



## Legislation Text

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**File #:** Ord 17-3, **Version:** 1

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Amending Chapter 61 of the Legislative Code pertaining to Zoning Fees.

### STATEMENT OF FINDINGS BY THE COUNCIL:

WHEREAS, Zoning Code Section 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, the cost of providing services for which zoning fees are imposed was studied in 2010, and in January 2011 the City Council adopted an ordinance setting zoning fees at an appropriate percentage of the cost to the City for review and administration of each particular type of zoning application, generally between 60% and 100% of the estimated cost; and

WHEREAS, inflation data for Minneapolis-Saint Paul and for state and local government show inflation in City costs between 8.9% and 9.8% in the five years from 2010 to 2015; and

WHEREAS, in January 2016 the City Council adopted an ordinance that increased zoning fees collected by the Department of Safety and Inspections by 3%, which did not include most zoning fees collected by the Department of Planning and Economic Development; and

WHEREAS, the costs to the City of various types of zoning reviews and applications, the inflation of these costs since the fees were last increased, and draft amendments to Zoning Code Section 61.302, *Application forms and fees*, to reflect these costs were reviewed by the Zoning Committee of the Planning Commission on December 22, 2016; and

WHEREAS, the full Planning Commission considered the recommendations of the Zoning Committee on December 30, 2016, and made its recommendations on amendments to Zoning Code Section 61.302, *Application forms and fees*, in Resolution 16-59 and forwarded them to the City Council; and

WHEREAS, the City Council has accepted the study, review and recommendations of the Planning Commission as the basis for this ordinance and incorporates it herein by reference; and

WHEREAS, a public hearing before the City Council having been conducted on February 15, 2017, at which all interested parties were given an opportunity to be heard, the Council having considered all the facts and recommendations concerning the amendments; NOW, THEREFORE

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

### SECTION 1

Section 61.302 of the Saint Paul Legislative Code is hereby amended as follows:

#### **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. Three hundred ~~thirty-five~~ seventy-seven dollars (~~\$325~~\$357.00) residential, one (1) to two (2) dwelling units. Three hundred ~~twenty-five~~ thirty-two dollars (~~\$325~~\$332.00) for additions to one- and two-family dwellings.
- b. Five hundred ~~fifteen~~ twenty-five dollars (~~\$515~~\$525.00) up to ten thousand (10,000) square feet of land and two hundred ~~six~~ ten dollars (~~\$206~~\$210.00) for each additional ten thousand (10,000) square feet of land for all other uses, and an additional fee of two hundred ~~sixty-eight~~ seventy-three dollars (~~\$268~~\$273.00) 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 ~~sixty-four~~ seventy-three dollars (~~\$464~~\$473.00). For any site plan for which parkland dedication is required, there is an additional fee of five (5) percent of the parkland dedication fee up to one-hundred two dollars (~~\$100~~\$102.00).
- c. In addition to the site plan review fee, three hundred ~~nine~~ fifteen dollars (~~\$309~~\$315.00) for site plans that are reviewed before the planning commission.
- d. Thirty-~~two~~one dollars (~~\$31~~\$32.00) for agricultural uses required by section 65.771(a) and farmer's markets required by section 65.515(b).
- (2) *Conditional use permit:* Eight hundred forty dollars (~~\$800~~\$840.00) up to one (1) acre of land, two hundred ten dollars (~~\$200~~\$210.00) for each additional acre of land, and an additional fee of one hundred ~~eighty~~ ninety (~~\$180~~\$190.00) for a river corridor conditional use permit.
- (3) *Major variance:*
- a. Five hundred ~~thirty-six~~ forty-seven dollars (~~\$536~~\$547.00) one- and two-family residential and signs.
- b. Five hundred ~~seventy-seven~~ eighty-nine dollars (~~\$577~~\$589.00) multiple-family residential.
- c. Eight hundred ~~thirty-nine~~ fifty-six dollars (~~\$839~~\$856.00) commercial, industrial, institutional.
- (4) *Minor variance:* Four hundred ~~thirty-three~~ forty-two dollars (~~\$433~~\$442.00).
- (5) *Nonconforming use permit, determination of similar use:* Seven hundred thirty-five dollars (~~\$700~~\$735.00).
- (6) *Appeals:*
- a. Five hundred ~~thirty-six~~ forty-seven dollars (~~\$536~~\$547.00) for appeals from administrative decisions to the board of zoning appeals or planning commission.
- b. Four hundred ~~fifty-three~~ sixty-two dollars (~~\$453~~\$462.00) for appeals from decisions of the board of zoning appeals or planning commission to the city council.
- (7) *Rezoning:* One thousand two hundred sixty dollars (~~\$1,200~~\$1,260.00) up to one (1) acre of land, two hundred ~~fifty~~ sixty-three dollars (~~\$250~~\$263.00) for each additional acre of land, and an additional fee of five hundred twenty-five dollars (~~\$500~~\$525.00) for rezoning to TN3(M) Traditional Neighborhood District any zoning district with a master plan, and an additional fee of one thousand fifty dollars (~~\$1,000~~\$1,050.00) for rezoning to PD Planned Development District.

- (8) *Reduced fees for multiple approvals:* For any permit or variance application in subparagraph (2) through (6) 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 (6) with a higher fee, an additional fee of three hundred ~~fifteen~~ thirty dollars (~~\$300~~330.00) shall be added to the rezoning fee set forth in subparagraph (7) or to the higher fee in subparagraph (2) through (6).
- (9) *Subdivision review:*
- Three hundred ~~fifteen~~ thirty dollars (~~\$300~~330.00) lot split.
  - Six hundred ~~thirty~~ thirty dollars (~~\$600~~660.00) up to one (1) acre of land, and one hundred ~~twenty-five~~ thirty dollars (~~\$250~~330.00) for each additional acre of land, sans dedicated public streets and open space, for preliminary plat/registered land survey.
  - Two hundred ~~twenty-five~~ thirty dollars (~~\$250~~330.00) final plat/registered land survey.
  - Five hundred ~~twenty~~ thirty dollars (~~\$500~~660.00) for variance of subdivision regulations to be considered by the city council.
- (10) *Planning commission shared parking permit:* Three hundred ~~fifty~~ thirty dollars (~~\$350~~330.00).
- (11) *City council interim use permit:* Seven hundred ~~thirty-five~~ thirty dollars (~~\$700~~660.00)
- (12) *Zoning compliance letter, research:*
- One hundred ~~three~~ thirty dollars (~~\$103~~330.00) one- and two-family residential.
  - Two hundred ~~thirty-seven~~ thirty dollars (~~\$237~~660.00) all other uses.
  - One hundred ~~three~~ thirty dollars (~~\$103~~330.00) additional for an expedited request.
- (13) *Administrative staff reviews:*
- Three hundred ~~sixty-six~~ thirty dollars (~~\$366~~330.00) for review of request for reasonable accommodation.
  - Three hundred ~~eighty-six~~ thirty dollars (~~\$386~~330.00) for review of statement of clarification.
  - Two hundred ~~twenty-five~~ thirty dollars (~~\$221~~660.00) for review of shared parking permit.
  - ~~Ninety Eighty-eight~~ thirty dollars (~~\$88~~330.00) for review of demolition permit.
  - One hundred ~~eight~~ thirty dollars (~~\$108~~330.00) for review of antenna permit.
  - One hundred ~~eighteen~~ thirty dollars (~~\$118~~330.00) for a flood plain permit.
- (14) *Historic use variance:* Seven hundred ~~thirty-five~~ thirty dollars (~~\$700~~660.00).
- (15) *SFV state fair vending permit:* Annual fee of one hundred ~~twenty-six~~ thirty dollars (~~\$124~~330.00) per parcel on which vending will occur.
- (16) *Wetland Conservation Act administrative determination:*
- One hundred ~~twenty-nine~~ thirty dollars (~~\$129~~330.00) for Wetland Conservation Act exemption or no loss compliance letter.
  - Wetland delineation review:
    - One hundred ~~sixty-eight~~ thirty dollars (~~\$165~~330.00) for sites less than 1 acre.
    - Three hundred ~~thirty-six~~ thirty dollars (~~\$330~~660.00) for sites 1 acre or larger.
  - Four hundred ~~seventy-four~~ thirty dollars (~~\$474~~660.00) for wetland fill and replacement/sequencing plan review.
- (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 ~~fifty~~ dollars (\$~~1,000~~1,050.00), 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.
- (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 sixty-~~threetwo~~ dollars (\$62~~63~~.00).

## SECTION 2

This Ordinance shall take effect and be in force thirty (30) days following its passage, approval and publication.