

city of saint paul
planning commission resolution

file number 16-59

date December 30, 2016

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, 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, Zoning Committee of the Planning Commission, on December 22, 2016, reviewed the inflation of costs to the City for processing various types of zoning reviews and applications since the fees were set in January 2011, reviewed draft amendments to Zoning Code Section 61.302, *Application forms and fees* to reflect an increase in costs due to inflation since January 2011, and forwarded its recommendations to the Planning Commission; and

WHEREAS, the full Planning Commission considered the recommendations of the Zoning Committee on December 30, 2016;

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 set in January 2011; and

moved by Nelson

seconded by _____

in favor Unanimous

against _____

BE IT ALSO RESOLVED, under provisions of Minnesota Statutes § 462.367 and Legislative Code § 61.801, that the Planning Commission hereby recommends to the Mayor and City Council the following amendments to Zoning Code § 61.302, *Application forms and fees* to increase zoning fees collected by the Department of Planning and Economic Development by 3% to catch up with the 3% increase in Department of Safety and Inspections zoning fees adopted in January 2016, and then to increase all zoning fees an additional 2%; and

BE IT ALSO RESOLVED, that the Planning Commission directs the Planning Administrator to forward the following draft zoning text amendments, along with the December 22, 2016, 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. Three hundred fifty ~~seven~~ thirty-two dollars (~~\$350~~332.00) 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 (~~\$34~~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 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 dollars (\$~~300~~315.00) 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:*
 - a. Three hundred fifteen dollars (\$~~300~~315.00) lot split.
 - b. Six hundred thirty dollars (\$~~600~~630.00) up to one (1) acre of land, and one hundred ~~twenty-five~~ thirty-one dollars (\$~~125~~131.00) for each additional acre of land, sans dedicated public streets and open space, for preliminary plat/registered land survey.
 - c. Two hundred ~~twenty-five~~ thirty-six dollars (\$~~225~~236.00) final plat/registered land survey.
 - d. Five hundred ~~twenty~~ forty-six dollars (\$~~520~~546.00) for variance of subdivision regulations to be considered by the city council.
- (10) *Planning commission shared parking permit:* Three hundred ~~fifty~~ sixty-eight dollars (\$~~350~~368.00).
- (11) *City council interim use permit:* Seven hundred thirty-five dollars (\$~~700~~735.00)
- (12) *Zoning compliance letter, research:*
 - a. One hundred ~~three~~ five dollars (\$~~103~~105.00) one- and two-family residential.

- b. Two hundred ~~thirty-seven~~ forty-two dollars (~~\$237~~242.00) all other uses.
 - c. One hundred ~~three~~ five dollars (~~\$103~~105.00) additional for an expedited request.
- (13) *Administrative staff reviews:*
- a. Three hundred ~~sixty-six~~ seventy-three dollars (~~\$366~~373.00) for review of request for reasonable accommodation.
 - b. Three hundred ~~eighty-six~~ ninety-four dollars (~~\$386~~394.00) for review of statement of clarification.
 - c. Two hundred ~~twenty-five~~one dollars (~~\$224~~225.00) for review of shared parking permit.
 - d. Ninety Eight~~eight~~ dollars (~~\$88~~90.00) for review of demolition permit.
 - e. One hundred ~~eight~~ ten dollars (~~\$108~~110.00) for review of antenna permit.
 - f. One hundred ~~eighteen~~ twenty (~~\$148~~120.00) for a flood plain permit.
- (14) *Historic use variance:* Seven hundred thirty-five dollars (~~\$700~~735.00).
- (15) *SFV state fair vending permit:* Annual fee of one hundred ~~twenty-six~~four dollars (~~\$124~~126.00) per parcel on which vending will occur.
- (16) *Wetland Conservation Act administrative determination:*
- a. One hundred ~~twenty-nine~~ thirty-two dollars (~~\$129~~132.00) for Wetland Conservation Act exemption or no loss compliance letter.
 - b. Wetland delineation review:
 - 1. One hundred ~~sixty-eight~~five dollars (~~\$165~~168.00) for sites less than 1 acre.
 - 2. Three hundred ~~thirty-six~~ dollars (~~\$330~~336.00) for sites 1 acre or larger.
 - c. Four hundred ~~seventy-four~~ eighty-three dollars (~~\$474~~483.00) 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-three~~two dollars (~~\$62~~63.00).