

RESOLUTION NUMBER 07-04

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, REVISING THE FEE SCHEDULE FOR CHAPTER 34, LAND DEVELOPMENT CODE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, Section 34-53 of the Land Development Code (LDC) of the Town of Fort Myers Beach provides that the schedule of fees and charges for matters pertaining to Chapter 34 may be changed via resolution of the Town Council; and

WHEREAS, the Town Council of the Town of Fort Myers Beach declared at its meeting of September 18, 2006, that it was the policy of the Town to commence a transition from the provision of Community Development services by Lee County, Florida pursuant to Interlocal Agreement to provision of such services by the Town directly to its residents, business owners, property owners and others over the course of FY 2006-2007; and

WHEREAS, the Town Council further declared at the aforesaid Town Council meeting that the provision of services by Town staff be revenue-neutral to the Town to the extent possible, utilizing application fees whenever possible; and

WHEREAS, in the absence of a resolution by the Town Council, the Town is required under Section 34-53(a) of the LDC to charge fees comparable to those charged by Lee County but such Lee County fees are not revenue-neutral within the Town; and

WHEREAS, it is in the best interest of the health, safety and welfare of the citizens of Fort Myers Beach to charge the fees set forth in this Resolution so that the provision of services by Town staff is revenue-neutral and paid by the applicants for such services as much as possible.

IT IS HEREBY RESOLVED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

Section 1. Incorporation of Whereas Clauses. The above "Whereas" clauses are hereby incorporated by reference as though fully set forth herein.

Section 2. Reasonableness of Schedule of Fees and Charges. The Town finds that the Schedule of Fees and Charges which is attached hereto as Exhibit "A" is reasonable and its adoption by the Town is in the best interest of the life, safety, welfare and well-being of its citizens, resident, business owners and property owners.

Section 3. Best Interest of Town of Fort Myers Beach Zoning Fee Schedule. The Town finds that the adoption of the Schedule of Fees and Charges which is attached as hereto

as Exhibit "A" is in the best interest of the life, safety and well-being of its citizens, residents, business owners and property owners.

Section 4. Adoption of Town of Fort Myers Beach Zoning Fee Schedule. In accordance with the provisions of Section 34-52 of the Land Development Code of the Town of Fort Myers Beach, the Town hereby adopts the Town of Fort Myers Beach Zoning Fee Schedule.

Section 5. Effective Date. This resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach.

The foregoing Resolution was adopted by the Town Council on August 1, 2007, upon a motion by Vice Mayor Kiker and seconded by Councilmember Acken. Upon being put to a vote, the result was as follows:

Dennis C. Boback, Mayor	AYE
Larry Kiker, Vice Mayor	AYE
Herb Acken	AYE
Charles Meador, Jr.	AYE
William Shenko, Jr.	AYE

TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH

By: 
Dennis C. Boback, Mayor

Approved as to legal sufficiency:

ATTEST:

By: 
Anne Dalton, Esquire
Town Attorney

By: 
Michelle Mayher, Town Clerk

EXHIBIT "A"
TOWN OF FORT MYERS BEACH
ZONING FEE SCHEDULE

<u>REVIEW ITEMS / FEE SCHEDULE</u>	<u>Zoning Fee</u>
Administrative Actions	
Pre-Application meetings	1st n/c; then \$250 each
Administrative COP	\$1,000
Administrative Interpretation	\$600
Administrative Variance (setbacks)	\$750
Wireless Communication Facility	\$1,500
Zoning Verification Letter	\$250
Temporary Use	\$150
Sign	\$100 + \$100 for third and subsequent reviews
Accessory Apartment determination	\$1,000
Historic Preservation Grant processing	\$500
Joint-use parking lot approvals	\$400
Fire on the Beach	\$25
Outdoor Display and Sales	\$200
Short Term Rentals	\$100
Seasonal Parking Lots	\$200
Special Events	\$30
PWVL	\$170
Town Council	
Rehearing Request	\$500
New Hearing	\$500
Appeal	\$1,000
DCI / Planned Development (PD)	
PD Base Fee	\$10,000 for up to one acre/\$10,000 for each additional acre or portion thereof
PD Administrative Amendment	\$3,000
PD Amendment	\$8,500
MCP Extension	\$3,000
PD Reinstatement	\$4,000
Deviations	\$1,500 residential / \$2,000 non-residential

EXHIBIT "A"
TOWN OF FORT MYERS BEACH
ZONING FEE SCHEDULE

REVIEW ITEMS / FEE SCHEDULE	Zoning Fee
Development of Regional Impact (DRI) (highly unlikely; possible)	
Abandonment	\$1,500
DRI/AMDA Base Fee	\$7,800
DRI/AMDA Increments Base Fee	\$6,500
DRI/Area Master Plan Base Fee	\$6,500
DRI/Florida Quality Development (FQD) Base Fee (DRI Fees in addition	\$9,100
Notice of Proposed Change	\$4,000
DRI/PUD Ordinance Review	\$2,600
Substantial Deviation Determination/Changes	\$10,000
Time Extension (Non-substantial Deviation)	\$1,000
Development Agreement - Original Agreement	\$5,000 + advertising costs
Development Agreement - Amendment	\$2,500 + advertising costs
Local Planning Agency	
Continuance (case scheduled and advertised)	\$250
Deferrals	\$50
Withdrawal	\$50
Historic District	
Administrative Relief	\$500
Appeal to Hearing Examiner (LPA)	\$150
Occupations	
Home occupations	\$25
Use	\$100
Single-Family Minimum Use Determinations	
Single-Family Minimum Use Determinations	\$200
Appeal	\$100

EXHIBIT "A"
TOWN OF FORT MYERS BEACH
ZONING FEE SCHEDULE

REVIEW ITEMS / FEE SCHEDULE	Zoning Fee
Public Hearing	
Rezoning (conventional)	\$5,000
Special Exception	\$4,000
Variance	\$1,000 residential/\$2000 non-residential + \$700 for each additional variance
Application for land development code text amendment*	\$5,000 + \$950/added section
Comprehensive Plan FLUM amendment*	\$5000 + \$1,200/added acre
Comprehensive Plan text amendment*	\$5000 + \$1,900/added policy
Placement of Fill	\$200 / \$700 w/drainage plan
Creation of cooperative or condo units	\$1,000/2 units; \$200/each additional unit
Adjacent property owner notifications	\$1.50/per notification ≥ 50
Administrative/advertising fee	\$1,900
* Outside consultant fees associated with these cases will be passed through to the applicant at 103% of rate billed Town by consultant	