



City of Sanibel

Planning Department

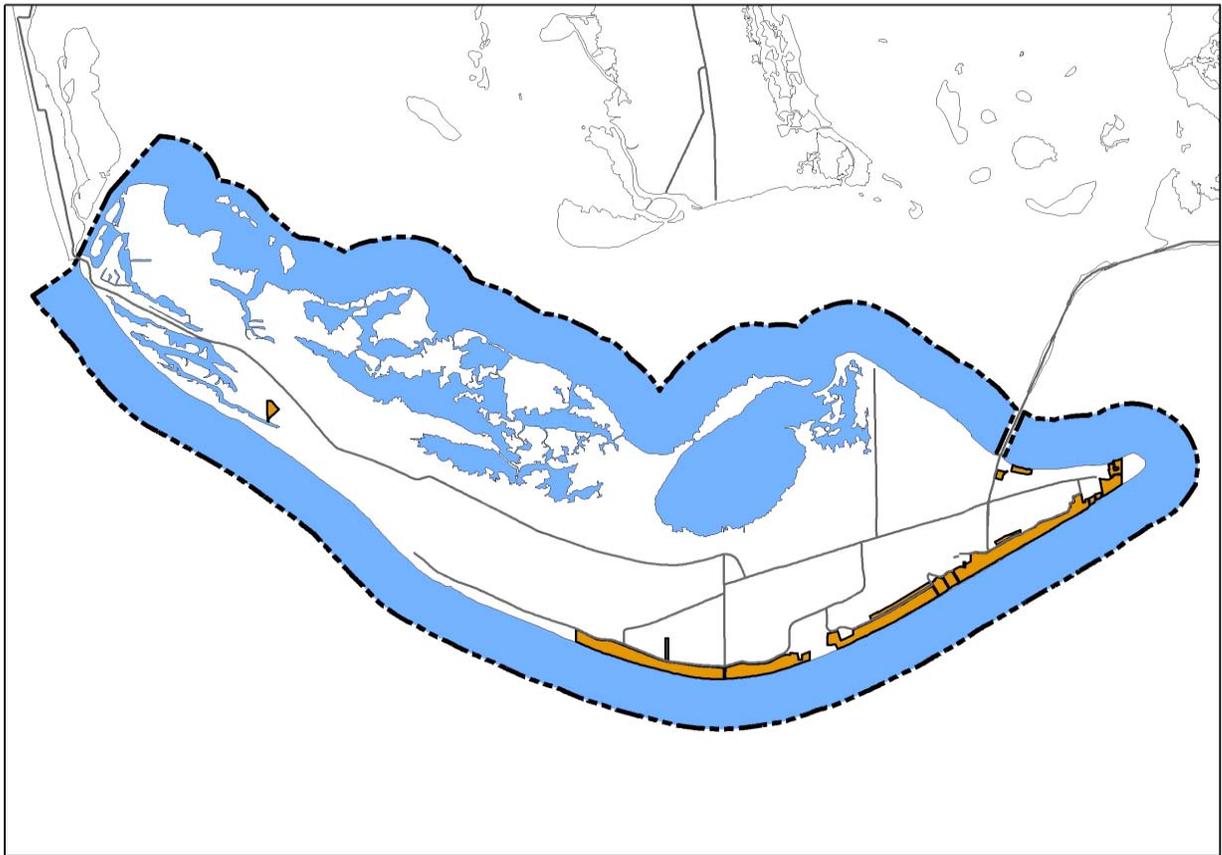
Guide to Redevelopment in the Resort Housing District



The purpose of this guide is to address general and basic questions that often arise pertaining to the City's regulations for redevelopment in the Resort Housing District.

This Guide also provides:

- A small-scale map of the Resort Housing district, showing its location and extent.
- An index to the Land Development Code citing the sections that state the regulations.



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City of Sanibel - Resort Housing District



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Guide to Redevelopment In the Resort Housing District

It is the expressed intent of the City Council to implement a redevelopment strategy that:

- Balances property rights with environmental, public safety, and community welfare considerations, and to
- Encourage retention of resort housing units (hotel, motel, and resort condominium units) when resort housing properties redevelop.

Additionally, the City Council's strategy for redevelopment is intended to allow existing hotel, motel, and resort condominiums to:

- Upgrade, rehabilitate, and modernize existing improvements, and
- Improve the safety of buildings in compliance with the Building Code and Flood regulations.

It is the intent of this Guide to Redevelopment in the Resort Housing District to address some general and basic questions pertaining to the new regulations for development (including redevelopment and rehabilitation) in the Resort Housing District.

Questions pertaining to:

- Reconstruction, Rehabilitation, and Buildback.
- Density, Average Occupancy Rate and Floor Area.
- Master Plan requirements for Redevelopment.
- Building Height.
- Limitations on Coverage with Impermeable Surfaces, Developed Area and Vegetation Removal.
- Vegetation and Gulf Beach Restoration.
- On-site Surface Water Management.

Redevelopment, Rehabilitation, and Buildback

What is Redevelopment?

Redevelopment means the discretionary act of **reconstruction** or the **substantial improvement** of an existing building.

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.

The substantial improvement of an existing building, including compliance with flood regulations, is considered reconstruction. The building-back of units substantially damaged by a natural disaster is also reconstruction.

Substantial Improvement means any repair, reconstruction, rehabilitation, addition or other improvement, or combination or accumulation of any repair, reconstruction, rehabilitation, addition or other improvement of a structure, in which the cumulative cost of the improvements equals or exceeds 50 percent of the market value of the structure at the time of the application.

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.

What are the differences between redevelopment and “buildback”?

Redevelopment is the discretionary act of reconstruction or substantial improvement of aging buildings and structures. “Buildback” is reconstruction of the substantial damage caused by a natural disaster.

In the event of a natural disaster, properties within the Resort Housing District can choose to either rebuild according to Resort Housing District regulations or according to the Buildback Regulations.

Master Plan for Redevelopment

What is a Master Plan and when is one required?

A Master Plan must include a detailed site plan and drainage plan for buildings and accessory structures that are to be reconstructed, rehabilitated, or retained on the site when the redevelopment project is complete. The Floor Plans for the buildings to be reconstructed, rehabilitated, or retained on site are required as part of the Master Plan.

- A Master Plan can include both reconstruction and rehabilitation activities.
- The Master Plan must demonstrate compliance with all requirements of the Land Development Code and be approved by Planning Commission Resolution.

A Master Plan is required if the reconstruction of existing residential buildings is to be Phased, in order to identify where all development (reconstructed, rehabilitated, and retained) is to be located before any buildings are reconstructed.

Density, Average Occupancy Rate, and Floor Area

How many units per acre can be redeveloped in the Resort Housing District?

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, which in almost all cases will result in a reduction of the number of units on the site, to be redeveloped prior to the redevelopment.

In addition, if a redeveloped site exceeds the density on the Development Intensity Map, the following restrictions apply:

- The redeveloped site must retain the use of the property for short-term rental occupancy (i.e., resort housing use).
- The redeveloped site must not exceed the square footage of the habitable area that existed in the prior development.

How do the City's limitations on the average occupancy rate apply?

Essentially, the new regulation "grandfathers-in" the existing average occupancy rate for redevelopment of hotels, motels or resort condominiums that retain the same use.

If there is no increase in the number of units or in the number of bedrooms, which is a requirement, there will be no increase in the average occupancy rate for the redeveloped resort. Average occupancy rate is an assessment of the building and not an evaluation of resort owners' expectations or actual success for occupancy.

What is the Maximum amount of Floor Area that can be redeveloped when an existing hotel, motel or resort condominium redevelops in the Resort Housing District with more units than permitted by the Development Intensity Map?

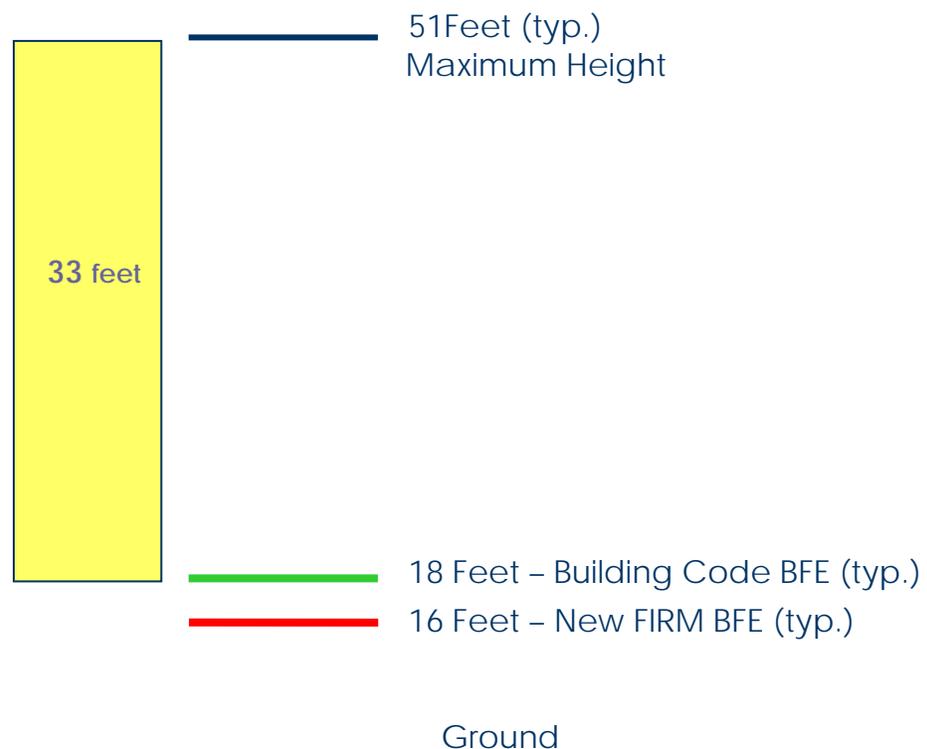
In order to redevelop more units than that permitted by the Development Intensity Map, the total Floor Area of the site cannot exceed the square footage of the habitable area that existed in the prior development.

The limitation on Floor Area applies only to habitable space. The limitation does not apply to under building or other covered parking areas or exterior spaces such as decks, balconies and lanais.

Height

What is the maximum height for buildings that are redeveloped in the Resort Housing District?

The maximum height limit for buildings in the Resort Housing District shall not exceed 33 feet above the base flood elevation of the FEMA Flood Insurance Rate Map (FIRM) or the Florida Building Code, whichever is higher. However, no building in the Resort Housing District can exceed a height greater than 49.8 feet NAVD (or 51 feet NGVD).



BFE = Base Flood Elevation
FIRM = Flood Insurance Rate

Elevations are expressed in NAVD
(North American Vertical Datum)

Coverage, Developed Area and Vegetation Removal

What is the maximum amount of coverage, developed area and vegetation removal that is permitted in the Resort Housing District, when an existing hotel, motel or resort condominium redevelops?

For Redevelopment in the Resort Housing District, the maximum amount of coverage, developed area, and vegetation removal that is permitted is controlled by the applicable Ecological Zones for new development. The typical Ecological Zone in the Resort Housing District is the Gulf Beach Ridge Zone. Therefore, the maximum area permitted to be covered with impermeable surfaces in the Gulf Beach Ridge Zone is 25 percent. The maximum area permitted as developed area and for vegetation removal is 30 percent.

What is the maximum amount of coverage, developed area, and vegetation removal permitted in the RHD, when a hotel, motel, or resort condominium adds or modifies existing improvements?

For rehabilitation activities in the Resort Housing District (including additions and modifications), the maximum amount of coverage, developed area, and vegetation removal that is allowed is the applicable Ecological Zone for new development. However, for developments in the Resort Housing District that are nonconforming because they exceed the limits established for the maximum amount of coverage for 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 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 storm water retention volume.

Vegetation and Gulf Beach Restoration

What are the requirements for vegetation and Gulf Beach Restoration in the Resort Housing Development when a hotel, motel, or resort condominium redevelops?

- A roadside buffer is required along collector and arterial roadways.
- Restoration to the Gulf Beach Zone is required.
- To protect the beach dune system and beach vegetation that is essential for continued preservation to the shore line, access way(s) to the beach are required.
- Removal of invasive exotic species of plants, except for minor improvements, is required for both reconstruction and rehabilitation activities.

How is existing development located in the Gulf beach Zone treated when hotels, motels, and resort condominiums in the Resort Housing District redevelop?

- When residential units are reconstructed, all existing development in the Gulf Beach Zone must be removed.

How is existing development located in the Gulf Beach Zone treated when hotels, motels, and resort condominiums in the RHD want to rehabilitate or replace accessory structures?

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, is allowed, subject to the following:

- The improvements cannot be more than the original 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.
- The applicant must examine alternative locations and assess all available on-site areas located outside the Gulf Beach Zone.
- The re-establishment of the nonconforming use is to be considered for approval by the Planning Commission at a public hearing.

Reconstruction of existing, nonconforming accessory structures, other than swimming pools, located partially or entirely within the Gulf Beach Zone, which in conjunction with prior repairs or rehabilitation amount to a substantial improvement is allowed, subject to the following:

- The improvements cannot exceed the overall size of the existing structure.
- The applicant must examine alternative locations and assess all available on-site areas located outside the Gulf Beach Zone.
- The re-establishment of the nonconforming use 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.

The provisions allowing replacement (redevelopment) of swimming pools and accessory structures located in the Gulf Beach Zone does not become effective until the *Sanibel Plan* is amended to allow this redevelopment in the Gulf Beach Zone.

On-site Surface Water Management

What are the drainage requirements for redevelopment and site alterations in the Resort Housing District?

- On-site Surface Water Management for the reconstruction of residential units in Resort Development is to be in compliance with surface water management standards as required in Chapter 118 of the Land Development Code.
- For existing Resort Developments, mitigation is required for additional development that impacts the existing surface water management system, to ensure that there is no loss in on-site storm water storage and no decrease in the quality of water discharged from the site.

Other Considerations

Are there any other considerations that affect redevelopment in the Resort Housing District?

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

For reconstruction of existing residential buildings in the Resort Housing District:

- Reconstructed buildings are permitted to contain more than 10 dwelling units.
- Reconstructed buildings are not subject to the Standard Minimum Distance between buildings requirement; however, Life Safety requirements in the Building Code for the separation of buildings continues to apply.

Applicable Land Development Code Sections

The following table indexes the applicable sections of the Land Development Code that pertain to reconstruction and rehabilitation of hotels, motels, and resort condominiums in the Resort Housing District.

Topic	Land Development Code Section
Definitions	Sec.126-634
Density	Sec.126-636
Average Occupancy Rate	Sec.126-636
Floor Area.	Sec.126-636
Master Plan.....	Sec.126-636
Building Height	Sec.126-637(3)
Coverage w/Impermeable Surfaces	Sec.126-637(4)
Developed Area	Sec.126-637(4)
Vegetation Removal	Sec.126-637(4)
Vegetation	Sec.126-172
Gulf Beach Restoration	Sec.126-637(6)
On Site Surface Water Management.....	Sec.118
Standard Minimum Distance between Buildings	Sec.126-939
Maximum Number of Units in a Building.....	Sec.86-163
On-site Recreation Open Space.....	Sec.126-637(2)
Appearance of Structures, Size, and Mass of Structures.....	Sec. 86-43
Nonconforming Uses	Sec.126-152
Nonconforming Structures.....	Sec.126-172

The Sanibel Land Development Code is available on the City's website:
MySanibel.com

Additional requirements may apply based on the specifics of the project. Please contact the Planning Department for answers to specific questions.

Contacts for Additional Information

Contact the Planning Department at (239) 472-4136
 If you have any questions about the City regulations for Redevelopment in the Resort Housing District.