

## THE CITY OF KEY WEST PLANNING BOARD STAFF REPORT



**To:** Katie P. Halloran, Planning Director

**From:** Karen DeMaria, Urban Forestry Manager

**Meeting Date:** September 16, 2021

**RE:** Text Amendment of the Land Development Regulations-Section 110-323, Tree Commission and Urban Forestry Manager Fee Schedule

**Request:** **Text Amendment to the Land Development Regulations-** A resolution of the City of Key West Planning board recommending approval of an ordinance to the City Commission to amend Chapter 110 of the Code of Ordinances, entitled "Resource Protection" by amending Section 110-323 entitled "Application" to provide for an application fee for applications to the Tree Commission and Urban Forestry Manager; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

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### Background:

Currently, there is no language in the Land Development Regulations regarding fees for the processing and reviews of applications by the Tree Commission or Urban Forestry Manager, therefore, a text amendment to the Land Development Regulations (LDRs) is needed.

Pursuant to Section 90-487 (b), establishment of fees, charges, and expenses imposed by the Land Development Regulations (LDRs) will be established by Resolution. The fees presented in the attached proposed Fee Schedule (Exhibit A) will establish a reasonable fee schedule to compensate for the necessary time taken by staff to review a Tree Commission application, a development project and facilitation of project through the review process, and building permit application reviews. The Department's goal is to ensure that costs associated with implementing the LDRs are borne by those parties deriving the benefit of such services.

### Proposed Text Amendment

The proposed text amendment to the LDRs is as follows, the additions are underlined and the removals are crossed through:

#### **Sec. 110-323. – Application; Fees.**

All applications for a tree removal permit shall be made to the Urban Forestry Manager. The application shall include an inventory of all existing trees in the area of proposed construction impact, including ingress to and egress from this area. The inventory shall state size, diameter, and species of each tree. In order for the application to be acted upon, it must be signed by the property owner, or a notarized letter from the property owner must be attached to the application designating an authorized agent. The applicant shall be responsible for clearly marking the subject trees on the site with flagging tape.

A fee schedule for all applications to the Tree Commission and /or Urban Forestry Manager shall be established by the City Commission and may be changed by Resolution of the City Commission.

### Land Development Regulations Text Amendment Process

Tree Commission	September 7, 2021
Planning Board	September 16, 2021
City Commission (first reading)	TBA
City Commission (second reading)	TBA
Local Appeal Period	30 days
Render to DEO	10 working days
DEO Notice of Intent (NOI)	
Effective when NOI posted to DEO website	

### Staff Analysis:

The proposed fee schedule will generate necessary funds to cover the staff time required to review each application and project to assure completeness, quality, and compliance with the LDRs and to facilitate projects through the development review process. Staff has determined the time required to process these applications and projects is substantial and this determination has led to the recommendation of a Fee Schedule for the associated applications and reviews (see Exhibit A).

Currently, there are no fees attached to the processing of Tree Commission permit applications, Development Plan Landscape reviews and approval by the Tree Commission and Urban Forestry Manager regarding compliance to Section 108 and Section 110 of the LDRs, or Urban Forestry Manager building permit reviews for compliance to the LDRs. The proposed Ordinance will allow the City of Key West to establish and implement those fees.

The proposed fee schedule was created by reviewing fee schedules for numerous municipalities in the South Florida area (Exhibit B). The actual time required to do the tasks involved was also documented and used as a fee determination and current fees charged by the Planning Department and HARC were also used as a guideline.

Based on the proposed fee schedule (Exhibit A) and reviewing past Tree Commission applications and Urban Forestry Manager reviews, the potential total fee amounts for the 2019 and 2020 years would have been:

	<u>2019</u>	<u>2020</u>
Tree Commission Permitting	\$ 34,770	\$ 20,675
Development Plan Landscape Reviews	\$ 5,900 *does not include per tree fee	\$ 3,000
Building Permit Reviews	\$ 46,350 *median average used for calculation	\$ 47,200
Additional Fees	\$ 3,630	\$ 4,810
<b>TOTAL</b>	<b>\$ 90,650</b>	<b>\$ 75,685</b>

### **Consistency with Land Development Regulations**

The purpose of Chapter 90, Article VI, Division 2 of the Land Development Regulations (the “LDRs”) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) is to provide a means for changing the text of the Land Development Regulations. It is not intended to relieve particular hardships nor to confer special privileges or rights on any person, but only to make necessary adjustments in light of changed conditions. In determining whether to grant a requested amendment, the City Commission shall consider, in addition to the factors set forth in this subdivision, the consistency of the proposed amendment with the intent of the Comprehensive Plan.

Pursuant to Code Section 90-552 the Planning Board, regardless of the source of the proposed change in the LDRs, shall hold a public hearing thereon with due public notice. The Planning Board shall consider recommendations of the City Planner, City Attorney, Building Official and other information submitted at the scheduled public hearing. The Planning Board shall transmit a written report and recommendation concerning the proposed change in the LDRs to the City Commission for official action.

In accordance with Section 90-520, an amendment to the LDRs shall contain the following information:

- (6) *Justification. The need and justification for the proposed change shall be stated. The evaluation shall address but shall not be limited to the following issues:*
  - a. *Comprehensive plan consistency. Identifying impacts of the proposed change in zoning on the comprehensive plan. The zoning must be consistent with the comprehensive plan:* This request does not impact zoning but would provide enhanced services consistent with the mission and vision of the City and ensure consistency with the LDRs.
  - b. *Impact on surrounding properties and infrastructure. The effect of the change, if any, on the particular property and all surrounding properties. Potential land use incompatibility and impacts on infrastructure shall be identified:* Not applicable to this request.
  - c. *Avoidance of spot zoning:* Not applicable to this request.
  - d. *Undeveloped land with similar zoning:* Not applicable to this request.

### **Recommendation**

The Planning Department based on criteria established in the Comprehensive Plan and the Land Development Regulations, recommends to the Planning Board that the request to amend the Land Development Regulations, Chapter 110 of the Code of Ordinances, entitled “Resource Protection”, amending Section 110-323 entitled “Application” to provide for an application fee for applications to the Tree Commission and Urban Forestry Manager, be **approved**.



**PROPOSED TREE COMMISSION AND URBAN FORESTRY MANAGER FEE  
SCHEDULE, CITY OF KEY WEST, FLORIDA•**

1300 White Street • Key West, Florida 33040 • 305-809-3725 • [www.cityofkeywest-fl.gov](http://www.cityofkeywest-fl.gov)

<b>Application Type</b>	<b>Fees</b>
<b>Tree Commission Permitting</b>	
Residential Staff Approval application base fee	\$ 20.00
Multifamily/Condo/HOA Staff Approval application base fee	\$ 30.00
Commercial Staff Approval application base fee	\$ 40.00
*add for each Palm rootball removal (per palm)	\$ 10.00
*add for each Palm trunk maintenance trim (per palm)	\$ 5.00
*add for Palm transplant (per palm)	\$ 5.00
*add for palm permit trimming using spikes	\$ 10.00
*add for each dicot tree-maintenance trim (per tree)	\$ 25.00
*add for each dicot tree transplant (per tree)	\$ 20.00
*add for each dicot tree removal-Tree Commission Review (per tree)	\$ 50.00
*add for Emergency Permit Processing (flat fee-no per tree/palm fee)	\$ 30.00
Permit Extension: reissuance of permit w/new number (flat fee)	\$ 50.00
Permit for Approved Development Plans (flat fee)	\$ 30.00
Permit Close out Inspection (each inspection-flat fee)	\$ 10.00

**Fees Not To Exceed a Total of \$100.00 for Residential, \$150 for Multifamily/Condo/HOA, and \$200 for Commercial Applications**

<b>Development Plan Landscape Plan Review</b>	
Basic Plan review/Pre-Application Conference	\$ 100.00
Major and Minor Development Plan Reviews:	
Conceptual Plan Review Approval-Base Fee	\$ 400.00
*add for each palm removal (per palm)	\$ 20.00
*add for each dicot/canopy and palm transplant (per tree/palm)	\$ 25.00
*add for each dicot/canopy tree removal (per tree)	\$ 30.00
Final Landscape Plan Review Approval-Tree Commission Flat Fee	\$ 300.00
Final Landscape Plan Review Approval-Staff Approval Flat Fee	\$ 150.00
Landscape Inspection (each inspection)	\$100.00
Right of way Review	\$ 50.00

CITY OF KEY WEST, FLORIDA • TREE COMMISSION AND URBAN FORESTRY MANAGER  
 FEE SCHEDULE

**Building Permits Application Review Fee – Based on Construction Cost**

Costs less than \$2,500	\$ 25.00
Costs \$2,501 - \$15,000	\$ 50.00
Costs \$15,001 - \$25,000	\$ 75.00
Costs \$25,001 - \$50,000	\$ 100.00
Costs more than \$50,001 – \$350.00 plus \$35.00 per additional 20,000 or fraction of	

**Additional Fees**

Endangered Species Assessment Reviews	\$ 200.00
Enforcement Case Processing Fee	\$ 250.00
Close out inspection	\$ 50.00
Environmental Assessment and Biological Reviews (per hour)	\$ 60.00

**All Fees Will be Double for All After The Fact Projects**

**All Fees are Non Refundable**

AREA	SINGLE FAMILY	MULTI-FAMILY	COMMERCIAL	ATF	INSPECTION/OTHER
Lee County	\$30 plus \$1 per tree (not to exceed \$25 for trees)	\$30 plus \$1 per tree (not to exceed \$25 for trees)	\$30 plus \$1 per tree (not to exceed \$25 for trees)	x2	\$60 reinspection fee
Miami Dade	\$63 plus \$12 per tree (not to exceed \$320 for trees)	\$80 plus \$12 per tree (not to exceed \$395 for trees)	\$105 plus \$12 per tree (not to exceed \$660 for trees)	x2	*Environmental Assessment Fee \$690 *\$35 inspection fee
Miami Beach	\$190 (plan review)	\$235 (plan review)	\$280 (plan review)	x2	*permit extensions pay 1/2 the original application fee *\$91 inspection fee plus \$25 per tree
Ft. Lauderdale	?	\$170 plus \$25 per tree	\$170 plus \$25 per tree	x4	Landscape application fee \$90
Broward County	\$75 base fee plus \$25 per tree (if tree <18"dbh)	\$100 plus \$25 per tree (if tree <18"dvh)	\$150 plus \$25 each tree (if tree <18" dbh)	x2 or x4	
Hollywood	\$36 per tree		\$122 processing and \$36 each tree		*tree removed without a permit is a fee of \$105 per tree plus processing fee
Hillsborough	\$81.65 Application fee				
St. Petersburg	\$25 initial inspection fee then \$25 permit fee	\$35 permit fee for first tree then \$10 for each additional tree	\$35 permit fee for first tree then \$10 for each additional tree		
Sarasota	\$30 permit fee plus \$5 for each tree		plus \$20 per tree (non residential)		plus \$100 for each grand tree removed
Monroe County					*\$66 tree & landscape fee if <\$5,000 *\$194 tree & landscape fee if >\$5,000 *\$60 per hour Biologist review *\$280 Biologist site visit *\$140 Endangered species review