

III.B



Memorandum Department of Planning & Public Works

To: Planning and Public Works Committee
From: Aimee Nassif, Planning and Development Services Director
Date: November 11, 2009
RE: Fees

Over the past year, the cost to advertise for public hearing petitions has skyrocketed. This is mainly due to the fact that the Suburban Journal, which is one of the papers we are required to advertise in, has more than doubled their advertising fees. Couple this with the fact that the City has not increased the fee for petitions which require a public hearing in over 5 years. Therefore, I am proposing a Public Hearing Petition fee in addition to a standard Application Review Fee for all projects which require a public hearing. I am also proposing a Site Plan Review Fee which is consistent with the filing fees that we currently do collect for all subdivision plats.

Public Hearing Advertisement Costs

The City sends the public hearing notice to be advertised in two papers of legal record, the St. Louis Countian and Suburban Journal. In addition, public hearing notices are mailed to all subdivision trustees within one mile of the subject site and all property owners within 225 feet. If the cost to advertise or to send out these mailings exceeds the application fee collected, the City pays the additional expense. The City of Chesterfield is often left paying the cost to advertise because the current fee schedule is based upon the size of the development only. (See attached copy of existing Section 1003.210 for current Fee Schedule)

Below is cost information on recent projects which have required a public hearing:

| Project Name | Cost to advertise in St. Louis Countian | Cost to advertise in Suburban Journal | Total Advertisement Cost paid by the City | Fee Paid to the City |
|--|--|--|--|-----------------------------|
| Jim Lynch Hummer CUP Request | \$112.00 | \$501.36 | \$613.36 | \$500.00 |
| Villages at Kendall Bluffs | \$93.80 | \$751.45 | \$845.25 | \$425.00 |
| Boyde Estates (15150 Highcroft) | \$61.60 | \$451.16 | \$512.76 | \$425.00 |
| Stallone Pointe | \$117.00 | \$502.00 | \$619.00 | \$350.00 |
| Four Seasons West | \$74.20 | \$648.86 | \$723.06 | \$430.00 |
| Chesterfield Village parcels C-119&C-148 | \$284.00 | \$622.00 | \$906.00 | \$560.00 |
| New Kinkead Estates (Burnley Tract) | \$114.80 | \$515.80 | \$630.60 | \$350.00 |

By the end of this year the City will have spent approximately \$16,000 in advertising for public hearing petitions alone. This does not include the cost the City has incurred from the costs of mailings that are provided to all subdivision trustees and property owners within 225 fee of the proposed development. The proposed amendment to our fee requirements would charge a petitioner a flat review fee and require the developer to reimburse the City for all advertising costs.

Site Plan Review Fee

Section 1005.370 of the City's Subdivision Ordinance requires a filing fee to accompany all applications for the subdivision of land, either commercial or residential. Fees are collected for projects involving the subdivision of land such as residential record plats, boundary adjustment plats, condominium plats and lot splits. However, the City does not currently require a filing fee for applications for site plan review. The attached Amendment to the Zoning Ordinance establishes a plan review fee of \$150.00 which would be required for the review of any site plan, site development plan, site development concept plan, and site development section plan. In addition, landscape plans, tree preservation plans, tree stand delineations, lighting plans, and architectural elevations which are not part of any existing site plan review would have a review fee of \$50.00.

The proposed fees for both public hearing petitions and plan review applications are based upon research collected from neighboring communities. Attached is a copy of proposed language along with a copy of the existing Fees Chapter of the Zoning Ordinance, Section 1003.210.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE REPEALING SECTION 1003.210 OF THE CITY OF CHESTERFIELD ZONING ORDINANCE PERTAINING TO FEES FOR VARIOUS PROCEDURES AND REPLACING IT WITH A NEW SECTION 1003.210 TO UPDATE EXISTING FEES AND FOR THE CREATION OF NEW FEES RELATIVE TO PLAN REVIEW AND PUBLIC HEARING PETITIONS WITHIN THE CITY OF CHESTERFIELD, MISSOURI.

WHEREAS, the City of Chesterfield Zoning Ordinance currently requires fees for various procedures which have not been updated for many years; and,

WHEREAS, the City of Chesterfield, understanding the importance of public notice and public participation in the development process, exceeds state statutory requirements for public hearing notifications;

WHEREAS, after review of the current requirements, it has been determined that an updated fee schedule relative to Plan Review and Public Hearing Petitions is needed; and

WHEREAS, the City Council of the City of Chesterfield having considered said request, recommended approval.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 2. The City of Chesterfield hereby repeals Section 1003.210 "Fees" and creates a new Section 1003.210 "Fees" as set out in Attachment "A" which is attached hereto and made part thereof.

Section 2. This ordinance shall be codified within the Municipal Code of the City of Chesterfield.

Section 3. This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this _____ day of _____, 2009

MAYOR

ATTEST:

CITY CLERK

FIRST READING HELD: _____

SECTION 1003.210 FEES

1. The Planning and Public Works Department shall collect fees, at the time of the filing of a petition or an application, for the various procedures as stated in this section.
2. The fees to be charged for the various procedures in this section are not refundable.
3. **Public Hearing Petitions and Application Fees.**

Petitions and applications to the City of Chesterfield which require a public hearing shall have an "Application Fee" and a "Public Hearing Fee". The types of projects which require a public hearing include the following: petitions for change of zoning, text amendments to existing ordinances or permits, requests for conditional use permits or residential business use procedures, petitions for planned unit developments, landmark and preservation area procedures, and placement on the Chesterfield Historic Register.

 - A. The Application Fee for any petition or application requiring a public hearing regardless of size of development or type of petition shall be \$250.00.
 - B. The Public Hearing Fee for any petition or application shall be equal to the direct cost to the City of Chesterfield for advertising. Upon receipt and acceptance of the application by the City, the City will advertise the public hearing in the two (2) local papers of record. A copy of the proof of publication will be provided to the Petitioner for full reimbursement to the City. Payment of this Public Hearing Fee is required prior to the petition being placed on the City Council agenda.
 - C. The Application fee for any Telecommunications Siting Permit (TSP) shall be as required per Chapter 30 of the City of Chesterfield City Code. The Public Hearing Fee shall not be required for any TSP Application unless more than one (1) public hearing on said request is scheduled or held.
4. **Plan Review Fees.**
 - A. The Review Fee for any site plan, site development plan, site development concept plan, and site development section plan regardless of development size or type of development is \$150.00.
 - B. The review fee for any landscape plan, tree preservation plan, tree stand delineation, lighting plan or amendment to architectural elevations, which are not part of an existing site plan review, is \$50.00.
 - C. The review fee for any mitigation plan subsequent to the approval of Special Conditions is \$150.00.

each additional lot in the same subdivision which is included in said certification.

4. *Entry and inspection of land and buildings.*

- (a) The Planning Commission or its authorized representatives, authorized personnel of the Department of Planning, and the authorized personnel of the Department of Public Works are hereby empowered in the performances of their functions, to enter upon any land in the City of Chesterfield for the purpose of making inspections, examinations, and surveys, or to place and maintain thereon monuments, markers, notices, signs, or placards required to effectuate the purpose and provisions of this appendix. The above authorized persons shall be required to present proper credentials upon demand when entering upon any land or structure for the purpose of this section.
- (b) The Zoning Enforcement Officer is authorized to inspect or cause to be inspected any building or other structure or any land on which work is in progress and report to the Director of Public Works any suggested stoppage of work.

5. *Police assistance in posting stop work and stop use orders.* The Department of Police shall aid in enforcing the Zoning Ordinance by posting stop work or stop use notices, when requested by the Director of Public Works.

1003.210. Fees.

1. In the administration of the provisions of this appendix, the Director of Planning shall collect fees, at the time of the filing of a petition or an application, for the various procedures as stated in this section.

2. The filing fees for a petition for change of zoning district boundaries, district classification, conditional use permit, landmark and preservation area procedure, and commercial service procedure, shall be based on the area contained in the property in question, according to the following schedule:

| <i>Acreage</i> | <i>Fees</i> |
|----------------|-------------|
| 2.0 or less | \$350.00 |
| 2.1 to 4 | 430.00 |
| 4.1 to 6 | 500.00 |
| 6.1 to 8 | 560.00 |
| 8.1 to 10 | 600.00 |
| 10.1 to 20 | 630.00 |
| 20.1 to 30 | 660.00 |
| 30.1 to 40 | 690.00 |
| 40.1 to 50 | 720.00 |

| | |
|---------------------|--------|
| 50.1 to 60 | 750.00 |
| 60.1 to 70 | 780.00 |
| 70.1 to 80 | 810.00 |
| 80.1 to 100 | 840.00 |
| More than 100 acres | 870.00 |

3. The application fee for a mixed use development shall be three hundred fifty dollars (\$350.00) plus the fees normally assessed for rezoning petitions, based on property area.

4. The application fee for a planned environment unit permit shall be three hundred fifty dollars (\$350.00) plus three dollars (\$3.00) for each dwelling unit contained in the proposed development.

5. The application fee for a commercial-industrial designed development permit shall be three hundred fifty dollars (\$350.00).

6. The application fee for a density development shall be three hundred fifty dollars (\$350.00), of which one hundred seventy-five dollars (\$175.00) shall be credited against record plat review under the subdivision regulations of the City of Chesterfield. Payment of said fee to the Department of Planning shall be verified by receipt on the filing of such application. No portion of said fee shall be refundable subsequent to filing with the Department of Planning.

7. The fees to be charged for the various procedures in this appendix are not refundable, except where a petition or application is withdrawn prior to advertising or posting of public hearing notices for the petition, and then only by order of the City Council.

~~1003.300 Procedure for amending the Zoning Ordinance. Rezoning~~

~~1. *Scope of provisions.* This section contains procedures for amending this appendix, zoning district boundaries or classification of property. Included are regulations for the filing of petitions, required public hearing notices, and powers of the Planning Commission and the City Council in reviewing requested changes.~~

~~2. The majority of the City Council shall be required to approve, deny or modify any recommendation of the Planning Commission. However, no ordinance relating to zoning or special procedure which would override the disapproval of the Planning Commission, or an ordinance which would approve a protested rezoning or special procedure shall be adopted by the City Council, except by an affirmation vote of two-thirds (2/3) of the entire City Council. No provision herein shall be construed to prevent the City Council from initiating the procedure provided in this section by a resolution of intention at any time.~~

~~3. *Petition for change of zoning.*~~