

CITY OF SANIBEL

ORDINANCE 16 – 012

AN ORDINANCE AMENDING THE SANIBEL CODE OF ORDINANCES, PART II, SUBPART B., LAND DEVELOPMENT CODE, CHAPTER 86 - DEVELOPMENT STANDARDS, ARTICLE III. RESIDENTIAL, DIVISION 3. UNIFIED RESIDENTIAL HOUSING (CLUSTER HOUSING) AND MULTIFAMILY HOUSING, SECTION 86-169 ARCHITECTURAL DESIGN STANDARDS AND EXAMPLES, AND CHAPTER 126 - ZONING, ARTICLE XII. RESORT HOUSING DISTRICT, SECTION 126-639 ARCHITECTURAL DESIGN STANDARDS AND EXAMPLES, AND ARTICLE XIV SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 5 COMMERCIAL AND INSTITUTIONAL USES GENERALLY, SECTION 126-1028, ARCHITECTURAL DESIGN STANDARDS AND EXAMPLES, ADDING NEW LANGUAGE TO ALLOW FOR THE OPTIONAL, IN LIEU OF MANDATORY, COMPLIANCE WITH THE REQUIRED ARCHITECTURAL ARTICULATION STANDARDS FOR BUILDING FAÇADES, WHEN IT CAN BE CLEARLY DEMONSTRATED THAT BOTH THE HORIZONTAL AND VERTICAL WALL AND SCREEN PLANES OF A BUILDING’S FACADE CANNOT BE SEEN OFF-SITE FROM ADJACENT CONSERVATION LANDS, PUBLIC RIGHT-OF-WAYS, BEACHES OR OTHER SURROUNDING LAND USES. PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 16-001 was adopted, in part, to established specific mandatory architectural design standards for the redevelopment of buildings devoted to resort housing, multifamily, commercial and institutional use; and

WHEREAS, Certain architectural articulation requirements to the facades of buildings are required in order to reduce the appearance, size and mass of buildings so they do not appear large or monolithic in size when viewed from off-site; and

WHEREAS, City Council directed the Planning Commission and Staff to draft legislation amending the Land Development Code by exempting the facades of buildings from the articulation requirements if they are only visible from the interior of the property they are located on and not from nearby conservation lands, public right-of-ways beaches or other surrounding land uses; and

WHEREAS, Compliance with the architectural articulation requirements to the horizontal and vertical planes of building facades that can only be viewed from the property they are situated on would be optional not mandatory; and

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

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

SECTION 1. The Sanibel Code of Ordinances, Part II, Subpart B — Land Development Code, Chapter 86, "Development Standards", Article III, "Residential", Division 3, "Unified Residential Housing (Cluster Housing) and Multifamily Housing", Subdivision III, "Multifamily Housing", Section 86-169 Architectural design standards and examples is amended with the following additions indicated by underlining, to read as follows:

- (4) d. Where it can be clearly demonstrated that both the horizontal and vertical screen and wall planes of a building's façade cannot be viewed off-site from adjacent conservation lands, public rights-of-way, beaches or other surrounding land uses; compliance with the articulation standards of (4) b. of this Section is considered optional and not mandatory.

SECTION 2. The Sanibel Code of Ordinances, Part II, Subpart B — Land Development Code, Chapter 86, "Development Standards", Article III, "Residential", Division 3, Unified Residential Housing (Cluster Housing) and Multifamily Housing, Subdivision III, Multifamily Housing, Section 86-169 Architectural design standards and examples is amended with the following additions indicated by underlining, to read as follows:

- (4) d. Where it can be clearly demonstrated that both the horizontal and vertical screen and wall planes of a building's façade cannot be viewed off-site from adjacent conservation lands, public rights-of-way, beaches or other surrounding land uses; compliance with the articulation standards of (4) b. of this Section is considered optional and not mandatory.

SECTION 3. The Sanibel Code of Ordinances, Part II, Subpart B – Land Development Code, Chapter 126, "Zoning", Article XII, "Resort Housing District", Section 126-639 Architectural design standards and examples is amended with the following additions indicated by underlining, to read as follows:

- (4) d. Where it can be clearly demonstrated that both the horizontal and vertical screen and wall planes of a building's façade cannot be viewed off-site from adjacent conservation lands, public rights-of-way, beaches or other surrounding land uses;

compliance with the articulation standards of (4) b. of this Section is considered optional and not mandatory.

SECTION 3. The Sanibel Code of Ordinances, Part II, Subpart B – Land Development Code, Chapter 126, Zoning, Article XIV, Supplementary District Regulations, Division 5, Commercial and Institutional Uses Generally, Section 126-1028 Architectural design standards and examples is amended with the following additions indicated by underlining, to read as follows:

- (4) d. Where it can be clearly demonstrated that both the horizontal and vertical screen and wall planes of a building's façade cannot be viewed off-site from adjacent conservation lands, public rights-of-way, beaches or other surrounding land uses; compliance with the articulation standards of (4) b. of this Section is considered optional and not mandatory.

SECTION 4. Codification. In Article III, Chapter 86, Subpart B of the Sanibel Code of Ordinances, Section 86-169 is hereby amended. In Article XII, Chapter 126, Subpart B of the Sanibel Code of Ordinances, Section 126-639, and Article XIV Supplementary District Regulations, Division 5. Commercial and Institutional Uses Generally; Section 126-1028 is hereby amended. This ordinance shall be deemed an amendment to the Sanibel Code of Ordinances and shall be codified in the Sanibel Code of Ordinances as such an amendment.

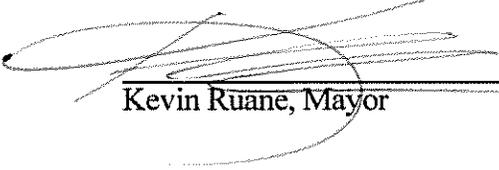
SECTION 5. Conflict. All ordinances and parts of ordinances in conflict herewith shall be and the same hereby repealed. If any part of this ordinance conflicts with any other part, it shall be severed and the remainder shall have full force and effect and be liberally construed.

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 be effective immediately upon adoption.

DULY PASSED AND ENACTED by the Council of the City of Sanibel, Florida, this 10th day of September, 2016.

AUTHENTICATION:


Kevin Ruane, Mayor


Pamela Smith, City Clerk

APPROVED AS TO FORM:


Kenneth B. Cuyler, City Attorney

9/10/16
Date

Publication and Hearing Dates:

First Reading: August 2, 2016
Publication Date: August 31, 2016
Second Reading: September 10, 2016

Vote of Council Members:

Ruane yea
Denham yea
Goss yea
Harrity yea
Jennings yea

Date Filed with City Clerk: September 10, 2016