



AGENDA ITEM REQUEST FORM

Town Manager's Office

Bud Bentley

Department Submitting Request

Assistant Town Manager

REGULAR
COMMISSION MTG
Meeting Dates - 7:00 PM

DEADLINE TO
Town Clerk

ROUNDTABLE
MEETING
Meeting Dates - 7:00 PM

DEADLINE TO
Town Clerk

- May 24, 2011
- June 28, 2011
- July 26, 2011

- May 13 (5:00 pm)
- June 10 (5:00 pm)
- July 15 (5:00 pm)

- May 10, 2011
- June 14, 2011
- July 12, 2011

- April 29 (5:00 pm)
- June 3 (5:00 pm)
- July 1 (5:00 pm)

SUBJECT TITLE: Fee for Processing a Conditional Use Application

EXPLANATION: A question was asked by Vice Mayor Dodd and a potential applicant for a paid parking conditional use if the \$900 application fee was appropriate to the amount of expense we incur to process the conditional use applications.

As the Commission is aware, we have been holding several conditional use applications until the ordinance was adopted and this week as we started informing people we would start processing application on payment of the \$900 fee provided for in Section 30-6 of the Code. We have one application scheduled for the May 18th Planning and Zoning agenda and one application for the June meeting both of which have paid the \$900 fee set in Section 30-6 for any application that goes before the Planning and Zoning Board.

Section 30-6, which is reprinted below, provides:

Application; fee.

- a. All applications which require review by the Town Planning and Zoning Board pursuant to this chapter shall be made on an application form prescribed and furnished by the Clerk of the Town Planning and Zoning Board and shall be numbered and preserved as a permanent record.
- b. Upon the filing of such an application, the applicant shall pay the sum of \$900.00 to cover the costs of application, preparation of necessary information, publication of notice, and similar in-house employee expenses, plus any additional costs incurred by the Town for third-party contractors (such as the Town Attorney, the Town Planner and/or the Town Engineer). For any application which pertains to single-family residence, the application fee shall be \$350.00, plus any additional costs incurred. Payment shall be made to the Clerk of the Town Planning and Zoning Board. Unless such application fee is paid and notice of application filled out in proper form, the Clerk shall not transmit the same to the Town Planning and Zoning Board for consideration.

At its April 27th meeting, the Commission adopted Ordinance No. 2011-07, which among other things, expanded the Conditional Uses possible in B-1-A and B-1 Zoning. The application fees for conditional use permits and Level 1 and Level 2 Amendments to be established by the Town Commission by Resolution (subsection 30-56(g)). Until the fee resolution is adopted, we are charging the \$900 application fee set in Section 30-6 of the Code for those applicants that want to proceed with their applications.



Following are the conditional uses established by Ordinance No. 2001-07.

- (1) Bicycle taxi (no outside storage or display)
- (2) Car wash/Outdoor hand wash
- (3) Charter and sightseeing boat
- (4) Child and adult day-care centers
- (5) Drive-through services that are accessory to a primary use, provided that any approval of the drive-through use by the Town Commission shall specifically establish the location and traffic flow pattern of the drive-through.
- (6) Dry cleaner
- (7) Mixed use, in accordance with the requirements of subsection (e)
- (8) "Paid Private Parking" on parcels with a primary use, excluding stand alone parking lots in accordance with the following requirements:
 - i. During business operational hours, only non-required parking spaces, may be used as Paid Private Parking.
 - ii. After business hours, required parking may also be used for Paid Private Parking.
- (9) Parking garage.
- (10) Pet store.
- (11) Pool supply store.
- (12) Outside seating for restaurants, on private property, that is accessory to the primary use and that are not regulated under Chapter 17, Article VI.
- (13) Outside storage of propane tank cabinets for the storage of propane tanks sold and rented at hardware stores and gas stations.
- (14) Water craft sales and rental (new or used)
- (15) *Conditional Uses not listed.* Permission to apply for conditional uses not covered by the above list in the B-1 district may be granted by the Town Manager or designee only if the proposed conditional use is similar to a listed conditional use; otherwise, an amendment to this chapter is required. The Town Manager or designee shall consult with the Town Commission on any proposal to determine that a conditional use is similar to those listed, prior to authorizing the filing of an application to seek approval of that conditional use in the B-1 district.

To begin to answer the question of what it will cost the Town to process an application, we looked at the processing requirements found in Section 30-56 (Exhibit 1). The application requirements can be extensive depending on the complexity of the request and the situation of the property.

The costs to process an application to the Board and Commission include:

1. Staff time to prepare review the application and prepare the P&Z agenda item.
2. Town Attorney review of agenda item and any legal issues.
3. Legal Notice (the public hearings are quasi-judicial proceeding).
4. Board Meeting (minutes and staff time attending meeting).
5. Staff time to address new recommendations or conditions recommended by the P&Z.
6. Staff time to prepare the agenda item for the Town Commission
7. Town Attorney review of the Town Commission agenda item and any legal issues.



- 8. Commission Meeting (minutes and staff time attending meeting).
- 9. Issuance of the Conditional Use Permit and follow-up inspection(s).

As mentioned, we are processing a Conditional Use application for the May 18th P&Z agenda and we have projected our cost in Table 1.

Table 1 – Cost to Process Application

	Activity	Estimated Cost
1.	Staff time already spent to evaluate application and prepare agenda item.	3 hrs x \$60 per hour = \$180
2.	Legal Notice - This includes the notice for the hearing before the Town Commission; however, should the application be delayed, there would be additional expense to re-advertise for the Town Commission meeting.	\$173.90
3.	Town Attorney Review	1 hr @ \$215 per hour = \$215
4.	Board Meeting (minutes and 2 staff and TA attending meeting)	1 hr discussion = \$90 + \$215
5.	Staff to address P&Z recommendations or new conditions	?
6.	Preparation of Commission Item	1 hr = \$60
7.	Town Attorney Review	½ hr = \$108
8.	Commission Meeting (2 staff and TA))	½ hr = \$60 + 108
9.	Issuance of Permit and Inspections	1 hr = \$60
Total		\$1,270

Reviewed by Town Attorney
 Yes No

Town Manager Initials

File: AC Conditional Use Application Fee