

RESOLUTION NO. 133-20

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ESTABLISHING A SCHEDULE OF FEES FOR DEVELOPMENT APPLICATIONS, PURSUANT TO THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH, FLORIDA, SECTION 2.4.3(K), "FEES," ADOPTING DEVELOPMENT APPLICATION FEES FOR THE DEVELOPMENT SERVICES DEPARTMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City Commission of the City of Delray Beach ("Commission") is authorized by Section 2.4.3(K) to establish fees for development applications by resolution; and

WHEREAS, the operating revenue for the City of Delray Beach Development Services Department is funded by fees from privately-initiated development applications that range in complexity and staff review time from site plans to signs; and

WHEREAS, the City of Delray Beach last updated the Development Services fee schedule in 2015, and previously adopted fee updates every two years as directed by the City Commission in 2003; and

WHEREAS, fees for certain development applications are not sufficient to provide full cost recovery of the administrative expense of processing and therefore requires subsidy from the City general fund, also known as its ad valorem tax fund; and

WHEREAS, a review of development application fees of comparable municipalities based upon population, location, and development activity, which included Boca Raton, Boynton Beach, Lake Worth, Jupiter, Palm Beach Gardens, Wellington, and West Palm Beach, was conducted; and

WHEREAS, the City Commission desires to increase certain development application fees to provide full cost recovery based upon the amount of City staff and time required to appropriately review requests, to increase certain development application fees to an amount based upon a comparison with certain municipalities, and to increase certain development application fees based upon a review of administrative expenses associated with the review and processing of certain applications.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The foregoing recitals are hereby affirmed and ratified.

Section 2. The City of Delray Beach shall establish a Development Services fee schedule as follows:

DEVELOPMENT SERVICES FEE SCHEDULE

Development Applications

The following fees shall be charged for development applications. All fees are cumulative and separate unless otherwise indicated. Combined applications shall provide multiple fees.

Abandonment of easement (general or specific)	\$1,050.00
Abandonment of right of way	\$3,300.00
Ad Valorem tax; Historic	\$100.00
Address - New Assignment (Per Address)	\$100.00
Annexation - Voluntary, within the planning area	\$3,000.00 (2)
Annexation - Voluntary, outside of the planning area	4,500.00
Appeals - Administrative and all boards	\$1,100.00
Beach Overlay Fee (N. Beach/Seagate and Ocean)	\$2,200.00 (1)
Blanket Sign Program	\$250.00
Blanket Sign Program Amendment	\$150.00
Site Plan Review	
Class I	\$525.00
Class II	\$788.00
Class III	\$1,575.00 (1)
Class IV	\$3,300.00 (1)
Class V	\$5,500.00 (1)
(Reduced to \$4,000.00 with prior sketch plan review within one year.)	
Color Change - SPRAB Approval Required	\$100.00
Commercial Parking Lot Permit	\$1,050.00
Comp Plan Amendment/FLUM (large scale)	\$11,000.00
Comp Plan Amendment/FLUM (small scale)	\$5,500.00
Comp Plan Text Amendment - Text Amendment	\$5,500.00
Concept Plan Review	100.00
Conditional Use	\$3,300.00
Conditional Use Amendment	\$1,500.00

Extensions	
Class I - Extension	\$165.00
Class II - Extension	\$275.00
Class III - Extension	\$550.00
Class IV - Extension	\$1,100.00
Class V - Extension	\$1,650.00
Extension - COA Major	\$500.00
Extension - Extension Minor	\$150.00
Extension - Conditional Use	\$1,100.00
Historic COA Major	\$1,000.00
Historic COA Minor	\$500.00
Historic Appeal	\$750.00
Historic COA Relocation	\$750.00
Historic Demolition (change Principal or greater than 25 percent)	\$1,500.00
Historic Demolition: Accessory or less than 25%	\$750.00
Historic Designation - District	\$250.00
Historic Designation/Change (change individual)	\$250.00
In Lieu of Parking Fees	\$550.00
Land Development Regulations Text Amendment	\$5,500.00
Master Plan	\$3,150.00 (1)
Master Plan - Amendment	\$1,575.00
Master Sign Modification (SPRAB)	\$275.00
Master Sign Program	\$500.00
Murals	\$0.50/SF, Max \$500.00
Off Site parking Agreements (per ten pages)	\$550.00
Plat Exemption	\$750.00
Plat Major Subdivision	\$3,150.00 (1)
Plat - Minor Subdivision	\$1,575.00 (1)
Postponement Request	\$250.00
Public Notice Signs (per sign)	\$100.00

Resubmittal Fee (3 rd and subsequent)	Higher of \$250.00 or 25% of original application fee
Rezoning	\$5,500.00
Rezoning to SAD (New MDP. Fee includes text amendment.)	\$11,000.00
Similarity of Use - Determination	\$550.00
Sketch Plan - Formal Review	\$1,650.00
Stand Alone Bar	\$550.00
Temporary Use - Request - City Commission	\$330.00
Variance - Historic Preservation Board/BOA	\$1,500.00
Waivers - Administrative (per Waiver)	\$550.00
Waivers after site or master plan submittal	\$2,750.00
Waivers during site or master plan review	\$1,100.00
Water Service Agreement - without concurrent site plans	\$525.00
Zoning Certificate of Use	\$50, change in tenant; \$150 change in use
Zoning Verification letter/LDR Interpretation/Address Verification	\$275.00

NOTES:

- (1) Plus an additional fee of \$100.00 per acre, (or fraction thereof), beginning at 3.01 acres; or \$100.00 for each new 10,000 square feet (or fraction thereof) above 100,000 square feet of non-residential or mixed-use floor area; or \$50.00 for each new ten residential units (or fraction thereof) above 100 units, whichever is greater, up to a maximum of \$3,000.00 per project.
- (2) Fee may be waived by the City Manager, for properties that have already been developed, or for sites under one acre in size.
- (3) The Applicant shall be responsible for all advertising fees including newspaper publications. The applicant shall provide pre-addressed envelopes with the required postage for mailed notices. If the required advertising fees are not paid at least four days prior to the hearing, the presiding body, shall postpone action on the application until such fees are paid. In the event such postponement results in additional mailing or publication costs the applicant shall be responsible for the additional fees.
- (4) Recording fees of any documents shall be paid by the Applicant.
- (5) An applicant may file a request with the Planning and Zoning Director for the development application review to be performed by an outside consultant selected by the City of Delray Beach, to provide a fast-tracked review. If the request is approved by the Director, the applicant shall pay prior to review an initial preliminary deposit of \$10,000.00 which shall be credited toward the overall costs, and shall pay additional deposits of half of the initial deposit whenever the account balance is 20 percent or less of the original deposit. The review costs shall cover 120 percent of the total

administrative and outside consultant fees required for the review. At the time the Director determines that no further action is necessary for the review of the request, any remaining funds shall be refunded to the applicant within two months of the determination.		
<i>Plan Check Fees</i>		
<p>(a) The Plan Check fee shall be paid when plans are submitted to apply for the applicable permit. The fee shall be equal to one-half of the permit fee [see item (3)]. This Plan Check fee shall be credited to the cost of the applicable permit at its time of issuance and is non-refundable.</p> <p>(b) A Change to Plans or Shop Drawings Fee of \$75.00 per discipline for the first sheet plus \$1.00 per each additional sheet shall be charged for any Plans not submitted with the original permit application.</p> <p>(c) A Master Plan Submission Fee of \$1,500.00 shall be paid when the Master Plan for a project is submitted and is for Plan Review. It is not part of the permit fee and is non-refundable.</p>		
<i>Permit Fees</i>		
Fees associated with permits are applicable per the following. All fees are cumulative and separate unless otherwise indicated. Combined applications shall provide multiple fees. No permit fees are included in the imposition of application fees.		
(a)	Shrub Clearing Permit:	\$100.00 and \$20.00 for each additional acre above one acre
(b)	Tree Removal Permit:	\$25.00 per tree
	Where a tree has died due to natural causes including disease, lethal yellowing, freezing temp., lightning and storms, or if the tree is of a prohibited species, there shall be no permit fee even though inspection and permit requirements shall be met.	\$0.00
(c)	Temporary Use, not requiring City Commission action (e.g. Tents)	\$150.00
(d)	Work in the Public Right-of-way	\$15.00
(e)	Renewal/Extension of Permit	\$150.00
(f)	Signs and Signing	
	Application Fee	\$25.00
	Minimum Permit Fee	\$25.00
	Permit Fee, non-electric	\$ 3.00/square feet / face
	Permit Fee, electric	\$20.00/Plus \$3.00/square feet / face

	Master Sign Permit Fee	\$150.00
	Master Sign Permit Modification	
	Requiring SPRAB action	\$75.00
	Banner Permit	\$50.00 each
(g)	Permits for new buildings and additions, which include Building Permit, Electrical Permit, Plumbing Permit, Mechanical Permit, and Roofing Permit	
	For permit activity valued at \$1,000.00 or less:	
	— Minimum fee of: \$50.00	
	— Plus: \$30.00 per required inspection	
	— Plus: \$50.00 per re-inspection (1)	
	— Plus: \$100.00/each change of contractor	
	For permit activity valued at \$1,001.00 or more:	
	— Minimum fee of: \$50.00 and \$22.00 per each additional \$1,000.00 of value, or fraction thereof	
	— Plus: \$50.00 per re-inspection (1)	
	— Plus: \$100.00/each change of contractor	
(h)	Permits for miscellaneous items such as driveways, fences, reroofs, residential pools, utility sheds, patios, sidewalks, landscaping, irrigation:	
	For permit activity valued at \$1,000.00 or less:	
	— Minimum fee of: \$40.00	
	— Plus: \$30.00 per required inspection	
	— Plus: \$50.00 per reinspection (1)	
	— Plus: \$100.00/each change of contractor	
	For permit activity valued at \$1,001.00 or more:	
	— Minimum fee of: \$40.00 and \$22.00 for each additional \$1,000.00 of value or fraction thereof	
	— Plus: \$50.00 per reinspection (1)	
	— Plus: \$100.00/each change of contractor	
(i)	Permits for sub trade work including, but not limited to:	
	1. Site work	
	2. Structural Pest Control	

	3. Underground Fuel Tanks	
	4. General Construction	
	5. Subcontracts for General Construction	
	6. Commercial Public Pool	
	For permit activity valued at \$1,000.00 or less:	
	— Minimum fee of: \$50.00	
	— Plus: \$30.00 per required inspection	
	— Plus: \$50.00 per re-inspection (1)	
	— Plus: \$100.00/each change of contractor	
	For permit activity valued at \$1,001.00 or more:	
	— Minimum fee of: \$50.00	
	— Plus: \$42.00 for each \$1,000.00 of value or fraction thereof	
	— Plus: \$50.00 per re-inspection (1)	
	— Plus: \$100.00/each change of contractor	
(j)	Moving of a building or structure:	\$400.00
(k)	Demolition of single family residence:	\$150.00 for every 3,000 square feet or fraction thereof
	Demolition of commercial structure:	\$250.00 for every 5,000 square feet or fraction thereof
	Demolition of commercial accessory building:	\$150.00 per building
	Interior demolition for single family and commercial only; non-structural:	\$200.00
(l)	Drilling or Driving a Potable well:	\$70.00
(m)	Change-out Permits: A change-out permit is for work by a sub-trade contractor or qualified owner-builder which involves the repair or replacement of minor components. Minor components include, but are not limited to, showers, sinks, water heaters, air-conditioning condenser units, air-handlers, heat strips, minor duct repair, electrical fixtures, electrical service upgrades, pool pumps, irrigation systems pumps and accessories, and ceiling fans.	
	Value of less than \$200.00:	\$0.00

	Value of \$200.00 to \$1,000.00:	\$50.00
	Value greater than \$1,000.00 per normal permit	
(n)	Certificate of Occupancy:	
	— \$25.00 for single family and duplex	
	— \$50 for commercial and multi-family	
	— \$700.00 for Conditional Certificates	
(o)	Penalty for failing to call for a final inspection:	\$100.00
(p)	Penalty where work is begun without a permit: Where work for which a permit is required is started or proceeded with prior to obtaining said permit, the fees herein specified shall be tripled. The payment of such triple fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work, nor from any other penalties prescribed herein.	
(q)	Generators: All service stations, grocery stores, kidney dialysis centers, pharmacies, residential buildings with elevators, country clubs and/or clubhouses in residential communities shall be permitted to install generators and all appurtenances related to generators including fuel storage areas and screening and all permit fees for installation shall be waived.	
(r)	Construction Trailer/Container:	\$250.00 each plus sub trade permits
(s)	Sales Trailer:	\$750.00 each plus sub trade permits.
(t)	Accessory Buildings:	
	Pre-Fab:	
	—Up to 36 square feet:	\$50.00 + \$30.00 per required inspection
	—37 square feet and above:	\$100.00 + \$30.00 per required inspection
	Site Built:	
	—Up to 36 square feet:	\$100.00 + \$20.00 per required inspection
	—37 square feet and above:	\$150.00 + \$20.00 per required inspection
(u)	Electrical Inspection of Unoccupied Property for Meter Installation:	

	—Residential	\$250.00
	—Commercial	\$300.00
(v)	Electrical "Temp for Test" 30-day Power Release:	
	—Up to 2,000 square feet	\$100.00
	—2,000 square feet to 5,000 square feet	\$150.00
	—5,001 square feet to 50,000 square feet	\$200.00
	—50,001 square feet and over	\$300.00
(w)	Flood Zone Determination	\$25.00 per property
(x)	Foundation Only Permit	
	—Single family	\$1,200.00
	—Multi-family	\$2,000.00
	—Commercial	\$3,000.00
(y)	Early Submission Fee (pre-certified site plan)	\$200.00 each
(z)	Lost/Replacement Plans	\$150.00 plus printing costs
(aa)	Custom Bathtub Inspection	\$50.00 per inspection
(bb)	Open Permit/Property Search	\$15.00 per request
(cc)	Overtime Inspections	\$100.00/hr (4-hour minimum)
(dd)	Engineer Letter or Affidavit	\$50.00 per inspection
		\$100.00 final inspection
(ee)	Stocking Permit	\$250.00
(ff)	Liquor License Review	
	— Business	\$100.00 per Application
	— Special Event	\$25.00 per Application
NOTE		
(1):	Reasons necessitating additional inspection fees include, but are not limited to:	
	* The work, or correction to previously inspected work, does not meet code requirements;	
	* An incorrect address is on the application by action of the applicant;	
	* The work, or correction to previously inspected work, is not ready for inspection at the time specified in the application for reinsertion.	

Impact and Connection Fees

Impact and connection fees are paid at the time of issuance of a residential building permit or at the time of connection to the water or sewer system, as applicable.

- (a) In-lieu of Park Dedication Fee (residential development) [see Section 5.3.2(C)(1)]: \$500.00 per unit.
- (b) ***Traffic impact fee.*** This fee shall be assessed pursuant to the Palm Beach County Traffic Impact Fee ordinance and shall be collected by the City at the time of issuance of appropriate building permits.
- (c) ***County imposed impact fees.*** The following impact fees have been imposed Countywide by the Palm Beach County Commission. These fees shall be in the amount as established by that Commission and are to be paid at the time of issuance of building permits.

- Schools

- Regional Recreation Facilities (partial)

Countywide fees which are not imposed due to the provision of services by the City of Delray Beach are:

- Local and Community Facilities

- Law Enforcement Facilities

- Fire and Emergency Medical Facilities

- Library Facilities

- (d) ***Water system connection fees.*** Refer to Section 52.31, City Code of Ordinances, for water system connection fees.
 - Meter installation charge: Refer to Section 52.32, City Code of Ordinances, for meter installation fees.

- (e) ***Sewer system connection fees.*** Refer to Section 53.130(B), City Code of Ordinances, for residential and commercial sewer system connection fees.

User Fees

User charges and storm water assessments are applied through monthly billings by the City.

- (a) ***Water system user fees.*** See Chapter 52 of the Code of Ordinances of the City of Delray Beach, Florida.
- (b) ***Storm water drainage utility fee.*** This fee is variable depending upon the type of use and amount of impervious area associated with its development. Please refer to Section 56.16 of the City Code for further information.

(c) ***Sewer system user fees.*** See Chapter 53 of the Code of Ordinances of the City of Delray Beach, Florida.

Delray Beach Fire-Rescue Department Fees

The following formula, which is based on the valuation of the proposed work, shall be used to determine plans review fees.

\$0.00 up to \$100,000.00	Charge 0.5% total valuation of work. With a minimum of \$50.00. (This works out to \$5.00 per thousand dollars of value.)
\$100,001.00 to \$250,000.00	Charge \$500.00 for the first \$100,000.00 and then charge 0.25% of the balance of the value.
\$250,001.00 to \$750,000.00	Charge \$875.00 for the first \$250,000.00 and then charge 0.125% of the balance of value.
\$750,001.00 to \$2,000,000.00	Charge \$1,500.00 for the first \$750,000.00 and then charge 0.0625% of the balance of the value.
\$2,000,001.00 and up	Charge \$2,281.25 for the first two million and then charge 0.03125% of the balance of the value.

Set forth below are examples of valuations and estimated correlating fees:

Estimated Valuation	Plan Review Fees
\$10,000.00 and under	\$50.00
\$100,000.00	\$500.00
\$200,000.00	\$750.00
\$300,000.00	\$937.50
\$400,000.00	\$1,062.50
\$500,000.00	\$1,187.50
\$600,000.00	\$1,312.50
\$700,000.00	\$1,437.50
\$800,000.00	\$1,531.25
\$900,000.00	\$1,593.75
\$1,000,000.00	\$1,656.25
\$1,100,000.00	\$1,718.75
\$1,200,000.00	\$1,781.25
\$2,000,000.00	\$2,281.25

Design review. A fee of \$100.00 will be charged for design review of drawings or specifications. This amount shall not be refunded.

Civil drawings. A fee of \$100.00 will be charged for the plans review of all civil drawings.

Plan revisions. The following fees shall apply to the various revisions and related services:

Pre-Permit Minor Revision:	No charge.
Pre-Permit Major Revision:	10% of the original fee.
Post-Permit Revision:	\$5.00 per page, with a minimum fee of \$20.00, except when value increases (then see schedule).
Restamp:	\$2.50 per page with a minimum fee of \$10.00
Invalid Permits:	30% of the original fee. If construction has commenced, payment of a fee for the remaining construction is based on the original schedule.

Water flow tests. A fee of \$150.00 shall be paid for all flow tests performed by Delray Beach Fire-Rescue on wet hydrants.

Fire watch. A fee equal to the overtime cost incurred by Delray Beach Fire-Rescue shall be paid for any Fire Watch (as defined by the Florida Fire Prevention Code) required by the Florida Fire Prevention Code or by the Fire-Rescue Department.

Fire Department survey (water supply). There shall be a twenty-five-dollar charge for any survey conducted by Delray Beach Fire-Rescue to establish the adequacy of water supply, distance to closest fire station, and/or any other pertinent insurance information.

Permits for fire-related operations. There shall be a twenty-five-dollar permit charge for hazardous operations included in Section 1.12.20 of the Florida Fire Prevention Code, and identified by Delray Beach Fire-Rescue as requiring a permit.

Other Development Related Fees

(a) Radon detection fee: \$0.01 per square foot of the improvement.

Section 3. One copy of the Fee schedule as set forth herein and established by resolution of the City Commission shall be identified as an official copy and shall be kept on file with the City Clerk for public use, inspection, and examination.

Section 4. One copy of the Fee schedule as set forth herein shall be identified as a copy, and shall be kept on file with the Development Services Department for public use, inspection and examination for use, inspection, and examination by City Staff and any applicant(s).

Section 5. One digital copy of the official copy of the Fee schedule as set forth herein shall be posted to the City's website with development applications.

Section 6. All resolutions or parts of resolutions in conflict with this resolution are to the extent of such conflict hereby repealed.

Section 7. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED in regular session on this ____ day of _____, 2020.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney