

**CITY OF BONITA SPRINGS, FLORIDA
ORDINANCE NO. 17-18**

AN ORDINANCE OF THE CITY OF BONITA SPRINGS; AMENDING §2-571, SETTING FORTH THE COMMUNITY DEVELOPMENT PLANNING AND ZONING FEES; PROVIDING FOR COST RECOVERY FOR CERTAIN CONSULTANTS; PROVIDING FOR A REPEALER, CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE.

WHEREAS, City Council adopted Resolution No. 08-130, containing a revised building permit fee schedule on November 19, 2008, to support the self-funding of those services; and

WHEREAS, City Council is the governing body of the City of Bonita Springs and following input from CH2M HILL, the planning and zoning professionals who represent individuals before Bonita Springs, and other members of the public as to what a reasonable schedule of fees should be for development of property in Bonita Springs, adopted Ordinance No. 10-01 as a revised fee schedule for planning and zoning, to pay for the costs associated with planning, zoning, and development services; and

WHEREAS, City Council adopted Ordinance No. 11-09 to add as a pass through cost fees charged by the Lee County Clerk of Court and Simplifile LC, so that Notices of Commencements and other documents the City of Bonita Springs requires to be recorded with the Lee County Clerk of Court can be charged as a pass through expense.

WHEREAS, City Council amended the fee schedule through Ordinance No. 13-11 to add fees for public notification, mobile food vendors, tree delegation program, outdoor dog dining, and shelter operational use permits; and

WHEREAS, City Council desires to amend the fee schedules to adjust the existing fees to reflect the cost of issuing the permits or requiring the fees, and include a cost recovery process for matters in which additional outside consultant time is necessary for review of applications to implement the Quadrant Plan, Bonita Beach Road Vision or other necessary multi-modal requirements

THE CITY OF BONITA SPRINGS HEREBY ORDAINS:

SECTION ONE: FEE SCHEDULE FOR PLANNING AND ZONING; COST RECOVERY; WAIVER AND ADJUSTMENT PROCESS

The City of Bonita Springs hereby amends its schedule of reasonable fees to defer the costs of planning and zoning applications, in accordance with its Land Development Code, the revised fee schedule for planning and zoning, in accordance with the schedule attached to this Ordinance as Exhibit 1.

SECTION TWO: REPEALER

Upon the effective date of this Ordinance, Ordinance No. 13-11, and subsequent amendments, is hereby repealed and replaced, and of no further effect.

SECTION THREE: CONFLICTS

Whenever the requirements or provisions of this amending ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements shall apply.

SECTION FOUR: SEVERABILITY

If any part, section, subsection, or other portion of this Ordinance or any application thereof to any person or circumstance is declared void, unconstitutional or invalid for any reasons, such part, section, subsection, or other portion or the prescribed application thereof, shall be severable, and the remaining provisions of this Ordinance, and all applications thereof not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The City declares that no invalid or prescribed provision or application was an inducement to the enactment of this Ordinance, and that it would have enacted this Ordinance regardless of the invalid or prescribed provision or application.

SECTION FIVE: CODIFICATION, INCLUSION IN CODE AND SCRIVENER'S ERRORS

It is the intention of the City Council for the City of Bonita Springs that the provisions of this ordinance shall become and be made a part of the Bonita Springs City Code; and that sections of this ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such inclusion in the code is accomplished, sections of this ordinance may be renumbered or re-lettered and typographical errors which do not affect the intent may be authorized by the City Manager, or the City Manager's designee, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

SECTION SIX: EFFECTIVE DATE & RETROACTIVE APPLICATION

The effective date of this ordinance shall be thirty days from its adoption date, with fees going into effect on November 1, 2017. It is the intent of City Council to allow staff to apply retroactively any newly created fee that was not in the prior fee schedule or enacting legislation if there is no other fee schedule in place.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 20th day of September, 2017.

AUTHENTICATION:



Mayor



City Clerk

APPROVED AS TO FORM:



City Attorney

Vote:

DeWitt	Aye	Quaremba	Absent
Forbes	Aye	Simmons	Aye
Gibson	Aye	Slachta	Aye
O'Flinn	Aye		

Date filed with City Clerk: 9/25/17

Exhibit 1

Section 2-571, is replaced as follows, with revised language shown by strike-through of identified deleted language and by underline of identified additional language:

Sec. 2-571. - Fee schedule. Fee Schedule for Planning and Zoning; Cost Recovery; Waiver and Adjustment Process

- (A) The city council hereby adopts a schedule of reasonable fees to reasonably accommodate the costs of planning and zoning applications in accordance with this Code.
- (B) City Council specifically reserves the right to waive all or a portion of any of the planning and zoning fees for specific projects or geographic location based on determination of City Council by resolution.
- (C) City Council may update these application fees from time to time to coincide with the cost of providing the staff to review and process the work.

COMMUNITY DEVELOPMENT FEE SCHEDULE
Effective ~~October 1, 2013~~ November 1, 2017

Cost Recovery Deposit

Effective for any proposed comprehensive plan amendments, rezonings or development orders that will go to public hearings after November 1, 2017, Community Development is hereby authorized to establish an account for the costs of additional review time by outside consultants that are specialized for certain issues related to specific areas. The deposit is in addition to the fixed fees contained in the fee schedule. Planning and Zoning applications will not be scheduled for public hearings until all outstanding balances are paid. Development Review applications will not be issued and/or approved until all outstanding balances are paid. Any funds remaining upon completion of the rezoning or development order will be returned to the applicant. The amounts below are an estimate, with the actual cost being higher or lower, depending on the complexity of the project. In the event the deposit is insufficient, the applicant will be required to deposit additional funds in the account so as to complete the review of the application. The initial deposit is as follows:

<u>Application</u>	<u>Cost Recovery Deposit</u>
<u>Comprehensive Plan Map Amendment</u>	<u>\$2,000.00</u>
<u>Comprehensive Plan Text Amendment</u>	<u>\$2,000.00</u>
<u>DRI Review – New Application</u>	<u>\$5,000.00</u>
<u>DRI – Modification, Amendment, Build-out, Extension⁽¹⁾, Abandonment, NOPC</u>	<u>\$3,000.00</u>
<u>Rezonings/Planned Developments</u>	<u>\$2,000.00</u>
<u>Development Orders</u>	<u>\$1,000.00</u>
<u>Other</u>	<u>Comm. Development Director on a case by case basis</u>

(1) Excludes statutory or legislative amendments

COMMUNITY DEVELOPMENT FEE SCHEDULE
 Effective ~~October 1, 2013~~ November 1, 2017

Comprehensive Planning and Land Use	
<i>Comprehensive Planning</i>	
Administrative Map Determination	\$500 \$200.00/each
Administrative Text Determination	\$500 \$300.00/each
Large-Scale Map Amendments	\$8,000 \$5,600.00 + \$20.00/district
Text Amendment	\$3,000 \$2,500.00
Small-Scale Amendment (10 or more acres)	\$2,500 \$2,000.00
<i>Comprehensive Plan Documents</i>	
Future Land Use Map	\$15.00
City of Bonita Springs Plan Codification	\$35.00
<i>Planning Determination Appeals</i>	
Planning Determination Appeals	\$700.00
Zoning	
<i>Developments of Regional Impact</i>	
Abandonment	\$2,000 \$1,500.00
DRI/AMDA Base Fee	\$10,000 \$7,800.00
DRI/Area Master Plan Base Fee	\$8,500 \$6,500.00
DRI/Florida Quality Development Base Fee (DRI fees in addition to rezoning fee)	\$10,000 \$9,100.00
Notice of Proposed Change	\$5,000 \$4,000.00
DRI/PD Ordinance Review	\$3,000 \$2,600.00
Substantial Deviation Determination/Changes	\$7,500 \$6,000.00 + \$10.00/acre
DRI Time Extension (Non-Substantial Deviation)	\$1,000 \$600.00
<u>Essentially Built Out Process</u>	<u>\$2,500</u>
<i>Land Development Code Amendments</i>	
Land Development Code Text Amendment	\$3,000 \$2,500.00
<i>Planned Developments</i>	
Industrial Planned Development/Excavation	\$10,000 \$8,000.00 + \$60.00/acre
Major PD Base Fee	\$10,000 \$8,000.00 + \$60.00/acre

+ Each Added District	\$1,500.00
Minor PD Base Fee	\$5,000.00 + \$60.00/acre
+ Each Added District	\$800.00
Administrative Major Amendments and Changes (Supplement H)	\$1,750 \$1,500.00
Administrative Minor Amendments and Changes (Supplement H)	\$1,250 \$1,000.00
PD Amendments (Public Hearing)	\$5,000.00
Master Concept Plan Extensions	\$2,000 \$1,800.00
Master Concept Plan Reinstatement	\$2,500.00
<u>Master Concept Plan Recording Fee</u>	<u>See cost for Electronic Recording Fees</u>
Final Plan Approval	\$1,000.00
<i>Rezoning and Special Exceptions</i>	
Rezoning (Conventional)	\$3,000 \$2,500.00
Special Exception - Accessory Apartment	\$500.00
Special Exception - Excavation	\$5,000 \$2,600.00 + \$60.00/acre
Special Exception - Tower	\$5,000 \$1,500.00
Special Exception - Consumption on Premises	\$1,500 \$1,000.00
Special Exception - Other	\$5,000 \$1,000.00
<i>Variance</i>	
Dock (Administrative)	\$500 \$300.00
Dock (Public Hearing)	\$1,500.00
Residential/ Commercial - First request	\$750 \$1,000.00
Residential/ Commercial - Additional requests	\$150 \$250.00
<u>Commercial - First request</u>	<u>\$1,500</u>
<u>Commercial - Additional requests</u>	<u>\$250</u>
Sign	\$1,500.00
<i>City Council</i>	
Rehearing Request	\$265.00
New Hearing	\$350.00
Appeal	\$700.00
Continuance (Scheduled and Advertised)	\$160.00 <u>Actual cost deducted from Advertising Escrow</u>
Deferrals (Scheduled and Not Advertised)	No Charge

Withdrawal	No Charge
<i>Bonus Density</i>	
Bonus Density (<u>options 1 and 3</u>)	No Charge
Bonus Density (<u>option 2</u>)	\$2,100.00/application
<i>Administrative Actions</i>	
Setback Variance (Supplement A)	\$500.00 \$475.00
Commercial Lot Split (Supplement B)	\$750.00 \$500.00
Consumption on Premises (Supplement C)	\$500.00
Consumption on Premises - Over the Counter	\$25.00 \$20.00
Ordinance Interpretation (Supplement E)	\$500.00
Wireless Communication Facility	\$1,000.00
Encroachment into an Easement (Supplement G)	\$500 \$300.00
Placement of Model Homes, Units, or Display (Supplement J)	\$500 \$300.00
Dock and Shoreline Structures (Supplement K)	\$500 \$300.00
Redevelopment District (Supplement L)	\$300.00
Community Gardens (Supplement M)	\$100.00
Joint Use of Parking (Supplement N)	\$500.00
Wireless Communication Facility (Supplement O)	\$1,500.00 \$1,000.00
Bed and Breakfast (Supplement P)	\$250.00
<i>Historic District</i>	
Administrative Relief	\$500.00
Appeal to City Council	\$135.00
<i>Home Occupations</i>	
Home Occupation	\$25.00 \$20.00
<i>Minimum Use/Single Family Determinations*</i>	
Minimum Use/Single-family Determinations (Supplement C)	\$150.00 \$135.00
*No fee if MUD is applied for as part of a City of Bonita Springs building permit application.	
Appeal (Planning Determination)	\$75.00
<i>Zoning Verification Letter</i>	
Standard Review Letter	\$75.00
Full Review Letter	\$200.00 and \$25.00 per hour for staff research time over 1½ hours

<i>Temporary Uses</i>	
Temporary Sign/Banner Permit	\$25.00
<u>Temporary Use Permit w/ Tent (over 10 x 10), Carnival, Christmas Tree Sales, Circus, Construction Trailer, Fireworks, Parking Lot, and Road Side Stand</u>	\$150.00
Temporary Use Permit w/o Tent	\$25.00 \$20.00
Hen Permit Pilot Program	\$25.00 \$0.00
Mobile Food Vendor	\$100.00/site
Outdoor Dog Dining	\$25.00/restaurant
<i>Shelter Use Permit</i>	
Shelter Operational Use Permit	\$1,000.00
<i>Annexation</i>	
Annexation Petition Request	\$1,325.00
Voluntary Annexation	
<i>Downtown Redevelopment Area</i>	
Major Project Reviews	\$0.00
Minor Project Reviews	\$0.00
Color Palette Review	\$25.00 \$0.00
<i>Zoning Building Permit Review and Inspection Fees</i>	
These fees will only be assessed when a building permit fee is not paying for the services	
Zoning Review (e.g., Virtual office location, building inspection)	\$25.00
Zoning Inspection	\$25.00

Development Services	
<i>Development Orders</i>	
Application Base Fee	\$8,000.00 \$5,000.00 + \$60.00/acre*
MDO (Mining Development Order) Base Fee	\$5,000.00 \$3,000.00 + \$60.00/acre*
Re-submittal	\$500.00 \$435.00 (Fourth <u>Second</u> and over)
Amendment	\$1,750.00 \$1,500.00
Amendment Re-submittal	\$500.00 \$350.00 (<u>Second</u> and over)
Applicant Request/Deferral (hold) Action	\$50.00 \$40.00
Extension (must be requested prior to expiration date)	\$500.00 \$350.00
Minor Change	\$500.00 \$350.00
Re-inspection Fee	\$100.00
Operations Renewals (Mining)	\$3,000 \$2,500.00
*Minimum acreage fee is one acre, rounded off to nearest 1/10 acre if over 1 acre in size.	
<u>Development Order Recording Fee</u>	<u>See cost for Electronic Recording Fees</u>
<i>Development Orders Limited Review</i>	
Agricultural Use Excavation	\$250.00*
Limited Review (or Exemption) Amendment	\$250.00 \$200.00
Operations Renewals (Excavation/Mining)	\$3,000.00 \$2,500.00
Re-submittal	\$250.00 \$200.00
Types A, B, C, and D	\$500.00 \$350.00
Types E, F, and G	\$350.00 \$250.00
Types H and I	\$1,500.00 \$1,100.00
Type 99 (Letter of Transmittal)	\$75.00 \$50.00
<u>Unity of Title</u>	<u>\$250.00</u>
<u>Limited Review Development Order Recording Fee</u>	<u>See cost for Electronic Recording Fees</u>
<i>Administrative Deviations</i>	
<u>LDC 3-81 Base Fee (Supplement I)</u>	\$500.00 \$400.00
Additional Request	\$75.00
<i>Drainage Plans (Building Permit Review and Inspection Fees)</i>	
Single-family/Duplex <u>Drainage Plans Review</u>	\$50.00

<u>Drainage Inspection</u>	<u>\$50.00</u>
<i>Concurrency Extensions</i>	
Concurrency Renewals	<u>\$250.00</u> \$200.00
<i>Extra Plans to be Stamped</i>	
Extra Plans to be Stamped	\$50.00
<i>F-0015 Review</i>	
Amendment	\$500.00
Appeal to City Council	\$500.00
<i>Appeal to City Council</i>	
City Council Appeal	\$500.00
<i>Road Maintenance Application</i>	
Road Maintenance Application	\$645.00
<i>Plat</i>	
Base Fee (resubmittals free)	
Preliminary	\$1,000.00 + \$50.00/lot <u>or tract</u>
Final	\$1,000.00 + \$50.00/lot <u>or tract</u>
Plat (Mylar) Recording Fee	\$100.00
*Refer to the county clerk of court fee schedule for all applicable recording fees.	
<i>Vacation</i>	
Of Plat (no right-of-way)	\$600.00
Of Drainage Easement	\$600.00
Of ROW, of plat with ROW	\$1,000.00 + \$10.00/lot <u>or tract</u>
Of Utility Easements	\$300.00
*Refer to the county clerk of court fee schedule for all applicable recording fees.	
<i>FEMA</i>	
Letter of Map Amendment (single lot or structure) (LOMA)	-Free
Letter of Map Revision – All types	<u>\$500.00</u>
Conditional Letter of Map Amendment – F (single lot or structure) (CLOMA/CLOMA – F)	\$250.00
Letter of Map Revision – F <u>Community Acknowledgement Form</u> (single lot or structure) (LOMR – F)	\$250.00
Existing Structure (LOMR – F based on as-built information: a/k/a Grandfather Letters)	\$50.00

<u>Built in Compliance (a.k.a Grandfather) Letter</u>	
Letter of Map Amendment (multiple lot or structure) (LOMA)	-Free
Conditional Letter of Map Amendment Community Acknowledgement Form (multiple lot or structure) (CLOMA)	\$75/lot with a cap of \$2,000/subdivision within the same application
Conditional Letter of Map Revision – F (multiple lot or structure)	\$250.00
FEMA No Rise Certification Letter	\$250.00
Community Acknowledgement Letter (no technical limited review)	\$50.00
<i>Blasting</i>	
Blasting Base Fee	\$300.00 + \$275.00/acre
Environmental Sciences	
<i>Vegetation Permits</i>	
Environmental Permit Inspection/Re-inspection	\$55.00- \$50.00
Vegetation Removal Permit	No Fee
Tree Removal	\$55.00 \$25.00 for first tree and \$55.00 \$50.00 for all trees after the first tree
Tree Permit After Removal	\$110.00 \$100.00
Tree Delegation Program	\$50.00
Agricultural Clearing	\$50.00*
*Consistent with F.S. §163.3162, upon proof by applicant, the city will not charge a fee on agricultural activity, if such agricultural activity is regulated through implemented best management practices, interim measures, or regulations adopted by FDEP, FDACS or SFWMD as part of a statewide or regional program; or if such agricultural activity is expressly regulated by the USDA, ACOE or EPA.	
<i>Coastal Construction Control Line (CCCL)</i>	
CCCL Non-contravene Letter	\$50.00
Miscellaneous Fees	
<i>Research</i>	
Research	\$25.00/hour
<i>Statutory Extensions</i>	
Statutory Extensions (Res. 12-020 & 12-054)	\$200.00, unless a specific statutory exemption precludes payment. It is a separate fee for each

	approval type (i.e., MCP, DRI, DO, Concurrency, etc.)
<i>Miscellaneous Fees</i>	
<u>Application Refunds</u>	<u>\$25.00 processing fee</u>
Community Development Districts (per FL ST.)	\$15,000.00
Development Agreement (Original Agreement, Ord. 06-17)	\$5,000.00 + advertising costs
Development Agreement Amendment	\$1,500.00 + advertising costs
<i>Document Copies</i>	
<p>The prices below are for copying <u>using City equipment, done in-house</u>. If there is extensive printing (e.g., a file or series of files that would take more than 15 minutes of staff time to print) that is sent to a <u>for outside reprographics, printing company</u>, the requestor is required to pay the actual cost of the printing. An advance deposit of 50 percent is required for any copying where the estimated miscellaneous copying fees are expected to exceed \$25.00. Failure to pay any past due miscellaneous fees above \$5.00 will require for the requestor to become current with the amount owed before the city will comply with any other public records request requiring copying or other replication services, including certification.</p>	
11 x 17 (1-sided)	\$0.30/each
11 x 17 (1-sided) Color	\$2.00/each
8.5 x 14 Legal (1-sided)	\$0.15/each
8.5 x 14 Legal (1-sided) Color	\$1.50/each
8.5 x 14 Legal (2-sided)	\$0.20/each
8.5 x 11 Letter (1-sided)	\$0.15/each
8.5 x 11 Letter (1-sided) Color	\$1.00/each
8.5 x 11 Letter (2-sided)	\$0.20/each
<u>Photocopies (using City equipment)</u>	<u>15¢ per single sided page (or 20¢ for double-sided), and postage</u>
24 x 36	\$5.00/page
<u>USB Flash Drive</u>	<u>\$10.00 per USB (8 GB)</u>
<u>CD</u>	<u>\$10.00, and \$5.00 for additional copies of same information</u>
<u>Extensive Staff Time</u>	<u>BSC \$36-289</u>
<i>Maps</i>	
The costs below include the charge for labor and overhead associated with their duplication.	
Future Land Use	\$15.00
Planned Developments	\$15.00
8.5 x 11	\$3.00

8.5 x 14	\$14.00
11 x 17	\$5.00
Larger than 11 x 17	\$15.00
Customized	\$25.00
<i>Public Notification Fees (Planning and Zoning Applications, Res. 09-037)</i>	
Sign Posting	\$5.69/each
Mailed Notice Letters	\$1.50/each
Newspaper Block Advertisement	\$1,000.00 (escrowed - with a refund in the event actual costs do not exceed the escrowed amount and applicant responsible for any additional cost.)
Continuance for Comp Plan Change	Actual cost if applicant-initiated continuance to cover the costs of re-notification, if necessary)
<i>Electronic Recording Fees</i>	
Any documents that community development will record for as a convenience to applicants will be assessed the actual costs for recording/filing by the county clerk of courts based on their current schedule of the clerk's service charges and fees, along with the submission fee charged by Simplifile to permit the city to use the Simplifile Electronic Recording System and the fee for using a credit card. Community Development will determine which documents it will permit to use the Electronic Recording System so that employee time in processing this convenience is not abused. In the event more than 15 minutes is necessary for city employees (Finance or Community Development) to process any one document, an additional <u>charge</u> may be assessed for this convenience at the same rate as research (\$25.00 per hour). No refunds of fees are permitted once a document is recorded.	

(Ord. No. 13-11, § 1 (Att.), 8-7-2013)