



**City of Sanibel**  
**Planning Department**

MEMORANDUM

DATE: December 19, 2011

TO: Judie Zimomra, City Manager

FROM: James C. Jordan, Planning Director

SUBJECT: **CITY COUNCIL'S KICK-OFF FOR THE 2012 EVALUATION AND APPRAISAL OF THE SANIBEL PLAN**

The following materials have been prepared by the Planning Department for City Council's review, comment and direction for the upcoming evaluation and Appraisal of the *Sanibel Plan*.

- ✓ A report on the Status of the Major Issues identified in the 2004/5 Evaluation and Appraisal Report
- ✓ A summary of changes in State Statutes, pursuant to "The (2011) Community Planning Act"
- ✓ A memorandum recommending improvements to the City's process for Evaluation and Appraisal of the *Sanibel Plan*
- ✓ A proposed Schedule for the City's 2012 Evaluation and Appraisal of the *Sanibel Plan*

Pursuant to the proposed Schedule, **these materials would be considered by the City Council at their January meeting.** The Planning Commission would begin their review and preparation of the Evaluation and Appraisal of the *Sanibel Plan* in February.

**CITY OF SANIBEL**

**ORDINANCE 12-001**

**AN ORDINANCE AMENDING THE *SANIBEL PLAN*:**

**BY AMENDING SECTION 3.5.1 CAPITAL IMPROVEMENTS GOALS, OBJECTIVES AND POLICIES AND SECTION 3.5.2 IMPLEMENTATION, MONITORING AND EVALUATION, TO UPDATE THE CAPITAL IMPROVEMENTS ELEMENT INCLUDING THE ADOPTED FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS; AND**

**BY AMENDING SECTION 3.2.1 COASTAL ZONE PROTECTION GOALS, OBJECTIVES AND POLICIES, TO AMEND POLICY 3.1 TO ALLOW EXISTING ACCESSORY SWIMMING POOLS AND OTHER ACCESSORY STRUCTURES TO BE REDEVELOPED IN THE GULF BEACH ZONE PORTION OF THE RESORT HOUSING DISTRICT; AND**

**BY AMENDING SECTION 3.6.2 FUTURE LAND USE,**

**LAND USE PROJECTIONS, TO IDENTIFY THE STEPS TAKEN TO ADDRESS NON-CONFORMING DENSITIES IN BUILDING-BACK FROM SUBSTANTIAL DAMAGE CAUSED BY A NATURAL DISASTER AND REDEVELOPING RESORT HOUSING UNITS IN THE RESORT HOUSING DISTRICT; AND**

**PROVISIONS OF THE PLAN FOR PERMITTED USES, TO CLARIFY THAT CONTINUED USE OF EXISTING RESIDENTIAL STRUCTURES IS PERMITTED IN THE GULF BEACH ZONE AND TO STATE THAT REDEVELOPMENT OF EXISTING ACCESSORY SWIMMING POOLS AND ACCESSORY STRUCTURES LOCATED IN THE GULF BEACH ZONE PORTION OF THE RESORT HOUSING DISTRICT IS PERMITTED; AND**

**PROVISIONS OF THE PLAN FOR DEVELOPMENT INTENSITY, TO INCLUDE PROVISIONS FOR BUILDING-BACK LAWFULLY EXISTING DWELLING UNITS SUBSTANTIALLY DAMAGED BY A NATURAL DISASTER AND REDEVELOPING LAWFULLY EXISTING DWELLING UNITS IN THE RESORT HOUSING DISTRICT; AND**

**RESORT HOUSING, TO SUMMARIZE THE STEPS TAKEN TO RETAIN MOTELS, HOTELS AND RESORT CONDOMINIUMS WHEN REDEVELOPMENT OCCURS; AND**

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

**WHEREAS**, pursuant to *Florida Statutes*, the City has adopted a comprehensive land use plan (the *Sanibel Plan*); and

**WHEREAS**, the *Sanibel Plan*, initially adopted in 1976, is the product of an ongoing planning process; and

**WHEREAS**, the most recent Evaluation and Appraisal-based Plan Amendment was adopted in 2007; and

**WHEREAS**, Part 3.5. Capital Improvements concludes that there continues to be no capital improvements necessary to attain or maintain the required Level of Service Standards for public facilities, including Public School Facilities, established in the *Sanibel Plan*; and

**WHEREAS**, the City intends to further evaluate the Capital Improvements Elements as part of the 2011/12 Evaluation and Appraisal of the *Sanibel Plan*, including a comprehensive assessment of the Human Support Systems (Public Facilities) Elements of the Plan; and

**WHEREAS**, this Plan Amendment contains the 2011 annual review and update of the Capital Improvements Element and the Five-year Schedule of Capital Improvements, as required by the *Sanibel Plan* but no longer required by State Statute; and

**WHEREAS**, to ensure that there is internal consistency in the *Sanibel Plan*, this Plan Amendment also contains revisions that reflect the implementation of the City's Redevelopment Program for the Resort Housing District; and

**WHEREAS**, to implement an important provision to accommodate and regulate redevelopment in the Resort Housing District, this Plan Amendment also contains a policy amendment to allow redevelopment of existing accessory swimming pools and other accessory structures located in the Gulf Beach Zone portion of the Resort Housing District; and

**WHEREAS**, the staff has not identified any areas of the *Sanibel Plan* that are non-compliant with "The Community Planning Act", although this assessment will continue during the 2011/12 Evaluation and Appraisal of the *Sanibel Plan*; and

**WHEREAS**, the City is preparing a 2011/12 Evaluation and Appraisal of the *Sanibel Plan* to update the background discussions for each Element of the *Sanibel Plan* and to conduct policy review for determining compliance with State Law and to address local concerns; and

**WHEREAS**, this update and policy review of the *Sanibel Plan* will result in an Evaluation and Appraisal-based Amendment to the *Sanibel Plan* intended to revise and restate, as appropriate, the *Sanibel Plan*; and

**WHEREAS**, this Amendment to the *Sanibel Plan* demonstrates consistency with State Statutes; and

**WHEREAS**, the City Council deems it necessary to make such revisions to the *Sanibel Plan*, as contained in this ordinance; and

**WHEREAS**, all required public notices and public hearings for such amendment to the *Sanibel Plan* have been properly given and held.

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

**SECTION 1.** The City Council of the City of Sanibel hereby amends the *Sanibel Plan* in order to:

- (a) update background discussion and amend policy, consistent with Florida Statutes, in Section 3.5.1 Capital Improvements Goals, Objectives and Policies; and
- (b) reflect the annual update of the adopted Five-Year Schedule of Capital Improvements in Section 3.5.2 Implementation, Monitoring and Evaluation.

A copy of the full text of this Amendment to *Sanibel Plan* Sections 3.5.1 and 3.5.2 is attached hereto as **Exhibit “A”**, with underlining indicating additions and ~~striketrough~~ indicating deletions.

**SECTION 2.** The City Council of the City of Sanibel hereby amends the *Sanibel Plan* in order to:

- (a) allow existing accessory swimming pools and other accessory structures to be redeveloped in the Gulf Beach Zone portion of the Resort Housing District, by amending Policy 3.1 in Section 3.2.1 Coastal Zone Protection Goals, Objectives and Policies.

A copy of the full text of this Amendment to *Sanibel Plan* Section 3.2.1 is attached hereto as **Exhibit “B”** with underlining indicating additions and ~~striketrough~~ indicating deletions.

**SECTION 3.** The City Council of the City of Sanibel hereby amends Section 3.6.2 Future Land Use Goals, Objectives and Policies of the *Sanibel Plan* in order to:

- (a) identify the steps taken to address non-conforming densities in building-back from damage caused by a natural disaster and redeveloping resort housing units located in the Resort Housing District in the *Future Land Use Projections* of this Element; and

- (b) clarify that continued use of existing residential structures is permitted in the Gulf Beach Zone and to state that redevelopment of existing accessory swimming pools and other accessory structures located in the Gulf Beach Zone portion of the Resort Housing District is permitted in the *Provisions of the Plan for Permitted Uses*; and
- (c) identify that the City's land development regulations accommodate non-conforming densities when building-back the existing number of units if substantially damaged by a natural disaster and redeveloping up to the existing number of units in the Resort Housing District, provided that the resort use of the property is retained in the *Provisions of the Plan for Development Intensity*; and
- (d) summarize the steps taken to retain motels, hotels and resort condominiums when redevelopment occurs in the Resort Housing District.

A copy of the full text of this Amendment to *Sanibel Plan* Section 3.6.2 is attached hereto as **Exhibit "C"** with underlining indicating additions and ~~striketrough~~ indicating deletions.

**SECTION 4.** A copy of this amendment to the *Sanibel Plan* shall be kept on file in the Office of the City Clerk.

**SECTION 5.** 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 6.** 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 7.** Effective date.

This ordinance shall take effect 31 days after the State Land Planning Agency notifies the City that the Plan Amendment package submitted by the City pursuant to *Section*

163.3184(3)(c)3, Florida Statutes, is complete. If timely challenged, the Plan Amendment does not become effective until the State Land Planning Agency or Administrative Commission enters a final order determining the adopted Plan Amendment to be in Compliance.

**SECTION 8.** Codification.

The City Manager is hereby authorized and directed to cause the amendment approved herein to be incorporated into the adopted *Sanibel Plan*, as amended by this ordinance.

**DULY PASSED AND ENACTED** by the Council of the City of Sanibel, Lee County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**AUTHENTICATION:**

\_\_\_\_\_  
Kevin Ruane, Mayor

\_\_\_\_\_  
Pamela Smith, City Clerk

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

**Publication and Hearing Dates**

Section 163, F.S. Publication Dates: \_\_\_\_\_, 2011  
Date of First Public (Transmittal ) Hearing: \_\_\_\_\_, 2012  
Section 163, F.S. Publication Date: \_\_\_\_\_, 2012  
Ordinance Publication Date: \_\_\_\_\_, 2012  
Date of Second Public (Adoption) Hearing: \_\_\_\_\_, 2012

Vote of Council Members:

Ruane \_\_\_\_\_

Denham \_\_\_\_\_

Congress \_\_\_\_\_

Harrity \_\_\_\_\_

Jennings \_\_\_\_\_

Date filed with the City Clerk: \_\_\_\_\_

## Section 3.5.1. Capital Improvements Goals, Objectives and Policies

Pursuant to Section 163.3177, Florida Statutes ~~and Chapter 0J5.016(3) of the Florida Administrative Code.~~

### Background Discussion

The purpose of the Capital Improvements Element, ~~as stated in the Florida Administrative Code~~ is:

- To evaluate the need for public facilities, for each type of public facility, as identified in the *Sanibel Plan*
- To estimate the cost of improvements for which the City of Sanibel has fiscal responsibility
- To analyze the City of Sanibel's fiscal capability to finance and construct improvements
- To adopt financial policies to guide the funding of improvements
- To schedule the funding and construction of improvements in a manner which ensures that public facilities are provided, when required, based on needs identified in this Plan

For the purpose of this element, needed capital improvements or capital improvement deficiencies, are defined as those capital improvements required to achieve and maintain adopted level of service standards for public facilities established in Part 3.3 Human Support Systems Goals, Objectives and Policies of the Plan.

The data and analyses of this element of the *Sanibel Plan*, pursuant to Section 163.3177(3), Florida Statutes ~~and the~~

~~minimum review criteria of Chapter 95-5.016 of the Florida Administrative Code, are also provided in the Annual Review (2008) and Update of the Capital Improvements Element of the Sanibel Plan and related supporting documents as well as the 2004/2005 Evaluation and Appraisal Report for the Sanibel Plan, adopted April 19, 2005, and the background materials prepared and submitted with that Report.~~

The City of Sanibel currently prepares a Five-Year Capital Improvements Program and an annual capital budget. The City's Capital Improvements Program, distinct from this Capital Improvements Element, is to be consistent with the Capital Improvements Element. The Capital Improvements Program is to reflect the goals, objectives and policies of the Capital Improvements Element and its implementation strategy.

Because of the City's successes in avoiding the occurrence of deficiencies in public facilities, implementation of level of service standards has not significantly impacted the City's Capital Improvements Program.

Any projects from the Five-Year Schedule of Capital Improvements (those public facilities needed to maintain or attain adopted level of service standards for public facilities) established in this Plan, are to be incorporated into the City's Capital Improvements Program.

Currently, well over 90 percent of the residential and commercial sectors of the Future Land Use Map are developed or located in or adjacent to developed and serviced areas. In response to Sanibel's growth into a mature stage of its future land use, local practices for capital improvements have emphasized correcting past deficiencies and improving current service. With the exception of completion of the final phases of

the collection system for the Sanibel Sewer System, there is virtually no need to expand the service areas of public facilities (human support systems).

The Florida Legislature mandates that local governments plan for the availability of [some](#) public facilities and services to support development concurrent with the impacts of that development. This Capital Improvement Element [is included in the Sanibel Plan to comply](#) [complies](#) with this mandate.

This section of the *Sanibel Plan* establishes goals, objectives and policies for capital improvements, particularly those capital improvements required to attain and maintain minimum level of service standards for municipally provided public facilities, established in Part 3.3 (Human Support Systems) of the *Plan*.

The State of Florida requires that level of service standards for [some](#) public facilities be included in comprehensive land use plans. These level of service standards are established to ensure that adequate facility capacity will be maintained and provided for existing and future development.

Level of service standards are established for the following public facilities (including potable water delivery which is provided by the private sector, public schools which are provided by the Lee County School District and solid waste disposal facilities which are provided by Lee County):

- Roadways in the Transportation Element (See Section 3.3.3)
- Recreation facilities in the Recreation and Open Space Element (See Section 3.3.7)
- Drainage facilities in the Storm Drainage Element (See Section 3.3.6)
- Wastewater treatment facilities in the Wastewater

Treatment (Water Reclamation) Element (See Section 3.3.4)

- Public schools in the Public Schools Facilities Element (See Section 3.3.8.)
- Potable water treatment facilities in the Water Supply Element (See Section 3.3.2)
- Solid waste facilities in the Solid Waste and Recycling Element (See Section 3.3.5)

Level of service standards indicate the acceptable capacity per unit of demand for each public facility. These levels of service standards are to be employed in the issuance of development orders and permits.

The City of Sanibel has been successful in providing public facilities in advance of the occurrence of deficiencies in the adopted level of service for these facilities. The [2011 2010](#) analysis for this element concludes that there are no capital improvement projects needed to attain or maintain the adopted level of service standards for public facilities.

Any municipally provided facilities that would be needed to attain compliance with adopted level of service standards would be included in the Five-Year Schedule of Capital Improvements in Section 3.5.2 Implementation, Monitoring and Evaluation of the *Plan*. [There are none.](#)

Any projects that would be needed to attain adopted level of service standards from the Five-Year Schedule of Capital Improvements would also be included in the City's Capital Improvements Program. The City's Capital Improvements Program also includes other capital projects; those not needed to attain minimum level of service standards.

When extensively revised in 1997, the *Sanibel Plan* concluded that the City of Sanibel has been providing public facilities and utilities in advance of the occurrence of deficiencies in the adopted level of service for these facilities. In its annual reviews of the Capital Improvements Element of the *Sanibel Plan*, the Planning Commission's findings continue to validate that conclusion.

An analysis of capital improvement needs and funding is provided in this background discussion, the Annual Review ~~(2008)~~ and Update of the Capital Improvements Element of the *Sanibel Plan* and in supporting documents.

~~Pursuant to Florida Statutes, Section 163.3191(2)(c),~~ The Financial Feasibility section of the 2004/2005 Evaluation and Appraisal Report for the *Sanibel Plan* provides an assessment of the financial feasibility of providing needed infrastructure to achieve and maintain adopted level of service standards and sustain concurrency through capital improvements, as well as, the City's ability to meet the demands of growth on public services and facilities.

### **Public Facilities and Utilities Provided by the City of Sanibel**

Although level of service standards for public facilities and utilities have been attained, the City continues to make significant improvements in public facilities and utilities provided by the municipality.

### **Roadways**

Over the past 20 years, the City has made improvements to some roadways to improve drainage and renew the surface of

the road and some intersections. New sections have been added to the City's shared use path system: other sections have been reconstructed to separate the path from the paralleling roadway. Capital improvements expenditures for road projects since ~~2006~~ 2005 total ~~\$4.2~~ \$3.5 million. An additional ~~\$3.2~~ \$2.5 million was spent during this time frame to maintain the City's roadways. The City's Five-Year Capital Improvements Program (Fiscal Year ~~2012~~ 2011 through 2016 ~~2015~~) identified ~~\$3.7~~ \$7.1 million for road projects and an additional ~~\$3.6~~ \$4.4 million for maintenance of the roadways is included in the Public Works maintenance budget.

Road impact fees provide partial funding for capacity enhancements for existing roadways and shared use paths and for building new roadways and shared use paths. However, impact fees cannot be used for roadway maintenance. For the past five years, with the City approaching build-out, collections from road impact fees have been decreasing.

Local Option Gas Tax revenue is the primary source of funding road improvements and maintenance. It is vitally important to the continued maintenance of existing roadways and shared use paths that the City's share of the Local Option Gas Tax be preserved.

~~Ad valorem taxes and non-ad valorem taxes, such as franchise tax, vehicle overweight permit fees, and the re-establishment of~~ net toll proceeds from the Sanibel Causeway, can provide a secondary source of funding roadway maintenance and improvements. ~~However, the continuation of these revenues is in jeopardy.~~ It is unacceptable for these intergovernmental revenues, so important for continued road improvements and maintenance, to be lost.

~~Lee County has determined that a replacement site for a vehicle weigh station on the Sanibel Causeway is unavailable. Therefore, unless the County changes its position on the weigh station or the City can find a suitable location for a replacement weigh station within City limits, this revenue source will remain lost.~~

Prior to 2005, vehicle overweight permit fee revenues have provided the City with up to \$950,000 per year. The City has been unable to find a suitable location for a replacement weigh station. Unless the City can find a suitable location for a replacement weigh station within City limits, this revenue source will remain lost.

Prior to 2005, the City received from Lee County 21 percent of the net toll proceeds from the Sanibel Causeway. However, with the settlement of a lawsuit between the City and the County, this revenue source will not be available until approximately 2016. City revenues from Causeway surplus revenues averaged about \$800,000 per year.

The conditions of peak-season, peak-hour flows at the intersection of Periwinkle Way and Causeway Boulevard have changed since completion of the replacement bridges on the Sanibel Causeway. The extent of congestion at this intersection has generally been reduced. At this time, a study of possible improvements to this intersection has not been included in the City's Five-Year Capital Improvement Program. The *Sanibel Plan* prohibits the widening of roadway segments but provides for capacity enhancement/operational improvements to intersections; however, improvements to this intersection are not required to attain the adopted level of service standard for the roadway.

Over the next 20 years, the implementation of a *Master Plan for Shared Use Paths* will require both land acquisitions and capital improvements. Only the initial phase of implementation is funded.

### **Water Reclamation (Wastewater Treatment) Facilities**

Since 2005, the City has spent \$8.8 million on the capital improvement of the Sanibel Sewer Collection System. These improvements are financed through the Florida Department of Environmental Protection State Revolving Loan Program. Fifty percent of the debt service is covered by assessments, connection fees and use charges and 50% is covered by an *ad valorem* tax levy pursuant to a 1998 referendum.

The treatment capacity of the Donax Water Reclamation Plant is 2.375 million gallons per day. The capacity of the wastewater reclamation plant meets the adopted level of service standard for its current service area. The capacity of the wastewater reclamation plant is sufficient to meet the level of service standard for all new connects and the further expansion of the service area for the Sanibel Sewer System. There are no identified needs for expanding the capacity of the treatment plant.

The collection system has been extended into new service areas with only the construction of the final phases remaining. It is projected that \$1.3 million will complete the expansion of Sanibel Sewer System. ~~The current phase of the expansion of the collection system is under construction and will be completed within the next year.~~

The final phase of the collection system expansion adds less than 70 connections (equivalent residential connections) for land uses that are relatively remote from existing service. It may

be that all components of this small phase will not be completed if the cost is prohibitive. Completion of the several small components of this final phase may take years to complete.

A reuse transmission line has been constructed between the Donax Plant and the Wulfert Water Reclamation Plant, thereby connecting both plants to the Island Water Association's injection well at the Reverse Osmosis Water Treatment Plant site.

### **Stormwater Drainage Systems**

Since 1995, the *Surface Water Management Plan* for the Freshwater Management Area of the Sanibel River has been implemented. The weirs that influence the elevation of the water table and the culverts that influence the flow of surface water have been reconstructed. The capital improvement expenditures for this project total \$1.2 million. The City's Public Works maintenance budgets for Fiscal Years ~~2012 2011~~ through ~~2015 2016~~ will include and estimated \$1.1 million for maintenance of the City's drainage systems. General Fund revenue, both *ad valorem* and non-*ad valorem*, is the primary source of funding for improvements to and maintenance of the City's stormwater management systems.

Since the removal of exotic vegetation from the freshwater conservation lands east of Tarpon Bay Road, gopher tortoises have begun burrowing at lower ground elevations. For this and other reasons, consideration of this project to elevate the seasonal water table has not moved forward.

### **Recreation Facilities**

Since 2005, capital improvements expenditures for recreational facilities total ~~approximately \$15~~ ~~\$14.88~~ million. The City's Five-Year Capital Improvement Program (Fiscal Year ~~2012 2011~~ through ~~2016 2015~~) includes \$200,000 to match a \$200,000 grant from FRDAP for new recreational facility projects. General Fund revenue, both *ad valorem* and non-*ad valorem*, is the primary source of funding recreational facilities and grants have been an important secondary funding source.

A *Master Parks and Recreation Plan*, ~~was~~ adopted in 2002. ~~This Plan~~ identifies the recreation facilities needed by the current population and the projected population at "build-out". These recreational facilities needs were used to update the level of service standards for recreational facilities ~~in the 2007 Evaluation and Appraisal Report based Amendment to the Recreation and Open Space Element of the Sanibel Plan.~~

The ~~recently completed~~ redevelopment of the City of Sanibel Recreation Center, which is located at the site of The Sanibel School, was recognized by the Master Plan as a high priority. Passage of a General Obligation Bond Referendum in 2006, authorized issuance of \$8.35 million of debt for the new Recreation Center. In addition to these funds, the Lee County School District provided another \$1.5962 million and the Lee County Board of County Commissioners funded another \$3.2 million for the Recreation Center.

The core achievements of the Master Parks and Recreation Plan include the replacement and upgrading of the Recreation Center and Aquatic Center. The tennis courts were relocated and rebuilt and the ball diamonds/multi-purpose fields were refurbished at this site. A covered multi-purpose area (two courts) and a skate area were added to the complex.

The City is obtaining funding from a variety of sources for the implementation of the remaining components of the *Master Parks and Recreation Plan*. Implementation of the Master Plan may be phased over the next 20 years.

The Beachview Golf Course, available to the public, is provided by the private sector. Other recreation facilities, such as tennis courts, satisfy some demand from neighborhoods and multi-family developments.

### **Other Public Facilities and Utilities Provided within the City**

Since the *Sanibel Plan* was extensively revised in 1997, there have also been significant improvements to public facilities and utilities that are provided within the City, but not by the City.

### **Water Supply**

The capacity of the Island Water Association's Reverse Osmosis Water Treatment Plant has been expanded to 5.21 million gallons per day. Existing treatment and storage capacity are sufficient to meet growth projections for Sanibel and Captiva, if conservation efforts are successful. Any unanticipated deficiency in supply that may occur during peak season use is to be addressed by an increase in storage capacity. IWA has the design and permitting in place for an underground storage and recovery well (ASR), if necessary. This storage facility is part of the City's Ten-Year Water Supply Facilities Plan, adopted as part of the *Sanibel Plan* on September 18, 2007.

A deep injection well was constructed to improve the method of discharging brine and other byproduct waste occurring in

the water treatment process. This well is also available for discharging wastewater effluent from the Sanibel Sewer System.

### **Solid Waste Disposal Facilities**

There are no solid waste disposal facilities located in the City of Sanibel. Landfills and solid waste disposal facilities are not appropriate for or permitted within the City. There has been a significant increase in the operational cost of solid waste collection. The City promotes recycling and provides a recycling drop-off center.

### **Fire Stations**

The Sanibel Fire and Rescue District has replaced Palm Ridge Road Station no. 1 and completed an addition to Sanibel-Captiva Road Station no.2. A training structure and a helicopter pad are part of the redevelopment of Station no.1. The District continues to have an interest in having a Fire and Rescue station on the east end of the Island.

### **Schools**

Permanent classrooms for the middle school, a new library, media center and cafeteria were completed at the Sanibel School in 2004. No additional schools are planned or projected in the City of Sanibel by the Lee County School District.

### **Libraries**

A 10,000 square foot addition has been completed at the Sanibel Library, providing expanded computer services and multimedia materials. The local history section has been expanded.

## Electric Substations

The Lee County Electric Cooperative replaced its substation with a 138 kilovolt facility, twice the capacity of the old substation. The Cooperative also replaced and upgraded the transmission lines coming to the substation from Pine Island.

## Level of Service (LOS) Standards

Adopted level of service standards for concurrency related public facilities have been attained and the City has met the demands of growth on public services and facilities. Specifically, these public facilities are: roadways, wastewater treatment (water reclamation) facilities, stormwater drainage systems, recreation facilities, public school facilities, water supply treatment facilities and solid waste disposal facilities.

### LOS Standard for Roadways

Given the other policies of the Plan, it is the intent of the City that LOS "F" is the accepted standard on roadways.

Obviously this level of service standard for roadways has been achieved and can be maintained. Therefore, there are no new roads or roadway improvements identified on the Adopted Five-Year Schedule of Capital Improvements. [The City, in cooperation with the County, will At this time, a study of possible improvements to the intersection of Periwinkle Way and Causeway Boulevard has not been included in the City's Five-Year Capital Improvement Program.](#) This improvement is not required to retain the level of service standard adopted for these roadways.

Over the next 20 years, the implementation of a Master Plan for Shared Use Paths will require both land acquisitions and capital

improvements. These improvements are not required to retain [a](#) ~~the~~ level of service standard [adopted](#) for shared use paths.

### LOS Standards for Wastewater Treatment Facilities

Sanibel Sewer System - 240 gallons per day per unit

The capacity of the water reclamation (wastewater treatment) facilities of the Sanibel Sewer System exceeds this standard. Furthermore the capacity of the treatment facilities is adequate for "build-out". This level of service standard has been achieved and can be maintained. There are no improvements identified on the Adopted Five-Year Schedule of Capital Improvements for wastewater treatment facilities. There are no water reclamation facilities projects required to retain the level of service standard adopted for wastewater treatment facilities.

### LOS Standards for Storm Drainage Systems

For developments that are not exempt from permitting requirements of the South Florida Water Management District, provide stormwater drainage systems in accordance with the requirements of the District, typically designed for the

- 25-year storm event of three-day duration

For infill developments that are exempt from permitting requirements of the South Florida Water Management District, provide stormwater drainage systems designed for the

- Five-year storm event of one-hour duration

Through implementation of the *Surface Water Management Plan* and the development regulations and procedures of the Land Development Code governing private development, the City has attained this level of service standard. There are no drainage projects required to retain the level of service standard adopted for stormwater drainage facilities.

**LOS Standards for Recreation Facilities**

- |     |   |
|-----|---|
| No. | <i>Recreation Facility</i>                        |
| 3   | <i>Ball Diamonds/Multi-purpose Fields</i>         |
| 1   | <i>Indoor Multi-purpose Area (2 courts)</i>       |
| 1   | <i>Covered Multi-purpose Area (2 courts)</i>      |
| 4   | <i>Outdoor Tennis Courts</i>                      |
| 2   | <i>Outdoor Volleyball Courts</i>                  |
| 1   | <i>Aquatic Center</i>                             |
| 1   | <i>Golf Course (18 holes)</i>                     |
| 1   | <i>Community Center</i>                           |
| 1   | <i>Boat Ramp (with dual launching capability)</i> |
| 1   | <i>Skate Area</i>                                 |
| 1   | <i>Non-motorized Boat Launching Area</i>          |
| 6   | <i>Playgrounds</i>                                |

Only 800 more dwelling units remain to be developed (which is less than 10 percent of the housing stock at “buildout”) and 600 of those dwelling units will be infill development on existing lots for single family dwellings. Since the City is close to “buildout”, it is impractical to link the replacement of existing recreational facilities to the concurrency management program for the development of additional dwelling units.

The schedule to replace and upgrade recreational facilities in accordance with the *Master Parks and Recreation Plan* will depend on the City’s ability to fund these improvements.

Funded components of the Master Plan will be included in the City’s Five-Year Capital Improvements Plan, but these recreational facilities are not and will not be included in the adopted Five-Year Schedule of Capital Improvements. The implementation and funding of the *Master Parks and Recreation Plan* is phased over the next 20 years.

**LOS Standard for Water Supply Facilities**

An average potable water supply production rate of 300 gallons per equivalent residential unit per day.

The Island Water Association (IWA), a nonprofit community cooperative with exclusive franchise serving Sanibel and Captiva Islands, owns and operates the public water system on Sanibel. This public facility is not provided by the City of Sanibel. Other than a 1.2 million gallon storage and recovery well, there are no water supply facilities identified on the Adopted Five-Year Schedule of Capital Improvements or in the Ten-Year Water Supply Facilities Work Plan. This improvement is not currently required to retain the level of service standard adopted for water supply facilities.

**LOS Standards for Public School Facilities**

The minimum acceptable level of service standards for public schools within the City of Sanibel shall be:

School Type	Level of Service Standard*
Elementary:	100% of permanent Florida Inventory of School Houses Capacity**
Middle:	100% of permanent Florida Inventory of School Houses Capacity**

High: 100% of permanent Florida Inventory of School Houses Capacity\*\*

Special Purpose: 100% of permanent Florida Inventory of School Houses Capacity\*\*

\* As adjusted by the School Board annually to account for measurable programmatic changes. Measurable programmatic change is defined and the use of re-locatable classrooms is explained in Policy 2.1 in Section 3.3.8 (the Public School Facilities Element) of this Plan.

\*\* "Permanent capacity" means the combined capacity for all schools of each type that are located in the School District's Student Assignment Zones.

Public education in the City of Sanibel is administered and financed by the Lee County School District. Sanibel has one elementary/middle school located on the Island. In 2004, a major addition was completed at the Sanibel School, including permanent classrooms for the middle school.

There are no public school facilities identified on the Adopted Five-Year Schedule of Capital Improvements.

### **LOS Solid Waste Disposal Facilities**

50 pounds per dwelling unit per week

There are no solid waste facilities located in the City of Sanibel. Florida Statutes preclude the establishment of a landfill on a barrier island; that is within Sanibel City limits. The City uses solid waste disposal facilities provided by Lee County. Since this

public facility is not provided by the City of Sanibel, there are no solid waste disposal facilities identified on the adopted Five-Year Schedule of Capital Improvements. The City does not intend to add any solid waste disposal facilities to the adopted Five-Year Schedule of Capital Improvements.

### **Attainment and Maintenance of LOS Standards**

There are no capital improvement projects needed to attain or maintain the adopted level of service standards for concurrency related public facilities. Therefore, there are no capital improvement needs (required to attain or maintain adopted level of service standards for public facilities) projected for the initial timeframe of this Plan, that is through the year 2016. It has been and continues to be financially feasible to achieve and maintain the adopted level of service standards for public facilities.

The City of Sanibel will continue to fund capital improvement projects before deficiencies in level of service for public facilities arise. The City is capable of funding the capital improvements identified on the Five-Year Schedule of Capital Improvements in Section 3.5.2 implementation, Monitoring and Evaluation of the *Sanibel Plan* and the City's Five-Year Capital Improvements Program.

### **Other Considerations**

The significant loss of revenue from the weigh station and from the Causeway revenue sharing agreement and the potential for reductions from other revenue sources will present a challenge for funding future programs and capital improvements.

In ~~2011~~ 2010, the City estimates it will receive \$1.4 million in revenue from the Local Option Gas Tax. It is vitally important to the City of Sanibel that the City's share of the Local Option Gas Tax be preserved. It is also important to restore Causeway toll proceeds revenues and to restore or replace revenues from the weigh station, as a funding source for road improvements. The City has foregone approximately \$850,000 annually in revenue from Sanibel Causeway surplus toll revenues, since February 2005. ~~Additionally, the City will annually forego up to an additional \$950,000 if the weigh station operation is not reinstated.~~ These intergovernmental revenues have been an important source of funding available for road maintenance and improvements.

A Master Plan for the Restoration of the Periwinkle Way Corridor from the damage inflicted by Hurricane Charley has been adopted. Implementation is now being completed through both public and private sources of funding.

## Goals, Objectives and Policies

The goals, objectives and policies of this section of the *Sanibel Plan* direct the implementation, evaluation and monitoring of the Capital Improvements Element.

### Goal Statement

**Needed public facilities (human support systems) are to be provided to Sanibel residents and land uses within its jurisdiction, in a manner that protects and maximizes use of existing facilities, maintains adequate levels of service and promotes orderly and environmentally sound development.**

## Objective 1

Schedule capital improvements for facilities needed to replace obsolete or worn-out facilities and accommodate existing development and desired future growth.

**Policy 1.1.** Capital improvements projects will be evaluated to determine their impact on attaining the objectives of the *Sanibel Plan*. This evaluation, directly related to the individual elements of the Plan, is also based on the following criteria:

- Contribution to the elimination of public hazards
- Contribution to the elimination of facility capacity deficits or obsolete facilities
- Impact of the improvement on the City's budget
- The financial feasibility of the improvement
- Locational requirements of the facility
- Contribution to serving projected growth patterns as illustrated on the Future Land Use Map
- Compatibility with the plans of State, Regional, County and Local agencies and with the Lee County School District, in accordance with the Intergovernmental coordination policies of the *Sanibel Plan*

## Objective 2

Limit public expenditures in the coastal area subject to storm surge (the velocity zone identified on the Federal Flood Insurance Rate Map) and scour.

**Policy 2.1.** Public expenditures in coastal areas subject to storm surge (the velocity zone identified on the Federal Flood Insurance Rate Map) and scour will

be limited to maintenance, public safety needs, recreation and open space uses, restoration or enhancement of natural resources or land acquisitions.

### Objective 3

Development orders and amendments to the *Sanibel Plan* are to be coordinated with the availability of human support systems (public facilities) needed to maintain adopted level of service standards.

**Policy 3.1.** No permits will be issued for future development that would result in an increase in demand for facilities that do not comply with the minimum level of service standards established in this Plan.

**Policy 3.2.** Prior to the issuance of certificates of occupancy, public facilities (human support systems) needed to serve the development will be available.

**Policy 3.3.** Pursuant to Part 3.3 of the *Sanibel Plan*, Human Support System, the Land Development Code will ensure that development orders and permits include conditions ensuring that adequate facility capacity is available or will be available when needed to serve the development.

### Objective 4

Ensure that fiscal resources are available to provide needed human support systems, in accordance with the Five-Year Schedule of Capital Improvements in order to maintain adopted level of service standards and meet current and future

facility needs.

**Policy 4.1.** The City of Sanibel will continue to maintain a Capital Improvements Program and an annual capital budget as part of its budgeting process.

**Policy 4.2.** The City's Capital Improvement Program and annual capital budget will include the projects identified in the Five-Year Schedule of Capital Improvements provided in Part 3.5 Capital Improvements Element of the *Sanibel Plan*.

**Policy 4.3.** Maintain the interlocal agreement with Lee County for the disbursement of Causeway surplus revenue.

### Objective 5

Manage land development in the City of Sanibel so that public facility needs created by future development do not exceed the City's ability to fund and provide needed capital improvements.

**Policy 5.1.** The ratio of outstanding capital indebtedness to the property tax base for the City of Sanibel will not exceed a maximum of 1:1.

### Objective 6

Future development will bear a proportionate cost of facility improvements necessitated by the development in order to adequately maintain adopted level of service standards.

**Policy 6.1.** Extensions of the collection system for the water reclamation (wastewater treatment) facilities and distribution systems for water supply facilities to serve new development shall be provided, and paid for, by the developer. Storm drainage facilities to serve new development shall be provided and paid for by the developer.

**Policy 6.2.** The adequate facility ordinance, if adopted, will employ assessments for new development of a *pro rata* share of the costs necessary to finance public facility improvements necessitated by the development in order to adequately maintain adopted level of service standards.

## Objective 7

The Five-Year Schedule of Capital Improvements in Section 3.5.2 Implementation, Monitoring and Evaluation will include those Lee County School District school facilities projects within the City that are needed to address future needs.

**Policy 7.1.** The City incorporates into this Capital Improvements Element the Lee County School District [2011-2012](#) ~~2010-2011~~ Work Plan: as adopted by the Lee County School Board on [September 27, 2011](#) ~~October 19, 2010~~, including the Summary of Capital Improvements Program and Summary of Estimated Revenue.

No later than December 1st of each year, the City shall incorporate the Lee County School Board's annual update of the Capital Facilities Work Plan into the Capital Improvements Element of the *Sanibel Plan*. The Capital Facilities Work Plan shall identify school facility projects which are necessary to address existing deficiencies and meet

future needs. The Plan shall demonstrate the financial feasibility of the School District to achieve and maintain the adopted LOS standard for the five year planning period, supported by data and analysis.

**Policy 7.2.** If adequate capacity in public school facilities to address student impacts will not be in place or under actual construction within three years in the concurrency service area where the development is located, the Lee County School District will look to a contiguous concurrency service area for capacity. If sufficient capacity to address student impacts will not be in place or under actual construction within three years in the contiguous concurrency service area, the developer must address mitigation of the deficiency in school capacity. Proportionate share mitigation must create a sufficient number of additional student stations to maintain the established level of service with the addition of the demand generated by the development. Mitigation options include, but are not limited to, the options identified in the City's interlocal agreement with the School District.

If mitigation can be agreed upon, the City and the School District will enter into an enforceable binding agreement with the developer. If capacity is not available and mitigation cannot be agreed upon, the City cannot approve the application until such time as capacity becomes available.

## Objective 8

To annually review ~~and update~~ this Capital Improvements Element.

**Policy 8.1.** The City of Sanibel will annually ~~review update~~ this Capital Improvements Element by adding a fifth year to the Five-Year Schedule of Capital Improvements (Section 3.5.2 Implementation, Monitoring and Evaluation) and ~~revising amending~~ the Five-Year Schedule of Capital Improvements, as necessary, to ensure that the level of service standards for Human Support Systems (public facilities, including Public School Facilities) continue to be attained and financially feasible.

**Policy 8.2.** The City will annually ~~review update~~ this Capital Improvements Element to be consistent with and coordinated with the Lee County School District's financially feasible Work Plan, amended, as necessary, to revise the Public School Concurrency Service Area Map.

**Policy 8.3.** The City staff will coordinate the annual review of this Capital Improvements Element with the staff of the Lee County School District and the staffs of Lee County and applicable Municipalities within the County.

## Section 3.5.2.

### Implementation, Monitoring and Evaluation

*Pursuant to Section 163.3177, Florida Statutes and Chapter 9J-5.016(4) and (5) of the Florida Administrative Code.*

#### Background Discussion

Implementation, monitoring and evaluation are vital to the effectiveness of the *Sanibel Plan*. Because the City's revenues and expenditures are subject to fluctuations in the economy, the Capital Improvements Element will be reviewed on an annual basis to ensure that required fiscal resources are available to provide public facilities (human support systems) needed to maintain adopted level of service standards. A Five-Year Schedule of Capital Improvements provides a mechanism for implementing the Capital Improvements Element of the Plan.

#### Five-Year Schedule of Capital Improvements

A Five-Year Schedule of Capital Improvements, derived from the Elements of the *Sanibel Plan*, is provided in the following Table. Revenue projections by funding source are provided in the 2008 update of the Background Discussion in the Capital Improvements Element, including referenced and supporting materials, such as the Lee County School District [2012 2011](#) Work Plan.

**Adopted Five-Year Schedule of Capital Improvement**  
**There are no Capital Improvements necessary to attain or maintain**  
**the required levels of service set forth in this Plan.**  
**NO PROJECTS IDENTIFIED**

<b>Human Support System Facilities</b>	<u>2012 2011</u>	<u>2013 2012</u>	<u>2014 2013</u>	<u>2015 2014</u>	<u>2016 2015</u>
<b>Roadways</b>	-0-	-0-	-0-	-0-	-0-
- Intersection Periwinkle Way & Causeway Blvd.				-See note 1-	
- Shared Use path improvements				-See note 2-	
<b>Water Reclamation</b> (wastewater treatment)	-0-	-0-	-0-	-0-	-0-
- Collection system	-See note 3-				
<b>Stormwater Drainage</b>	-0-	-0-	-0-	-0-	-0-
- Maintenance and wetlands enhancement	-See note 4-				
<b>Public Schools</b>	-0-	-0-	-0-	-0-	-0-
- Elementary Schools				-See note 5-	
- Middle Schools				-See note 5-	
- High Schools				-See note 5-	
- Special Education				-See note 5-	
<b>Recreation</b>	-0-	-0-	-0-	-0-	-0-
- Recreation Center	-See note 6-				
<b>Water Supply</b>	-0-	-0-	-0-	-0-	-0-
- 1.2 MGD underground storage & recovery well				-See note 7-	
<b>Solid Waste</b>	-0-	-0-	-0-	-0-	-0-

## Notes for the adopted Five-Year Schedule of Capital Improvement

- (1) The City's 5-year Capital Improvements Plan (Fiscal Year ~~2012 2011~~ through 2016 2015) identified ~~\$3,700,000 \$7,100,000~~ for road projects and an additional ~~\$3,600,000 \$4,400,000~~ for maintenance of the roadways.
- (2) Over the next 20 years, the implementation of a *Master Plan for Shared Use Paths* will require both land acquisition and capital improvements. **These improvements are not required to retain the level of service standard adopted for shared use paths.** Only the initial phase of implementation is funded.
- (3) The collection system has been extended into new service areas, with only the construction of the final phases remaining. It is projected that \$1,300,000 will complete the expansion of Sanibel Sewer System. The current phase of the expansion of the collection system is under construction and will be completed within the next year. The final phase of the collection system expansion adds less than 50 connections (equivalent residential connections) for land uses that are relatively remote from existing service. It may be that all components of this small phase will not be completed, if the cost is prohibitive. Completion of the several small components of this final phase may take years to complete. **Final phase improvements are not required to retain the level of service standard adopted for wastewater treatment facilities.**
- (4) The City projects that \$1,100,000 will be expended for Fiscal Year ~~2012 2011~~ through 2016 2015 for maintenance of the City's drainage systems. **Improvements are not required to retain the level of service standard adopted for stormwater drainage systems.**
- (5) The Lee County School District Facilities Work Plan demonstrates that the District achieves and maintains the adopted level of service standards for the District-wide (County-wide) school concurrency system. Through an interlocal agreement with the Lee County School Board, the City is implementing a school concurrency review for all new development defined in that agreement. Based on the Lee County School District ~~2010-2011 2009-2010~~ Work Plan, adopted by the Lee County School District on September 23, 2011 October 19, 2010, there are no deficiencies in public school facilities in the School Concurrency Service Area containing the City of Sanibel. It is not anticipated that any new public facilities will be located in the City of Sanibel, for both the short range and long range planning periods of the *Sanibel Plan*. It is not anticipated that any revenues from the City's General Fund will be allocated for new public school facilities.
- (6) Since 2005, capital improvements expenditures for recreational facilities total ~~about \$15,000,000 \$14,880,000~~. The City's 5-year Capital Improvement Program Plan (Fiscal Year ~~2012 2011~~ through 2016 2015) includes \$200,000 to match a \$200,000 grant from FRDAP for new recreational facility projects. The Master Parks and Recreation Plan identifies the recreation facilities needed by the current population and the projected population at "build-out". The Master Plan includes the redevelopment of the Recreation Center at the site of the Sanibel School. Passage of a General Obligation Bond Referendum in 2006, authorized issuance of \$8,350,000.00 of debt for a new Recreation Center. In addition to these funds, the Lee County School District is providing another \$1,596,200.00 and the Lee County Board of County Commissioners is funding another \$3,200,000.00 for the Recreation Center. The City is obtaining funding from a variety of sources for the implementation of the Master Parks and Recreation Plan. Implementation of the Master Plan may be phased over the next 20 years. **These improvements are not required to retain the level of service standard adopted for recreation facilities.**
- (7) Existing treatment capacity is sufficient to meet growth projections for Sanibel and Captiva, if conservation efforts are successful. The Ten year plan for building water supply facilities to serve existing and projected development relies on the efficient use of existing facilities, but also the expansion of the program to reuse treated wastewater for irrigation purposes. The IWA and the City of Sanibel need to coordinate on this effort. The reuse program will be expanded as cost effective ways are identified. Storage capacity, to augment flow and pressure for peak demand and fire flow needs, is adequate for current and future needs. As part of the City's the 10-Year Water Supply Facilities Plan, IWA has the design and permitting in place for an underground storage and recovery well (ASR), if necessary. The estimated cost of this improvement is \$1,500,000.00. Capital improvements for the water supply treatment facilities are provided by the Island Water Association. **This improvement is not currently required to retain the level of service standard adopted for water supply facilities.**

Source: The City Manager's Office and the Finance, Public Works, Utilities, Recreation and Planning Departments, and the Lee County School District.

## **Annual Review of the Capital Improvements Element**

The Capital Improvements Element requires a continuous program for monitoring and evaluation. This element will be reviewed on an annual basis to ensure that required fiscal resources are available to provide public facilities needed to maintain adopted level of service standards.

The Planning Commission (local planning agency) will conduct an annual review of the Capital Improvement Element of the Plan and present findings and recommendations to the City Council. City Council will direct appropriate action for any required amendments.

The annual review of the Capital Improvements Element will consider:

- Corrections, updates and modifications concerning costs and revenues
- The Capital Improvements Element's consistency with other elements of the *Sanibel Plan*
- The economic feasibility of the *Sanibel Plan*
- The priority assignment for scheduled capital improvements projects
- The City's progress in reducing existing deficiencies and obtaining an acceptable level of service
- The City's effectiveness in maintaining adopted level of service standards

## Section 3.2.1. Coastal Zone Protection Element

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### Goals, Objectives and Policies

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**Policy 3.1.** The City will continue to prohibit new development and redevelopment in the Gulf Beach Zone (i.e., seaward of the 1974 [State](#) Coastal Construction Control Line). Existing buildings located seaward of the 1974 Coastal Construction Control Line that are substantially damaged by a natural disaster [are 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 that are located seaward of the State's 1974 Coastal Construction Control Line may be reconstructed in their existing location provided there are no other feasible locations available on the site that are not in the Gulf Beach Zone.](#)

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## Section 3.6.2. Future Land Use Element

### Land Use Projections

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There remains in the City of Sanibel, development that exceeds the density permitted in accordance with the Development Intensity Map (i.e., nonconforming densities). The majority of nonconforming densities are located in the Resort Housing District. A small number of single family dwellings are located on lots that are "unbuildable" if vacant. ~~Strategies to address non-conforming densities in "building-back" from damage caused by a natural disaster are assessed as a major issue in the 2004/2005 EAR of the Sanibel Plan.~~

~~In 2006~~ Since the EAR, the City has adopted comprehensive land development regulations that allow address building-back the existing dwelling units on a lot or parcel that are substantially damaged by a natural disaster.

In 2011, the City adopted comprehensive land development regulations that allow redevelopment in the Resort Housing District of up to the existing number of dwelling units in existing hotels, motels and resort condominiums, provided that the resort use of the property is retained.

~~Strategies to address non-conforming densities in redeveloping existing land uses is a second part of this major issue in the 2004/2005 Evaluation and Appraisal Report. As part of the City's Redevelopment Planning Work Program, a survey and analysis of nonconforming structures within the Gulf and Bay Beach Zones will be completed. The City's inventory of land use that exceed permitted densities will also be analyzed in the Redevelopment Planning Work Program along with current and future issues associated with the Island's resort hotel and inn accommodations.~~

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## Plan for Permitted Uses

This section of the Plan discusses the general principles from which future permitted uses are derived. It is the intent of the Plan to allow the continuation of existing uses in the manner set out in the Land Development Code. The regulations controlling permitted uses are set forth in the Land Development Code. The Land Development Code may permit certain conditional uses in various ecological zones, which uses are not specified herein, provided such uses are of a type and intensity consistent with the intent and purpose of the Plan, and provided such uses are limited and controlled by performance standards sufficient to accomplish the objectives of the Plan.

## Provisions of the Plan

1. Residential uses are prohibited in Preservation Districts (The Gulf Beach and Bay Beach Ecological Zones) and in the Environmentally Sensitive Lands Conservation District. In addition to conservation use, passive recreation is permitted in these Districts. In clarification of activities that constitute or that are compatible with passive recreation uses, the City prohibits horseback riding on the beach.

[Lawfully existing residential uses located in the Gulf Beach Zone are permitted to continue that use and to build-back that structure and reestablish the residential use, if the structure is substantially damaged by a natural disaster, subject to the criteria in the Land Development Code.](#)

[Lawfully existing accessory swimming pools and accessory structures are permitted to be redeveloped in the Gulf Beach Zone, subject to the criteria in the Land Development Code.](#)

2. Continue to restrict permitted uses in certain residential areas to single family residential structures.
3. Prohibit accessory uses that will significantly increase the intensity of the permitted use.
4. Restrict accessory uses that will have a deleterious effect on the carrying capacity of the beach.
5. Prohibit timeshare dwelling units, including fractional ownership, outside the Resort Housing District.

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### Provisions of the Plan (for Development Intensity)

1. Residential density computations are based on the assumption that dwelling units will have an average occupancy of 2.2 persons per unit. To the extent that dwelling units are of a type or size that will increase the average occupancy rate, the permissible number of units may vary from the number shown on the Development Intensity Map in a manner to be determined by implementing development regulations in the Land Development Code.
2. By such implementing development regulations, the City Council may also permit residential densities in excess of those shown on the Development Intensity Map as incentives to the provision of below market rate housing.
3. Through implementing ordinances, to be incorporated into the Land Development Code, the City Council may also permit development of lands in excess of the residential densities shown on the Development Intensity Map in order to recognize vested rights and constitutional limitations with respect to lands individually owned prior to adoption of the initial *Sanibel Comprehensive Land Use Plan*.

4. To maintain the stock of short-term occupancy units in the City, existing hotels, motels and resort condominiums that are rehabilitated or redeveloped in accordance with the *Sanibel Plan* and Land Development Code are allowed to maintain up to their lawfully existing number of dwelling units provided that redeveloped resort accommodations continue the short-term occupancy use of the prior development. During this planning period, the City will pursue a Redevelopment Planning Work Program that will evaluate how redevelopment following a natural disaster 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.
5. Lawfully existing dwelling units that are substantially damaged by a natural disaster are allowed to build-back.

~~65.~~ The plan for controlling the intensity of commercial

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## Commercial Development

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## Resort Housing

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Except for the construction of 12 whole-ownership units in an existing timeshare development, there have been no resort units built since the mid-1980s. Although additional resort development is not anticipated, the City's [Redevelopment Planning Work Program](#) will analyze existing conditions and trends associated with the maintenance and improvement of resort properties.

[There is a need to allow for the reconstruction or rehabilitation of aging buildings in the Resort Housing District, to improve building safety, provide opportunities for the upgrading of resort accommodations and to encourage the retention of short-term rental units.](#)

The City ~~has taken~~ ~~needs 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. It is in the interest of both residents and the business community to maintain a block of accommodations available for short-term occupancy.

Visitors using these accommodations provide customers for businesses and potential buyers for realtors and home sellers.

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 ~~is also should be~~ allowed, with ~~appropriate~~ restrictions [contained in the Land Development Code](#), to redevelop up to the existing number of units, if the number of units exceeds [that](#) allowed by the Development Intensity Map.

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# City of Sanibel

## Planning Department

### STAFF REPORT

**Planning Commission Meeting:**  
**Planning Commission Agenda Item:**  
**Application Number**  
**Applicant Name:**

**December 13, 2011**  
**No. 8**  
**11-6348SP**  
**City of Sanibel**

Consideration of an Ordinance amending the *Sanibel Plan*:

By amending Section 3.5.1 Capital Improvements Goals, Objectives and Policies and Section 3.5.2 Implementation, Monitoring and Evaluation, to update the Capital Improvements Element including the adopted Five-Year Schedule of Capital Improvements; and

By amending Section 3.2.1 Coastal Zone Protection Goals, Objectives and Policies, to amend Policy 3.1 to allow existing accessory swimming pools and other accessory structures to be redeveloped in the Gulf Beach Zone portion of the Resort Housing District; and

By amending Section 3.6.2 Future Land Use,

Land use projections, to identify the steps taken to address non-conforming densities in building-back from substantial damage caused by a natural disaster and redeveloping resort housing units in the Resort Housing District; and

Provisions of the Plan for Permitted Uses, to clarify that continued use of residential structures is permitted in the Gulf Beach Zone and to state that redevelopment of existing accessory swimming pools and accessory structures located in the Gulf Beach Zone portion of the Resort Housing District is permitted; and

Provisions of the Plan for Development Intensity, to include provisions for building-back lawfully existing dwelling units substantially damaged by a natural disaster and redeveloping lawfully existing dwelling units in the Resort Housing District; and

Resort housing, to summarize the steps taken to retain motels, hotels and resort condominiums when redevelopment occurs; and

Providing for Codification; Providing for Conflict and Severance; and Providing an Effective Date.

Submitted by the City of Sanibel. Application no. 11-6348SP.

## ISSUES

To update the adopted Five-Year Schedule of Capital Improvements as part of the required annual review and update of the Capital Improvements Element of the Plan.

To reflect the strategies used to address non-conforming densities for building-back dwelling units substantially damaged by a natural disaster and redeveloping dwelling units in the Resort Housing District, and

To allow the redevelopment of existing accessory swimming pools and other accessory structures in the Gulf Beach Zone portion of the Resort Housing District.

## BACKGROUND

The *Sanibel Plan* requires an annual update of the Capital Improvements Element. This annual update had been required by Florida Statutes, but that requirement was recently removed from Statutes.

Included as part of this required Plan Amendment are amendments to:

allow redevelopment of existing accessory swimming pools and other accessory structures in the Gulf Beach Zone portion of the Resort Housing District, and

reflect the strategies used to address non-conforming densities for building-back dwelling units substantially damaged by a natural disaster and redeveloping dwelling units in the Resort Housing District.

## PROPOSAL

A copy of the draft Plan Amendment prepared by the Planning Department is provided with this staff report.

**Exhibit "A"** contains the updated background discussion and amendments to policy, consistent with Florida Statutes, for Section 3.5.1 Capital Improvements Goals, Objectives and Policies and the updated Five-Year Schedule of Capital Improvements for Section 3.5.2 Implementation, Monitoring and Evaluation.

**Exhibit “B”** contains an amendment to Policy 3.1 in Section 3.2.1 Coastal Zone Protection Goals, Objectives and Policies to allow existing accessory swimming pools and other accessory structures to be redeveloped in the Gulf Beach Zone portion of the Resort Housing District.

**Exhibit “C”** contains amendments to 3.6.2 Future Land Use Goals, Objectives and Policies of the *Sanibel Plan* that:

identify the steps taken to address non-conforming densities in building-back from damage caused by a natural disaster and redeveloping resort housing units located in the Resort Housing District in the *Future Land Use Projections*; and

clarify that continued use of existing residential structures is permitted in the Gulf Beach Zone and to state that redevelopment of existing accessory swimming pools and other accessory structures located in the Gulf Beach Zone portion of the Resort Housing District is permitted in the *Provisions of the Plan for Permitted Uses*; and

reflect the City's land development regulations that accommodate non-conforming densities when building-back the existing number of units if substantially damaged by a natural disaster and redeveloping up to the existing number of units in the Resort Housing District, provided that the resort use of the property is retained in the *Provisions of the Plan for Development Intensity*; and

summarize the steps taken to retain motels, hotels and resort condominiums when redevelopment occurs in the Resort Housing District.

## ANALYSIS

This Amendment to the *Sanibel Plan* contains an update to the Capital Improvements Element. This required annual update and Plan Amendment has been required by State Statute, but the requirement was removed by the 2011 “Community Planning Act”.

This Plan Amendment removes that requirement for an annual update of the Capital Improvements Element, but retains the requirement (still imposed by the State) for an annual review of the Capital Improvements Element. The annual

review can update the Five-Year Schedule of Capital Improvements by ordinance, not necessitating an annual Plan Amendment.

The 2011 "Community Planning Act" also eliminated the procedure that allowed the amended update of the Capital Improvements Element to be submitted to the Florida Department of Community Affairs after adoption. Since this Plan Amendment must be transmitted for review prior to adoption, other amendments were included as part of this Plan Amendment to ensure that there is internal consistency in the *Sanibel Plan* and that the Plan reflects the implementation of the City's "Build-back" policy and Redevelopment Program for the Resort Housing District.

The balance of the Plan Amendment:

- addresses an issue raised in the Redevelopment study concerning replacement of accessory structures in the Gulf Beach Zone; and
- reflects the adoption of land use regulations that address building-back dwelling units substantially damaged in a natural disaster and redeveloping dwelling units in the Resort Housing District.

## PROCEDURE

Section 5.4.4 of the *Sanibel Plan* contains the following standards for amending the *Plan*.

The following criteria are to be considered, where appropriate, and whether and to what extent the proposed amendment:

- a. is consistent with the City Charter;
- b. will preserve and enhance present advantages;
- c. will encourage the most appropriate use of land, water and resources consistent with the public interest;
- d. will overcome present handicaps;
- e. will deal effectively with future problems that may result from the use and development of land within the City.
- f. will preserve, promote, protect and improve the public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention, and general welfare;

- g. will prevent the overcrowding of land and avoid undue concentration of population;
- h. will facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing and other requirements and services;
- i. will conserve, develop, utilize and protect natural resources within the City;
- j. will protect human, environmental, social and economic resources;
- k. will maintain through orderly growth and development the character and stability of present and future land use and development; and
- l. is consistent with the Vision Statement of the Plan.

## SUMMARY

This Plan Amendment contains the 2011 annual review and update of the Capital Improvements Element and the Five-Year Schedule of Capital Improvements, as required by the *Sanibel Plan* but no longer required by State Statute; and

The Capital Improvements element of the *Sanibel Plan* concludes that there continues to be no capital improvements necessary to attain or maintain the required Level of Service Standards for public facilities, including Public School Facilities, established in the *Sanibel Plan*.

The City intends to further evaluate the Capital Improvements Elements as part of the 2011/12 Evaluation and Appraisal of the *Sanibel Plan*, including a comprehensive assessment of the Human Support Systems (Public Facilities) Elements of the Plan.

To ensure that there is internal consistency of in the *Sanibel Plan*, this Plan Amendment also contains revisions that reflect the implementation of the City's Redevelopment Program for the Resort Housing District.

## RECOMMENDATION

The Planning Department supports the proposed amendment and recommends its approval.

## ATTACHMENT

Copy of draft ordinance w/ Exhibits "A", "B" and "C"

**RESOLUTION NO. 11-16**

CITY OF SANIBEL  
PLANNING COMMISSION

**IN THE MATTER OF:** An Amendment to the *Sanibel Plan* –  
Section 3.5.1 and 3.5.2 Capital Improvements, Section  
3.2.1 Coastal Zone Protection and Section 3.6.2 Future  
Land Use

**APPLICANT:** City of Sanibel

**APPLICATION NO.:** 11-6348SP

**CONCLUSION OF HEARING:** December 13, 2011

**ADOPTION OF RESOLUTION:** December 13, 2011

**WHEREAS**, the Planning Commission heard Application No. 11-6348SP on December 13, 2011; and

**WHEREAS**, that Plan Amendment contains the 2011 annual review and update of the Capital Improvements Element and the Five-year Schedule of Capital Improvements, as required by the *Sanibel Plan* but no longer required by State Statute; and

**WHEREAS**, to ensure that there is internal consistency of in the *Sanibel Plan*, this Plan Amendment also contains revisions that reflect the implementation of the City's Redevelopment Program for the Resort Housing District; and

**WHEREAS**, to implement an important provision to accommodate and regulate redevelopment in the Resort Housing District, this Plan Amendment also contains a policy amendment to allow redevelopment of existing accessory swimming pools and other accessory structures located in the Gulf Beach Zone portion of the Resort Housing District; and

**WHEREAS**, the *Sanibel Plan* (Section 3.5.1) requires an on-going program of monitoring and evaluating its Capital Improvements Element. This element has been reviewed to ensure that required fiscal resources are available to provide public facilities needed to maintain adopted level of service standards; and

**WHEREAS**, the Five-Year Schedule of Capital Improvements in Section 3.5.2 of the *Sanibel Plan* provides a mechanism for implementing the Capital Improvements Element of the Plan; and

**WHEREAS**, implementation, monitoring and evaluation are vital to the effectiveness of the *Sanibel Plan*. Because the City's revenues and expenditures are subject to fluctuations in the economy, the Capital Improvements Element is reviewed on an annual basis to ensure that required fiscal resources are available to provide

public facilities (human support systems) needed to maintain adopted level of service standards; and

**WHEREAS**, this evaluation includes an analysis of the concurrency requirements of the *Sanibel Plan* and the implementing Land Development Code (Section 82-281); and

**WHEREAS**, the annual review of the Capital Improvements Element considered:

- o Corrections, updates and modifications concerning costs and revenues.
- o The Capital Improvements Element's consistency with other elements of the *Sanibel Plan*.
- o The economic feasibility of the *Sanibel Plan*.
- o The priority assignment for scheduled capital improvements projects.
- o The City's progress in reducing existing deficiencies and obtaining an acceptable level of service.
- o The City's effectiveness in maintaining adopted level of service standards.

**WHEREAS**, the *Sanibel Plan* contains the following statements in the Capital Improvements Element of the *Sanibel Plan*:

*"When extensively revised in 1997, the Sanibel Plan concluded that the City of Sanibel has been providing public facilities and utilities in advance of the occurrence of deficiencies in the adopted level of service for these facilities. In its annual reviews of the Capital Improvements Element of the Sanibel Plan, the Planning Commission's findings continue to validate that conclusion.*

*There are no capital improvement projects needed to attain or maintain the adopted level of service standards for public facilities. Therefore, there are no capital improvement needs (required to attain or maintain adopted level of service standards for public facilities) projected for the initial timeframe of this Plan, that is through the year 2016. It has been and continues to be financially feasible to achieve and maintain the adopted level of service standards for public facilities."*

**WHEREAS**, the City remains effective in maintaining the level of service standards for public facilities that are established in the *Sanibel Plan*. At present, no deficiencies are identified or anticipated; and

**WHEREAS**, the Capital Improvements Element of the *Sanibel Plan*, is currently consistent with the other elements of the *Sanibel Plan*; and

**WHEREAS**, reviews of the effectiveness of the City's Below Market Rate Housing Program, by other Planning Commission subcommittees, have not indicated the need for revisions to the Capital Improvements Element of the *Sanibel Plan*; and

**WHEREAS**, the implementation of capital improvements required by the *Sanibel Plan* is economically feasible; and

**WHEREAS**, at the public hearing on December 13, 2011 to consider adoption of Resolution No. 11-16 all Planning Commissioners were present;

**NOW THEREFORE, BE IT RESOLVED** that the Planning Commission recommends that City Council adopt the amendment to the Sanibel Plan contained in Application No. 11-6348SP (Ordinance no. 12-001).

The foregoing Resolution was adopted by the Planning Commission upon a motion by Chair Michael Valiquette; seconded by Vice Chair Marks and the vote was as follows:

Christopher Heidrick	<u>Yes</u>	Paul Reynolds	<u>Yes</u>
Chuck Kettelman	<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 13th day of December, 2011.

**SANIBEL PLANNING COMMISSION**

Signed: Michael Valiquette  
Chair Person

12/16/11  
Date Signed

Approved As To Form: \_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date Signed

Date Filed With City Manager: \_\_\_\_\_