

CITY OF SANIBEL

ORDINANCE 11-006

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, SUBPART B LAND DEVELOPMENT CODE, CHAPTER 126 ZONING, ARTICLE XVI PLANNED UNIT DEVELOPMENT, DIVISION 3 BAILEY'S SHOPPING CENTER PROPERTY, SECTION 126-1476 REQUIRED CONDITIONS, SUBSECTION (B) TO ESTABLISH A SPECIFIC SETBACK FOR BONUS OUTDOOR SEATS AND TABLES FOR THE RESTAURANT LOCATED AT THE NORTHWEST CORNER OF THE EAST PARCEL AND SUBSECTION (C) TO AMEND ON-SITE PARKING REQUIREMENTS; PROVIDING FOR CONFLICT AND SEVERANCE; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a procedure has been established to revise and amend the Land Development Code in a manner consistent with the *Sanibel Plan*; and

WHEREAS, such revisions have been referred to the Planning Commission for a recommendation as to the consistency of that Amendment with the *Sanibel Plan*; and

WHEREAS, the City Council deems it necessary to make such revisions to the Land Development Code, as contained in this ordinance; and

WHEREAS, all required public notices and public hearings for such amendment have been properly given and held.

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

**SECTION 1.** The Code of Ordinances of the City of Sanibel, Subpart B Land Development Code, Chapter 126 Zoning, Article XVI Planned Unit Development, Section 126-1476 Required Conditions, is hereby amended with underlining indicating added language and ~~strikethroughs~~ indicating deletions, as follows:

**Section 126-1476. Required conditions.**

(a) *Generally.* Except where otherwise specifically provided for in this division, the requirements of the Land Development Code shall control.

(b) *Additional development within the planned unit development.*

- (1) When the Planning Commission approves a development permit, the development permit shall constitute an amendment to the planned unit development Master Development Plan.

- (2) If changes to the planned unit development regulations are required, they shall be processed as an amendment to this division.
- (3) The required setback from Periwinkle Way and Tarpon Bay Road for bonus outdoor seats and tables for the restaurant located at the northwest corner of the East parcel are established by two lines: one line connects the northeast corner of the building with the northeast corner of the canopy; the other line connects the northwest corner of the building with the northwest corner of the canopy. Both of these lines are shown as dashed lines on the master development plan. In any case, bonus outdoor seating shall setback a minimum 75 feet and 66 feet from the centerline of Periwinkle Way and Tarpon Bay Road rights-of-way, respectively.

(c) *On-site parking.* Conditions for on-site parking shall be as follows:

- (1) There shall be at least ~~324~~281 parking spaces which shall serve as shared parking for up to 18 separate commercial units in the 54,091 square feet of commercial floor area shown on the master development plan.
  - a. A development permit is needed in order to add or to eliminate parking on either the east or west parcel.
  - ~~b. A minimum of 24 spaces shall be placed on the west parcel.~~
  - b. e However, the parking standards set forth in this subsection are subject to review by the planning commission as part of the process of development of the west parcel.
  - c. d A vegetation buffer is not required between the underlying commercial and residential zones, under common ownership, within the planned unit development.
- (2) On-site parking for development of the 2.4-acre west parcel shall be in accordance with the Land Development Code standards in effect at the time of development. The owner of such parcel may choose to develop in either of the following options:
  - a. The owner may set aside an area for development of additional parking spaces if later deemed necessary by the Planning Commission pursuant to section 126-1363; or

- b. Provide additional parking spaces as may be required, in a developed parking area on the west parcel to be used as accessory overflow parking for the shopping center on the east parcel.

**SECTION 2. Codification.**

This ordinance shall be an amendment to the Code of Ordinances of the City of Sanibel, Subpart B Land Development Code, Chapter 126 Zoning, Article XVI Planned Unit Development, Section 126-1476 Required Conditions.

**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 take effect immediately upon adoption.

**DULY PASSED AND ENACTED** by the Council of the City of Sanibel, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

AUTHENTICATION:

\_\_\_\_\_  
Kevin Ruane, Mayor

\_\_\_\_\_  
Pamela Smith, City Clerk

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

\_\_\_\_\_  
Date

Publication and Hearing Dates:

Date of First Reading: \_\_\_\_\_

Ordinance Publication Date: \_\_\_\_\_

Date of Second Reading and Public Hearing: \_\_\_\_\_

Vote of Council Members:

Ruane \_\_\_\_\_

Denham \_\_\_\_\_

Congress \_\_\_\_\_

Harrity \_\_\_\_\_

Jennings \_\_\_\_\_

Date filed with the City Clerk: \_\_\_\_\_