

ORDINANCE NO. 15-2007

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 51, SECTION 51-6 ENTITLED "FEES FOR APPLICATION DEVELOPMENT REVIEW" TO DELETE THE FEE SCHEDULE AND PROVIDE FOR THE ESTABLISHMENT OF A SCHEDULE OF THE DEVELOPMENT ORDER APPLICATION FEES BY RESOLUTION OF THE TOWN COMMISSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission has previously adopted provisions pertaining to fees associated with the processing of development order applications and a fee schedule, which have been codified in Chapter 51, Section 51-6 entitled "Fees for application development review"; and

WHEREAS, Town staff has recommended that Town Commission repeal that portion of Code Section 51-6 which contains the fee schedule of the development order application fees and provide that the development order application fee schedule will be adopted by resolution of the Town Commission to allow for greater ease and flexibility in amending the Town's fee schedule; and

WHEREAS, the Town Commission has reviewed the recommendations of Town staff, and has determined that amending Section 51-6 of Chapter 51, pertaining to the fee schedule for development order applications is necessary to further the public's health, safety and welfare.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN

OF LAKE PARK, FLORIDA:

Section 1. The whereas clauses are incorporated herein as true and correct and as the findings of the Town Commission.

Section 2. Chapter 51, Section 51-6 of the Town’s Code of Ordinances is hereby amended to read as follows:

Sec. 51-6. Fees for application development review.

(a) *Plan review and escrow account fees.* ~~The following plan review and escrow account fees shall be collected by the town's department of community development to mitigate the costs of its review of the applications enumerated in the table below. The Town Commission shall set Plan review and escrow account fees by resolution.~~

The town commission may from time to time establish and amend the fee schedule for development order application fees by resolution. The fees shall be collected by the town’s department of community development to mitigate the costs of its review of the applications.

TABLE INSET:

—	Application —	Plan Review Fee—	Escrow Account Fee—	Notes—
(1) —	Abandonment of rights of way —	\$750.00 —	\$400.00 —	—
(2) —	Abandonment of easements and non-fee interests —	300.00 —	100.00 —	—
(3) —	Appeal of administrative decisions —	400.00 —	n/a —	—
(4) —	Annexation, voluntary —	200.00 —	1,000.00 —	(1) —
(5) —	Comprehensive plan amendment (includes small scale) —	1,000.00 —	1,500.00 —	—
(6) —	Comprehensive future land use map change —	1,000.00 —	1,500.00 —	—
(7) —	Development of regional impact —	2,000.00 —	5,000.00 —	—
—	a. Substantial deviation —	1,500.00 —	1,000.00 —	—
—	b. Notice of proposed change for a minor modification —	1,000.00 —	500.00 —	—

—	e. Annual report review —	500.00 —	200.00 —	—
(8) —	Development approval extension —	1,000.00 —	200.00 —	—
(9) —	Developer's agreements review and approval —	550.00 —	200.00 —	—
(10) —	Noneonforming use permits —	70.00 —	n/a —	—
(11) —	Planned unit development —	—	—	—
—	a. Master plan approval —	1,000.00 —	800.00 —	—
—	b. Modification to an approved master plan —	550.00 —	300.00 —	—
(12) —	Site plan, nonresidential —	—	—	—
—	a. 0–4,999 square feet —	550.00 —	300.00 —	—
—	b. 5,000–14,999 square feet —	750.00 —	400.00 —	—
—	c. Greater than 14,999 square feet —	1,250.00 —	600.00 —	—
—	d. Modification to previously approved site plan —	550.00 —	300.00 —	—
(13) —	Site plan, residential —	—	—	—
—	a. Base fee —	550.00 —	300.00 —	—
—	b. Additional fee, greater of \$10.00 per dwelling unit or lot —	—	—	—
(14) —	Special exception, nonresidential —	—	—	—
—	a. 0–4,999 square feet —	550.00 —	300.00 —	—
—	b. 5,000–14,999 square feet —	750.00 —	400.00 —	—
—	c. Greater than 14,999 square feet —	1,250.00 —	600.00 —	—
—	d. Modification to previously approved special exception —	550.00 —	300.00 —	—
(15) —	Special exception, residential —	—	—	—

—	a. 0–4,999 square feet	550.00	300.00	—
—	b. 5,000–14,999 square feet	750.00	400.00	—
—	c. Greater than 14,999 square feet	1,250.00	600.00	—
—	d. Modification to previously approved special exception	550.00	300.00	—
(16)	Special Permit	—	n/a	—
(17)	Variance, nonresidential	250.00	0	(2)
(18)	Variance, residential principal structure	250.00	0	(2)
(19)	Variance, residential accessory structure	200.00	0	(2)
(20)	Vegetation removal and land clearing permit	125.00 plus 25.00 per acre	—	—
(21)	Zoning code text amendment	400.00	n/a	—
(22)	Zoning map amendment	1,000.00	n/a	—
(23)	Zoning determination letter	35.00	n/a	—
(24)	Engineering plan review	—	—	—
—	a. Commercial and industrial, per acre, minimum fee (125.00)	125.00	200.00	—
—	b. Residential, per unit	12.00	100.00	—
—	e. Golf courses, per acre	30.00	200.00	—
(25)	Plat review actual cost	125.00	125.00	—

NOTES:

(1) If the annexation is initiated by, or at the request of the town, there shall be no application fee. The application fee may be waived by the town provided the application is considered in

conjunction with the submission of a voluntary annexation for property that is ten acres or less in size.

~~(2) Variances which accompany a site plan application shall be charged the site plan application and half the variance fee, regardless of the number of variances sought fee. Fee for accessory structures. Fee for accessory structures greater than that for principal structures.~~

~~(b) *Engineering plan review fees.* The following engineering plan review fees shall be collected by the town's department of community development to mitigate its costs incurred in reviewing engineering plans.~~

TABLE INSET:

Engineering plan review	—	—
a. Commercial and Industrial, per acre, Minimum fee (125.00)	125.00	200.00
b. Residential, per unit	12.00	100.00
c. Golf courses, per acre	30.00	200.00
Plat review, actual cost	125.00	125.00

~~(e) (b) *Recovery of additional costs.* In addition to plan review fees, the town may recover the costs referenced below, including, but not limited to, the following:~~

~~(1) Consultant fees incurred by the town to review such professional documentation as a property appraisal, traffic impact analysis, vegetation and environmental assessments, archeological or historic assessments, market studies, engineering studies or reports, attorney's fees, and legal documents.~~

~~(2) Costs associated with providing notice for public hearings or other public meetings.~~

~~(3) In cases where additional costs described hereinabove are anticipated or incurred, the applicant shall deposit an amount estimated by the town to be sufficient to recover its costs into an escrow account created by the town. Upon completion of the review of the development applications, the applicant will be either refunded any unused amount deposited into the escrow account.~~

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Codification. The sections of the Ordinance may be made a part of the Town Code of Laws and Ordinances and may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Section 6. Effective Date. This Ordinance shall take effect immediately upon adoption.

Upon First Reading this 18 day of July, 2007,
the foregoing Ordinance 15-2007, was offered by Vice-Mayor Daly
who moved its approval. The motion was seconded by Commissioner Balius,
and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO	<u>X</u>	_____
VICE MAYOR ED DALY	<u>X</u>	_____
COMMISSIONER CHUCK BALIUS	<u>X</u>	_____
COMMISSIONER JEFF CAREY	<u>X</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>X</u>	_____

Upon Second Reading this 1 day of August, 2007, the foregoing
Ordinance 15-2007, was offered by Commissioner Balius who
moved its adoption. The motion was seconded by Vice-Mayor Daly,
and being put to a vote, the result was as follows:

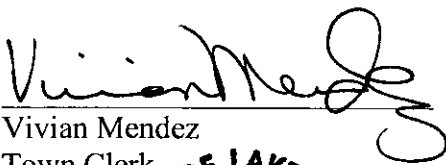
	AYE	NAY
MAYOR PAUL CASTRO	<u>X</u>	_____
VICE MAYOR ED DALY	<u>X</u>	_____
COMMISSIONER CHUCK BALIUS	<u>X</u>	_____
COMMISSIONER JEFF CAREY	<u>X</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>X</u>	_____

The Mayor thereupon declared Ordinance No. 15-2007 duly passed and adopted this
1 day of August, 2007.

TOWN OF LAKE PARK, FLORIDA

BY: 
Mayor Paul Castro

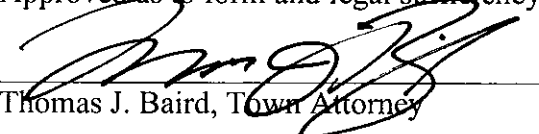
ATTEST:


Vivian Mendez
Town Clerk



FLORIDA

Approved as to form and legal sufficiency:


Thomas J. Baird, Town Attorney