

**CITY OF SANIBEL  
ORDINANCE NO. 21-009**

**AN ORDINANCE PERTAINING TO CHAPTER 90 OF THE SANIBEL CODE OF ORDINANCES, ENTITLED "FEES", ARTICLE I, IN GENERAL, AMENDING SECTION 90-8 – AFTER-THE-FACT PERMIT APPLICATION; AMENDING SECTION 90-13 – REINSPECTIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Sanibel's Natural Resources Department recommends that City Council adopt new fees for after-the-fact vegetation permit applications and reinspections;

**WHEREAS**, this recommendation is to improve efficiency within the Natural Resources Department and to deter contractors and/or property owners from conducting vegetation work without first obtaining a required vegetation permit or from failing to comply with the pre-requisites, requirements, and conditions of a vegetation permit, resulting in repeated reinspections by staff;

**WHEREAS**, the adopted fees herein shall amend Chapter 90, Fees, and shall be codified in the Sanibel Land Development Code;

**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 Ordinance Chapter 90 – FEES, ARTICLE I – IN GENERAL, Sec. 90-8. – After-the-fact permit application. and Sec. 90-13 – Reinspections. are hereby amended with ~~striketrough~~ language indicating deletions and underlined language indicating additions as follows:**

Sec. 90-8. After-the-fact permit application.

When after-the-fact development permit applications are filed for development or vegetation activities which ~~has~~ have already occurred, and when applications are filed for amendments to the Sanibel Plan or Land Development Code so as to permit development which has already occurred without a required development permit, and when applications are filed for other approvals required by the Land Development Code so as to permit a use or development which has already occurred without the required permit, the application fees specified in this chapter shall be doubled. For vegetation permits requiring no fee, as identified in sec. 90-17(1), the fee for an after-the-fact permit application shall be \$125.00.

The ~~doubled~~ after-the-fact permit application fee does not, however, imply the likelihood of approval of any such application, each of which shall be judged strictly on its merits.

**Sec. 90-13. Reinspections.**

For a request for a reinspection prior to issuance of a completion certificate pursuant to section 82-362 the fee shall be as follows: If after a developer indicates a development is complete and requests a final inspection prior to issuance of a completion certificate, and the inspection reveals the development has not been completed in accordance with applicable requirements including all requirements of any associated vegetation permit, the developer shall pay a fee of \$215.00 prior to each subsequent reinspection.

For reinspections pertaining to a vegetation permit, whether part of a development permit, pertaining to a code violation, or for any reason other than pursuant to sec. 122-148, the property owner or authorized agent shall pay a fee of \$125 prior to each reinspection.

**SECTION 2. Codification.** This ordinance shall be deemed an amendment to the Sanibel Code of Ordinances and shall be codified in the Sanibel Code of Ordinances as such an amendment. The City Clerk is hereby authorized and directed to instruct as part of the codification that all section numbers amended by this Ordinance are updated and corrected throughout the Code of Ordinances in the event such section numbers are referenced.

**SECTION 3. 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 4. Severability.** 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 take effect on November 2, 2021

**DULY PASSED AND ORDAINED** by the Council of the City of Sanibel, Florida, this 2nd day of ~~November~~ 2021.

  
Holly D. Smith, Mayor

AUTHENTICATION:

  
Scotty Lynn Kelly, City Clerk

APPROVED AS TO FORM:

  
John D. Agnew, City Attorney

9/29/21  
Date

First Reading: October 5, 2021  
Publication Notice: October 19, 2021  
Second Reading: November 2, 2021

Vote of Council Members:

Smith	<u>Yea</u>
Johnson	<u>Yea</u>
Crater	<u>Yea</u>
Henshaw	<u>Yea</u>
Miller	<u>Yea</u>

Date filed with City Clerk: November 2, 2021