

city of saint paul
planning commission resolution
file number 15-78
date December 4, 2015

ZONING FEE STUDY AND TEXT AMENDMENTS

WHEREAS, Zoning Code § 61.302, *Application forms and fees*, prescribes fees to defray the costs of zoning permits and approvals pursuant to MN Stat. §§ 462.351-364, which require fees to be fair, reasonable, and proportionate to the actual cost of the service for which the fee is imposed; require zoning fees to be prescribed by ordinance; and require Planning Commission review and recommendation for Zoning Code amendments; and

WHEREAS, Zoning Code § 61.801(b) provides that Zoning Code text amendments may be initiated by the City Council or by the Planning Commission; and

WHEREAS, it has been over five years since fees for zoning applications were reviewed by the Zoning Committee of the Planning Commission in 2010 and the Planning Commission recommended amendments to Zoning Code Section 61.302 to increase fees to more fully cover the cost of processing the applications, amendments that were adopted by the City Council in January 2011; and

WHEREAS, costs to the City for processing various types of zoning reviews and applications have increased since the fees were last increased in 2011; and

WHEREAS, the Department of Safety and Inspections (DSI), as part of their budget process over the last few months, has proposed a 3% increase for all DSI fees, and proposed an additional increase in the fees for site plan and design review for 1-2 dwelling units, fee increases that DSI wants to move ahead with now; and

WHEREAS, the 3% fee increases proposed by DSI are less than the increase in costs due to inflation since 2011 and do not include all zoning fees paid to the Department of Planning and Economic Development; and

WHEREAS, Zoning Committee of the Planning Commission, on November 24, 2015, reviewed the costs to the City for processing various types of zoning reviews and applications, the inflation of these costs since the fees were last increased in 2011, and draft amendments to Zoning Code Section 61.302, *Application forms and fees* proposed by the Department of Safety and Inspections and forwarded its recommendations to the Planning Commission; and

WHEREAS, the full Planning Commission considered the recommendations of the Zoning Committee on December 4, 2015;

moved by Nelson
seconded by _____
in favor Unanimous
against _____

NOW, THEREFORE, BE IT RESOLVED, under provisions of Minnesota Statutes § 462.367 and Legislative Code § 61.801, that the Planning Commission hereby initiates a zoning study to consider adjustments of fees prescribed in Zoning Code § 61.302, *Application forms and fees*, to reflect an increase in costs due to inflation since the fees were last set; and

BE IT ALSO RESOLVED, under provisions of Minnesota Statutes § 462.367 and Legislative Code § 61.801, that the Planning Commission hereby initiates a zoning study to consider amendments to zoning fees proposed by the Department of Safety and Inspections (DSI), and based on the amendments proposed by DSI recommends to the Mayor and City Council the following amendments to Zoning Code § 61.302, *Application forms and fees*; and

BE IT ALSO RESOLVED, that the Planning Commission directs the Planning Administrator to forward the following draft zoning text amendments, along with the November 24, 2015, memorandum from the Zoning Committee containing their recommendations and rationale for the recommended text amendments, to the Mayor and City Council for their review and adoption.

Note: Existing language to be deleted shown by ~~strikeout~~. New language to be added shown by underlining.

Sec. 61.302. Application forms and fees.

- (a) *Application forms and fee.* All applications shall be filed on appropriate forms. Pursuant to Minn. Stat. § 462.353, subd. 4, a fee to defray the costs incurred in administering official zoning controls established pursuant to Minn. Stat. § 462.351-364, as set forth in the schedule below, shall be paid by the applicant when a zoning application is filed. The fee for applications filed with the planning administrator shall be paid to the department of planning and economic development. The fee for applications filed with the zoning administrator shall be paid to the department of safety and inspections. Zoning control application fees shall be amended by ordinance.
- (b) *Fee schedule.* Fees for the following zoning control applications shall be as follows:
- (1) *Site plan review:*
 - a. ~~Two~~ Three hundred ~~fifty~~ dollars (~~\$200~~350.00) residential, one (1) to two (2) dwelling units. ~~Three hundred twenty-five dollars (\$325.00) for additions to one- and two-family dwellings.~~
 - b. Five hundred ~~fifteen~~ dollars (~~\$500~~515.00) up to ten thousand (10,000) square feet of land and two hundred ~~six~~ dollars (~~\$200~~206.00) for each additional ten thousand (10,000) square feet of land for all other uses, and an additional fee of two hundred sixty ~~eight~~ dollars (~~\$260~~268.00) for sites on steep slopes or in the river corridor or tree preservation overlay districts. For any site plan for which a travel demand management plan is required, there is an additional fee of four hundred ~~fifty six~~ four dollars (~~\$450~~464.00).
 - c. In addition to the site plan review fee, three hundred ~~nine~~ dollars (~~\$300~~309.00) for site plans that are reviewed before the planning commission.
 - d. ~~Thirty-one~~ dollars (~~\$30~~31.00) for agricultural uses required by section 65.771(a) and farmer's markets required by section 65.515(b).

~~(2)~~ *Design review:*

- a. ~~Forty five dollars (\$45.00) for new single family dwellings and duplexes.~~
- b. ~~Thirty dollars (\$30.00) for additions to single family dwellings and duplexes.~~

~~(23)~~ *Conditional use permit:* Eight hundred dollars (\$800.00) up to one (1) acre of land, two hundred dollars (\$200.00) for each additional acre of land, and an additional fee of one hundred eighty (\$180.00) for a river corridor conditional use permit.

~~(3)~~~~(4)~~ *Major variance:*

- a. Five hundred ~~twenty~~ thirty-six dollars (~~\$520~~536.00) one- and two-family residential and signs.
- b. Five hundred ~~sixty~~ seventy-seven dollars (~~\$560~~577.00) multiple-family residential.
- c. Eight hundred ~~fifteen~~ thirty-nine dollars (~~\$815~~839.00) commercial, industrial, institutional.

~~(45)~~ *Minor variance:* Four hundred ~~twenty~~ thirty-three dollars (~~\$420~~433.00).

~~(56)~~ *Nonconforming use permit, determination of similar use:* Seven hundred dollars (\$700.00).

~~(67)~~ *Appeals:*

- a. Five hundred ~~twenty~~ thirty-six dollars (~~\$520~~536.00) for appeals from administrative decisions to the board of zoning appeals or planning commission.
- b. Four hundred ~~forty~~ fifty-three dollars (~~\$440~~453.00) for appeals from decisions of the board of zoning appeals or planning commission to the city council.

~~(78)~~ *Rezoning:* One thousand two hundred dollars (\$1,200.00) up to one (1) acre of land, two hundred fifty dollars (\$250.00) for each additional acre of land, and an additional fee of five hundred dollars (\$500.00) for rezoning to TN3(M) Traditional Neighborhood District with a master plan and an additional fee of one thousand dollars (\$1,000.00) for rezoning to PD Planned Development District.

~~(89)~~ *Reduced fees for multiple approvals:* For any permit or variance application in subparagraph (2) through ~~(76)~~ above submitted for consideration by the planning commission at the same public hearing as a rezoning, or a permit or variance application in subparagraph (2) through ~~(76)~~ with a higher fee, an additional fee of three hundred dollars (\$300.00) shall be added to the rezoning fee set forth in subparagraph ~~(87)~~ or to the higher fee in subparagraph (2) through ~~(76)~~.

~~(91)~~~~(9)~~ *Subdivision review:*

- a. Three hundred dollars (\$300.00) lot split.
- b. Six hundred dollars (\$600.00) up to one (1) acre of land, and one hundred twenty-five dollars (\$125.00) for each additional acre of land, sans dedicated public streets and open space, for preliminary plat/registered land survey.
- c. Two hundred twenty-five dollars (\$225.00) final plat/registered land survey.
- d. Five hundred twenty dollars (\$520.00) for variance of subdivision regulations to be considered by the city council.

~~(104)~~ *Planning commission shared parking permit:* Three hundred fifty dollars (\$350.00).

~~(112)~~ *City council interim use permit:* Seven hundred dollars (\$700.00)

(123) Zoning compliance letter, research:

- a. One hundred three dollars (~~\$100~~103.00) one- and two-family residential.
- b. Two hundred thirty -seven dollars (~~\$230~~237.00) all other uses.
- c. One hundred three dollars (~~\$100~~103.00) additional for an expedited request.

(134) Administrative staff reviews:

- a. Three hundred ~~fifty-five~~ sixty-six dollars (~~\$355~~366.00) for review of request for reasonable accommodation.
- b. Three hundred ~~seventy-five~~ eight-six dollars (~~\$375~~386.00) for review of statement of clarification.
- c. Two hundred ~~fifteen~~ twenty-one dollars (~~\$215~~221.00) for review of shared parking permit.
- d. ~~Eighty-five~~ Eighty-eight dollars (~~\$85~~88.00) for review of demolition permit.
- e. One hundred ~~five~~ eight dollars (~~\$105~~108.00) for review of antenna permit.
- f. One hundred ~~fifteen~~ eighteen (~~\$115~~118.00) for a flood plain permit.
- g. ~~Seven hundred dollars (\$700.00) for a historic use variance.~~

(14) Historic use variance: Seven hundred dollars (\$700.00).

(15) SFV state fair vending permit: Annual fee of one hundred twenty-four dollars (\$120) per parcel on which vending will occur.

(16) Wetland Conservation Act administrative determination:

- a. One hundred ~~twenty-five~~ twenty-nine dollars (~~\$125~~129.00) for Wetland Conservation Act exemption or no loss compliance letter.
- b. Wetland delineation review:
 1. One hundred ~~sixty-five~~ sixty-five dollars (~~\$160~~165.00) for sites less than 1 acre.
 2. Three hundred ~~twenty~~ thirty dollars (~~\$320~~330.00) for sites 1 acre or larger.
- c. Four hundred ~~sixty~~ seventy-four dollars (~~\$460~~474.00) for wetland fill and replacement/sequencing plan review.
- d. ~~Four hundred ninety dollars (\$490.00) for appeals to the city council from decisions of the zoning administrator on wetland exemption or no loss determinations.~~

(17) Environmental review: Actual cost of review processes as determined by the planning director.

(18) Late fee: For any application made for any development commenced without first obtaining all required permits and approvals, the fees listed above shall be doubled, to a maximum additional fee of one thousand dollars (\$1,000.00), to offset costs associated with investigating, processing and reviewing applications for such development.

(19) Refunds: For a zoning case withdrawn before final approval, the zoning or planning administrator may refund part of the fee based upon the proportion of the work completed at the time of withdrawal.

(20) Large sites: For large sites where only a portion of the site is affected by the zoning action, the zoning or planning administrator may set the fee based on the size of the affected portion of the site.

~~(20) *Environmental review:* Actual cost of review processes as determined by the planning director.~~

- (c) *Fee for permits and approvals subject to annual review condition.* A holder of a conditional use permit, nonconforming use permit or variance, which the planning commission, board of zoning appeals or city council, has approved subject to annual review, shall pay to the department of safety and inspections, at the time the zoning administrator provides notice of the annual review to the permit holder, an annual review fee in the sum of sixtytwo dollars (~~\$60~~62.00).