

9:15 A.M. 8.

First Reading and Public Hearing

- a. **ORDINANCE 11-003 AMENDING THE CODE OF ORDINANCES, SUBPART B LAND DEVELOPMENT CODE, IN CHAPTER 126 ZONING, ADDING, AMENDING AND RENUMBERING SECTIONS IN ARTICLE XII RESORT HOUSING DISTRICT AMENDING SECTION 126-631 RELATED TO UPDATE THE REFERENCE TO THE RESORT HOUSING DISTRICT MAP; AND AMENDING SECTION 126-632 FINDINGS TO ADD FINDINGS RELATED TO THE MAINTENANCE OF THE RESORT HOUSING DISTRICT; AND AMENDING SECTION 126-633 PURPOSES, INTENT AND OBJECTIVES TO UPDATE THE OBJECTIVES FOR THE DISTRICT; AND ADDING A NEW SECTION 126-634 DEFINITIONS TO DEFINE REDEVELOPMENT, RECONSTRUCTION AND REHABILITATION IN THE RESORT HOUSING DISTRICT; AND RENUMBERING SECTION 126-634 PERMITTED USES AS 126-635; AND ADDING A NEW SECTION 126-636 DEVELOPMENT INTENSITY TO ALLOW EXISTING HOTELS, MOTELS OR RESORT CONDOMINIUMS THAT ARE REDEVELOPED IN ACCORDANCE WITH THE *SANIBEL PLAN* AND THE LAND DEVELOPMENT CODE TO MAINTAIN UP TO THEIR EXISTING DENSITY, PROVIDED THAT REDEVELOPED HOTELS, MOTELS OR RESORT CONDOMINIUMS COMPLY WITH SPECIFIC CONDITIONS; AND AMENDING SECTION 126-635 DEVELOPMENT REGULATIONS TO RENUMBER THE SECTION AS 126-637 AND TO CLARIFY STANDARDS FOR RECREATIONAL OPEN SPACE, HEIGHT LIMITS, LIMITS ON COVERAGE WITH IMPERMEABLE SURFACES, DEVELOPED AREA AND VEGETATION REMOVAL AND SETBACKS IN THE RESORT HOUSING DISTRICT AND TO ADD STANDARDS GENERALLY AND FOR MAINTENANCE OF COMMUNITY CHARACTER AND HISTORICALLY SIGNIFICANT STRUCTURES AND TO ADD STANDARDS FOR BEST ECOLOGICAL PRACTICES AND SURFACE WATER MANAGEMENT; AND RENUMBERING SECTION 126-636 RESORT HOUSING ACCESSORY BEACH EQUIPMENT REQUIREMENTS AS 126-638; AND IN CHAPTER 126 ZONING, ARTICLE XIV SUPPLEMENTAL DISTRICT**

REGULATIONS, DIVISION 3 BUILDING AND AREA REQUIREMENTS, SUBDIVISION I IN GENERAL AMENDING SECTION 126-939 STANDARD MINIMUM DISTANCE BETWEEN BUILDINGS TO EXEMPT RECONSTRUCTED BUILDINGS IN THE RESORT HOUSING DISTRICT FROM THIS STANDARD; AND IN CHAPTER 86 DEVELOPMENT STANDARDS, ARTICLE III RESIDENTIAL, DIVISION 3 UNIFIED RESIDENTIAL HOUSING, SUBDIVISION III MULTIFAMILY HOUSING AMENDING SECTION 86-163 MAXIMUM NUMBER OF DWELLING UNITS TO REVISE THIS STANDARD FOR RECONSTRUCTED BUILDINGS IN THE RESORT HOUSING DISTRICT; AND IN CHAPTER 126, ZONING, ARTICLE V NONCONFORMANCES, DIVISION 2 USES AMENDING SECTION 126-152 EXCEPTIONS AND PROHIBITIONS TO PROVIDE ADDITIONAL EXCEPTIONS FOR BUILDINGS IN THE RESORT HOUSING DISTRICT; AND IN CHAPTER 126, ZONING, ARTICLE V NONCONFORMANCES, DIVISION 3 STRUCTURES AMENDING SECTION 126-172 IMPROVEMENT, RECONSTRUCTION OR RELO-CATION PROHIBITED; EXCEPTIONS TO PROVIDE ADDITIONAL EXCEPTIONS FOR BUILDINGS IN THE RESORT HOUSING DISTRICT; AND IN CHAPTER 82 ADMINISTRATION, ARTICLE IV DEVELOPMENT PERMITS, SUBDIVISION II SHORT-FORM, AMENDING SECTION 82-401 APPLICATIONS TO INCLUDE ADDITIONS TO EXISTING BUILDINGS OR STRUCTURES THAT ARE REQUIRED TO MEET FEDERAL OR STATE REQUIREMENTS FOR THAT USE TO THE LIST OF DEVELOPMENT ACTIVITIES ELIGIBLE FOR SHORT-FORM APPLICATIONS; AND PROVIDING FOR CONFLICT AND SEVERANCE; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE



Redevelopment in the Resort Housing District

Presentation Prepared by
the Planning Department
May 3, 2011



Sanibel Plan Section 3.6.2 Land Use

- **Development Intensity**

The constraints imposed by the need for hurricane safety, adequate delivery of services and natural resource protection clearly demonstrate that unlimited future population growth would be hazardous to health, safety and welfare of the public. To minimize these hazards it is essential to limit the total number of dwelling units to approximately 9,000 units.



Sanibel Plan Section 3.6.2 Land Use

- **Plan for Development Intensity**

During this planning period, the City will pursue a **Redevelopment Planning Work Program** that will evaluate how redevelopment or modernization of existing nonconforming properties can occur within the framework of the *Sanibel Plan*. There is a need to identify strategies to address redevelopment that balance property rights with environmental, public safety and community welfare considerations.



Sanibel Plan Section 3.6.2 Land Use

- **Resort Housing**

The City does need to consider steps to retain existing dwelling units in motels, hotels and inns so that when build-back or redevelopment occurs on these properties, the properties are redeveloped as motels, hotels and inns.

A motel, hotel or resort complex can build back the existing number of units if the buildings are substantially damaged by a natural disaster. **Perhaps, a motel, hotel or resort complex should be allowed, with appropriate restrictions, to redevelop up to the existing number of units if the number of units exceeds the number allowed by the Development Intensity Map.**



City Council

**Identified the “Key Ingredients”
for Redevelopment in the Resort
Housing District
March 16, 2010**



Land Development Code Review Committee

- 14 meetings to address issues and hear public comments
- Directed preparation of the pending Ordinance



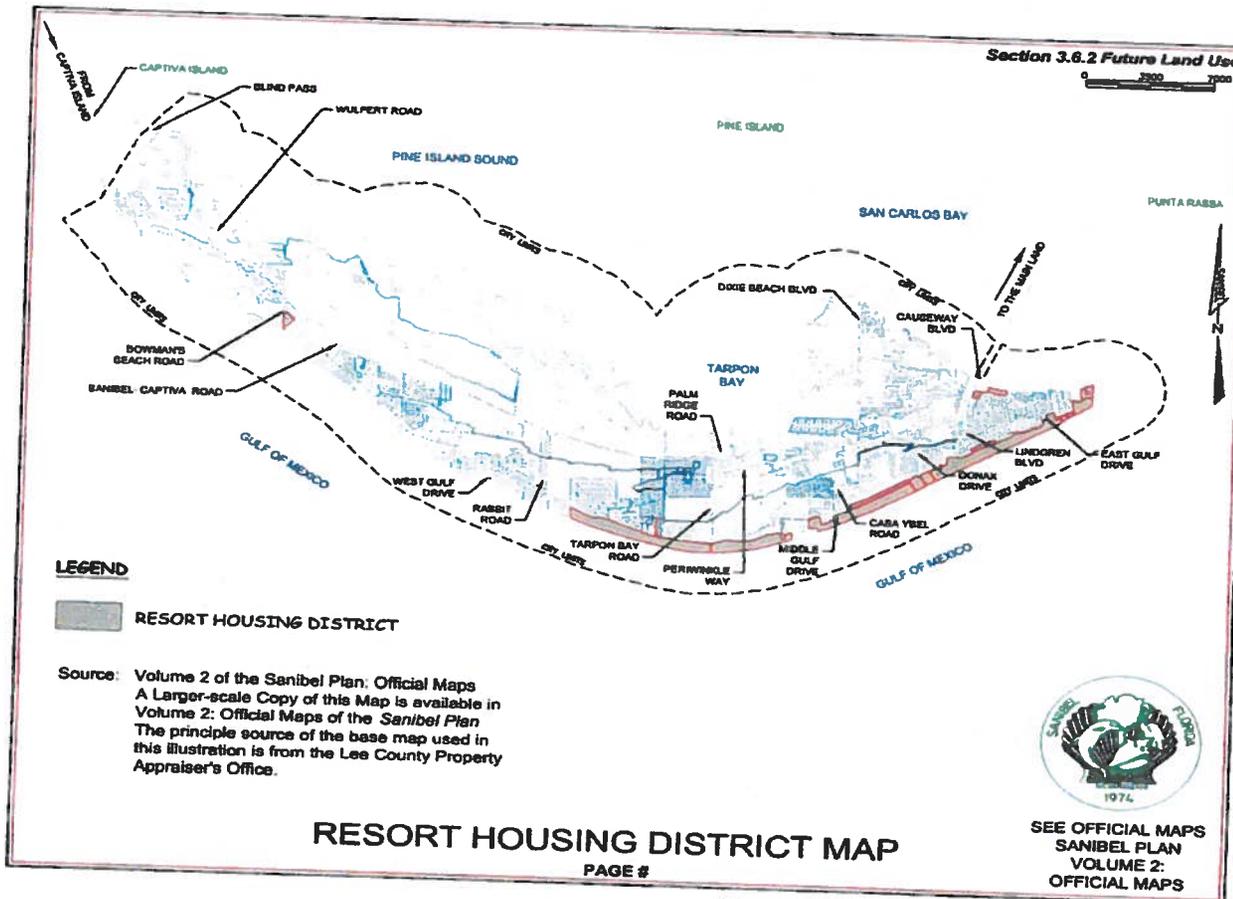
Planning Commission

Findings of Adopted PC Resolution No. 11-05

- Pending Ordinance is consistent with the *Sanibel Plan*, with the possible exception of permitting limited redevelopment (replacement) of accessory structures in the Gulf Beach Zone (*Sanibel Plan*; Section 3.2.1 Coastal Zone Protection; Policy 3.1).
- Pending Ordinance may exceed City Council authorization (“Key Ingredients”) in two areas:
 - (1) permitting limited redevelopment (replacement) of accessory structures in the Gulf Beach Zone
 - (2) permitting redeveloped residential buildings in the Resort Housing District to be 33’ above the Base Flood Elevation, but not higher than 49.8’ NAVD

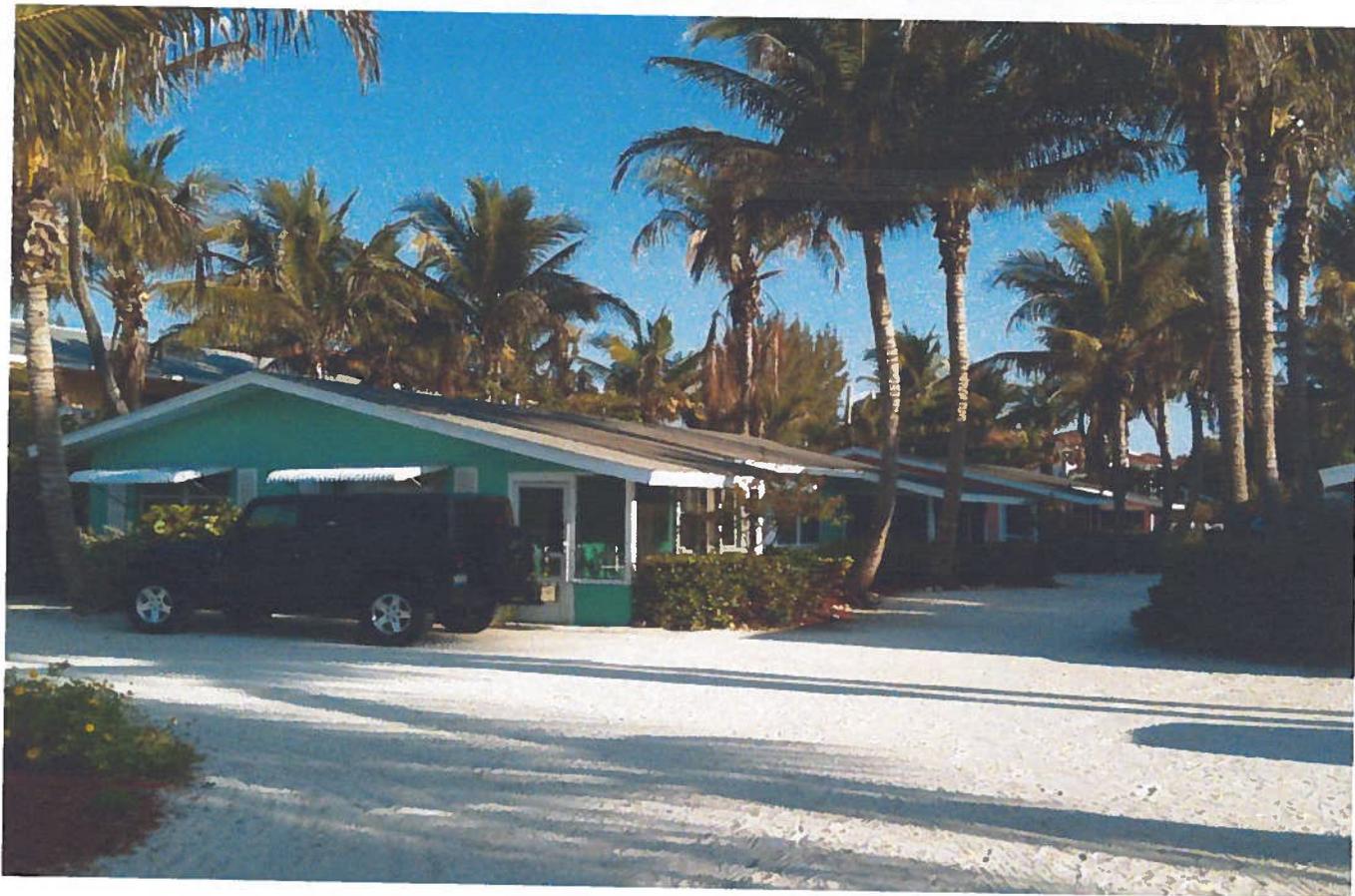


Resort Housing District Map





Waterside Cottages





Summary of Data and Analysis

- **2566 Resort units** in 62 developments, representing 68% of housing stock in Resort Housing District
- **654 Motel, Inn and Cottage** units in 11 developments, representing 17 % of housing stock in Resort Housing District
- **380 Timeshare units** in 12 developments, representing 8% of the housing stock in Resort Housing District



**PROPOSED REGULATIONS
FOR REDEVELOPMENT
IN THE
RESORT HOUSING DISTRICT**



Findings

- For the past 25 years, virtually all new development in the Resort Housing District has been non-resort residential uses.
- The City recognizes the need to retain an adequate inventory of short-term occupancy units in support of the local economy, including maintenance of property values.
- Virtually all existing resort housing developments in the Resort Housing District exceed the limits established on the Development Intensity Map.
- **The City recognizes the incentive that is created by permitting redevelopment of existing resort uses at existing densities.** These existing densities are within the levels of service standards for public facilities established in the *Sanibel Plan*.
- The City recognizes the need to facilitate both reconstruction and rehabilitation of existing resort developments in the Resort Housing District, to improve building safety and compliance with the Building Code and flood regulations and to maintain the character of the community.



Purposes, Intent and Objectives

- **Maintain a reasonably compact and contiguous Resort Housing District.**
- **Allow developments located within the Resort Housing District to make improvements to aging buildings and structures and to replace aging buildings and structures, provided there is no change of use, in order to:**
 - **encourage the retention of short-term rental units**
 - **provide opportunities for upgrading resort accommodations**
 - **improve building safety**



Definitions

- **Redevelopment** means the discretionary act of reconstruction or substantial improvement.
- **Reconstruction** means the demolition and removal of existing buildings and structures that are replaced by new buildings and structures.
The substantial improvement of an existing building, including compliance with flood regulations, is considered reconstruction.
- **Rehabilitation** means the modernization, enhancement, restoration or updating associated with improving either the physical appearance or condition of an existing building or structure, including all typical components and systems.
Rehabilitation shall not be deemed redevelopment unless it constitutes a substantial improvement.



Development Intensity

- The Development Intensity Map of the Future Land Use Map Series of the *Sanibel Plan* establishes the limits of density (maximum number of dwelling units) on lands in the Resort Housing District. Section 126-242 incorporates both the Development Intensity Map and the Resort Housing District Map into the Land Development Code.
- This Section of the Land Development Code **implements a redevelopment strategy that balances property rights with environmental, public safety and community welfare considerations and encourages retention of resort housing units (hotel, motel and resort condominium units)**, when these resort housing properties redevelop.
- Existing developments that exceed the number of units permitted by the Development Intensity Map, are nonconforming. These units are permitted “to continue until they are eventually removed”.



Development Intensity (Cont'd.)

- To maintain the stock of short-term occupancy units in the City, **existing hotels, motels or resort condominiums that are rehabilitated or redeveloped are allowed to maintain up to their existing density**, provided that redeveloped hotels, motels or resort condominiums shall:
 - Not exceed the square footage of the habitable area that existed in the prior development
 - Continue the short-term occupancy use of that prior development



Development Intensity (Cont'd.)

- To maintain the stock of short-term occupancy units in the City without increasing the development intensity of the redeveloped site, existing hotels, motels or resort condominiums that are redeveloped in accordance with the *Sanibel Plan* and the Land Development Code are allowed to maintain the presumed average occupancy rate of the prior development, calculated pursuant to Section 86-71.
- When existing hotels, motels or resort condominiums maintain short-term occupancy at the time they redevelop, they can maintain up to their existing number of units. **When existing hotels, motels or resort condominiums change the use to limit short term occupancy at the time they redevelop, they must conform to the limits established by the Development Intensity Map.**
- **Developments, that exceed the number of units permitted by the Development Intensity Map, remain nonconforming.**



Coverage with Impermeable Surfaces, Developed Areas and Vegetation Removal

- **Developments in the Resort Housing District that are nonconforming** because they exceed the limits established for the maximum amount of coverage with impermeable surfaces, developed areas and vegetation removal **are permitted to add impermeable surfaces and developed area and remove vegetation, provided that these improvements include:**
 - **The removal of an equal amount of existing** (unneeded/ unrequired) **impermeable surfaces and development area** (one square foot removed for every one square foot added)
 - **Restoration of these areas where impermeable surfaces and developed areas are removed** by:
 - a. Planting native vegetation; and
 - b. Supplementing on-site stormwater retention volume.



Coverage with Impermeable Surfaces, Developed Areas and Vegetation Removal (Cont'd.)

- **Developments, that exceed limitations** on the amount of coverage with impermeable surfaces, developed areas and vegetation removal permitted by the Ecological Zones Map, **can rehabilitate and make improvements** pursuant to Section 126-172; **however, these developments remain nonconforming.**



Height Limits for Buildings

- Minor revision to method to adjust height limit to accommodate the recent increase to the Base Flood Elevation, **not specifically authorized by City Council (“Key Ingredients”)**.
 - **The height of buildings will not exceed three stories above the base flood elevation.** This limitation is established by Policy 1.1 in the *Scenic Preservation Element* (Section 3.2.5) of the *Sanibel Plan*.
 - **In the Resort Housing District, the maximum height of buildings shall not exceed 33 feet above the base flood elevation** of the FEMA Flood Insurance Rate Map (FIRM) or the Florida Building Code for buildings located seaward of the State’s Coastal Construction Control Line (CCCL), whichever is higher. **However, no building in the Resort Housing District can exceed height greater than 49.8 feet NAVD (or 51 feet NGVD).**



Background on Height Limit 1976 to 1991

The *Sanibel Plan* and Land Development Code have generally provided 33 feet of building height to construct three-story multi-family structures.

The height limit for buildings in the original *Sanibel Plan* was 45 feet.

The typical base flood elevation (BFE) along the Gulf Coast was 11 feet to 12 feet (Federal Flood Insurance Rate Map (FIRM - 1979).

The resultant building height above the base flood elevation was 33 feet.

$$45' - 12' = 33'$$



Background on Height Limit 1976 to 1991

In 1991, the State relocated the Coastal Construction Control Line landward into the Gulf Beach Ridge Zone, thus affecting development along Sanibel's Gulf coast.

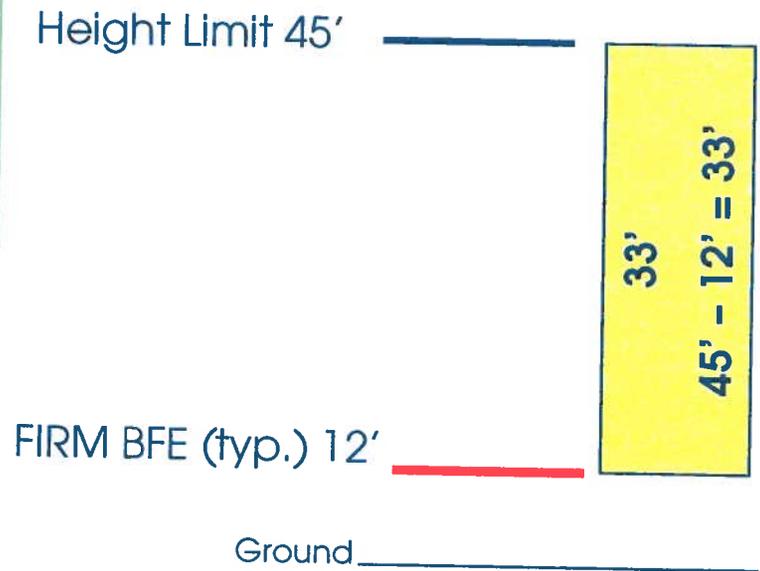
The State's base flood elevation is typically 18 feet along the Gulf coast. (The FIRM BFE remained typically 12 feet.)

Application of the State's higher base flood elevation effectively reduced the maximum height permitted for buildings above the base flood elevation to 27 feet.

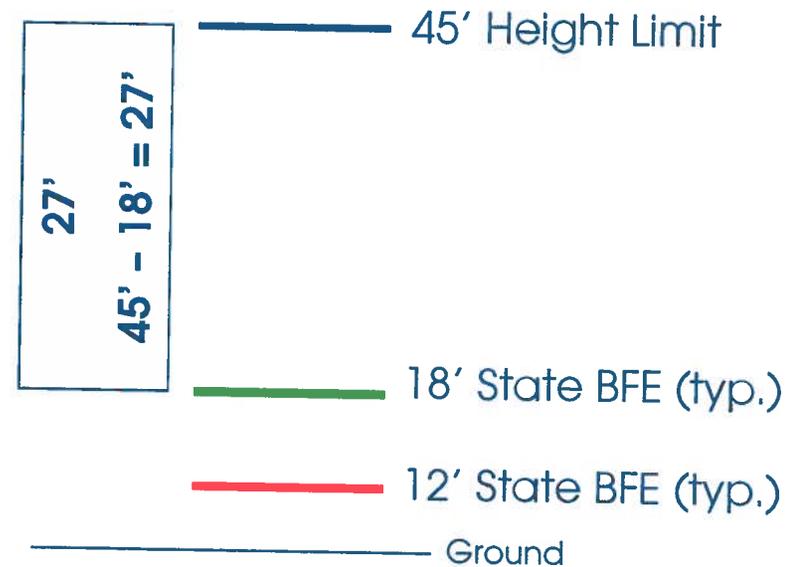
$$45' - 18' = 27'$$



Background on Height Limit 1976 to 1991



1976 - 1991



1991

BFE = Base Flood Elevation
FIRM = Flood Insurance Rate Map



Background on Height Limit The 1991 Adjustment

To adjust the height limit for buildings and re-establish 33 feet above the base flood elevation as the typical height limit for buildings:

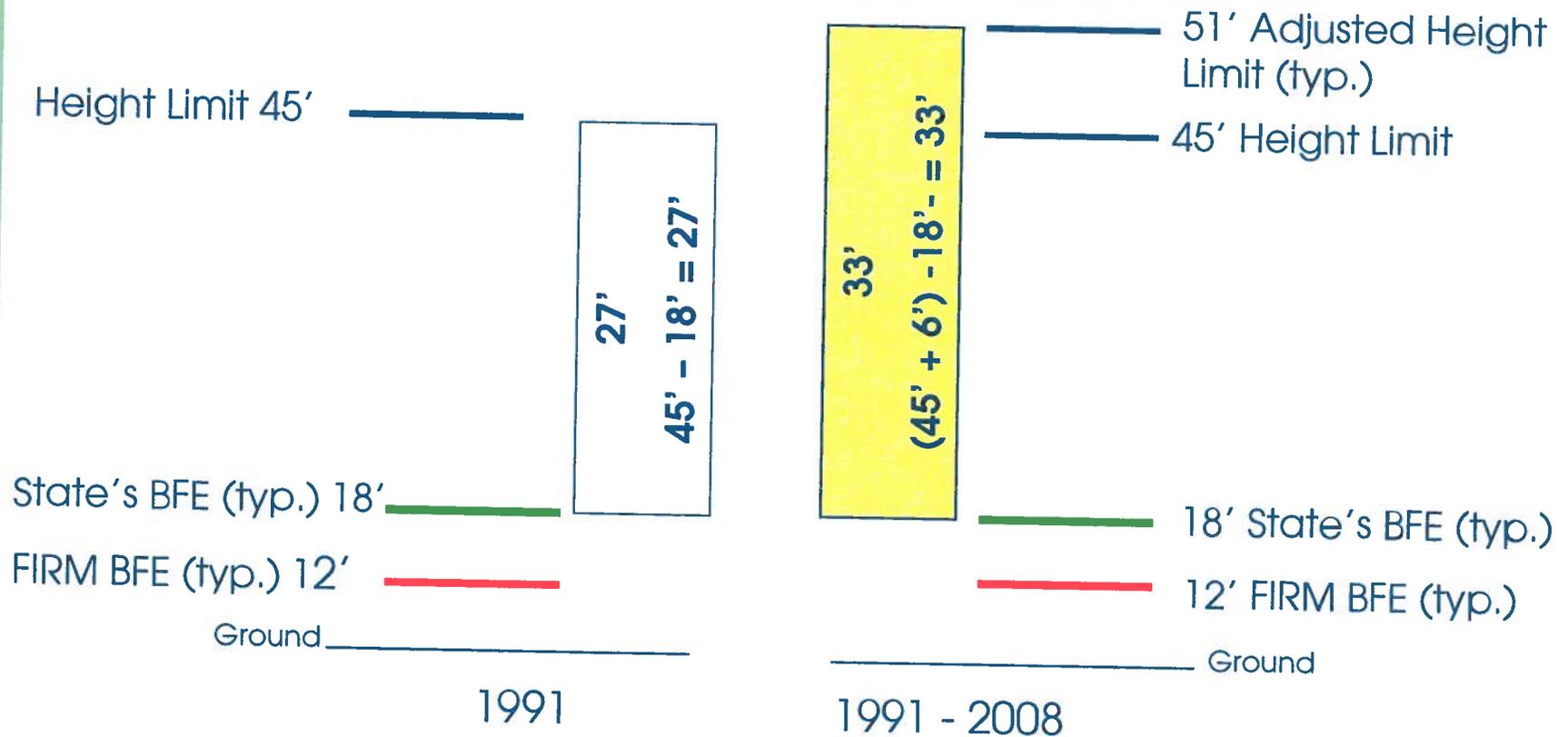
- The *Sanibel Plan* was amended to limit building height to three-stories above the base flood elevation (rather than 45').
- The Land Development Code was amended to allow the height of buildings in the Resort Housing District to exceed 45 feet by the difference between the FIRM's base flood elevation (12' typ.) and the State's base flood elevation (18' typ.)

This 6-foot difference (typical) in base flood elevations is permitted above the 45 foot height limit.

$$(45' + 6') - 18' = 33'$$



Background on Height Limit The 1991 Adjustment



BFE = Base Flood Elevation
FIRM = Flood Insurance Rate Map



Background on Height Limit The 1991 Adjustment

The few three-story multi-family buildings constructed in the Resort Housing District since 1991 have been permitted a maximum height of 51 feet (typ.)

The resultant build height above the base flood elevation is 33 feet (typ.)



Wedgewood Condominium





Background on Height Limit Current Regulation

The 2008, FEMA's new Flood Insurance Rate Map (FIRM) raised base flood elevations along Sanibel's Gulf front to 16 feet (typ.)

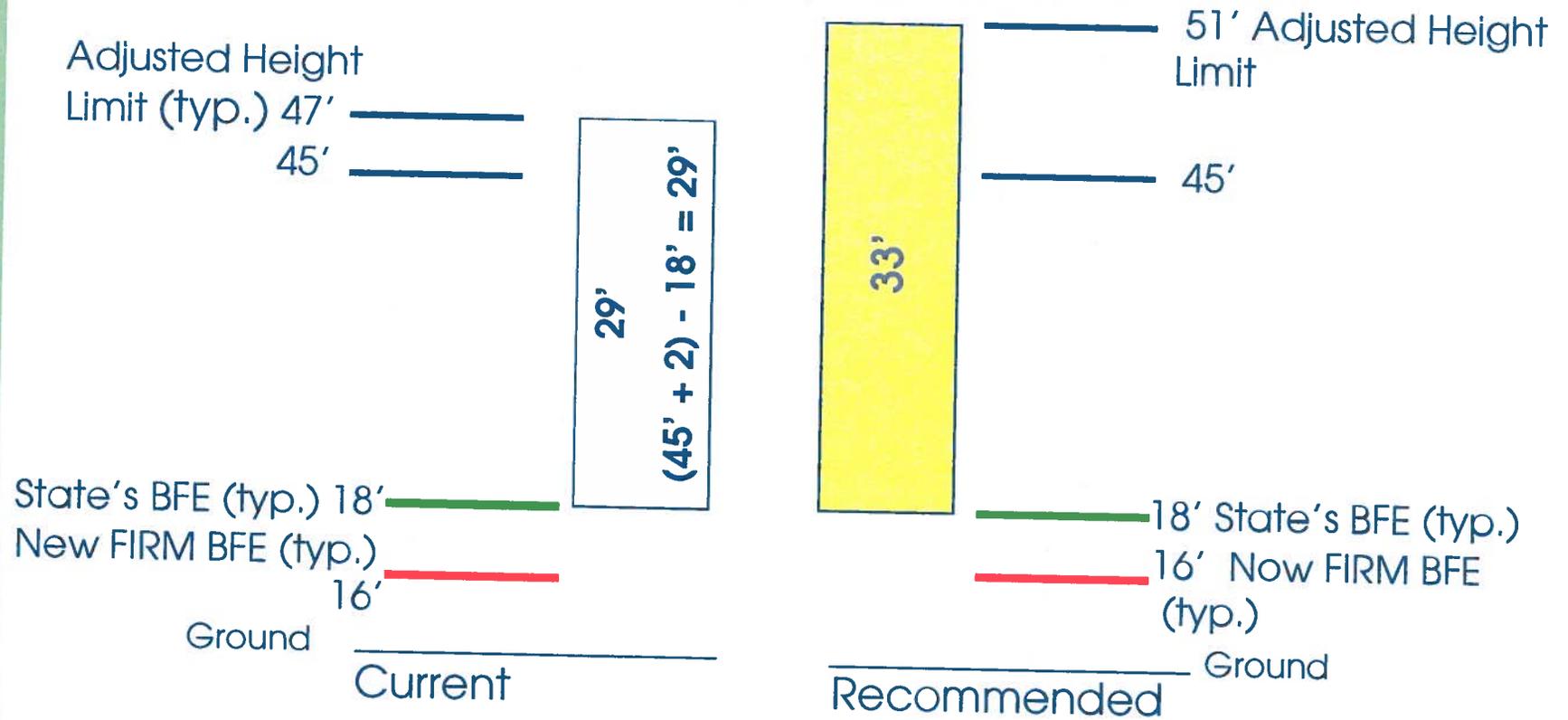
This increase in the FIRM's base flood elevation reduces the difference between the FIRM's and the State's base flood elevations to about 2 feet.

Today, a new or redeveloped multi-family building in the Resort Housing District would typically be permitted to exceed 45 feet by only 2 feet. **The resultant height of the building would typically be 29 feet above the base flood elevation.**

$$(45' + 2') - 18' = 29'$$



Background on Height Limit Current and Recommended



BFE = Base Flood Elevation
FIRM = Flood Insurance Rate Map



Background on Height Limit Current and Proposed

To restore the height limit for multi-family buildings in the Resort Housing District, the pending Ordinance recommends:

In the Resort Housing District, the maximum height of Buildings shall not exceed 33 feet above the base flood elevation of the FEMA Flood Insurance Rate Map (FIRM) or the Florida Building Code for buildings located seaward of the State's Coastal Construction Control Line (CCCL), whichever is higher. However, no building in the Resort Housing District can exceed height greater than 49.8 feet NAVD (or 51 feet NGVD).



Minimum Setbacks from Roadways and Property Lines

- The minimum setbacks for development in the Resort Housing District are established by the underlying Ecological Zones. These setbacks are in effect in the Resort Housing District for all development, including reconstruction and rehabilitation activities.
- Pursuant to Policy 3.1 in the Coastal Zone Protection Element (Section 3.2.1) of the *Sanibel Plan*, new development and redevelopment in the Gulf Beach Zone (i.e. seaward of the 1974 Coastal Construction Control Line) is prohibited.
- Reconstruction of buildings in existing developments in the Resort Housing District is not subject to the minimum distance between buildings standard in Section 126-939.



Standard Minimum Distance Between Buildings

- In all zoning districts, **except for the reconstruction of buildings in the Resort Housing District**, the minimum distance between any two buildings on the same lot shall vary according to the length, height and orientation of such buildings. Such minimum distance shall be either 20 feet or the distance required under the formula provided in Section 126-939, whichever is greater:



Maximum Number of Dwelling Units in a Building

- Except in Below Market Rate Housing developments, no single building in the multifamily development shall contain more than ten dwelling units. No single building in a Below Market Rate Housing development shall contain more than 12 dwelling units.
- **For the reconstruction of buildings in the Resort Housing District, buildings may contain more than ten dwelling units.**



On-site Surface Water Management

- **For the reconstruction of Resort Developments, full compliance with surface water management standards is required, pursuant to Chapter 118.**
- **For existing Resort Developments mitigation is required for additional development that impacts the existing surface water management system.**



Recreation Open Space

- **When short-term rental units are reconstructed in the Resort Housing District at a density that is greater than five units per acre, that development shall provide a minimum of 28,000 square feet of recreational open space per acre.**
- **Land areas occupied solely by bona fide best ecological practices, i.e. “green technologies” are included as required recreation open space.**



Vegetation and Gulf Beach Restoration

- **For redevelopment in the Resort Housing District:**
 - **Roadside buffers are required along collector and arterial roadways, pursuant to Section 122-72, for reconstruction activities.**
 - **Restoration of the Gulf Beach Zone is required for reconstruction activities.**
 - **Removal of invasive exotic species of plants, except for minor improvements defined in Chapter 122, is required for reconstruction and rehabilitation activities.**
 - **To protect the beach dune system and beach vegetation that are essential for continued preservation of the shore line, accessway(s) to the beach are required for reconstruction activities.**



Community Character

- **Reconstructed buildings and structures shall comply with the requirements of Section 86-43 Appearance of Structures, Size and Mass of Structures.**

No change to Section 86-43

Must be compatible with the City as a whole



Historically Significant Buildings

- Historically significant buildings identified on the Local Register of Historic Sites and Structures shall be subject to the procedures and requirements of Chapter 98 Historic Structures.
- Pursuant to Policy 1.5 in the Historic Preservation Element (Section 3.2.4) of the *Sanibel Plan*, **retain the natural character of the Gulf beaches for their significant contribution to the historical character of the City of Sanibel.**
- No units are currently on the Historic Register; however, the lodge at Island Inn may qualify for the Register.



Best Ecological Practices

- The City is receptive to new technologies that can save resources and promote efficiencies; however, even “best ecological practices, i.e. “green technologies” have to be consistent with the *Sanibel Plan*, compliant with the Land Development Code and designed in a manner that is compatible with the character of the community.
- **Land areas that are occupied by facilities that are bona fide “best ecological practices” are to be included as required recreation open space.**



Nonconformances

Structures

- Revised to provide greater flexibility for rehabilitation.

Uses

- Reconstruction of pools & accessory structures in Gulf Beach Zone was **not authorized by City Council directions** (“Key Ingredients”).
- No redevelopment allowed in Gulf Beach Zone (*Sanibel Plan*; Section 3.2.1. Coastal Zone Protection; Policy 3.1).



Exceptions for Nonconforming Uses

- No existing structure devoted to a use not permitted in the district in which it is located shall be improved, enlarged, extended, moved, or structurally altered, except in changing the use of the structure to a use permitted in the district in which it is located, subject to the following exceptions:



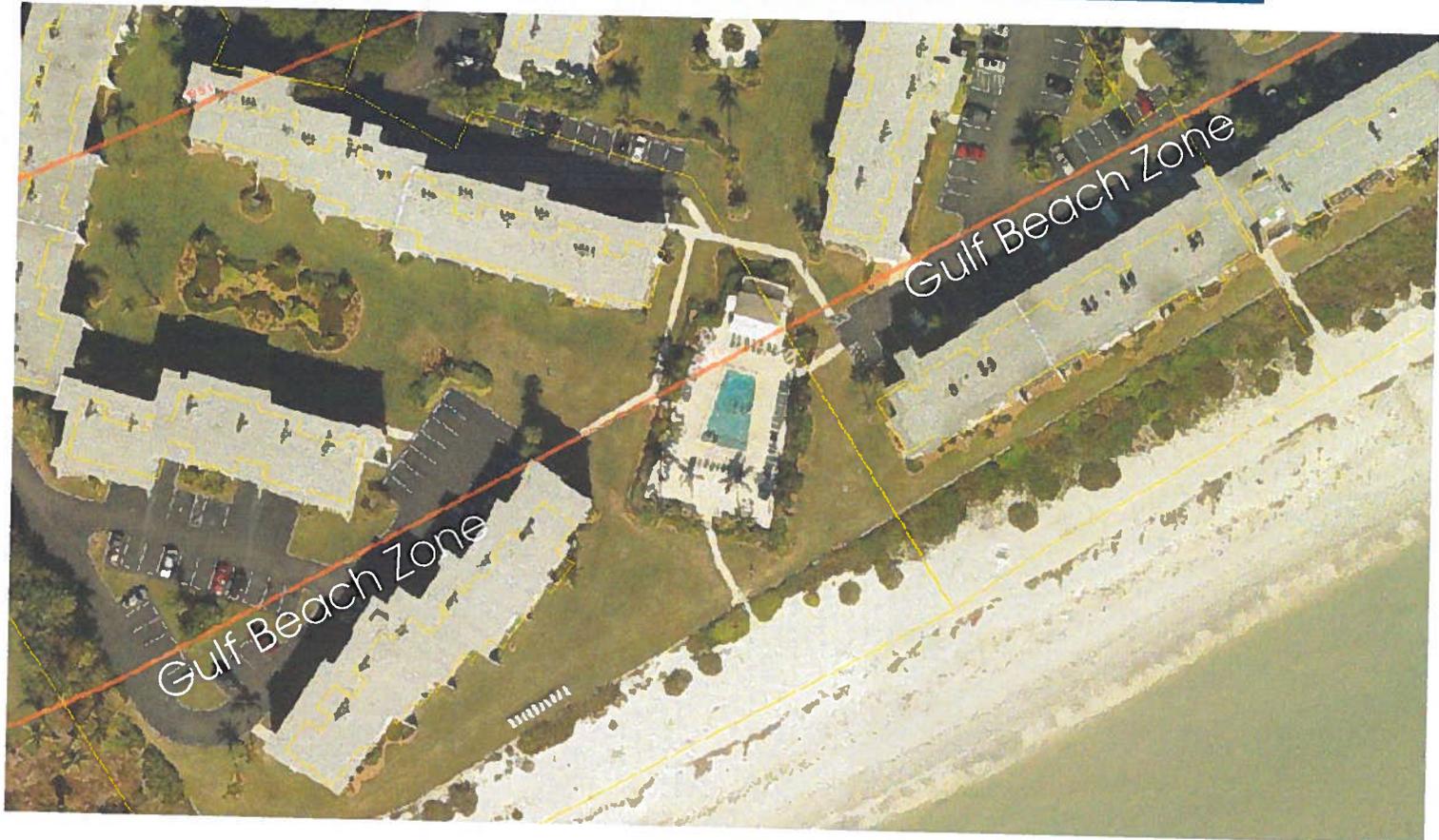
Exception: Accessory Swimming Pools in the Gulf Beach Zone

In the Resort Housing District, reconstruction of existing nonconforming swimming pools and decks, including all related support components and equipment, located partially or entirely in the Gulf Beach Zone, which in conjunction with prior repairs or rehabilitation amount to a substantial improvement.

- **Cannot exceed the overall size of the existing swimming pool and deck; however, the pool cavity can be enlarged provided it fits within an area that is no larger than the area of the existing facility that is to be replaced.**
- **Must examine alternative locations and assess all available on-site areas located outside the Gulf Beach Zone.**
- **Is to be considered for approval by the Planning Commission at a public hearing.**



Sundial West Pool





West Wind Inn Pool





Pointe Santo Pool





Exception: Accessory Structures in the Gulf Beach Zone

In the Resort Housing District, reconstruction of existing nonconforming accessory structures, located partially or entirely in the Gulf Beach Zone, which in conjunction with prior repairs or rehabilitation amount to a substantial improvement.

- **Cannot exceed the overall size of the existing structure.**
- **Must exam alternative locations and assess all available on-site areas located outside the Gulf Beach Zone.**
- **Is to be considered for approval by the Planning Commission at a public hearing if the accessory structure covers more than 100 square feet of land area.**



Island Inn Tiki Hut





Permit Applications

Short-Form

- Minor revisions to Section 82-401
- A short-form application may be available for additions or extensions to existing buildings or structures that are **required to meet Federal or State requirements** for that use.

Long-Form

- No change to Section 82-421



Remaining Procedural Steps

- **City Council's first reading and public hearing.**
- **Revisions are incorporated into the pending Ordinance, as directed by City Council.**
- **City Council's second reading and adoption hearing.**

MATRIX OF TOPICS AFFECTING REDEVELOPMENT IN THE RESORT HOUSING DISTRICT

REGULATORY TOPICS STUDIED	MEETS CITY COUNCIL DIRECTION	CONSISTENT WITH SANIBEL PLAN	LAND DEVELOPMENT CODE REVISIONS	REFERENCE TO ORDINANCE NO. 11-003
Definitions				
- Redevelopment	Yes	Yes	New	
- Reconstruction	Yes	Yes	New	See page 10
- Rehabilitation	Yes	Yes	New	See page 10
				See page 10
Density	Yes	Yes	Grandfathered - Sec. 126-636 for reconstruction Sec. 126-172 for rehabilitation	See pages 13-15 See pages 30-32
- Avg. Occupancy Rate	Yes	Yes	Grandfathered - Secs. 126-636 & 637 for reconstruction Sec. 126-172 for rehabilitation	See pages 11 - 15 See pages 30-32
Impervious Coverage, Developed Area & Vegetation Removal	Yes	Yes	Grandfathered - Sec 126-637 for both additions and rehabilitation	See pages 18-20
Height Limits	Consistent w/3 story above BFE however, exemption to exceed 45' needs Council authorization	Yes, if authorized by City Council	No change to 3 story limit. Minor revision to Sec 126-637 to increase height above 45' due to increased Base Flood Elevations.	See pages 17-18
Setbacks	Yes	Yes	No change	
- Max Units in a Building	Yes	Yes	Grandfathered - Sec. 86-163 for reconstruction	See page 20
- Min Distance Between Buildings	Yes	Yes	Grandfathered - Secs. 126-637 & 939 for reconstruction	See pages 25-26
				See page 26

REGULATORY TOPICS STUDIED	MEETS CITY COUNCIL DIRECTION	CONSISTENT WITH SANIBEL PLAN	LAND DEVELOPMENT CODE REVISIONS	REFERENCE TO ORDINANCE NO. 11-003
Recreation Open Space	Yes	Yes	Grandfathered - Sec. 126-637 for reconstruction	See page 17
Accessory Uses, Including nonconforming uses	Reconstruction of pools & acc. structures in Gulf Beach Zone was not a City Council directive	No, redevelopment not allowed in Gulf Beach Zone. Requires Plan amendment	Grandfathered - Sec. 126-152 for redevelopment of swimming pools in Gulf Beach Zone	See pages 26-30
- Beach Equipment	Yes	Yes	No Change	
- Accessory Structures Including nonconforming structures	Yes	Yes	Grandfathered - Sec. 126-172 for rehabilitation Sec. 126-152 for reconstruction of swimming pools in Gulf Beach Zone	See pages 30-32 See pages 26-30
Surface Water Mgmt	Yes	Yes	Sec. 126-637 requires full compliance for reconstruction: Sec. 126-172 requires mitigation for additions	See page 22 See pages 30-32
Vegetation	Yes	Yes	Sec. 126-637 requires full compliance for reconstruction: Sec. 126-172 requires mitigation for additions	See pages 20-21 See pages 30-32
- Gulf Beach Restoration	Yes	Yes	Sec. 126-637 requires full compliance for reconstruction: Sec. 126-172 requires mitigation for additions	See page 20-21 See pages 30-32
Community Character	Yes	Yes	No change to Sec. 86-43	See page 21

REGULATORY TOPICS STUDIED	MEETS CITY COUNCIL DIRECTION	CONSISTENT WITH SANIBEL PLAN	LAND DEVELOPMENT CODE REVISIONS	REFERENCE TO ORDINANCE NO. 11-003
Historic Structures	Yes	Yes	No change to Chp. 98	See page 21
Best Ecological Practices	Yes	Yes	Sec. 126-637 Land areas that are occupied by facilities using "best ecological practices" are included as recreation open space.	See pages 21-22
Nonconformances			Revised to provided greater flexibility for redevelopment	
- Uses	Reconstruction of pools & acc, structures in Gulf Beach Zone was not a directive	No, redevelopment not allowed in Gulf Beach Zone. Requires plan amendment	Grandfathered - Sec. 126-152 for reconstruction of swimming pools in Gulf Beach Zone	See pages 26-30
- Structures	Yes	Yes	Grandfathered - Sec. 126-172 for rehabilitation & adds allowance for pool safety fences Sec. 126-152 for reconstruction of swimming pools in Gulf Beach Zone	See page 30-32 See pages 26-30
Permit Applications	Yes	Yes		
- Short-Form			Minor revisions to Sec. 82-401	See page 23

CITY OF SANIBEL

ORDINANCE NO. 11 - 003

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, SUBPART B LAND DEVELOPMENT CODE,

IN CHAPTER 126 ZONING, ADDING, AMENDING AND RENUMBERING SECTIONS IN ARTICLE XII RESORT HOUSING DISTRICT

AMENDING SECTION 126-631 CREATED TO UPDATE THE REFERENCE TO THE RESORT HOUSING DISTRICT MAP; AND
AMENDING SECTION 126-632 FINDINGS TO ADD FINDINGS RELATED TO THE MAINTENANCE OF THE RESORT HOUSING DISTRICT; AND
AMENDING SECTION 126-633 PURPOSES, INTENT AND OBJECTIVES TO UPDATE THE OBJECTIVES FOR THE DISTRICT; AND
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AMENDING SECTION 126-635 DEVELOPMENT REGULATIONS TO RENUMBER THE SECTION AS 126-637 AND TO CLARIFY STANDARDS FOR RECREATIONAL OPEN SPACE, HEIGHT LIMITS, LIMITS ON COVERAGE WITH IMPERMEABLE SURFACES, DEVELOPED AREA AND VEGETATION REMOVAL AND SETBACKS IN THE RESORT HOUSING DISTRICT AND TO ADD STANDARDS GENERALLY AND FOR MAINTENANCE OF COMMUNITY CHARACTER AND HISTORICALLY SIGNIFICANT STRUCTURES AND TO ADD STANDARDS FOR BEST ECOLOGICAL PRACTICES AND SURFACE WATER MANAGEMENT; AND
RENUMBERING SECTION 126-636 RESORT HOUSING ACCESSORY BEACH EQUIPMENT REQUIREMENTS AS 126-638; AND

IN CHAPTER 126 ZONING, ARTICLE XIV SUPPLEMENTAL DISTRICT REGULATIONS, DIVISION 3 BUILDING AND AREA REQUIREMENTS, SUBDIVISION I IN GENERAL

AMENDING SECTION 126-939 STANDARD MINIMUM DISTANCE BETWEEN BUILDINGS TO EXEMPT RECONSTRUCTED BUILDINGS IN THE RESORT HOUSING DISTRICT FROM THIS STANDARD; AND

IN CHAPTER 86 DEVELOPMENT STANDARDS, ARTICLE III RESIDENTIAL, DIVISION 3 UNIFIED RESIDENTIAL HOUSING, SUBDIVISION III MULTIFAMILY HOUSING

AMENDING SECTION 86-163 MAXIMUM NUMBER OF DWELLING UNITS TO REVISE THIS STANDARD FOR RECONSTRUCTED BUILDINGS IN THE RESORT HOUSING DISTRICT; AND

IN CHAPTER 126, ZONING, ARTICLE V NONCONFORMANCES, DIVISION 2 USES

AMENDING SECTION 126-152 EXCEPTIONS AND PROHIBITIONS TO PROVIDE ADDITIONAL EXCEPTIONS FOR BUILDINGS IN THE RESORT HOUSING DISTRICT; AND

IN CHAPTER 126, ZONING, ARTICLE V NONCONFORMANCES, DIVISION 3 STRUCTURES

AMENDING SECTION 126-172 IMPROVEMENT, RECONSTRUCTION OR RELOCATION PROHIBITED; EXCEPTIONS TO PROVIDE ADDITIONAL EXCEPTIONS FOR BUILDINGS IN THE RESORT HOUSING DISTRICT; AND

IN CHAPTER 82 ADMINISTRATION, ARTICLE IV DEVELOPMENT PERMITS, SUBDIVISION II SHORT-FORM,

AMENDING SECTION 82-401 APPLICATIONS TO INCLUDE ADDITIONS TO EXISTING BUILDINGS OR STRUCTURES THAT ARE REQUIRED TO MEET FEDERAL OR STATE REQUIREMENTS FOR THAT USE TO THE LIST OF DEVELOPMENT ACTIVITIES ELIGIBLE FOR SHORT-FORM APPLICATIONS; AND

PROVIDING FOR CONFLICT AND SEVERANCE; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a Resort Housing District was established in the early 1980's as part of the *Sanibel Plan*; and

WHEREAS, nearly all developments in the Resort Housing District that provide short-term occupancy accommodations were built prior to 1975; and

WHEREAS, the City Council has identified retention of short-term occupancy units as a concern that must be dealt with by the City. It is in the interest of both City residents and Island businesses to preserve the short-term rental (less than 4 consecutive weeks) housing stock; and

WHEREAS, there is a need to allow for the rehabilitation or reconstruction of aging buildings in the Resort Housing District to improve building safety by complying with the Building Code and flood requirements, to provide

opportunities for the upgrading of resort accommodations and to encourage the retention of short-term rental units; and

WHEREAS, there remains in the City of Sanibel, development that exceeds the density permitted in accordance with the Development Intensity Map (i.e., nonconforming densities) and the majority of nonconforming densities are located in the Resort Housing District; and

WHEREAS, the City's inventory of land use that exceeds permitted densities was analyzed in the Redevelopment Planning Work Program along with current and future issues associated with the Island's resort hotel and inn accommodations; and

WHEREAS, the *Sanibel Plan* states that "*the City does need to consider steps to retain existing dwelling units in motels, hotels and inns so that when build-back or redevelopment occurs on these properties, the properties are redeveloped as motels, hotels and inns*"; and

WHEREAS, the *Sanibel Plan* further states that "*it is in the interest of both residents and the business community to maintain a block of accommodations available for short-term occupancy*"; and

WHEREAS, a motel, hotel or resort complex can build back the existing number of units if the number of units exceeds the number allowed by the Development Intensity Map, if the building is substantially damaged by a natural disaster; and

WHEREAS, to retain these resort uses, redevelopment of a motel, hotel or resort complex in the Resort Housing District should be allowed, with appropriate restrictions, to redevelop up to the existing number of units; and

WHEREAS, this ordinance contains development regulations for the Resort Housing District that are consistent with the City Council's direction for the Redevelopment Planning Work Program and consistent with the *Sanibel Plan*; and

WHEREAS, a procedure has been established to revise and amend the Land Development Code in a manner consistent with the *Sanibel Plan*; and

WHEREAS, such revisions have been referred to the Planning Commission for a recommendation as to the consistency of that Amendment with the *Sanibel Plan*; and

WHEREAS, the City Council deems it necessary to make such revisions to the Land Development Code, as contained in this ordinance; and

WHEREAS, the City Charter permits the City Council to permit redevelopment of existing parcels up to the number of existing dwelling units on May 4, 2004, provided the redevelopment is otherwise in conformance with the *Sanibel Plan* and the Land Development Code; and

WHEREAS, this ordinance does not increase the permitted maximum land area to be covered with impermeable surfaces, cleared of vegetation or used as developed area; and

WHEREAS, this ordinance does not increase the permitted height of a building or buildings as established in the *Sanibel Plan*; and

WHEREAS, all required public notices and public hearings for such amendment have been properly given and held.

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

SECTION 1. The Code of Ordinances of the City of Sanibel, Chapter 126 Zoning, Article XII Resort Housing District, Section 126-631 Created, is hereby amended with underlining indicating added language and ~~strikethroughs~~ indicating deletions, as follows:

ARTICLE XII. RESORT HOUSING DISTRICT

Section 126-631 Created

~~There is hereby created~~ A Resort Housing District, as was created in the early 1980's and is currently designated on the map entitled Resort Housing District, Future Land Use Map Series 2006 - 2026, dated February, 1989, adopted as part

of the amended, revised and restated Sanibel Plan on September 18, 2007, ~~adopted February 8, 1989, which~~ The Resort Housing District map remains is hereby approved and adopted as part of this Article. The regulations and restrictions for the Resort Housing District contained in this Article are, where applicable, supplementary and cumulative to all other provisions of Sections 78-1 through 78-11; Chapter 86; Chapter 94; Chapter 98; Chapter 106; Chapter 110; Chapter 118; Chapter 122; and Articles II through XV of this Chapter. To the extent of any conflict, the provisions of this Article shall control.

SECTION 2. The Code of Ordinances of the City of Sanibel, Chapter 126 Zoning, Article XII Resort Housing District, Section 126-632 Findings, is hereby amended with underlining indicating added language and ~~strickethroughs~~ indicating deletions, as follows:

Section 126-632 Findings

(1) In relation to the establishment of a Resort Housing District, the City Council makes the following findings, that have been updated, modified and restated to reflect current (2011) conditions:

- a. 1 Resort housing and longer term residential uses that are located outside the Resort Housing District are generally incompatible. The rapid turnover in occupancy associated with resort use can be a disruptive influence on the peaceful use and enjoyment of residential areas. In this Article ~~For purposes of this discussion,~~ non-resort housing may ~~shall~~ be referred to as residential housing or use.
- b. 2 Resort housing has a greater intensity of use than residential housing. This is evidenced by the following factors:
 - i. a. The average occupancy per dwelling unit is higher for resort uses than for residential uses.
 - ii. b. Resort housing brings with it a greater demand for recreational facilities, restaurants and specialty retail

stores with their associated traffic, than do residential uses.

iii. e- Potable water consumption and wastewater generation associated with the seasonal resort uses require the community to have large standby capacities for water supply and wastewater treatment available to support these resort uses.

c. 3 Historically, the City developed as a residential community catering to a wide income range with small commercial and service establishments serving both residents and tourists. As southwest Florida has developed, there has been increasing pressure to expand the resort segment of the community. ~~Without~~ ~~Unless~~ limits are placed on the amount and location of resort housing units, resort uses could have overwhelmed the residential sector of the community, ~~making the City less and less attractive a place to live.~~ This An over supply of resort housing units would have made the City a less attractive place to live and would have a negative effect on the City's economy, which is dependent upon maintaining a balance between resort and residential housing.

The *Sanibel Plan*, Section 2.6.3, Housing, points out that the City has had success since 1975 in minimizing the instability in the economy ~~associated with high rates of occupancy and turnover in resort housing~~ by increasing the percentage of residential units in its total housing stock.

~~Long-term,~~ It is an objective of the City to maintain the ~~achieve a~~ balance between resort and nonresort housing, ~~as is reflected on the Development Intensity Map and uses permitted in the several ecological zones.~~

d.-4 The *Sanibel Plan*, Section 2.5.1, Permitted Uses, states that permitted uses should take into account existing patterns of development and the need to maintain a balance between resort and non-resort housing ~~these two~~ uses. To achieve community

objectives, it ~~was~~ is necessary to establish the Resort Housing District zoning districts to separate the two, and to delimit the area where resort housing is a permitted use.

e. 5 While it would have been be preferable to create a compact, contiguous Resort Housing District, treating established resort housing units outside the district as nonconforming uses, this approach had has ~~two~~ drawbacks:

a. ~~Since the difference in use relates only to the term of rental, and since only one short term rental prior to adoption of the Sanibel Plan establishes a nonconforming use, it is extremely difficult to prove or disprove the lawful establishment of the use, particularly as the years pass.~~

b. ~~Many developments, indeed, many structures, may contain both residential uses and nonconforming resort housing uses in an incompatible mixture which devalues and damages the residential units.~~

(6) The better approach is ~~to~~ recognized existing and historical patterns of development and use; ~~to~~ included even isolated parcels developed for resort housing use in the Resort Housing District ~~when~~ where they are located, oriented, and buffered so as to sufficiently protect nearby residential uses; and to require nonconforming termination of resort housing uses located outside the Resort Housing District to change to a permitted use when these properties redevelop then left nonconforming as soon as is reasonable.

(2) In relation to the maintenance of the Resort Housing District and an upgrading of its aging buildings, the City Council makes the following findings:

a. Since the creation of the Resort Housing District, the majority of new development in the District has been residential uses.

b. Residential development outside the Resort Housing District in combination with residential development in the District has

achieved an acceptable balance between residential and resort housing, creating the desired residential component of the City's economy.

- c. As the City approaches "build-out", the City recognizes the need to retain an adequate inventory of short-term occupancy units in support of the local economy, including maintenance of property values.
- d. Virtually all existing resort housing developments in the Resort Housing District exceed the limits established on the Development Intensity Map.
- e. To encourage the retention of resort developments, the City recognizes the incentive that is created by permitting redevelopment of existing resort uses at existing densities. These existing densities are within the levels of service standards for public facilities established in the *Sanibel Plan*.
- f. To improve building safety and compliance with the Building Code and flood regulations and to maintain the character of the community, the City recognizes the need to facilitate both reconstruction and rehabilitation of existing resort developments in the Resort Housing District, in accordance with the objectives and policies of the *Sanibel Plan*, including maintaining the carrying capacity of the beach for use by wildlife.

SECTION 3. The Code of Ordinances of the City of Sanibel, Chapter 126 Zoning, Article XII Resort Housing District, Section 126-633 Purposes, intent and objectives, is hereby amended with underlining indicating added language and ~~strike throughs~~ indicating deletions, as follows:

Section 126-633 Purposes, Intent and Objectives

The creation and maintenance of the Resort Housing District are is meant to accomplish the following purposes, intent, and objectives:

- (1) Separation of resort housing developments from non-resort residential uses that are located outside the Resort Housing District, so as to minimize the detrimental effect of resort uses on residential housing neighborhoods and to enhance the resort character and function of resort housing areas.
- (2) Clear and definite delineation of boundaries, so that property owners, realtors, and tourist visitors can easily determine which residential units may be rented for resort use.
- (3) Creation and maintenance of a reasonably compact and contiguous Resort Housing District, plus the inclusion of only those separated parcels as have been developed for resort housing use and are located, oriented, and buffered so as to sufficiently protect nearby residential neighborhoods uses.
- (4) Allow developments located within the Resort Housing District to make improvements to aging buildings and structures and to replace aging buildings and structures, provided there is no change of use, in order to:
 - a. encourage the retention of short-term rental units;
 - b. provide opportunities for upgrading resort accommodations; and
 - c. improve building safety by compliance with the Building Code and flood requirements.
- (5-4) Allow continuation ~~Termination~~ of nonconforming resort housing uses located outside the Resort Housing District until they are redeveloped as a permitted use as soon as reasonably possible, so as to eliminate the confusion caused by their proliferation and continuance and so as to terminate their deleterious effects on existing residential uses.

SECTION 4. The Code of Ordinances of the City of Sanibel, Chapter 126 Zoning, Article XII Resort Housing District, is hereby amended to add a new Section 126-634 Definitions with underlining indicating added language, as follows:

Section 126-634. Definitions.

Throughout this Article, the following words shall have the meanings indicated unless the text of the Section in which used clearly indicates otherwise:

- o Redevelopment means the discretionary act of reconstruction or the substantial improvement, as defined by Chapter 94, of aging buildings or structures.
- o Reconstruction means the demolition and removal of existing buildings and structures that are replaced by new buildings and structures constructed in compliance with all applicable provisions of the Sanibel Plan and Land Development Code currently in effect at the time.

The substantial improvement of an existing building, including compliance with flood regulations, is considered reconstruction. Although, the building back of units substantially damaged by a natural disaster is also reconstruction, for the purposes of these regulations, that activity is distinct from redevelopment, pursuant to Article V of this Chapter.

In the event that a development located within the Resort Housing District is substantially damaged by a natural disaster, that development can be built back pursuant to the build back requirements of Article V of this Chapter or reconstructed pursuant to the redevelopment standards of this Article.

- o Rehabilitation means the modernization, enhancement, restoration or updating associated with improving either the physical appearance or condition of an existing building or structure, including all typical components and systems. Rehabilitation shall not be deemed redevelopment unless it constitutes a substantial improvement, as defined by Chapter 94.

SECTION 5. The Code of Ordinances of the City of Sanibel, Chapter 126 Zoning, Article XII Resort Housing District, Section 126-634 Permitted Uses, is hereby renumbered as 126-635 and amended with underlining indicating added language and ~~strike throughs~~ indicating deletions, as follows:

Section 126-~~635~~ 634 Permitted Uses

Within the Resort Housing District, the permitted uses of lands are controlled by the regulations applicable to the zone district in which such lands are otherwise located. However, in addition, such lands and building on those lands in the Resort Housing District may be used for resort housing, including fractional fee and timeshare estates, in accordance with the limitations of this LDC Chapter 126, Zoning, Article XII, Resort Housing District.

Certain properties located in the Resort Housing District were developed or subdivided pursuant to City permits which required rental restrictions prohibiting resort housing use of the development. Such restrictions against resort housing use were required because the size and configuration of units in the developments did not comply with recreation open space requirements for resort housing use or exceeded the average occupancy rate permitted for resort housing use. A listing of residential developments, (including single family dwellings identified by address) located in the Resort Housing District, that are prohibited from resort housing use follows:

Address	Name of Development
401—445 Bella Vista Way	Colony Beach Estates
457 East Gulf Drive	Single Family Dwelling
497 East Gulf Drive	St. Croix Condominium
501-503 East Gulf Drive	Kinzie Island Beach Club Condominium
635 East Gulf Drive	Beachcomber Condominium
651 East Gulf Drive	White Pelican Condominium
830 East Gulf Drive	Seawind II Condominium
999 East Gulf Drive	Plantation Village of Sanibel
1390--1398 Middle Gulf Drive	Sea Pines Condominium
1470 Middle Gulf Drive	Single Family Dwelling

1480 Middle Gulf Drive	Single Family Dwelling
1490 Middle Gulf Drive	Single Family Dwelling
1500 Middle Gulf Drive	Single Family Dwelling
1508 Middle Gulf Drive	Single Family Dwelling
2665 West Gulf Drive	Bougainvillea Condominium
2877 West Gulf Drive	White Caps South Condominium - Restriction allows rentals for 7 days or more
2915 West Gulf Drive	Villas of Sanibel Condominium
1508 Middle Gulf Drive	Single Family Dwelling
1510 Middle Gulf Drive	Single Family Dwelling
1544 Middle Gulf Drive	Single Family Dwelling
1564 Middle Gulf Drive	Single Family Dwelling
1715 Middle Gulf Drive	Chelsea Place Condominium
303 Periwinkle Way	Snug Harbor Condominium
2297 West Gulf Drive	Poinciana Condominium
2549 West Gulf Drive	Sedgemoor Condominium
2611 West Gulf Drive	By the Sea Condominium
2629 West Gulf Drive	LaPlaya Condominium
2639 West Gulf Drive	Angler's Key Condominium
2659 West Gulf Drive	High Tide Condominium
2959 West Gulf Drive	Sanibel Sunset Condominium
2965 West Gulf Drive	Royale Tern Condominium
3001 West Gulf Drive	West Shore Condominium
3015 West Gulf Drive	Sunward of Sanibel Condominium
3049 West Gulf Drive	Tantara Condominium
3127/3131/3135 W. Gulf Drive	Wedgewood of Sanibel Condominium
3145 West Gulf Drive	Seascape of Sanibel Condominium
3215 West Gulf Drive	Somerset at the Reef Condominium
3225 West Gulf Drive	Tamarind at the Reef Condominium
3313 West Gulf Drive	Lantana on the Gulf Condominium
3397 West Gulf Drive	Sandals Condominium

Properties in the Resort Housing District, that are developed or redeveloped for residential use, but are prohibited against use as resort housing, will be added to the preceding list as a ministerial function and not as an amendment.

For lands in the Resort Housing District which are also located in the Gulf Beach Ridge zone, resort housing accessory commercial uses are allowed as conditional uses, subject to approval in accordance with the requirements of Articles II and IV of this Chapter.

Resort housing accessory beach equipment is allowed as a permitted accessory use at resort housing developments, subject to compliance with the requirements of Section 126-~~638~~ 636.

SECTION 6. The Code of Ordinances of the City of Sanibel, Chapter 126 Zoning, Article XII Resort Housing District, is hereby amended to add a new Section 126-636 Development Intensity with underlining indicating added language, as follows:

Section 126-636 Development Intensity

The Development Intensity Map of the Future Land Use Map Series of the *Sanibel Plan* establishes the limits of density (maximum number of dwelling units) on lands in the Resort Housing District. Section 126-242 incorporates both the Development Intensity Map and the Resort Housing District Map into the Land Development Code.

This Section of the Land Development Code implements a redevelopment strategy that balances property rights with environmental, public safety and community welfare considerations and encourages retention of resort housing

units (hotel, motel and resort condominium units), when these resort housing properties redevelop.

Existing developments, including those in the Resort Housing District, that exceed the number of units permitted by the Development Intensity Map, are nonconforming. However, pursuant to LDC Section 126-131, these units are permitted "to continue until they are eventually removed".

To maintain the stock of short-term occupancy units in the City, existing hotels, motels or resort condominiums that are rehabilitated or redeveloped in accordance with the *Sanibel Plan* and the Land Development Code are allowed to maintain up to their existing density, provided that redeveloped hotels, motels or resort condominiums shall:

- Not exceed the square footage of the habitable area that existed in the prior development.
- Continue the short-term occupancy use of that prior development.

Furthermore, pursuant to Section 86-71, hotel, motel or resort condominium units have an average occupancy rate that is greater than 2.2 individuals per dwelling unit. However, to maintain the stock of short-term occupancy units in the City without increasing the development intensity of the redeveloped site, existing hotels, motels or resort condominiums that are redeveloped in accordance with the *Sanibel Plan* and the Land Development Code are allowed to maintain the presumed average occupancy rate of the prior development, calculated pursuant to Section 86-71.

When existing hotels, motels or resort condominiums maintain short-term occupancy at the time they redevelop, they can maintain up to their existing number of units. When existing hotels, motels or resort condominiums change the use to limit short term occupancy at the time they redevelop, they must conform to the limits established by the Development Intensity Map.

Developments, that exceed the number of units permitted by the Development Intensity Map, remain nonconforming.

SECTION 7. The Code of Ordinances of the City of Sanibel, Chapter 126 Zoning, Article XII Resort Housing District, Section 126-635 Development Regulations, is hereby renumbered as 126-637 and amended with underlining indicating added language and ~~strike throughs~~ indicating deletions, as follows:

Section 126-637 ~~635~~ Development Regulations

Lands in the Resort Housing District shall be subject to all of the regulations for the zone district in which they are otherwise located. Use of such lands in the Resort Housing District shall be subject to all conditions, limitations, and regulations contained in this Land Development Code, the same as if such lands were not included in the Resort Housing District.

This Section of the Land Development Code also implements a redevelopment strategy that balances property rights with environmental, public safety and community welfare considerations and encourages retention of resort housing units (hotel, motel and resort condominium units) as part of the City's housing stock.

In addition, the following requirements shall apply to all lands within the Resort Housing District:

(1) Generally

Reconstruction of existing developments in the Resort Housing District may be phased provided that a Master Plan is submitted and approved by the City that includes:

- o Building plans and a site plan for all the units and accessory structures intended for reconstruction, including the removal of all development in the Gulf Beach Zone.

The Master Plan must demonstrate compliance with all requirements of the Land Development Code and be approved by Planning Commission resolution.

The Master Plan can include both reconstruction and rehabilitation activities.

Neither reconstruction nor rehabilitation, including the addition of accessory uses, is permitted to have a deleterious effect on the carrying capacity of the Beach for use by wildlife.

Except for beach dune accessways, all existing development, including accessory structures, located in the Gulf Beach Zone, must be removed from the Gulf Beach Zone when a resort redevelops.

(2) Recreation Open Space Requirements

- a. † Because of the additional demands for recreational facilities created by short term tenants, any development which is to be used as resort housing must have, upon the same parcel on which such use is located, at least 7,500 square feet of recreational open space for each dwelling unit. Such recreational open space shall be set aside for, and be used by, the occupants of such units. Such recreational open space shall be utilized in accordance with a plan approved in connection with the issuance of a development permit or as a condition of a development permit. Such plan shall detail the manner in which the recreational open space is to be utilized and may include

both active and passive recreation, but may not include motorized sports.

- b. 2 If a new residential development in the Resort Housing District does not contain the recreational open space required pursuant to subsection a (1) of this Section, no certificate of occupancy shall be issued until there is recorded on the public records of the County, effective condominium documents, cooperative documents, restrictive covenants, or other form of covenant running with the land, containing substantially the following provision:

No dwelling unit or part thereof, located on land subject to these restrictions, may be rented for a term of less than four consecutive weeks or converted to timeshare estates or periods of less than four consecutive weeks. This limitation may be enforced by the City and shall not be amended, revoked, or otherwise terminated without the express written consent of the City, any other provision of this Land Development Code notwithstanding.

- c. 3 The open space requirements of subsection a (1) of this Section shall not apply to Sand Pointe Condominium (~~Tax Parcel No. 35-46-22-MI-00000-0000~~), because of court order, or to any structure which on April 10, 1979, had been lawfully constructed or permitted with no limitation prohibiting resort housing use.
- d. When short-term rental units are reconstructed in the Resort Housing District at a density that is greater than five units per acre, that development shall provide a minimum of 28,000 square feet of recreational open space per acre.
- e. Land areas occupied solely by bona fide best ecological practices, i.e. "green technologies" are included as required recreation open space.

(3) Height Limits for Buildings.

Developments that exceed the limitations on height of buildings are nonconforming.

~~Principal residential buildings shall be permitted to exceed 45 feet above mean sea level only where both of the following circumstances exist:~~

- ~~a. The buildings are located, in whole or in part, seaward of the Coastal Construction Control Line as established by the State Department of Environmental Protection in 1991; and~~
- ~~b. The flood elevation required by the Florida Building Code is higher than the base flood elevation required by the City.~~

~~In such case, the buildings shall be permitted to exceed 45 feet mean sea level by no more than the amount by which the flood elevation required by the Florida Building Code exceeds the base flood elevation required by the City's adopted Flood Insurance Rate Map.~~

The height of buildings will not exceed three stories above the base flood elevation. This limitation is established by Policy 1.1 in the *Scenic Preservation Element* (Section 3.2.5) of the *Sanibel Plan*.

In the Resort Housing District, the maximum height of buildings shall not exceed 33 feet above the base flood elevation of the FEMA Flood Insurance Rate Map (FIRM) or the Florida Building Code for buildings located seaward of the State's Coastal Construction Control Line (CCCL), whichever is higher. However, no building in the Resort Housing District can exceed height greater than 49.8 feet NAVD (or 51 feet NGVD).

(4) Coverage with Impermeable Surfaces, Developed Areas and Vegetation Removal

The Ecological Zones Map of the Future Land Use Map Series of the *Sanibel Plan* is used to determine the limitations on the amount of

coverage with impermeable surfaces, developed areas and vegetation removal on lands within the City, including lands in the Resort Housing District. Section 126-242 incorporates both the Ecological Zones Map and the Resort Housing District Map into the Land Development Code.

Existing developments, including those in the Resort Housing District, that exceed the maximum amount of coverage with impermeable surfaces, developed areas and vegetation removal permitted by the underlying Ecological Zone, are nonconforming. Pursuant to LDC Section 126-172, these structures cannot be reconstructed, moved, relocated or structurally altered, except in such fashion as to eliminate the nonconformance or as to reduce the degree of nonconformance as much as possible. An exception to this prohibition allows the expansion of a structure, which is nonconforming because of percentage of land coverage or vegetation removal, as long as such requirements are not further violated and as long as the expansion by itself would not further violate such requirements.

To encourage maintenance of the stock of short-term occupancy units in the City, the interpretation of LDC Section 126-172 for existing developments in the Resort Housing District shall be as follows:

Developments in the Resort Housing District that are nonconforming because they exceed the limits established for the maximum amount of coverage with impermeable surfaces, developed areas and vegetation removal are permitted to add impermeable surfaces and developed area and remove vegetation, provided that these improvements include:

- The removal of an equal amount of existing (unneeded/unrequired) impermeable surfaces and developed area (one square foot removed for every one square foot added)
- Restoration of these areas where impermeable surfaces and developed areas are removed by:
 - planting native vegetation; and
 - supplementing on-site stormwater retention volume.

Developments, that exceed limitations on the amount of coverage with impermeable surfaces, developed areas and vegetation removal permitted by the Ecological Zones Map, can rehabilitate and make improvements pursuant to this subsection; however, these developments remain nonconforming.

(5) Minimum setbacks from roadways and property lines.

Developments that encroach beyond minimum setbacks are non-conforming.

The minimum setbacks for development in the Resort Housing District are established by the underlying Ecological Zones. These setbacks are in effect in the Resort Housing District for all development, including reconstruction and rehabilitation activities.

Pursuant to Policy 3.1 in the Coastal Zone Protection Element (Section 3.2.1) of the *Sanibel Plan*, new development and redevelopment in the Gulf Beach Zone (i.e. seaward of the 1975 Coastal Construction Control Line) is prohibited.

Reconstruction of buildings in existing developments in the Resort Housing District is not subject to the minimum distance between buildings standard in Section 126-939.

(6) Vegetation and Gulf Beach Restoration.

For redevelopment in the Resort Housing District:

- o Roadside buffers are required along collector and arterial roadways, pursuant to Section 122-72, for reconstruction activities.

- o Restoration of the Gulf Beach Zone is required for reconstruction activities.
- o Removal of invasive exotic species of plants, except for minor improvements defined in Chapter 122, is required for reconstruction and rehabilitation activities.
- o To protect the beach dune system and beach vegetation that are essential for continued preservation of the shore line, accessway(s) to the beach are required for reconstruction activities.

(7) Community Character

Reconstructed buildings and structures shall comply with the requirements of Section 86-43 Appearance of Structures, Size and Mass of Structures.

(8) Historically Significant Buildings

Historically significant buildings identified on the Local Register of Historic Sites and Structures shall be subject to the procedures and requirements of Chapter 98 Historic Structures.

Pursuant to Policy 1.5 in the Historic Preservation Element (Section 3.2.4) of the *Sanibel Plan*, retain the natural character of the Gulf beaches for their significant contribution to the historical character of the City of Sanibel.

(9) Best Ecological Practices

The City is receptive to new technologies that can save resources and promote efficiencies; however, even "best ecological practices, i.e. "green technologies" have to be consistent with the *Sanibel Plan*, compliant with the Land Development Code and designed in a manner that is compatible with the character of the community.

Land areas that are occupied by facilities that are bona fide "best ecological practices" are to be included as required recreation open space.

(10) On-site Surface Water Management

For the reconstruction of Resort Developments, full compliance with surface water management standards is required, pursuant to Chapter 118.

For existing Resort Developments, mitigation is required for additional development that impacts the existing surface water management system.

SECTION 8. The Code of Ordinances of the City of Sanibel, Chapter 126 Zoning, Article XII Resort Housing District, Section 126-636 Resort Housing Accessory Beach Equipment Requirements, is hereby renumbered as 126-638.

Section 126-~~638~~ 636-Resort Housing Accessory Beach Equipment Requirements

A resort housing development, whether a permitted or a legal nonconforming use, may make available to its owners, tenants and guests beach equipment accessory to the resort housing use provided, however, that the requirements of this section apply to all resort housing developments.

A development permit is required when the overnight and not in use holding areas for accessory beach equipment are outdoors and not in or under a legal building or structure; however, a development permit for outdoor holding areas for accessory beach equipment will not require removal of prohibited invasive exotic species of plants.

All resort housing developments, whether or not a development permit is required, shall operate in compliance with the requirements of this section.

- (1) Access to use of the beach equipment shall be only from within the parcel and not from any abutting street or public way, or from the public beach.
- (2) All of the dwelling units in the parcel must either be under common ownership or be approved under one development permit which unites the lands upon which the dwelling units and accessory use are located as a single parcel and as to which effective restrictive covenants are recorded on the public records of the County which perpetuate the right of dwelling unit owners, tenants, and guests to use such accessory use.
- (3) Use of the beach equipment shall be limited to the owners, tenants and guests of the resort housing dwelling units.
- (4) The application of, and exceptions to, developed area standards shall be as follows:
 - For the outdoor holding areas for accessory beach equipment, not including bicycles, up to 150 sf, plus 50 sf per acre in the resort housing development, shall not constitute developed area, provided that the beach equipment in the outdoor holding area is substantially screened from view.
 - For the outdoor holding areas for bicycles, up to 100 sf, plus 30 sf/acre in the resort housing development, shall not constitute developed area, provided that the bicycles in the outdoor holding areas are substantially screened from view.

Required screening for the outdoor holding areas for accessory beach equipment and for bicycles shall be from the public beach, from road rights-of-way, from adjoining properties and from public beach access ways. This screening shall be provided in a manner that is effective from off-site perspectives at ground level to six inches above the ground. Lawfully existing structures may be used provided the required screening and appropriate vegetation can be added.

Fencing may also be used to provide this screening; however a development permit for the fence, that meets the requirements of chapter 126, zoning, article XIV supplemental district regulations, division 6, fences and walls, must be obtained.

The foregoing exceptions to the limitations on the maximum amount of developed area permitted at a resort housing development applies only to accessory beach equipment, including bicycles, and cannot be used for any other structures that constitute developed area. All outdoor holding areas for beach equipment, including bicycles, on the parcel, not excluded by the exceptions provided by this section, shall be considered developed area.

- (5) The outdoor holding areas for beach equipment shall not be located in the Gulf Beach ecological zone, unless:

Such areas are inside or under a legal building or structure, or

Such areas are located no further seaward than the most seaward building in the resort housing development and such areas are not on the beach, upon a dune, or in an area containing dune vegetation.

In addition, outdoor holding areas for beach equipment shall be at an approved location that meets the minimum required front and side yard setbacks.

- (6) The beach equipment shall not be placed or positioned on the beach prior to being provided for use.
- (7) The beach equipment shall not be used, placed, located or stored on the dune.
- (8) The beach equipment shall not be placed, located, used or transported in any manner which:
- a. Destroys or materially diminishes the beach or dune system, dune vegetation, or wildlife habitat;
 - b. Destroys or disturbs any wildlife nesting activities or nesting sites including marine turtle nesting activities and nesting sites,

- c. Is such that it interferes with the use of the beach by the general public, or
 - d. is inconsistent with the requirements of the Code of Ordinances, Chapter 74, Waterways, Article VII, Beach and Dune System. Sections 74-182 destruction or diminishment of beach or dune system and 74-183 exceptions, permits.
- (9) When not in use between the hours of 9:00 p.m. and 7:00 a.m., the beach equipment shall not remain on the beach, upon the dune, in an area containing dune vegetation or in the waters adjacent to the beach.
 - (10) The beach equipment shall not be hawked, sold, vended or rented, or any business activity conducted, from any location on the beach or dune.
 - (11) Development permit approval pursuant to the requirements of this subsection shall be valid for as long as the property remains in compliance with the requirements of this Section.
 - (12) The City Manager, or the Manager's designee, shall make periodic inspections to determine continued compliance with the requirements of this Section and the conditions of approval when a development permit is required.

SECTION 9. The Code of Ordinances of the City of Sanibel, Chapter 86 Development Standards, Article III Residential, Division 3 Unified Residential Housing, Subdivision III Multifamily Housing, Section 86-163 Maximum Number of Dwelling Units is hereby amended with underlining indicating added language, as follows:

Section 86-163 Maximum Number of Dwelling Units

Except in below market rate housing developments, no single building in the multifamily development shall contain more than ten dwelling units. No single

building in a below market rate housing development shall contain more than 12 dwelling units.

For the reconstruction of buildings in the Resort Housing District, buildings may contain more than ten dwelling units.

SECTION 10. The Code of Ordinances of the City of Sanibel, Chapter 126 Zoning, Article XIV Supplemental District Regulations, Division 3 Building and Area Requirements, Subdivision I In General, Section 126-939 Standard minimum distance between buildings is hereby amended with underlining indicating added language, as follows:

Section 126-939 Standard Minimum Distance between Buildings

(a) In all zoning districts, except for the reconstruction of buildings in the Resort Housing District, the minimum distance between any two buildings on the same lot (referred to as building A and building B) shall vary according to the length, height and orientation of such buildings. Such minimum distance shall be either 20 feet or the distance required under the following formula, whichever is greater:

...

SECTION 11. The Code of Ordinances of the City of Sanibel, Chapter 126 Zoning, Article V Nonconformances, Division 2 Uses, Section 126-152 Exceptions and prohibitions is hereby amended with underlining indicating additional language and ~~strike throughs~~ indicating deletions, as follows:

Section 126-152. (Nonconforming Uses) Exceptions and Prohibitions.

a) No existing structure devoted to a use not permitted in the district in which it is located shall be improved, enlarged, extended, moved, or structurally altered, except in changing the use of the structure to a use permitted in the district in which it is located, subject to the following exceptions:

- (1) Repairs or rehabilitations to the structure which, in conjunction with prior repairs, do not amount to a material structural alteration or a substantial improvement, as defined in chapter 94;
- (2) Alterations within the existing perimeter, i.e., three-dimensional outline, of the structure, which, in conjunction with prior repairs, rehabilitations or alterations do not amount to a substantial improvement, as defined in chapter 94;
- (3) In the Resort Housing District, reconstruction of existing nonconforming swimming pools and decks, including all related support components and equipment, located partially or entirely in the Gulf Beach Zone, which in conjunction with prior repairs or rehabilitation amount to a substantial improvement.
 - o If any portion of such reconstruction is located in the Gulf Beach Zone, the replacement facility cannot exceed the overall size of the existing swimming pool and deck, including all related support components and equipment; however, the pool cavity can be enlarged provided it fits within an area that is no larger than the area of the existing facility that is to be replaced.
 - o Such reconstruction is to be considered for approval by the Planning Commission at a public hearing and after consideration of the applicant's evidence that all alternative locations for the replacement of a comparably sized pool and deck with related support components and equipment have been examined and found not to be feasible.
 - o The applicant's examination of alternative locations shall, at a minimum, include an assessment of all available on-site areas located outside the Gulf Beach Zone.
- (4) In the Resort Housing District, reconstruction of existing nonconforming accessory structures, located partially or entirely in

the Gulf Beach Zone, which in conjunction with prior repairs or rehabilitation amount to a substantial improvement.

- o If any portion of such reconstruction is located in the Gulf Beach Zone, the replacement structure, including all related support components and equipment, cannot exceed the overall size of the existing structure.
- o If the accessory structure covers more than 100 square feet of land area, such reconstruction is to be considered for approval by the Planning Commission at a public hearing and after consideration of the applicant's evidence that all alternative locations for the replacement of a comparably sized structure have been examined and found not to be feasible.
- o The applicant's examination of alternative locations shall, at a minimum, include an assessment of all available on-site areas located outside the Gulf Beach Zone.

- (5-3) The fencing in or screening of the structure for purposes of security, safety, or reduced liability, as long as such fencing or screening is the minimum reasonably necessary for such purpose, both as to height and location, and as long as any such fencing complies with the requirements of subsections 126-1057(2)--(4) and sections ~~126-1058~~ and 126-1059;
- (6-4) In the interest of general public safety, the reconstruction of existing nonconforming walkways in the same configuration as the existing failed structure and up to a width of 44 inches when part of a required means of egress;
- (7-5) In the interest of safety, security, and reduced liability, the addition of safety railings on roof decks, provided such railings do not extend beyond the footprint of the existing structure;
- (8-6) In the interest of safety or to meet Federal or State requirements for that improvement, pursuant to Section 78-3, development and construction to provide building access for persons with disabilities,

provided the development cannot practicably be accomplished within the existing perimeter, i.e., three-dimensional outline, of the structure and is the minimum necessary to provide such access or compliance, regardless of whether said development and construction increases or creates nonconformities pertaining to height, percentage of land coverage, commercial floor area, percentage of vegetation removal and developed area or setbacks and regardless of whether the structure is located within the Bay Beach Zone or Gulf Beach Zone;

(9-7) Repairs or rehabilitations ~~reconstruction~~ of existing nonconforming seawalls in human-made water bodies, which in conjunction with prior repairs or rehabilitations ~~reconstruction~~ do not amount to a substantial improvement when such repairs or rehabilitations ~~reconstruction~~ are done in accordance with requirements found in subsections 126-101(3) through (15); and

(10-8) Repairs, rehabilitations or reconstruction of existing nonconforming seawalls in human-made water bodies, which in conjunction with prior repairs, rehabilitations or reconstruction amount to a substantial improvement where such repairs, rehabilitations or reconstruction are approved by the Planning Commission at a hearing as for a development permit after consideration of the following requirements:

...

(11-9) The reestablishment of a nonconforming use of a building that is been built-back following substantial damage to the building by a natural disaster, in conformance with the provisions contained in this Article.

(b) If the use of a structure, or a part of a structure, devoted to a use not permitted in the district in which it is located, is changed, the use must be changed to one permitted in such district, unless a change of use is authorized pursuant to section 82-262.

- (c) There may be a change of tenant, ownership, or management of a nonconforming use, provided there is no change in the nature, character, size, or intensity of such nonconforming use.
- (d) When a nonconforming use of a structure, or structure and land in combination, is discontinued, vacant, abandoned, or not used for 12 consecutive months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. (See section 82-61, reestablishment of abandoned nonconforming uses.) This period is tolled for any period during which an application for a permit to build back a building substantially damaged in a natural disaster has been filed and is pending and during which a permit to build back a substantially damaged building has been issued and has not expired and for six months following the issuance of a certificate of occupancy for that building.
- (e) The nonconforming use of any dwelling unit as resort housing, outside of the Resort Housing District, may not be continued or maintained within the City, except for the following:
 ...
- (f) Making accessory beach equipment available to owners, tenants and guests at nonconforming resort housing developments is allowed, subject to compliance with the requirements of Section 126-636.

SECTION 12. The Code of Ordinances of the City of Sanibel, Chapter 126 Zoning, Article V Nonconformances, Division 3 Structures, Section 126-172 Improvement, reconstruction or relocation prohibited; exceptions, is hereby amended with underlining indicating added language ~~strike throughs~~ indicating deletions, as follows:

Section 126-172 (Nonconforming Structures) Improvement, Reconstruction or Relocation Prohibited; Exceptions.

(a) Except as otherwise provided in this Article and in Article XII Resort Housing District in this Chapter, no nonconforming structure may be reconstructed, moved, removed, relocated, or structurally altered, except in such fashion as to eliminate the nonconformance or as to reduce the degree of nonconformance as much as possible. The following shall, however, be permitted:

- (1) Repairs or rehabilitations to a nonconforming structure which, in conjunction with prior repairs, do not amount to a material structural alteration or a substantial improvement as defined in Chapter 94;
- (2) The expansion of a structure which is nonconforming because of height, percentage of land coverage, residential density, commercial floor area, vegetation removal, or area or yard requirements, as long as such requirements are not further violated and as long as the expansion, considered by itself, would not violate such requirements;
- (3) Minor, cosmetic, nonstructural alterations to the side or front of a structure which encroaches on a required side or front yard setback, such as awnings or decorative architectural features, provided that such alterations do not extend further into the setback than that part of the structure closest to the property line; provided that no usable floor area is added; and provided that no other regulation contained in this Land Development Code, and to which the structure does not conform, is further violated;
- (4) Repairs, rehabilitations or reconstruction of existing nonconforming seawalls in human-made water bodies in accordance with the requirements found in subsections 126-101(3) through (15);
- (5) In the interest of safety, or to meet Federal or State requirements for that use, consistent with Section 78.3, development and construction to provide building access for persons with disabilities provided the development cannot practicably be accomplished within the

existing perimeter, i.e., three-dimensional outline, of the structure and is the minimum necessary to provide such access, regardless of whether said development and construction increases or creates nonconformities pertaining to height, percentage of land coverage, commercial floor area, percentage of vegetation removal and developed area or setbacks and regardless of whether the structure is located within the Bay Beach Zone or Gulf Beach Zone; and

- (6) In the Resort Housing District, reconstruction of existing nonconforming swimming pools and other accessory structures, including all related support components and equipment, which in conjunction with prior repairs or rehabilitation amount to a substantial improvement.
- (7) The fencing in or screening of the structure for purposes of security, safety, or reduced liability, as long as such fencing or screening is the minimum reasonably necessary for such purpose, both as to height and location, and as long as any such fencing complies with the requirements of subsections 126-1057(2)--(4) and section 126-1059;
- (8) In the interest of safety, security, and reduced liability, the addition of safety railings on roof decks, provided such railings do not extend beyond the footprint of the existing structure;
- (9) In the interest of general public safety, the reconstruction of existing nonconforming walkways in the same configuration as the existing failed structure and up to a width of 44 inches when part of a required means of egress;
- (10-6) Building back (reconstruction) of a structure substantially damaged by a natural disaster in accordance with Division 5 of this Article.

SECTION 13. The Code of Ordinances of the City of Sanibel, Chapter 82 Administration, Article IV Development Permits, Subdivision II Short-Form, Section

82-401 Applications, is hereby amended with underlining indicating added language and ~~strikethroughs~~ indicating deletions, as follows:

Section 82-401. Application.

A short-form application may be available for the following types of development:

- (1) . . .
 - (2) Additions or extensions to existing buildings, which do not raise questions as to the compliance with the provisions of section 86-43. Additions or extension to existing buildings or structures that are required to meet Federal or State requirements for that use.
 - (3) . . .
 - (4) Private garages, boat docks, and other accessory uses to an already existing principal use, ~~including accessory earth stations. No more than two accessory earth stations are to be processed as short form applications.~~ Accessory structures, including recycling areas.
 - (5)
-

SECTION 14. Codification.

This ordinance shall be an amendment to the Code of Ordinances of the City of Sanibel, Subpart B of Part II. In Article XII of Chapter 126, Sections 126-631, 126-632, and 126-633 are hereby amended, a new Section 126-634 is added, Section 126-634 is renumbered 126-635 and amended, a new Section 126-636 is added, Section 126-635 is renumbered Section 126-637 and amended, Section 126-636 is renumbered 126-638. In Article XIV of Chapter 126, Section 126-939 is hereby amended. In Article V of Chapter 126, Sections 126-152 and 126-172 are hereby amended. In Article III of Chapter 86, Section 86-163 is hereby amended. In Article IV of Chapter 82, Section 82-401 is hereby amended.

SECTION 15. 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 16. Severance.

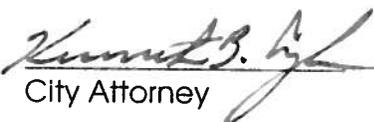
If any section, subsection, sentence, clause, phrase or portion of this ordinance or application hereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion or application hereof.

SECTION 17. 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 _____ day of _____, 2011.

AUTHENTICATION: _____
Mayor City Clerk

APPROVED AS TO FORM:  _____
City Attorney Date 4/27/11

Publication and Hearing Dates:

Section 163, F.S. Publication Date: _____, 2011
Date of First Public Hearing: _____, 2011
Section 163, F.S. Publication Date: _____, 2011
Ordinance Publication Date: _____, 2011
Date of Second Public Hearing: _____, 2011

Vote of Council Members:

Ruane _____
Denham _____
Congress _____
Harrity _____
Jennings _____

Date filed with the City Clerk: _____



City of Sanibel

800 Dunlop Road
Sanibel, Florida 33957-4096

www.mysanibel.com

AREA CODE - 239

CITY COUNCIL	472-4135
ADMINISTRATIVE	472-3700
BUILDING	472-4555
EMERGENCY MANAGEMENT	472-3111
FINANCE	472-9615
LEGAL	472-4359
NATURAL RESOURCES	472-3700
RECREATION	472-0345
PLANNING	472-4136
POLICE	472-3111
PUBLIC WORKS	472-6397

March 17, 2010

Mr. Mike Valiquette
Chairman, Sanibel Planning Commission
1206 Bay Drive
Sanibel, Florida 33957

Dear Chairman Valiquette:

At the regular meeting on March 16, 2010, the Sanibel City Council unanimously agreed to refer Redevelopment in the Resort Housing District guidelines to the Planning Commission for the preparation of Appropriate Land Use Regulations for Council's consideration. All background information considered by City Council during the redevelopment discussions is attached.

To be certain to maintain open lines of communication, we are suggesting that the Planning Commission present detailed written reports to City Council on progress achieved every other month. The City Council's regular meeting schedule and the deadline for the receipt of progress reports for inclusion in the agenda packet are shown below:

City Council Meeting Schedule

Agenda Material Deadline

May 04, 2010

Monday, April 26, 2010

July 20, 2010

Monday, July 12, 2010

September 21, 2010

Monday, September 13, 2010

November 02, 2010

Monday, October 25, 2010

January 04, 2011

Monday, December 27, 2010

We thank the Planning Commission for taking on this very important land develop issue and look forward to working together to improve our Code for future generations.

Sincerely yours,

Mick Denham, Mayor

Cc: Sanibel City Council
Planning Commission Members
Judie Zimomra, City Manager
Kenneth B. Cuyler, City Attorney
Jimmy Jordan, Planning Director
Pamela Smith, City Clerk



**City of Sanibel
Planning Department**

MEMORANDUM

DATE: March 10, 2010

TO: City Manager

FROM: James C. Jordan, Planning Director

SUBJECT: KEY INGREDIENTS IDENTIFIED BY CITY COUNCIL FOR THE CITY'S REDEVELOPMENT PROGRAM FOR THE RESORT HOUSING DISTRICT

This memorandum provides a draft of City Council's identification of the Key Ingredients for the City's Redevelopment Program for the Resort Housing District.

In addition to the identification of the Key Ingredients for the City's Redevelopment Program for the Resort Housing District, this memorandum includes:

A graphic illustrating the Building Height Available above the Base Flood Elevation for Multi-family Buildings in the Resort Housing District

A copy of Robert K. Loflin's February 16, 2010 memorandum on "Coverage and Clearance Issues Involved with Redevelopment".

KEY INGREDIENTS IN THE CITY'S REDEVELOPMENT PROGRAM FOR THE RESORT HOUSING DISTRICT

Authorized by City Council
March 16, 2010

Purpose

Short-term occupancy is a concern which must be dealt with by the City. There is a need to provide for the improvement or replacement of aging buildings:

- **To improve building safety and comply with Building Code requirements and flood regulations**
- **To preserve the daily, weekly capacity of short-term rental units**
- **To encourage property owners / investors to maintain their hotel / motel use**

It is in the interest of both residents and businesses to preserve the short-term rental (less than 4 consecutive weeks) housing stock.

Redevelopment

Redevelopment can be as extensive as the complete removal of all existing structures from a site (creating a vacant parcel) and the construction of permitted principal and accessory structures, in accordance with the *Sanibel Plan* and the Land Development Code.

Redevelopment can also be partial, such as the enlarging or reconfiguring of existing principal and accessory structures or the addition of principal or accessory structures, in accordance with the *Sanibel Plan* and the Land Development Code.

Redevelopment can be the rehabilitation of existing principal and accessory structures, to improve and enhance these structures. Rehabilitation of structures within the existing footprint and three-dimensional outline of these structures is currently permitted by the Land Development Code.

Redevelopment would also be any combination of these activities. Redevelopment also includes activities such as enhancements to an on-site surface water management system and the restoration of the dunes and Gulf Beach (Preservation) Zone.

Activities constituting development (as currently defined in Land Development Code Section 78-9) include this full range of redevelopment activities.

Scope of the Study Area

- **The scope of the Resort Housing Sector Redevelopment Study should focus exclusively on the Resort Housing District.**

Density

- **A hotel, motel or resort condominium, which is nonconforming (i.e., exceeds current limits on the Development Intensity Map), should be allowed to redevelop and maintain that existing density**
 - Redevelopment of existing hotels, motels or resort condominiums, that maintain an existing number of units that exceeds that permitted by the Development Intensity Map, must do so within the existing square footage of the habitable area of that development
 - To maintain short-term occupancy units, redevelopment of existing hotels, motels or resort condominiums (that maintain an existing number of units that exceeds that permitted by the Development Intensity Map) must maintain the short-term occupancy use of that development

If existing hotels, motels or resort condominiums maintain short-term occupancy when they redevelop, they can maintain their existing number of units. For those who want to move to a condominium type business model, that limits short term occupancy, then they should conform to the current Development Intensity Map.

Currently, existing developments in the Resort Housing District, that exceed the number of units permitted by the Development Intensity Map, are nonconforming; however, pursuant to LDC Section 126-130, these units are permitted “to continue until they are eventually removed”. **Under the provisions of this redevelopment program, these developments, that exceed the number of units permitted by the Development Intensity Map, will remain nonconforming, until such time as they fully redevelop in accordance with**

the *Sanibel Plan* and the Land Development Code, as amended to establish appropriate parameters for redevelopment.

Lot Coverage and Developed Area

- **Current limits on lot coverage with impermeable surfaces and developed area in the Land Development Code should not be changed.**
 - Consideration should be given to developing strict criteria whereby limits on lot coverage and developed area can be exceeded for the full range of redevelopment activities, subject to adequate mitigation to address improving the:
 - volume of on-site stormwater retention
 - quality of stormwater discharge from the site
 - amount and quality of open spaces (for scenic preservation and the provision of native vegetation and wildlife habitat).

Preliminary examples of providing adequate mitigation for exceeding limits on lot coverage and developed area include:

Removing more existing unneeded / unrequired developed area than the amount of developed area to be added.

Increasing the amount of stormwater runoff that is retained on the site and adding surface water management facilities to improve the quality of stormwater runoff that is discharged from the site.

Increasing the planting native vegetation areas proportionately to the amount of lot coverage and developed area that exceeds the limits established for lot coverage with impermeable surfaces and developed area.

Preliminary examples of mitigation could also include a combination of the examples listed above.

The details for implementing this provision of the Redevelopment Program still need to be developed. Implementation needs to be structured to address the concerns raised in Robert K. Loflin's February 16, 2010 memorandum (copy provided) on "Coverage and Clearance Issues Involved with Redevelopment".

Height Limit

- **The height of buildings will not exceed three stories above the base flood elevation, as currently established in the *Sanibel Plan (Section 3.2.5 Scenic Preservation, Policy 1.1)*.**
 - Relief to the height limit of 45 feet NGVD, (i.e., 43.8 feet NAVD) has been provided to accommodate three habitable floors above the Base Flood Elevation in multi-family buildings in the Resort Housing District [LDC Section 126-635(4)]. However, when the State's Coastal Construction Program increased the Base Flood Elevation in the Resort Housing District (up to six feet higher than the Base Flood Elevation from the 1995 Flood Insurance Rate Map), the Land Development Code [Section 126.635(4)] was amended to add this difference between the base flood elevations to exceed the 45' height limit. This amendment allowed for the continued development of three habitable floors above the base flood elevation in multi-family buildings.

With the higher base flood elevations of the 2008 Flood Insurance Rate Map, the distance between the two Base Flood Elevation has been reduced and the current formula no longer provides the relief intended.

A crude graphic has been prepared to illustrate this situation.

The current relief to the height limit may need to be adjusted since the 2008 Flood Insurance Rate Map has increased the Base Flood Elevation in the Resort Housing District.

Setbacks

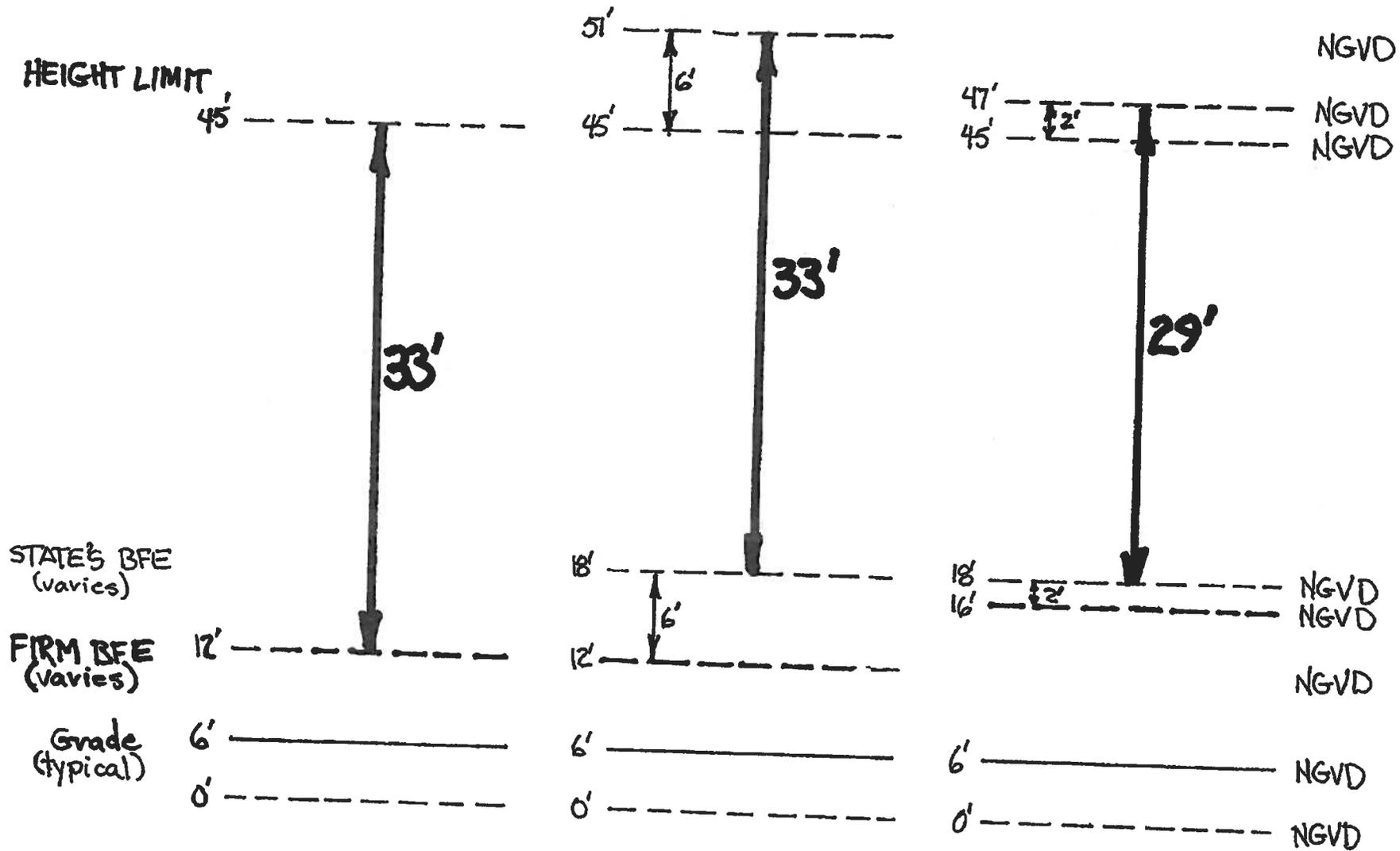
- **The current setbacks in the Land Development Code should be maintained.**
- **The City will continue to prohibit redevelopment in the Gulf Beach Zone (i.e., seaward of the 1974 Coastal Construction Control Line), as currently established in the *Sanibel Plan (Section 3.3.1 Coastal Zone Protection, Policy 3.1)*.**

Green Technologies

- **Provisions should be developed to accommodate or give allowances for using green technologies in the redevelopment in the Resort Housing District**

Relocation of the Footprints of Existing Structures when Redevelopment Occurs

Demolition of existing nonconforming structures and construction of conforming structures (whether in the old location or relocated) would only be approved if the proposed site plan is in compliance with the Land Development Code, as amended to establish appropriate parameters for redevelopment. Therefore, Land Development Code Chapter 126 Zoning, Article V Nonconformances would not apply to the redevelopment of these structures.



Only FEMA's BFE Flood Regs

After State's CCL BFE Flood Regs

After 2008 FEMA BFE Flood Regs

Building Height Available above the BFE (Base Flood Elevation)
 For Multi-family Buildings in the Resort Housing District

**NATURAL RESOURCES DEPARTMENT
MEMORANDUM**

DATE: February 16, 2010

TO: City Manager Judie Zimomra
Planning Director Jim Jordan

FROM: Natural Resources Director Robert K. Loflin Ph.D.

RE: Coverage and Clearance Issues involved with Redevelopment

One of the anticipated requests from property owners interested in redevelopment (and/or buildback after storm damage) of their Sanibel properties, is an increased coverage and clearance allowance. Coverage and clearance is the total footprint by area of the impervious surfaces on a property, including driveway, building pads, pool, walkways, etc. Natural Resources staff strongly recommends not increasing the limits for these development parameters for the following reasons:

Water Quality Protection: The greater the amount of impervious coverage on a property, the more polluted stormwater runoff is not treated on-site and instead is more directly input into island open bodies of water and the surrounding estuary. Directing stormwater run-off flowing from buildings, driveway surfaces and parking lots onto undeveloped vegetated areas is the best way in which to remove the maximum amount of nutrients, fertilizer, pesticides, oils and greases and other pollutants before they enter the estuary or Gulf. When stormwater is allowed to percolate into the soil, plants and microorganisms utilize the nutrients and organic matter and convert it to biomass, thereby fixing it in place before it can contribute to algae blooms and fish kills. We already have significant problems with nutrient pollution in our water bodies and adjacent estuary due to excessive inputs from both locally and especially from mainland sources. We need to be very careful in all our management actions not to trigger a tipping point at which algae blooms such as red drift algae and the organism that causes red tide can grow out of control. In many cases, non-conforming developments that were designed prior to modern drainage and retention planning already have inadequate pervious area to effectively treat stormwater run-off and increasing

coverage and clearance would make this condition worse.

Water Supply and Surficial Aquifers: By allowing rainwater to soak down into pervious vegetated areas on a property, the cleansed water contributes to maintaining the islands shallow freshwater surficial aquifer. This surface supply of groundwater is critical for providing sustenance to island trees and our rare barrier island freshwater wetlands and for preventing salt water intrusion from surrounding marine waters. This lens of surface water where it gradually mixes with saltwater at the shoreline of the island, particularly at low tide, is part of the essential brackish mixing zone of the estuary, crucial for numerous marine organisms, including many of commercial and recreational importance. Without sufficient pervious area, this often polluted water instead rushes directly in high volumes into surrounding waters, causing excessive salinity and nutrient swings and negating much of its value for the estuary.

Wildlife Habitat: One of the major purposes on Sanibel for having adequate limits on impervious area and clearance is to conserve at least some of the native vegetation, even on private property, that is needed for wildlife habitat and wildlife travel corridors. Unlike other communities, where greenspace and habitat are only found in limited preserves, the Sanibel Plan calls for all lands to continue to contribute at least modestly to wildlife values, even after they are developed. The co-existence of humans and wildlife is not sustainable in any meaningful way when too high a percent of a property is devoted solely to concrete, asphalt, gravel, sod and exotic plants. It would be advisable from this standpoint to also ensure that redeveloped properties be required to have a minimum of 75% native vegetation following construction and re-landscaping, the same standard now in existence for new construction.

RESOLUTION NO. 11-05

**CITY OF SANIBEL
PLANNING COMMISSION**

A RESOLUTION RECOMMENDING THAT CITY COUNCIL APPROVE AN ORDINANCE AMENDING THE CODE OF ORDINANCES, SUBPART B LAND DEVELOPMENT CODE,

IN CHAPTER 126 ZONING, ADDING, AMENDING AND RENUMBERING SECTIONS IN ARTICLE XII RESORT HOUSING DISTRICT

**AMENDING SECTION 126-631 CREATED TO UPDATE THE REFERENCE TO THE RESORT HOUSING DISTRICT MAP; AND
AMENDING SECTION 126-632 FINDINGS TO ADD FINDINGS RELATED TO THE MAINTENANCE OF THE RESORT HOUSING DISTRICT; AND
AMENDING SECTION 126-633 PURPOSES, INTENT AND OBJECTIVES TO UPDATE THE OBJECTIVES FOR THE DISTRICT; AND
ADDING A NEW SECTION 126-634 DEFINITIONS TO DEFINE REDEVELOPMENT, RECONSTRUCTION AND REHABILITATION IN THE RESORT HOUSING DISTRICT; AND RENUMBERING SECTION 126-634 PERMITTED USES AS 126-635; AND
ADDING A NEW SECTION 126-636 DEVELOPMENT INTENSITY TO ALLOW EXISTING HOTELS, MOTELS OR RESORT CONDOMINIUMS THAT ARE REDEVELOPED IN ACCORDANCE WITH THE *SANIBEL PLAN* AND THE LAND DEVELOPMENT CODE TO MAINTAIN UP TO THEIR EXISTING DENSITY, PROVIDED THAT REDEVELOPED HOTELS, MOTELS OR RESORT CONDOMINIUMS COMPLY WITH SPECIFIC CONDITIONS; AND
AMENDING SECTION 126-635 DEVELOPMENT REGULATIONS TO RENUMBER THE SECTION AS 126-637 AND TO CLARIFY STANDARDS FOR RECREATIONAL OPEN SPACE, HEIGHT LIMITS, LIMITS ON COVERAGE WITH IMPERMEABLE SURFACES, DEVELOPED AREA AND VEGETATION REMOVAL AND SETBACKS IN THE RESORT HOUSING DISTRICT AND TO ADD STANDARDS GENERALLY AND FOR MAINTENANCE OF COMMUNITY CHARACTER AND HISTORICALLY SIGNIFICANT STRUCTURES AND TO ADD STANDARDS FOR BEST ECOLOGICAL PRACTICES AND SURFACE WATER MANAGEMENT; AND
RENUMBERING SECTION 126-636 RESORT HOUSING ACCESSORY BEACH EQUIPMENT REQUIREMENTS AS 126-638; AND**

IN CHAPTER 126 ZONING, ARTICLE XIV SUPPLEMENTAL DISTRICT REGULATIONS, DIVISION 3 BUILDING AND AREA REQUIREMENTS, SUBDIVISION I IN GENERAL

AMENDING SECTION 126-939 STANDARD MINIMUM DISTANCE BETWEEN BUILDINGS TO EXEMPT RECONSTRUCTED BUILDINGS IN THE RESORT HOUSING DISTRICT FROM THIS STANDARD; AND

IN CHAPTER 86 DEVELOPMENT STANDARDS, ARTICLE III RESIDENTIAL, DIVISION 3 UNIFIED RESIDENTIAL HOUSING, SUBDIVISION III MULTIFAMILY HOUSING

AMENDING SECTION 86-163 MAXIMUM NUMBER OF DWELLING UNITS TO REVISE THIS STANDARD FOR RECONSTRUCTED BUILDINGS IN THE RESORT HOUSING DISTRICT; AND

IN CHAPTER 126, ZONING, ARTICLE V NONCONFORMANCES, DIVISION 2 USES

**AMENDING SECTION 126-152 EXCEPTIONS AND PROHIBITIONS TO PROVIDE
ADDITIONAL EXCEPTIONS FOR BUILDINGS IN THE RESORT HOUSING DISTRICT; AND**

IN CHAPTER 126, ZONING, ARTICLE V NONCONFORMANCES, DIVISION 3 STRUCTURES

**AMENDING SECTION 126-172 IMPROVEMENT, RECONSTRUCTION OR RELO-CATION
PROHIBITED; EXCEPTIONS TO PROVIDE ADDITIONAL EXCEPTIONS FOR BUILDINGS IN
THE RESORT HOUSING DISTRICT; AND**

**IN CHAPTER 82 ADMINISTRATION, ARTICLE IV DEVELOPMENT PERMITS, SUBDIVISION II
SHORT-FORM,**

**AMENDING SECTION 82-401 APPLICATIONS TO INCLUDE ADDITIONS TO EXISTING
BUILDINGS OR STRUCTURES THAT ARE REQUIRED TO MEET FEDERAL OR STATE
REQUIREMENTS FOR THAT USE TO THE LIST OF DEVELOPMENT ACTIVITIES ELIGIBLE FOR
SHORT-FORM APPLICATIONS; AND**

**PROVIDING FOR CONFLICT AND SEVERANCE; PROVIDING FOR CODIFICATION; AND
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, public hearings on the pending ordinance addressing redevelopment in the Resort Housing District were legally and properly advertised and held on January 11, 2011 and January 25, 2011 and February 8, 2011.

WHEREAS, this ordinance is the product of the Planning Commission and Planning Commission sitting as the Land Development Code Review Committee, hearing and considering comments and recommendations from the Planning Department staff and members of the public.

WHEREAS, the Planning Commission observed the direction provided by City Council and finds that this ordinance is consistent with Council's "Key Ingredients" for Redevelopment in the Resort Housing District, with the following exceptions:

This ordinance allows the height of multi-family buildings located in the Resort Housing District to extend 33 feet above the required base flood elevation, but no higher than 49.8 feet NAVD (or 51 feet NGVD).

This ordinance allows accessory swimming pools and other accessory structures to be reconstructed (replaced) in the Gulf Beach Zone, subject to conditions and procedures.

WHEREAS, the Planning Commission recommends these two exceptions because of their importance to redevelopment study for in the Resort Housing District.

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 recommends that the City Council adopt said Ordinance (No. 11-____, the title of which is provided in this Resolution.

BE IT FURTHER RESOLVED, that the Planning Commission finds that the Ordinance is consistent with the *Sanibel Plan*, with the two exceptions, and with City Council's 'Key Ingredients' for Redevelopment In the Resort Housing District, with the two exceptions. However, the Planning Commission recommends that these two exceptions be retained in the Ordinance because of their importance to the redevelopment study for the Resort Housing District.

Although the Ordinance's proposed change to the height limit in the Resort Housing District, may not be in strict complicate with City Council's 'Key Ingredient' not to increase the permitted height of buildings in the Resort Housing District, it is important to the Redevelopment Program. The change recommended in the Ordinance is as follows:

Added language is Underlined; Deleted language is ~~Struckthrough~~

In Section 126-~~637~~ 635 Development Regulations

(3) Height Limits for Buildings.

Developments that exceed the limitations on height of buildings are nonconforming.

~~Principal residential buildings shall be permitted to exceed 45 feet above mean sea level only where both of the following circumstances exist:~~

- ~~a. The buildings are located, in whole or in part, seaward of the Coastal Construction Control Line as established by the State Department of Environmental Protection in 1991; and~~
- ~~b. The flood elevation required by the Florida Building Code is higher than the base flood elevation required by the City.~~

~~In such case, the buildings shall be permitted to exceed 45 feet mean sea level by no more than the amount by which the flood elevation required by the Florida Building Code exceeds the base flood elevation required by the City's adopted Flood Insurance Rate Map.~~

The height of buildings will not exceed three stories above the base flood elevation. This limitation is established by Policy 1.1 in the *Scenic Preservation Element* (Section 3.2.5) of the *Sanibel Plan*.

In the Resort Housing District, the maximum height of buildings shall not exceed 33 feet above the base flood elevation of the FEMA Flood Insurance Rate Map (FIRM) or the Florida Building Code for buildings located seaward of the State's Coastal Construction Control Line (CCCL), whichever is higher. However, no building in the Resort Housing District can exceed height greater than 49.8 feet NAVD (or 51 feet NGVD).

Although the Ordinance's proposed change to allow accessory swimming pools and other accessory structures to be reconstructed (replaced) in the Gulf Beach Zone, subject to conditions and procedures, may not be in strict complicate with City

Council's 'Key Ingredient' not to increase setbacks or allow redevelopment seaward of the 1974 Coastal Construction Control Line, it is important to Resort Developments that prefer to upgrade their facilities rather than fully redeveloping the site. The change recommended in the Ordinance is as follows:

Added language is Underlined;

Section 126-152. (Nonconforming Uses) Exceptions and Prohibitions.

a) No existing structure devoted to a use not permitted in the district in which it is located shall be improved, enlarged, extended, moved, or structurally altered, except in changing the use of the structure to a use permitted in the district in which it is located, subject to the following exceptions:

- (3) In the Resort Housing District, reconstruction of existing nonconforming swimming pools and decks, including all related support components and equipment, located partially or entirely in the Gulf Beach Zone, which in conjunction with prior repairs or rehabilitation amount to a substantial improvement.
 - o If any portion of such reconstruction is located in the Gulf Beach Zone, the replacement facility cannot exceed the overall size of the existing swimming pool and deck, including all related support components and equipment; however, the pool cavity can be enlarged provided it fits within an area that is no larger than the area of the existing facility that is to be replaced.
 - o Such reconstruction is to be considered for approval by the Planning Commission at a public hearing and after consideration of the applicant's evidence that all alternative locations for the replacement of a comparably sized pool and deck with related support components and equipment have been examined and found not to be feasible.
 - o The applicant's examination of alternative locations shall, at a minimum, include an assessment of all available on-site areas located outside the Gulf Beach Zone.
- (4) In the Resort Housing District, reconstruction of existing nonconforming accessory structures, located partially or entirely in the Gulf Beach Zone, which in conjunction with prior repairs or rehabilitation amount to a substantial improvement.
 - o If any portion of such reconstruction is located in the Gulf Beach Zone, the replacement structure, including all related support components and equipment, cannot exceed the overall size of the existing structure.
 - o If the accessory structure covers more than 100 square feet of land area, such reconstruction is to be considered for approval by the Planning Commission at a public hearing and after consideration of the applicant's evidence that all alternative locations for the

replacement of a comparably sized structure have been examined and found not to be feasible.

- o The applicant's examination of alternative locations shall, at a minimum, include an assessment of all available on-site areas located outside the Gulf Beach Zone.

BE IT FURTHER RESOLVED, if City Council determines that the proposed ordinance is inconsistent with the *Sanibel Plan* or its intent and purpose, as it pertains to Section 3.3.1 Coastal Zone Protection, Policy 3.1, the Planning Commission recommends that said policy be amended as indicated below, as part of the 2011/12 Evaluation and Appraisal Report of the *Sanibel Plan*.

Added language is Underlined

Policy 3.1. The City will continue to prohibit new development and redevelopment in the Gulf Beach Zone (i.e., seaward of the 1974 Coastal Construction Control Line).

Existing buildings located seaward of the 1974 Coastal Construction Control Line that are substantially damaged by a natural disaster may be allowed to build-back in their pre-disaster location.

Lawfully existing accessory swimming pools and other accessory structures located in the Resort Housing District may be reconstructed in their existing location, seaward of the 1974 CCCL, provided there are no other feasible locations available elsewhere on site not within the Gulf Beach Zone.

The foregoing Resolution was adopted by the Planning Commission upon a motion by Michael Valiquette and seconded by Tom Krekel and the vote was as follows:

Chris Heidrick	<u>No</u>	Paul Reynolds	<u>Yes</u>
Chuck Ketteman	<u>Yes</u>	Holly Smith	<u>Yes</u>
Tom Krekel	<u>Yes</u>	Michael Valiquette	<u>Yes</u>
Phillip Marks	<u>Yes</u>		

DULY PASSED AND ADOPTED this 8 th day of February 2011.

SANIBEL PLANNING COMMISSION

Signed: Michael A. Valiquette
Chair Person

2/10/11
Date Signed

Approved As To Form:

Signed: Kenneth B. Gyl
City Attorney

2/10/11
Date Signed

Date Filed With City Manager: 2/10/11

May 03, 2011 CC MEETING



City of Sanibel
Planning Department

MEMORANDUM

DATE: April 27, 2011

TO: City Council
City Manager – Judie Zimomra

FROM: James C. Jordan, Planning Director

SUBJECT: **MATRIX OF TOPICS AFFECTING REDEVELOPMENT IN THE RESORT HOUSING DISTRICT
REFERENCING THE LANGUAGE OF PENDING ORDINANCE NO. 11-003**

The Matrix, pages 2 through 4, references the language of the pending ordinance (no. 11-003) for implementing the policy for guiding redevelopment in the Resort Housing District, as directed by City Council's "KEY INGREDIENTS" in the City's redevelopment program for the Resort Housing District and provided by the Planning Commission and Land Development Code Review Committee (a subcommittee of the Planning Commission).