORDINANCES IN COMPLIANCE WITH HB 399 AND HB 803 OF THE 2026 FLORIDA LEGIUSLATURE; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. *(Sponsored by Administration and prepared by Building Official, Dean Klements)*

SUGGESTED ACTION:

ATTACHMENTS:
Ord-Bldg Dept Fees
BuildingFeesChange-Memo-101926ZH.docx
Appendix A - PermitFeeReduction

ORDINANCE 2026-X

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO BUILDING PERMIT FEES; RESTRUCTURING APPENDIX A OF THE CODE OF ORDINANCES IN COMPLIANCE WITH HB 399 AND HB 803 OF THE 2026 FLORIDA LEGIUSLATURE; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. *(Sponsored by Building Official, Dean Klements)*

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, on June 6, 2016, the Village Council passed and adopted Ordinance No. 2016-15, which amended the Permit Fee Schedule with an across the board 5% reduction of permit fees excluding from the reduction fees new residential development; and

WHEREAS, on May 7, 2018, the Village Council passed and adopted Ordinance No. 2018-06, amending the Permit Fee Schedule to apply the Interim Proprietary and General Services Fee; and

WHEREAS, on November 5, 2018, the Village Council passed and adopted Ordinance No. 2018-15, which amended the Permit Fee Schedule with an across the board 2% reduction of residential permit fees.

WHEREAS, on March 4, 2019, the Village Council passed and

Additions shown by underlining and deletions shown by ~~overstriking~~.
~~Double-strikethrough~~ indicates language deleted by amendment on or after first reading. Double underlining indicates language added by amendment on or after first reading

adopted Ordinance No. 2019-02, which amended the Permit Fee Schedule for residential permit fees by a reduction of twenty-five percent (25%) and remaining permit fees by five percent (5%); and

WHEREAS, on March 3, 2025, the Village Council passed and adopted Ordinance No. 2025-03, which amended the Permit Fee Schedule by a reduction of fifteen percent (15%) for permit fees for driveways, pools, spas, pool decks, stand-by generators, fences, HVAC installations and replacements of windows and doors; and

WHEREAS, upon the passage of the Florida Legislature's House Bill 803 (HB803) which was signed into Law by the Florida Governor in May 2026, the Village was required to make the proposed changes due to the use of construction value as a basis for certain building permit and inspection fees and includes requirements related to permits utilizing private providers; and

WHEREAS, the Village engaged JRD & Associates (JRD) to evaluate the Building Department's permit fee structure and develop an updated methodology that reflects the changes in the Florida law, the Village's cost of providing permit-related services, and the operational effort associated with reviewing, processing, and issuing permits; and

WHEREAS, JRD completed their analysis and recommends updates to the Village's building permit fee schedule; and

WHEREAS, this ordinance proposes changes to the building permit fee schedule that will use a combination of square-footage based fees and flat fees depending on the nature of the permit or service, in accordance with Florida law; and

WHEREAS, the Village is authorized to amend its building permit fee schedule pursuant to prevailing Florida law; and

WHEREAS, the Building Department has once again reviewed its operational expenses, and has determined the annual impact of this Ordinance, and

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~~Double-strikethrough~~ indicates language deleted by amendment on or after first reading. Double underlining indicates language added by amendment on or after first reading

WHEREAS, the Village Council desires to amend the building permit fee schedule, to update the building permit fee schedule in accordance with Florida law and the findings and recommendations of JRD and the Village's Building Department; and

WHEREAS, the Village Council finds that adoption of this Ordinance is in the best interests of the Village and its residents.

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

Section 1. Incorporation of Recitals. The above recitals are incorporated as if set forth in full herein.

Section 2. Amendment to the Code. Appendix A – Fee Schedule of the Village Code of Ordinances is hereby amended as set forth and provided in Attachment A hereto:

Section 3. 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 full force and effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Codification. It is the intent of the Village Council and is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the Village of Palmetto Bay, Florida, that sections of this Ordinance may be numbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Conflicting Provisions. The provisions of the Code of Ordinances 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 6. Effective Date. This Ordinance shall take effect immediately upon adoption at second reading.

PASSED ON FIRST READING this 19th day of October 2026.

PASSED AND ADOPTED ON SECOND READING this ____ day of _____ 2026.

Attest: _____ _____

Missy Arocha
Village Clerk

Karyn Cunningham
Mayor

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

_____
John J. Quick
Village Attorney

VOTE ON FIRST READING:

Mayor Karyn Cunningham ____

Vice-Mayor Mark Merwitzer ____

Additions shown by underlining and deletions shown by ~~overstriking~~.
~~Double-strikethrough~~ indicates language deleted by amendment on or after first reading. Double underlining indicates language added by amendment on or after first reading

Council Member Patrick Fiore ____

Council Member Steven Cody ____

Council Member Marsha Matson ____

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore ____

Council Member Steve Cody ____

Council Member Marsha Matson ____

Vice-Mayor Mark Merwitzer ____

Mayor Karyn Cunningham ____

Additions shown by underlining and deletions shown by ~~overstriking~~.
~~Double-strikethrough~~ indicates language deleted by amendment on or after first reading. Double underlining indicates language added by amendment on or after first reading

To: Honorable Mayor and Village Council

Date: October 19th, 2026

From: Dean Klements, C.B.O., Building Official

Re: Building Permit Fee Changes

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO BUILDING PERMIT FEES; RESTRUCTURING APPENDIX A OF THE CODE OF ORDINANCES IN COMPLIANCE WITH HB 399 AND HB 803 OF THE 2026 FLORIDA LEGIUSLATURE; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. *(Sponsored by Building Official, Dean Klements)*

BACKGROUND AND ANALYSIS:

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. Additionally, 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. Since 2016, the Village has amended the Building Permit Fee Schedule in order to accommodate various changes from the federal, state and local legislatures.

Upon the passage of the Florida Legislature's House Bill 803 (HB803) which was signed into Law by the Florida Governor in May 2026, the Village was required to make the proposed changes due to the use of construction value as a basis for certain building permit and inspection fees and includes requirements related to permits utilizing private providers. the Village engaged with JRD & Associates (JRD) to evaluate the Building Department's permit fee structure and develop an updated methodology that reflects the changes in the Florida law the Village's cost of providing permit-related services, and the operational effort associated with reviewing, processing, and issuing permits.

This ordinance proposes changes to the Permit Fee schedule that will use a combination of square-footage-based fees and flat fees depending on the nature of the permit or service.

SUMMARY OF AMENDMENTS

The chart attached summarizes the proposed amendments to Appendix A of the Permit Fee Schedule (Attachment A). Additionally, an attachment has been provided with all strikethrough/underline in red font for ease of reference.

RECOMMENDATION:

The Administration recommends that the Mayor and Village Council approve the proposed ordinance on first reading and appropriate changes to permit fee schedule.

FISCAL IMPACT:

None.

ATTACHMENTS:

A. Appendix A Strikethrough Changes
B. Village of Palmetto Bay Building Fee Study Executive Summary

VILLAGE OF PALMETTO BAY



FEE SCHEDULE

AMENDED OCTOBER 2026

~~Code~~	BUILDING PERMIT FEES	Building Fee	
	Upfront processing fee non-refundable (Required for all permit applications)		$ 104.5
~~BP102A~~	New construction, additions, alterations (commercial and residential)		30% of fee
~~BP102B~~	Minimum fee for all Building Permits ~~(Greater than $2000 in cost)~~		~~$ 149.15~~ $ 158.00
~~BP102CO~~	Interim Proprietary and General Services (required for all permit applications and assessed monthly from CO issue date until ad-valorem taxes are assessed)		$0.03 per SF
	New ~~Building~~ Construction/ Additions (residential) New construction for single family residences including all trade associated fees:		
~~BP107~~	~~0-500 square feet~~ Single family residential (maximum fee amount $ 125,000)		~~$1065.90~~ $3.50 per square foot
~~BP108~~	~~501 square feet or greater (maximum fee amount $ 150,000)~~ All other residential (townhouses, condos, apartments, multi-family housing, etc.)		~~4% of cost~~ $3.50 per square foot
	Alterations (residential):		
~~BP111A~~	Kitchen ~~or Bath~~ (New Cabinets and/or Replacement of fixtures) ~~up to $25,000 cost~~		~~$ 619.4~~ $790.00
~~BP111B~~	~~Kitchen and~~ Bathroom Remodeling ~~combined~~ ~~(~~one or two) ~~up to 25,000 cost~~		~~$ 884.45~~ $632.00
	Bathroom Remolding (three or more)		$790.00
~~BP110~~	All other Alterations ~~exceeding $25,000~~ (maximum fee amount $ 125,000)		~~3.8% of cost~~ $3.00 per square foot
	Floor standalone (Multi level - Condo, or Apartments)		$ 158.00
	Residential accessory structure		$ 474.00
	Residential standalone trade permit		$ 316.00
~~BP113~~	~~**Repairs due to Fire** Minimum fee~~		~~$ 568.10~~
~~BP114~~	~~**Repairs due to** Fire (maximum fee amount $ 250,000)~~		~~4% of cost~~
~~BP126~~	~~**Shade Houses** per 100 square feet or fractional part thereof~~		~~$ 84.55~~
	Tents (10'x10' or greater): (Inclusive Electrical & Plumbing Permits)		
~~BP130~~	~~0-300 square feet~~		~~$ 248.90~~ $ 316.00
	~~301 square feet or greater~~		~~$ 429.40~~
	New Construction/ Additions (Commercial) (~~per sq. ft.,~~ includes permit fees for all trades and shop drawings):		
~~BP112~~	~~0-1,000 sq. ft.~~		~~$713.00~~
	~~1,001 sq. ft. or greater~~ (maximum fee amount $ 500,000)		~~5% of cost~~ $ 4.00 per square foot
	~~**New Construction (Shell only)- Commercial** (per sq. ft.) includes permit fees for all trades:~~		
~~BP112A~~	~~0-1,000 sq. ft.~~		~~$475.00~~
	~~1,001 sq. ft. or greater (maximum fee amount $350,000)~~		~~3% of cost~~
~~BP112B~~	**Alterations-Commercial** Minimum fee		$ 760.00
	Alterations-Commercial (maximum fee amount $ 500,000)		~~5% of cost~~ $ 3.75 per square foot
	Commercial accessory structure		$ 474.00
	Commercial standalone trade permit		$ 474.00

~~RP113~~	**Parking lots-Minimum fee:**		~~$167.00~~ $ 158.00
~~RP114~~	Resurfacing of Parking lots		$ .05/ sq. ft.
~~RP115~~	Resealing of parking lots		$ .03/sq. ft.
	Playgrounds		$474.00
	Slabs:		
~~RP116~~	Driveway/Slabs ~~only~~ (Residential)		$316.00
	~~a) 0 - 500 square feet~~		~~$ 80.30~~
	~~b) 501 and above~~		~~$ 128.31~~
	Structural slab (Residential)		$ 0.25 per square foot
	Structural slab (Commercial)		$ 0.40 per square foot
~~RP116B~~			
	~~a) Each Approach (Residential)~~		~~$ 50.35~~
	~~b) 3rd. approaches or more~~		~~$ 91.15~~
~~RP116C~~	~~Sidewalk only (Residential per residence)~~		~~$ 68.25~~
	Roofing/Re-Roofing/Roof repair:		
~~RF01~~	Minimum Fee ~~/ Upfront fee~~		~~$ 113.05~~ $ 158.00
~~RF02~~	All roof types		~~$ .156/ sq. ft.~~ $0.23 per square foot
	Fences:		
	Masonry, or Concrete Fences and/or Walls (Commercial or Residential)		$474.00
	Per 100 linear feet or increment thereof		$ 142.12
	Fences (Wood, aluminum ~~or chain link~~) ~~fences~~		$316.00
	Note: Zoning permit only for residential chain link fence		
~~RP118A~~	Temporary Fence Fee (commercial/construction fencing)		~~$ 157.00~~
~~RP118~~	Minimum Fee		~~$ 127.40~~ $ 158.00
~~RP117~~	0-500 linear feet		$ .45 /Lin. Ft.
	Per additional 500 linear feet increment		~~$ 178.50~~ $ 158.00
~~RP119~~	~~Masonry or Ornamental iron fences~~		~~$ 536.99~~
	~~Per 100 linear feet or increment thereof~~		~~$ 142.12~~
	Swimming Pool, Spas and Hot Tubs (inclusive of all trade permits):		
~~SP01~~	(a) Pools, ~~Spas and deck~~ (residential)		~~$ 575.66~~ $790.00
	(b) Pools, ~~Spas and deck~~ (commercial)		$1,422.00
~~SP01A~~	Spa/hot tub only		~~$ 463.50~~ $474.00
~~SP02~~	Repair of swimming pool/spa per trade required		$ 107.25
~~SP04~~	a) Pool Resurfacing (residential)		~~$82.50~~ $158.00
	b) Pool, ~~Spas and deck (commercial)~~ Alteration		~~$ 236.00~~ $ 474.00

	Demolition of Building (per structure):		
~~DP01~~	Interior demolition only (residential)		~~$ 429.40~~ $ 316.00
~~DP02~~	Partial demolition (commercial)		~~$ 903.00~~ $ 474.00
~~DP03~~	Total demolition		~~$1,330.00~~ $ 790.00
	Installation or Replacement of Windows or Doors or Storefront:		
~~Wn01~~	Residential ~~Minimum Fee~~ (up to 10 openings)		$ 134.85
~~Wn01A~~	Each additional opening		$ 4.42
	Commercial (First unit)		$ 474.00
	Each additional unit		$ 40.00
~~SD20~~	~~Ornamental Iron Security bars~~		~~$ 171.95~~
	Garage doors (up to two)		$ 158.00
	Garage doors (three or more)		$ 316.00
	Screen Enclosures/Canopies/Awnings and Aluminum Roofs:		
~~BP135~~	Screen Enclosures		~~$ 429.40~~ $ 316.00
~~BP136~~	~~Free standing canopies/Trellises~~		~~$ 203.30~~
~~BP137~~	Awnings/Canopies (New or Repair) ~~(Minimum fee $175.00)~~		~~$ 36.10/awning~~ $ 316.00
~~BP138~~	~~Repair Awnings and Canopies (Minimum fee $175.00)~~		~~$22.80/awning~~
~~BP140~~	**Temporary Trailer for Construction (1 year permit)**		~~$ 713.00~~ $ 158.00
~~BP141~~	**Trailer Tie Down**		~~$ 143.00~~ $ 79.00
~~BP142~~	**Renewal Permit for Trailer**		~~$475.00~~ $ 79.00
~~********~~	**Sign Permit Fee**		
~~SI01~~	Fee per sign (up to 3 signs per fee) non-electrical		~~$ 380.00~~ $ 316.00
~~EL50~~	Electrical fee for signs (up to 3 signs per fee) Inclusive of Electrical		~~$ 404.00~~ $ 316.00
	Shutters		
~~WN05~~	~~Up To 10 Openings~~ Residential or Commercial		~~$ 126.35~~ $ 158.00
	~~11 openings or greater~~		~~$ 8.55/opening~~
~~CH01~~	**Chickee Hut (~~no trades~~ Zoning permit only)**	~~None~~	
~~RG01~~	~~**Gutters (Residential)**~~		~~$ 135.85~~
~~BP125~~	**Utility Sheds (All sizes)**		**$ 126.35**
	Stand-by generators (inclusive of all trade fees)		
~~GP01~~	20 kw or less		$ 472.39
~~GP02~~	21 kw or greater		$ 767.12
~~BP106A~~	~~**All work whose value does not exceed $ 500 (all inclusive)**~~		~~$ 47.50~~
~~BP 106B~~	~~All work whose value exceeds $ 501 but less than $ 1,000 (all inclusive)~~		~~$ 80.75~~
~~BP106C~~	~~All work whose value exceeds $ 1,001 but less than $ 2,000 (all inclusive)~~		~~$ 142.50~~
	~~**Temporary Platforms and Bleachers for Public Use (three months or less)**~~		
~~BP131~~	~~For every 100 sq. ft. of platform or seating area~~		~~$ 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)~~		~~$ 118.75~~

	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 divisions of the building department.		Double permit fee plus $ 100.00
~~BP02~~	For the 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)		Double permit fee plus $ 200.00
~~BP03~~	Each offense thereafter, the permit applicant shall be required to pay twice the double permit fee plus five hundred dollars ($500.00)		Double permit fee plus $ 500.00
~~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 the loss of a permit inspection record card after a permit has been issued.		**$45.60**
	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 $100.00 or 50 % of the permit fee, whichever is greater, rounded to the nearest dollar, shall be granted to a permit holder who: Requests a refund, provided; 1. That the building department received a written request from the permit holder prior to the permit expiration date; and 2. That the permit holder submits with such request that the applicant's validated copy of such permit; and 3. That no work has commenced under such permit as evidenced by any recorded inspection and/or field inspection.		
~~BP16~~	Where there is a ***change of contractor*** or qualifier involving a permit, the second permit holder shall apply a fee to cover the cost of transferring the data from the original permit to the second permit.		**$ 158.65**
~~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		**$ 90.25**
~~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 $~~200.00~~ 180.50 shall be charged to renew and close expired permits previously issued by the Miami-Dade County, provided that the applicant submits to the village of Palmetto Bay's building official an affidavit from a registered architect or engineer that satisfies the requirements of the Florida Building Code to renew and close the expired permit, and that the affidavit includes evidence that the construction was completed prior to March 1, 2002.		**$ 180.50**

~~BP117a~~	f. A fee of $~~50.00~~ 46.55 shall be charged for each site inspections to close expired Miami-Dade County permits where the work was never initiated, and a building permit or an engineering or architect letter is not required, pursuant to (e) above.		**$ 46.55**
~~BP 04~~	**INSPECTIONS/ PLAN REVIEWS REQUIRING OVERTIME:** g. Charges for construction inspections or plan reviews which are requested shall be paid in advance.	$ 380.00 on a regular weekend or $ 665.00 holiday weekends	
~~BP 04a~~	**Partial inspection requests shall incur an additional fee per inspection**		~~$ 72.00~~ $79.00
~~BP 04b~~	**Re-inspection Fee (currently $~~95.00~~ 158.00) each (after third denial of same inspection)**		~~$ 95.00~~ $ 158.00
	~~**FEES BASED ON ESTIMATED COST DOCUMENTATION REQUIREMENTS:**~~ ~~The Building Department may require the permit applicant to submit appropriate documentation, fully executed, as proof of the 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 ~~pro~~portion of the permit fee attributed to plans review."**		$ 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."**		$ 95.00
	40 YEAR CERTIFICATION:		
~~BP127~~	40-year certification under Chapter 8 of the Miami-Dade County Code Review		~~$ 428.00~~ $ 474.00
~~BP128~~	a) Re-Certification at 10-year intervals thereafter		~~$ 428.00~~ $ 474.00
~~BP129~~	b) Extension request for ~~a permit~~ recertification (not to exceed 30 days)		$ 95.00
	LIEN SEARCHES:		
~~BP118~~	a) Regular ~~(3-5 days)~~ (5 – 7 Days)		~~$ 48.00~~ $ 158.00
~~BP099A~~	b) Express (next day)		~~$ 143.00~~ $ 395.00
	REVISIONS:		
~~BP10A~~	~~a) Minor revisions~~		~~$ 143.00~~
~~BP10B~~	~~b~~) **Minimum fee per trade** with a maximum of 50% of original permit fee or $1000.00		~~$75.00 per trade~~ $ 158.00
	CERTIFICATE OF OCCUPANCY/COMPLETION:		
	Single Family Residence, Townhouse (each unit), Duplex each unit (C.O)		$ 63.65
	Apartments, Hotels, Multi~~ple~~ Family Uses:		
~~CO03~~	a) 2 to 50 units		$ 140.00
	b) 51 to 100 units		$ 186.00
	c) 101 or more units		$ 231.00
~~CO07~~	d) Private School, Day Nursery, Convalescent and Nursing Home, Hospital, Assisted Living Facility (ALF) and developmentally disabled home care		$ 285.00
	e) All Commercial Entities		

	Commercial/ Industrial:		
~~CO09~~	Per sq. Ft. of Business Area	$0.10	
~~CO09A~~	Minimum Fee		$ 190.00
	Building Shell Commercial (New Construction) (C.C.):		
~~CO15~~	Building and Unit Shell		$ 143.00
~~CO16~~	Occupancy without CO/CC a) (In Violation)	236.00 plus a double CO/CC	
~~CO17~~	Temporary Certificate of Occupancy (per 60-day interval)		$ 190.00
~~BP23~~	a) **Building Code Compliance Fee (Miami-Dade Compliance)** 5% of the permit fees collected. ~~$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)** 1% of applicable permit fees, minimum $2 **and Building Code Administration and Inspector~~sion~~ Fund (F.S. 468.631)** 1.5% of applicable permit fees, minimum $2 ~~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: (a-h)		$ 395.00
~~SD01~~	**a)** Trusses/Steel Structures		~~$ 40.85~~
~~SD02~~	b) Precast/ pre-stress (Roof-Floor-Walls)		~~$ 40.85~~
~~SD03~~	c) Overhead Doors each		~~$ 16.15~~
~~SD04~~	d) Skylights each		~~$ 16.15~~
~~SD05~~	e) Handrails/Stair Rails per linear feet		~~$ 16.15~~
~~SD06~~	f) Storefront/Fixed Glazing (Under 8 feet high by 4 feet wide) each 100 square feet or part		~~$ 12.35~~
~~SD07~~	g) Walk-in Coolers each		~~$ 167.00~~
	h) Miscellaneous		
~~BP099~~	~~EXPRESS PERMIT FEE~~		~~$25.00~~

~~Code~~	**PLUMBING PERMIT FEES**	**Building Fee**	
~~PL04~~	Upfront Fee		**$104.50**
~~PL07~~	Minimum Plumbing or Gas fee (Stand-alone)		~~$104.50~~ $ 237.00
~~PL05~~	~~Fixture rough or set~~		~~$ 8.55~~
	Settling tanks, gas or oil interceptors and grease traps & Septic tank		
~~PL08~~	Residential or Commercial		~~$ 86.45~~ $ 158.00
~~PL10~~	Sewer connection		~~$ 86.45~~ $ 158.00
	Residential piping repair		$ 316.00
	Commercial piping repair		$ 474.00
	Residential Cast Iron Replacement (includes all trades)		$ 316.00
~~PL19~~	Irrigation system ~~per zone~~		~~$ 20.90~~ $ 158.00
~~PL15~~	Water service connection ~~per meter~~		~~$ 13.30~~ $ 158.00
	Swimming Pools		
~~PS04~~	Swimming pool heater (Residential)		~~$ 86.45~~ $ 158.00
~~PS05~~	Swimming pool ~~repair~~ heater (Commercial)		~~$ 102.60~~ $ 316.00
	Pool equipment relocation		$ 158.00
~~PS 06~~	~~Swimming Pools commercial (repair)~~		~~$ 236.00~~
~~PL17~~	~~2" or less~~ ~~w~~Water service backflow assembly		~~$ 68.40~~ $ 316.00
~~PL18~~	~~2 ½" or greater water service backflow assembly~~		~~$ 113.05~~

~~PL20~~	~~Solar panel (replace or additional) 10 kw or less~~		~~$ 90.25~~
~~PL21~~	~~Solar panel (replace or additional) 11 kw or greater~~		~~$ 406.60~~
~~PL22~~	Water heater replacement		~~$ 45.60~~ $ 79.00
	Wells		
~~PL26~~	1 ½ horsepower or less		**$104.50**
~~PL27~~	Greater than 1 ½ horsepower		**$ 262.20**
	Natural Gas or a liquefied petroleum		
~~GS05~~	For each System ~~meter (new or replacement)~~ (includes tank)		~~$ 8.55~~ $ 632
~~GS04~~	~~For each outlet or appliance (Commercial)~~		~~$ 14.00~~
~~GS08~~	Underground and above ground L.P. gas tanks at a single location		~~$ 99.75~~ $ 474.00
~~GS09~~	Gas water heater replacement		~~$ 45.60~~ $ 79.00
~~GS10~~	Gas Repair		~~$ 58.90~~ $ 79.00
	Water treatment plants, pumping stations, sewer treatments and lift stations		
~~PL32~~	Lift station		~~$ 475.00~~ $ 632.00
~~PL33~~	~~Sewage ejector~~		~~$ 124.00~~
	Storm/sanitary utility/collector lines for building drain lines		
~~PL41~~	Minimum Fee includes first 30 feet		~~$ 14.00~~ $ 79.00
	Each additional 10 feet or portion thereof		$ 10.00
	Manhole or Catch basin		
~~PL42~~	Minimum Fee		$ 167.00
~~PL43~~	Each additional manhole or catch basin		$ 24.00
	Temporary Toilets		
~~PL50~~	Minimum Fee		$ 95.00
~~PL51~~	Each additional toilet		$ 9.00
~~PL52~~	~~Renewal fee~~		~~$ 48.00~~
~~PL53~~	~~Mobile home Connection~~		~~$ 143.00~~
	Dental Vacuum lines		
~~PL60~~	Each chair		$ 119.00
	Medical Gas ~~line~~		
~~PL80~~	Installation per system ~~$ 1,000 value~~		~~$19.00~~ $ 474.00
~~PS03~~	~~Sump Pumps, Re-circulating pumps, domestic pumps, vacuum pumps~~		~~$ 24.00 each~~

~~Code~~	ZONING FEES	Building Fee	
~~ZL-01~~	Zoning Inspections fee/per application		**$ 45.60**
~~ZL-02~~	Zoning letters residential		**$ 45.60**
~~ZL-03~~	Zoning letters Commercial		$ 143.00
	~~Certificate of Use Inspection~~		
~~ZL-04a~~	~~Minimum fee~~		~~$ 167.00~~
~~ZL-04b~~	~~Per square foot of unit~~		~~$ 0.07~~
~~ZL-05~~	~~Special Event Inspection fee (for profit~~		~~$ 72.00~~
	Landscape Plan review	83.75/hour min. fee $ 262.50	
~~Zl-06a~~	Residential		$ 22.80
~~Zl-06b~~	Commercial		$ 250.00
~~Zl-07~~	Waste Containers		$ 100.00
~~Zl-08~~	Portable storage units per 30 days		$ 50.00
~~ZL-09~~	Zoning Plan review remodeling		**$45.60**
~~Zl-09a~~	Minimum fee		**$0.00**
~~Zl-09b~~	Maximum fee		**$45.60**
~~Zl-10~~	Zoning plan review for new construction		**$68.40**
~~ZL-10a~~	Minimum fee		**$0.00**
~~ZL-10b~~	Maximum fee		**$68.40**
~~ZL-11~~	Zoning plan review fee for commercial per sq. ft.		$ 0.14
~~Zl-11a~~	Minimum fee		$ 110.00
~~ZL-11b~~	Maximum fee		$ 285.00
~~Zl-12~~	~~Zoning plan review for alterations per $ 1.00 of estimated cost or fraction thereof~~		~~$ 48.00~~
~~ZL-12 a~~	~~Minimum fee~~		
~~Zl-12 b~~	~~Maximum fee~~		~~$ 48.00~~
~~ZL-13~~	~~Alcohol license application fee~~		~~$ 214.00~~
~~Zl-13 b~~	~~Annual renewal fee~~		~~$ 72.00~~
~~Zl-13 b~~	~~special event alcohol license fee~~		~~$ 72.00~~
~~Zl-14~~	Flood plain management plan review		$ 95.00
~~Zl-15~~	Occupational license inspection fee		$ 67.00

~~Code~~	ELECTRICAL PERMIT FEES	Building Fee	
~~EL110~~	Upfront FEE		$ 104.50
~~EL110A~~	Minimum Electrical Permit Fee exclusive of repair work (Stand-alone)		~~$ 104.50~~ $ 237.00
~~EL40~~	Roughing per Fixtures / Outlets		$ 2.61
	Electrical Service		
~~EL01~~	Permanent service to building ~~per each 100 amps or fraction thereof~~ (Residential)		~~$ 8.55~~ $ 316.00
	Permanent service to building (Commercial)		$ 632.00
~~EL06~~	Temporary service for construction per service		~~$ 86.45~~ $ 158.00
~~EL07~~	Construction field office service		$ 190.00
~~EL07A~~	Minor panel repair		~~$ 95.00~~ $ 158.00
~~EL08~~	Reconnect meter		~~$ 95.00~~ $ 79.00
	~~Feeders~~ ~~(includes feeders to panels. M.C.C., switchboards, elevators, etc.~~		
~~EL05~~	~~- Each feeder~~		~~$ 19.00~~
~~EL05A~~	~~- Generators~~, Automatic Transfer switches ~~per 10 kw~~		~~$ 14.00~~ $ 79.00
	Solar Panels		$ 474.00
	Temporary Service Test		

~~EL10~~	Equipment and service (30 day maximum) per service		~~$ 90.25~~ $ 79.00
~~EL11~~	Elevator (180 day maximum) per elevator		~~$ 143.00~~ $158.00
	Low Voltage (Commercial) All catagories		$ 316.00
~~EL61~~	**Free Standing Service**		~~$ 135.85~~ $ 158.00
~~FD01~~	**Fire Detection System**		$ 190.00
	Burglar Alarm System		
~~BA01~~	Complete system or repair (commercial only)		$ 110.00
~~IS01~~	**Intercom System**		$ 48.00
	Energy management System		
~~EP01~~	Per floor or repair		$ 100.00
~~IS04~~	Closed Circuit TV		$ 100.00
~~IS05~~	Vacuum System		$ 100.00
~~IS06~~	Security System (card reader)		$ 100.00
~~EL60~~	Temporary Work on Circuses, Carnivals, fairs, Christmas tree lots< fireworks, Tents, Etc.		$ 143.00
~~EL80~~	Ground Wire for Screen Bonding per installation		$ 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		$ 16.00
~~EL26~~	Motors (installation, repair, or replacement)		$ 19.00
~~EL27~~	Air Conditioning and Refrigeration system (new work) per ton		$ 12.00
	EV Charger (Residential)		$ 474.00
	EV Charger (Commercial)		$ 790.00

~~Code~~	**MECHANICAL PERMIT FEE SCHEDULE**	**Building Fee**	
~~AC04~~	**Upfront Fee**		~~$ 104.50~~ $ 88.83
~~AC01~~	Minimum Fee (Residential)		~~$ 104.50~~ $ 88.83
	Minimum Permit Fee (Commercial)		$ 237.00
	A/C and refrigeration including replacement, relocation of equipment, and installation of new equipment		
~~AC05~~	Each ton		~~$ 20.90~~ $ 17.77
~~AC10~~	KW each		~~$ 4.75~~ $ 4.04
~~AC07~~	Drain each		~~$ 7.13~~ $ 6.06
	Commercial A/C Changeout (Per unit)		$ 474.00
	Storage tank for flammable liquids		
~~TK01~~	Per tank		$ 309.00
	~~**Furnace and heating equipment, including commercial dryers, ovens, and other fired objects not elsewhere classified (pool heater, boilers)**~~		
~~AC08~~	~~Per KW~~		~~$ 4.75~~
	Fire Sprinkler System:		$ 316.00
~~FS101~~	~~Per Standpipe~~		~~$ 43.00~~
~~FS102~~	~~Per Sprinkler Head~~		~~$ 2.00~~
~~FS103~~	~~Per hose rack or bob~~		~~$ 19.00~~
~~FS104~~	~~Fire pump~~		~~$ 180.00~~

~~FS105~~	Each 50 feet of underground piping or part thereof		$ 38.00
	Internal Combustion Engines		
~~ME01~~	Stationary		$ 143.00
	Commercial Kitchen Hoods		
~~HO01~~	each		~~$ 236.00~~ $ 316.00
	A/C Roof stands		$ 158.00
	Other fees		
~~FS100~~	Fire chemical halon and spray booths per system		$ 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**		$ 48.00
	BOILERS AND PRESSURE VESSELS:		
~~BO01~~	Boilers less than 837 MBTU, each		$ 167.00
~~BO02~~	Boilers 837 MBTU to 6,695, each		$ 190.00
~~BO03~~	Boilers 6,695 MBTU and up, each		$ 285.00
~~BO10~~	Steam driven prime movers, each		$ 115.00
~~BO12~~	Steam actuated Machinery, each		$ 115.00
~~CP01~~	Unfired pressure vessels (operating at pressure ~~in excess of~~ more than 60 psi and having volume or more than 5 cubic feet, each)		$ 167.00
	FEES FOR PERIODIC INSPECTIONS:		
~~BO04~~	Steam boilers (annual) each		$ 190.00
~~BO05~~	Hot water boilers (annual) each		$ 95.00
~~BO06~~	Unfired pressure vessels (annual) each		$ 95.00
~~BO07~~	Miniature Boilers (annual) each		$ 95.00
~~BO08~~	Certificate of inspection (where inspected by insurance company) each		$ 167.00
~~BO11~~	Shop inspection of boiler or pressure vessels per completed vessel		$ 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 a fee shall be paid to the Building Department, and such permits 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	$ 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	$ 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		$ 998.00
~~EL02~~	New Elevator hydraulic – each		$ 699.00
~~EL03~~	Freight Elevator each		$ 998.00
~~EL04~~	Residential Elevator – each		$ 599.00
~~EL05~~	Escalator		$ 399.00
~~EL06~~	Dumbwaiters each		$ 200.00
~~EL07~~	Wheelchairs lift each		$ 300.00
~~EL08~~	Man Lift each		$ 499.00
~~EL09~~	Conveyors and all other lifting and transporting apparatus (except as otherwise provided) each drive		
~~EL10~~	Major alterations and remodeling of an elevator, first two landings		$ 150.00
~~EL11~~	Each landing thereafter – per floor		$ 15.00
~~EL12~~	Refinish cab interior (no electrical work)		$ 200.00
~~EL13~~	Vertical Conveyor		$ 300.00
~~EL14~~	Key Box each		$ 85.00
	FEES FOR PERIODIC RE-INSPECTIONS:		
~~EL15~~	Dumbwaiters, wheelchair lifts and all other lifting and transporting apparatus Vertical conveyors (Annual inspection per code)		$ 115.00

~~Code~~	**PUBLIC WORKS FEES**	**Building Fee**	
	REVIEW FEES:		
	Minimum Public Works Fee		$ 237.00
~~PB01~~	Review of Plans for Paving and Drainage		$ 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.		$ 200.00
~~PB03~~	For 100 linear feet or less		$ 140.00
~~PB04~~	For each additional 100 linear feet or fraction thereof		$ 45.00
	EXFILTRATION DRAINS:		
~~PB05~~	Consisting of catch basins, exfiltration trench, or slab covered trench for each 100 linear feet or fraction thereof.		$ 380.00
	INSTALLATION OF SITE LIGHTING POLES~~OLS~~:		
~~PB06~~	Initial three poles ~~or down guys for overhead utilities for each pole or down guy~~		~~$ 380.00~~ $ 316.00
	Per pole after initial three		$ 40.00
	COMMUNICATION ANTENNAS (EACH)		$ 632.00
	STREET PAVEMENT:		
~~PB10~~	Construction of street pavements, including paving of parkways and shoulders (including base and sub grade) for one or two lane pavements (max. width 24 feet x 50 linear feet)		$ 229.00
	For each additional 100 linear feet or less		$ 55.00
~~PB11~~	For three or more lanes of pavement (greater than 24 feet) First 100 linear feet or less		$ 340.00
	For each additional 100 feet or fraction thereof		$ 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		$ 115.00
	For each additional 100 linear feet or fraction thereof		$ 30.00
	CURB SEPARATORS:		
~~PB13~~	For each 100 linear feet or less		$ 55.00
	For each additional 100 feet or portion thereof		$ 15.00
	STREET SIGNS:		

~~PB14~~	Erection of street name signs, traffic, or directional signs per sign		$ 15.00
	BRIDGE CONSTRUCTION:		
~~PB15~~	For bridge construction with area less than 100 square feet		$ 1,138.00
	For each additional 100 square feet or fraction thereof		$ 230.00
	BARRICADES (PERMANENT):		
~~PB16~~	Installation of permanent type traffic barricades, guardrails, or guideposts for each 100 linear feet or fraction thereof		$ 85.00
	CULVERTS:		
~~PB17~~	Construction of street or driveway culverts for each 100 linear feet or fraction thereof		$ 115.00
	Installation of culvert pipe to enclose existing drainage ditch or canal for each 100 linear feet or fraction thereof		$ 170.00
	TRAFFIC SIGNALS:		
~~PB18~~	Installation of traffic signals (includes signals, poles, and all incidental wiring and interconnects) for each intersection		$ 1,706.00
	For upgrades or modification of existing signals		$1,138.00
	BUS SHELTER:		
~~PB19~~	For each shelter		$ 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		$ 25.00
	For each additional rack within distance not to exceed ½ mile		$ 10.00
	Fee for placement sticker used to identify permitted rack		$ 5.00
	FENCES/PARKING AREAS:		
~~PB21~~	Review of application for permission to fence within the right of way		$ 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		$ 50.00
	Re-inspection fees for traffic signals		$ 100.00
	Tree Planting inspection fee in right of way per trees		$ 25.00
	PRIVATE PROVIDER DISCOUNT**		
	Village of Palmetto Bay Administrative portion of permit fee:		59.37%
	Private Provider Plan Review and Inspections portion of the permit fee:		40.63%

* Note New residential development shall be excluded from the reduction of building permit fees.

**For Private Provider permits, the administrative percentage will be applied to and subtracted from the permit fee. The remaining permit fee will be discounted by 50% if both Plans Review and Inspection services are used for that application. If either Plans Review or Inspection services, but not both, are used, the permit fee will be discounted by 25%.