

**RESOLUTION  
NO. 2017-22**

**A RESOLUTION OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA. REPEALING RESOLUTION 2016-29 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;

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

**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 Fee Schedule, as stated in Exhibit "A", is attached hereto and 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 CONFLICTS.** All Resolutions or parts of Resolutions in conflict herewith are repealed in their entirety and all previous resolutions of the City, which conflict with the provisions of this resolution, are hereby repealed to the extent of such conflict.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 Herrera. The motion was seconded by Council Member Piper, and upon being put to a vote, the vote was as follows:

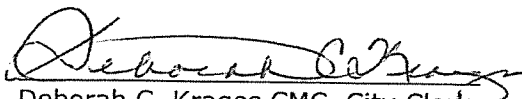
Mayor Joel Tyson	<u>Ayer</u>
Council Member Fernando Herrera	<u>Ayer</u>
Council Member Gerald Piper	<u>Ayer</u>
Council Member Sara Savage	<u>Ayer</u>
Council Member Jessica Salgado	<u>Ayer</u>

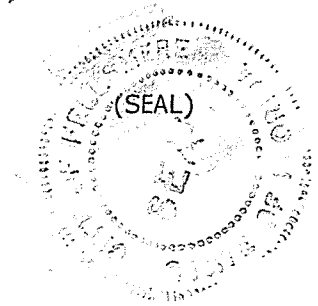
The Mayor thereupon declared this Resolution duly passed and adopted this 20<sup>th</sup> day of April, 2017.

**CITY OF FELLOSMERE, FL**

**Attest:**

  
Joel Tyson, Mayor

  
Deborah C. Krages CMC, City Clerk  
R-2017-22\_Fees\_CDD



**LAND DEVELOPMENT FEE SCHEDULE**

Application Type	Application Fee	Additional Amount/Retainer
<b>Rezoning (excluding PDD rezonings)</b>		
Less than 15,000sf	\$750	\$1,500
Less than 5 ac	\$2,000	\$2,000
5 ac. or more	\$3,000	\$2,500
<b>Zoning Certificate (based on business tax receipt and/or permit fees such as building, fence, driveway, land development, etc.)</b>		
Permit/BTR Fees ≤ \$200	\$15	\$0
\$200 < Permit/BTR Fees ≤ \$500	\$25	\$0
\$500 < Permit/BTR Fees	\$50	\$0
Independent Zoning Certificate	\$75	\$0
<b>Comprehensive Plan Amendments:</b>		
Future Land Use Map Small Scale (Less than 15,000sf)	\$1,500	\$1,500
Future Land Use Map Small Scale (Less than 10 acres)	\$3,250	\$3,000
Future Land Use Map Large Scale (10 acres or more)	\$5,000	\$5,000
Comprehensive Plan Text change (per section)	\$5,000	\$5,000
<b>Conditional Uses:</b>		
Single-family Accessory Structure (or amendments thereto)	\$100	\$0
Less than 15,000sf (or amendments thereto)	\$750	\$1,500
Less than 5 ac	\$2,500	\$3,000
5 ac. or more	\$3,500	\$4,500
Minor Amendments to Conditional Uses	50% of Application fee	50% of Retainer fee
Major Amendments to Conditional Uses	75% of Application fee	75% of Retainer fee
<b>Variances (Board of Adjustment Action):</b>		
Minor Variance (less than 25% of standard)	\$100	\$0
Less than 15,000sf	\$250	\$1,500
Less than 5 ac.	\$750	\$1,750
5 ac. or more	\$1,500	\$2,250
<b>Site Plans:</b>		
Administrative (less than 1,000sf building area or 15,000sf lot area or amendments thereto)	\$500	\$1,000
Administrative (other)	\$1,250	\$1,000
Administrative (agricultural)	\$3,250	\$1,000
Less than 5 acres	\$2,350	\$2,500
5 ac. or more	\$3,250	\$4,000
Minor Amendments to Site Plans	50% of Application fee	50% of Retainer fee
Major Amendments to Site Plans	75% of Application fee	75% of Retainer fee

**LAND DEVELOPMENT FEE SCHEDULE**

Application Type	Application Fee	Additional Amount/Retainer
<b>Pre-Application Meeting</b>	\$250	\$1,250
<b>Appeals of Administrative Decisions</b>	\$1,500	\$2,500
<b>Subdivision Plats:</b>		
Preliminary Plat: 50 acres or less	\$3,350	\$2,000
Preliminary Plat: Greater than 50 acres plus \$50/acre over 50 not to exceed \$10,000	\$3,750 \$50/acre	\$3,500
Final Plat	\$1,500 + recording fees	\$3,500
<del>Commercial or Residential - Non-plat division or unity</del>	<del>\$750 \$250</del>	\$300
<del>Commercial or Residential - Non-plat division or unity</del>	<del>\$750 \$75</del>	\$300
<b>Construction Plan Review</b>		
Under 15,000sf (or amendments thereto)	\$500	\$1,000
Under 5 acres	\$2,500	\$2,000
Greater than 5 acres	\$3,250	\$2,500
Amendments to Construction Plans	50% of Application fee	50% of Retainer fee
<b>Planned Development (PD)</b>		
Preliminary Development Plan (under 10 acres)	\$2,750	\$3,500
Preliminary Development Plan (10 acres or more) plus \$50/acre over 50 not to exceed \$10,000	\$3,500 \$50/acre	\$5,000
Final Development Plan (under 10 acres)	\$2,250	\$2,500
Final Development Plan (10 acres or more) plus \$50/acre over 50 not to exceed \$10,000	\$2,750 \$50/acre	\$3,500
Minor amendments to PDP or FDP	50% of Application fee	50% of Retainer fee
Major amendments to PDP or FDP	75% of Application fee	75% of Retainer fee
<b>Amendment to the Municipal Code or Land Development Regulations (per Chapter)</b>	\$1,850 (\$9,250 max.)	\$3,000 (\$7,500 max.)
<b>Concurrency evaluations:</b>		
Less than 15,000sf	\$250	\$0
Less than 5 acres	\$1,250	\$1,000
5 ac. or more	\$1,750	\$1,500
Amendments to concurrency evaluations	\$600	\$0
<b>Development agreement:</b>		
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	\$2,500

**LAND DEVELOPMENT FEE SCHEDULE**

Application Type	Application Fee	Additional Amount/Retainer
<b>Historic Property Special Certification:</b>	\$250	\$500
<b>Development of Regional Impact (DRI) or Sector Plans:</b>	\$7,500 + fees and cost allowed by law	\$15,000
<b>Sidewalk, Multiuse Path, Bike Facility Alternative Compliance:</b>		
Construction	\$56/square foot	NA
Design	15% of construction	NA
Administration	15% of construction	NA
Contingency	15% of construction	NA
Alternative compliance fees paid to the City shall be placed in a "Fellsmere Sidewalk Fund" for use in designing, constructing or maintaining sidewalks, multi-use paths or bike facilities throughout the City on public lands or private lands in support of a public project with consent of the owner. At the sole discretion of the City, sidewalk funds may also be used for infrastructure items needed to support general access such as, but not limited to, drainage and roadway modifications needed to support a planned or future sidewalk, multi-use path or bike facility.		
<b>Sign Review: (Initial review and review of first resubmittal)</b>	\$150	\$0
<b>Additional Review (for each review beginning with second resubmittal)</b>	\$75	\$0
<b>Governmental or Non-Profit Agencies:</b>	50% reduction in above fees	\$0
<b>Tree Removal Application:</b>		
Lot of Record	\$50	\$0
Less than 15,000sf	\$100	\$0
Less than 5 acres	\$150	
5 ac. or more	\$200	
<b>Tree Removal Mitigation Fee (Lot of Record)</b>	\$50/inch (\$2,500 max.)	\$0
<b>Tree Removal Mitigation Fee (New Development)</b>		
Less than 15,000sf	\$150/inch (\$45,000 max.)	\$0
Less than 5 acres	\$150/inch (\$75,000 max.)	\$0
5 ac. or more	\$150/inch (\$100,500 max.)	\$0
All mitigation 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. Dead or diseased trees or trees being removed to protect buildings or utilities shall not be required to provide mitigation. At the sole discretion of the City, arbor funds may also be used for infrastructure items needed to support landscaping such as, but not limited to, drainage and roadway modifications needed to support planned or future landscaping.		

**LAND DEVELOPMENT FEE SCHEDULE**

Application Type	Application Fee	Additional Amount/Retainer
<b>Telecommunication Towers and Antennae:</b>	\$3,500	\$5,000
<b>Time Extensions (Site Plan, DRI, Subdivision, PUD or any other dated actions)</b>	50% of original fee	\$0
<b>Excavation &amp; Fill</b>		
Lot of Record (in the absence of a building permit)	\$75	\$0
Lot of Record – pond permit	\$350	\$1,500
Subdivision/Site Plan	\$2,500	\$2,500
Mining as Commercial Operation	\$3,500	\$3,500
Compliance Security (associated with subdivision/site plan)	\$0	\$1,000/acre (\$5,000 minimum)
Restoration Security (associated with subdivision/site plan)	\$0	\$1,000/acre (\$5,000 minimum)
The security shall be either cash or a letter of credit. No other type of security may be used. All security agreements shall be on forms provided by the city, such forms shall provide the manner in which noncompliance shall be remedied and shall provide that the applicant shall reimburse the City for costs, including attorneys' fees, incurred in enforcing its rights under the security. The financial institution providing a letter of credit shall be subject to approval by the City Council. The term of the security shall extend 120 days beyond the date the excavation and/or fill activity is to be completed and the site restored.		
<b>Annexation:</b>		
0 to 5 acres	\$500	\$2,000
Greater than 5 and less than 10 acres:	\$1,500	\$2,750
10 acres or greater: (per acre charge not applicable to land annexed with conservation easements or publicly owned)	\$2,000 plus \$50/acre	\$3,500
<b>Fair Value in Exchange for Annexation Fee:</b> 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.		
<b>Additional Review Fee</b> 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
<b>Additional Public Hearing Fee</b> 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
<b>Floodplain Development Review</b>		
Subdivisions, Final Site Plans or Implementation Plans, as applicable	\$500	\$0
Building Permits and Other than buildings and structures subject to the <i>Florida Building Code</i> , as applicable (based on permit fees such as building, electric, plumbing, mechanical, etc.)		
Permit Fees ≤ \$200	\$15	\$0
\$200 < Permit Fees ≤ \$500	\$25	\$0
\$500 < Permit Fees	\$50	\$0
<b>Adult Entertainment Establishment Application Fee</b> (for adult bookstore/video store, adult theater, adult performance establishment, adult motel, commercial bodily contact establishment, and escort service)	\$2,000	\$0
<b>Adult Entertainment Establishment Annual License Fee</b> (for adult bookstore/video store, adult theater, adult performance establishment, adult motel, commercial bodily contact establishment, and escort service)	\$1,000	\$0
<b>Miscellaneous</b>		
Pain Clinic	\$3,000	\$5,000
Registration of Peddlers and Solicitors, Noncommercial, Charitable	\$250	\$0
Solicitor's Permit, Commercial	\$400 plus \$40 per solicitor	\$500
Right of Way Solicitation Permit	\$125	\$0
Seasonal Sales Vendor Permit	\$25	\$0
On Street Parking	\$500	\$500
Parking Payment in Lieu of in OTD	\$250	\$500
Cost per space	\$15,000	
Permanent Sound Amplification Permit	\$250	\$1,000
Alarm permits	\$100	\$0
Mobile Home Installation Permit – valid for 30-day installation	\$600	\$0
Mobile Home Installation Permit Extension – valid for 30-day extension	\$250	\$0
Mobile Home Re-inspection Fee	\$65	\$0
Mobile Home Temporary Certificate Bond	\$500	\$0
Removable Canopy	\$25	\$0
Driveway Permit – valid for 6-months	\$75	\$0
Dual Post Sign Permit – valid for 6-months	\$75	\$0
Patio – valid for 6-months	\$75	\$0
Fence (wood or chain link) – valid for 6-months	\$75	\$0
Culvert (with grades to be set) – valid for 6-months	\$750	\$0
Culvert (with grades previously set) – valid for 6-months	\$150	\$0
<u>Temporary Culvert – valid for 6-months</u>	<u>\$75</u>	<u>\$0</u>
Re-inspection Fee for: Removable Canopy, Patio, Driveway, Dual Post Sign, Fence, or Culvert	\$25	\$0
Work without a Permit: Double fee for Patio, Driveway, Dual Post Sign, Fence, Culvert or Mobile Home Installation	Double Permit Fee	\$0

**LAND DEVELOPMENT FEE SCHEDULE**

Application Type	Application Fee	Additional Amount/Retainer
Maintenance bonds:	125% of the project cost	
Performance Bonds for new developments/ subdivisions/other:	125% of the cost of improvements	
<b>ADDITIONAL FEES.</b>		
<p>In addition to the application fees established by this resolution, the applicant shall pay all legal advertising costs and the actual cost (review expenses and preparation of documents charges) incurred by the City to have the application and supportive documents, site plans, plats, ordinances, and other associated materials reviewed by professionals including, but not limited to, architectural, structural, engineering, surveying, environmental, planning and attorney and to have the necessary documents prepared (hereinafter collectively referred to as "Additional Fee"). Additional fees shall be paid to the City before any final action is taken on the application by the City Council. All billings to the applicant shall include a fifteen percent (15%) overhead charge.</p> <p>At the time any application for rezoning, comprehensive plan amendment, conditional use, site plan, subdivision, PDD, DRI, variances, annexations, or any other application as set forth in the Fee Schedule is submitted, the Community Development Director or designee shall collect and cause to be placed into a Trust Account an escrow amount as established herein, which is in addition to the application fee, to be applied toward the costs associated with advertising and professional review, document preparation and other necessary expenses. Any balance owed, in excess of the escrow amount, shall be paid within twenty (20) days of the receipt of an invoice or prior to issuance of a final development order, permit, or other approvals by the City, including the fifteen percent (15%) overhead charge, whichever shall first occur. If the total cost of review exceeds \$25,000.00 in costs recovery fees the City administrative fee shall be reduced to 3% thereafter. Any unused portion of the escrow shall be returned to the applicant, with an itemized listing of all amounts paid. Failure to timely pay any amount owed in excess of the escrowed 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, including but not limited to code enforcement action to collect the amount owed. In those matters where the landowner is not the applicant, and the applicant does not timely pay all fees established by the resolution, including but not limited to Additional Fees, the landowner is responsible for the payment of all such fees and costs. Applications initiated by the City or applicable to City owned property are not required to pay an additional fee/retainer; however, the City shall continue to be responsible for all costs normally associated with an additional fee/retainer.</p> <p>The City Manager may reduce the required escrow amount as set forth herein based upon the simplicity of the review process and reduced anticipated professional review costs. Regardless of the escrow amount, the applicant is still responsible for any amount due the City in excess of the escrow collected and such amount shall be paid by the applicant as provided above.</p>		
<b>Inspection fees</b>		
<p>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 inspection services by City staff and/or as submitted by the City's Engineering firm. Costs for inspection services, special engineering, other professional services or City staff shall be payable by the owner/developer and shall be based upon actual time and charges incurred by City staff and/or as invoiced to the City, plus a 15% overhead charge. Receipt of Certificate of Occupancy shall not be granted unless all charges have been paid in full.</p>		
<b>Request for Services</b>		
Community Development Director	\$75.00/hour	\$1,000.00
Permit Clerk	\$28.00/hour	\$0
<p>The Community Development Director is authorized to offer the following services: tree inventories, conceptual site plans, site sketches. The Permit Clerk is authorized to offer the following services: completing applications, downloading application support material. These services shall be reimbursed at the hourly rate set herein, plus a 15% overhead charge. Applications for development approval will not be determined to be complete and sufficient if an outstanding balance is owed for services requested.</p>		