

City Council Introduction: **Monday**, August 4, 2003
Public Hearing: **Monday**, August 11, 2003, at **5:30 p.m.**

Bill No. 03-125

FACTSHEET

TITLE: CHANGE OF ZONE NO. 3415, requested by the Director of Planning, to amend Title 27 of the Lincoln Municipal Code (the Zoning Ordinance) to increase application fees and to amend certain zoning process procedures. Amending Chapter 27.80 and §§ 27.27.030, 27.28.040, 27.31.050, 27.37.030, and 27.68.090.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 08/06/03
Administrative Action: Anticipated 08/06/03

RECOMMENDATION: Not available until 08/06/03.

STAFF RECOMMENDATION: Approval.

ASSOCIATED REQUESTS: Miscellaneous No. 03005 (03-126), Miscellaneous No. 03007 (03R-215), and Miscellaneous No. 03008 (03-127).

FINDINGS OF FACT:

1. As part of the Planning Department 2003-04 budget submittal and deliberations, the Director of Planning has submitted proposed text amendments to Title 14: Chapter 14.20: Vacation of Public Ways (**Miscellaneous No. 03008**), Title 26: Land Subdivision Ordinance (**Miscellaneous No. 03005**) and Title 27: Zoning Ordinance (**Change of Zone No. 3415**) to increase application fees for zoning and subdivision applications and petitions to vacate public ways; and to amend certain procedures in processing of zoning and subdivision applications and petitions to vacate public ways. The Director of Planning has also proposed a fee for requests to amend the Comprehensive Plan (**Miscellaneous No. 03007**).
2. The staff recommendation to approve the proposed amendments to Title 27, the Zoning Ordinance, is based upon the "Analysis" as set forth on p.2-4, concluding that the increase in the fees will not have a significant impact on the cost of housing and development, but it will assist in reducing the cost to the general taxpayers. The amendments to the procedures will significantly reduce the time in processing projects, which will be a benefit to developers. The simplified procedures will allow staff to focus its efforts on more substantive planning issues.
3. This application is scheduled for public hearing and action by the Lincoln City-Lancaster County Planning Commission on August 6, 2003. The minutes and recommendation of the Planning Commission will be submitted to the City Council for distribution with Council packets on Thursday, August 7, 2003, under separate cover.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: July 29, 2003

REVIEWED BY: _____

DATE: July 29, 2003

REFERENCE NUMBER: FS\CC\2003\CZ.3415

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for August 6, 2003 PLANNING COMMISSION MEETING

P.A.S.: CZ#3415 and Misc#03005

Note: This is a combined staff report for related items. This report contains a single background and analysis section for all items.

PROPOSAL: Increase and amend the fees for zoning and subdivision applications and amend the procedures in processing zoning and subdivision applications.

CONCLUSION: The increase in the fees will not have a significant impact on the cost of housing and development, but it will assist in reducing the cost to the general taxpayers. The amendments to the procedures will significantly reduce the time in processing projects, which will be a benefit to developers. The simplified procedures will allow staff to focus its' efforts on more substantive planning issues.

RECOMMENDATION:

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION:

Land Subdivision Ordinance Title 26 of the LMC: sections 26.11.015 Administrative Plat, 26.11.017 Action on Administrative Plat, 26.11.020 Filing Preliminary Plat With Planning Director, 26.11.037 Commission Action on Preliminary Plat, 26.11.038 Authority to Proceed With Improvements, 26.11.050 Filing Final Plat, 26.11.060 Action Required on Final Plat, 26.11.070 Final Plat Filed With Register of Deeds, 26.11.130 Survey Errors, 26.15.020 Information on or Accompanying a Preliminary Plat, and 26.19.035 Additional Information Required, and Chapter 26.33 Fees.

Zoning Ordinance Title 27 of the LMC sections 27.27.030 Permitted Special Uses-O-3, 27.28.040 Permitted Special Uses -R-T, 27.31.050 Permitted Special Uses- B-2, 27.37.030 Permitted Special Uses-B-5 and 27.68.090 Application Requirements for Personal Wireless Facilities and Chapter 27.80 Fees.

ANALYSIS:

The development community has indicated that the time it takes to process and review projects is excessive. In response, the Planning Staff has allowed developers to take advantage of existing procedures that allow subdivisions associated with a community unit plan to save steps and reduce timeframes. The proposed amendments would expand the scope of expedited review to most other subdivision applications.

The proposed amendments to the subdivision procedures will no longer require that preliminary plats go on to the City Council, unless there are waivers that are not supported by the City Staff or the decision of the Planning Commission is appealed. This will reduce the processing time by approximately 30 days.

The proposed amendments to the subdivision procedures also will allow the Planning Director to approve all final plats. The present ordinance requires final plats that include streets to be approved by the Planning Commission. This will reduce the processing time by approximately 10 days. The review of final plats is very formal and straight forward. If the final plat conforms to the requirements of the land subdivision ordinance and is consistent with the approved preliminary plat, it must be approved. At this time, final plats that conform to the land subdivision ordinance and preliminary plat are placed on the Planning Commission's consent agenda for approval. At this time, the land subdivision ordinance already allows the Planning Director to approve final plats that do not include additional streets.

The Parks & Recreation Department requested that the landscape plans be submitted with the final plats rather than with the preliminary plat. This allows the landscape plan and surety amount to correspond with the final plat and simplifies the process.

The proposed amendments to the zoning ordinance to eliminate the combined use permit/special permit process will eliminate a complicated process and tracking problem. The present ordinance requires use permits to be changed to a combined use permit/special permit when the applicant requests a special permit in a use permit district (O-3, R-T, B-2 and B-5). It is much simpler to use the present system of issuing a separate special permit like in other districts.

Likewise, the application fee for personal wireless facilities is complicated. Staff currently must keep track of their time, charge it to a \$1,000 deposit, and then return the unused fee to the applicant. Simply setting an application fee will eliminate the time and effort in tracking time and money.

There are additional cost associated with appeals. The proposal is the charge a fee to assist in covering those costs.

The City processes street name changes at no cost to the applicants. Such requests are reviewed by the Public Works & Utilities, Fire, Police, 911 Emergency, Building & Safety and other departments and agencies that deal with addresses. The process includes staff review and preparation of an ordinance and notifying the applicants and property owners of the public hearing by the City Council. The fee would assist in covering those costs.

The proposed increase in fees is intended to keep pace with the goal for cost recovery that was set when fees were last increased four years ago. The increase should not significantly increase the cost of housing and development. At the present time, most projects are reviewed by numerous departments and agencies including the Public Works & Utilities, Fire, Police, 911 emergency services, Health, LES, Finance and Law Departments and other County, State and Federal agencies. Even with the increase in the fees, the revenue collected would cover a small portion of the Planning Department's cost and none of the costs of the other departments and agencies in processing the applications. Attached is a copy of Director of Planning Marvin Krout's response to a question regarding the increase in fees.

Planning staff also proposes a new fee to cover the costs of the legal notice in the newspaper and mailings for a new public hearing due to the applicant changing the application, postponing the hearing, and/or requesting additional waivers after the initial notice appears in the newspaper. The Planning Department currently has no means to collect additional fees in this situation.

Attached are the proposed amendments in legislative form.

Prepared by:

Ray Hill Planner

DATE: July 24, 2003

APPLICANT: Director of Planning Marvin S. Krout

CONTACT: Ray Hill Planner
Planning Department
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Lincoln, Ne
441-6371, rhill@ci.lincoln.ne.us

27.27.030 Permitted Special Uses.

A building or premises may be used for the following purposes in the O-3 Office Park District if a ~~combined use permit~~ and special permit for such use has been obtained in conformance with the requirements of this chapter and Chapter 27.63:

- (a) Expansion of nonconforming uses;
- (b) Historic preservation;
- (c) Restaurants;
- (d) Medical testing laboratories;
- (e) Recreational facilities;
- (f) Clubs;
- (g) Church steeples, towers, and ornamental spires which exceed the maximum height;
- (h) Broadcast towers;
- (i) Public utility purposes;
- (j) Wind energy conversion systems;
- (k) Health care facilities;
- (l) Motels and hotels;
- (m) Private schools;
- (n) Outdoor seasonal sales;
- (o) Early childhood care facilities with sixteen or more children, or with fifteen or fewer children not meeting the specified conditions for a permitted conditional use under Section 27.27.025;
- (p) Mail order catalog sales
- (q) Sale of alcoholic beverages for consumption on the premises in restaurants, provided

the locational requirements of Section 27.63.680 have been met or waived by the City Council. (Ord. 17320 §1; April 20, 1998: prior Ord. 16870 §1; October 2, 1995: Ord. 16854 §26; August 14, 1995: Ord. 16616 §1; June 6, 1994: Ord. 16144 §3; July 6, 1992: Ord. 15368 §12; December 18, 1989: Ord. 14123 as amended by Ord. 14138 §1; July 1, 1985: Ord. 13980 §10; October 29, 1984: Ord. 13941 §12; September 4, 1984: Ord. 13901 §1; July 30, 1984: Ord. 13768 §2; February 21, 1984: Ord. 12978 §13; August 25, 1980: Ord. 12878 §1; March 31, 1980: Ord. 12894 §14; April 15, 1980: Ord. 12571 §156a; May 8, 1979).

27.28.040 Permitted Special Uses.

A building or premises may be used for the following purposes in the R-T Residential Transition District if a ~~combined use permit~~ and special permit for such use has been obtained in conformance with the requirements of this chapter and Chapter 27.63:

- (a) Expansion of nonconforming uses;
- (b) Historic preservation;
- (c) Medical testing laboratories;
- (d) Public utility purposes;
- (e) Private schools
- (f) Early childhood care facilities with sixteen or more children, or with fifteen or fewer children not meeting the specified conditions for a permitted conditional use under Section 27.28.030;

(g) Broadcast towers. (Ord. 17070 §1; October 7, 1996: prior Ord. 16854 §28; August 14, 1995: Ord. 16606 §2; May 9, 1994: Ord. 15317 §4; October 16, 1989).

27.31.050 Permitted Special Uses.

A building or premises may be used for the following purposes in the B-2 Planned Neighborhood Business District if a ~~combined use permit and~~ special permit for such use has been obtained in conformance with the requirements of this chapter and Chapter 27.63:

- (a) Health care facilities;
- (b) Recreational facilities;
- (c) Broadcast towers;
- (d) Extraction of sand, gravel, and soil;
- (e) Church steeples, towers, and ornamental spires which exceed the maximum height permitted in the B-2 Planned Neighborhood Business District;
- (f) Expansion of nonconforming uses;
- (g) Historic preservation;
- (h) Public utility purposes;
- (i) Wind energy conversion systems;
- (j) Cemeteries;
- (k) Mail order catalog sales. (Ord. 16144 §5; July 6, 1992: prior Ord. 14378 §10; May 5, 1986: Ord. 14138 §10; June 1, 1985: Ord. 12978 §15; August 25, 1980: Ord. 12894 §18; April 7, 1980: Ord. 12571 §169; May 8, 1979).

27.37.030 Permitted Special Uses.

A building or premises may be used for the following purposes in the B-5 Planned Regional Business District if a ~~combined use permit and~~ special permit for such use has been obtained in conformance with the requirements of this chapter and Chapter 27.63:

- (a) Historic preservation;
- (b) Public utility purposes;
- (c) Wind energy conversion systems;
- (d) Theaters;
- (e) Broadcast towers. (Ord. 17070 §2; October 7, 1996: prior Ord. 16075 §2; March 16, 1992: Ord. 14774 §2; October 19, 1987: Ord. 14138 §3; July 1, 1985: Ord. 14050 §1; February 11, 1985: Ord. 12978 §18; August 25, 1980: Ord. 12894 §18; April 15, 1980: Ord. 12571 §222; May 8, 1979).

27.68.090 Application Requirements.

(a) ~~Pre-Application Conference and Fees.~~ Prior to the acceptance of an application by the City, applicants shall participate in a pre-application conference for the purposes of discussing application requirements, specifics of the site, plans for current and future facilities, ~~and establishing the application fee. The purpose of establishing the application fee is to ensure the recovery of City costs and expenses associated with the review of the application including, but not limited to, actual costs of City staff time and resources as well as any outside consultation expenses which the City reasonably determines are necessary to adequately review and analyze the application.~~

~~In lieu of the requirements of Section 27.80.060, the application fee shall be a minimum of \$1,000. The City shall apply such fee against all costs associated with its evaluation of any pending~~

~~application. In the event that total costs are in excess of the fee, the applicant shall, upon notice from the City, pay such costs. In the event that total costs are less than the fee, the City shall refund a portion of the fee to the applicant.~~

(b) Applications for either an administrative permit or a special permit for a personal wireless facility shall be filed with the Planning Director and shall include the following:

(1) A plot plan of the lot and the proposed uses drawn to an accurate scale and showing all pertinent information. The application material shall provide sufficient information, as determined by the Planning Director, to allow a complete review of the proposal. The application material shall also include sufficient detail to indicate compliance with design standards. Failure to provide adequate information may result in the rejection of the application.

(2) A statement identifying which location preference, identified in Section 27.68.080, the proposed facility is meeting. If the proposed location is not a preferred location site, describe:

(i) Whether any preferred location sites are located within the service area of the proposed personal wireless service facility;

(ii) What good faith efforts and measures were taken to investigate each of these preferred location sites and why such efforts were unsuccessful;

(iii) Why the use of a preferred location site is not technologically, legally or economically feasible;

(iv) How and why the proposed site is required to meet service demands for the proposed facility and citywide network; and

(vi) The distance between the proposed facility and the nearest residential unit and residentially zoned properties.

(3) A description of the security barrier surrounding the base of the tower and accessory equipment. The description should include the method of fencing, finished color and, if applicable, the method of camouflage and illumination. Access shall be through a locked gate. The tower shall either have no climbing devices attached to the lower twenty feet of the tower or shall be fitted with anti-climbing devices.

(4) A statement indicating proposed measures designed to minimize potentially adverse visual effects on adjacent properties with consideration given to design, unobtrusiveness, minimum height necessary to accommodate antenna, avoidance of artificial light and coloring provisions;

(5) Provide a description of the anticipated maintenance and monitoring program for the antennae and back up equipment, including frequency of maintenance services.

(6) Provide copies of any environmental documents required by any federal agency. (Ord. 17588 §9; January 18, 2000).

Chapter 27.80 FEES

Sections:

- 27.80.010 General Regulations.
- 27.80.020 Change of Zone.
- 27.80.025 Planned Unit Development.
- 27.80.030 Use Permits.
- 27.80.040 Community Unit Plan: or Mobile Home Court/Mobile Home Subdivision
- ~~27.80.050 Mobile Home Courts and Mobile Home Subdivisions.~~
- 27.80.060 Special Permit.
- 27.80.070 Administrative Amendments.
- 27.80.080 Board of Zoning Appeals.
- 27.80.090 Airport Zoning.
- 27.80.100 Parking.
- 27.80.105 Flood Plain Development Permits.
- 27.80.110 Changes in Text.
- ~~27.80.120 Subdivision Promotion Activity Permits.~~
- 27.80.125 Postponement Fee.
- 27.80.130 General Fees.
- 27.80.140 Exemption for City Filing on Its Own Behalf.

27.80.010 General Regulations.

The fees set forth in this chapter shall apply to this title. Under no condition shall any fee required hereunder be refunded for failure of said application to be granted by the City Council or other appropriate authority. (Ord. 12571 §406; May 8, 1979).

27.80.020 Change of Zone.

The following fees shall be charged at the time of filing an application for a change of zone:

- (a) For the filing of an application for a change of zone to the AG, AGR, R-1, R-2, R-3, and R-4 zoning districts:
 - (1) Where the area for which the change of zone is requested is one acre or less, the application fee shall be \$250.00 ~~\$195.00~~;
 - (2) Where the area for which the change of zone is requested is in excess of one acre, the application fee shall be \$370.00 ~~\$290.00~~;
- (b) For the filing of an application for a change of zone to all other zoning districts:
 - (1) Where the area for which the change of zone is requested is one acre or less, the fee shall be \$370.00 ~~\$290.00~~;
 - (2) Where the area for which the change of zone is requested is in excess of one acre, the fee shall be \$740.00 ~~\$585.00~~. (Ord. 17548 § 1; September 7, 1999; prior Ord. 15214 §1; July 10, 1989; Ord. 12571 §407; May 8, 1979).

27.80.025 Planned Unit Development.

The following filing fees shall be charged at time of filing for an application for a planned unit development shall be as follows:

- ~~(a)~~ For the filing of a pre-application, \$100.00.
- ~~(a)(b)~~ For the filing of a preliminary plan, ~~\$500.00~~ \$400.00.
- ~~(b)(c)~~ For the filing of a final plan, ~~\$500.00~~ \$400.00.

(Ord. 17548 § 2; September 7, 1999: prior Ord. 15214 §2; July 10, 1989).

27.80.030 Use Permits.

- (a) ~~An~~ The application fee of ~~\$740.00~~ shall be ~~\$585.00~~ for charged at the time of filing an application for a use permit in the B-2, B-5, O-3, R-T, and I-3 zoning districts.
- ~~(b)~~ The application fee for a combined use permit and permitted special use shall be ~~\$975.00~~.

(Ord. 17548 § 3; September 7, 1999: prior Ord. 17232 §22; August 18, 1997: Ord. 6789 §1; May 8, 1995: Ord. 15214 §3; July 10, 1989: Ord. 14138 §5; July 1, 1985: Ord. 2751 §33; November 5, 1970: Ord. 12571 §408; May 8, 1979).

27.80.040 Community Unit Plan: or Mobile Home Court/Mobile Home Subdivision

The application fee for following fees shall be charged at the time of filing an application for a special permit for a community unit plan as required in Chapter 27.65 or for a mobile home court or a mobile home subdivision under Sections 27.63.120 and 27.63.125 shall be a

- (a) ~~f~~Filing ~~f~~Fee of ~~\$250.00~~ \$195.00, plus a
- (b) ~~u~~Unit fee of ~~\$25.00~~ \$20.00 per dwelling unit to a maximum unit fee of ~~\$2,500.00~~ \$2,000.00.

Credit shall be given for any ~~unit~~ lot fees paid in connection with subdivision of the community unit plan. (Ord. 17548 § 4; September 7, 1999: prior Ord. 15214 §4; July 10, 1989: Ord. 12571 §409; May 8, 1979).

27.80.050 Mobile Home Courts and Mobile Home Subdivisions:

~~The fee for an application for a special permit for a mobile home court or a mobile home subdivision under Sections 27.63.120 and 27.63.125 shall be a filing fee of \$195.00, plus a unit fee of \$40.00 per mobile home shown on the application to a maximum unit fee of \$2,000.00. Credit shall be given for any lot fees paid in connection with subdivision of the mobile home subdivision. (Ord. 17548 § 5; September 7, 1999: prior Ord. 15214 §5; July 10, 1989: Ord. 12657 §18; August 6, 1979: Ord. 12571 §410; May 8, 1979).~~

27.80.060 Special Permit.

The following filing fee for shall be charged at time of filing an application for a special permit under Chapter 27.63, other than mobile home courts, mobile home subdivisions, and community unit plans, ~~shall be as follows:~~

- (a) If the area for which the special permit is requested is one acre or less, the fee shall be ~~\$250.00~~ \$195.00;
- (b) If the area for which the special permit is requested is in excess of one acre, the fee shall be ~~\$740.00~~ \$585.00;
- ~~(c)~~ The fee for a special permit requested as part of a use permit application shall be that ~~specified in Section 27.80.030(b).~~

(Ord. 17548 § 6; September 7, 1999: prior Ord. 15214 §6; July 10, 1989: Ord. 14138 §6; July 1, 1985: Ord. 12571 §411; May 8, 1979).

27.80.070 Administrative Amendments.

The A filing fee of \$125.00 for shall be charged at time of filing an application for an administrative amendment to a special permit, to a use permit, or to a planned unit development ~~shall be \$100.00.~~ (Ord. 17548 § 7; September 7, 1999: prior Ord. 15214 §7; July 10, 1989: Ord. 12571 §412; May 8, 1979).

27.80.080 Board of Zoning Appeals.

A ~~The~~ filing fee of \$250.00 for shall be charged at the time of filing an application for an appeal to the Board of Zoning Appeals ~~shall be \$195.00.~~ (Ord. 17548 § 8; September 7, 1999: Ord. 15214 §8; July 10, 1989: Ord. 12571 §413; May 8, 1979).

27.80.090 Airport Zoning.

A ~~The~~ filing fee of \$250.00 for shall be charged at the time of filing an application for an administrative a height permit in connection with the airport zoning district, Chapter 27.59, ~~shall be \$195.00.~~ (Ord. 17548 § 9, September 7, 1999: prior Ord. 15214 §9; July 10, 1989: Ord. 12571 §414; May 8, 1979).

27.80.100 Parking.

The A filing fee of \$250.00 for shall be charged at the time of filing an application for a reduction in required parking as provided in Section 27.67.030 ~~shall be \$195.00.~~ (Ord. 17548 § 10; September 7, 1999: prior Ord. 15214 §10; July 10, 1989: Ord. 12571 §415; May 8, 1979).

27.80.105 Flood Plain Development Permits.

The A filing fee as set forth in the Lincoln Building Code for shall be charged at the time of filing an application for a flood plain development permit under Chapter 27.55 ~~shall be as set forth in the Lincoln Building Code.~~ (Ord. 17063 §1; September 23, 1996).

27.80.110 Changes in Text.

The A filing fee of \$250.00 for shall be charged at the time of filing an application for a change of text in Title 27 of the Lincoln Municipal Code ~~shall be \$195.00.~~ (Ord. 17548 § 11; September 7, 1999: prior Ord. 15214 §11; July 10, 1989: Ord. 12571 §416; May 8, 1979).

~~27.80.120 Subdivision Promotion Activity Permits.~~

~~The filing fee for a subdivision promotion activity permit, as provided in Section 27.70.030, shall be \$20.00. (Ord. 17548 § 12; September 7, 1999: prior Ord. 15214 §12; July 10, 1989: Ord. 12571 §417; May 8, 1979).~~

27.80.125 Postponement Fee

A fee of \$125.00 shall be charged at the time of filing an application that requires any additional legal notice.

27.80.130 General Fees.

The A filing fee of \$250.00 for shall be charged at the time of filing an application in connection with Title 27 of the Lincoln Municipal Code not otherwise covered by this chapter ~~shall be \$195.00.~~ (Ord. 17548 § 13; September 7, 1999: prior Ord. 15214 §13; July 10, 1989: Ord. 12571 §418; May 8, 1979).

27.80.140 Exemption for City Filing on Its Own Behalf.

No fee shall be required when any ~~action~~ application or request is ~~recommended~~ initiated by the City Council on its own motion or by any person or group officially designated to participate in the administration of this title. (Ord. 12571 §419; May 8, 1979).

Lincoln



Nebraska's Capital City

Mayor Coleen J. Seng

July 16, 2003

To: Development Community

RE: Amendments to application fees and subdivision procedures

The Planning Department, in our budget submission for the fiscal year beginning this September, indicated that it was timely to revisit application fees for zoning and subdivision regulations. The fees were last amended in 1999. We estimated that these fees could be increased by about 25 percent on average, which would generate an additional \$40,000.00 in revenue.

The City's Finance Department included this revenue increase in the Mayor's proposed budget, and requested that we submit amendments to application fees on the same day as the City Council hears the proposed City budget for the next year. This requires the amendments, which are contained in the city zoning and subdivision ordinances, to be scheduled for public hearing before the Planning Commission on August 6, 2003 and acted on the same day. To reflect a fairness and equity across the board and avoid confusion, we will initiate companion amendments to the Lancaster County zoning and subdivision resolutions, to run in tandem.

Since the Planning Department must go through the Planning Commission to amend ordinances that contain application fees, we thought it would be a good opportunity to bring forward some additional ordinance amendments that we have been discussing, which will help streamline the development review process. That way, you will see some immediate service improvements in return for the increased fees. The Planning Department plans to work with the development community on a more extensive list of streamlining ideas in the future. But, we have been able to put together this set of amendments in a short timeframe, and we believe it will provide a significant reduction in processing time for many applications. We will also be discussing process options with the Lancaster County Board to see if there might be additional streamlining opportunities available.

The attached page highlights key changes to the fees and procedures that the Planning Department is proposing. The text for the proposed amendments will be available next week and will be placed on the department's webpage (www.ci.lincoln.ne.us/city/plan/fees/index.htm). If you have any questions or would like additional information, or you would like me or one of our planners to come out to a meeting and discuss these proposals, please contact me or Ray Hill in the department. I apologize for this short notice time, and promise that we will give you more review time in the future.

Sincerely,

Marvin S. Krout
Director of Planning

cc: Mayor Seng, Ray Hill, Allan Abbott, Rick Peo
Attachment



(Attachment)

Highlights of proposed fee adjustments

- Fees for changes of zone, use permits, special permits, changes in the text of the zoning ordinance, preliminary plats, final plat, and administrative plats will be increased by approximately 25 percent
- The current fee for a "combined use permit and permitted special use" is proposed to be deleted, and we will no longer require the combined permit. Special permitted uses in the use permit districts will be processed the same as a special permit in other districts.
- A new fee is proposed to cover the cost of the required re-advertising for applications that have been postponed for an indefinite period at the applicant's request.
- The "Subdivision Promotion Activity Permit" fee is proposed to be deleted, since staff does not issue permits of this type.

Highlights of proposed procedural changes

- All preliminary plats that do not involve waivers will be approved by the Planning Commission, and only submitted to the governing body on appeal (currently, all preliminary plats must go through the Planning Commission to the City Council or County Board for approval, unless the requirement for a preliminary plat is waived because a special permit for a Community Unit Plan, which can substitute for a preliminary Plat, is submitted with the waiver request, and those CUPs must be approved by the City Council or County Board with the waiver).
- All final plats that do not involve waivers will be approved by the Planning Director, and only submitted to the Planning Commission on appeal (currently, all final plats must be placed on the Planning Commission agenda for approval in the City's jurisdiction, and must go through the Planning Commission to the County Board in the County's jurisdiction).
- Plans for street trees will be submitted for approval with final plats, rather than being required for preliminary plat (standards for street tree requirements are uniform for all subdivisions, and it is more appropriate to prepare detailed design plans like this at the final stage of platting).
- Petitions for vacating street and alley rights of way will be submitted to the Planning Department, rather than to the City Clerk (currently, petitions are submitted to the Clerk, who routes them to Law and then to Public Works, who routes them to Planning, who routes them to other departments for review).

F:\FILES\PLANNING\SHARED\WP\fee highlights.wpd

Lincoln



Nebraska's Capital City

Mayor Coleen J. Seng

July 25, 2003

RE: **Change of Zone No. 3415, Miscellaneous No. 03005, County Change of Zone No. 215, County Miscellaneous No. 03006, City/County Miscellaneous No. 03007 and Miscellaneous No. 03008**
(Proposed Text Amendments to Title 14, Title 26 and Title 27 of the Lincoln Municipal Code, the County Zoning Resolution, the County Subdivision Resolution and a Resolution to collect a fee for requests to amend the Comprehensive Plan)

To Whom it May Concern:

Please be advised that the Director of Planning is proposing the following text amendments to the zoning and subdivision regulations in the City and County:

CITY CHANGE OF ZONE NO. 3415, to amend Title 27 of the Lincoln Municipal Code (the Zoning Ordinance), to increase application fees and to amend certain zoning process procedures. Amending Chapter 27.80 and §§ 27.27.030, 27.28.040, 27.31.050, 27.37.030, and 27.68.090.

CITY MISCELLANEOUS NO. 03005, to amend Title 26 of the Lincoln Municipal Code (the Land Subdivision Ordinance), to increase application fees and to amend certain subdivision process procedures. Deleting §§ 26.11.015 and 26.11.017; and amending §§ 26.11.020, 26.11.037, 26.11.038, 26.11.050, 26.11.060, 26.11.070, 26.11.130, 26.15.020, 26.19.020, 26.19.035, and Chapter 26.33.

COUNTY CHANGE OF ZONE NO. 215, to amend Article 23 of the Lancaster County Zoning resolution, to increase application fees for various zoning actions. Amending §§ 23.003, 23.005, 23.007, 23.009, 23.011, 23.013, 23.015, 23.017, 23.019, and adding § 23.023.

COUNTY MISCELLANEOUS NO. 03006, to amend Chapter 3 of the Lancaster County Subdivision resolution, to increase application fees for various subdivision actions. Amending §§ 3.02(n), 3.05, 3.15, 3.18, 3.19, 3.20, and adding a new § 3.21.

CITY/COUNTY MISCELLANEOUS NO. 03007, a resolution adopted by the City Council and County Board authorizing the collection of a fee for amendment requests to the City/County Comprehensive Plan.

CITY MISCELLANEOUS NO. 03008, to amend Title 14 of the Lincoln Municipal Code, to amend the procedure for vacation of public ways and establish a filing fee. Amending Chapter 14.20, and adding a new § 14.20.030.

The public hearing on these proposed text amendments will be held before the Lincoln City/Lancaster County Planning Commission on **Wednesday, August 6, 2003**. The public hearing is your opportunity to appear and speak upon the merits of these applications. The Planning Commission meeting commences at 1:00 p.m. in the City Council Hearing Room on the first floor of the County-City Building, 555 South 10th Street, Lincoln, Nebraska.

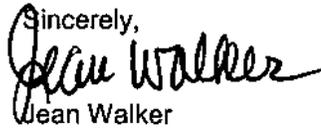


City Change of Zone No. 3415
City Miscellaneous No. 03005
County Change of Zone No. 215
County Miscellaneous No. 03006
City-County Miscellaneous No. 03007
City Miscellaneous No. 03008

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If you would like additional information, you are encouraged to contact Ray Hill in the Planning Department (401-441-6371). You may also wish to appear at the public hearing or submit your comments prior to the public hearing in writing to the Planning Commission at the address below, by email to plan@ci.lincoln.ne.us, or by fax to 402-441-6377. The Planning Department staff report including the proposed text amendments and the staff recommendation will be available in the Planning Department office on Thursday, July 31, 2003, after 3:00 p.m., as well as on the Internet (<http://www.ci.lincoln.ne.us/city/plan/pcagenda/2003/index.htm>).

This notice is being provided as a courtesy to the Planning Department's development community contact list and neighborhood and homeowner association contact list.

Sincerely,

Jean Walker
Administrative Officer

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cc: Development Community Mailing List
Carol Brown, Chair, Mayor's Neighborhood Roundtable, 2201 Elba Circle, 68521
Neighborhood and Homeowner Association Contact Mailing List
Lincoln-Lancaster County Planning Commission
Mayor Coleen Seng
City Council
Lancaster County Board of Commissioners

Marvin S Krout
07/22/03 08:18 AM

To: Rick Krueger
cc: rhill@ci.lincoln.ne.us
Subject: Proposed fee increases

Rick: Ray Hill forwarded your note to me, and I would like to respond directly. By the way, I did return your call from last week, and did not hear back from you -- please let me know if you want to get together to discuss fees and/or any other subject, and I would be glad to do it.

I had asked for information on the history of our application fees as we were preparing our budget for this next fiscal year. As you probably recall, fees were approximately doubled in advance of fiscal year 99-00. City fees in fiscal year 97-98 generated about \$80,000 in revenue. The fee increases were intended to raise another \$76,000, which is 80% (City portion) of the \$95,000 cost of additional staffing that was approved in that same budget. The staffing cost included two new positions in our department, plus a portion of the Health Department budget for their assistance in reviewing applications. If you take \$80,000 plus \$76,000 = \$156,000, and apply a 10% cost of living increase, then we should be generating over \$170,000 this year from City applications.

Looking at the current year (02-03) budget, we have generated just under \$130,000 through 7-14, with just under \$117,000 coming from City applications. I would surmise that City fees will generate about \$130,000 by the end of this year. So we are about \$40,000 behind on the intention of the fee increases from 4 years ago.

I am sure there is still great sensitivity about fees of any kind with members of the development community. But I think you would have to admit that a 25% increase in application fees for zoning and subdivision items will not have a significant effect on housing costs. I would estimate that zoning and subdivision fees might add up to \$15-20 per single family lot today, so the increase would just add \$4-5 per lot to your costs.

I think it's also important to realize that these charges are still a very small proportion of the total costs of processing zoning and subdivision applications. Salary/benefit costs for Ray and Theresa McKinstry and the 5 planners in his division add up to \$323,000 in the proposed budget, which is twice the amount of fees that we expect to generate this year from City and County applications. Add to that the cost of additional staff involved in application review and processing (me, Jean Walker, Steve Henrichsen, and a good portion of the GIS staff time involved in the notification process and map-making), plus the costs of mailing, printing, advertising, supplies and equipment, etc., and the fees probably generate only 20% of our department's actual costs. And then add to that the staff time and miscellaneous costs in other departments, besides Health, who are involved in reviewing zoning and subdivision applications -- in Public Works, Law, and the Clerk's office, to name a few.

When I briefed the two elected boards on our budget last week, one of the Councilmembers noted that in some situations, our proposals to streamline the development review process will reduce our current collections, e.g. we are now routinely waiving the requirement to file and process a preliminary plat on projects for which Community Unit Plans are being processed.

I hope that you are more comfortable with this proposal as a result of this explanation. We did not expect that the fee increases would be of great concern to the development community, and I would hope they will not become another source of debate and delay, especially as they are tied to some further streamlining proposals that should reduce development costs much more significantly than these small fee increases. Again I would be happy to meet with you to discuss this further.

Marvin S. Krout, Director
Lincoln-Lancaster County Planning Department

Message for Ray Hill