

**CITY OF SANIBEL
ORDINANCE NO. 14-007**

AN ORDINANCE AMENDING THE SANIBEL CODE OF ORDINANCES, SUBPART B, LAND DEVELOPMENT CODE, CHAPTER 86 DEVELOPMENT STANDARDS, ARTICLE II SITE PREPARATION, SECTION 86-42 DETERMINATION OF IMPERMEABLE COVERAGE; BY AMENDING SAID SECTION TO ALLOW, UNDER CERTAIN CONDITIONS, THE USE OF PERMEABLE PAVERS WITHIN THE DRIVEWAYS AND PARKING AREAS OF SINGLE-FAMILY, DUPLEX AND TRIPLEX RESIDENTIAL DEVELOPMENT TO BE CONSIDERED ONE HUNDRED PERCENT (100%) PERMEABLE; 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 *Sanibel 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 *Sanibel Plan*; and

WHEREAS, 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 and the Planning Commission has found such revisions and this Ordinance to be consistent with the *Sanibel Plan*;

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

SECTION 1. The Code of Ordinances of the City of Sanibel, Chapter 86 Development Standards, Article II Site Preparation, Section 86-42 Determination of Impermeable Coverage, is hereby amended to read as follows with underlining indicating additions and strikethroughs indicating deletions:

In residential developments, it is deemed to be desirable to encourage sand and shell driveways and parking areas, because the more natural appearance of such substance is more in harmony with the character of the city as a whole and its emphasis on environmental and aesthetic priorities. The same factors apply to the use of sand and shell within higher density, larger, multi-family residential, mixed-use and commercial development as well. However, the use of such substances in high traffic

projects also entails some inconvenience and maintenance problems in wet weather conditions.

It is similarly deemed desirable to encourage the use of permeable pavers within low density, small scale residential developments such as single family, duplex and triplex because permeable pavers offer an attractive alternative to sand and shell driveways in that permeable pavers can, under appropriate conditions, contribute to the improved handling and treatment of onsite stormwater runoff. In light of the considerations in this section, the following rules shall apply in the determination and limitation of the area of a lot or parcel which may be covered with impermeable surfaces:

- (1) For residential developments, sand or shell driveways and parking areas shall be deemed to be 100 percent permeable, provided that the slope of such surfaces does not exceed one to 12, vertical to horizontal; that is, such areas shall not be counted in the determination of coverage by impermeable surfaces.
- (2) For nonresidential developments, and for developments containing both commercial and residential uses on the same lot or parcel, sand or shell driveways, parking areas, loading areas, and turnaround areas shall be deemed to be 50 percent permeable, provided that the slope of such surfaces does not exceed one to 12, vertical to horizontal; that is, only one-half of such surface areas shall be counted in the determination of coverage by impermeable surfaces.
- (3) For the purposes of this section, the term "driveway and parking area" shall mean that area necessary to provide for safe and convenient access and off-street parking accommodation for the number of vehicles required for the specific use.
- (4) For all new and existing single-family, duplex and triplex residential developments in conformance with the maximum allowed developed area requirements of this Land Development Code, the use of permeable pavers for driveways and parking areas, and the replacement of existing sand, shell, asphalt, brick or concrete driveways and parking areas with permeable pavers, shall be deemed

to be 100 percent permeable, and such areas shall not be counted in the determination of coverage by impermeable surfaces provided that:

a. the pavers are installed to the manufacturer's specifications and are not less than 50% permeable;

b. the slope of such surfaces does not exceed one to 12, vertical to horizontal;

c. a vegetated landscaped buffer at least 10 feet in depth is provided on each side of the driveway, unless the driveway is existing, and is located closer than 10 feet to a side property line, and cannot be relocated in order to comply with this requirement, then the buffer on the one side of the driveway can be less than 10 feet in depth;

d. the required vegetated landscaped buffer areas shall not consist of primarily sod. All installed landscape buffers shall be subject to the maintenance standards of Land Development Code Section 122-75 and the Traffic visibility at driveway intersections requirements of Land Development Code Sec. 126-935.

e. native plant species shall comprise no less than seventy-five percent (75%) of the required vegetated landscape buffer and shall otherwise comply with the required types, numbers, varieties and installation standards of Land Development Code Sections 122-73 and 74.

f. the driveway shall not be curbed or blocked along its sides in order to ensure that stormwater is allowed to drain into the adjacent vegetated landscape buffer;

g. where there is a shared use path, the paver driveway must stop at and abut the interior edge of the path in order to allow for a continuous pathway without any changes in either height or texture;

h. where there is no shared use path, the paver driveway must stop at and abut the paved edge of the roadway, matching the elevation of the roadway at their juncture. The property owner shall be responsible for normal maintenance and repair of the paver driveway; but the City shall either pick-up or replace any disturbed pavers to match the roadway surface whenever the City repaves or resurfaces the roadway; and

i. The City reserves the right to address the use of pavers on driveways and parking areas for residential duplex and triplex structures, on a case by case basis, in order to accommodate the variety of parking layouts that exists or may be employed by such structures and to ensure that the intent of this section is achieved.

~~(53)~~ All other nonnatural surfaces shall be deemed to be 100 percent impermeable unless a developer demonstrates by engineering report or other competent evidence that the surface is less than 100 percent impermeable.

(6) Nothing in this section shall relieve the property owner from the need to meet all other provisions and requirements of this Land Development Code. Furthermore, the use of permeable pavers shall neither create nor further any nonconformity.

~~(Z4)~~ For all buildings, up to a four-foot roof overhang shall not count toward impermeable surface coverage, except for impermeable surfaces located under such overhang.

SECTION 2. Codification.

This ordinance shall be an amendment to the Code of Ordinances of the City of Sanibel. In Chapter 86 of Subpart B of Part II of the Sanibel Code of Ordinances, Section 86-42 of Article II is hereby amended.

SECTION 3. 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 4. 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 5. 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 _____, 2014

AUTHENTICATION:

AUTHENTICATION:

Kevin Ruane, Mayor

Pamela Smith, City Clerk

APPROVED AS TO FORM:

 5/28/14
Kenneth B. Cuyler, City Attorney Date

Publication and Hearing Dates:

Section 163, F.S. Publication Date: _____, 2013

Date of First Public Hearing: _____, 2013

Section 163, F.S. Publication Date: _____, 2013

Ordinance Publication Date: _____, 2013

Date of Second Public Hearing: _____, 2013

Vote of Council Members:

Ruane	_____
Congress	_____
Denham	_____
Harrity	_____
Jennings	_____

Date filed with the City Clerk: _____

RESOLUTION NO. 14-10

CITY OF SANIBEL
PLANNING COMMISSION

A RESOLUTION RECOMMENDING THAT CITY COUNCIL ADOPT AN ORDINANCE AMENDING THE SANIBEL CODE OF ORDINANCES, SUBPART B, LAND DEVELOPMENT CODE, CHAPTER 86 DEVELOPMENT STANDARDS, ARTICLE II SITE PREPARATION, SECTION 86-42 DETERMINATION OF IMPERMEABLE COVERAGE; BY AMENDING SAID SECTION TO ALLOW, UNDER CERTAIN CONDITIONS, THE USE OF PERMEABLE PAVERS IN DRIVEWAYS AND PARKING AREAS OF SINGLE-FAMILY, DUPLEX AND TRIPLEX RESIDENTIAL DEVELOPMENT TO BE CONSIDERED ONE HUNDRED PERCENT (100%) PERMEABLE; PROVIDING FOR CONFLICT AND SEVERANCE; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE. APPLICATION NO. 14-7983LDC.

WHEREAS, a public hearing on the proposed ordinance referenced in the above title was legally and properly advertised and held on May 27, 2014 before the Sanibel Planning Commission; and

WHEREAS, the Planning Commission has heard and considered comments and recommendations from the Planning Department staff, the Land Development Code Review Subcommittee and the 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.

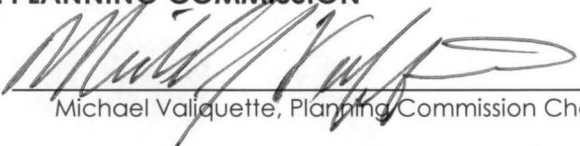
NOW THEREFORE, BE IT RESOLVED that the Planning Commission finds that proposed Ordinance No. 14-007 is consistent with the Sanibel Plan and meets the above referenced requirements and recommends that the City Council adopt said Ordinance, the title of which is provided herein this Resolution.

The foregoing Resolution was adopted by the Planning Commission upon a motion by Chuck KETTAMAN and seconded by Phil MARKS and the vote was as follows:

Chris Heidrick	<u>YES</u>	Holly Smith	<u>YES</u>
Chuck Kettaman	<u>YES</u>	John Talmage	<u>YES</u>
Tom Krekel	<u>EXCLUDED</u>	Michael Valiquette	<u>YES</u>
Phillip Marks	<u>YES</u>		

DULY PASSED AND ADOPTED this 27TH day of May 2014.

SANIBEL PLANNING COMMISSION

Signed: 
Michael Valiquette, Planning Commission Chair

5/27/2014
Date Signed

Approved As To Form: 
Kenneth B. Cuyler, City Attorney

5/22/14
Date Signed

Date Filed With City Manager: 5/27/2014