



PINELLAS PARK CITY COUNCIL

AGENDA MEMORANDUM

FROM: Dean R. Neal, Zoning Director

DATE: April 23, 2015


SUBJECT: LDC 2015-01

BACKGROUND: This amendment was directed by City Council at the conclusion of a workshop held on January 20, 2015.

Attached Backup May Be Required:

- Attorney Approval
- Purchasing Approval
- CMB Approval
- Finance Approval
- Minutes from Board or Commission
- Document required for Council action

- Workshop Agenda
- Council Agenda

Department Head Approval 

City Manager Approval _____

Memorandum

To: City Council

Thru: Patrick Murphy, CPM
Community Development Administrator/Asst. City Manager

From: Dean R. Neal, AICP
Zoning Director

Subject: LDC 2015-01 Zoning Fees

Date: April 2, 2015

Present Situation:

Zoning fees were last amended by Ordinance Number 3628 approved on July 10, 2008. The fee schedule was revisited by City Council in workshop on January 20, 2015. Based upon a review of other Pinellas community's fees Council directed staff to increase the fee for Land Use Plan Map amendments from \$1,000 to \$1,200 and to increase the fee for rezoning of land from \$500 to \$850. Consistent with the current practice applicants will still bear the expense of required advertising.

Proposal:

The Zoning Director has prepared an ordinance to effect the above increases.

Advantages:

The proposed increases will assist in off-setting the costs associated with the processing of these applications while generally remaining below market and not creating an inordinate burden for applicants.

Disadvantages:

None perceived by staff

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 18 (LAND DEVELOPMENT CODE), OF THE CODE OF ORDINANCES OF THE CITY OF PINELLAS PARK, FLORIDA, BY AMENDING SECTION 18-1501.31 "FEES AND CHARGES" TO ADJUST APPLICATION FEES RELATING TO LAND USE PLAN MAP AND ZONING AMENDMENTS, DELETING DUPLICATIVE ENTRIES, PROVIDING FOR WAIVER OF FEES, PROVIDING FOR THE INCLUSION OF SUCH AMENDED ORDINANCE IN THE LAND DEVELOPMENT CODE, PROVIDING FOR CERTIFICATION BY THE CITY COUNCIL THAT THIS ORDINANCE IS IN CONFORMANCE WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR AN EFFECTIVE DATE. (LDC 2015-01)

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PINELLAS PARK, PINELLAS COUNTY, FLORIDA, AS FOLLOWS:

SECTION ONE: That Chapter 18 (Land Development Code), Article 15 "Zoning" of the Code of Ordinances of the City of Pinellas Park, Florida, is hereby amended so that said Section 18-1501.31 shall hereafter be and read as follows:

Sec. 18-1501.31. FEES AND CHARGES.

Fees and charges are assessed to help defray the costs of processing the various applications associated with the administration of the Land Development Code and Comprehensive Plan which may include staff time, materials and advertising, if required. Fees and charges established herein shall be in addition to those fees and charges listed in Ordinance No. 3704, as may be amended from time to time. The following schedule of fees and charges is not exclusive and is not intended to alter, suspend or abolish fees and charges that may be addressed specifically in the respective Sections of the Unified Land Development Code for matters not addressed herein. Payment of fees is required at the time of application submittal.

TABLE 18-1501-1 FEES AND CHARGES

Application/Service	Base Fee	Advertising Cost	Total Fee
Alcoholic Beverages	No Fee	N/A	No Fee
Approval on City Property	No Fee	0	No Fee
Zoning Clearance/Approval	\$50.00	0	\$50.00
City Council Waiver	\$225.00	\$140.00	\$365.00
Club Distance Variance	\$225.00	\$140.00	\$365.00
Temporary License/City Manager	No Fee	0	No Fee
Board of Adjustment/CRA Variances			
Zoning Variances	\$225.00	NA	\$225.00
Appeal to BOA/CRA of Staff Decisions	\$160.00	\$225.00	\$385.00
Flood Damage Control (Article 8)	\$225.00	\$140.00	\$365.00
Staff Only	No Fee	0	No Fee
Conditional Uses			
Conditional Use w/waiver(CC/CRA)	\$400.00 + \$10.00 per waiver	\$225.00	\$625.00 + \$10.00 per waiver
Conditional Use (P&Z and CC/CRA)	\$400.00 + \$10.00 per waiver	\$365.00	\$765.00 + \$10.00 per waiver
Conditional Use (Staff only review)	No Fee	NA	No Fee
Conditional Use (Staff only review with waiver of Special Requirement(s))	\$225.00	\$225.00	\$500.00
Appeal of Staff only to CC/CRA	\$225.00	NA	\$225.00
Resubmittal of Revised Plan (per submittal)	No Fee		No Fee

prior to Approval or Advertising			
Second resubmittal	\$50.00		\$50.00
Third resubmittal	\$75.00		\$75.00
Fourth and subsequent resubmittals	\$100.00		\$100.00
Conditional Use Time Extension (staff)	\$150.00		\$150.00
Conditional Use Time Extension (CC/CRA)	\$200.00		\$200.00
Conditional Use Minor Amendment	\$200.00		\$200.00
Conditional Use Major Amendment	\$400.00	\$225.00	\$625.00
Development of Regional Impact			
Application for Development Approval (ADA)	\$5,000.00		\$5,000.00
Substantial Deviation ADA	\$5,000.00		\$5,000.00
Abandonment or Rescission	\$1,500.00		\$1,500.00
Notice of Proposed Change	\$1,000.00		\$1,000.00
Annual/Biennial Report Review	\$150.00		\$150.00
Comprehensive Plan Amendments			
Future Land Use Map (Large Scale or Text)	\$1000 1,200.00	\$675.00	\$1,6875.00
Future Land Use Map (Small Scale + Companion Rezoning)	\$500 1,200.00 + \$100.00 (Rezone)	\$500.00	\$1,6700.00
PUD			
PUD Overlay (Rezoning)	\$500 850.00	\$500.00	\$1,69350.00
PUD Major Amendment	\$500 850.00	\$500.00	\$1,69350.00

PUD Minor Amendment (CC Review)	\$225.00	\$365.00	\$590.00
PUD Minor Amendment (staff)	\$225.00	NA	\$225.00
Nonconformities			
Change of Nonconforming Use	\$225.00	\$365.00	\$590.00
Expansion of Nonconforming Use	\$225.00	\$140.00	\$365.00
Waiver (Nonconforming Lots)	\$225.00	\$140.00	\$365.00
Plats			
Preliminary Subdivision Plat	\$350.00	\$365.00	\$715.00 ¹
Final Subdivision Plat	\$200.00	0	\$200.00 ²
Lot Line Adjustment	\$100.00 ³		\$100.00
Release of Unity of Title	\$150.00 ⁴	\$140.00	\$290.00
PUD			
PUD Application	\$500.00	\$500.00	\$1,000.00
PUD Major Amendment	\$225.00	\$365.00	\$590.00
PUD Amendment (CC with no Public Hearing required)	\$225.00	NA	\$225.00
PUD Amendment (City Manager)	\$100.00	NA	\$100.00
Preliminary Site Plans			
Preliminary Site Plan review	\$225.00	\$140.00 ⁵	\$365.00
Resubmittal - second review	No fee		No fee
Resubmittal - third review	\$50.00		\$50.00
Resubmittal - fourth review	\$75.00		\$75.00

Resubmittal - fifth and subsequent reviews	\$100.00		\$100.00
Final Site Plans			
Staff only review	\$100.00		\$100.00
City Council review	\$225.00	\$140.00	\$365.00
Rezoning			
Rezoning	\$290 <u>\$50</u> .00	\$365.00	\$65 <u>\$1,215</u> .00
Miscellaneous			
Temporary Use	No Fee	NA	No Fee
Development Agreement	\$500.00	\$365.00	\$865.00
Landscape Waiver	\$225.00	\$140.00	\$365.00
Transfer of Development Rights	\$500.00	\$365.00	\$865.00
Vacation of Easement	\$155.00	\$140.00	\$295.00
Vacation of Right-of-way	\$225.00	\$365.00	\$590.00

Footnotes:

- 1 Additional twenty dollars (\$20.00) per acre for nonresidential lots.
- 2 If inconsistent with preliminary plat thus requiring City Council/CRA review.
- 3 Plus County recordation fees.
- 4 If City Council/CRA action is required.
- 5 If City Council/CRA action is required (PRES site plans, OS site plans, M-1 or IH abutting or functionally abutting residential, T-2 site plans, P site plans, Hotel/Motel site plans.

SECTION TWO: That the City Council does hereby certify that this Ordinance is consistent with the City's Comprehensive Plan and elements thereof adopted pursuant to the Community Planning Act.

SECTION THREE: It is the intention of the City Council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the "Land Development Code" of the City of Pinellas Park, Florida, and the publisher of the Land Development Code may renumber, reclassify or otherwise insert this ordinance in an appropriate place to accomplish such intention.

SECTION FOUR: That all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are, and they are hereby repealed insofar as the same affect this Ordinance.

SECTION FIVE: That this Ordinance shall be in full force and effect immediately after its passage and approval in the manner provided by law.

PUBLISHED THE _____ DAY OF _____, 2015.

FIRST READING _____ DAY OF _____, 2015.

PUBLIC HEARING THE _____ DAY OF _____, 2015.

ADOPTED THIS _____ DAY OF _____, 2015.

AYES:

NAYES:

ABSENT:

ABSTAIN:

APPROVED THIS _____ DAY OF _____, 2015.

Bandra L. Bradbury
MAYOR

ATTEST:

Diane M. Corna, MMC
CITY CLERK

Ordinance No. _____

City of
PINELLAS PARK

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FLORIDA

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Please Respond To:

James W. Denhardt, City Attorney
Law Offices of James W. Denhardt
2700 First Avenue North
St. Petersburg, Florida 33713
(727) 327-3400 - Telephone
(727) 323-0688 - Facsimile

February 27, 2015

Mr. Dean Neal
Zoning Director
City of Pinellas Park
P. O. Box 1100
Pinellas Park, Florida 33780-1100

RE: City Document #15-042
Ordinance Amendment Section 16-1501.31, Fees and Charges

Dear Mr. Neal:

I have received and reviewed the above-mentioned ordinance. I would approve of the ordinance as to form and correctness.

Very truly yours,

Lauren Christ Rubenstein
Assistant City Attorney

cc: Doug Lewis, City Manager
Diane M. Coma, MMC, City Clerk
Patrick Murphy, Assistant City Manager

LCR/dh



ROLL CALL VOTE

Aye: Bommallei, Kunda, DeLong, Long, Pinion, Shelley

Nay:

MOTION CARRIES

PUBLIC HEARING OPENED

2. CASE NO.: LDC 2015-01 – Fees and Charges

REQUEST: AN ORDINANCE AMENDING CHAPTER 18 (LAND DEVELOPMENT CODE), OF THE CODE OF ORDINANCES OF THE CITY OF PNELLAS PARK, FLORIDA, BY AMENDING SECTION 18-1501.31 "FEES AND CHARGES" TO ADJUST APPLICATION FEES RELATING TO LAND USE PLAN MAP AND ZONING AMENDMENTS, DELETING DUPLICATIVE ENTRIES, PROVIDING FOR WAIVER OF FEES, PROVIDING FOR THE INCLUSION OF SUCH AMENDED ORDINANCE IN THE LAND DEVELOPMENT CODE; PROVIDING FOR CERTIFICATION BY THE CITY COUNCIL THAT THIS ORDINANCE IS IN CONFORMANCE WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR AN EFFECTIVE DATE. (LDC 2015-01)

QUESTIONS FOR STAFF

Mr. Pinion – I have three questions. On page two, third row from the bottom "Conditional Use Staff Only with waiver of special requirements". Does that mean to say "Staff Only Review"?

Ms. Weaver – Staff Only Review with waiver of special requirements?

Mr. Pinion – Would you mind checking into that after the fact? I'm not asking you to wait hear unless you happen to know off the top of your head.

Ms. Weaver – Is that what you mean though? Staff Only Review?

Mr. Pinion – I think that probably needs the word Review in there, but I'm not sure what the service being provided is. But I think it is only Staff Only Review like the previous line.

Mr. Pinion – The next easy one is on page six on the top in section four. I think we are missing the word "Void" or something else. It reads "all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are, and they are hereby repealed insofar as the same affect this Ordinance". I'm not positive but I can't make it make any sense. It seems it needs to be "void" or "repeal" or something along those lines.

Ms. Rubenstein – I think we have looked into this before and legally this is how they chose to write it. It sounds weird and I voiced that too, it is "all ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are, (with emphasis) and they are hereby repealed. It sounds confusing but it legally significant for what we are doing.

Mr. Pinion – The last one is on page five. I was just trying to reconcile actually the rezoning price change that is occurring versus the rezoning that is happening on the bottom of page three. So, there is the PUD Overlay rezoning which is going from \$500 to \$850 for a total of \$1350 after you add in the signage and advertising cost. Then this other one, there just wasn't a mention of that from the letter from Mr. Neal. I was just curious about that one. That one seemed like a pretty hefty increase relative to the others and I just didn't know why we were doing that one and taking that whole total up to \$1505 and the other is a little bit lower.

Ms. Weaver – Well, first of all I know that all of these are compared to other communities and so I'm sure it is a comparable price. But, the PUD Overlay and the Rezoning will be the same cost and the difference will be the advertising.

Mr. Pinion – Are you saying that the PUD is cheaper to do than the rezoning on page five?

Ms. Weaver – That is what it looks like.

Mr. Pinion – I just want to make sure that is not a mistake. Because it wasn't the increase of fee for rezoning in the present situation letter, and if they really mean it to increase it by over \$500.00 that would be the most substantial increase in the whole pack.

Ms. Weaver – I will check with Dean about it.

PROponents

The City

OPponents

None

PUBLIC HEARING CLOSED

BOARD DISCUSSION

MOTION

Motion was made by Mr. Pinion and seconded by Mr. DeLong to **RECOMMEND APPROVAL** of CASE NO. LDC 2015-01 with a single amendment to that ordinance on the item titled "Rezoning" currently stating the total amount is \$1505.00 to reflect the figure of \$1215.00.

ROLL CALL VOTE

Aye: Bommatter, Kunda, DeLong, Long, Pinion, Shelley
Nay:

MOTION CARRIES

NEW BUSINESS

Mr. Shelley discussed interview schedule with the Board. As a result of a vote the board decided to wait until June to schedule interviews for the open position.

The Board recognized Mr. Davis and appreciate his service. They regret he had to resign and wish him well.

GENERAL BUSINESS

None

ADJOURNMENT

MOTION was made by Mr. DeLong and **SECONDED** by Mr. Bommatter to **ADJOURN** the meeting.

ROLL CALL VOTE

Aye: Davis, Pinion, Long, Kunda, Bommatter, DeLong, Shelley
Nay: None

Meeting adjourned at approximately 7:54 p.m.

Dennis Shelley, CHAIRPERSON