

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: October 17, 2012

Division: Growth Management

Bulk Item: Yes No

Department: Planning & Environmental Resources

Staff Contact Person/Phone #: Christine Hurley – 289-2500
Michael Roberts - 289-2502

AGENDA ITEM WORDING:

A public hearing to consider a resolution by the BOCC to amend Resolution #172 -2012, the Planning & Environmental Resources Fee Schedule to: provide a fee for non-binding preliminary review under the FEMA required Permit Referral Process for parcels within the Fish & Wildlife Service designated Species Focus Areas using the FWS Species Assessment Guides (SAGs); deleting the fee for Habitat Evaluation Index (HEI) assessments; providing a fee for Senior Director of Planning and Environmental Resources Special Approval as provided in §118-12(o)(2); repealing any other fee schedules inconsistent herewith.

ITEM BACKGROUND:

The BOCC adopted Ordinance 015-2012 creating Section 122-8 of the Land Development Code. Section 122-8 provides for inclusion of FEMA and USFWS requirements for implementation of the Permit Referral Process for reviewing parcels that are within potentially suitable habitat for Federally listed species as depicted on the Species Focus Area Maps prepared by the USFWS. This amendment would adopt fees for preliminary review of parcels for informational purposes prior to permit application submittal. In addition §118-12(o)(2) provides for an Administrative Waiver by the Sr. Director of Planning and Environmental Resources. This approval has not been included in previous fee schedules and is added here to be consistent with similar administrative approvals by the Director.

PREVIOUS RELEVANT BOCC ACTION:

The BOCC last amended the Planning & Environmental Resources Fee Schedule at a public hearing on June 20, 2012. The fee schedule was memorialized as Resolution #172-2012.

CONTRACT/AGREEMENT CHANGES: n/a

STAFF RECOMMENDATIONS: Staff recommends approval.

TOTAL COST: _____ **INDIRECT COST:** _____ **BUDGETED:** Yes No

DIFFERENTIAL OF LOCAL PREFERENCE: _____

COST TO COUNTY: _____ **SOURCE OF FUNDS:** _____

REVENUE PRODUCING: Yes No **AMOUNT PER MONTH** _____ **Year** _____

APPROVED BY: County Atty OMB/Purchasing _____ Risk Management _____

DOCUMENTATION: Included Not Required

DISPOSITION: _____

AGENDA ITEM # _____



MONROE COUNTY, FLORIDA
MONROE COUNTY BOARD OF COUNTY COMMISSIONERS
RESOLUTION NO. ____ - 2012

A RESOLUTION AMENDING RESOLUTION 172-2012, THE PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT FEE SCHEDULE; PROVIDING FOR FEES FOR PRELIMINARY DETERMINATIONS OF POTENTIAL ENDANGERED SPECIES IMPACTS IN ASSOCIATION WITH THE UNITED STATES FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND UNITED STATES FISH AND WILDLIFE SERVICE (FWS) REQUIRED PERMIT REFERRAL PROCESS AND RELATED SPECIES ASSESSMENT GUIDES (SAGS); PROVIDING A FEE FOR SPECIAL APPROVALS BY THE SENIOR DIRECTOR OF PLANNING AND ENVIRONMENTAL RESOURCES IN ACCORDANCE WITH MCC 118-12(o); DELETING FEES FOR HABITAT EVALUATION INDEX ANALYSIS; AND TO REPEAL ANY OTHER FEE SCHEDULES INCONSISTENT HEREWITH.

WHEREAS, the Monroe County Board of County Commissioners wishes to provide the citizens of the County with the best possible service in the most cost effective and reasonable manner; and

WHEREAS, the Board finds that it would be in the best interests of the general public to charge the true cost for such services, thereby placing the burden of such costs directly upon those parties deriving the benefit from such services; and

WHEREAS, the updated fee schedule prepared by the Growth Management Director for providing these services includes the estimated direct costs and reasonable indirect costs associated with the review and processing of planning and development approval applications and site plans, on-site biological reviews, administrative appeals, preparation of official documentation verifying existing development rights and other processes and services; and

WHEREAS, the Board has discussed the need to adjust the fee schedule to compensate the county for resources needed in excess of the fee estimates included in the base fees; and

WHEREAS, applicants for development review should pay the cost of the review, rather than those funds coming from other sources; and

WHEREAS, the Board had an opportunity to take testimony and received evidence presented as to the appropriate fee schedule during a public hearing on October 17, 2012; and

WHEREAS, the public had an opportunity to be heard;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY FLORIDA:

Section 1.

Pursuant to Section 102-19(9), the following schedule of fees to be charged by the Growth Management Division for its services, including but not limited to the filing of land development permit applications, land development approvals, land development orders, and appeal applications, and requests for technical services or official letters attesting to development rights recognized by the County shall be implemented:

Administrative Appeals.....	\$1,500.00
Administrative Relief.....	\$1,011.00
Alcoholic Beverage Special Use Permit.....	\$1,264.00
Appeal ROGO or NROGO to BOCC.....	\$816.00
Beneficial Use.....	\$4,490.00
Biological Site Visit (per visit).....	\$280.00
Biologist Fee (Miscellaneous-per hour).....	\$60.00
Boundary Determination.....	\$1,201.00
Comprehensive Plan, Text Amendment.....	\$5,531.00
Comprehensive Plan, Future Land Use Map (FLUM) Amendment.....	\$5,531.00
Conditional Use, Major, New/Amendment.....	\$10,014.00
Conditional Use, Minor, New/Amendment.....	\$8,484.00
Conditional Use, Minor, Transfer Development Rights (TDR).....	\$1,239.00
Conditional Use, Minor, Transfer Nonresidential Floor Area (TRE).....	\$1,944.00
Conditional Use, Minor, Transfer ROGO Exemption (TRE).....	\$1,740.00
Conditional Use, Minor/Major, Minor Deviation.....	\$1,768.00
Conditional Use, Minor/Major, Major Deviation.....	\$3,500.00
Conditional Use, Minor/Major, Time Extension.....	\$986.00
Department of Administrative Hearings (DOAH) Appeals.....	\$816.00
Development Agreement.....	\$12,900.00
Development of Regional Impact (DRI).....	\$28,876.00

Dock Length Variance.....	\$1,026.00
Front Yard Setback Waiver, Administrative.....	\$1,248.00
Front Yard Setback Waiver, Planning Commission.....	\$1,608.00
Grant of Conservation Easement.....	\$269.00
Habitat Evaluation Index (per hour).....	\$60.00
Home Occupation Special Use Permit.....	\$498.00
Inclusionary Housing Exemption.....	\$900.00
Land Development Code, Text Amendment.....	\$5,041.00
Land Use District Map, Amendment–Nonresidential.....	\$4,929.00
Land Use District Map, Amendment–Residential.....	\$4,131.00
Letter of Current Site Conditions.....	\$936.00
Letter of Development Rights Determination.....	\$2,209.00
Letter of ROGO Exemption.....	\$215.00
NROGO Application.....	\$774.00
Planning Fee (Miscellaneous-per hour).....	\$50.00
Parking Agreement.....	\$1,013.00
Planning Site Visit.....	\$129.00
Platting, 5 lots or less.....	\$4,017.00
Platting, 6 lots or more.....	\$4,613.00
Pre-application with Letter of Understanding.....	\$689.00
Pre-application with No Letter of Understanding.....	\$296.00
<u>Preliminary Endangered Species Impact Assessment (SAGs).....</u>	<u>\$140.00</u>
Public Assembly Permit.....	\$149.00
Dog in Restaurant Permit.....	\$150.00
Research, permits and records (per hour).....	\$50.00
Road Abandonment.....	\$1,533.00
ROGO Application.....	\$748.00
ROGO Lot/Parcel Dedication Letter.....	\$236.00
Legislative Time Extension for Development Orders / Permits.....	\$250.00
<u>Special Approval for Shoreline Setback deviations (3 or fewer dwelling units</u> <u>(§118-12(o)(2)).....</u>	<u>\$1,152.00</u>
Special Certificate of Appropriateness.....	\$200.00
Tier Map Amendment–Other than IS/URM Platted Lot.....	\$4,131.00
Tier Map Amendment–IS/URM Platted Lot Only.....	\$1,600.00
Vacation Rental Permit (Initial).....	\$493.00
Vacation Rental (Renewal).....	\$100.00
Vacation Rental Manager License.....	\$106.00
Variance, Planning Commission, Signage.....	\$1,076.00
Variance, Planning Commission, Other than Signage.....	\$1,608.00
Variance, Administrative.....	\$1,248.00
Vested Rights Determination.....	\$2,248.00
Wetlands Delineation (per hour).....	\$60.00

Growth Management applications may be subject to the following additional fees or requirements:

1. For any application that requires a public hearing(s) and/or surrounding property owner notification, advertising and/or notice fees; \$245 for newspaper advertisement and \$3 per property owner notice.
2. There shall be no application or other fees, except advertising and noticing fees, for affordable housing projects, except that all applicable fees shall be charged for applications for all development approvals required for any development under Sec. 130-161.1 of the Monroe County Code and for applications for variances to setback, landscaping and/or off-street parking regulations associated with an affordable housing development.
3. There shall be no application or other fees, except advertising and noticing fees, for property owners who apply for a map amendment to the official LUD map and/or the official FLUM, if the property owner can provide satisfactory evidence that a currently existing use on the site that also existed lawfully in 1992 was deemed nonconforming by final adoption of the LUD map and/or a currently existing use on the site that also existed lawfully in on the site in 1997 was deemed nonconforming by final adoption of the FLUM. To qualify for the fee exemption, the applicant must apply for a LUD and/or FLUM designation(s) that would eliminate the non-conforming use created with adoption of the existing designation(s) and not create an adverse impact to the community. Prior to submittal of a map amendment application, the applicant must provide the evidence supporting the change and application for a fee exemption with the proposed LUD map/FLUM designations to the Monroe County Planning & Environmental Resources Department as part of an application for a Letter of Understanding. Following a review, the Director of Planning & Environmental Resources shall determine if the information and evidence is sufficient, and whether the proposed LUD map and/or FLUM designations are acceptable for the fee waiver, and approve or deny the fee exemption request. This fee waiver Letter of Understanding shall not obligate the staff to recommend approval or denial of the proposed LUD or FLUM Category.
4. Hearing fees: applicant shall pay half the cost of the hourly rate, travel and expenses of any hearing officer. The County is currently charged \$142.00 per hour by Department of Administrative Hearings (DOAH). If the fee charged to the County is increased, the charge will change proportionately. An estimated amount of one-half of the hearing officer costs as determined by the County Attorney shall be deposited by the applicant along with the application fee, and shall be returned to the applicant if unused.
5. Base fees listed above include a minimum of (when applicable) two internal staff meetings with applicants; one Development Review Committee meeting, one Planning Commission public hearing; and one Board of County Commission public hearing. If this minimum number of meetings/hearings is

exceeded, the following fees shall be charged and paid prior to the private development application proceeding through public hearings:

- a. Additional internal staff meeting with applicant \$500.00
- b. Additional Development Review Committee public hearing \$600.00
- c. Additional Planning Commission public hearing \$700.00
- d. Additional Board of County Commissioners public hearing \$850.00

The Director of Growth Management or designee shall assure these additional fees are paid prior to hearing scheduling. These fees apply to all applications filed after September 15, 2010.

- 6. Applicants for Administrative Appeal, who prevail after all appeals, have been decided or where the appeal period(s) has expired, shall have the Administrative Appeal application fee refunded. A full refund does not require approval by the Board of County Commissioners; however, if the appellant only prevails on a portion of the appeal, the Board of County Commissioners shall determine the amount of the refund.
- 7. Concerning the application fees to amend the tier maps, the lesser application fee of \$1,600.00 is only available for applications to amend the tier designation of a single URM or IS platted lot. It may not be used to amend the designation of more than one parcel.
- 8. Applicants for any processes listed above that are required to provide transportation studies related to their development impacts shall be required to deposit a fee of \$5,000 into an escrow account to cover the cost of experts hired by the Growth Management Division to review the transportation and other related studies submitted by the applicant as part of the development review process or any text amendment submitted by a private applicant. Any unused funds deposited by the applicant will be returned upon permit approval. Monroe County shall obtain an estimate from the consultant they intend to hire to review the transportation study for accuracy and methodology and if the cost for the review on behalf of Monroe County is higher than the \$5000, applicant shall remit the estimated amount. Any unused funds deposited by the applicant will be returned upon permit approval.

Section 2.

Any other fees schedules or provisions of the Monroe County Code inconsistent herewith are hereby repealed.

Section 3.

The Clerk of the Board is hereby directed to forward one (1) certified copy of this Resolution to the Division of Growth Management.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the ____ day of _____, 2012.

Mayor David Rice _____
Mayor *Pro Tem* Kim Wigington _____
Commissioner Heather Carruthers _____
Commissioner Sylvia Murphy _____
Commissioner George Neugent _____

MONROE COUNTY BOARD OF COUNTY COMMISSIONERS

Attest: DANNY L. KOLHAGE, CLERK

By _____
Deputy Clerk

By _____
Mayor David Rice

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM
Susan M. J. [Signature]
Date: *Sept. 26, 2012*

nonenclosed gazebo that does not exceed 100 square feet in area and the highest portion of the roof shall be no more than 12 feet above the decking or terminal platform level; and

- e. Shall be designed with handrails and designated by signs of at least one square foot each to be placed on each side of the structure that states "No Mooring of Motorized Vessels Allowed."

118-12

(o)

- Special approvals.** For structures serving commercial uses, public uses, or more than three dwelling units, the director of planning and environmental resources or the planning commission may approve deviations from the requirements of the subsection above as part of a minor or major conditional use permit. Such approval may include additional structures or uses, provided that such approval is consistent with any permitted uses, densities, and intensities of the land use district, furthers the purposes of this section, is consistent with the general standards applicable to all uses, and the proposed structures are located in a disturbed area of an altered shoreline. Such additional uses are limited to waterfront dining areas, pedestrian walkways, public monuments or statues, informational kiosks, fuel or septic facilities, and water-dependent marina uses. Any such development shall make adequate provision for a water quality monitoring program for a period of five years after the completion of the development.
- (1) For structures serving three or fewer dwelling units the director of planning and environmental resources may approve designs that address unique circumstances such as odd shaped lots or shorelines, even if such designs are inconsistent with the above standards. Such approval may be granted only upon the director's written concurrence with the applicant's written finding that the proposed design furthers the purpose of this section and the goals of the Monroe County Comprehensive Plan. Only the minimum possible deviation from the above standards will be allowed in order to address the unique circumstances. No such special approval will be available for after-the-fact permits submitted to remedy a code enforcement violation.
 - (2) Docks or docking facilities lawfully existing along the shoreline of manmade canals, channels, or basins, or serving three or fewer dwelling units on any shoreline, may be expanded or extended beyond the size limitations contained in this section in order to reach the water depths specified for docking facilities. Any such modifications shall comply with each and every other requirement of this section and section 118-10(d).
 - (3) All principal structures lawfully existing within the shoreline setback along manmade canals, channels, or basins, on parcels less than 4,000 square feet may be rebuilt in the same footprint, provided that there will be no expansion of the footprint within ten feet of the mean high water (MHW) line and there will be no adverse impacts on stormwater runoff, navigation or turtle nesting habitat.
 - (4) In licensed RV parks adjacent to manmade canals, channels, or basins, road ready vehicles may be parked no closer than ten feet from the mean high water (MHW) line, provided that:
 - a. No previously approved site plan has established shoreline setbacks greater than ten feet from mean high water (MHW) for RV parking;
 - b. The total combined area of all structures, principal and accessory, does not occupy more than 60 percent of the upland area of the required 20-foot shoreline setback;
 - c.