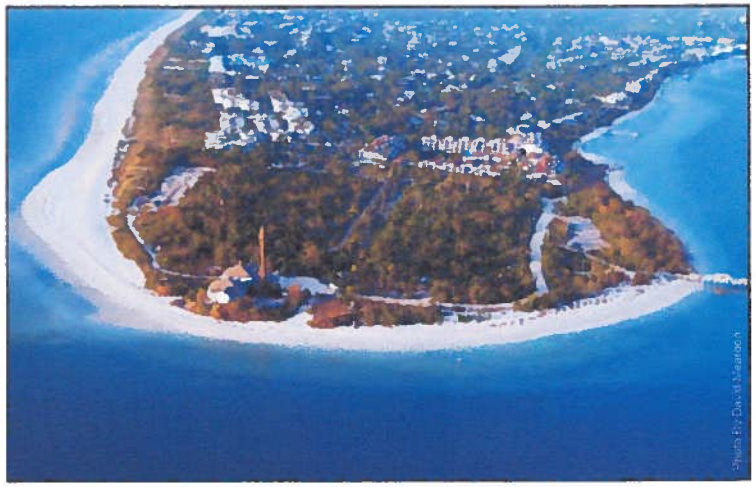
Part 3.6.

Land Use

This part of the *Sanibel Plan* is a product derived from the other elements of the Plan, including the preceding parts of this article.

This part of the *Sanibel Plan* contains the Housing Element and the Future Land Use Element. This part of the *Sanibel Plan* establishes goals, objectives and policies for housing and future land use.



Aerial view of Punta Ybel with Lighthouse Park in the foreground

Aerial view of Sanibel Island – Pine Island Aquatic Preserve in the background

Section 3.6.1. Housing Goals, Objectives and Policies

Pursuant to Section 163.3177, Florida Statutes and Chapter 9J-5.010(3) of the Florida Administrative Code.

Background Discussion

The purpose of the Housing Element, as stated in the Florida Administrative Code, is to develop appropriate plans and policies which demonstrate the commitment of the City of Sanibel in meeting existing and projected deficits that are identified in the supply of housing. These plans and policies address government activities as well as provide direction and assistance to the efforts of the private sector.

The data and analyses for this element of the *Sanibel Plan*, pursuant to *Section 163.3177(6)(f), Florida Statutes* and the minimum review criteria of *Chapter 9J-5.010* of the *Florida Administrative Code*, are provided in the background materials for the 2004/2005 Evaluation and Appraisal Report for the *Sanibel Plan*, adopted April 19, 2005.

Private sector activities are currently effective in conserving and maintaining the existing housing stock. There is virtually no substandard housing in the City of Sanibel.

In accordance with the Development Intensity Map, a limited number of additional dwelling units, approximately 800, are projected.

Limited land resources available to satisfy all housing demands present a significant constraint to the provision of housing for very low, low and moderate income people. Partially in response to this situation, the City has implemented a Below Market Rate Housing Program.

The City of Sanibel is a small, distinct component of the Regional housing market. The City supports the provision of housing to meet special needs. Yet, some housing needs are best satisfied by the housing stock outside the City in the larger Regional housing market.

The housing inventory is comprised of data from both the *2000 Census of Population and Housing* and Local sources. The information from these distinct sources is consistent but not readily compatible. Census data excludes motels and units for short-term occupancy from the housing stock and does not reflect the seasonal population component of the functional population. Local data includes the housing stock for both the resident and seasonal population. The Sanibel housing stock totaled approximately 8,257 dwelling units in 2006, compared with an estimated 2,637 resident households. This wide disparity dramatizes the seasonal nature of occupancy and the accompanying high out-of-season vacancy rates.

Characteristics of the Housing Stock

In the Regional housing market, the City of Sanibel represents a small yet distinct component. The number of dwelling units in the City of Sanibel comprise a small percentage (less than two percent) of the total number of dwelling units in Lee County. This percentage is projected to decline, as indicated by the projected growth rates for Lee County and for the City of Sanibel.

Nearly 50 percent of the housing stock in the City of Sanibel is in multi-family structures, chiefly condominiums. Approximately 47 percent of the housing stock is in single family houses. Mobile homes are only one percent of the housing stock. A few (250) campsites are located in the trailer park.

Over 50 percent of the housing stock in the City of Sanibel has been constructed since 1975.

Sanibel has virtually no substandard housing and no pockets of housing deterioration or abandonment.

Affordable Housing

The *Sanibel Plan* continues to provide opportunities for a diverse housing stock with a wide range of housing types permitted. Single family and multi-family structures are specifically permitted. However, mobile homes are discouraged, because such housing would be very dangerous in heavy weather.

Development of all housing units is affected by the Land Development Code, building codes and other land use regulations, which are designed to accommodate the Island's housing needs with the environmental fragility of its natural systems and its vulnerability to tropical storms of prime concern. Because of high land costs, and the need for construction techniques that provide storm protection, housing costs on Sanibel tend to be well above the average for residential building.

The 2004/2005 Evaluation and Appraisal Report for the *Sanibel Plan* identifies approximately 8,200 dwelling units currently in the City of Sanibel. Over 60 percent of these units are occupied by tourists and the nonresident seasonal population. The participation of nonresidents and businesses in the Sanibel housing market has significantly contributed to the high cost of housing in Sanibel.

The cost of housing is high in the City of Sanibel. *The 2000 Census* identified only 25 (non-condominium) dwelling units in the City valued under $100,000. The median value of $392,400 was reported in *the 2000 Census* for (non-condominium) dwelling units, up from $292,500 in 1990. *The 2000 Census* reported median rent at $1,016, up $189 from 1990, with only 117 units with contract rents under $750 for the City of Sanibel.

In spite of the large percentage of high valued dwellings in the existing housing stock, there are units in the City of Sanibel that are available to moderate income households. There are approximately 35 modest apartments located in association with commercial developments, and one 13-bedroom employee housing complex with shared kitchen facilities. There are 80 manufactured homes in Periwinkle Park. There are also approximately 70 moderate-value non-waterfront condominium units.

The high cost of housing is impacted by the limited supply of vacant developable land. Less than 800 dwelling units are projected to be added to Sanibel's housing stock at "buildout". About 600 of the additional units are anticipated as infill development on existing vacant residential lots. The other approximately 200 units are anticipated on undeveloped (un-subdivided) lands.

In the inventory of 600 existing vacant residential lots, there are a few lots valued under $200,000 with virtually no lots valued under $100,000. In the inventory of raw undeveloped residential land, estimated to allow a total of 200 units, land values under $100,000 a unit would be hard to find and the cost of improvements would increase the per unit cost.

The situation of high land values is an important factor in assessing opportunities for providing affordable housing. The high cost of vacant land has contributed to the lack of moderate cost housing provided by the private sector.

It is evident from an analysis of the existing housing stock and the vacant developable land inventory, that the private sector is unable, without a major philanthropic effort, to provide housing on Sanibel that is affordable to very low, low and moderate income households. In fact, assistance programs are generally unable to cost-effectively bridge the gap between the money available for housing by very low, low, and moderate income households and the high cost of (to purchase or rent) housing in the City of Sanibel.

Subsidized Housing

In the City of Sanibel, there are few privately owned renter-occupied housing units currently using Federal Section 8 rental subsidies. There are 64 renter-occupied units currently in the City's Below Market Rate Housing Program (BMRH), a 66 percent increase from 1997. Forty of these units are in the single family and duplex category and 24 are in the multi-family category.

City of Sanibel's Below Market Rate Housing Program

Provision for moderate-income housing has had to rely on assistance from the City in cooperation with the private sector. In response to the need, and in compliance with the provisions of this Plan and the State's Local Government Comprehensive Planning Act of 1975, the City of Sanibel enacted a Below Market Rate Housing (BMRH) program. This program, established more than 15 years before the Vision Statement was added to the *Sanibel Plan*, is consistent with that expression of the community's aspiration for its future. The Below Market Rate Housing program, reflective of the values of the community, provides affordable housing opportunities for residents of moderate incomes or less.

Sanibel is nationally known for its dedication to remaining a "sanctuary" Island for humans and wildlife. Less well-known, but just as important, is the City's commitment to maintaining a strong, diversified sense of community.

As specified in its Vision Statement, Sanibel "*cherishes its ... economic diversity*," and "*will endeavor to maintain it*." Though the City might hypothetically satisfy State standards by providing low-income housing opportunities in nearby jurisdictions, it would in so doing fail to meet its own higher standard. Through the adoption of a Vision Statement in 1996, the citizens of Sanibel have reiterated their desire to maintain an economically diverse community.

To require that lower-income members of the community move to other jurisdictions to benefit from the City's Below Market Rate Housing program would contradict the City's Vision Statement and defeat the very purpose of the BMRH program. The effect of having an off-Island housing program would be to establish a two-tier system. Providing for affordable housing off-Island would mean that some of the lower income members of this community may be denied the opportunity to participate as full voting citizens. Additionally, the children of lower income members of the community may be denied the opportunity to associate with children of more prosperous residents at the Sanibel School. Senior members of our community with limited assets and lower incomes may be denied the opportunity to remain among lifelong friends and associates.

Sanibel's BMRH program deliberately breaks with many of the patterns established by public housing programs elsewhere. To underscore the fundamental equality of all citizens, BMRH units are constructed and landscaped to be virtually indistinguishable from the rest of the community. That eliminates the stigma that is usually attached to being in public housing, ensures that such housing conforms to the aesthetic standards of the community, and thereby fosters a well-earned sense of civic pride. It is the City's goal to maintain that emphasis, as expressed in the Goal Statement for Housing and Policy 3.1 in this section.

The BMRH program has evolved to the present 64 units, all of which are owned by the nonprofit organization, Community Housing and Resources, Inc., acting as the City's Housing Foundation. Community support of the City's relationship with Community Housing and Resources, Inc. in the administration of the Below Market Rate Housing Program was affirmed in a 1996 referendum.

The City funds most of the organization's administrative costs and provides the nonprofit organization with loans or grants for land or building acquisition, construction or other purposes

on a case-by-case basis. Key elements of the BMRH ordinance permit relaxation of density in specified ecological zones and allow residential use in connection with commercial development, all on a case-by-case basis. City contributions toward infrastructure (e.g. roads, sewer, water) would be additionally supportive of moderate income housing.

The present 64 units, 62 of which are committed to the City's BMRH program in perpetuity, provide affordable rental housing to approximately 140 adults and children. Twenty-four BMRH units have been added to the program since the 1997 amendment to this Plan, representing 4 percent of the dwelling units built in that time frame.

Community Housing and Resources, Inc. is planning additional units on-Island; however, they are exploring opportunities to provide affordable below market rate housing off-Island in addressing housing needs for essential service employees.

Other Housing

In the City of Sanibel there are currently no group homes or foster homes licensed by the State of Florida. Group homes and foster homes are permitted in residential districts. Due to concerns for hurricane evacuation safety, only small scale group homes or foster homes are appropriate on the Island. Large and medium size congregate living facilities are inappropriate on a barrier island, with evacuation constraints such as those present on Sanibel.

There is one mobile home park in the City of Sanibel. This lawfully existing use contains 80 mobile homes and 246 park sites for recreational vehicles. Unless constructed in strict compliance with the Sanibel Building Code, new mobile homes, as defined by Chapter 9J-5.003(52) of the Florida Administrative Code, are inappropriate for a barrier island such as Sanibel.

In the City of Sanibel there are no historic districts. An inventory of historically significant housing is provided in the Historic Preservation Element of the Plan.

Housing Needs

To achieve consistency with other elements of this Plan, particularly the Safety, Coastal Zone Protection and Conservation Elements, the supply of additional housing must be controlled. In 2004, approximately 92 percent of the housing stock anticipated in the City of Sanibel at "buildout" has already been constructed.

In general, there is a demand for Sanibel housing that has produced high property values and resulted in scarcity of very low, low and moderate income housing on the Island. Because of the high value of the existing housing stock and exceptionally high land and construction costs, government assistance will continue to be necessary to address the need, by young and old alike, for this type of housing on Sanibel.

The City's Housing Foundation has recently addressed the need to provide affordable housing units for independent seniors who do not require assisted living arrangements.

The City and Community Housing and Resources are addressing the need of housing for the essential services workforce.

Land Requirements for Housing Needs

The Future Land Use Element, reflecting all the elements of this Plan, has incorporated the concept of buildout that has always been a foundation of the *Sanibel Plan*. The concept of buildout was established in recognition of constraints imposed by the need for hurricane safety, adequate delivery of services and natural resource protection. These constraints clearly demonstrate that unlimited future growth would be hazardous to the health, safety and welfare of the public. This discussion of density and intensity of use, used to establish the objectives of the *Sanibel Plan*, helps demonstrate the limited land resources available in the City of Sanibel. Housing needs can be satisfied only within the constraints imposed by limited land

resources. This limit on future growth, always part of the *Sanibel Plan*, is reflected in the Development Intensity Map.

The supply of additional housing, permitted in accordance with the Development Intensity Map, is expected:

- To be predominately single family residences and a small amount of relatively small scale multi-family structures
- Predominately high value (cost and rent) units for middle and upper income households.

The provision of moderate cost housing will continue to require the cooperation of the public and private sectors. The provision of housing for households with very low, low and moderate incomes will continue to require the cooperation of other local governments where land is more available and affordable.

Adequate Sites for Very Low, Low and Moderate Income Housing

As clearly established by the *Sanibel Plan*, there are many valid reasons for limiting the intensity of land use in the fragile ecosystem of the City of Sanibel. Valid reasons that have not only received extensive community support, but reasons that have been accepted, and to some extent endorsed by, the Southwest Florida Regional Planning Council and the Florida Department of Community Affairs. Consequently, as the City of Sanibel reaches 92 percent of its projected "buildout" for residential and non-residential land uses, there are few opportunities to provide affordable housing in a community where land use patterns are so established and land values are so high.

Pursuant to *Florida Statutes Section 163.3177(6)(f)(2)*, the Florida Department of Community Affairs conducted an "affordable housing needs assessment". The City has received and reviewed this needs assessment as one basis for the preparation of this Housing Element. *The User's Guide for the Affordable Housing Need Assessment Methodology* states *that, "If local communities do not feel that these estimates and projections reflect their expectations for their community, then they may propose alternatives to be considered."* There are many factors that must be considered, incorporated and reflected in a realistic affordable housing needs assessment for the City of Sanibel. These factors include valid limitations on the intensity of land use throughout the Island, valid growth management regulations for the protection of natural resources and valid concerns for safe hurricane evacuation, all resulting in a valid threshold for community "buildout". Other factors, such as the high cost of existing housing, the predominant occupancy of existing housing by nonresidents and the limited availability and high cost of vacant land must also be reflected.

The *User's Guide* for the methodology for the State's need assessment states, "*...projections for small areas such as cities, are difficult because of the influence of... land availability, zoning, ... and other factors that have a large impact at the local level.*" The *User's Guide* for the methodology also states that, "*Other factors...to consider when applying this methodology include the influence of, buildout, and changes in the demographic character of the area.*"

The data and analyses from this needs assessment is being used as one basis for this Housing Element. However, it is critical to note that in, and consistent with, the *Sanibel Plan*, are projections for about 800 additional dwelling units. The State's needs assessment for affordable housing identifies a deficiency of about 1,000 dwelling units by 2010. Historically the waiting list for the BMRH program averages 30-50 very low, low and moderate income households, well below the State's' estimates of Sanibel's affordable housing needs. For all the reasons cited above, the State's needs assessment is inappropriate for this community and does not reflect the historically documented need for affordable housing on Sanibel.

A limited amount of affordable housing can continue to be available within the community through continuation of the BMRH Program. Currently there are 64 BMRH units, representing about 2 percent of Sanibel resident households. A program target suggested in the 2004/2005 Evaluation and Appraisal Report was for BMRH units available for 3 percent of Sanibel resident households. Based on current population projections, the target at 3 percent of resident households envisions a total of 104 dwelling units (or 40 additional units) at "buildout" (over the next 20 years).

To assist in providing sites for moderate-income housing, the City allows density increases in accordance with specified conditions for dwelling units in the City's BMRH Program. To provide sites for very low, low and moderate income housing, the City has purchased land for below market rate housing constructed by the Housing Foundation, including acquiring a site for affordable housing for seniors, in keeping with the goals and provisions of the *Sanibel Plan*.

There are no regulatory barriers created by the City that are intended to prevent the provisions of affordable housing in the City of Sanibel. There are no local public sector impediments pertaining to fair housing.

There can be adequate sites in the Region to meet the State identified housing needs of very low, low and moderate income households. Since housing is a Regional resource, the City of Sanibel will cooperate with other Local governments to address housing needs identified on a Countywide and Regional basis. However, the City's primary focus will continue to be on its on-Island BMRH program, in accord with Sanibel's adopted Vision Statement supporting a community which "*cherishes its... economic diversity*" and "*will endeavor to maintain it*".

The City of Sanibel will continue to evaluate its BMRH Program to seek opportunities for its continuation in a manner that is both cost-effective in its use of available local subsidies and consistent with the objectives and policies of the *Sanibel Plan*.

Plan for Housing

No community housing goal is complete without concern for equity which few communities can claim to have achieved. Sanibel is not alone in having grown without specific attention to housing for people with varying means. The City of Sanibel's Plan for Housing is to include the following provisions:

Provisions of the Plan

1. Actively pursue ways to ensure equal access to an open housing market for all persons regardless of age, race, religion, gender, color, national origin, marital status, disability or place of birth.

2. Avoid establishing regulatory barriers to the provision of affordable housing.

3. Discourage additional resort housing from occurring outside of currently established resort housing areas.

4. Restrict development intensity in the Resort Housing District that is in excess of the density permitted by the Development Intensity Map of the *Sanibel Plan*; however, allow the build-back of existing units, up to the number of dwelling units existing on May 4, 2004, provided the units that are built back are in conformance with the *Sanibel Plan* and the Land Development Code.

5. Allow for provision of adequate sites for foster family homes, adult congregate living homes, residential childcare,and similar specialized housing facilities, while assuring that these facilities are small-scale and appropriately coordinated in the City's Hurricane Evacuation Plan.

6. Consider introducing a mechanism for providing assistance in assembling the necessary rights-of-way and easements for certain infrastructure, such as road and drainage improvements, that may be required for BMRH projects.

Goals, Objectives and Policies

Goal Statement

Provide safe and decent housing in adequately serviced neighborhoods to meet the needs of the present and future residents of the City of Sanibel.

Objective 1

Incorporate into the adopted Land Development Code, consistent with the *Sanibel Plan*, incentives for the private sector to provide adequate and affordable housing to meet the needs of the present and future residents of the City of Sanibel.

Policy 1.1. While providing for the health, safety and welfare of the residents of Sanibel, improve coordination with private, including nonprofit, sector efforts to provide housing which meets the needs of present and future residents, particularly those with special housing needs, by reviewing the regulations contained in the Land Development Code.

Policy 1.2. The Planning Commission will annually review the permitting process for private sector housing to determine if improvements in the permit process are warranted.

Policy 1.3. Prior to issuing a development permit for new housing, the developer will demonstrate to the City that the infrastructure and public facilities needed to support that housing are in place or will be in place prior to occupancy of the housing.

Objective 2

Conserve and maintain the City's sound and aesthetic housing stock by requiring permits for work done on existing structures and inspections for compliance with the Land Development Code and the Building Code.

Policy 2.1. Maintain standards in the Sanibel Land Development Code that ensure quality housing that is safe and structurally sound and promotes stable neighborhoods.

Objective 3

Increase the total number of housing (dwelling) units that are available to persons of very low, low, and moderate income in addition to providing essential services workforce housing.

Policy 3.1. Provide for Sanibel-determined affordable housing needs through continuation of the City's on-Island BMRH Program. In addressing housing needs for essential service employees, evaluate opportunities with Community Housing and Resources, Inc. to supplement on-Island units with BMRH units that are located off-Island.

Policy 3.2. Annually review the effectiveness of the City's BMRH (affordable housing) program and implement warranted revisions.

Policy 3.3. Support and assist the efforts of the Housing Foundation to increase the number of BMRH (affordable housing) units based on identified need.

Policy 3.4. Maintain the provision of the Land Development Code allowing conditional use increased density (additional unit bonus) for BMRH units.

Policy 3.5. Distribute BMRH units on Sanibel to provide a variety of residential settings and avoid undue concentration for very low, low and moderate income housing.

Policy 3.6. Apply for assistance under Federal and State housing programs when it appears the City may qualify for assistance.

Policy 3.7. Ensure that BMRH units continue to be developed and maintained in a manner that is compatible with the character of the community.

Policy 3.8. Evaluate opportunities for mixed commercial and residential developments in the commercial sector to provide housing opportunities for the Island workforce.

Policy 3.9. Due to unusually high property values in the City, the City's location entirely within the coastal high-hazard area and the City's nearness to "buildout", there are a very limited number of sites available for any additional housing, much less for private sector-provided affordable housing. Consequently, if the City is unable to meet Sanibel-determined affordable housing needs on-Island through its BMRH program, the City will request that Lee County incorporate the unmet need in the County's affordable housing program.

Policy 3.10. Encourage that the employee housing provided at the South Seas Resort on Captiva Island be retained within the density cap for Captiva Island that is administered by Lee County and not replaced with resort units.

Objective 4

Make provisions for small-scale group homes and foster care facilities licensed or funded by the Florida Department of Children and Families by permitting them in accordance with the standards and requirements of the Land Development Code.

Policy 4.1. Allow for provision of adequate sites for group homes and foster care homes that are small-scale and appropriately coordinated in the City's Hurricane Evacuation Plan. Due to concerns for hurricane evacuation safety, large and medium size congregate living facilities and facilities that provide custodial care are inappropriate for location within the City of Sanibel.

Policy 4.2. Ensure that, by continued implementation of the development regulations of the Land Development Code, group homes and foster care facilities are not excluded from or over concentrated in any residential district or area.

Objective 5

Consistent with State Statutes and the Lee County Comprehensive Plan, new mobile home parks, mobile home condominiums, mobile home cooperatives and mobile home subdivisions, are not permitted on barrier islands, including the City of Sanibel.

Policy 5.1. New mobile home, as defined by *Chapter 9J-5.003(52)* of the *Florida Administrative Code*, construction or installation will comply with the regulations and standards of the Sanibel Land Development Code and the Florida Building Codes.

Objective 6

Historically significant housing will be protected and preserved for residential use, by incorporating incentives for the private sector in the Land Development Code.

Policy 6.1. Incorporate in the Land Development Code regulations that will permit the preservation, improvement and continued residential use of historically significant housing.

Policy 6.2. Maintain historically significant housing as identified on the Local Register of Historic Sites and Structures.

Objective 7

Require substandard housing conditions to be eliminated when work is done on a house under a City permit.

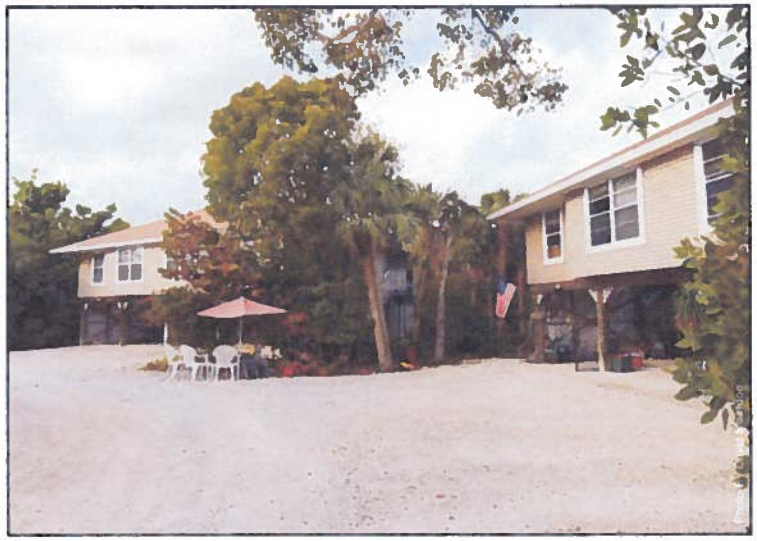
Policy 7.1. For any substandard dwelling unit (i.e., structurally unsound and an immediate threat to health, safety and welfare) in the City of Sanibel, the owner will be cited for the violations and ordered to comply with the appropriate requirements of the Sanibel Building Code.

Policy 7.2. Continue code enforcement activities.

Objective 8

Although no household (dwelling unit) displacement is projected in this Plan, if people are ever displaced by City programs, ensure that equitable treatment is provided to displaced people consistent with *Section 421.55, Florida Statutes*.

Policy 8.1. Should displacement by City programs occur, a program will be developed to ensure that standard housing is available to people displaced by City programs, prior to their displacement.



Below Market Rate Housing Units