RESOLUTION 16-24

A RESOLUTION TO REVISE EXISTING FEES RELATED TO DEVELOPMENT REVIEW AND PERMITTING, AMENDING THE FEE SCHEDULE PROVIDED FOR IN THE CITY OF MARCO ISLAND CODE OF ORDINANCES, CHAPTER 30 LAND DEVELOPMENT CODE; PROVIDING FOR INCORPORATION, CONFLICT AND SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 30-8(a) of the City of Marco Island Land Develop Code provides that City Council shall, from time to time, establish and adopt by resolution a schedule of fees and charges for application and document processing, public meetings, public hearings, other meetings and hearings, transcripts approvals, denials, and development permits, development orders, development, construction, interpretations, enforcement, inspection services, sales of documents, review, resubmission, and any other zoning or development related services, and any other services provided or costs incurred by or on behalf of the City; and

WHEREAS, Section 30-8(b) provides that the City Council is authorized to amend, modify, or otherwise change, delete or add to the listed fees by resolution; and

WHEREAS, Section 30-8(c) provides that the City Council is authorized charge twice the amount listed for petitions or requests applied after-the-fact; and that until the applicable fees, costs, and other charges have been paid in full, no action or activity of any type or kind shall be taken on an application, petition, or request; and

WHEREAS, all other sections of Chapter 30, Land Development Code, adopted by ordinance remain in effect.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA THAT:

Section 1. In accordance with the provisions of Section 30-8(b), the schedule of fees, costs and other charges identified as "Exhibit A" and attached hereto shall be adopted and maintained in the City Clerk's office and available for public inspection during normal business hours.

Section 2. Incorporation, Conflict, and Severability.

(1) It is the intention of the City Council and it is hereby resolved that the provisions of this resolution shall become and be made a part of the Code of Ordinances of the City of Marco Island, Florida, and that the sections of Chapter 30 may be renumbered or relettered and that the word "ordinance" may be changed to "section," "article," or other appropriate word.

(2) All sections or parts of sections of the Code of Ordinances of the City of Marco Island, all ordinances or parts of ordinances, all resolutions or parts of resolutions, in conflict herewith, be and the same are hereby repealed to the extent of the conflict.

(3) If any word, phrase, clause, subsection, or section of this resolution is for any reason held unconstitutional or invalid by a court of competent jurisdiction, the invalidity thereof shall not affect the validity of any remaining portions of the resolution.

Section 3. Effective Date.

This Resolution shall take effect immediately upon adoption.

Passed in open and regular session of the City Council of the City of Marco Island, Florida, this 7th day of March 2016.

ATTEST:

Laura M. Litzan, City Clerk

CITY OF MARCO ISLAND, FLORIDA

By: Robert C. Brown

Robert C. Brown, Chairman

Approved as to form and legal sufficiency:

Alan L. Gabriel, City Attorney

EXHIBIT A
DEVELOPMENT REVIEW AND PERMIT FEES
v. 3/7/16

Cost Recovery and Fee Schedule.

A. Consultants.

1. The City Manager and/or his/her designee as part of the review of any development application presented to the City, may refer any such application to such engineering, planning, legal, technical, environmental, or other professional(s) consultants employed or retained by the City ("consultant(s)") as the manager shall deem reasonably necessary to enable him/her to review such application as required by law.

2. Charges made by such consultants shall be made pursuant to an existing contractual agreement by and between the City and the consultant.

3. The consultant's services shall be charged at the hourly rates specified in the particular consultant's agreement with the City. Upon request the City shall provide the applicant with a copy of the consultant's invoice for any services charged.

B. Cost recovery established.

1. The City Manager and/or his/her designee may also charge an amount equal to or double the amount of the application fees.

2. Payment in full by the applicant for the City's cost recovery fees for review of the application shall be a written condition of any development order. These cost recovery fees shall be in addition to any and all other fees required by law, rule, or regulation of the City Code.

C. Review of consultant's charges. Upon a determination by the City Manager or his/her designee that there has been a miscalculation concerning a consultant's fees, the City Manager or his/her designee is authorized to review the charges and issue a credit or refund a portion of the fees.

D. Schedule of fees and cost recovery. No new development application shall be accepted and no building permit or certificate of occupancy shall be issued for any property until all application fees and cost recovery fees and fines related to the property (including fees related to any previous development proposal applications on the property), have been paid in full. If application is withdrawn for any reason payment is due in full at time of withdrawal.

E. Public/Legal Notices. In addition to the fees required herein, all costs of newspaper notices and required notices for public petitions shall be paid in full prior to a scheduled public hearing. If such payment is not received prior to a schedule public hearing, the petition will be continued and rescheduled. Any additional cost associated with a rescheduled item shall also be paid in full prior to the public hearing. Advertising for public hearings shall be prepared by staff and submitted to the newspaper as required in the Marco Island Land Development Code (LDC).

ADMINISTRATION:	***LDC FEES***
Interpretations:	
Official interpretation request of Land Development Code, Planned Unit Development, Comprehensive Plan and/or Development Order	$1,000<20 hrs. $2,000<20-40 hrs. $3,000>40 hrs.
Determination of vested rights	$125.00
Appeal of vested rights determination	$1,000.00

Amendment to Land Development Code	$2,000.00
Appeal from an Administrative Decision	$1,000.00 (non-refundable)
Appeal of Official Interpretation to Board of Zoning Appeals or Board of Adjustments & Appeals	$1,000.00
Appeal of Planning Board or staff action to Board of Zoning Appeals	$2,500.00

ENVIRONMENTAL / LANDSCAPING

Vegetation Removal Permits	
First acre or fraction of an acre	$300.00
Each additional acre or fraction of an acre	$100.00 ($900.00 maximum fee)
Professional Lawn and Landscape Registration (2 years)	$50.00
Plus each sticker	$5.00
Vehicle on the Beach and Vendor Permit *Permit shall be waived for public & non-profit organizations engaging in bona fide Environmental activities for scientific, conservation Or educational purposes*	$500.00

SITE DEVELOPMENT PLANS

Site Development Plan Pre-Application meeting deposit (applied to review fee, non-refundable)	$300.00
Site Development Plan review	
Site Improvement Plan review	
Site Development Plan Amendment	
Base fee of :	$5,000.00 Plus $40.00 per dwelling unit for residential Plus $ 0.05 per square foot for non- residential.
Site Development Plans – 3rd and subsequent reviews	$500.00
Additional review time:	
Site Development Plan time extension	$250.00

SUBDIVISION

Lot line adjustment	$250.00
Construction Document Review	075% of probable cost of construction
Construction Document Modification	0.2125% of the value

	of the construction modification above $25,000.00
Subdivision inspection fee	1.275% of probably cost of construction for inspection
Subdivision Plan Preliminary (formerly Subdivision Master Plan)	$1,000.00 Plus $5 per acre for residential; $1,000.00 plus $10 acre for non-residential (mixed use is residential)
Subdivisions – 3rd and subsequent	
Additional reviews	$500.00
Administrative Amendment	$500.00
Final Plat	$1,000.00 Plus $5 per acre for residential; $1,000.00 plus $10 per acre for non-residential (mixed use is residential)
Two year extension	$200.00

TEMPORARY USE PERMITS

Temporary Sales Permits	
Individual	$50.00
Group (3 or more/parcel)	$150.00
Model Homes, and Sales Center Permits	$300.00
Model Homes and Sales Center Permit Extension	$200.00
Construction and Development Trailer Permits	$300.00
Estate and Demolition Sales	$100.00

ZONING PETITIONS

Boat dock extension petition, SF	$1,500.00
MF, Inst., Commercial	$2,000.00
Conditional use petition	$4,000.00 ($1000.00 when filed with a rezone petition)
Conditional use extension (Admin.)	$500.00
(PB/CC)	$2,000.00
Development Agreement Chapter 38	$2,000.00
Flood variance petition	$1,000.00

Letter of zoning, and/or land use verification and/or classification		$100.00	
If more than 1 hour		$200.00	
Off-site street and shared parking amendment variance		$1,000.00	
Administrative off-street parking agreement		$500.00	
PLANNED UNIT DEVELOPMENTS			
PUD amendments	Substantial	$6,000.00	
	Insubstantial	$2,000.00	
	Minor	$500.00	
PUD, PUDA Comprehensive Plan Consistency		$2,250.00	
Rezone petition (regular		$5,000.00	
Rezone petition (to PUD)		$10,000.00	
Street name change		$500.00	
Variance petition		$2,000.00	
Variance petition (after-the-fact)		twice the variance petition fee	
Variance (Administrative)		$300.00	
Zoning certificates		*initial*	*renew*
Residential Occupation license		$60.00	$15.00
Commercial Occupation license		$200.00	$0.00
Flood Zone Determination Letter		$30.00	
If more than 30 minutes		$100.00	