

RESOLUTION NO. 01-08

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NEWBERRY, FLORIDA, AMENDING RESOLUTION NO. 24-07; PROVIDING FOR THE AMENDMENT OF A SCHEDULE OF FEES AND CHARGES FOR MATTERS PERTAINING TO THE CITY OF NEWBERRY COMPREHENSIVE PLAN AND THE CITY OF NEWBERRY LAND DEVELOPMENT REGULATIONS; PROVIDING SEVERABILITY; REPEALING ALL RESOLUTIONS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City has adopted the City of Newberry Comprehensive Plan, hereinafter referred to as the Comprehensive Plan, and the City of Newberry Land Development Regulations, hereinafter referred to as the Land Development Regulations, pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3161 through 163.3215, Florida Statutes;

WHEREAS, it is the intent of the City of Newberry, Florida, hereinafter referred to as the City, that the City shall not be required to bear the cost of petitions, appeals or applications under the Comprehensive Plan or Land Development Regulations; and

WHEREAS, the fees and charges herein set out represent the cost of legal advertising, postage, clerical, filing and other costs involved in the processing of petitions, appeals or applications.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF NEWBERRY, FLORIDA, THAT:**

**Section 1.** Until the following applicable fees and charges have been paid in full, no action of any type or kind shall be taken on a petition, appeal or application:

| <b>AMENDMENTS TO COMPREHENSIVE PLAN (INCLUDING FUTURE LAND USE PLAN MAPS)</b>  |   |
|--|---|
| Amend the text of the Comprehensive Plan   | \$6,500   |
| Amend the Future Land Use Plan Map (on greater than 10 acres)  | \$6,500   |
| Amend the Future Land Use Plan Map (on less than or equal to 10 acres)   | \$1,700   |
| NOTE: All City Consultant Fees and Legal Fees shall be borne by the Applicant and Shall be charged in addition to the applicable fee | As charged to City and paid prior to consideration of the application |

| <b>AMENDMENTS TO LAND DEVELOPMENT REGULATIONS (INCLUDING ZONING ATLAS)</b>   |   |
|--|---|
| Amend the text of the Land Development Regulations   | \$6,500   |
| Amend the Official Zoning Atlas (on greater than 10 acres)   | \$6,500   |
| Amend the Official Zoning Atlas (on less than or equal to 10 acres)  | \$1,700   |
| NOTE: All City Consultant Fees and Legal Fees shall be borne by the Applicant and Shall be charged in addition to the applicable fee | As charged to City and paid prior to consideration of the application |

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| <b>APPLICATIONS TO THE BOARD OF ADJUSTMENT</b>  |   |
|---|---|
| Special Exception (Conditional Use)   | \$2,200 <sup>A</sup>  |
| Variance  | \$200   |
| Change in Non-conforming Use  | \$3,400 <sup>B</sup>  |
| Appeal of Interpretation of LDR Administrator   | \$750   |
| NOTE: All City Consultant Fees and Legal Fees shall be borne by the Applicant and Shall be charged in addition to the applicable fee. | As charged to City and paid prior to consideration of the application |

A – \$1,000 of fee paid to Planning Department; \$400 of fee to be paid to GSA; \$400 of fee paid to Fire Department; \$400 of fee paid to Utilities Department. Special Exception fees shall be waived for all applicants operating within the City and demonstrating federal non-profit status, as long as the application is for less than 5,000 square feet of impervious surface. Although, applicants requesting a non-profit exemption shall bear the cost of public notices and public advertisements and outside consulting fees required by the Land Development Regulations for a Special Exception.

B - \$1,000 of fee paid to Planning Department; \$800 of fee paid to GSA; \$800 of Fee paid to Fire Department; \$800 of fee paid to Utilities Department.

| <b>SITE AND DEVELOPMENT PLAN APPLICATIONS</b>   |   |
|---|---|
| Less than or equal to 5,000 square feet of impervious surface   | <del>\$200</del> <b>500</b>   |
| Greater than 5,000 square feet of impervious surface  | <del>\$2,400</del> <b>2,700</b> <sup>A</sup>                          |
| NOTE: All City Consultant Fees and Legal Fees shall be borne by the Applicant and Shall be charged in addition to the applicable fee. | As charged to City and paid prior to consideration of the application |

A – \$1,100 of fee paid to Planning Department; \$400 of fee to be paid to GSA; \$400 of fee paid to Fire Department; \$400 of fee paid to Utilities Department; \$400 of fee paid to Building Department.

| <b>APPLICATIONS FOR SUBDIVISION PLAT APPROVAL</b>   |   |
|---|---|
| Major Subdivision (per phase)   | \$2,400 <sup>A</sup>  |
| Minor Subdivision   | \$500   |
| Final Plat for Planned or Mixed Use Development (per phase)   | \$1,500 <sup>B</sup>  |
| Construction Drawings (per phase)   | \$2,000 <sup>C</sup>  |
| NOTE: All City Consultant Fees and Legal Fees shall be borne by the Applicant and Shall be charged in addition to the applicable fee. | As charged to City and paid prior to consideration of the application |

A – \$1,000 of fee paid to Planning Department; \$500 of fee to be paid to GSA; \$400 of fee paid to Fire Department; \$500 of fee paid to Utilities Department.

B - \$500 of fee paid to Planning Department; \$500 of fee paid to GSA; \$250 of Fee paid to Fire Department; \$250 of fee paid to Utilities Department.

C - \$500 of fee paid to Planning Department; \$500 of fee paid to GSA; \$500 of Fee paid to Fire Department; \$500 of fee paid to Utilities Department. Additional fee of \$200 per department (\$800 total) will be charged for each additional review of construction plans.

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| <b>APPLICATIONS FOR ADMINISTRATIVE SPECIAL PERMITS &amp; CONCURRENCY CERTIFICATES</b>   |   |
|---|---|
| Special Temporary Use Permits Issued By LDR Administrator   | \$200   |
| Application for Certificate of Concurrency Management   | \$200   |
| Application for non-binding concurrency review  | \$250   |
| Certificate of Land Development Regulation Compliance   | \$250   |
| NOTE: All City Consultant Fees and Legal Fees shall be borne by the Applicant and Shall be charged in addition to the applicable fee. | As charged to City and paid prior to consideration of the application |

Note: Sign permits shall be as required by Land Development Regulations – fees collected by Building Department as per building code for construction costs.

| <b>APPLICATIONS FOR SPECIAL PERMITS ISSUED BY CITY COMMISSION</b>   |   |
|---|---|
| Special Permit for land and water fills/dredging/excavation and mining  | \$10,000  |
| Cottage Industry Permits  | \$200   |
| Special Temporary Use Permits   | \$800   |
| Permit for Essential Service  | \$10,000 <sup>A</sup>   |
| NOTE: All City Consultant Fees and Legal Fees shall be borne by the Applicant and Shall be charged in addition to the applicable fee. | As charged to City and paid prior to consideration of the application |

A – permit for an additional essential service tower on the same property as an existing tower - \$2,000

| <b>APPLICATIONS FOR HISTORIC SITES AND STRUCTURES</b>   |   |
|---|---|
| Certificate of Appropriateness  | Cost of public notices and public advertisements                      |
| NOTE: All City Consultant Fees and Legal Fees shall be borne by the Applicant and Shall be charged in addition to the applicable fee. | As charged to City and paid prior to consideration of the application |

| <b>APPLICATIONS FOR VESTED RIGHTS</b>   |   |
|---|---|
| Certificate of Vested Rights – Residential Use Applications of less than or equal to 20 acres   | \$1,000   |
| Certificate of Vested Rights – Non residential uses less than or equal to 10 acres  | \$2,000   |
| Certificate of Vested Rights – Residential and Non Residential Use Applications of greater than 20 acres                              | \$6,500   |
| NOTE: All City Consultant Fees and Legal Fees shall be borne by the Applicant and Shall be charged in addition to the applicable fee. | As charged to City and paid prior to consideration of the application |

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| <b>APPLICATIONS FOR DEVELOPMENT AGREEMENTS &amp; PROPORTIONATE FAIR SHARE</b>   |   |
|---|---|
| Development Agreement – no inter-local required   | \$1,500   |
| Development Agreement – inter-local required  | \$6,500   |
| Proportionate Fair Share – no inter-local required  | \$1,500   |
| Proportionate Fair Share – inter-local required   | \$6,500   |
| NOTE: All City Consultant Fees and Legal Fees shall be borne by the Applicant and Shall be charged in addition to the applicable fee. | As charged to City and paid prior to consideration of the application |

| <b>APPLICATIONS FOR CREATION OF CDD/MSTU/MSBU</b>   |   |
|---|---|
| Community Development District  | \$8,000   |
| Municipal Service Benefit Unit  | \$5,000   |
| Municipal Service Taxing Unit   | \$2,500   |
| NOTE: All City Consultant Fees and Legal Fees shall be borne by the Applicant and Shall be charged in addition to the applicable fee. | As charged to City and paid prior to consideration of the application |

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## **FEES FOR DEVELOPMENTS OF REGIONAL IMPACT**

| <b>Description of Program</b>  | <b>Fee</b>                     |
|--|--------------------------------|
| Development of Regional Impact Review  | Initial deposit of \$10,000.00 |
| Substantial Deviation Determination  | \$1 000.00                     |
| Review of Projects determined to be substantial deviations or other amendments to development order, including Notice of Proposed Change               | Initial deposit of \$5000.00   |
| DRI Annual Report Review Fee   | \$1 000.00                     |
| Public Facilities Annual Report Review Fee for DRI establishing Special District Under Chapter 189, Florida Statutes.                                  | \$1 000.00                     |
| Community Development District (CDD) Annual Budget Review Fee (for CDD established pursuant to Chapter 190, Florida Statutes and associated with DRI). | \$2000.00                      |

1. Development of Regional Impact Review deposit will be paid at submission of Application of Development Plan Approval.
2. Substantial deviation and other amendments, including Notice of Proposed Change, to development order review deposit will be paid upon notification that substantial deviation exists or other amendment to development order is required.
3. All work performed by City of Newberry employees, directly and reasonably attributable to review of and recommendations relating to a Development of Regional Impact application, or amendment of a Development Order, shall be paid by the applicant. Fees will be based upon the hourly rate of pay and benefits of each employee performing the work multiplied by the number of hours worked, plus 20% indirect cost based on the hourly rate of the employee. Any other additional direct costs incurred by the City in connection with the review and processing of a DRI application, including but not limited to advertising, public notice, duplication of materials, telecommunications, and fees for any outside consultants hired by the City when special expertise beyond the City staff is deemed necessary by the Planning Department, Mayor or City Commission, shall be paid by the applicant.
4. The applicant will be required to pay additional deposits, as may be required from time to time, when the review expenses have exhausted 75% of any paid deposit. Whenever an additional deposit of fees is required, such deposit shall be, at a minimum, in the amount of 50% of the initial payment set forth herein. Any auditor fees for establishment and maintenance of this account shall be charged to the applicant.
5. Upon conclusion of any staff review of any application and other actions required for presentation to the City Commission for final action, all fees calculated by the City of Newberry to be due shall be paid in full by the applicant prior to submission to the City Commission for final action. Any excess deposit money, after all charges are paid, shall be refunded after final action of the City Commission.

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Section 2. This schedule of fees and charges shall be posted in the Office of the Land Development Regulation Administrator. Where costs to the City exceed the fees and charges listed above, the City may require the additional monies be paid as additional fees prior to final action being taken on the requested application.

Section 3. All fees provided above, as well as, fees for building permits, shall be waived for the reconstruction of a lawful use or characteristic of use, which has been destroyed by disaster. The City Manager may waive fees for non-profit organizations, where the fee is less than \$1,000.

Section 4. Fees paid are non-returnable.

Section 5. If any provision or portion of this resolution is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this resolution shall remain in full force and effect. All existing fees or charges related to petitions, appeals or applications under the Comprehensive Plan or Land Development Regulations in conflict with this resolution are hereby repealed to the extent of such conflict.

Section 6. All resolutions or parts of resolutions in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 7. This resolution is adopted pursuant to the authority granted by the Land Development Regulations, as amended.

Section 8. This resolution shall become effective upon adoption.

PASSED AND DULY ADOPTED this 14 day of Jan. 2008

Attest:

Gayle B. Pons  
Gayle B. Pons, City Clerk

CITY COMMISSION OF THE  
CITY OF NEWBERRY, FLORIDA

Alena K. Lawson  
Alena Lawson, Chair

Approved by me as Mayor of the City of Newberry, Florida,  
on this 14 day of Jan., 2008.

John Glanzer  
John Glanzer, Mayor

Approved as to legal form and content:

on this 14 day of Jan., 2008

S. Scott Walker  
S. Scott Walker, City Attorney

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