

**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.

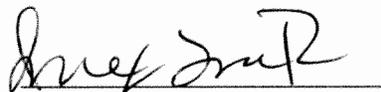
**SECTION 8. Codification.**

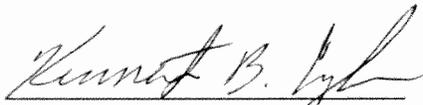
The City Manager is hereby authorized and directed to cause the amendment approved herein to be incorporated into the adopted *Sanibel Plan*, as amended by this ordinance.

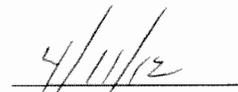
**DULY PASSED AND ENACTED** by the Council of the City of Sanibel, Lee County, Florida, this 3<sup>rd</sup> day of April, 2012.

**AUTHENTICATION:**

  
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Kevin Ruane, Mayor

  
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Pamela Smith, City Clerk

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

  
\_\_\_\_\_  
Date

**Publication and Hearing Dates**

Section 163, F.S. Publication Dates:	December 22, 2011
Date of First Public (Transmittal ) Hearing:	January 03, 2012
Ordinance Publication Date:	March 27, 2012
Date of Second Public (Adoption) Hearing:	April 03, 2012

Vote of Council Members:

Ruane     yea

Denham    yea

Congress   yea

Harrity    yea

Jennings   yea

Date filed with the City Clerk: April 03, 2012