

**RESOLUTION
NO. 2011-12**

A RESOLUTION OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA REPEALING RESOLUTION 2011-08 AND ADOPTING A NEW FEE SCHEDULE FOR LAND DEVELOPMENT ACTIVITY, DEVELOPMENT ORDERS AND ANNEXATION; PROVIDING FOR RATIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, The City Council of the City of Fellsmere has provided for the issuance of Development Orders through its Comprehensive Plan, Land Development Code and other City regulations; and

WHEREAS, the City Council has the authority to annex lands in the City; and

WHEREAS, the City Council has the authority to change the “Fee Schedule” from time to time for land development activity and annexations; and

WHEREAS, Resolution 2011-08 was adopted on August 4, 2011 amending the “Land Development Fee Schedule, Exhibit “A” and on page 3 of 6, a portion of the TREE REMOVAL section was inadvertently omitted and is hereby incorporated into “Exhibit “A”.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fellsmere, Indian River County, Florida, as follows:

SECTION 1. RATIFICATION. That the above recitals are hereby ratified and confirmed.

SECTION 2. LAND DEVELOPMENT ACTIVITY, DEVELOPMENT ORDER AND ANNEXATION FEE SCHEDULE. The Land Development Activity, Development Order and Annexation Fee Schedule shall be as stated in Exhibit “A” is attached hereto made part thereof.

SECTION 3. CONFLICTS. All Resolutions or parts of Resolutions in conflict herewith are repealed in their entirety and all previous resolutions of the City, which conflict with the provisions of this resolution, are hereby repealed to the extent of such conflict.

SECTION 4. SEVERABILITY. If any section, part of a sentence, paragraph, phrase or word of this resolution is for any reason held to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions hereof and it shall be construed to have been the legislative intent to pass this resolution without such unconstitutional, invalid or inoperative part.

SECTION 5. EFFECTIVE DATE. This resolution shall take effect immediately upon its adoption.

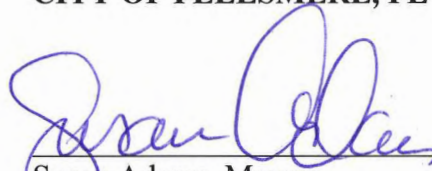
The foregoing Resolution was moved for adoption by Council Member Savage. The motion was seconded by Council Member Herrera, and upon being put to a vote, the vote was as follows:

Mayor Susan Adams
Council Member Fernando Herrera
Council Member Joel Tyson
Council Member Sara Savage
Council Member Daniel Naranjo

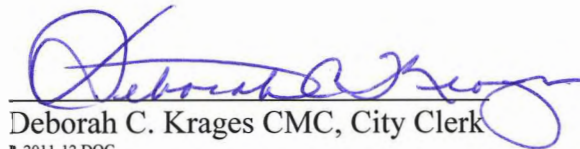
aye
aye
aye
aye
aye

The Mayor thereupon declared this Resolution duly passed and adopted this 15th day of September, 2011.

CITY OF FELLOSMERE, FL


Susan Adams, Mayor

ATTEST:


Deborah C. Krages CMC, City Clerk
R-2011-12.DOC



LAND DEVELOPMENT FEE SCHEDULE

Application Type	Application Fee	Additional Amount/Retainer
Rezoning (excluding PDD rezonings)		
Less than 15,000sf	\$750	\$750
Less than 5 ac	\$2,000	\$1,500
5 ac. or more	\$3,000	\$2,250
Zoning Certificate	\$30	\$0
Comprehensive Plan Amendments:		
Future Land Use Map Small Scale (Less than 15,000sf)	\$1,500	\$750
Future Land Use Map Small Scale (Less than 10 acres)	\$3,250	\$2,250
Future Land Use Map Large Scale (10 acres or more)	\$5,000	\$5,000
Comprehensive Plan Text change (per section)	\$5,000	\$5,000
Conditional Uses:		
Less than 15,000sf	\$750	\$750
Less than 5 ac	\$2,000	\$1,500
5 ac. or more	\$3,000	\$2,500
Variances (Board of Adjustment Action):		
Less than 15,000sf	\$250	\$1,000
Less than 5 ac.	\$750	\$1,500
5 ac. or more	\$1,500	\$2,250
Appeals of Administrative Decisions	\$1,500	\$1,500
Site Plans:		
Administrative (agricultural)	\$1,750	\$0
Administrative (less than 1,000sf building area or 15,000sf lot area)	\$500	\$0
Administrative (other)	\$1,000	\$1,250
Less than 5 acres	\$1,850	\$2,250
5 ac. or more	\$3,250	\$4,000

LAND DEVELOPMENT FEE SCHEDULE

Application Type	Application Fee	Additional Amount/Retainer
Subdivision Plats:		
Preliminary Plat: 50 acres or less	\$2,350	\$1,750
Preliminary Plat: Greater than 50 acres	\$2,750	\$2,250
plus \$50/acre over 50 not to exceed \$10,000	\$50	
Final Plat	\$1,500 + recording fees	\$1,500
Commercial- Single parcel division	\$750	
Residential single parcel division	\$750	
Construction Plan Review		
Under 15,000sf	\$500	\$1,000
Under 5 acres	\$1,500	\$1,500
Greater than 5 acres	\$1,750	\$2,250
Planned Development (PD)		
Conceptual Plan	\$1,750	\$1,500
Preliminary Development Plan (under 10 acres)	\$2,750	\$2,000
Preliminary Development Plan (10 acres or more)	\$3,500	\$4,000
plus \$50/acre over 50 not to exceed \$10,000	\$50	
Final Development Plan (under 10 acres)	\$2,250	\$2,000
Final Development Plan (10 acres or more)	\$2,750	\$3,000
plus \$50/acre over 50 not to exceed \$10,000	\$50	
Amendment to the Municipal Code or Land Development Regulations (per section)		
	\$1,850	\$1,500
Concurrency evaluations:		
Less than 15,000sf	\$250	\$0
Less than 5 acres	\$750	\$2,000
5 ac. or more	\$1,250	\$3,000

LAND DEVELOPMENT FEE SCHEDULE

Application Type	Application Fee	Additional Amount/Retainer
Development of Regional Impact (DRI) or Sector Plans:	\$7,500 + fees and cost allowed by law	\$15,000
Development agreement:		
Less than 5 acres	\$2,250	\$3,500
5 ac. or more	\$3,250	\$5,000
Amendments to Development Agreements or Security/Guarantee Agreements	\$1,250	\$1,500
Time Extensions	50% of original fee	\$0
(site plan, DRI, Subdivision, PUD or any other dated actions)		
Sign Review:	\$150	\$0
Governmental or Non-Profit Agencies:	50% reduction in above fee	\$0
Home Occupation	determined based upon Business Tax category	\$0
Telecommunication Towers and Antennae:	\$3,500	\$5,000
Tree Removal:		
Permit Application Fee:	\$150	\$0
Mitigation Fee (Lot of Record)	\$50/inch	\$0
Mitigation Fee (New Development)	\$150/inch (\$40,000 max.)	\$0
All removal fees paid to the City under this section shall be placed in a "Fellsmere Arbor Fund" for use by the City in performing landscaping and other tree preservation efforts throughout the City's right-of-ways and public lands or private lands in support of a public project with consent of the owner.		

LAND DEVELOPMENT FEE SCHEDULE

Application Type	Application Fee	Additional Amount/Retainer
Mining/Excavation		
Lot of Record	\$350	\$350
Subdivision/Site Plan	\$2,500	\$2,500
Mining as a Commercial Operation	\$3,500	\$3,500
Annexation:		
0 to 5 acres	\$500	
Greater than 5 and less than 10 acres:	\$1,500	
10 acres or greater:	\$2,000 plus \$50/acre	
Fair Value in Exchange for Annexation Fee: At the discretion of the City Council, the Annexation Fee may be reduced or eliminated in exchange for dedications and/or contributions or fair value. Such contributions or dedications may be in the form of land, buildings, tangible property or other manner acceptable to the City Council and subject to a binding agreement.		
Additional Review Fee As part of the base application fees presented herein, the applicant is entitled to an initial review and one full review of the response to the initial review comments. If additional reviews are required, an Additional Review Fee shall be levied on each additional review.		
Less than 15,000sf	\$250	\$0
Less than 5 ac.	\$1,250	\$1,500
5 ac. or more	\$1,750	\$2,250
Additional Public Hearing Fee As part of the base application fees presented herein, the applicant is entitled to one Local Planning Agency/Planning and Zoning Commission and two City Council public hearings/meetings or one Board of Adjustment public hearing, as applicable. If additional public hearings/meetings are required, an Additional Public Hearing Fee shall be levied for each additional public hearing/meeting.		
Less than 5 ac.	\$1,250	\$1,500
5 ac. or more	\$1,750	\$2,250

LAND DEVELOPMENT FEE SCHEDULE

Application Type	Application Fee	Additional Amount/Retainer
Inspection fees		
Inspection fees for water system, sanitary sewer system, sewage reuse system, stormwater management and street construction, or other infrastructure elements shall be based on actual time and charges for engineering services as submitted by the City's Engineering firm. Costs for special engineering or other professional services shall be payable by the owner/developer and shall be based upon actual time and charges invoiced to the City, plus a 15% overhead charge. Receipt of Certificate of Occupancy shall not be granted unless all inspection charges have been paid in full.		
Maintenance bonds:	125% of the project cost	
Performance Bonds for new developments/ subdivisions/other:	125% of the cost of improvements	
Miscellaneous		
Driveway Permit (nonpaved)	\$75	\$0
Culvert (with grades to be set)	\$750	\$0
Culvert (with grades previously set)	\$150	\$0
On Street Parking	\$250	\$500
Pain Clinic	\$3,000	\$5,000
Peddler's License	\$1,500	\$1,500
Parking Payment in Lieu of in OTD Cost per space	\$250 \$15,000	\$500
Wellfield protection permits 7.20.J	\$500	\$1,500
Sound Amplification Permit	\$25	\$0
Alarm permits	\$100	\$0

LAND DEVELOPMENT FEE SCHEDULE

Application Type	Application Fee	Additional Amount/Retainer
ADDITIONAL FEES.		
<p>In addition to the fees established by this resolution, the applicant shall pay all legal advertising costs and the actual cost (review expenses) incurred by the City to have the application and supportive documents, site plans, ordinances, and other associated materials reviewed by professionals including, but not limited to, architectural, structural, engineering, surveying, planning and attorney. All advertising and review expenses shall be paid to the City before any action is taken on the application by the City Council. At the time applications for rezoning, comprehensive plan amendments, site plans, subdivisions, PUD's, DRI's, Annexations, or other pertinent applications as set forth herein are submitted, the Community Development Director or designee shall collect and cause to be placed into a Trust Account an additional amount/retainer as set forth herein in addition to the application fee to cover the costs associated with advertising and professional review expenses. Any balance owed shall be paid as provided herein, prior to issuance of a final development order, permit, or other approvals by the City, including a 15% overhead charge. Any unused portion of the additional amount/retainer shall be returned to the applicant, with an itemized listing of all amounts paid. Any amount due the City in excess of the additional amount/retainer collected shall be paid by the applicant within 20 days of the receipt of an invoice. Failure to pay such amount may result in a delay of the final action by the City Council, delay in obtaining permits, or in the City taking other actions to collect the amount owed.</p>		