

RESOLUTION NO. 15-005

**CITY OF SANIBEL
PLANNING COMMISSION**

A RESOLUTION FORWARDING AND RECOMMENDING THAT CITY COUNCIL APPROVE AN ORDINANCE AMENDING THE SANIBEL CODE OF ORDINANCES, SUBPART B LAND DEVELOPMENT CODE, CHAPTER 82 "ADMINISTRATION", ARTICLE III, "PLANNING COMMISSION", DIVISION 3, "SPECIFIC AUTHORITY", AND ARTICLE IV "DEVELOPMENT PERMITS", DIVISION 2, "PROCEDURE", SUBDIVISION III, "LONG FORM", AND CHAPTER 90 "FEES", ARTICLE IV "PUBLIC HEARINGS", DIVISION 8 "VARIANCES";

AMENDING SECTION 82-116. "VARIANCES, TEMPORARY USES, CONDITIONAL USES" – ADDING LANGUAGE RELATING TO WAIVERS; AND

AMENDING SECTION 82-117. "AUTHORIZATION" – ADDING THE TERM WAIVERS; AND

RENUMBERING SECTIONS 82-342—82-360. "RESERVED" AS 82-342—82-350; AND

ADDING A NEW SUBDIVISION XIII (SECTION 82-351), "WAIVERS TO LAWFULLY EXISTING NONCONFORMING STRUCTURES AND PROPERTIES LOCATED IN THE GENERAL, TOWN CENTER GENERAL AND TOWN CENTER LIMITED COMMERCIAL DISTRICTS" – ESTABLISHING A PUBLIC NOTICE AND HEARING PROCESS FOR THE PLANNING COMMISSION TO CONSIDER SPECIFIC WAIVER REQUESTS TO ALLOW IMPROVEMENTS TO LAWFULLY EXISTING NONCONFORMING PARCELS, BUILDINGS AND STRUCTURES LOCATED WITHIN THE GENERAL, TOWN CENTER GENERAL AND TOWN CENTER LIMITED COMMERCIAL DISTRICTS; AND

ADDING A NEW SECTION 82-352—82-360. "RESERVED"; AND

AMENDING SECTION 82-421. "APPLICATION" – ADDING THE TERM WAIVER; AND

ADDING A NEW SECTION 90-489, "APPLICATIONS FOR WAIVERS TO CERTAIN REQUIRED CONDITIONS FOR THE GENERAL, TOWN CENTER GENERAL AND TOWN CENTER LIMITED COMMERCIAL DISTRICTS INVOLVING NONCONFORMING BUILDINGS AND STRUCTURES" – SETTING AN APPLICATION FEE; AND

RENUMBERING SECTIONS 90-489—90-500. "RESERVED" AS 90-490—90-500; AND

PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. APPLICATION NO.15-8428 LDC

WHEREAS, a public hearing on the proposed ordinance, referenced in the above title, was legally and properly advertised and held on January 27, 2015 and February 10, 2015 before the Sanibel Planning Commission; and

WHEREAS, the Planning Commission has heard and considered comments and recommendations from the Planning Department staff and public; and

WHEREAS, the Planning Commission finds the proposed amendment to be consistent with the Sanibel Plan; and

WHEREAS, the Planning Commission may recommend to the City Council amendments to regulations of the Land Development Code, in accordance with the following standards, as set forth in LDC Section 82-241:

- (1) The Planning Commission shall make reference to the Sanibel Plan to determine if the proposed amendment to the land development regulations is consistent with the intent and purpose of the Sanibel Plan.*
- (2) The Planning Commission shall determine whether the proposed amendment:*
 - a. Will encourage the most appropriate use of land and City resources, consistent with the public interest;*
 - b. Will prevent the overcrowding of land and avoid the undue concentration of population;*
 - c. Will adversely affect the development of adequate and efficient provisions for transportation, water, sewage, schools, parks, recreation facilities, and the environmental, social and economic resources of the city;*
 - d. Will adversely affect the character and stability of the present and future land use and development of the community;*
 - e. Will adversely affect orderly growth and development;*
 - f. Will preserve, promote, protect and improve the public health, safety and general welfare of the community; and*
 - g. Is consistent with the City Charter.*
- (3) If the Planning Commission determines that a proposed amendment is inconsistent with the Sanibel Plan or its intent and purpose, the Planning Commission may, nevertheless, recommend approval of the proposed amendment, along with a corresponding amendment to the Sanibel Plan, if the Planning Commission determines that the proposed amendment should be approved based upon a consideration of all of the factors specified in subsection (2) of this section.*

NOW THEREFORE, BE IT RESOLVED that the Planning Commission finds that proposed Ordinance No. 15-006, is consistent with the Sanibel Plan and meets the above referenced requirements and recommends that the City Council adopt said ordinance, the title of which is provided in this Resolution.

The foregoing Resolution was adopted by the Planning Commission upon a motion by Commissioner Maughan and seconded by Commissioner Kettelman and the vote was as follows:

Chris Heidrick	<u>Yes</u>	Jason Maughan	<u>Yes</u>
Chuck Kettelman	<u>Yes</u>	Holly Smith	<u>Yes</u>
Tom Krekel	<u>Yes</u>	John Talmage	<u>Yes</u>
Phillip Marks	<u>Yes</u>		

DULY PASSED AND ADOPTED this 10th day of February, 2015.

SANIBEL PLANNING COMMISSION

Signed: _____

Phillip Marks, Planning Commission Chair

20 Feb. 2015

Date Signed

Approved As To Form: _____

Kenneth B. Cuyler, City Attorney

2/20/15

Date Signed

Date Filed With City Manager: 2/20/2015