



City of Sanibel
Planning Department

MEMORANDUM

DATE: March 27, 2012

TO: Judie Zimomra, City Manager

FROM: James C. Jordan, Planning Director 

SUBJECT: **ADOPTION HEARING FOR THE SANIBEL PLAN AMENDMENT**

On February 15, 2012, the State Land Planning Agency (Florida Department of Economic Opportunity) notified the City that its review of the City's Plan Amendment was complete. No comments related to important state resources and facilities were identified.

The final step in the Plan Amendment process is City Council's adoption hearing. The required legal notice for this adoption hearing was properly advertised on March 27, 2012.

Rick Scott
GOVERNOR



Cynthia R. Lorenzo
INTERIM EXECUTIVE DIRECTOR

RECEIVED

FEB 16 2012

PLANNING DEPT.
CITY OF SANIBEL

February 15, 2012

The Honorable Kevin Ruane, Mayor
City of Sanibel
800 Dunlop Road
Sanibel, Florida 33957

Dear Mayor Ruane:

The State Land Planning Agency (the Agency) has completed its review of the proposed comprehensive plan amendment for the City of Sanibel (Amendment No. 12-1ESR) which was received on January 23, 2012. We have reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comments related to important state resources and facilities within the Agency's authorized scope of review that will be adversely impacted by the amendment if adopted.

The City is reminded that pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the City. If other reviewing agencies provide comments, we recommend the City consider appropriate changes to the amendment based on those comments. If unresolved, such comments could form the basis for a challenge to the amendment after adoption.

The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that Section 163.3184(3)(c)1, F.S., provides that if the second public hearing is not held and the amendment adopted within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the state land planning agency and any affected party that provided comment on the amendment. For your assistance, we have attached procedures for adoption and transmittal of the comprehensive plan amendment.

The Caldwell Building 107 E. Madison Street Tallahassee, Florida 32399-4120
850.245.7105 TTY/TDD 1-800-955-8771 Voice 1-800-955-8770 FloridaJobs.org

The Honorable Kevin Ruane, Mayor
February 15, 2012
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If you have any questions, please call Scott Rogers, Planning Analyst, at (850) 717-8510, or by email at scott.rogers@deo.myflorida.com.

Sincerely,



Brenda Winningham
Regional Planning Administrator

BW/sr

Enclosure: Procedures for Adoption

cc: James C. Jordan, Director, Sanibel Planning Department
Liz Donley, Acting Executive Director, Southwest Florida Regional Planning Council

CITY OF SANIBEL

ORDINANCE 12-001

AN ORDINANCE AMENDING THE *SANIBEL PLAN*:

BY AMENDING SECTION 3.5.1 CAPITAL IMPROVEMENTS GOALS, OBJECTIVES AND POLICIES AND SECTION 3.5.2 IMPLEMENTATION, MONITORING AND EVALUATION, TO UPDATE THE CAPITAL IMPROVEMENTS ELEMENT INCLUDING THE ADOPTED FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS; AND

BY AMENDING SECTION 3.2.1 COASTAL ZONE PROTECTION GOALS, OBJECTIVES AND POLICIES, TO AMEND POLICY 3.1 TO ALLOW EXISTING ACCESSORY SWIMMING POOLS AND OTHER ACCESSORY STRUCTURES TO BE REDEVELOPED IN THE GULF BEACH ZONE PORTION OF THE RESORT HOUSING DISTRICT; AND

BY AMENDING SECTION 3.6.2 FUTURE LAND USE,

LAND USE PROJECTIONS, TO IDENTIFY THE STEPS TAKEN TO ADDRESS NON-CONFORMING DENSITIES IN BUILDING-BACK FROM SUBSTANTIAL DAMAGE CAUSED BY A NATURAL DISASTER AND REDEVELOPING RESORT HOUSING UNITS IN THE RESORT HOUSING DISTRICT; AND

PROVISIONS OF THE PLAN FOR PERMITTED USES, TO CLARIFY THAT CONTINUED USE OF EXISTING RESIDENTIAL STRUCTURES IS PERMITTED IN THE GULF BEACH ZONE AND TO STATE THAT REDEVELOPMENT OF EXISTING ACCESSORY SWIMMING POOLS AND ACCESSORY STRUCTURES LOCATED IN THE GULF BEACH ZONE PORTION OF THE RESORT HOUSING DISTRICT IS PERMITTED; AND

PROVISIONS OF THE PLAN FOR DEVELOPMENT INTENSITY, TO INCLUDE PROVISIONS FOR BUILDING-BACK LAWFULLY EXISTING DWELLING UNITS SUBSTANTIALLY DAMAGED BY A NATURAL DISASTER AND REDEVELOPING LAWFULLY EXISTING DWELLING UNITS IN THE RESORT HOUSING DISTRICT; AND

RESORT HOUSING, TO SUMMARIZE THE STEPS TAKEN TO RETAIN MOTELS, HOTELS AND RESORT CONDOMINIUMS WHEN REDEVELOPMENT OCCURS; AND

PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, pursuant to *Florida Statutes*, the City has adopted a comprehensive land use plan (the *Sanibel Plan*); and

WHEREAS, the *Sanibel Plan*, initially adopted in 1976, is the product of an ongoing planning process; and

WHEREAS, the most recent Evaluation and Appraisal-based Plan Amendment was adopted in 2007; and

WHEREAS, Part 3.5. Capital Improvements concludes that there continues to be no capital improvements necessary to attain or maintain the required Level of Service Standards for public facilities, including Public School Facilities, established in the *Sanibel Plan*; and

WHEREAS, the City intends to further evaluate the Capital Improvements Elements as part of the 2011/12 Evaluation and Appraisal of the *Sanibel Plan*, including a comprehensive assessment of the Human Support Systems (Public Facilities) Elements of the Plan; and

WHEREAS, this Plan Amendment contains the 2011 annual review and update of the Capital Improvements Element and the Five-year Schedule of Capital Improvements, as required by the *Sanibel Plan* but no longer required by State Statute; and

WHEREAS, to ensure that there is internal consistency in the *Sanibel Plan*, this Plan Amendment also contains revisions that reflect the implementation of the City's Redevelopment Program for the Resort Housing District; and

WHEREAS, to implement an important provision to accommodate and regulate redevelopment in the Resort Housing District, this Plan Amendment also contains a policy amendment to allow redevelopment of existing accessory swimming pools and other accessory structures located in the Gulf Beach Zone portion of the Resort Housing District; and

WHEREAS, the staff has not identified any areas of the *Sanibel Plan* that are non-compliant with "The Community Planning Act", although this assessment will continue during the 2011/12 Evaluation and Appraisal of the *Sanibel Plan*; and

WHEREAS, the City is preparing a 2011/12 Evaluation and Appraisal of the *Sanibel Plan* to update the background discussions for each Element of the *Sanibel Plan* and to conduct policy review for determining compliance with State Law and to address local concerns; and

WHEREAS, this update and policy review of the *Sanibel Plan* will result in an Evaluation and Appraisal-based Amendment to the *Sanibel Plan* intended to revise and restate, as appropriate, the *Sanibel Plan*; and

WHEREAS, this Amendment to the *Sanibel Plan* demonstrates consistency with State Statutes; and

WHEREAS, the City Council deems it necessary to make such revisions to the *Sanibel Plan*, as contained in this ordinance; and

WHEREAS, all required public notices and public hearings for such amendment to the *Sanibel Plan* have been properly given and held.

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

SECTION 1. The City Council of the City of Sanibel hereby amends the *Sanibel Plan* in order to:

- (a) update background discussion and amend policy, consistent with Florida Statutes, in Section 3.5.1 Capital Improvements Goals, Objectives and Policies; and
- (b) reflect the annual update of the adopted Five-Year Schedule of Capital Improvements in Section 3.5.2 Implementation, Monitoring and Evaluation.

A copy of the full text of this Amendment to *Sanibel Plan* Sections 3.5.1 and 3.5.2 is attached hereto as **Exhibit “A”**, with underlining indicating additions and ~~striketrough~~ indicating deletions.

SECTION 2. The City Council of the City of Sanibel hereby amends the *Sanibel Plan* in order to:

- (a) allow existing accessory swimming pools and other accessory structures to be redeveloped in the Gulf Beach Zone portion of the Resort Housing District, by amending Policy 3.1 in Section 3.2.1 Coastal Zone Protection Goals, Objectives and Policies.

A copy of the full text of this Amendment to *Sanibel Plan* Section 3.2.1 is attached hereto as **Exhibit “B”** with underlining indicating additions and ~~striketrough~~ indicating deletions.

SECTION 3. The City Council of the City of Sanibel hereby amends Section 3.6.2 Future Land Use Goals, Objectives and Policies of the *Sanibel Plan* in order to:

- (a) identify the steps taken to address non-conforming densities in building-back from damage caused by a natural disaster and redeveloping resort housing units located in the Resort Housing District in the *Future Land Use Projections* of this Element; and

- (b) clarify that continued use of existing residential structures is permitted in the Gulf Beach Zone and to state that redevelopment of existing accessory swimming pools and other accessory structures located in the Gulf Beach Zone portion of the Resort Housing District is permitted in the *Provisions of the Plan for Permitted Uses*; and
- (c) identify that the City's land development regulations accommodate non-conforming densities when building-back the existing number of units if substantially damaged by a natural disaster and redeveloping up to the existing number of units in the Resort Housing District, provided that the resort use of the property is retained in the *Provisions of the Plan for Development Intensity*; and
- (d) summarize the steps taken to retain motels, hotels and resort condominiums when redevelopment occurs in the Resort Housing District.

A copy of the full text of this Amendment to *Sanibel Plan* Section 3.6.2 is attached hereto as **Exhibit "C"** with underlining indicating additions and ~~strike through~~ indicating deletions.

SECTION 4. A copy of this amendment to the *Sanibel Plan* shall be kept on file in the Office of the City Clerk.

SECTION 5. 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 6. 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 7. Effective date.

This ordinance shall take effect 31 days after the State Land Planning Agency notifies the City that the Plan Amendment package submitted by the City pursuant to *Section*

163.3184(3)(c)3, Florida Statutes, is complete. If timely challenged, the Plan Amendment does not become effective until the State Land Planning Agency or Administrative Commission enters a final order determining the adopted Plan Amendment to be in Compliance.

SECTION 8. Codification.

The City Manager is hereby authorized and directed to cause the amendment approved herein to be incorporated into the adopted *Sanibel Plan*, as amended by this ordinance.

DULY PASSED AND ENACTED by the Council of the City of Sanibel, Lee County, Florida, this _____ day of _____, 2012.

AUTHENTICATION:

Kevin Ruane, Mayor

Pamela Smith, City Clerk

APPROVED AS TO FORM:  12/28/11
Kenneth B. Cuyler, City Attorney Date

Publication and Hearing Dates

- Section 163, F.S. Publication Dates: _____, 2011
- Date of First Public (Transmittal) Hearing: _____, 2012
- Section 163, F.S. Publication Date: _____, 2012
- Ordinance Publication Date: _____, 2012
- Date of Second Public (Adoption) Hearing: _____, 2012

Vote of Council Members:

Ruane _____

Denham _____

Congress _____

Harrity _____

Jennings _____

Date filed with the City Clerk: _____