

CITY OF SANIBEL
ORDINANCE 18-00_

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, SUBPART B LAND DEVELOPMENT CODE, CHAPTER 78 GENERAL PROVISIONS, SECTION 78-1 – RULES OF CONSTRUCTION AND DEFINITIONS BY ADDING LANGUAGE TO DEFINE THE TERM “FILL” FOR PURPOSES OF THE LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CONFLICT AND SEVERANCE; PROVIDING FOR CODIFICATION; 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, grade elevations and vegetation types were key criteria used in defining, mapping, and refining the Ecological Zones Map adopted as part of the Comprehensive Land Use Plan in 1979; and

WHEREAS, the City’s adopted regulations seek to balance the rights of property owners to develop their properties with the community’s need and desire to preserve the integrity and functions of Sanibel’s natural systems; 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, Florida:

SECTION ONE. The Code of Ordinances, Subpart B Land Development Code, Chapter 78 General Provisions, Section 78-1 – Rules of Construction and Definitions, is hereby amended with underlining indicating added language and ~~strikethroughs~~ indicating deletions, as follows:

Sec. 78-1. Rules of construction and definitions.

...

(c) Throughout this Land Development Code, the following words and phrases shall have the meanings indicated unless the text of the article or section in which used clearly indicates otherwise:

...

Fast food restaurant means

Fill means any natural or artificial material placed on real property or in open bodies of water, the placement of which results in altering the existing draining pattern, ground contours, or grade elevations of the real property or the bottom elevation of the open body or water. Fill includes, but is not limited to, dirt, sand, shell, stone, mulch, concrete, rubble, plastics, wood chips, vegetation debris, or similar materials, except that normal and incidental amounts of mulch, compost, or similar organic materials utilized strictly in association with existing landscaping or the installation of individual plants shall not be considered fill, provided that the existing grade elevations and stormwater drainage improvements are not otherwise altered, and provided that these organic materials do not violate any other standards or requirements of this Land Development Code. The foregoing exception shall not apply to soil or other materials placed within planter structures or used to create raised landscape bed areas, which may be considered both fill and developed area as defined herein. See also the definition for "filling" in Chapter 126, Article IX for the Interior Wetlands Conservation District.

Five-year storm means

SECTION TWO. Codification.

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

SECTION THREE. 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 FOUR. 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 _____, 2018.

AUTHENTICATION:

Kevin Ruane, Mayor

Pamela Smith, City Clerk

APPROVED AS TO FORM: _____
Kenneth B. Cuyler, City Attorney _____
Date

Publication and Hearing Dates:

First Reading: _____, 201X

Publication Notice: _____, 201X

Second Reading: _____, 2018

Vote of Council Members:

Ruane _____

Denham _____

Goss _____

Maughan _____

Date filed with the City Clerk: _____