CITY OF SANIBEL

ORDINANCE 14-002

AN ORDINANCE AMENDING THE SANIBEL CODE OF ORDINANCES, SUBPART B, LAND DEVELOPMENT CODE, CHAPTER 126 ZONING, ARTICLE XII., RESORT HOUSING DISTRICT; SECTION 126-636. DEVELOPMENT INTENSITY, SUBSECTION (d), SUBSUBSECTIONS (1) and (2), BY PROVIDING LANGUAGE TO ALLOW AN INCREASE IN THE HABITABLE FLOOR AREA OF ONE BEDROOM RESORT HOUSING UNITS (TO A MAXIMUM OF 600 SQUARE FEET) THAT REDEVELOP WITHIN THE RESORT HOUSING DISTRICT; 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, the City recognizes the importance of maintaining a healthy and vibrant stock of short-term occupancy housing units within the Resort Housing District; and

WHEREAS, revisions to increase the room size/habitable floor area of Sanibel's resort housing units was determined essential to furthering the City's goals to encourage the redevelopment and rehabilitation of short-term occupancy properties within the Resort Housing District; and

WHEREAS, the City has reviewed the adequacy of increasing the habitable floor area of single bedroom resort housing units; and

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

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

WHEREAS, this ordinance does not increase the average occupancy rate/residential density for resort housing uses, the permitted maximum land area to be covered with impermeable surfaces, cleared of vegetation or used as developed area; and

WHEREAS, this ordinance does not increase the permitted height of a building or buildings as established in the *Sanibel Plan*; 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 of the City of Sanibel, Florida:

SECTION 1. Amending Section 126-636, Development Intensity, to state the following with underlining indicating additions and ~~strikethroughs~~ indicating deletions:

Sec. 126-636. Development intensity

(a) The Development Intensity Map of the Future Land Use Map Series of the Sanibel Plan establishes the limits of density (maximum number of dwelling units) on lands in the Resort Housing District. Section 126-242 incorporates both the development intensity map and the resort housing district map into the Land Development Code.

(b) This section of the Land Development Code implements a redevelopment strategy that balances property rights with environmental, public safety and community welfare considerations and encourages retention of resort housing units (hotel, motel and resort condominium units), when these resort housing properties redevelop.

(c) Existing developments, including those in the Resort Housing District, that exceed the number of units permitted by the development intensity map, are nonconforming. However, pursuant to LDC section 126-131, these units are permitted "to continue until they are eventually removed".

(d) To maintain the City's stock of short-term occupancy units ~~in the city~~, existing hotels, motels or resort condominiums that are rehabilitated or redeveloped in accordance with the Sanibel Plan and the Land Development Code are allowed to maintain their existing nonconforming density and presumed average occupancy rate, provided that redeveloped hotels, motels or resort condominiums shall:

(1) Not exceed either the number of bedrooms per unit or the total square footage of habitable floor area that existed within the prior development. However, single bedroom units may increase their habitable floor area up to 600 SF per unit.

(2) Continue the same resort housing/short-term rental occupancy use of the prior development.

(e) Furthermore, pursuant to section 86-71, hotel, motel or resort condominium units have an average occupancy rate that is greater than 2.2 individuals per dwelling unit. However, to maintain the stock of short-term occupancy units in the city without increasing the development intensity of the redeveloped site, existing hotels, motels or resort condominiums that are redeveloped in accordance with the Sanibel Plan and the Land Development Code are allowed to maintain the presumed average occupancy rate of the prior development, calculated pursuant to section 86-71

(f) (f)When existing hotels, motels or resort condominiums maintain short-term occupancy at the time they redevelop, they can maintain up to their existing number of units. When

existing hotels, motels or resort condominiums change the use to limit short-term occupancy at the time they redevelop, they must conform to the limits established by the development intensity map, which in almost all cases will result in a reduction from the number of units on the site to be redeveloped prior to the redevelopment.

(g) Redevelopments, that exceed the number of units permitted by the development intensity map, remain nonconforming

SECTION 2. Codification

The city manager is hereby authorized and directed to cause the amendment approved herein incorporated into the adopted Land Development Code.

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 or 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 _____, 2014.

AUTHENTICATION:

_____ _____

Kevin Ruane, Mayor Pamela Smith, City Clerk

APPROVED AS TO FORM: _____ 4/28/14

Kenneth B. Cuyler, City Attorney Date

Vote of Council Members:

Ruane _____
Congress _____
Denham _____
Harrity _____
Jennings _____

First Reading _____
Publication Date _____
Second Reading _____

Date Filed with City Clerk: _____