

Requested and Prepared by:  
City Attorney and City Clerk

**ORDINANCE NO. 2019-05**

**AN ORDINANCE OF THE CITY OF VENICE, FLORIDA AMENDING THE CODE OF ORDINANCES CHAPTER 86, LAND DEVELOPMENT CODE, ARTICLE VIII, GENERAL ADMINISTRATIVE PROVISIONS, SECTION 86-586, SCHEDULE OF FEES AND CHARGES; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City of Venice ("City") does not presently require a deposit for anticipated fees and costs associated with petitions for development approval and instead invoices the applicant for accrued fees and costs after final action on the petition; and

**WHEREAS**, requiring a deposit would prevent the City from having to pursue applicants for non-payment once the fees and costs have already been incurred by the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA** as follows:

**SECTION 1.** The above whereas clauses are ratified and confirmed as true and correct.

**SECTION 2.** Chapter 86, Land Development Code, Article VIII, General Administrative Provisions, Section 86-586, Schedule of fees and charges is hereby amended to read as follows:

**Sec. 86-586. Schedule of fees and charges.**

(a) City council hereby establishes a schedule of fees and charges for matters pertaining to this chapter. It is the intent of this chapter that the city shall not be required to bear any part of the cost of applications or petitions under this chapter and that the fees and charges represent the actual costs involved in the processing of petitions for development approval and directly associated expenses including, but not limited to, advertising, mailing and professional and legal fees~~cost of legal advertising, postage, clerical filing and other costs involved in the processing of applications and petitions.~~

(b) For the review and processing of the applications described in these regulations, in addition to the non-refundable application fee, a review fee shall be deposited by the applicant at the development services director's office to be drawn upon by the city as payment for advertising and mailing expenses, professional services and reviews, and legal fees pertaining to the review and processing of the application. The review fee shall be payable at the time of filing of the application. The application shall not be reviewed or processed by the city or presented to the planning commission or city council until such time as the application and review fees have been paid in full. When the account balance for a particular application is reduced to 25 percent of the review fee, a supplemental fee shall be required to be paid before any further review and processing of the application continues unless the city clerk's office and development services department determines that the remaining amount is adequate to secure payment for the remaining costs. Otherwise, the development services director shall notify the applicant, in writing, that the review and processing of the application will cease unless an additional amount equal to 50 percent of the review fee, or more if deemed necessary by the development services director, is

deposited by the applicant with the development services director within five days from the date of mailing said notice. This process shall be repeated each time the account balance is reduced to 25 percent of the review fee.

(c) In the event an application for development approval is anticipated to be complex and will require significant staff time, the applicant may elect to pay a review fee that exceeds the minimum review fee established by this section. The development services director shall provide, upon request of the applicant, an estimate of the total fees for the application. Payment of a review fee based upon this estimate does not relieve the applicant of the responsibility for paying supplemental fees should the development services director deem them necessary.

(d) Upon completion of the review and processing of the application, any sums remaining in the account shall be refunded to the applicant. Similarly, if the application is withdrawn by the applicant, the applicant shall be eligible for a refund of the review fee paid minus the directly associated expenses as determined by the development services director. No interest shall be paid to the applicant on the review fee or the amount refunded.

(e) The initial schedule of fees and charges, and any subsequent revised schedule, shall be adopted by resolution of the city council from time to time and shall be increased by two and one-half percent each October 1 to account for the rate of inflation.

~~(f) The schedule of fees and charges shall be posted in the development services department's office of the zoning administrator and shall be on file in the office of the city clerk. The schedule of fees and charges may be changed by resolution of the city council and are not subject to the procedure for amendment set out in this article.~~

~~(c) Until the applicable fees or charges have been paid in full, no action of any type or kind shall be taken on the actions listed.~~

~~(d) In addition to the fees and charges, the city council authorizes additional fees which are to be charged by staff to cover the costs incurred by staff due to inspection, re-inspection, engineering, legal, consulting, or other costs and expenses directly attributable to an application or to other activities involving the city's services in connection with any provision of this chapter.~~

~~(e) In addition to the fees and charges, the city council authorizes additional fees which are to be charged to cover the cost of work provided by the city engineer, city attorney, city building inspectors, city manager and other associated staff members to assist the developer or his representatives to comply with city ordinances.~~

~~(f) In addition to the fees and charges, where the actual cost of legal advertising and public notice to adjacent property owners exceeds \$50.00 for petitions requiring such notice, the applicant shall pay such additional cost.~~

~~(g) The fees and charges are in addition to county platting fees.~~

~~(h) Fees and charges paid under this section shall not be refundable.~~

~~(i) All additional fees will be charged on the basis of hourly charges. The city council shall utilize the following method to establish reasonably hourly rates:~~

~~(1) Actual hourly charges for the city attorney, outside engineering work, outside land surveying, consulting and all other outside services.~~

~~(2) Staff's hourly cost to be computed by the city finance director taking into account actual direct costs as well as overhead costs.~~

**SECTION 4.** All Ordinances or parts of Ordinances in conflict herewith shall be and the same are hereby repealed.

**SECTION 5.** If any part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, such part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this ordinance, and all applications thereof not having been declared void, unconstitutional, or invalid, shall remain in full force and effect. The city council specifically declares that no invalid or prescribed provision or application was an inducement to the enactment of this ordinance, and that it would have enacted this ordinance regardless of the invalid or prescribed provision or application.

**SECTION 6.** This Ordinance shall take effect immediately upon approval and adoption as provided by law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA THIS 22ND DAY OF JANUARY 2019.**

First Reading: January 8, 2019

Final Reading: January 22, 2019

Adoption: January 22, 2019

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John W. Holic, Mayor

ATTEST:

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Lori Stelzer, MMC, City Clerk

I, LORI STELZER, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the Venice City Council, at a meeting thereof duly convened and held on the 22nd day of January 2019, a quorum being present.

WITNESS my hand and the official seal of said City this 22nd day of January 2019.

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Lori Stelzer, MMC, City Clerk

APPROVED AS TO FORM:

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Kelly Fernandez, City Attorney