



AGENDA MEMORANDUM

Building Department

City Council Regular Meeting Date: February 7, 2023

To: City Council
From: Craig Mole' Director of Building, Chief Building Official
Dana A. Souza, City Manager
Date: January 11, 2023

SUBJECT: Consider at Second Reading. **Ordinance 23-002, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL TO AMEND CHAPTER 14, BUILDINGS AND BUILDING REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF SANIBEL; ARTICLE IV, PERMITS, SECTION 14-188, FEE SCHEDULE, BY ADDING NEW SUBSECTIONS (13) AND (14) RELATING TO BUILDING PERMIT DISCOUNTS AND FEE WAIVERS IN CERTAIN INSTANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; AND PROVIDING AN EFFECTIVE DATE**

BACKGROUND: Ordinance 23-002 amends Chapter 14, Building and Building Regulations, of Sanibel's Code of Ordinances for the following reasons:

1. Section 553.7912(b), Florida Statutes, requires: If an owner or contractor retains a private provider for purposes of plans review or building inspection services, the local jurisdiction must reduce the permit fee by the amount of cost savings realized by the local enforcement agency for not having to perform such services. Such reduction may be calculated on a flat fee or percentage basis, or any other reasonable means by which a local enforcement agency assesses the cost for its plans review or inspection services. The local jurisdiction may not charge fees for building inspections if the fee owner or contractor hires a private provider to perform such services; however, the local jurisdiction may charge a reasonable administrative fee.

The first six (6) Whereas recitals in Ordinance 23-002 relate to amending the Code of Ordinances to provide a discount for property owners and contractors who choose to use a private provider for services related to certain building permit fees. As discussed with the City Council on December 6, 2022, Ordinance 23-002 provides for a 15% discount on building permit fees when private providers are utilized by a property owner or contractor.

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2. As discussed at the December 6, 2022, City Council meeting, the Florida Department of Emergency Management (FDEM) has asked the City to waive fees for buildings being demolished as part of the Private Property Debris Removal (PPDR) and the Commercial Property Debris Removal (CPDR) programs. The cost for a Demolition Permit is \$53.25 (Section 14-188 – Fee Schedule).

City Council unanimously agreed to waive the fees for all demolitions of buildings substantially damaged by Hurricane Ian, for a period of six-months (180 days), retroactive to November 7, 2022 (the date the permit portal opened). The City Council directed the City Attorney to implement the fee waiver by Mayoral Proclamation.

The remainder of the Whereas recitals in Ordinance 23-002 relate to amending the Code of Ordinances to provide the City Council with the authority to waive building permit fees by resolution or mayoral proclamation, following a natural or man-made disaster. Should the City Council approve the proposed Ordinance at Second Reading on February 7, 2023, staff will prepare a Resolution to waive the building demolition fee for the period defined in Mayoral Proclamation 22-14, issued on December 12, 2022.

Mayoral Proclamation 22-14 (and subsequent Mayoral Proclamations related to this issue) states:

The \$53.25 building permit demolition fee specified in Section 14-188, Sanibel Code, is hereby waived retroactively to November 7, 2022, for a period of six months, ending May 7, 2023.

Ordinance 23-002, amending Chapter 14 – Fee Schedule, was presented to the City Council for First Reading on January 17, 2023.

FUNDING SOURCE: N/A

RECOMMENDED ACTION: Public Hearing. Motion to approve Ordinance 23-002 amending Chapter 14, Buildings and Building Regulations, of the Code of Ordinances of the City of Sanibel.

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