

CITY OF SANIBEL

ORDINANCE NO. 86 - 42

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF SANIBEL, DESIGNATED IN SECTION I.C.2. OF THE LAND DEVELOPMENT CODE; CREATING A SPECIAL USE DISTRICT FOR LOTS 42, 43, 57, 58, 59, 64, 65, 66, AND 67 OF SANIBEL ESTATES, UNRECORDED UNIT NO. 4, IN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 23 EAST; SPECIFYING THE USES PERMITTED IN AND THE APPLICABLE REGULATIONS FOR SUCH SPECIAL USE DISTRICT; DIRECTING THE CITY MANAGER TO INDICATE SUCH AMENDMENT, WITH REFERENCE TO THIS ORDINANCE, ON THE ZONING MAP; 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 Comprehensive Land Use 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 Comprehensive Land Use Plan; and

WHEREAS, the 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 as to the consistency of such revisions with the Comprehensive Land Use Plan;

NOW, THEREFORE, be it ordained by the Council of the City of Sanibel, Lee County, Florida:

Section 1. The Zoning Map of the City of Sanibel, designated in Section I.C.2 of the Land Development Code, is hereby amended by the creation of a special use district to govern the use and development of Lots 42, 43, 57, 58, 59, 64, 65, 66, and 67 of Sanibel Estates, Unrecorded Unit No. 4, in Section 20, Township 46 South, Range 23 East.

Section 2. The City Manager is hereby directed to make the necessary amendment to the Zoning Map so as to delineate the district hereby created, with reference made on the map to this ordinance.

Section 3. Within the special use district hereby created, the following uses, and only the following uses, shall be permitted:

On lots 42, 43, 64, 65, 66, and 67:

a. A marina docking system, providing mooring spaces for up to 72 boats (which may be up to 65 feet in length), including live-aboard

dock space for up to 18 boats in accordance with Chapter 6 of the Sanibel Code of Ordinances and with occupancy of each of such boats limited to a single family as defined in the Land Development Code, and permitting a continued nonconforming resort housing use of up to 14 of such boats; provided that live-aboard boats may not be owned by the marina itself and may only be occupied by those persons actually leasing the dock space.

b. Charter services for licensed captains and guides.

c. Rentals of small runabouts and sailboats, including instructions and lessons.

d. An outdoor area for dry storage of boats and trailers. A 768 square foot boat repair building for service of boats, boat motors, and sales of motors and boating accessories.

e. A 2,000 square feet showroom, with a protective roof or canopy in accordance with building code requirements, but not necessarily with walls, for the display of boats for sale.

f. A boat ramp for use by marina patrons, on condition that such facility be available to the public, free of charge, upon declaration by the City of an emergency situation necessitating same.

g. Buildings including restrooms, showers, washers, and dryers, all of which may be used only by marina patrons and customers.

h. A 840 square feet ship's store (for the sale of marine fuels, fishing and boating equipment, live bait, sundries, drinks, snacks, and similar items).

i. A snack bar or restaurant of up to 1,000 square feet, with a maximum of 59 seats.

j. Marine fuel pumps.

k. Parking area for automobiles and boat trailers.

l. An outdoor area for servicing boats.

On lots 57, 58, and 59:

a. Parking for automobiles and automobiles with boat trailers.

b. Outdoor dry storage of boats and boat trailers.

Section 4. Within the district hereby created, the following regulations shall govern all uses and development:

a. All principal and accessory buildings shall be set back a minimum of 50 feet from the centerline of North Yachtsman Drive (a

water) abutting the district. No specific setback from an open body of water shall be required, but the location of structures less than 20 feet from an open body of water shall be limited, during development permit approval, to those reasonably necessary for the operation of the marina. The existing storage shed and boat rental building located on Lot 64 need not be relocated to comply with the setback requirements established hereby; however, after the issuance of a development permit for the marina, such structures shall be treated and regulated as nonconforming structures.

b. The maximum land area which may be covered with impermeable surfaces in the district hereby created is 45% of the parcel being developed, exclusive of open bodies of water and road rights-of-way.

c. The maximum developed area, and the maximum area which may be cleared of vegetation, within the district hereby created, shall be 60% of any parcel being developed, exclusive of open bodies of water and road rights-of-way.

d. The hours of operation for boat sales, boat rentals, boat service, lessons, the ship's store, and the snack bar or restaurant are limited to 7:00 A.M. to 7:00 P.M.

e. Boat service areas must be located at least 25 feet from any land area (not open bodies of water) abutting the district.

f. In approving a development permit within this district, the Planning Commission shall determine the number of parking spaces required, taking into account the parking needs of expected employees, customers, clients, patrons, and other visitors, including parking for cars with boat trailers. The requirements of Land Development Code Section I.E.23 shall be used as a guide only. If all uses permitted in this district are developed, the minimum number of required automobile parking spaces for customers, employees, and visitors (not including spaces for boat or trailer storage or parking) shall be 80 automobile parking spaces.

g. No structure may extend into a publicly-owned canal without a license for such obstruction having been approved by the City Council.

h. The drainage plan required for development permit approval must include provisions insuring that water runoff to the abutting canal is reasonably free of gasoline, oils, parking area litter, etc.

1. No development permit may be issued for any parcel in this district unless the development includes the following landscaping buffers, installed in accordance with the requirements of subsections c., d., e., and f. of Section I.G.4 of the Land Development Code:

1. A minimum 15 feet-wide buffer along the south and east sides of Lot 57.
2. A minimum 15 feet-wide buffer along the south and east sides of Lot 59.
3. A minimum 15 feet-wide buffer, except where restricted and impractical because of existing structures and presence of mangrove fringe near canal, along the south side of Lot 64.
4. A minimum 25 feet-wide buffer along the east side of Lot 43. Plants used in this buffer must be ones with a mature height not exceeding 25 feet and must not have an extensive root system which might be capable of damaging the swimming pool on the adjoining property. Plants used in this buffer must be approved by a member of the vegetation committee.
5. Such buffers along lot lines abutting North Yachtsman Drive as the Planning Commission determines to be necessary to satisfy the same purpose and intent as the buffers along public streets for commercial uses as required by subsection I.G.4.b.(1) of the Land Development Code.

j. No development permit shall be issued in this district unless connected to the Sanibel Sewer System.

k. The 1,000-square foot snack bar or restaurant need not be flood-proofed or elevated to base flood elevation in conformance with Section I.E.17 of the Land Development Code, provided that at least three of its four sides have walls consisting of insect screening only.

1. In all land areas where boats, or boats and trailers, are to be kept outdoors in dry storage for more than twenty-four hours, and in all land areas where boats are to be displayed outdoors for sale, adequate provision shall be made for securing such boats and trailers

in the event of a tropical storm. No development permit for such uses shall be approved unless such provisions are sufficient to prohibit unreasonable damage to other properties from storm-caused movement of boats and trailers.

m. No commercial activity other than boat sales and service, boat storage, and boat charter or rentals and instruction and those activities identified in subsection I.G.2.b. of the Land Development Code may be conducted outside of a completely enclosed building unless conditional use approval is obtained.

n. No development permit shall be issued by the Planning Commission for any development within this district unless the approved development includes, in the opinion of the Planning Commission, the implementation of the best alternative for vehicular and pedestrian access and circulation, both internal and external to the parcel being developed.

o. Except as may be specifically inconsistent with the terms of this ordinance, all development and uses of property within the district hereby created shall be in conformance with all requirements of the Land Development Code the same as for a commercial use in the GC, General Commercial, District.

p. This development shall provide a waste-water pump-out facility with standard coupling for marine toilets.

q. In this district there shall be permitted one ground-mounted street graphic for the marina, the same as for a shopping center, except that the maximum size of the street graphic shall be 20 square feet. Individual businesses within the marina shall each be permitted one wall-mounted or projecting street graphic, the same as for individual businesses within a shopping center, but with a maximum size of four square feet. The snack bar or restaurant may not be advertised, by any medium, except as an incidental facility for use by customers of the marina.

r. The required loading space for the restaurant or snack bar may be located within an actual front yard area.

s. Required parking spaces which are located along the west side of North Yachtsman Drive need not comply with any specific setback requirement from North Yachtsman Drive, except that required

by the Planning Commission during development permit approval to accommodate a safe and efficient traffic circulation system.

Section 5. Pursuant to subsection I.D.5.d. of the Land Development Code, this ordinance shall be automatically repealed and revoked, and of no further force and effect, as to any land included within the special use district hereby created, if a development permit for the use of such lands in accordance with this ordinance is not issued within one year from the effective date hereof or if such a development permit is issued but expires, unless the effective period of such rezoning is extended by the City Council by resolution prior to the expiration of the one-year period or of the development permit.

Section 6. 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 7. 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.

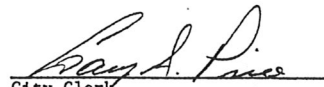
Section 8. Effective Date.

This Ordinance shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the Council of the City of Sanibel, Lee County, Florida, this 21st day of October, 1986.

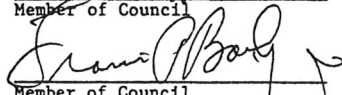
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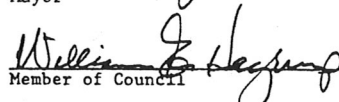

Member of Council


City Clerk


Member of Council


Mayor


Member of Council


Member of Council

October 7, 1986 First Reading

October 9, 1986 Publication Date

October 21, 1986 Second Reading

Filed in the Office of the City Clerk this 21st day of

October, 1986.

Ray L. Price
City Clerk

APPROVED AS TO FORM:

10/22/86
David L. Brown
City Attorney