

# Planning Commission Staff Report

January 5, 2017



<b>Case No:</b>	16MISC1110
<b>Project Name:</b>	Fee Schedule
<b>Case Manager:</b>	Joe Reverman, AICP

## REQUEST

- Proposed Changes to Fee Schedule

## CASE SUMMARY/BACKGROUND/SITE CONTEXT

### Formal Filing Fees for certain Conditional Use Permits

In June of 2016, Metro Council adopted Land Development Code regulations pertaining to short term rentals. Short term rental units are permitted with special standards in some circumstances, but in other circumstances require a Conditional Use Permit. There are two fees associated with a Conditional Use Permit (CUP).

- Pre-Application fee of \$130
- Formal Application fee of \$1,000

The Planning Commission reduced the formal application fee to \$215 for applicants that filed a pre-application in 2016. The purpose was to encourage compliance with the newly adopted regulation. The fee was reduced to \$215 since that is the fee associated with a request to modify an existing CUP.

It is now requested of the Planning Commission to permanently reduce the formal filing fee for Short Term Rental CUP's, as well as other CUP's that are residential in nature and/or typically do not require a multi-agency review of a development plan.

Following is a list of CUP's recommended for the formal filing fee reduction.

- Accessory Apartments
- Bed & Breakfast Inns
- Home Occupations
- Duplex Dwelling Units
- Short Term Rental

The justification for this reduction is two-fold.

1. These applications typically do not require review of a development plan by multiple government agencies. Many times, there is no development plan at all. The lack of this development plan review significantly reduces the amount of staff time spent reviewing the case.
2. These applications are typically found in association with a single or two-family house. The financial burden of the filing fee on these applicants is significantly higher than that of other proposed uses, thereby discouraging compliance.

<b>CONDITIONAL USE PERMITS AND APPEALS</b>	
<b>Conditional Use Permit for</b> <ul style="list-style-type: none"> <li>• <b>Accessory Apartments</b></li> <li>• <b>Bed &amp; Breakfast Inns</b></li> <li>• <b>Home Occupations</b></li> <li>• <b>Duplex Dwelling Units</b></li> <li>• <b>Short Term Rental</b></li> </ul>	<b>\$215</b>
Conditional Use Permit <b>for all other uses</b>	\$1,000
Modification of Conditional Use Permit or plan	\$215
Appeal or other request for Board of Zoning Adjustment Administrative Review	\$470

### Parking Waiver Fees

Parking Waivers are required when an applicant wishes:

- To provide less parking spaces than are required.
- To provide more parking spaces than are allowed.
- To use on-street parking spaces that are not directly adjacent or abutting the development site or parking spaces located in a public parking lot to meet the minimum number of spaces required by this Part.

The review process for Parking Waivers depends on the number of spaces requested to be waived.

- The Planning Director can approve reductions of 10% or less or 5 spaces or less.
- A Committee of the Planning Commission can approve reductions or more than 10% but less than 30%, and waivers to provide more parking than the maximum allowed.
- The Planning Commission can approve reductions of 30% - 50%.
- The applicable legislative body can approve reductions in excess of 50%.

The fees for parking waiver applications are as follows:

<b>PARKING WAIVER</b>	
Staff Approvable Parking Waiver	\$215
Parking Waiver of less than 5 spaces	\$425
Parking Waiver of 5 to 15 spaces	\$640
Parking Waiver of greater than 15 spaces	\$640 + \$20/space over 15

It is requested of the Planning Commission to change the fee to be consistent with the review process outlined in the Land Development Code.

<b>PARKING WAIVER</b>	
<b><i>Parking Waiver reduction of 10% or less or 5 spaces or less</i></b>	<b>\$215</b>
<b><i>Parking Waiver reduction of more than 10% but less than 30%</i></b> <b><i>Parking Waiver to exceed the maximum</i></b>	<b>\$360</b>
<b><i>Parking Waiver reduction of 30% - 50%</i></b>	<b>\$425</b>
<b><i>Parking Waiver reduction greater than 50%</i></b>	<b>\$640</b>

Proposed Findings of Fact

**WHEREAS** the Louisville Metro Planning Commission finds that the fee for formal applications of Conditional Use Permits for Accessory Apartments, Bed & Breakfast Inns, Home Occupations, Duplex Dwelling Units and Short Term Rentals will be reduced to \$215.

**WHEREAS** the Commission finds the reduction of these Conditional Use Permit formal application fees to be justified since these applications typically do not require review of a development plan by multiple government agencies, which significantly reduces staff time on these types of cases.

**WHEREAS** the Commission finds these Conditional Uses are typically found in association with a single or two-family house, of which the filing fee has a significantly higher financial burden on the applicant.

**WHEREAS** the Commission finds the change in fees for Parking Waivers to be more consistent with the review process outlined in the Land Development Code, which is more indicative of the amount of staff time spent on these types of cases.