

RESOLUTION 20-2022

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; PERTAINING TO THE ANNUAL REVIEW AND APPROVAL OF ADMINISTRATIVE AND PERMIT FEES REQUIRED TO BE ESTABLISHED BY VARIOUS ORDINANCES OF THE TOWN OF MALABAR; 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 Ordinances and Land Development Code require 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 an annual review by staff of the administrative fee schedule is appropriate to update fees to cover the actual costs of professional review, administrative time, legal advertising, and mailing costs for notices.

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 reflect the actual costs more accurately in 2022/2023.

A.

Building Permit Plan Review & Inspections by	
Private Provider per F.S. 553 (Reso 06-2020)	25% discount
Conditional Use Permit Application	\$175.00 plus site plan review fee
Contractor Registration Fee:	\$40.00
Property Culvert Permit:	\$100.00 plus actual Engineering Plan
Development Agreement:	\$500.00
Road Construction Application (<u>Plus Building Permit Fee</u>):	Street Length up to 200 feet - \$800.00 Street Length up to 400 feet - \$825.00 Street Length up to 600 feet - \$890.00 Street Length up to 800 feet - \$930.00 Street Length up to 1000 feet - \$1010.00 Street Length up to 1200 feet - \$1080.00 Street Length up to 1400 feet - \$1120.00
Final Plat S/D Review	\$1,200.00
Future Land Use Map Designation Change:	\$300.00 plus rezoning fee
Golf Cart Registration	One-time fee (\$50.00) and no renewal fee

Land Clearing (Ref. LDC Article XV, Section 1-15.8 – 1-15.10):	see below
Type I-IV, Residential Property	Permit, Review, Inspection: \$30.00 Building Admin Fee \$50.00 for Properties 2 acres or Less \$10.00 per additional acre or portion thereof
Type I-IV, Non-Residential Property	Permit, Review, Inspection: \$30.00 Building Admin Fee \$100.00 for the 1st acre plus \$10.00 per additional acre or portion thereof
Type V, Residential Property, Non-removal of trees, land clearing permit	Permit, Review, Inspection: \$10 <u>\$30.00</u> Building Admin Fee Permit, Review, Inspection: \$40.00 for Properties 2 acres or less, plus \$5 <u>\$10.00</u> per additional acre or portion thereof
Type V, Non-Residential Property, Non-removal of trees, land clearing permit	Permit, Review, Inspection: \$10 <u>\$30.00</u> Building Admin Fee \$50.00 for the 1 st acre plus \$10.00 per additional acre or portion thereof
Land Fill (Ref. LDC Article V, Section 1-5.22):	See below
Residential Property	Permit, Review, Inspection: \$30.00 Building Admin Fee \$50.00 for Properties 2 acres or Less \$10.00 per additional acre or portion thereof
Non-Residential Property	Permit, Review, Inspection: \$30.00 Building Admin Fee \$100.00 for 1 st acre plus \$10.00 per additional acre or portion thereof
Planned Unit Development (PUD) review:	\$900.00 plus \$40.00 per acre
Planned Unit Development (PUD) final:	\$900.00 plus \$40.00 per acre
Pond Permit:	Engineering costs only for ponds <1/4 acre; \$25.00 per 1000 sq. ft. of pond area for ponds over 1/4 acre in size plus engineering costs
Pre-Construction Conference for S/D or Commercial Development	\$300.00
Preliminary Plat S/D Review	\$1,500.00

Request for Council Action on an Item not specifically provided for in the administrative fee schedule regarding matters of land development	\$300.00
Rezoning Request: Commercial	\$1,500.00 for the 1 st acre plus \$10.00 per each additional acre or portion thereof
Rezoning Request: Residential	\$625.00 for the 1 st acre plus \$10.00 per each additional acre or portion thereof
Road Improvement Waiver Application – Commercial Purposes	\$1,500.00
Road Improvement Waiver Application – Residential Purposes	\$300.00
Road Naming / Renaming Requests:	\$50.00
Road Vacate and Abandonment Requests:	\$425.00
Site Plan minor (including SFR)	\$150.00
Site Plan Pre-Application Conference (mandatory): except SFR (Ref Article VII, Sec 1-7.1.5)	\$500.00
Site Plan Review:	\$900.00 for 1 st acre plus \$50 for each additional acre or portion of acre
Special Exception:	\$175.00 plus site plan review fee
Subdivision S/D or Commercial Development Pre-App Conference (mandatory)	\$1,500.00
Tree Removal – Multiple	Permit, Review & inspection \$40.00 per tree
Tree Removal – Type IV Permit – dead, diseased or in fire buffer – non-invasive only	\$50.00
Variance Request to Board of Adjustment: Commercial	\$1,750.00
Variance Request to Board of Adjustment: Residential	\$800.00 See Below (Fee based on lot size)
<u>0-3 Acres</u>	<u>\$400.00</u>
<u>3-10 Acres</u>	<u>\$800.00</u>
<u>10 + Acres</u>	<u>\$1,275.00</u>
Written zoning verification or for the availability of Town Services	\$50.00

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 registration 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 Vail. The motion was seconded by Council Member Rivet and, upon being put to a vote; the vote was as follows:

Council Member Marisa Acquaviva Excused

Council Member Brian Vail Aye

Council Member Steve Rivet Aye

Council Member David Scardino Aye

Council Member Mary Hofmeister Aye

This Resolution was then declared to be duly passed and adopted this 3rd day October 2022.

TOWN OF MALABAR

By:

Patrick T. Reilly
Mayor Patrick T. Reilly, Council Chair

ATTEST:

Richard W. Kohler
Richard Kohler, C.M.C.
Town Clerk

Approved as to Form and Content:

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