

**CITY OF SANIBEL
ORDINANCE 23-013**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO ENSURE COMPLIANCE WITH THE NATIONAL FLOOD INSURANCE PROGRAM, BY AMENDING CHAPTER 94, FLOODS, ARTICLE III, FLOOD-RESISTANT DEVELOPMENT, DIVISION 5, RECREATIONAL VEHICLES AND PARK TRAILERS, SECTION 94-181, TEMPORARY PLACEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 28, 2022, Hurricane Ian made landfall on the City of Sanibel as a strong Category 4 hurricane, causing catastrophic property damage; and

WHEREAS, damages directly impacting the City of Sanibel include widespread destruction and major damage to private property that previously housed Sanibel residents; and

WHEREAS, the City of Sanibel participates in the National Flood Insurance Program (NFIP); and

WHEREAS, the Florida Department of Emergency Management identified language in Emergency Ordinance 22-011 which required clarification to be consistent with the NFIP; and

WHEREAS, the City Council finds this ordinance to be necessary and appropriate based upon the unprecedented damage from Hurricane Ian and the lack of viable temporary housing options on Sanibel for residents trying to repair or rebuild their dwellings; and

WHEREAS, the Planning Commission held a legally and properly advertised public hearing on April 25, 2023, at which the Planning Commission heard and considered comments and recommendations from the Planning Staff and the public pertaining to a draft amendment related to revisions to ensure compliance with the national flood insurance program (NFIP) relating to the temporary placement of recreational vehicles and park trailers; and

WHEREAS, the Planning Commission found the proposed amendments to the Land Development Code as indicated below are consistent with the Sanibel Plan and meet the requirements of LDC Section 82-241, and recommended by a vote of 6 to 0 that the City Council adopt said amendments in the form of an ordinance, the substance of which follows below; and

WHEREAS, the ordinance included below has been updated regarding the time limitations for post-natural disaster temporary uses based upon an additional advisory meeting with the Florida Department of Emergency Management (FDEM) subsequent to the Planning Commission hearing.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SANIBEL, FLORIDA:

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

SECTION 2. Chapter 94, Article III, Division 5, Section 94-181 is hereby amended to read as follows, with additions indicated by underlining and deletions indicated by ~~strikethrough~~:

Chapter 94 – FLOODS

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ARTICLE III. – FLOOD-RESISTANT DEVELOPMENT

...

DIVISION 5. – RECREATIONAL VEHICLES AND PARK TRAILERS

Sec. 94-181. – Temporary placement.

Notwithstanding other provisions of this code, recreational vehicles and park trailers may be placed temporarily~~for habitation~~ in flood hazard areas within residential districts and lawfully existing recreational vehicle parks and mobile/manufactured home parks, subject to the following conditions:

- (1) If within a lawfully existing recreational vehicle park or mobile/manufactured home park, the recreational vehicle or park trailer may only be on the site for fewer than 180 consecutive days or meet the requirements of subsection (3).
- (2) If within a residential district, placement and use shall be authorized, ~~if at all,~~ only in connection with a state or federally-declared disaster within the City of Sanibel, and only subject to the following ~~additional~~ conditions:
 - a. Authorization shall be by temporary use permit, issued in accordance with chapter 126, article III, temporary use permits and shall be considered only for those properties where the ~~whose~~ dwelling sustained damaged from the declared disaster, that rendered rendering it uninhabitable. The temporary use permit may be considered under an expedited permitting process which waives the requirement for planning commission approval of a temporary use permit, if authorized by the city manager or their designee.
 - b. Such recreational vehicle or park trailer may ~~not be rented on a short or long term basis and may only~~ be occupied only by the owner and associated household members of the residential parcel on which it is placed, or by the tenant of the damaged dwelling who held a lease prior to the natural disaster.
 - c. ~~The recreational vehicle or park trailer may only be approved for an initial 180 day period from the date of the declared disaster. Under compelling circumstances, the time limitation may be extended by the city manager or their designee up to an additional 180 days or the date on which the user's damaged dwelling is rendered habitable, whichever is less.~~
- (3) All recreational vehicles and park trailers shall ~~Shall~~ be fully licensed and ready for highway use, which means the recreational vehicle or park trailer is on wheels or jacking system (wheel-based unit), is attached to the site only by quick-disconnect type utilities and security devices for water, sewer, and electric, and has no permanent attachments such as additions, rooms, stairs, decks, and porches.

SECTION 3. Codification. The City Manager is hereby authorized and directed to indicate these amendments in future City Code publications.

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. 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 6. Effective date. This Ordinance shall be effective immediately upon adoption.

APPROVED AT FIRST READING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA THIS 6TH DAY OF JUNE 2023.

SCHEDULED FOR SECOND READING AND PUBLIC HEARING THE 18TH DAY OF JULY 2023.

Attest:

Scotty Lynn Kelly, City Clerk

Richard Johnson, Mayor

Approved as to form and legality:

John D. Agnew, City Attorney

Date filed with City Clerk: _____

Vote of Council Members:

Johnson _____
Miller _____
Crater _____
Henshaw _____
Smith _____

First Reading: June 6, 2023
Publication Date: _____
Second Reading: _____