

**CITY OF SANIBEL
ORDINANCE 23-001**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO ALLOW FOR A WAIVER OF DEVELOPMENT PERMIT FEES FOLLOWING A DISASTER, AMENDING CHAPTER 90, FEES, OF THE CODE OF ORDINANCES OF THE CITY OF SANIBEL; ARTICLE I, IN GENERAL, SECTION 90-5, EXEMPTIONS, IMMUNITIES, AND WAIVERS, TO ADD SUBSECTION (f)(4) ALLOWING FEES TO BE WAIVED FOR A SPECIFIC PERIOD OF TIME BY MAYORAL PROCLAMATION OR CITY COUNCIL RESOLUTION FOLLOWING A DISASTER, 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 December 6, 2022, the City Council asked that the Building Demolition fee of Fifty-Three Dollars and Twenty-Five Cents (\$53.25) be waived for a period of six months, retroactively to November 7, 2022, and to be temporarily made effective by Mayoral Proclamation 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 development permit fees by resolution or mayoral proclamation 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. Sanibel Code of Ordinances, Subpart B. Land Development Code, are hereby amended with ~~strike through~~ language indicating deletions and underlined language indicating additions as follows:

CHAPTER 90 - Fees

ARTICLE I. - IN GENERAL

Section 90-5. - Exemption, immunities, and waivers.

...

- (f) The city council, by resolution, may waive payment of all or part of a fee for any of following reasons:
- (1) Demonstrated hardship of a kind and nature exceeding the general inconvenience of paying fees.
 - (2) The resubmission of an application is found to be necessary, and it would be inequitable to require payment of a full application fee.
 - (3) All or a substantial portion of the benefit resulting from the application will be a public benefit.
 - (4) For a specific period of time following a natural or man-made disaster. Waiver of fees under this subsection (4) may also be enacted by mayoral proclamation.

...

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	_____
<u>2023</u> Crater	_____
Henshaw	_____
Miller	_____

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