**RESOLUTION NO. 21-182**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AN AMENDMENT TO THE CITY OF KEY WEST PLANNING DEPARTMENT FEE SCHEDULE BY ADDING ADDITIONAL FEES, AMENDING CURRENT FEES, AND MODIFYING THE DESCRIPTION OF CERTAIN FEES; PROVIDING FOR ANNUAL FEE ADJUSTMENT; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Section 90-487 (b) 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 Planning Department Fees were last adjusted in 2020 by Resolution 20-188; and

WHEREAS, the Planning Department has found that the reformation of the established fee-schedule is paramount; and

WHEREAS, the reclassification of certain fees is necessary to better align the fee classifications with the Land Development Regulations; and

WHEREAS, the adjustment of certain fees is necessary to better align the amount of time taken by staff to comprehensively review certain projects and to facilitate the project through the development review process; and

WHEREAS, the City Commission finds that an amendment to the Planning Department Fee Schedule, to include the reclassification of certain fees and the adjustment certain fee costs 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; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1: That the proposed Planning Department Fee Schedule is hereby approved as follows:

| *Application Type* | *Fees* |
|---|---|
| Administrative Variance | $ 1,575.00 |
| After-the-Fact | $ 3,150.00 |
| Alcohol Sales Special Exception | $ 2,205.00 |
| Appeals to the City Commission/Board of Adjustment | $ 2,100.00 |
| Beneficial Use Determination | $ 525.00 |
| Building Permit Allocation System (BPAS) AFFORDABLE HOUSING | |
| First Unit | $ 525.00 |
| Each Unit 2 through 10 | $ 500.00 |
| Each Unit 11 through 20 | $ 475.00 |
| Each Unit 21+ | $ 450.00 |
| Building Permit Allocation System (BPAS) MARKET RATE | |
| First Unit | $ 1,155.00 |
| Each Unit 2 through 10 | $ 1,100.00 |
| Each Unit 11 through 20 | $ 1,050.00 |
| Each Unit 21+ | $ 1,000.00 |
| Building Permit Allocation System (BPAS) Affordable Early Evac Pool | |
| First Unit | $ 525.00 |
| Each Unit 2 through 10 | $ 500.00 |
| Each Unit 11 through 20 | $ 475.00 |
| Each Unit 21+ | $ 450.00 |
| Change of Nonconforming Use | $ 1,260.00 |
| Conditional Use | $ 2,625.00 |
| Extension (not part of a development plan) | $ 525.00 |
| Development Agreement | $ 8,400.00 |
| Modification/Revision | $ 4,200.00 |
| Preliminary Consideration by City Commission | $ 525.00 |
| Development Plan | |
| Minor: | |
| Within Historic District | $ 2,835.00 |
| Outside Historic District | $ 2,205.00 |
| Conditional Use | $ 1,155.00 |
| Extension | $ 525.00 |
| Major: | $ 3,885.00 |
| Conditional Use | $ 1,155.00 |
| Extension | $ 525.00 |
| Administrative Modification | $ 800.00 |
| Minor Modification | $ 1,575.00 |
| Easement | $ 2,205.00 |
| Each additional for same parcel | $ 525.00 |

| | |
|---|---|
| Lawful Unit Determination (BPAS exemption) | $ 2,100.00 |
| Each additional for same parcel | $ 500.00 |
| Map Amendment (FLUM & Zoning) | $ 7,350.00 |
| Pre-Application Conference | $ 288.75 |
| Revocable License | $ 735.00 |
| Right-of-Way Vacation | $ 1,155.00 |
| Each additional vacation for same parcel | $ 525.00 |
| Subdivision | |
| Minor Subdivision | $ 2,205.00 |
| Preliminary Plat for Major Subdivision | $ 3,885.00 |
| Final Plat for Major Subdivision | $ 2,205.00 |
| Text Amendments | |
| Comprehensive Plan | $ 5,775.00 |
| Land Development Regulation | $ 5,775.00 |
| Transfer of Transient Unit & License | |
| or Development Rights | $ 4,200.00 |
| Variance | $ 2,100.00 |
| After-the-Fact | $ 4,200.00 |
| Extension | $ 525.00 |
| Verification Letters | |
| Build-back | $ 525.00 |
| Condo Conversion Acknowledgement | $ 525.00 |
| Verification of Planning Director's Decision | $ 525.00 |
| Unassigned Units Determination | No Fee |
| Zoning Verification Letter | $ 525.00 |
| 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 | $ 250.00 |
| Costs $25,001 - $50,000 | $ 350.00 |
| Costs more than $50,001 – $350.00 plus $35.00 per additional $20,000 or fraction of | |
| ***Additional Fees*** | |
| **All Applications** | |
| **Fire Department Review Fee** | **$ 105.00** |
| Other Fees | |
| Re-notice of projects tabled for a 3rd time at applicant's request | $ 735.00 |
| Planning Department Building Permit Inspection | $ 25.00 |
| Additional Planning Department Building Permit Inspection | $ 35.00 |
| Planning Department Inspections | $ 288.75 |
| Other Approved Projects Extension Requests | $ 525.00 |

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

Any Major or Minor Development Plan returned to the Planning Board after initial approval will require a new application fee equivalent to one-half of the current fee schedule

**Items in Blue are proposed additions*

Section 2: That the updated Planning Department Fee Schedule shall increase by 5% annually, to become effective on October 1, 2022, and each year thereafter, until or unless amended by Resolution to the City Commission

Section 3: 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 City Commission

Passed and adopted by the City Commission at a meeting held on this 14th day of September 2021.

Authenticated by the presiding officer and Clerk of the Commission on 15th day of September, 2021.

Filed with the Clerk September 15, 2021.

| | |
|---|---|
| Mayor Teri Johnston | Yes |
| Vice Mayor Sam Kaufman | Yes |
| Commissioner Gregory Davila | Yes |
| Commissioner Mary Lou Hoover | Yes |
| Commissioner Clayton Lopez | Yes |
| Commissioner Billy Wardlow | Yes |
| Commissioner Jimmy Weekley | Yes |

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK

**EXECUTIVE SUMMARY**

| | |
|---|---|
| **To:** | Patti McLauchlin, City Manager |
| **Through:** | Katie P. Halloran, Planning Director |
| **From:** | Daniel Sobczak, AICP-C, Planner II |
| **Meeting Date:** | September 1st, 2021 |
| **RE:** | Amendment to Planning Department Fee Schedule |
| **Request:** | Approve a Resolution to revise the Planning Department Fee Schedule to add additional fees, amend current fees, and reclassify certain fees; providing for annual fee adjustment; providing for an effective date. |

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**BACKGROUND:**

Pursuant to Section 90-487 (b), establishment of fees, charges, and expenses imposed by the Land Development Regulations (LDRs) will be established by Resolution. On January 7, 2014, the City Commission approved Resolution 14-014, amending Planning Department fees to introduce a fee for administrative variance and to clarify the fee costs for affordable/workforce housing waivers. On November 6, 2019 the City Commission approved Resolution 19-339, updating fee costs for the Planning Department due to the introduction of simultaneous plan review, a change to BPAS costs to more accurately reflect the importance of each BPAS unit, and an increase to advertising fees to equate to an increase in material costs and the increasing costs of noticing in the local paper. The change in 2019 did not take into account the Planning Departments portion of simultaneous plan review, but rather introduced a fee for Fire Department Review. On October 6, 2020 the City Commission approved Resolution 20-188, amending Planning Department fees to include Planning's role in simultaneous plan review by introducing fees for plan review based on construction costs.

The change in fees presented in the attached proposed Planning Department Fee Schedule will reclassify certain fees to align the fee classifications with the LDRs and adjust fee costs to better align fees with the necessary time taken by staff to review a project and facilitate it through the development review process. The Department's goal is to ensure that costs associated with implementing the Land Development Regulations are borne by those parties deriving the benefit of such services.

**Previous City Actions:**

| | |
|---|---|
| January 7, 2014 | City Commission Resolution 14-014<br>(Amendment of Planning Department fees) |
| November 6, 2020 | City Commission Resolution 19-339<br>(Amendment of Planning Department fees) |
| October 6, 2020 | City Commission Resolution 20-188<br>(Amendment of Planning Department fees) |

**Planning Staff Analysis:**

The proposed updated fee schedule will generate necessary funds to cover the time that staff invests to review each project to assure completeness, and compliance with the Land Development Regulations and to facilitate the project through the development review process. Staff analyzed the costs for reviewing, processing, and advertising: BPAS applications, development project modifications, lawful unit determinations, lot split and subdivision waivers, and approval extensions. The review has shown the time and labor needed to process these applications and projects is substantial and has led to the recommendation of the proposed modifications in the Department's Fee Schedule.

Furthermore, the City is allocated a limited number of Building Permit Allocation System (BPAS) units by the State of Florida. Each BPAS unit is a valuable tool for residents and developers to construct both affordable and market rate housing on the island. Currently, there is no change in fee for a homeowner who would like to construct one affordable BPAS unit in their backyard and a developer looking to construct 50 market rate units. Given the different scope and resulting staff time needed to analyze larger projects, it is the Planning Department's determination that fees should be based per BPAS unit and not per application.

Lastly, the Department reviews development projects, conditional use applications, variances, etc. and presents these items to the Development Review Committee, Planning Board, City Commission, and the Board of Adjustments, averaging about 70 projects per year. Of these projects, many are revision or modifications of previously approved or denied projects that per code, must be reviewed in the manner in which they were initially reviewed by the City. The fee for these revisions or modifications are either non-existent or set too low for the true cost of review by the Department to be completely borne by the applicant. It is the Departments determination and ethical charge that all costs be borne by the individual pursuing these projects.

**Options/Advantages/Disadvantages:**

**Option 1:** Approve the proposed amendment to Planning Department fees schedule.

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:** There will be a direct positive impact to the City by providing better recovery of the costs of providing personnel for Planning functions to serve citizens.

**Option 2:** Do not approve the addition of fees and fee clarification.

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 standing of the City in that fees are not collected for professional services provided.

**Recommendation**

The Planning Department recommends **Option 1** of the proposed Resolution.