

RESOLUTION NO. 13-056

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AN ADJUSTMENT TO CITY OF KEY WEST PLANNING DEPARTMENT FEES; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 90-487 of the Code of Ordinances allows the City Commission to establish fees, charges and expenses imposed by the Land Development Regulations by resolution; and

WHEREAS, the City Commission finds that an adjustment to the Planning Department Fee Schedule is necessary to ensure that costs associated with implementing the Land Development Regulations are borne by those parties deriving the benefit of such services; and

WHEREAS, the City Commission finds the proposed fees are commensurate with anticipated costs.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the fees specified in the memorandum from Planning Director, dated September 21, 2012 (attached "Exhibit A"), are hereby approved.

Section 2: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 20th day of February, 2013.

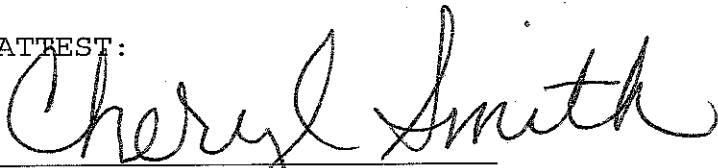
Authenticated by the presiding officer and Clerk of the Commission on February 20, 2013.

Filed with the Clerk February 21, 2013.



CRAIG CATES, MAYOR

ATTEST:



CHERYL SMITH, CITY CLERK

EXECUTIVE SUMMARY



To: Bogdan Vitas, City Manager
Through: Donald Leland Craig, AICP, Planning Director
From: Donald Leland Craig, AICP Planning Director
Meeting Date: February 20, 2013
RE: New HARC Fees and Revised Planning Department Fees

ACTION STATEMENT:

Request: Amending City Commission Resolution 08-196 to reflect the proposed revised Planning Department fees and addition of new HARC fees for applications processed by the Planning Department.

Location: City wide

BACKGROUND: As a part of the city budget discussion this past summer, the City Commission approved in concept the use of a fee for applications to HARC. The adopted budget assumed that HARC fees would be received but discounted the anticipated total amount by 50% to account for delays in fee collections, implementation, and possible inaccuracies in the projected number and type of applications. Since the budget discussions, Planning and HARC staff have analyzed the types of HARC permits processed, the amount of staff time required for review, processing and inspection. Based on this analysis and the historically high number of HARC applications which never result in a subsequent permit (between 30 and 40%) the new fees have been proposed.

The number of HARC applications processed has increased 37% over three years, 1304 in FY 09-10 vs. 2073 FY 11-12, indicating a strengthening economy. However, staff resources for processing applications have not increased. The addition of a fee may engender thoughtful rather scattershot applications.

Planning fees were also analyzed by the Planning staff to determine whether as presently constituted are appropriate. Planning fees were last updated in 2008. Rather than propose an across the board fee increase reflective of the rise in Consumer Price Index (CPI), staff has focused on fees that are non-existent for applications or services actually provided, and fees that are grossly small in relationship to the amount of work provided by staff. Also new Planning fees are proposed to account for the fact that in mid-2013, new Building Permit Allocations will be available and applications for obtaining such must be processed. The proposed fee schedule was reviewed with the Planning Board which endorsed all of the proposed changes.

The attached existing fee schedule has been modified to illustrate the revised and new fees, inclusive of HARC fees. Existing HARC fees are changed only at the time of actual building permit and again account for only 60-70% of the permits actually reviewed by the HARC Planner and HARC Commission. The fees are based on the value of the building permit, and are:

Table 1 – HARC Fee Schedule

Residential painting	\$ 10.00
Construction / Alterations / Repairs:	
Less than \$2,500	\$ 25.00
\$2,501 - \$15,000	\$ 50.00
\$15,001 - \$25,000	\$ 100.00
\$25,001 - \$50,000	\$ 125.00
\$50,001 - \$100,000	\$ 150.00
\$100,001 - \$200,000	\$ 200.00
\$200,001 - \$300,000	\$ 250.00
\$300,001 - \$400,000	\$ 300.00
\$400,001 - \$500,000	\$ 400.00
\$500,001 - \$1,000,000	\$ 500.00
\$1,000,000 or more	\$1,000.00
Demolitions	\$ 50.00

The new proposed HARC application fees to offset the cost of staff and HARC review, advertising, and meetings are the following:

Minor Project	\$ 50.00
Major Project	\$ 100.00
Inspection Fee	\$ 25.00

A Minor project is one that involves fencing, a minor alteration or addition, change of windows, etc. No application fee will be charged for residential painting. A Major project is one which involves a new commercial or residential structure(s), major additions, major remodelings, demolitions and structure relocations.

Previous City Actions: The City Commission approved the concept of HARC fees in the 2012-2013 budget. The City Commission approved Resolution 08-196 setting the present Planning Department fees, which did not include a fee for initial HARC applications.

Planning Staff Analysis: See background statement above. In addition it is staff's observation that the City needs to recover a portion, not all, of the costs of providing planning services provided to citizens recognizing that the Planning Department is not a self-funding enterprise district or cost center.

Options/Advantages/Disadvantages:

Option 1: Approve the revised Planning Department fees and new HARC fees.

1. **Consistency with the City's Strategic Plan, Vision, and Mission:** This action would provide enhanced services consistent with mission and vision of the City
2. **Financial Impact:** There will be a direct positive impact to the City by providing better recovery of the costs of providing personnel for the Planning and HARC function to serve citizens.

Option 2: Do not approve the change in Planning Department fees and addition of new HARC fees.

1. **Consistency with the City's Strategic Plan, Vision, and Mission:** This action would not be consistent with providing cost effective services for the citizens wherein the applicant for a discretionary service pays for that privilege.
2. **Financial Impact:** There would continue to be a negative impact on the fiscal health of the City in that fees are not collected for professional services provided.

Attachments:

1. **Draft resolution approving revised fee schedule**
2. **Proposed Fee Revision Schedule**
3. **City Commission Resolution 08-196**
4. **2011-2012 HARC Year End Report**

Recommendation

The Planning Department recommends **approval** of amending City Commission Resolution 08-196 to implement revised Planning Department fees and setting new HARC fees.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, APPROVING AN UPDATE TO THE CITY OF KEY WEST PLANNING DEPARTMENT FEES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 90-487 of the Code of Ordinances allows the City Commission to establish fees, charges and expenses imposed by the Land Development Regulations by resolution; and

WHEREAS, the City Commission finds that updates to the Planning Department Fee Schedule are warranted to ensure that costs associated with implementing the Land Development Regulations are borne by those parties deriving the benefit of such services; and

WHEREAS, the City Commission finds the proposed fees are commensurate with anticipated costs.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF KEY WEST, FLORIDA, AS FOLLOWS:


Section 1. Fees and Rates. An adjustment be made to the Key West Planning Department fees in accordance with Exhibit "A".

Section 2. Effective Date. That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 01 day of July, 2008.

Authenticated by the presiding officer and Clerk of the Commission on July 2, 2008.

Filed with the Clerk July 2, 2008.


Mark Rossi, Vice-Mayor

ATTEST:


CHERYL SMITH, CITY CLERK

**Exhibit A
City of Key West Planning Department
Schedule of Fees**

Process	Current Fee	Proposed Change
Fire Department Review Fee	\$50	
\$50		
Advertising and Noticing Fee for all Applications	\$100	
When a development project includes workforce housing, the portion of the application fee due to the workforce housing component shall be 50%.		
Pre-Application Conferences	\$0	
Condominium Acknowledgement Letters	\$400	
Determination of Lawful Unit (BPAS/ROGO)	N/A	\$400
Zoning Verification Letters/Buildback Letters	\$400	
Outdoor Display Application	\$400	\$100
Re-notice fee for projects tabled for a third time at the request of the applicant.	\$600	
Appeals to the Board of Adjustment or City Commission	\$150	\$1,000
Request for a Beneficial Use Building Permit Allocation	N/A	\$500
Request for a Building Permit Allocation (ROGO)	N/A	\$500
Development Agreement by itself	\$5,000	7,000
Development Agreement as part of a Conditional Use	\$2,000	DELETE
Preliminary Consideration by Commission of Development Agreement	N/A	\$500
Major Development Plan w/ or w/out Conditional Use	\$3,500	
Minor Development Plan in the Historic District w/ or w/out Conditional Use	\$2,500	
Minor Development Plan outside the Historic District w/ or w/out conditional Use	\$2,000	
Conditional Use as part of a development plan review	N/A	\$1,000
Only a Conditional Use inside or outside the Historic District	\$2,000	
Conditional Use Extension not part of a Development Plan	N/A	\$400
Minor Deviation to Development Plan	\$400	
Major or Minor Development Plan or Conditional Use Extension	N/A	\$400
Lot Split/Subdivision Waiver	\$400	\$500
Minor Subdivision	\$2,000	
Preliminary Plat for Major Subdivision	\$3,500	
Final Plat for Major Subdivision	\$2,000	
Reimburse Planning Department for special studies required for review of any type of application.	100%	
Variances, any amount of issues	\$1,000	
After the fact variances	\$2,000	
Extension of variances	N/A	\$400
Change in Non-conforming Use	\$1,000	
Verification of Planning Directors Decision	\$400	
Transfer of Transient Unit, Transient License, Building Permit Allocation (ROGO), or Development Rights	\$2,000	
Right-of-way Vacation	\$1,000	
Each additional vacation for same parcel	\$400	
Easement	\$1,000	
Each additional for same parcel	\$400	
Comprehensive Plan Amendment Request	N/A	\$5,000
Land Development Regulation Amendment Request	N/A	\$5,000

**City of Key West Planning Department
Schedule of Fees**

As Adopted by the City Commission July 1, 2008, Resolution 08-196

Process	Fees
Fire Department Review Fee	\$50
Advertising and Noticing Fee for all Applications	\$100
When a development project includes workforce housing, the portion of the application fee due to the workforce housing component shall be 50%.	
Pre-Application Conferences	\$0
Condominium Acknowledgement Letters	\$400
Determination of Lawful Unit (BPAS/ROGO)	\$400
Zoning Verification Letters/Buildback Letters	\$400
Outdoor Display Application	\$100
Re-notice fee for projects tabled for a third time at the request of the applicant.	\$600
Appeals to the Board of Adjustment or City Commission	\$1,000
Request for a Beneficial Use Building Permit Allocation	\$500
Request for a Building Permit Allocation (ROGO)	\$500
Development Agreement by itself	\$7,000
Preliminary Consideration by Commission of Development Agreement	\$500
Major Development Plan w/out Conditional Use	\$3,500
Minor Development Plan in the Historic District w/out Conditional Use	\$2,500
Minor Development Plan outside the Historic District w/out Conditional Use	\$2,000
Conditional Use as part of a development plan review	\$1,000
Only a Conditional Use inside or outside the Historic District	\$2,000
Conditional Use Extension not part of a Development Plan	\$400
Minor Deviation to Development Plan	\$400
Major or Minor Development Plan or Conditional Use Extension	\$400
Lot Split/Subdivision Waiver	\$500
Minor Subdivision	\$2,000
Preliminary Plat for Major Subdivision	\$3,500
Final Plat for Major Subdivision	\$2,000
Reimburse Planning Department for special studies required for review of any type of application.	100%
Variances, any amount of issues	\$1,000
After the fact variances	\$2,000
Extension of variances	\$400
Change in Non-conforming Use	\$1,000
Verification of Planning Directors Decision	\$400
Transfer of Transient Unit, Transient License, Building Permit Allocation (ROGO), or Development Rights	\$2,000
Right-of-way Vacation	\$1,000
Each additional vacation for same parcel	\$400
Easement	\$1,000
Each additional for same parcel	\$400
Comprehensive Plan Amendment Request	\$5,000
Land Development Regulation Amendment Request	\$5,000

EXECUTIVE SUMMARY



To: Jim Scholl, City Manager
From: Amy Kimball Murley, Planning Director
Date: July 1, 2008
RE: Planning Department Fee Schedule
Proposed Updates

ACTION STATEMENT

Request: Update fees for Planning Department Services per Section 90-487 of the Land Development Regulations
Location: Citywide

BACKGROUND

Section 90-487 of the City's Code of Ordinances allows the City Commission to establish "fees, charges, and expenses" related to the imposition of the Land Development Regulations. Over the last six months it has become clear that the Department is not recovering its actual costs for certain activities relating to site specific application of the Land Development Regulations. Therefore, updates to fees as well as clarification and/or addition of fee structures for some activities are proposed. These fees are generally in alignment with fees charged by other local governments in Monroe County, and are based on estimates of time expenditures and indirect expenses incurred by staff for typical application procedures.

Specific areas targeted by these fee schedule changes include the following:

- **Determination of Lawful Unit under the Building Permit Allocation System (also known as the Rate of Growth Ordinance or "ROGO"):** This activity is generally covered under "Zoning Verification Letters/Buildback Letters" fee; however, in the past the Department has not charged for this type of determination nor have applicants been clearly appraised of fees, perhaps in part because the fee title is unclear. Because the Department typically invests considerable time and effort in making these determinations (including site visits, records research, and preparation of letters), and because these determinations can have significant value to applicants, it is important that the fee be clearly defined.
- **Outdoor Display:** Section 106-52 (3) sets this fee specifically at \$100; fee changes must occur by ordinance for this item. Therefore, the Planning Department fee has been reduced to bring this fee into alignment with the fee as currently stipulated in the code.
- **Appeals:** This fee is not adequate for the Department and legal team to recover its actual costs for file review, preparation of testimony, and hearing attendance.

- Request for a Building Permit Allocation System Beneficial Use Determination: There is currently no fee for this activity although it involves considerable time and effort by the Planning Department as well as coordination with the Legal Department.
- Request for a Building Permit Allocation (ROGO): The Department has experienced an increase in requests for workforce housing allocations. Considerable time and effort is involved in making a conditional allocation, including site plan review, coordination with the Legal Department, and preparation of allocation letters. In addition, the Legal Department typically prepares and transmits and reviews draft deed restrictions for units. (Note: Only half of this fee is charged per the general provision for workforce housing fee discounting).
- Preliminary Consideration of a Development Agreement: No fee for this activity is now included. However, the Department must prepare a staff report and attend public meetings. Therefore, a fee is warranted.
- Development Agreement: The processing and review of Development Agreements is expected to become more frequent. Existing fees do not appear adequate to encompass extensive application and draft agreement review, legal team review, and attendance at three public hearings. Therefore, a fee increase is warranted.
- Development Agreement Requests: The LDRs provide for a preliminary consideration by the City Commission of Development Agreements; however, there is no fee associated with this activity (although there is a fee for the Development Agreement Application itself). These applications require time and consideration by staff. In addition, the Department is experiencing more requests for Development Agreements.
- Deletion of Conditional Use Fee Exemption: There is currently no charge for conditional use approvals which are part of development plan approval requests. However, conditional use review involves a separate set of criteria and additional staff time is expended on project review and report preparation. Therefore, this exemption has been deleted and a fee for Conditional Use review as part of another plan review has been provided.
- Major or Minor Development Plan or Conditional Use Extension: No fee for extension of approvals is now included. However, the Department must prepare a staff report, advertise items, and attend public meetings for each item. Therefore, a fee is warranted.
- Lot Splits: The current fee inadequately addresses the staff time necessary to review a lot split, coordinate with other departments as required by the code, and draft an approval letter.
- Extension of Variances: No fee for extension of variances is now included. However, the Department must prepare a staff report and attend public meetings for each item. Therefore, a fee is warranted.
- Comprehensive Plan and Land Development Regulation Requests: There is not currently a fee for either of these items. These types of amendments are time consuming and involve multiple public meetings. Therefore, a fee is warranted.

A fee schedule showing existing and proposed fees is attached to the draft resolution.

Options / Advantages / Disadvantages:

Option 1. Approve the fee updates.

1. **Consistency with the City's Strategic Plan, Vision and Mission:** This action would provide enhanced services, consistent with the mission and vision of the city.
2. **Financial Impact:** This will have a positive direct financial impact to the city by providing better compensation for staff time spent on specific requests.

Option 2. Do not approve the request and require the applicant to use existing approvals for the project.

1. **Consistency with the City's Strategic Plan, Vision and Mission:** This action would not provide enhanced services, consistent with the mission and vision of the city.
2. **Financial Impact:** There a negative financial impact to the city.

STAFF RECOMMENDATION

Option 1. Approval of the fee updates.

**City of Key West
Planning Department
DRAFT Schedule of Fees**

	<u>Existing</u>	<u>Proposed</u>
Minor Development Plan		
Historic District	\$2,500	\$2,500
Outside Historic District	\$2,000	\$2,000
Conditional Use	\$1,000	\$1,000
Extension	\$400	\$400
Major Development Plan	\$3,500	\$3,500
Conditional Use	\$1,000	\$1,000
Extension	\$400	\$400
Minor Deviation to Development Plan	\$400	\$400
Major Deviation to Development Plan	\$0	\$1,000
Development Agreement	\$7,000	\$7,000
Preliminary Consideration by City Commission	\$500	\$500
Conditional Use Inside/Outside Historic District	\$2,000	\$2,000
Extension (not part of a development plan)	\$400	\$400
Variance (any amount of issues)	\$1,000	\$1,000
After-the-Fact	\$2,000	\$2,000
Extension	\$400	\$400
Easement	\$1,000	\$2,000
Each additional for same parcel	\$400	\$400
Right-of-way Vacation	\$1,000	\$1,000
Each additional vacation for same parcel	\$400	\$400
Special Exception to Alcohol Sales	\$2,000	\$2,000
Outdoor Display	\$100	\$100
Determination of Lawful Unit (BPAS/ROGO)	\$400	\$1,000
Zoning Verification Letters/Buildback Letters	\$400	\$400
Beneficial Use Building Permit Allocation	\$500	\$500
Building Permit Allocation (ROGO)	\$500	\$1,000
Transfer of Transient & License, Building Permit Allocation (ROGO) or Development Rights	\$2,000	\$2,000
Lot Split / Subdivision Waiver	\$500	\$500
Minor Subdivision	\$2,000	\$2,000
Condominium Acknowledgement Letter	\$400	\$400
Preliminary Plat for Major Subdivision	\$3,500	\$3,500
Final Plat for Major Subdivision	\$2,000	\$2,000
Change of Non-Conforming Use	\$1,000	\$1,000
Appeals to the City Commission/Board of Adjustment	\$1,000	\$1,000
Comprehensive Plan Amendment Request	\$5,000	\$5,000
Land Development Regulation Amendment Request	\$5,000	\$5,000
Habitat Evaluation	\$0	\$50
Additional Fees		
Pre-application Conferences	\$0	\$250
Fire Department Review Fee for all applications	\$50	\$50
Advertising and Noticing Fee for all applications	\$100	\$100
Re-notice of projects tabled for a 3rd time at applicant's request	\$600	\$600
Verification of Planning Director's Decision	\$400	\$400
Planning Department Inspections	\$0	\$250

When a development project includes workforce housing, the portion of the application fee due to the workforce housing component shall be 50%.

Planning Department will be reimbursed 100% of cost for special studies required for review of any type of application.

City of Key West
Planning Department
DRAFT Schedule of Fees
Page 2 of 2

	<u>Existing</u>	<u>Proposed</u>
HARC		
Minor Project	\$0	\$50
Major Project	\$0	\$100
Inspection Fee	\$0	\$25
Residential Painting	\$0	\$10
Demolitions	\$0	\$50
HARC Construction / Alterations / Repairs		
Less than \$2,500	\$0	\$25
\$2,501 - \$15,000	\$0	\$50
\$15,001 - \$25,000	\$0	\$100
\$25,001 - \$50,000	\$0	\$125
\$50,001 - \$100,000	\$0	\$150
\$100,001 - \$200,000	\$0	\$200
\$200,001 - \$300,000	\$0	\$250
\$300,001 - \$400,000	\$0	\$300
\$400,001 - \$500,000	\$0	\$400
\$500,001 - \$1,000,000	\$0	\$500
\$1,000,000 or more	\$0	\$1,000

**HISTORIC ARCHITECTURAL REVIEW
COMMISSION
END OF THE YEAR REPORT
2011-12**

PLANNING DEPARTMENT
CITY OF KEY WEST

ACHIEVEMENTS

- Approval of Ordinance 12- 07 for new guidelines on solar energy collectors and other energy devices approved by the City Commission on May 2, 2012.
- Revision of the LDRs for changes in the demolition ordinance. Ordinance 12-14 was approved by the City Commission on June 5, 2012.

ACHIEVEMENTS

- Completion of two grants awarded by the State Historic Preservation Office:

New Survey of Historic buildings in the entire city.

Celebration of the National Historic Preservation Month.

CERTIFICATE OF APPROPRIATENESS REVIEW- STATISTICS

- During the fiscal year of 2011-12 the Planning Department received **2,073*** Certificates of Appropriateness;
- **1,978** applications were approved, from which
- **134** applications were reviewed by the Commission
- **20** applications were denied
- **6** applications were appealed,
 - **3** appeals were denied. Special Magistrate upheld HARC decision
 - **1** appeal still pending due continuance request
 - **2** appeals were withdrawn by the applicants

***95 applications were voided, postponed or withdrawn by the applicant**

CERTIFICATE OF APPROPRIATENESS REVIEW- STATISTICS

- In 2011-12 Fiscal Year Staff approved **1,878** Certificates of Appropriateness or **90.5%**.
- During the Fiscal Year HARC held **23** public meetings and **2** workshops. Staff prepared reports and packages for all public meetings.
- During 2011-12 Fiscal Year there was an increase of **19.3%** of Certificates of Appropriateness if compare to 2010-11 Fiscal Year (**336** more applications)
- During 2011-12 Fiscal Year there was an increase of **55.7%** of Certificates of Appropriateness if compare to 2009-10 Fiscal Year (**733** more applications)

CERTIFICATE OF APPROPRIATENESS
REVIEW
421 VIRGINIA STREET

Before



SOUTHWEST ELEVATION (PENDING)

After



CERTIFICATE OF APPROPRIATENESS REVIEW 421 VIRGINIA STREET

Before



SOUTHEAST ELEVATION (FRONT) - BEFORE

After



CERTIFICATE OF APPROPRIATENESS
REVIEW
1319 DUVAL STREET

Before



After



CERTIFICATE OF APPROPRIATENESS
REVIEW
730 SOUTHARD STREET

Before

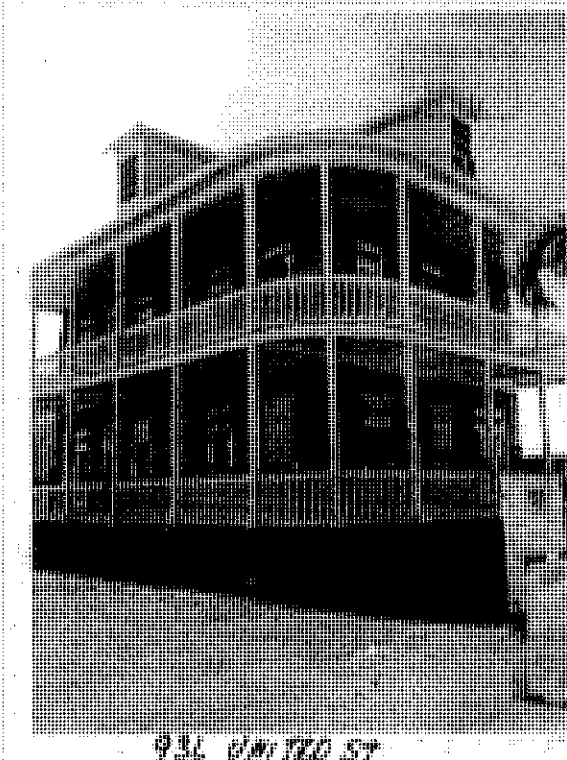


After



CERTIFICATE OF APPROPRIATENESS
REVIEW
936 UNITED STREET

Before

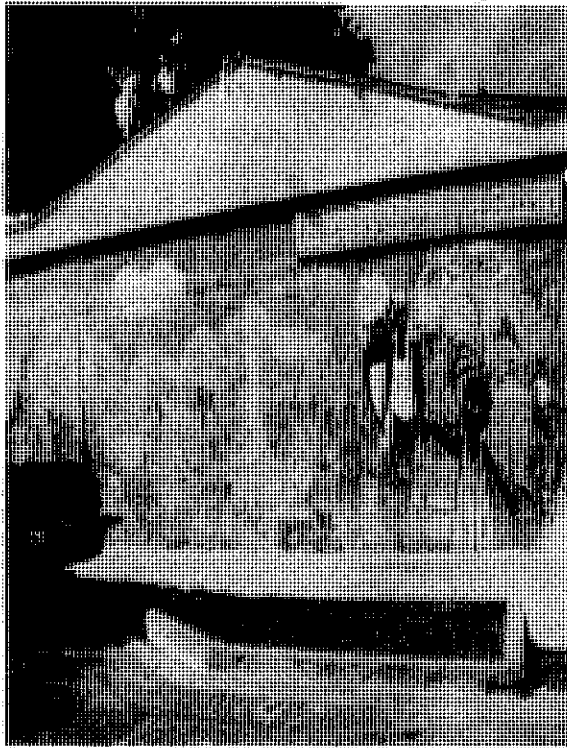


After



CERTIFICATE OF APPROPRIATENESS
REVIEW
227 PETRONIA STREET

Before



After



CERTIFICATE OF APPROPRIATENESS
REVIEW
1016 JAMES STREET

Before



After



CERTIFICATE OF APPROPRIATENESS
REVIEW
1016 JAMES STREET

Before



After



GOALS FOR 2013

- Revise Ordinance and guidelines for signage.
- Draft ordinance for preventing demolition by neglect.
- Revise Guidelines for cbs structures.
- Adoption of proposed new boundaries for the Historic District as recommended in the 2011 Historic Structures Survey.
- New Certificate of Appropriateness application forms.
- Application fees.

HISTORIC ARCHITECTURAL REVIEW
COMMISSION
END OF THE YEAR REPORT
2011-12

HISTORIC PRESERVATION PLANNER
PLANNING DEPARTMENT
CITY OF KEY WEST