

CITY OF SANIBEL

ORDINANCE 16-005

AN ORDINANCE AMENDING THE SANIBEL CODE, SUBPART A, GENERAL ORDINANCES, AMENDING CHAPTER 90, FEES, ARTICLE I, IN GENERAL, SECTION 90-4 – PAYMENT OF FEES, OF THE CODIFIED ORDINANCES OF THE CITY OF SANIBEL; ADDING A NEW SUBSECTION TO SECTION 90-4 TO ESTABLISH A FEE EQUAL TO THE CITY’S ACTUAL COSTS FOR LETTER OF MAP REVISION (LOMR) FLOOD MAPPING ENGINEERING COSTS, CONSULTANT COSTS, AND SIMILAR PROCESSING AND REVIEW COSTS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, there are occasions where an applicant or other entity requests or requires that the City incur engineering, consulting or similar processing or review costs of certain matters; and

WHEREAS, it is necessary and appropriate that the City recover its actual costs in such circumstances;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sanibel, Florida:

SECTION 1. The Code of Ordinances of the City of Sanibel, Chapter 90, Fees, Article I, In General, is hereby amended by adding a new subsection to Section 90-4 entitled “Payment of fees” with underlining indicating additions, to read as follows:

Sec. 90-4. Payment of fees; fee equal to actual cost when no other fee applicable.

(a) No application for any permit, approval, review, relief or other procedure or consideration provided for in this Land Development Code shall be deemed to be complete and properly filed until the applicable fee, if any, established pursuant to section 90-3, has been paid.

(b) In those instances where an applicant or other entity requests or requires that the City notice or advertise an application, announcement or other publication required by state or federal government regulation, the fee to the applicant or other entity for such costs shall be equal to the actual cost to the City where no other application fee or advertisement fee is set forth in this Code.

(c) Effective January 1, 2016, in those instances where the City incurs engineering costs, consultant costs or other similar processing or review costs expended by the City for applications or requests for City activities related to Letter of Map Revision (LOMR) (flood mapping) reviews, the fee to the applicant or other entity for such costs shall be equal to the actual cost to the City where no other application fee is set forth in this Code.

SECTION 2. Codification. The City Manager is hereby authorized and directed to indicate these amendments in future City Code publications.

SECTION 3. Conflict. All ordinances and parts of ordinances in conflict herewith shall be and the same are 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 4. 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 5. Effective date. This Ordinance shall be effective immediately upon adoption.

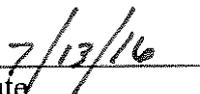
DULY PASSED AND ENACTED by the Council of the City of Sanibel, Florida, this 19th day of July, 2016.


Kevin Ruane, Mayor

AUTHENTICATION:


Pamela Smith, City Clerk

APPROVED AS TO FORM: 
Kenneth B. Cuyler, City Attorney


Date

First Reading: June 07, 2016
Publication Notice: July 07, 2016
Second Reading: July 19, 2016

Vote of Council Members:

Ruane	<u>yea</u>
Denham	<u>yea</u>
Goss	<u>yea</u>
Harrity	<u>yea</u>
Jennings	Excused

Date Filed With City Clerk: July 19, 2016