

**CITY OF SANIBEL  
ORDINANCE NO. 13-002**

**AN ORDINANCE REPEALING, SUPERCEDING AND REPLACING SPECIFIC AMENDMENT ORDINANCE NO. 82-26 BY ALLOWING THE EXISTING NONCONFORMING COMMERCIAL USE OF A PROPERTY, LOCATED AT 1177 CAUSEWAY BOULEVARD, TO CONTINUE AS AN OFFICE SUBJECT TO THE NONCONFORMANCE AND BUILD-BACK PROVISIONS OF THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City has adopted a Land Development Code to implement the goals, objectives, and limitations of the *Sanibel Plan*; and

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

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

**WHEREAS**, all required public notices and public hearings for such revisions have been properly given and held; and

**WHEREAS**, such revisions have been referred to the Planning Commission for a recommendation and the Planning Commission has found such revisions and this Ordinance to be consistent with the *Sanibel Plan*;

**NOW, THEREFORE**, be it ordained by the Council of the City of Sanibel, Florida that:

**SECTION 1.** Specific Amendment Ordinance No. 82-26 is hereby repealed, superceded and replaced with this Ordinance.

**SECTION 2.** With respect to the parcel of property described as 1177 Causeway Boulevard, Lee County Property Appraiser Strap No. 20-46-23-T1-00002.2010, Section 20, Township 46 South, Range 23 East, Sanibel, Florida, the use of such property may continue as a nonconforming office use subject to the following conditions:

- 1) There may be a change of tenant, ownership, or management of the nonconforming office use on the subject property, provided there is no change in the nature, character, size, or intensity of such nonconforming use.

- 2) The nonconforming office use shall not be enlarged upon, expanded, intensified, or extended, nor be used as a basis for adding other structures or uses prohibited within the district.
- 3) The nonconforming office use may be continued and re-established if the building occupied by the nonconforming use is built-back following substantial damage to the building by a natural disaster, subject to the conditions and limitations contained in the Sanibel Code for building back (reconstruction) of nonconforming uses and structures. Otherwise, the nonconforming use shall be abated, eliminated and removed.
- 4) The existing structure devoted to a nonconforming office use (a use not permitted in the district in which it is located) shall not be improved, enlarged, extended, moved, or structurally altered, except in changing the use of the structure to a use permitted in the district in which it is located, subject to the following exceptions:
  - (a) Repairs or rehabilitations to the structure which, in conjunction with prior repairs, do not amount to a material structural alteration or a substantial improvement, as defined in chapter 94 of the Sanibel Code.
  - (b) Alterations within the existing perimeter, i.e., three-dimensional outline, of the structure, which, in conjunction with prior repairs, rehabilitations or alterations do not amount to a substantial improvement, as defined in chapter 94 of the Sanibel Code.
  - (c) The reestablishment of the nonconforming use of a building that is built-back following substantial damage to the building by a natural disaster.

### **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.**

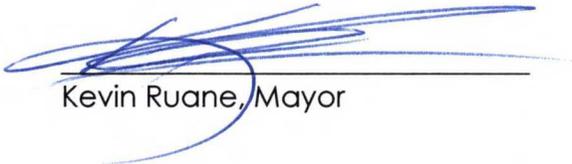
If any section, subsection, sentence, clause, phrase or portion of this ordinance or application hereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion or application hereof.

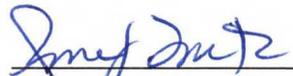
**SECTION 5. Effective date.**

This ordinance shall take effect immediately upon adoption.

**DULY PASSED AND ENACTED** by the Council of the City of Sanibel, Florida, this 16 day of July, 2013.

AUTHENTICATION:

  
Kevin Ruane, Mayor

  
Pamela Smith, City Clerk

APPROVED AS TO FORM:

  
Kenneth B. Cuyler, City Attorney

5/22/13  
Date

Publication and Hearing Dates

Date of First Reading June 04, 2013  
Ordinance Publication Date July 05, 2013  
Date of Second Reading and Public Hearing July 16, 2013

Vote of Council Members:

Ruane —aye  
Congress —aye  
Denham —aye  
Harrity —aye  
Jennings —aye

Date filed with the City Clerk: July 16, 2013