

**CITY OF SANIBEL
ORDINANCE 22-002**

AN ORDINANCE AMENDING THE *SANIBEL PLAN*, COMPREHENSIVE LAND USE PLAN OF THE CITY OF SANIBEL, TO IMPLEMENT RECOMMENDATIONS OF THE 2021 EVALUATION AND APPRAISAL REPORT OF THE *SANIBEL PLAN* FOR CONCURRENCY WITH STATE STATUTES, PURSUANT TO SECTION 163.7138(2)(f)1-6, FLORIDA STATUTES, “PERIL OF FLOOD” COMMUNITY PLANNING REQUIREMENTS; AMENDING ARTICLE 3 - GOALS, OBJECTIVES AND POLICIES, PART 3.1 – SAFETY, ADDING SECTION 3.1.2 – FLOOD PREVENTION, REDUCTION AND MITIGATION; AND AMENDING PART 3.2 – PROTECTION OF NATURAL, ENVIRONMENTAL, ECONOMIC AND SCENIC RESOURCES, SECTION 3.2.1 – COASTAL ZONE PROTECTION ELEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERENCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Sanibel is required to complete an Evaluation and Appraisal Report (EAR) of the Sanibel Plan (the City of Sanibel comprehensive land use plan) at least once every 7 years, pursuant to Section 163.3191, Florida Statutes.

WHEREAS, on July 30, 2021, the City submitted a notification letter to the State of Florida Department of Economic Opportunity, which identified “Peril of Flood” community planning requirements for proposed amendment and adoption, pursuant to the requirements of Section 163.7138(2)(f)1-6, Florida Statutes; and

WHEREAS, on August 2, 2021, the State of Florida Department of Economic Opportunity accepted the City of Sanibel EAR notification letter and established a July 30, 2022, transmittal deadline to adopt any necessary amendment, pursuant to the State coordinated review process outlined in Section 163.3184(4); and

WHEREAS, on January 4, 2022, City Council directed Staff to prepare a draft plan amendment and proceed with the coordinated review process by vetting the draft amendment through the Planning Commission; and

WHEREAS, on March 22, 2022, the Planning Commission held a legally and properly advertised public hearing at which the Planning Commission heard and considered comments and recommendations from the Planning Staff and public; and

WHEREAS, the Planning Commission found the proposed amendments to the Sanibel Plan, as indicated below, meet the requirements of Land Development Code Section 82-241, and recommended via City of Sanibel Planning Commission Resolution 22-07 that the City Council adopt said amendments in the form of an ordinance; and

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

SECTION 1. The recitals above are true and correct and made a part hereof.

SECTION 2. The Sanibel Plan Article 3 – Goals, Objectives and Policies, is hereby amended to add Section 3.1.2 and to amend Section 3.2.1, with ~~strike through~~ language indicating deletions and

underlined language indicating additions as follows, and with the maps attached hereto as Exhibit A to be appended to the end of Section 3.2.1:

**Article 3.
Goals, Objectives and Policies**

**Part 3.1
Safety**

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**Section 3.1.2
Flood Prevention, Reduction and Mitigation**

Pursuant to Section 163.7138(2)(f)1-6

Background Discussion

The purpose of this Element is to eliminate inappropriate and unsafe development and redevelopment in areas subject to flooding from high-tide events, storm surge, stormwater runoff, flash floods and the related impacts of sea level rise, as directed by the State of Florida pursuant to Section 163.7138(2)(f)1-6, commonly referred to as “The Peril of Flood Act.”

The foresight of the City’s founders to have development parameters based on ecological zones (Section 3.2.2) identified in The Sanibel Report (1976), combined with the Vision Statement added to the Sanibel Plan in 1995 establishing a hierarchy of values that places the sanctuary quality of the island above development and tourism, means this comprehensive land management plan already addresses many of the Peril of Flood requirements through limiting development for the protection of natural resources.

In order to clearly comply with the standards to prevent, reduce, and mitigate flood damage to structures and infrastructure, as a result of high-tide events, storm surge, stormwater runoff, flash floods and the related impacts of sea level rise, a Peril of Flood Plan is implemented under Sanibel Plan Part 3.1 Safety, adding Section 3.1.2 Flood Prevention, Reduction and Mitigation.

Goals, Objectives and Policies

Goal Statement:

Protect coastal ecosystems, coastal properties, public facilities and infrastructure investment by preparing, adapting and mitigating for climate change impacts through reducing the flood risks that are the result of high-tide events, storm surge, stormwater

runoff, flash floods and related impacts of sea-level rise based upon future projections through development and redevelopment principles, strategies and engineering solutions.

Objective 1

Ensure continued implementation of development regulations and building code requirements that are responsive to the threats posed by high-tide events, storm surge, stormwater runoff, flash floods and the related impacts of sea level rise.

Policy 1.1. Ensure the building standards established in Land Development Code (LDC) Chapter 94 – Floods are consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 Code of Federal Regulations (C.F.R.) part 60.

Policy 1.2. Continue to restrict construction activities seaward of the coastal construction control lines established pursuant to section 161.053, Florida Statutes (F.S.), be consistent with chapter 161, F.S., and encourage redevelopment landward of the 1991 CCCL.

Policy 1.3. Ensure continued implementation of development conditions and environmental performance standards based upon Ecological Zones to avoid and reduce damage to buildings caused by flooding.

Policy 1.4. Maintain development restrictions in the Gulf Beach Zone, Bay Beach Zone, and Mangrove Forest Zone as part of reducing impacts on structures due to tidal flooding, tropical storm events, and sea level rise.

Policy 1.5. Maintain development restrictions in the Interior Wetland Conservation District and Environmentally Sensitive Lands District and evaluate if these districts should be expanded to further address flood management.

Policy 1.6. Encourage the use of ecologically based projects as an alternative for shoreline protection

Policy 1.7. Evaluate and, where necessary, amend the Land Development Code in 2023, and every five years thereafter, to ensure development regulations are consistent with current best management practices, State regulations, and Federal regulations pertaining to reduction in flood risk for critical public infrastructure, residential buildings, institutional buildings, and commercial buildings.

Policy 1.8. The City will retain a floodplain manager on staff to review applications for property development to ensure compliance with

Objective 1 and its implementing policies.

Objective 2

Ensure continued implementation of the City's Comprehensive Floodplain Management Plan to prevent, reduce, and mitigate damage to buildings and infrastructure due to flooding.

Policy 2.1. By 2025, update the Comprehensive Floodplain Management Plan to address Coastal Resiliency, including means of preparing, adapting and mitigating for climate change impacts.

Policy 2.2. Continue annual update reports to supplement the most recently adopted Comprehensive Floodplain Management Plan.

Policy 2.3. Evaluate and update the Comprehensive Floodplain Management Plan every 10 years to remain current with available data and technology.

Objective 3.

Maintain the FEMA CRS rating of 5 to prevent, reduce, and mitigate flood damage while providing a premium discount for residents.

Policy 3.1. Maintain and update, as necessary, the Comprehensive Floodplain Management Plan.

Policy 3.2. Adopt, and maintain with updates as necessary, a Master Watershed Management Plan.

Policy 3.3. Maintain a record of repetitive loss properties, including documentation when such property is either demolished or remodeled to meet flood prevention or flood proofing standards.

Policy 3.4. Maintain a record of annual stormwater management system maintenance activities.

Policy 3.5. Maintain and update the open space map consistent with CRS criteria.

Objective 4.

Ensure continued outreach and education of the public pertaining to flood prevention, protection, and mitigation techniques to avoid and reduce potential damage to structures.

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Part 3.2

Protection of Natural, Environmental, Economic And Scenic Resources

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Section 3.2.1

Coastal Zone Protection Element

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Objective 3

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Policy 3.1. The City will continue to prohibit new development and redevelopment in the Gulf Beach Zone (i.e., seaward of the 1974 State Coastal Construction Control Line). Existing buildings located seaward of the 1974 Coastal Construction Control Line that are substantially damaged by a natural disaster are allowed to build-back in their pre-disaster location provided the construction of the building complies with the requirements set forth in 44 C.F.R., Part 60, Section 60.3(e)(1-7).

Lawfully existing accessory swimming pools and other accessory structures located in the Resort Housing District that are located seaward of the State's 1974 Coastal Construction Control Line may be reconstructed in their existing location provided there are no other feasible locations available on the site that are not in the Gulf Beach Zone provided the reconstruction of any accessory structure complies with the requirements set forth in 44 C.F.R., Part 60, Section 60.3(e)(1-7).

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SECTION 3. Codification. This ordinance shall be deemed an amendment to The Sanibel Plan and shall be codified in The Sanibel Plan as such an amendment. The City Clerk is hereby authorized and directed to instruct as part of the codification that all section numbers amended by this Ordinance are updated and corrected throughout The Sanibel Plan in the event such section numbers are referenced.

SECTION 4. 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 5. Severability. 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 6. Effective Date. This ordinance shall become effective upon approval by the City Council.

DULY PASSED AND ENACTED by the Council of the City of Sanibel, Florida, this 7th day of June, 2022.



Holly D. Smith, Mayor

AUTHENTICATION:


Scotty Lynn Kelly, City Clerk

APPROVED AS TO FORM: 

John D. Agnew, City Attorney

6/7/22

Date

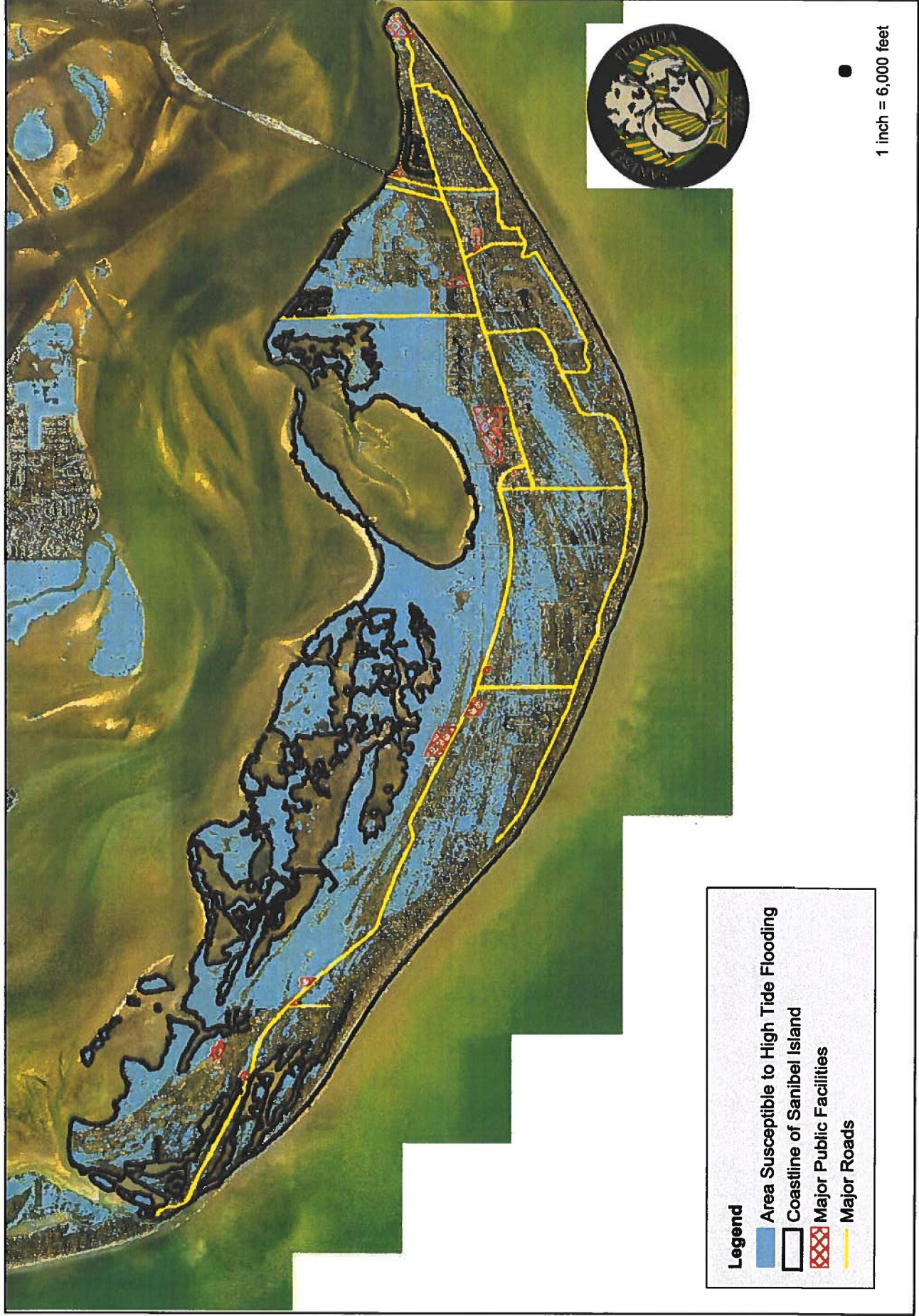
First Reading: May 3, 2022
Publication Notice: May 18, 2022
Second Reading: June 7, 2022

Vote of Council Members:

Smith	<u>Yea</u>
Johnson	<u>Yea</u>
Crater	<u>Yea</u>
Henshaw	<u>Yea</u>
Miller	<u>Yea</u>

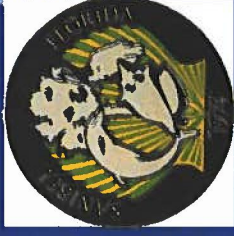
Date filed with City Clerk: June 7, 2022

Areas Susceptible to High Tide Flooding Illustrative Map



Projected Inundation with 1-Foot of Sea Level Rise

Illustrative Map



1 inch = 6,000 feet

These data illustrate the scale of potential flooding, not the exact location, and do not account for erosion, subsidence, or future construction. Inundation is shown as it would appear during the highest high tides (excludes wind-driven tides) with the sea level rise amount. These data should be used only as a screening-level tool for management decisions. As with all remotely sensed data, all features should be verified with a site visit. The data are provided "as is," without warranty to their performance, merchantable state, or fitness for any particular purpose. The entire risk associated with the results and performance of these data is assumed by the user. These data should be used strictly as a planning reference and not for navigation, permitting, or other legal purposes.

1 Foot Sea Level Rise Scenarios		
Year	Scenario	Sea Level Rise
2030	Intermediate High	0.95
	High	1.18
2040	Intermediate	1.02
2050	Intermediate Low	0.89
	Intermediate	1.38
2060	Intermediate Low	1.08
2070	Intermediate Low	1.25

Coastline of Sanibel Island

Major Public Facilities

Major Roads

Projected Flooding

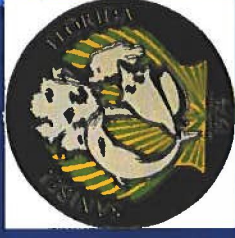
Value

0.7 ft

0

Projected Inundation with 2-Foot of Sea Level Rise

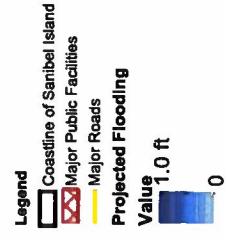
Illustrative Map



1 inch = 6,000 feet

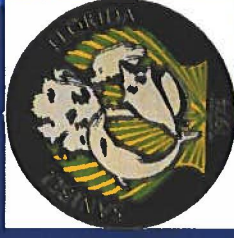
These data illustrate the scale of potential flooding, not the exact location, and do not account for erosion, subsidence, or future construction. Inundation is shown as it would appear during the highest high tides (excludes wind-driven tides) with the sea level rise amount. These data should be used only as a screening-level tool for management decisions. As with all remotely sensed data, all features should be verified with a site visit. The data are provided "as is," without warranty to their performance, merchantable state, or fitness for any particular purpose. The entire risk associated with the results and performance of these data is assumed by the user. These data should be used strictly as a planning reference and not for navigation, permitting, or other legal purposes.

2 Foot Sea Level Rise Scenarios		
Year	Scenario	Sea Level Rise
2030	Extreme	< 2
2040	Extreme	2
2050	Intermediate High	1.9
2060	Intermediate	1.8
2070	Intermediate High	2.56
	Intermediate	2.23



Projected Inundation with 3-Foot of Sea Level Rise

Illustrative Map



1 inch = 6,000 feet

These data illustrate the scale of potential flooding, not the exact location, and do not account for erosion, subsidence, or future construction. Inundation is shown as it would appear during the highest high tides (excludes wind-driven tides) with the sea level rise amount. These data should be used only as a screening-level tool for management decisions. As with all remotely sensed data, all features should be verified with a site visit. The data are provided "as is," without warranty to their performance, merchantable state, or fitness for any particular purpose. The entire risk associated with the results and performance of these data is assumed by the user. These data should be used strictly as a planning reference and not for navigation, permitting, or other legal purposes.

3 Foot Sea Level Rise Scenarios		
Year	Scenario	Sea Level Rise
2030	Extreme	< 2
2040	Extreme	2
2050	Extreme	2.89
2060	Intermediate High	2.56
2070	High	3.41
	Intermediate High	3.28

Coastline of Sanibel Island

Major Public Facilities

Major Roads

Projected Flooding

Value

1.3 ft

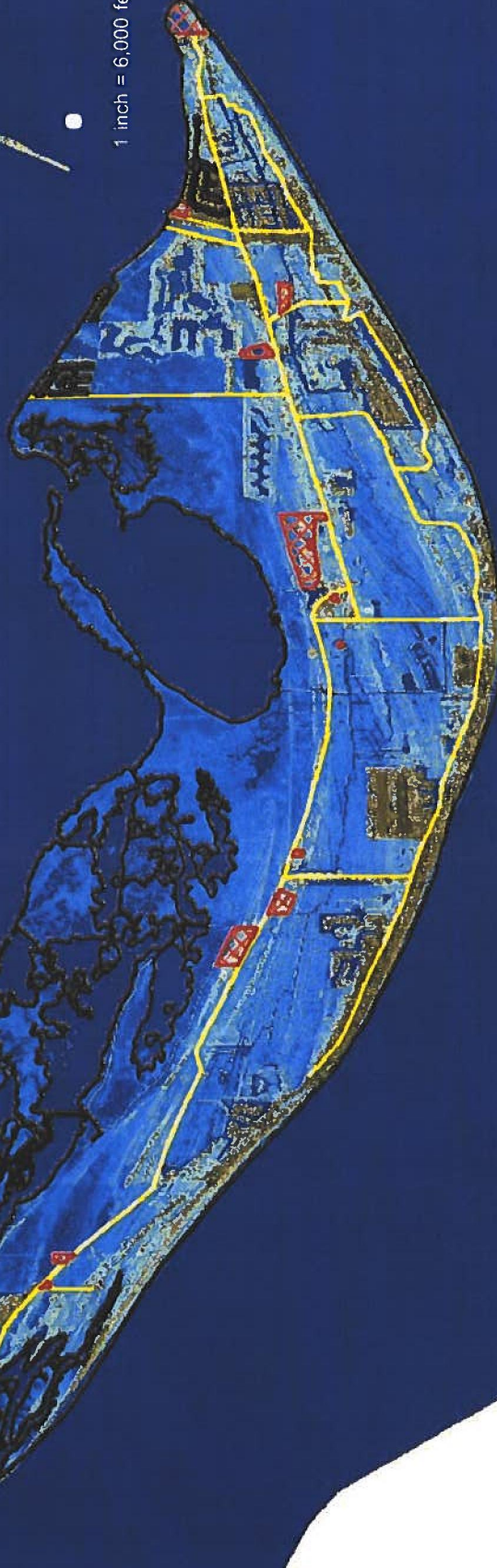
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Projected Inundation with 4-Foot of Sea Level Rise

Illustrative Map



1 inch = 6,000 feet



These data illustrate the scale of potential flooding, not the exact location, and do not account for erosion, subsidence, or future construction. Inundation is shown as it would appear during the highest high tides (excludes wind-driven tides) with the sea level rise amount. These data should be used only as a screening-level tool for management decisions. As with all remotely sensed data, all features should be verified with a site visit. The data are provided "as is," without warranty to their performance, merchantable state, or fitness for any particular purpose. The entire risk associated with the results and performance of these data is assumed by the user. These data should be used strictly as a planning reference and not for navigation, permitting, or other legal purposes.

Legend

- Coastline of Sanibel Island
- Major Public Facilities
- Major Roads

Projected Flooding

Value

1.6 ft

0

4 Foot Sea Level Rise Scenarios		
Year	Scenario	Sea Level Rise
2030	Extreme	< 2
2040	Extreme	2
2050	Extreme	2.89
2060	Extreme	4.06
2070	High	4.46