



Legislation Text

File #: 2022-11, **Version:** 3

MOTION TO PASS PROPOSED ORDINANCE 2022-11 ON SECOND AND FINAL READING.

PROPOSED ORDINANCE 2022-11 IS AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA AMENDING CHAPTER 155 OF THE CITY'S CODE OF ORDINANCES ENTITLED "LAND DEVELOPMENT CODE" BY AMENDING SECTION 155.306 ENTITLED "APPLICATION SUBMITTAL PROCEDURES" SUBSECTION (E) ENTITLED "FEES", TO PROVIDE FOR AN UPDATED FEE SCHEDULE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

SUMMARY EXPLANATION AND BACKGROUND:

Legislative History

Version 1 of Proposed Ordinance 2022-11 on first reading went before Commission on September 7, 2022 as Item #16. Vote action: failed.

MOTION TO PASS PROPOSED ORDINANCE 2022-11 ON FIRST READING.

PROPOSED ORDINANCE 2022-11 IS AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA AMENDING CHAPTER 155 OF THE CITY'S CODE OF ORDINANCES ENTITLED "LAND DEVELOPMENT CODE" BY AMENDING SECTION 155.306 ENTITLED "APPLICATION SUBMITTAL PROCEDURES" SUBSECTION (E) ENTITLED "FEES", TO PROVIDE FOR AN UPDATED FEE SCHEDULE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

SECOND AND FINAL READING IS TENTATIVELY SCHEDULED FOR OCTOBER 19, 2022.

At the meeting on September 7, 2022, Commission action on Proposed Ordinance 2022-11 was voted on as follows:

Mayor Ortis	NAY
Vice Mayor Schwartz	AYE
Commissioner Castillo	AYE
Commissioner Siple	NAY
Commissioner Good	NAY

The motion failed 3-2.

Mayor Ortis's vote action was on the prevailing side and, pursuant to Parliamentary Rules, is permitted to make a motion to reconsider Proposed Ordinance 2022-11. At the September 21, 2022 meeting, the City Commission voted 5-0 to reconsider the item and the item was discussed on first reading.

Proposed Ordinance Background

1. The City's Planning and Economic Development Department processes numerous development applications.
2. The City charges applicants fees based on the cost of processing the applications. In addition, applicants are often charged for the cost of public notice pertaining to the development applications.
3. Section 155.306 of the City's Land Development Code states that the City Commission establishes application fees and may amend and update them as determined necessary.
4. The current fee schedule was established in 2017 (Ordinance 1874) and consistent with the ordinance has been amended October 1 each year in accordance with the Consumer Price Index (CPI) for Urban Consumers in the United States, published by the Bureau of Labor Statistics for the 12 months ending April of each year, unless otherwise instructed by the City Commission.
5. In 2017, during discussion of the fee schedule, fees for applications for the Board of Adjustments (residential variance) were discussed. It was the Commission's direction that the application fees for that process remain at \$250.00 flat and not be subject to CPI or advertising fees. The residential variances fees have remained flat for the past 15 years.
6. Currently, the average hard costs (not including staff time and office products) to process a residential zoning variance is approximately \$550.
The hard cost consists of the following:
 - A. Mailing Labels - \$250.00
 - B. Posted Sign - \$30.00
 - C. Postage - \$110.00
 - D. Legal Advertisement - \$160.00
 - E. Supplies (Paper, Envelopes, Toner) - Varies
7. The City's residential variance application fee (\$250) is currently not reimbursing the City's expenses to process the application, further, the City's fee is lower than most cities within the County. Other cities also charge the applicant for the cost of notification and/or charge a separate fee if the residential variance is requested after construction has occurred.
8. Residential variance applications by year:
 - A. 2019 - 42
 - B. 2020 - 40
 - C. 2021 - 24
 - D. 2022 - 24 (YTD)

9. Staff is proposing to increase the application fee for residential variances to \$425.00. Each additional variance will be charged \$50. The applicant would also be responsible for the cost of the legal advertisement (Approx \$160).

10. In addition to the increase to residential variances, staff is proposing to increase the fee for Tree Removal permits from \$10 to \$25. Staff has reviewed the fee schedules from other municipalities within the County and a majority of the cities are above \$100.00. Planning and Economic Development staff currently processes around 250 tree removal applications per year which includes onsite inspections, postage, and issuance of permits.

11. The proposed increases are shown on Exhibit A, which includes the current fee schedule increased based on CPI for FY 23 as well as the new proposed fees for Tree Removal applications and Residential Variance applications.

12. Proposed Ordinance 2022-11 also allows future fee schedule amendments to approved by resolution before the Commission.

13. At the September 7, 2022 meeting the motion to pass proposed ordinance 2022-11 failed. Mayor Ortis was on the prevailing side of the vote and is requesting reconsideration of proposed ordinance 2022-11. At the September 21, 2022 meeting the motion to reconsider the item passed 5-0 and the item was discussed on first reading. The motion to pass proposed ordinance 2022-11 on first reading passed 5-0 4-1 as follows:

Mayor Ortis	AYE
Vice Mayor Schwartz	AYE
Commissioner Castillo	AYE
Commissioner Siple	AYE
Commissioner Good	NAY

14. Administration recommends adopting proposed ordinance 2022-11 on second and final reading.

FINANCIAL IMPACT DETAIL:

a) **Initial Cost:** None, additional revenues may be realized based on the proposed fee increase.

b) **Amount budgeted for this item in Account No:** Not Applicable

c) **Source of funding for difference, if not fully budgeted:** Not Applicable

d) **5 year projection of the operational cost of the project:** Projected increase in revenues for FY -23 due to the fee increase:

BOA Review Fees (Acct: 001-515-9002-341696) FY 23 Budget \$5,000, FY 23 Revised \$9,000

Tree Removals- Relocation Permit (Acct: 001-515-9002-329300), FY 23 Budget \$ 4,000, FY 23 Revised \$7,500

e) **Detail of additional staff requirements:** Not Applicable

FEASIBILITY REVIEW:

A feasibility review is required for the award, renewal and/or expiration of all function sourcing contracts. This analysis is to determine the financial effectiveness of function sourcing services.

a) Was a Feasibility Review/Cost Analysis of Out-Sourcing vs. In-House Labor Conducted for this service? Not Applicable

b) If Yes, what is the total cost or total savings of utilizing Out-Sourcing vs. In-House Labor for this service? Not Applicable