

## RESOLUTION 03-2013

**A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO THE AMENDMENT OF ADMINISTRATIVE AND PERMIT FEES REQUIRED TO BE ESTABLISHED BY VARIOUS ORDINANCES OF THE TOWN OF MALABAR; PROVIDING FOR REPEAL OF RESOLUTION 14-2007; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Malabar's Code of Ordinances requires assessment of various administrative and permit fees; and

**WHEREAS**, the Town of Malabar's Land Development Code requires that the Town Council for the Town of Malabar impose said administrative fees; and

**WHEREAS**, the Town Council of the Town of Malabar has determined that a revision to the administrative fee schedule is appropriate in order to provide a fee for Minor Modification to Site Plan and approved such fee at their meeting of December 3, 2012.

**NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, as follows:**

**SECTION 1. ADMINISTRATIVE FEES.** The Town of Malabar does hereby revise administrative fees in accordance with the Town of Malabar's Code of Ordinance and Land Development Code to include an administrative fee for lien searches; said fees to be in the amounts set forth in this resolution, replacing Exhibit "A" in the resolution notated above.

### EXHIBIT A.

Fees listed below shall include advertising, administrative time and mailing. Any additional costs may include, but are not limited to, engineering fees, attorney fees, surveyor fees, planner fees, etc., and shall be paid by the applicant.

1. Planned Unit Development (PUD) review: \$900.00 plus \$40.00 per acre
2. Planned Unit Development (PUD) final: \$900.00 plus \$40.00 per acre
3. Site Plan Pre-application Conference (optional): \$500.00
4. Site Plan Review: \$300.00 for the first acre plus \$50.00 per acre or portion thereof over the first acre.
5. Subdivision or Development Pre-application Conference (mandatory) \$500.00
6. Preliminary Plat Review: \$10.00 per lot or \$500.00 whichever is greater
7. Final Plat Review: \$20.00 per lot or \$500.00 whichever is greater
8. Variance Request to Board of Adjustment: \$300.00
9. Special Exception: \$175.00 plus site plan review fee
10. Conditional Use Permit Application: \$175.00 plus site plan review fee
11. Rezoning Request: \$325.00 for the first acre plus \$10.00 per acre or portion thereof over the first acre.
12. Land Use Designation Change: \$300.00 plus the rezoning fee
13. Pre-Construction Conference: \$150.00

14. Land clearing: \$50.00 for the first acre plus \$10.00 per acre or portion thereof over the first acre.
15. Residential lot fill permits \$30.00 plus engineering costs.
16. Tree removal – single tree: \$40.00 for each tree plus \$100 for each protected 5" caliper up to five acres.
17. Multiple Tree Removal: \$150.00 plus mitigation
18. Signs: \$25.00 plus \$0.50 per sq.ft. of sign area  
Detached sign structures also require a building permit.
19. Pond permit: \$25.00 per 1000 sq.ft. of pond area
20. Vacate and Abandonment request: \$425.00
21. Written verification of the availability of town services  
or verification of zoning information. \$30.00
22. As-built drawing review: Actual cost of staff
23. Right-of-way use permit (exclusive of franchise holders): \$75.00
24. Maintenance bond agreement (cash in lieu): \$50.00
25. Development agreement: \$500.00
26. Construction reimbursement agreement: \$500.00
27. Stormwater connection to a local system: \$75.00
28. Extension of water and/or sanitary sewer lines  
requiring a state agency permit: \$100.00
29. Extension of water and/or sanitary sewer lines  
requiring an easement document: \$100.00
30. Culvert permit: \$100.00 plus actual engineering.
31. Contractor registration fee \$30.00
32. Lien research – per request \$30.00
33. **Site Plan minor modification** **\$150.00**

B. No permit, certificate, or other related document, and no inspections, public notice, or other action shall be instituted until such fees, costs, and charges have been paid. When in accordance with town codes, a fee is paid and application submitted, there shall be no return or rebate of any funds so received, regardless of the town's determination in the subject matter. All fees, costs, and charges shall be, upon collection, deposited in the appropriate fund of the town.

**SECTION 2. CONFLICTS.** All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict with this resolution.

**SECTION 3. SEVERABILITY.** In the event a court of competent jurisdiction shall hold or determine that any part of this resolution is invalid or unconstitutional, the remainder of the resolution shall not be affected and it shall be presumed that the Town Council of the Town of Malabar did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the Town Council would have enacted the remainder of this resolution without said invalid or unconstitutional provision, thereby causing said remainder to remain in full force and effect.

**SECTION 4. EFFECTIVE DATE.**

This Resolution shall take effect immediately upon passage.

This Resolution was moved for adoption by Council Member Acquaviva. The motion was seconded by Council Member Milucky and, upon being put to a vote; the vote was as follows:

Council Member Jim Milucky	<u>Aye</u>
Council Member Wayne Abare	<u>Aye</u>
Council Member Steve Rivet	<u>Aye</u>
Council Member Jeff McKnight	<u>Aye</u>
Council Member Marisa Acquaviva	<u>Aye</u>

This Resolution was then declared to be duly passed and adopted this 7th day January, 2013.

TOWN OF MALABAR

By:

Carl A Beatty  
Mayor Carl Beatty

ATTEST:

Debby Franklin  
Debby Franklin, C.M.C.  
Town Clerk/Treasurer

(seal)

Approved as to Form and Content:

Karl W. Bohne, Jr.  
Karl W. Bohne, Jr.,  
Town Attorney