



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PLANNING & ZONING BOARD STAFF REPORT

### Development Services Fee Schedule

Meeting	File No.	Application Type
September 21, 2020	2020-255	Amendment to the Land Development Regulations

#### Applicant

City of Delray Beach

#### Request

Provide a recommendation to the City Commission on Ordinance No. 41-20, a City-initiated amendment to LDR Section 2.4.3(K), Fees, to remove the Delray Beach Development Services Fee Schedule from the Land Development Regulations (LDRs) and establish procedures for adopting Development Services Fees.

#### Background Information

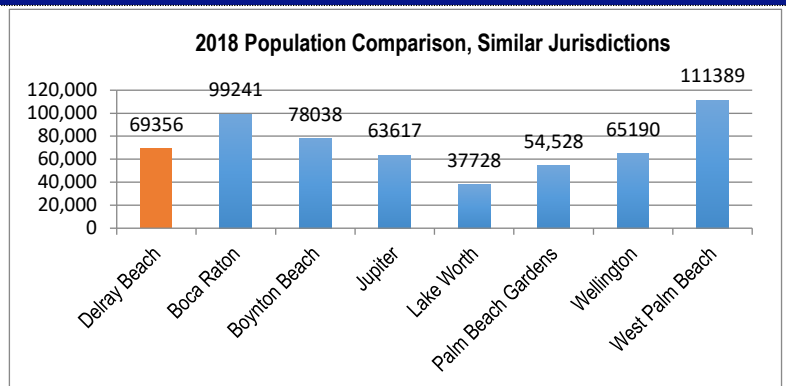
From time to time, the City of Delray Beach finds it appropriate to review the Development Services Fee Schedule and update application fees based on analysis. Development Services fees have typically been updated every two years, since the Department was directed to do so by the City Commission in 2003. However, the most recent update to the Fee Schedule was adopted in 2015.

Staff determined that removing the fee schedule from the LDRs provides a simpler procedure for updating the fee schedule as-needed, particularly when adding a new fee. For example, two new fees (Zoning Certificate of Use and Murals) have been added since 2018 and were adopted by Resolution. Additionally, it is appropriate to establish the requirement for fees associated with development applications in the LDRs, while adopting the applicable fee schedule with a separate action by City Commission. Subsequent to adoption of the proposed LDR amendment, the City Commission will review and approve a resolution adopting the fee schedule at one public hearing. The updated fee schedule, to be adopted through Resolution 133-20, is discussed herein for informational purposes.

The proposed amendment removes fees for both Planning and Zoning and Building from the LDRs; however, updates to the Fee Schedule in the proposed Resolution No. 133-20 only modify fees for Planning and Zoning – not Building. Building fees remain as previously adopted.

#### Description of Proposal

City staff evaluated the development fees charged by Boca Raton, Boynton Beach, Lake Worth, Jupiter, Palm Beach County, Palm Beach Gardens, Wellington, and West Palm Beach. These cities were selected because of similarity of size or similarity of character (see chart at right for population comparison). Palm Beach County, at a population of 1.4 million, was included in the analysis but excluded from the chart in order to improve the data visualization. Generally, the development fees charged by the City meet or exceed those of these comparable jurisdictions. A full comparison with other jurisdictions is provided in **Exhibit "A"**.



The only fee eliminated from the proposed fee schedule is the Redevelopment Plan Modification; all redevelopment plan modifications are initiated by the City or Delray Beach CRA, rendering this fee unnecessary. Fees for the Abandonment of Easement (General) and Abandonment of Easement (Specific) were identical; thus, the fees were combined as the review process and allocation of staff time is similar. Similarly, the fee for Beach Zoning Verification Letters was eliminated as an unnecessary separate line item, because the process and fee is identical to the general Zoning Verification Letter process. The proposed update to the Fee Schedule increases fees for applications that are less than similar jurisdictions or fail to provide adequate cost recovery for the administrative expense of review and processing of said items. The fee update also includes fees for applications that previously did not have fees attached. New fees are summarized below:

Proposed New Fees		
	Fee	Reason for Addition
Annexation – Voluntary, outside of the planning area	\$4,500.00	Greater level of review is required for properties located outside of the planning area.
Concept Plan Review	\$100.00	New fee to provide cost recovery for an item commonly reviewed by Development Services.
Murals (adopted by City Commission August 11, 2020)	0.50 cents / SF, maximum \$500	New fee to accompany the newly adopted mural regulations.
Rezoning to Special Activities District (SAD)	\$11,000.00	The nature of a Special Activities District requires a much greater level of review and analysis than the review required for rezoning to any of the other City zoning districts: - SADs propose regulations specific to the property; SAD review requires analysis of the validity of the proposed regulations and suitability for the site. - A Master Development Plan often accompanies an SAD submittal. - Adoption of an SAD requires an amendment to the Land Development Regulations.
Plat Exemption	\$750.00	New fee to provide cost recovery for an item commonly reviewed by Development Services.

The complete proposed Fee Schedule is provided as **Exhibit “B”**.

## Review and Analysis

Pursuant to **LDR Section 1.1.6, Amendments**, the text of these Land Development Regulations may from time to time be amended, changed, supplemented, or repealed. No such action however, shall be taken until a recommendation is obtained from the Planning and Zoning Board and until a public hearing has been held by the City Commission. Pursuant to **LDR Section 2.4.5(M)(1)**, amendments to the Land Development Regulations may be initiated by the City Commission, Planning and Zoning Board or City Administration; or an individual.

The proposed amendment was initiated by staff in response to direction by the City Commission in 2003 to update the Development Services Fee schedule every two years.

Pursuant to **LDR Section 2.4.5(M)(5), Findings**, the City Commission must make a finding that the text amendment is consistent with and furthers the Goals, Objectives and Policies of the Comprehensive Plan. The following Objective and Policy of the adopted Comprehensive Plan are applicable to the proposed amendment:

- **Neighborhoods, Districts, and Corridors Element, Objective NDC 3.5.** Regularly review and update the Land Development Regulations to provide timely, equitable and streamlined processes including, but not limited to, building permit processes for residential developments and to accommodate mixed-use developments, address market changes and development trends, and other innovative development practices.
- **Economic Development Element, Policy ECP 6.3.2.** Encourage predictability and consistency in the City's Land Development Regulations, while also allowing for flexibility and creativity in the site development process.

The proposed amendment to LDR Section 2.4.3(K) provides a process improvement for updating Development Services application fees by streamlining the process to adopt a revised fee schedule.

### Review By Others

This item is anticipated to go before the City Commission for first reading on October 6, 2020 and second reading on October 20, 2020.

### Board Action Options

- A. Move a recommendation of **approval** of Ordinance No. 41-20, removing the Development Services Fee Schedule from the Land Development Regulations and establishing procedures for adopting Development Services Fees, finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations.
- B. Move a recommendation of **approval** of Ordinance No. 41-20, removing the Development Services Fee Schedule from the Land Development Regulations and establishing procedures for adopting Development Services Fees, finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations, **as amended**.
- C. Move a recommendation of **denial** of Ordinance No. 41-20, removing the Development Services Fee Schedule from the Land Development Regulations and establishing procedures for adopting Development Services Fees, finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the applicable criteria set forth in the Land Development Regulations.

### D. Continue With Direction.

### Public and Courtesy Notices

☐ Courtesy Notices are not applicable to this request.

☒ Courtesy Notices were sent to the following:

- Chamber of Commerce
- Downtown Development Authority

☒ Public Notices are not required for this request