



Legislation Details (With Text)

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Title: 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 2.4.5, "PROCEDURES FOR OBTAINING DEVELOPMENT APPROVALS, ADOPTING DEVELOPMENT APPLICATION FEES FOR THE DEVELOPMENT SERVICES DEPARTMENT; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Sponsors: Development Services Department

Indexes:

Code sections:

Attachments: 1. Agenda Cover Report, 2. Resolution 133-20, Adopting Fees, 3. P&Z Board Report - Fees, 4. P&Z Board Report - Exhibit A, Fee Comparison, 5. P&Z Board Report - Exhibit B, Fee Proposal, 6. Legal Review Resolution No. 133-20, Adopting Fees

Date	Ver.	Action By	Action	Result
10/20/2020	1	City Commission	approved	Pass

TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Services Director
THROUGH: Jennifer Alvarez, Interim City Manager
DATE: October 20, 2020

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 2.4.5, "PROCEDURES FOR OBTAINING DEVELOPMENT APPROVALS, ADOPTING DEVELOPMENT APPLICATION FEES FOR THE DEVELOPMENT SERVICES DEPARTMENT; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Recommended Action:

Review and consider a request to approve Resolution No. 133-20, adopting a Development Services Fee Schedule.

Background:

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 and comparison to surrounding municipalities. Development Services fees are typically 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 Land Development Regulations (LDRs) provides a simpler, more appropriate procedure for updating the fee schedule over time. Fees are

not regulatory standards and do not require analyses related to performance standards, etc. or Comprehensive Plan policies, which are part of a typical LDR amendment review. The City generally uses resolutions to establish financial terms. Using a resolution is also more simple administratively, particularly when a new fee is adopted. For example, two new fees (Zoning Certificate of Use and Murals) have been added since 2018 and were adopted by Resolution. It is appropriate to establish the requirement for fees associated with development applications in the LDRs, while adopting the applicable fee schedule by 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.

Resolution No. 133-20 adopts the Development Services Fee Schedule, subsequent to the adoption of Ordinance 41-20, which removes the Fee Schedule from the LDRs.

City staff evaluated the development fees charged by neighboring municipalities, including 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. 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"** of the Planning and Zoning Board staff report.

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:

- **Annexation - Voluntary, outside of the planning area: \$4,500.00**
Justification: Greater level of review is required for properties located outside of the planning area.
- **Concept Plan Review: \$100.00**
Justification: New fee to provide cost recovery for an item commonly reviewed by Development Services.
- **Murals (adopted August 11, 2020): 0.50 cents / SF, \$500 max**
Justification: New fee to accompany the newly adopted mural regulations.
- **Rezoning to Special Activities District (SAD): \$11,000.00**
Justification: 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. Finally, adoption of an SAD requires an amendment to the Land Development Regulations.
- **Plat Exemption: \$750.00**

Justification: New fee to provide cost recovery for an item commonly reviewed by Development Services.

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. Building fees remain as previously adopted. The complete proposed Fee Schedule is provided as **Exhibit "B"** of the Planning and Zoning Board staff report.

City Attorney Review:

Resolution No. 133-20 is approved to form and legal sufficiency.

Funding Source/Financial Impact:

Staff conducted an analysis of the proposed fee schedule in comparison to the existing fee schedule. The projected revenue is based on the number of applications processed in the FY 2019/2020. If the fees were to remain constant, the City could anticipate \$509,250 in application fees. The proposed increase is anticipated to result in \$592,688 in total fees collected - an increase of \$59,438.

Timing of Request:

To be adopted concurrent with Ordinance No. 41-20, to coincide with the beginning of the FY 2020/2021.