

**CITY OF SANIBEL
ORDINANCE 23-003**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO AMEND CHAPTER 90 – FEES, ARTICLE II, DEVELOPMENT PERMITS, DIVISION 8, TEMPORARY USES, SECTION 90-213, TEMPORARY STRUCTURE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 28, 2022, Hurricane Ian made landfall in Sanibel and other parts of Lee County as a Category 4 hurricane, causing catastrophic property damage and loss of life: and

WHEREAS, damages directly impacting the City of Sanibel include widespread damage and destruction of infrastructure, public property, and private property; and

WHEREAS, on September 26, 2022, the City Council of the City of Sanibel passed Resolution No. 22-054, declaring a State of Local Emergency, based upon the severe threat to the health, safety, and welfare of the City posed by Hurricane Ian; and

WHEREAS, the City Council Resolution No. 22-054 declared an initial State of Local Emergency for a 7-day term, which State of Local Emergency has been extended continuously by Mayoral Proclamations since the initial issuance; and

WHEREAS, on November 11, 2022, after holding a public hear, the City Council approved Emergency Ordinance 22-011 to allow the temporary placement of recreational vehicle or park trailers on residential lots to provide residents with a temporary housing option while their homes were being repaired; and

WHEREAS, on December 6, 2022, the City Council asked that the Temporary Structure fee of \$431 be waived for a period of six months, retroactively to November 12, 2022, and to be put in place temporarily by Mayoral Resolution while staff prepared proposed amendments to the Code of Ordinances; and

WHEREAS, the proposed amendment to the Code of Ordinances will allow City Council to waive fees by resolution or mayoral proclamation associated with the temporary placement of recreational vehicles or park trailers on a residential lot following a natural or man-made disaster.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA:

SECTION 1. The recitals above are true and correct and made a part hereof.

SECTION 2. The Sanibel Code of Ordinances is hereby amended with ~~strike through~~ language indicating deletions and underlined language indicating additions as follows:

Chapter 90 – FEES

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ARTICLE II. – DEVELOPMENT PERMITS

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DIVISION 8. – TEMPORARY USES

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Sec. 90-213. – Temporary structure

The development permit fee for a temporary structure for a permitted use when the permitted use has been interrupted by reason of storm, fire or other casualty (subsection 126-63(2)) shall be \$431.00.

Fees in this section may be waived for a specific period of time by mayoral proclamation or city council resolution following a natural or man-made disaster, for the temporary placement of recreational vehicles and park trailers on residential lots.

SECTION 3. Codification. The City Manager is hereby authorized and directed to indicate these amendments in future City Code publications.

SECTION 4. Conflict. All ordinances and parts of ordinances in conflict herewith shall be and the same hereby repealed. If any part of this ordinance conflicts with any other part, it shall be severed, and the remainder shall have full force and effect and be liberally construed.

SECTION 5. Severance. If any section, subsection, sentence, clause, phrase or portion of this ordinance, or application hereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion or application hereof.

SECTION 6. Effective date. This Ordinance shall become effective immediately upon adoption.

APPROVED AT FIRST READING THE 17TH DAY OF JANUARY 2023.

ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA THIS 7TH DAY OF FEBRUARY 2023.

Attest:

Scotty Lynn Kelly, City Clerk

Holly D. Smith, Mayor

Approved as to form and legality:

John D. Agnew, City Attorney

Date filed with City Clerk: _____

Vote of Council Members:

Smith _____
Johnson _____
Crater _____
Henshaw _____
Miller _____

First Reading: January 17, 2023
Publication Date: _____
Second Reading: February 7, 2023