

**RESOLUTION NO. 02-2016**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR AMENDMENT TO RESOLUTION 04-2011, PROVIDING FOR A REVISED FEE SCHEDULE; PROVIDING FOR THE REPEAL OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, before an applicant can obtain a permit as prescribed in the Town of Malabar Building Code, the appropriate fees must be paid; and

**WHEREAS**, these fees have been determined to be necessary and sufficient to compensate for the time and expense of processing the various permits; and

**WHEREAS**, after a review of the current building permit fees the Malabar Town Council has determined that a rate adjustment is appropriate at this time.

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

**SECTION 1.** That the following fees are hereby established for building, fence, roofing, electric, plumbing, gas, mechanical, swimming pool, fire protection system, sign and irrigation system permits in the Town of Malabar.

**BUILDING PERMITS:**

For any work requiring a building permit as prescribed in the Town of Malabar Building Code the following cost of said permits shall be based on the following:

- (1) For the purpose of determining the building permit fee, the estimated value of construction shall be determined by the Building Official using Florida Building Code formulas.
- (2) Permit fees are as follows:
  - a. Base permit fee - \$30.00 plus:
  - b. Inspection fee(s) shall be computed based on the following table:

<u>Estimated Cost of Construction</u>	<u>Fee – Inspection Fee</u>
\$ <u>5,000.00</u> and less	\$ <u>\$60.00 (base fee + \$30.00 for inspection)</u>
\$ <u>5,000.01</u> <del>1,001.00 to</del> <u>\$50,000.00 – AND UP</u>	\$ plus \$7.00 for each additional thousand or fraction thereof.

(3) Additional fees:

- a. Moving a building or structure - \$100.00
- b. Demolition of any building or structure - \$ 50.00.
- c. Mobile home setup - \$ 50.00.

(4) Plan Review Fees:

- a. Building Construction: when valuation of the construction exceeds one thousand dollars (\$1000.00) a plan review fee equal to fifty (50) per cent of the building permit fee established above shall be charged.
- b. All building construction *EXCEPT single-family and duplex dwellings*: when the valuation of the construction exceeds one thousand dollars (\$1000.00), in addition to the fee established in 4(a) above, an additional plan checking fee shall be charged equal to twenty-five (25) per cent of the building permit fee established above for the life safety plan review pursuant to Florida Statute 633.
- c. If plans for a single project have received two (2) plan reviews and the plans are not approved for construction, an additional plan checking fee equal to one half (1/2) of the original plan checking fee shall be paid before any further plan review is done. This fee shall be applied for each subsequent review for the project.
- d. Placement of temporary construction trailer - \$ 40.00.
- e. Placement of temporary mobile home or RV while constructing home is limited to a period of six (6) months and requires a \$500.00 refundable cash bond.

f. Review/verification to re-issue copy of approved building plans - \$30.00.

(5) Double Fee: pursuant to Town of Malabar Code of Ordinances, Chap. 6, Sec. 6-7, when work which requires a permit is started without first obtaining a permit, the fee specified for such permit shall be doubled or \$50, whichever is greater. The payment of such double fee shall not relieve any person from fully complying with the requirements of the Florida Building Code 20104 Ed. or from any other code or ordinance of the Town. The Town shall also have the right to pursue any other actions or penalties prescribed by law.

(6) Re-inspection Fee: in the event it becomes necessary to make a re-inspection, due to improper work or permitted work not being ready, the contractor shall pay a re-inspection fee of thirty dollars (\$30.00) for the first inspection, fifty dollars (\$50.00) for the second inspection and one hundred dollars (\$100.00) for each additional re-inspection thereafter.

**SECTION 2. Conflict.**

All resolutions or parts of resolutions in conflict herewith are hereby repealed.

**SECTION 3. Effective Date**

This Resolution shall take effect immediately upon passage.

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

Council Member Grant Ball	Aye
Council Member Brian Vail	Aye
Council Member Don Krieger	Nay
Council Member Dick Korn	Aye
Council Member Richard Kohler	Aye

This Resolution was then declared to be duly passed and adopted this 21 day of March, 2016.

By:   
Mayor Phil Crews, Council Chair

Approved and to Form and Legality

  
Karl W. Bohne, Jr. Town Attorney

ATTEST:

  
Debby K. Franklin, CMC  
Town Clerk/Treasurer

(seal)



**RESOLUTION 09-2021**

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 AN UPDATED APPLICATION FEE REQUIREMENTS FOR LAND CLEARING AND TREE REMOVAL ACTIVITIES FOR BOTH RESIDENTIAL AND COMMERCIAL PURPOSES; LAND FILL APPLICATION FEES; CLARIFICATION ON MINOR SITE PLAN FEE TO COMPLY WITH ORDINANCE; 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 a revision to 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 2021.

**A.**

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
<del>Dist</del> Road Construction Application:	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 and no renewal fee

<u>Land Clearing (Ref. LDC Article XV, Section 1-15.8 – 1-15.10)</u>	\$100.00 for the 1st acre plus \$10.00 per additional acre or portion thereof
Type I-IV, Residential Property	Permit, Review, Inspection: \$30 Building Admin Fee \$50 for Properties 2 acres or Less \$10 per additional acre or portion thereof
Type I-IV, Non-Residential Property	Permit, Review, Inspection: \$30 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 Building Admin Fee Permit, Review, Inspection: \$40 for Properties 2 acres or less, plus \$5 per additional acre or portion thereof
Type V, Non-Residential Property, Non-removal of trees, land clearing permit	Permit, Review, Inspection: \$10 Building Admin Fee \$50.00 for the 1st acre plus \$10.00 per additional acre or portion thereof
Type IV Emergency Tree Removal Per LDC Article XV, Section 1-15.7(B.)(5.)	No Charge
<u>Land Fill (Ref. LDC Article V, Section 1-5.22)</u>	
Residential Property	Permit, Review, Inspection: \$30 Building Admin Fee \$50 for Properties 2 acres or Less \$10 per additional acre or portion thereof
Non-Residential Property	Permit, Review, Inspection: \$30 Building Admin Fee \$100 for 1st acre plus \$10 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

Residential lot fill permits:	\$100.00
Rezoning Request: Commercial	\$1,500.00 for the 1st acre plus \$10.00 per each additional acre or portion thereof
Rezoning Request: Residential	\$625.00 for the 1st acre plus \$10.00 per each additional acre or portion thereof
<u>Road Improvement Waiver Application - Commercial Purposes</u>	\$1,500.00
<u>Road Improvement Waiver Application - Residential Purposes</u>	\$300.00
Road Naming / Renaming Requests:	\$50.00
Road Vacate and Abandonment Requests:	\$425.00
Site Plan minor modification (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 1st 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	\$150.00
Tree Removal – Type IV Permit – dead, diseased or in fire buffer	No Charge
Variance Request to Board of Adjustment: Commercial	\$1,750.00
Variance Request to Board of Adjustment: Residential	\$800.00
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 Rivet. The motion was seconded by Council Member Acquaviva and, upon being put to a vote; the vote was as follows:

- Council Member Marisa Acquaviva Aye
- Council Member Brian Vail Aye
- Council Member Steve Rivet Aye
- Council Member David Scardino Aye
- Council Member Danny White Aye

This Resolution was then declared to be duly passed and adopted this 14th day September 2021.

**TOWN OF MALABAR**

By:

Patrick T. Reilly

Mayor Patrick T. Reilly, Council Chair



ATTEST:

Debby Franklin

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

Approved as to Form and Content:

Karl W. Bohne, Jr.

Karl W. Bohne, Jr., Town Attorney

**RESOLUTION 11-2021**

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 AN UPDATED APPLICATION FEE REQUIREMENTS FOR TREE REMOVAL ACTIVITIES FOR BOTH RESIDENTIAL AND COMMERCIAL PURPOSES; 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 a revision to 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 2021.

**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:	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 and no renewal fee

**TOWN OF MALABAR**

**OCT 19 2021**

**RECEIVED**

Land Clearing (Ref. LDC Article XV, Section 1-15.8 – 1-15.10):	see below
Type I-IV, Residential Property	Permit, Review, Inspection: \$30 Building Admin Fee \$50 for Properties 2 acres or Less \$10 per additional acre or portion thereof
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Type V, Non-Residential Property, Non-removal of trees, land clearing permit	Permit, Review, Inspection: \$10 Building Admin Fee \$50.00 for the 1st acre plus \$10.00 per additional acre or portion thereof
<del>Type IV Emergency Tree Removal Per LDC Article XV, Section 1-15.7(B.)(5.)</del>	<u>See Tree Removal</u>
Land Fill (Ref. LDC Article V, Section 1-5.22):	See below
Residential Property	Permit, Review, Inspection: \$30 Building Admin Fee \$50 for Properties 2 acres or Less \$10 per additional acre or portion thereof
Non-Residential Property	Permit, Review, Inspection: \$30 Building Admin Fee \$100 for 1st acre plus \$10 per additional acre or portion thereof
Planned Unit Development (PUD) review:	\$900.00 plus \$40.00 per acre
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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 1st acre plus \$10.00 per each additional acre or portion thereof
Rezoning Request: Residential	\$625.00 for the 1st acre plus \$10.00 per each additional acre or portion thereof
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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 1st 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
Variance Request to Board of Adjustment: Commercial	\$1,750.00
Variance Request to Board of Adjustment: Residential	\$800.00
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 Acquaviva. The motion was seconded by Council Member Vail and, upon being put to a vote; the vote was as follows:

- Council Member Marisa Acquaviva Aye
- Council Member Brian Vail Aye
- Council Member Steve Rivet Aye
- Council Member David Scardino Aye
- Council Member Danny White Aye

This Resolution was then declared to be duly passed and adopted this 18th day October 2021.



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

**TOWN OF MALABAR**

By:

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

Approved as to Form and Content:

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