

RESOLUTION NO. 08-196

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	
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**

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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.