



# 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

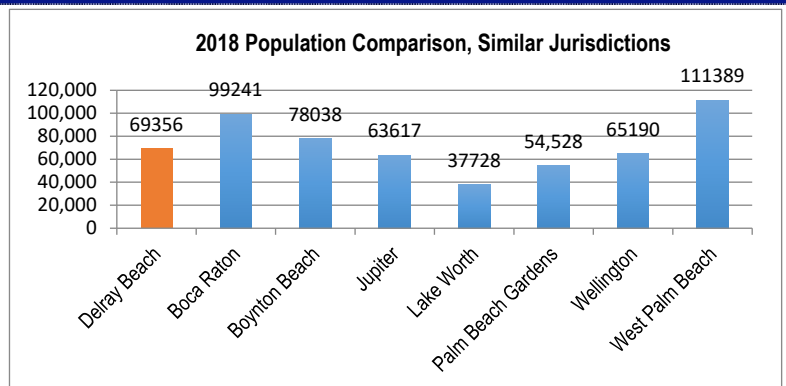
From time to time, the City of Delray Beach finds it appropriate to review the Development Services Fee Schedule and update application fees based on analysis. Development Services fees have typically been updated every two years, since the Department was directed to do so by the City Commission in 2003.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



#### Project Planner:

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#### Attachments:

- Ordinance No. 41-20, LDR Text Amendment
- Resolution 133-20, Adopting a Development Services Fee Schedule
- Exhibit A – Fee Comparison with Other Jurisdictions
- Exhibit B – Proposed Fee Schedule

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

# EXHIBIT "A" - FEE COMPARISON

Application Type	Delray Beach			Summary -	Boca	Boynton Beach	Jupiter	Lake Worth	Palm Beach County	Palm Beach Gardens	Wellington	West Palm Beach
	Current (FY 19/20)	5% Increase	10% Increase	Other Jurisdictions								
Abandonment - Easements (General)	1,000	1,050	1,100	600-2,000	1,035	750	600	1,500				2,000
Abandonment - Easements (Specific)	1,000	1,050	1,100	600-2,000	1,035	750	600	1,500		330		
Abandonment -Rights-of-Way	3,000	3,150	3,300	750-3,570	3,570	750	1,800	1,500		825		
Ad Valorem Tax Exemption	100	105	110	60-587		100	60	250	587			250
Address - New Assignment	100	105	110	11-100				45	11-21/per	100		
Annexation - Voluntary	3,000	3,150	3,300	300-3,240	3,240	500	300	1,000			4,500	
Appeals - Administrative and all boards	1,000	1,050	1,100	100-3,563	250-380	100-750	1,000	200-450	1,729-3,562	400-1,000	250-1,000	400
Beach Overlay Review Fees (N. Beach/Seagate and Ocean)	2,000	2,100	2,200	NA								
Beach Project ZVL	250	263	275	NA								
Blanket Sign Program	250	263	275	250	250							
Blanket Sign Program Amendment	150	158	165	250	250							
Class I	500	525	550	150-6,000	300-3,000	150-3,000	150-6,000	250-4,000		250-2,500	150-3500	300-3,000
Class II	750	788	825									
Class III	1,500	1,575	1,650									
Class IV	3,000	3,150	3,300									
Class V	5,000	5,250	5,500									
Color Change-SPRAB Approval Required	100	105	110	25-75		25-75						
Commercial Parking Lot Permits	1,000	1,050	1,100	NA								
Comp Plan Amendment/FLUM (large scale)	10,000	10,500	11,000	1,500-16,713	4,700	1,500	3,500	3,500	15,598-16,713*	2,500	8,500	3,000
Comp Plan Amendment/FLUM (small scale)	5,000	5,250	5,500	750-9,734	3,600	750	3,000	2,000	9,734	1,500	8,500	3,000
Comp Plan Text Amendment - Text Amendment	5,000	5,250	5,500	1,500-8,500	3,610	1,500	2,500	3,000		2,500	8,500	3,000
Conditional Use	3,000	3,150	3,300	700-7,500	2,040-3,500	1,000		700-2,500	4,717-5,110		7,500	
Conditional Use Amendment	1,500	1,575	1,650	550-2,500	2,500	750				550-1,650		
Class I Time Extension	150	158	165	100-1,675	310-500	300-500	1,675	250-750		750	500	100-500
Class II Time Extension	250	263	275									
Class III time Extension	500	525	550									
Class IV Time Extension	1,000	1,050	1,100									
Class V time Extension	1,500	1,575	1,650									
Extension - COA major	500	525	550	NA								
Extension - COA minor	150	158	165	NA								
Extension - Conditional Use	1,000	1,050	1,100	2,500	2,500							
Historic COA Major	1,000	1,050	1,100	150-2,228		150-500	180	50-500	2,228			
Historic COA Minor	500	525	550	35-333		35-50	180		333			
Historic Appeal	750	788	825	100-380	380	100	180					100
Historic COA Relocation	585	614	644	100-500		150	180	500				100
Historic Demolition (change: Principal or greater than 25%)	1,500	1,575	1,650	180-500	190		180	250-500				500
Historic Demolition: Accessory or less than 25%	750	788	825	50-250	70-100		180	50-100				250
Historic Designation - District	250	263	275	10-500	510	10-500	180	10-500				10-500
Historic Designation /Change (change: Individual)	250	263	275	15-510	510	15	180	125				125
In Lieu of Parking Fees	500	525	550	NA								
Land Development Regulation Text Amendment	5,000	5,250	5,500	1,650-7,500	3,610		2,500		1,737-5,530	1,650	7,500	3,000
Master Plan	3,000	3,150	3,300	1,000-7,500	3,240-3,500	1,000-1,500	4,000				7,500	
Master Plan - Amendment	1,500	1,575	1,650	150-2,500	2,500	150-750	650-2,000				300	
Master Sign Modification (SPRAB)	250	263	275	250-500	250						500	
Master Sign Program	500	525	550	250	250							
Off Site Parking Agreements	500	525	550	NA								
Plat Major Subdivision	3,000	3,150	3,300	250-3,750	3,750			2,500	1,892	250-750		3,000
Plat Minor Subdivision	1,500	1,575	1,650	250-3,750	3,750			250				300-600
Postponement Request	150	158	165	25-250		25-50			90	250		50
Public Notice Signs	100	105	110	NA								
Redevelopment Plan Modification	5,000	5,250	5,500	NA								
Resubmittal Fee (3rd and subsequent)	500	525	550	%, or 380-1,000	400		500	25% of fee	380		1,000	20% of fee
Rezoning/ SAD (including amendment)	5,000	5,250	5,500	750-11,404	2,200-4,100	750-2,000	2,200		2,554-11,404	2,500-3,500	6,500	3,000
Similarity of Use - Determination	500	525	550	NA								
Sketch Plan - Formal Review	1,500	1,575	1,650	250-350	250-350							
Stand Alone Bar	500	525	550	NA								
Temporary Use - Request - City Commission	300	315	330	NA								
Variance Historic Preservation Board/BOA	1,500	1,575	1,650	120-4,717	360-2,000	500	630-870	250	1,326-4,717	440-1,100	500-5,000	120-1,500
Waivers - Administrative	500	525	550	150-2,828		200		150-1,500	396-2,828			Same as variances.
Waivers after site or master plan submittal	2,500	2,625	2,750									
Waivers during site or master plan review	1,000	1,050	1,100				250					
Water Service Agreement -Without concurrent site plans	500	525	550	NA								
Zoning verification letter/LDR Interpretation	250	263	275	35-1,018	150	35	100		101-1,018	250	150	40

# EXHIBIT B | FEE PROPOSAL

LAND USE APPLICATIONS	FY 19/20 CURRENT FEES (ADOPTED 2015)	5% INCREASE	10% INCREASE	TARGETED FEE INCREASE	APPLICATIONS (FY19/20)	CURRENT AND PROJECTED REVENUES, MULTIPLE SCENARIOS			
						CURRENT	5% INCREASE	10% INCREASE	TARGETED, BASED ON FY 19/20 APPLICATIONS
Abandonment - Easements (General or Specific)	\$ 1,000	\$ 1,050	\$ 1,100	\$ 1,050	4	\$ 4,000	\$ 4,200	\$ 4,400	\$ 4,200
Abandonment - Rights-of-Way	\$ 3,000	\$ 3,150	\$ 3,300	\$ 3,300	3	\$ 9,000	\$ 9,450	\$ 9,900	\$ 9,900
Ad Valorem Tax Exemption	\$ 100	\$ 105	\$ 110	\$ 100	5	\$ 500	\$ 525	\$ 550	\$ 500
Address - New Assignment	\$ 100	\$ 105	\$ 110	\$ 100	52	\$ 5,200	\$ 5,460	\$ 5,720	\$ 5,200
Annexation - Voluntary, within the Planning Area	\$ 3,000	\$ 3,150	\$ 3,300	\$ 3,000	1	\$ 3,000	\$ 3,150	\$ 3,300	\$ 3,000
Annexation - Voluntary, outside the Planning Area	\$ -	\$ -	\$ -	\$ 4,500	1	\$ -	\$ -	\$ -	\$ 4,500
Appeals - Administrative and all boards	\$ 1,000	\$ 1,050	\$ 1,100	\$ 1,100	0	\$ -	\$ -	\$ -	\$ -
Beach Overlay Review fees (N. Beach/Seagate and Ocean)	\$ 2,000	\$ 2,100	\$ 2,200	\$ 2,200	5	\$ 10,000	\$ 10,500	\$ 11,000	\$ 11,000
Beach Project-ZVL	\$ 250	\$ 263	\$ 275	\$ 275	0	\$ -	\$ -	\$ -	\$ -
Blanket Sign Program	\$ 250	\$ 263	\$ 275	\$ 250	0	\$ -	\$ -	\$ -	\$ -
Blanket Sign Program Amendment	\$ 150	\$ 158	\$ 165	\$ 150	0	\$ -	\$ -	\$ -	\$ -
Class I	\$ 500	\$ 525	\$ 550	\$ 525	44	\$ 22,000	\$ 23,100	\$ 24,200	\$ 23,100
Class II	\$ 750	\$ 788	\$ 825	\$ 788	11	\$ 8,250	\$ 8,663	\$ 9,075	\$ 8,668
Class III	\$ 1,500	\$ 1,575	\$ 1,650	\$ 1,575	8	\$ 12,000	\$ 12,600	\$ 13,200	\$ 12,600
Class IV	\$ 3,000	\$ 3,150	\$ 3,300	\$ 3,300	4	\$ 12,000	\$ 12,600	\$ 13,200	\$ 13,200
Class V	\$ 5,000	\$ 5,250	\$ 5,500	\$ 5,500	23	\$ 115,000	\$ 120,750	\$ 126,500	\$ 126,500
Color Change - SPRAB Approval Required	\$ 100	\$ 105	\$ 110	\$ 100	21	\$ 2,100	\$ 2,205	\$ 2,310	\$ 2,100
Commercial Parking Lot Permits	\$ 1,000	\$ 1,050	\$ 1,100	\$ 1,050	0	\$ -	\$ -	\$ -	\$ -
Comp Plan Amendment - FLUM large scale	\$ 10,000	\$ 10,500	\$ 11,000	\$ 11,000	1	\$ 10,000	\$ 10,500	\$ 11,000	\$ 11,000
Comp Plan Amendment - FLUM small scale	\$ 5,000	\$ 5,250	\$ 5,500	\$ 5,500	4	\$ 20,000	\$ 21,000	\$ 22,000	\$ 22,000
Comp Plan Amendment - Text Amendment	\$ 5,000	\$ 5,250	\$ 5,500	\$ 5,500	0	\$ -	\$ -	\$ -	\$ -
Concept Plan Review	\$ -	\$ -	\$ -	\$ 100	7	\$ -	\$ -	\$ -	\$ 700
Conditional Use	\$ 3,000	\$ 3,150	\$ 3,300	\$ 3,300	1	\$ 3,000	\$ 3,150	\$ 3,300	\$ 3,300
Conditional Use Amendment	\$ 1,500	\$ 1,575	\$ 1,650	\$ 1,500	0	\$ -	\$ -	\$ -	\$ -
Class I Time Extension	\$ 150	\$ 158	\$ 165	\$ 165	0	\$ -	\$ -	\$ -	\$ -
Class II Time Extension	\$ 250	\$ 263	\$ 275	\$ 275	0	\$ -	\$ -	\$ -	\$ -
Class III Time Extension	\$ 500	\$ 525	\$ 550	\$ 550	0	\$ -	\$ -	\$ -	\$ -
Class IV Time Extension	\$ 1,000	\$ 1,050	\$ 1,100	\$ 1,100	0	\$ -	\$ -	\$ -	\$ -
Class V Time Extension	\$ 1,500	\$ 1,575	\$ 1,650	\$ 1,650	0	\$ -	\$ -	\$ -	\$ -
Extension - COA -major	\$ 500	\$ 525	\$ 550	\$ 500	0	\$ -	\$ -	\$ -	\$ -
Extension - COA -minor	\$ 150	\$ 158	\$ 165	\$ 150	0	\$ -	\$ -	\$ -	\$ -
Extension - Conditional Use	\$ 1,000	\$ 1,050	\$ 1,100	\$ 1,100	0	\$ -	\$ -	\$ -	\$ -
Historic COA - Major	\$ 1,000	\$ 1,050	\$ 1,100	\$ 1,000	8	\$ 8,000	\$ 8,400	\$ 8,800	\$ 8,800
Historic COA - Minor	\$ 500	\$ 525	\$ 550	\$ 500	23	\$ 11,500	\$ 12,075	\$ 12,650	\$ 11,500
Historic Appeal	\$ 750	\$ 788	\$ 825	\$ 750	0	\$ -	\$ -	\$ -	\$ -
Historic COA Relocation	\$ 750	\$ 788	\$ 825	\$ 750	0	\$ -	\$ -	\$ -	\$ -
Historic Demolition - (change: Principal or greater than 25%)	\$ 1,500	\$ 1,575	\$ 1,650	\$ 1,500	0	\$ -	\$ -	\$ -	\$ -
Historic Demolition: Accessory or less than 25%	\$ 750	\$ 788	\$ 825	\$ 750	0	\$ -	\$ -	\$ -	\$ -
Historic Designation - District	\$ 250	\$ 263	\$ 275	\$ 250	0	\$ -	\$ -	\$ -	\$ -
Historic Designation/Change (change: Individual)	\$ 250	\$ 263	\$ 275	\$ 250	1	\$ 250	\$ 263	\$ 275	\$ 250
In-Lieu /Public parking fee	\$ 500	\$ 525	\$ 550	\$ 550	0	\$ -	\$ -	\$ -	\$ -
Land Development Regulation - Text Amendment	\$ 5,000	\$ 5,250	\$ 5,500	\$ 5,500	31	\$ 155,000	\$ 162,750	\$ 170,500	\$ 170,500
Master Plan	\$ 3,000	\$ 3,150	\$ 3,300	\$ 3,150	1	\$ 3,000	\$ 3,150	\$ 3,300	\$ 3,150
Master Plan - Amendment	\$ 1,500	\$ 1,575	\$ 1,650	\$ 1,575	0	\$ -	\$ -	\$ -	\$ -
Master Sign Modification (SPRAB)	\$ 250	\$ 263	\$ 275	\$ 275	7	\$ 1,750	\$ 1,838	\$ 1,925	\$ 1,925
Master Sign Program	\$ 500	\$ 525	\$ 550	\$ 500	1	\$ 500	\$ 525	\$ 550	\$ 500
Murals	\$ -	\$ -	\$ -	0.50 / SF, Max \$500	10	\$ -	\$ -	\$ -	\$ 4,250
Off-site Parking Agreements	\$ 500	\$ 525	\$ 550	\$ 550	8	\$ 4,000	\$ 4,200	\$ 4,400	\$ 4,400
Plat - Major Subdivision	\$ 3,000	\$ 3,150	\$ 3,300	\$ 3,150	1	\$ 3,000	\$ 3,150	\$ 3,300	\$ 3,150
Plat - Minor Subdivision	\$ 1,500	\$ 1,575	\$ 1,650	\$ 1,575	3	\$ 4,500	\$ 4,725	\$ 4,950	\$ 4,725
Plat Exemption	\$ -	\$ -	\$ -	\$ 750	2	\$ -	\$ -	\$ -	\$ 1,500
Postponement Request	\$ 150	\$ 158	\$ 165	\$ 250	0	\$ -	\$ -	\$ -	\$ -
Public Notice Signs	\$ 100	\$ 105	\$ 110	\$ 100	0	\$ -	\$ -	\$ -	\$ -
Redevelopment Plan/Modification	\$ 5,000	\$ 5,250	\$ 5,500	\$ 5,000	0	\$ -	\$ -	\$ -	\$ -
Resubmittal Fee (3rd and subsequent)	\$ 500	\$ 525	\$ 550	Higher of \$250 or 25%	9	\$ 4,500	\$ 4,725	\$ 4,950	\$ 8,250
Rezoning/SAD (including amendment)	\$ 5,000	\$ 5,250	\$ 5,500	\$ 5,500	7	\$ 35,000	\$ 36,750	\$ 38,500	\$ 38,500
Rezoning to SAD (New MDP. Fee includes LDR Amendment)	\$ -	\$ -	\$ -	\$ 11,000	2	\$ -	\$ -	\$ -	\$ 22,000
Similarity of Use - Determination	\$ 500	\$ 525	\$ 550	\$ 550	0	\$ -	\$ -	\$ -	\$ 550
Sketch Plan - formal review	\$ 1,500	\$ 1,575	\$ 1,650	\$ 1,650	0	\$ -	\$ -	\$ -	\$ 1,650
Stand Alone Bars	\$ 500	\$ 525	\$ 550	\$ 550	3	\$ 1,500	\$ 1,575	\$ 1,650	\$ 1,650
Temporary Use Request - City Commission	\$ 300	\$ 315	\$ 330	\$ 330	9	\$ 2,700	\$ 2,835	\$ 2,970	\$ 2,970
Variance - Historic Preservation Board/BOA	\$ 1,500	\$ 1,575	\$ 1,650	\$ 1,500	0	\$ -	\$ -	\$ -	\$ -
Waivers - Administrative approval	\$ 500	\$ 525	\$ 550	\$ 550	0	\$ -	\$ -	\$ -	\$ -
Waivers after site or master plan submittal	\$ 2,500	\$ 2,625	\$ 2,750	\$ 2,750	8	\$ 20,000	\$ 21,000	\$ 22,000	\$ 22,000
Waivers during site or master plan review	\$ 1,000	\$ 1,050	\$ 1,100	\$ 1,100	0	\$ -	\$ -	\$ -	\$ -
Water Service Agreement -- Without concurrent site plans	\$ 500	\$ 525	\$ 550	\$ 525	0	\$ -	\$ -	\$ -	\$ -
Zoning verification letter/LDR interpretation/address verification	\$ 250	\$ 263	\$ 275	\$ 275	72	\$ 18,000	\$ 18,900	\$ 19,800	\$ 19,800
						\$ 509,250	\$ 534,713	\$ 560,175	\$ 592,688