

ORDINANCE NO. 2883

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING SECTION 14-106 (PERMIT FEES); SECTION 14-107 (PLAN REVIEW FEES) AND CREATING SECTION 82-272 (APPLICATION FEE, NOTICE AND REVIEW PROCEDURE) TO PROVIDE FOR AN ADMINISTRATIVE FEE ESTABLISHED BY RESOLUTION AND A PASS-THROUGH CHARGE FOR ALL COSTS CHARGED BY CONSULTANTS TO REVIEW AN APPLICATION AND ADVISE THE CITY AND PROVIDING FOR A DEPOSIT OF THE ESTIMATED COSTS; PROVIDING FOR CEASING THE REVIEW AND APPROVAL PROCESS IF COSTS AND CHARGES ARE NOT PAID WHEN DUE; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has historically charged a minimal application fee for application such as rezonings, land use changes, special exceptions, variances, special events, building permits and plan review fees; and

WHEREAS, the fee charged by the City does not cover the advertising cost that is required for some applications, much less the time incurred by staff and outside consultants to review and make recommendations regarding an application; and

WHEREAS, the City Commission believes that it is in the best interest of the financial stability of the City that applicants pay the cost incurred by the City in processing, reviewing and taking final action on an application; and

WHEREAS, words which are underlined (underlined) are additions to the text and words with strike through (~~strike through~~) the characters are deletions from the text.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF HOLLY HILL, FLORIDA:

Section 1. The City Commission of the City of Holly Hill hereby amends Section 14-106 (Permit Fees.) to read as follows:

Sec. 14-106. Permit fees.

The city commission shall adopt the permit fee schedule which schedule of fees shall be adopted by resolution and all applicants shall comply with the obligations and procedures established in Section 82-272.

Section 2. The City Commission of the City of Holly Hill hereby amends Section 14-107 (Plan Review Fees.) to read as follows:

Sec. 14-107. Plan review fee.

There is hereby established a plan review fee to be charged for the review of building construction plans submitted to the city for the issuance of a building permit. The city commission shall establish the amount of the plan review fee by resolution and all applicants shall comply with the obligations and procedures established in Section 82-272.

Section 3. The City Commission of the City of Holly Hill hereby creates Section 82-272 (Application Fees, Notice and Review Procedure.) to read as follows:

Section 82-272 (Application Fees, Notice and Review Procedure)

(1) The City Commission shall establish an administrative fee to be paid by all applicants for a rezoning, land use or comprehensive plan change; variance; special exception; special event; plan review and building permit. The administrative fee shall compensate the City for the services rendered by the City's employees in accepting, processing, reviewing and making a recommendation on all applications. In addition to the administrative fee, all applicants shall be responsible for the actual costs incurred by the City for the services rendered by the City's consultants in reviewing and issuing the recommendation regarding the application.

(2) The applicant shall be responsible for all mailings required by law or City's regulation. The City shall prepare and submit all public advertisements and the applicant shall be responsible to pay for all advertising costs in advance to the City. The City shall be responsible for all necessary postings of notices on the subject property and the application fee established by resolution shall compensate the City for this service.

(3) The City Manager or designee shall establish an administrative procedure to require an applicant to deposit with the City the estimated cost of advertising and consultants' fees to review and process the application through the various stages to approval. At the City Manager's discretion, the estimated consultants' expenses to be deposited can be based on the different stages of the approval process with a separate deposit required before proceeding to the next stage of approval (ie. the application for a building permit may be stage one and the inspection of the construction activity pursuant to the approved building permit is stage two). The City shall not accept or review an application that does not include the payment of both the administrative fee and the estimated cost, nor shall the application proceed to the next stage until the previous stage of approval is paid in full and the deposit for the next stage is paid to the City. The City shall deposit the estimated cost payment into a non-interest bearing account. As consulting fees and advertising costs are incurred, the actual cost incurred shall be deducted from said account. If the City determines that the balance in said account will not be sufficient to complete the review and processing of the applicants, including advertising costs, the City shall inform the applicant of the additional funds that must be deposited. The City shall not proceed with the review and processing of the application until said additional amount is deposited with the City. Any balance in the account when either the application

has been withdrawn by the applicant or the City has taken final action on the application shall be returned to the applicant or applied to the next stage of the approval process. The City shall not approve any permit or issue any Certificate of Occupancy if the applicant has not paid the City for all consultants' fees and advertising costs incurred.

(4) “Consultant” shall include but not be limited to attorney fees, engineer fees, architect fees, building official fees, plan examiner fees and contractor fees. The intent of the term “consultant” is to be all inclusive and is intended to include any charge incurred by the City from a third party for services rendered in the review, processing and approval of an application.

Section 4. 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, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

Section 5. That all ordinances made in conflict with this Ordinance are hereby repealed.

Section 6. That this Ordinance shall become effective immediately upon its adoption.

Section 7. That this Ordinance shall be posted at City Hall as required by law.

The within and foregoing Ordinance was introduced and read on first reading before the City Commission of the City of Holly Hill, Florida, at its regular meeting held in Commission Chambers at City Hall on the 12th day of October, 2010.

It was moved by Commissioner Glass and seconded by Commissioner Penny that said Ordinance be approved on first reading. A roll call vote of the Commission held on said motion for approval of the Ordinance resulted as follows:

ROLL CALL VOTE AS FOLLOWS: (Ordinance 2883):

Mayor Roland D. Via	Yes
Commissioner John Penny	Yes
Commissioner Rick Glass	Yes
Commissioner Mark Reed	Yes
Commissioner Liz Towsley	Yes

ADOPTED THIS 12th DAY OF OCTOBER, 2010.

The within and foregoing Ordinance was introduced and read on the second reading before the City Commission of the City of Holly Hill, Florida, at its regular meeting held in Commission Chambers at City Hall on the 26th day of October, 2010.

It was moved by Commissioner Penny and seconded by Commissioner Towsley that said Ordinance be adopted. A roll call vote of the Commission held on said motion to adopt the Ordinance resulted as follows:

ROLL CALL VOTE AS FOLLOWS: (Ordinance 2883):

Mayor Roland D. Via	Yes
Commissioner John Penny	Yes
Commissioner Rick Glass	Absent
Commissioner Mark Reed	Yes
Commissioner Liz Towsley	Yes

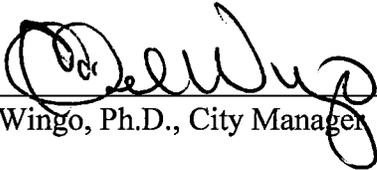
ADOPTED THIS 26th DAY OF OCTOBER, 2010.

WHEREUPON, the Mayor of the City of Holly Hill, Florida, has hereunto set his official signature, duly attested by the City Clerk, and has caused the official seal of said City to be affixed, all at City Hall in the City of Holly Hill, this 26th day of October, 2010 for the purpose of authenticity as is required by law.

CITY OF HOLLY HILL, FLORIDA

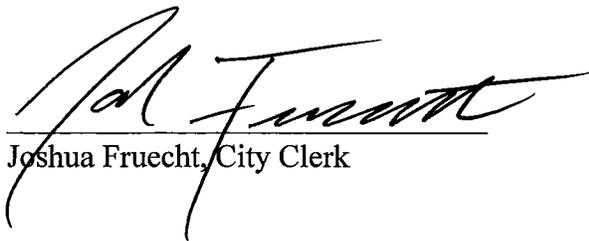


Roland D. Via, Mayor



Oel Wingo, Ph.D., City Manager

Attest:



Joshua Fruecht, City Clerk