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MONROE COUNTY, FLORIDA
MONROE COUNTY BOARD OF COUNTY COMMISSIONERS
RESOLUTION NO. 151 - 2022

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A RESOLUTION OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING RESOLUTION NO. 346-2018, THE PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT FEE SCHEDULE, TO MODIFY FEES FOR REVIEWS OF SPECIAL APPROVALS FOR SHORELINE SETBACK DEVIATIONS PURSUANT TO CODE SECTION 118-12 AND HEARING FEES; AND TO REPEAL ANY OTHER FEE SCHEDULES INCONSISTENT HEREWITH.

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WHEREAS, the Monroe County Board of County Commissioners (“BOCC”, “Board”, “Monroe County”, or the “County”) wishes to provide the citizens of the unincorporated county with the best possible service in the most cost effective and reasonable manner; and

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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(s) from such services; and

WHEREAS, the updated fee schedule prepared by the Monroe County Planning and Environmental Resources Department 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, 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 the resources expended/needed in excess of the fee estimates included in the base fees; and

WHEREAS, applicants for development review should pay such costs, rather than those funds coming from other sources; and

WHEREAS, the Board heard testimony and evidence presented as to the appropriate fee schedule during a public hearing on May 18, 2022;

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

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 4 **Section 1. Recitals and Legislative Intent.** The foregoing recitals and statements of
 5 legislative intent are true and correct and are hereby incorporated as if fully set forth herein.
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7 **Section 2.** Pursuant to Code Section 102-19(g), the following schedule of fees to be charged
 8 by the Planning and Environmental Resources Department to persons filing text amendments, map
 9 amendments, land development permit applications, land development approval applications, and
 10 land development order applications however styled, and any land development order appeal
 11 however styled. The fees established shall generally be nonrefundable; provided, however, the
 12 Planning Director may approve a refund of up to 50 percent of the fee upon good cause shown by
 13 the applicant and the finding that the refund will not result in Department staff time costs or
 14 material costs already expended going unreimbursed.
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Application	Fee
Administrative Appeals	\$1,500.00
Administrative Relief	\$1,010.00
Alcoholic Beverage Special Use Permit	\$1,260.00
Appeal ROGO or NROGO to BOCC	\$820.00
Beneficial Use	\$4,490.00
Biological Site Visit (per visit)	\$280.00
Biologist Fee (Miscellaneous-per hour)	\$60.00
Boundary Determination	\$1,200.00
Comprehensive Plan, Text Amendment (plus \$850.00 for 2nd BOCC hearing)	\$6,470.00
Comprehensive Plan, Future Land Use Map (FLUM) Amendment (plus \$850.00 for 2nd BOCC hearing)	\$6,090.00
Conditional Use, Major, New/Amendment	\$11,400.00
Conditional Use, Minor, New/Amendment	\$8,480.00
Conditional Use, Minor, Transfer Development Rights (TDR)	\$1,240.00
Conditional Use, Minor, Transfer Nonresidential Floor Area (TRE)	\$1,940.00
Conditional Use, Minor, Transfer ROGO Exemption (TRE)	\$1,740.00
Conditional Use, Minor/Major, Minor Deviation	\$1,770.00
Conditional Use, Minor/Major, Major Deviation	\$3,500.00
Conditional Use, Minor/Major, Time Extension	\$990.00
Department of Administrative Hearings (DOAH) Appeals	\$820.00
Development Agreement / 380 Agreement	\$13,460.00
Development of Regional Impact (DRI)	\$28,880.00
Dock Length Special Exception	\$1,030.00

Front Yard Setback Waiver, Administrative	\$1,250.00
Grant of Conservation Easement	\$270.00
Historic Special Certificate of Appropriateness	\$200.00
Home Occupation Special Use Permit	\$500.00
Inclusionary Housing Exemption	\$1,110.00
Inclusionary Housing Alternative Compliance	\$1,110.00
Land Development Code, Text Amendment	\$5,950.00
Land Use District Map, Map Amendment	\$5,570.00
Letter of Current Site Conditions	\$940.00
Letter of Development Rights Determination	\$2,210.00
Letter of ROGO Exemption	\$220.00
Map designation verification	\$60.00
NROGO Application - up to 10,000 SF	\$920.00
NROGO Application - 10,001-50,000 SF	\$1,260.00
NROGO Application - 50,001 SF or greater	\$1,540.00
Planning Fee (Miscellaneous-per hour)	\$50.00
Parking Agreement	\$1,010.00
Planning Site Visit	\$130.00
Platting, lot line adjustment	\$930.00
Platting, 5 lots or less	\$4,020.00
Platting, 6 lots or more	\$4,610.00
Pre-application with No Letter of Understanding	\$300.00
Pre-application with Letter of Understanding (vacant property)	\$890.00
Pre-application with Letter of Understanding (developed property)	\$1,450.00
Pre-application with Letter of Understanding only identifying the status of a nonconforming use	\$250.00
Pre-application with Letter of Understanding for new antenna-supporting structure	\$670.00
Preliminary Endangered Species Impact Assessment (SAG)	\$140.00
Public Assembly Permit	\$150.00
Dog in Restaurant Permit	\$150.00
Request for Records: Research, development approvals/permits and records (per hour)	\$50.00
Right-of-Way Abandonment	\$1,890.00
ROGO Application	\$850.00
ROGO Land Dedication Letter	\$240.00
Legislative Time Extension for Development Orders / Permits	\$250.00
Special Approval for Shoreline Setback deviations (3 or fewer dwelling units, Sec. 118-12(o)(2) <u>and infill lots, Sec. 118-12(b)(4)c.)</u>	\$1,150.00 <u>\$1,000.00</u>
Temporary Construction Staging Areas	\$530.00

Temporary Non-emergency Housing (site security for capital improvement projects)	\$560.00
Tier Map Amendment (Zoning Overlay) – Other than IS/URM Platted Lot	\$4,670.00
Tier Map Amendment (Zoning Overlay)– IS/URM Platted Lot Only	\$1,970.00
Vacation Rental Exemption (pursuant to Sec. 134-1(b))	\$180.00
Vacation Rental Permit (Initial)	\$490.00
Vacation Rental (Renewal)	\$100.00
Vacation Rental Manager License	\$110.00
Variance, Planning Commission, Signage	\$1,080.00
Variance, Planning Commission, Other than Signage	\$1,610.00
Variance, Administrative	\$1,250.00
Vested Rights Determination	\$2,250.00

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2 Planning and Environmental Resources Department applications may be subject to the following
3 additional fees or requirements:

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5 1. For any application that requires a public hearing(s) and/or surrounding property owner
6 notification, advertising and/or notice fees; \$245.00 for newspaper advertisement and
7 \$3.00 per property owner notice.
8
- 9 2. Affordable Housing: There shall be no application or other fees, except advertising and
10 noticing fees, for affordable housing projects, except that all applicable fees shall be
11 charged for applications for all development approvals required for any development under
12 Sec. 139-2 of the Monroe County Code and for applications for variances to setback,
13 landscaping and/or off-street parking regulations associated with an affordable housing
14 development.
15
- 16 3. There shall be no application or other fees, except advertising and noticing fees, for
17 property owners who apply for a map amendment to the official LUD map and/or the
18 official FLUM, if the property owner can provide satisfactory evidence that a currently,
19 lawfully existing use on the site, also existed lawfully in 1992 and was deemed
20 nonconforming by final adoption of the LUD map *and/or* a currently, lawfully existing use
21 on the site, also existed lawfully on the site in 1997 and was deemed nonconforming by
22 final adoption of the FLUM. To qualify for the fee exemption, the applicant must apply for
23 a LUD and/or FLUM designation(s) that would eliminate the non-conforming use created
24 with adoption of the existing designation(s) and not create an adverse impact to the
25 community. Prior to submittal of a map amendment application, the applicant must provide
26 the evidence supporting the change and application for a fee exemption with the proposed
27 LUD map/FLUM designations to the Monroe County Planning & Environmental
28 Resources Department as part of an application for a Letter of Understanding. Following a
29 review, the Director of Planning & Environmental Resources shall determine if the
30 information and evidence is sufficient, and whether the proposed LUD map and/or FLUM
31 designations are acceptable for the fee waiver, and approve or deny the fee exemption

1 request. This fee waiver Letter of Understanding shall not obligate the staff to recommend
2 approval or denial of the proposed LUD or FLUM Category.

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4 4. Hearing fees: applicant shall pay half the cost of the hourly rate, travel and expenses of any
5 hearing officer. ~~The County is currently charged \$142.00 per hour by Department of~~
6 ~~Administrative Hearings (DOAH). If the fee charged to the County is increased, the charge~~
7 ~~will change proportionately.~~ An estimated amount of one-half of the hearing officer costs
8 as determined by the County Attorney shall be deposited by the applicant along with the
9 application fee, and shall be returned to the applicant if unused.

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11 5. Base fees listed above include a minimum of (when applicable) two (2) internal staff
12 meetings with applicants; one (I) Development Review Committee meeting, one (1)
13 Planning Commission public hearing; and one (I) Board of County Commission public
14 hearing. If this minimum number of meetings/hearings is exceeded, the following fees shall
15 be charged and paid prior to the private development application proceeding through public
16 hearings:

- 17
18 a. Additional internal staff meeting with applicant\$500.00
19 b. Additional Development Review Committee public hearing\$600.00
20 c. Additional Planning Commission public hearing\$700.00
21 d. Additional Board of County Commissioners public hearing\$850.00
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23 The Planning Director or designee shall assure these additional fees are paid prior to
24 hearing scheduling. These fees apply to all applications filed after September 15, 2010.
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26 6. Applicants for Administrative Appeal, who prevail after all appeals have been decided or
27 where the appeal period(s) has expired, shall have the Administrative Appeal application
28 fee refunded. A full refund does not require approval by the Board of County
29 Commissioners; however, if the appellant only prevails on a portion of their appeal, the
30 Board of County Commissioners shall determine the amount of the refund.

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32 7. Concerning the application fees to amend the tier maps, the lesser application fee of
33 \$1,970.00 is only available for applications to amend the tier designation of a single URM
34 or IS platted lot. It may not be used to amend the tier designation of more than one lot.
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36 8. Applicants for any processes listed above, and reviews and waivers pursuant to Article III.
37 Parking and Loading, that are required to provide transportation studies related to their
38 development impacts shall be required to deposit a fee of \$5,000 into an escrow account to
39 cover the cost of experts hired by the Planning and Environmental Resources Department
40 to review the transportation, parking and other related studies submitted by the applicant
41 as part of the development review process or any map or text amendment submitted by a
42 private applicant. Any unused funds deposited by the applicant will be returned upon
43 permit or amendment approval. Monroe County shall obtain an estimate from the
44 consultant they intend to hire to review the transportation, parking and other related studies
45 for accuracy and methodology and if the cost for the review on behalf of Monroe County

1 is higher than the \$5000, applicant shall remit the estimated amount. Any unused funds
2 deposited by the applicant will be returned upon permit approval.
3

- 4 9. Applicants for any processes listed above that may require a technical review or study by
5 a third-party shall bear the cost of such review. At the request of the Senior Director of
6 Planning and Environmental Resources, Applicants shall be required to deposit a fee of
7 \$5,000 into an escrow account to cover the cost of experts hired by the Planning and
8 Environmental Resources Department to review related studies and reports submitted by
9 the applicant, or conduct studies and reports required to be conducted by the County
10 pursuant to Florida Statutes or federal regulation, as part of the development review process
11 or any map or text amendment submitted by a private applicant. Any unused funds
12 deposited by the applicant will be returned upon permit or amendment approval. Monroe
13 County shall obtain an estimate from the consultant they intend to hire to review and/or
14 conduct the required studies for accuracy and methodology and if the cost for the review
15 on behalf of Monroe County is higher than the \$5000, applicant shall remit the estimated
16 amount. Any unused funds deposited by the applicant will be returned upon permit
17 approval.
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19 **Section 3.** Any other fees schedules or provisions of the Monroe County Code inconsistent
20 herewith are hereby repealed.
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22 **Section 4. Construction and Interpretation.** This Resolution, being necessary for the welfare,
23 safety, and health of the residents of and visitors to the County, shall be liberally construed to
24 effect(uate) the public purpose(s) hereof. Interpretation of this Resolution shall be construed in
25 favor of the Monroe County Board of County Commissioners, and such construction and
26 interpretation shall be entitled to great weight in adversarial administrative proceedings, at trial, in
27 bankruptcy, and on appeal.
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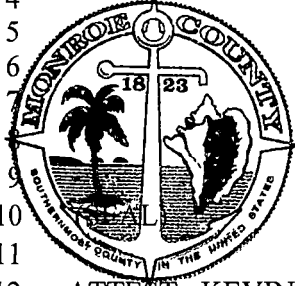
29 **Section 5. Severability.** If any provision of this Resolution, or any part or portion thereof, is held
30 to be invalid or unenforceable by any administrative hearing officer or court of competent
31 jurisdiction, the invalidity or unenforceability of such provision, or any part or portion thereof,
32 shall neither limit or impair the operation, enforceability, or validity of any other provision of this
33 Resolution, or any remaining part(s) or portion(s) thereof. All other provisions of this Resolution
34 and remaining part(s) or portion(s) thereof, shall continue unimpaired in full force and effect.
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36 **Section 6.** The Clerk of the Board is hereby directed to forward one (1) certified copy of this
37 Resolution to the Planning and Environmental Resources Department.
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39 **PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County,
40 Florida, at a regular meeting of the Board held on the 18th day of May, 2022.
41

42	Mayor David Rice	<u>Yes</u>
43	Mayor <i>Pro Tem</i> Craig Cates	<u>Yes</u>
44	Commissioner Michelle Coldiron	<u>Yes</u>
45	Commissioner James Scholl	<u>Yes</u>
46	Commissioner Holly Merrill Raschein	<u>Yes</u>

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ATTEST: KEVIN MADOK, CLERK

Kevin Madok
AS DEPUTY CLERK

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY: David Rice
MAYOR DAVID RICE

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM

Peter Morris
PETER MORRIS
ASSISTANT COUNTY ATTORNEY
Date: 5/2/22

FILED FOR RECORD

2022 JUN 10 PM 4: 56

CLERK CIR. CT.
MONROE COUNTY, FL