



COMMERCIAL REDEVELOPMENT

"To establish and maintain a vibrant and healthy commercial district, consistent with the Sanibel Plan, that provides for the needs and services of Sanibel's residents & visitors."

May 7, 2013

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Introduction

To date, Council has:

- Approved a vision statement for Commercial Redevelopment; and
- Identified the strengths and challenges of the local economy.

City Council has also received information on the trends and impacts of commercial development immediately off-island.

On March 12, 2013, Council conducted a workshop to discuss the direction of the Commercial Redevelopment Study. The ideas generated at this workshop relate to potential revision to the commercial land use regulations in the Land Development Code that would support reinvigorating the Commercial Districts and redeveloping the City's Civic Core area. At a minimum, Code revisions should consider revising requirements that may impede rehabilitation and redevelopment in the Commercial Districts.

Potential Code revisions were grouped into the following categories:

1. Permitted uses
2. Nonconformities (Uses and Structures)
3. On-Site Parking Requirements (Dimension and Number)
4. Interconnectivity Between Properties
5. Setbacks

The preliminary analysis presented in this report, addresses the background, current code requirements and options for moving forward for each category for potential updates to the Land Development Code.

1. Permitted Uses

Background

Sanibel's Land Development Code currently identifies specific permitted uses and uses that are not specifically listed are prohibited. However, prior to 1985 permitted uses in the commercial districts were listed as part of the Sanibel Comprehensive Land Use Plan. If a use was not listed, the Planning Commission could approve the use if it was found to be similar in character, size, intensity and impact to those listed.

Prior to the 1985 Land Development Code revisions, permitted uses in the commercial districts were identified via a narrow list of 26 (Appendix A) specific uses. However, in the Code the permitted use list was also preceded by: "*.....all lawful retail and office uses including.....*", and concluded with: "*..... and other uses which the Planning Commission finds to be similar in character, size, intensity and impact those listed.*"

With the adoption of the Land Development Code in 1985 the Sanibel Comprehensive Land Use Plan was codified in the Sanibel Code of Ordinances. The Land Development Code also expanded the list of specific permitted commercial uses from 26 to 100 and dropped the language allowing the Planning Commission to approve uses not listed.

The following specific language for prohibited uses was added: "*Any uses not specifically permitted in any of the zone districts established by this article are hereby expressly prohibited from that zone.*" Appendix B – is a list of current permit uses under the Land Development Code.

Existing Code

Sec. 126-248. - Prohibited uses.

(a) *Any uses not specifically permitted in any of the zone districts established by this chapter are hereby expressly prohibited from that zone.*

Options

1. Retain the current list of permitted uses and expressly prohibit all other uses not listed.
2. Retain the current list of permitted uses and replace the prohibitive language with the language from the Sanibel Comprehensive Land Use Plan prior to 1985.
3. Expand the list of permitted uses and expressly prohibit all other uses not listed.
4. Expand the list of permitted uses and replace the prohibitive language with the language from the Sanibel Comprehensive Land Use Plan prior to 1985.

2. Nonconforming Uses and Structures

Background

The two types of nonconformities addressed by the Land Development Code are as follows:

1. Nonconforming use means a lawfully- established use located in a zone district restricted against such use.
2. Nonconforming structure means a lawfully-constructed building or structure which does not conform to the minimum or maximum requirements for such structure in the zone district in which it is located, including and structure located within a required setback or on a lot or parcel which is developed in excess of permitted impermeable surface coverage, developed area, residential density, or commercial floor area.

The Sanibel Land Development Code allows for the continuation of these nonconformities until such time that they reached their functional obsolesces and are either abandoned, removed, or replaced by a conforming structure and/or use. The Code does allow nonconforming structures and uses to reconstruct after a disaster subject to complying with the following requirements:

1. The reconstructed structure must not exceed the floor area of the pre-disaster structure.
2. The reconstructed structure must be built within the three-dimensional outline and/or footprint of the pre-disaster structure.
3. The reconstructed structure must comply with all current FEMA base flood elevation requirements.

Additionally, nonconforming structures and uses cannot be enlarged upon, expanded, intensified, or extended so as to further their nonconformity or result in a substantial improvement. Substantial improvement, in part, means and repair reconstruction, rehabilitation, addition or other improvement, or combination or accumulation of any repair, reconstruction, rehabilitation, addition or other improvement of a structure in which the cumulative cost of the improvements equals or exceed 50 percent of the market value of the structure of that increases the floor area of a structure by 50 percent or more at the time that an application is submitted. The cumulative cost of such improvements is also subject to a five-year period immediately preceding the date of the application.

As stated above, non-conforming uses are a lawfully-existing use located in a zone district restricted against such uses. Sanibel has seven commercial properties that qualify as nonconforming uses as they are not located in the Commercial District or they are not an accessory commercial use in the Resort Housing District. The seven properties involving commercial activities deemed as nonconforming uses are:

- 6460 Sanibel-Captiva Road (The Mad Hatter)
- 2761 West Gulf Drive (The Sandbar)
- 2807 West Gulf Drive (John Gee Realty)
- 1177 Causeway Boulevard (Formerly VIP Realty) – Sale pending currently scheduled for 5/14/2013 PC hearing.
- 2133 Periwinkle Way (Realty Title Services and Jerrold Stern, Attorney)
- 2000 Periwinkle Way (VIP Realty)
- 959 Periwinkle Way (Royal Shell)

Examples of nonconforming structures can be found in Appendix B

Existing Code

Sec. 78-1 Rules of construction and definitions.

Nonconforming structure means a lawfully constructed building or structure which does not conform to the minimum or maximum requirements for such structure in the zone district in which it is located, including any structure located within a required setback or on a lot or parcel which is developed in excess of permitted impermeable surface coverage, developed area, residential density, or commercial floor area.

Section 126-172 (Nonconforming structures) improvement, reconstruction or relocation prohibited; exceptions.

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

- (1) Repairs or rehabilitations to a nonconforming structure which, in conjunction with prior repairs, do not amount to a material structural alteration or a substantial improvement as defined in chapter 94*
- (2) The expansion of a structure which is nonconforming because of height, percentage of land coverage, residential density, commercial floor area, vegetation removal, or area or yard requirements, as long as such requirements are not further violated and as long as the expansion, considered by itself, would not violate such requirements;*
- (3) Minor, cosmetic, nonstructural alterations to the side or front of a structure which encroaches on a required side or front yard setback, such as awnings or decorative architectural features, provided that such alterations do not extend further into the setback than that part of the structure closest to the property line; provided that no usable floor area is added; and provided that no other regulation contained in this Land Development Code, and to which the structure does not conform, is further violated;*
- (4) Repairs, rehabilitations or reconstruction of existing nonconforming seawalls in human-made waterbodies in accordance with the requirements found in subsections 126-101(3) through (15);*
- (5) In the interest of safety, or to meet federal or state requirements for that use, consistent with section 78-3, development and construction to provide building access for persons with disabilities provided the development cannot practicably be accomplished within the existing perimeter, i.e., three-dimensional outline, of the structure and is the minimum necessary to provide such access, regardless of whether said development and construction increases or creates nonconformities pertaining to height, percentage of land coverage, commercial floor area, percentage of vegetation removal and developed area or setbacks and regardless of whether the structure is located within the Bay Beach Zone or Gulf Beach Zone; and*
- (6) In the Resort Housing District, reconstruction of existing nonconforming swimming pools and other accessory structures, including all related support components and equipment, which in conjunction with prior repairs or rehabilitation amount to a substantial improvement.*
- (7) The fencing in or screening of the structure for purposes of security, safety, or reduced liability, as long as such fencing or screening is the minimum reasonably necessary for such purpose, both as to height and location, and as long as any such fencing complies with the requirements of subsections 126-1057(2)—(4) and section 126-1059*
- (8) In the interest of safety, security, and reduced liability, the addition of safety railings on roof decks, provided such railings do not extend beyond the footprint of the existing structure;*

- (9) *In the interest of general public safety, the reconstruction of existing nonconforming walkways in the same configuration as the existing failed structure and up to a width of 44 inches when part of a required means of egress;*
- (10) *Building back (reconstruction) of a structure substantially damaged by a natural disaster in accordance with division 5 of this article.*

Sec. 78-1 Rules of construction and definitions.

Nonconforming use means a lawfully-established use located in a zone district restricted against such use.

The following citation from Section 126-152 is specific to nonconforming commercial uses.

Sec. 126-152. - (Nonconforming uses) exceptions and prohibitions.

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

(1) Repairs or rehabilitations to the structure which, in conjunction with prior repairs, do not amount to a material structural alteration or a substantial improvement, as defined in chapter 94

(2) Alterations within the existing perimeter, i.e., three-dimensional outline, of the structure, which, in conjunction with prior repairs, rehabilitations or alterations do not amount to a substantial improvement, as defined in chapter 94

(5) The fencing in or screening of the structure for purposes of security, safety, or reduced liability, as long as such fencing or screening is the minimum reasonably necessary for such purpose, both as to height and location, and as long as any such fencing complies with the requirements of subsections 126-1057(2)—(4) and section 126-1059

(6) In the interest of general public safety, the reconstruction of existing nonconforming walkways in the same configuration as the existing failed structure and up to a width of 44 inches when part of a required means of egress;

(7) In the interest of safety, security, and reduced liability, the addition of safety railings on roof decks, provided such railings do not extend beyond the footprint of the existing structure;

(8) In the interest of safety or to meet federal or state requirements for that improvement, pursuant to section 78-3, development and construction to provide building access for persons with disabilities, provided the development cannot practicably be accomplished within the existing perimeter, i.e., three-dimensional outline, of the structure and is the minimum necessary to provide such access or compliance, regardless of whether said development and construction increases or creates nonconformities pertaining to height, percentage of land coverage, commercial floor area, percentage of vegetation removal and developed area or setbacks and regardless of whether the structure is located within the Bay Beach Zone or Gulf Beach Zone;

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

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

(c) There may be a change of tenant, ownership, or management of a nonconforming use, provided there is no change in the nature, character, size, or intensity of such nonconforming use.

(d) When a nonconforming use of a structure, or structure and land in combination, is discontinued, vacant, abandoned, or not used for 12 consecutive months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. (See section 82-61, reestablishment of abandoned nonconforming uses.) This period is tolled for any period during which an application for a permit to build back a building substantially damaged in a natural disaster has been filed and is pending and during which a permit to build back a substantially damaged building has been issued and has not expired and for six months following the issuance of a certificate of occupancy for that building.

Options

1. Retain current regulations on nonconforming structures and uses
2. Change the code regarding the types of improvements permitted for nonconforming structures and uses that do not amount to a substantial improvement.
3. Change the code to permit certain improvements to be made that do not further the nonconformity and do not amount to a substantial improvement.
4. Consider redefining the commercial district boundaries to include the nonconforming commercial uses on a case by case basis.

3. Off-street Parking Standards

Background

Design Specifications

The design specifications for the size of off-street parking spaces have been outlined in the Land Development Code since 1985. As the standard size of vehicles has changed over time, some communities have modified their parking design requirements, with an eye towards reducing the dimensions of spaces. The Urban Land Institute and the National Parking Consultants Council have also taken new positions on parking space requirements in recent years and reduced the recommended size dimensions in their published standards. Appendix C is a comparison of City of Sanibel and other local jurisdiction parking standards.

The Land Development Code uses an older standard of 9 feet wide and 18 feet long. The Urban Land Institute in *The Dimensions of Parking* (5th edition, 2010) now recommends universal sized parking spaces of 8.5 by 18 feet. The national Parking Consultants Council also recommends these dimensions.

In addressing the prevalence of smaller automobiles, some communities have chosen to adopt two parking dimensions in their ordinances. One for "standard parking spaces" which are generally the 9 x 18 feet dimension, and one for "compact spaces" which range from 7.5 x 15 feet to 8 x 18 feet. Several parking studies have noted problems with the designation and use of "compact spaces". One is the somewhat subjective identification or definition of "compact cars" by drivers and enforcement staff, and another is the use of the compact car spaces by larger vehicles. These studies found that such violations impede traffic circulation and parking space access thereby compounding a problem the solution was attempting to address.

Retail and Office Use

Currently the Land Development Code requires the same minimum number of off-street parking spaces for office and retail spaces that have 1,000 SF or less of commercial floor area. For units with more than 1,000 SF of floor area one (1) additional parking space, respectively, is required for each 250 SF of office floor area and 200 SF of retail floor area. Since office uses typically generate fewer automobile trips than retail uses the ratio for office uses over 1,000 SF may need to be reviewed.

Existing Code

Currently under Land Development Code 126-1363. - Allowance for fewer than required spaces, the planning commission may, but need not, permit any development to have fewer parking spaces than required (in this subdivision) if it finds that:

- (1) The developer has, demonstrated, by clear and convincing evidence, that the required number of parking spaces will not be reasonably necessary for the proposed use in the foreseeable future;
- (2) The proposed development includes sufficient open area reserved for all the required parking spaces to be later provided, if deemed necessary by the planning commission, in conformance with all requirements and limitations of this Land Development Code, including developed area limitations, setbacks, etc.; and
- (3) The development permit is conditioned upon the property owner providing all required parking spaces within 90 days after they are deemed to be necessary by the planning commission.

Sanibel's parking space dimension requirements vary (in length) in relation to the angle of parking, from 15 feet at a 30° angle to 20 feet at a 90° angle. However, the width is always required to be 9 feet. (See the attached spreadsheet for additional information on the current dimensions in Sanibel code and comparisons to standards in other communities).

Options

1. Retain the current parking space dimensions and minimum number of required parking spaces.
2. Reduce the required dimension of parking spaces to 8.5 feet by 18 feet (length may still vary relative to the angle of parking). The potential impacts of implementing this option include:
 - Will allow for available parking to be increased by up to 1 space for every 7 spaces that are reconfigured from 9'x20' to 8.5'x18'. *Note:* Under current ordinance, this would also require an additional 20 square feet of interior landscaping, per new parking space, unless this requirement is waived for existing parking lot reconfigurations.
 - Will reduce the total amount of necessary land coverage which is dedicated to required parking space, by up to 27 square feet for each required parking space.
3. Reduce the minimum number of required off-street parking spaces for office uses with more than 1,000 SF of floor area.

4. Interconnectivity Between Properties

Background

Sanibel has an extensive shared use path system that provides bicycle and pedestrian access to a number of locations of interest and nonresidential uses on the island. However, not all nonresidential uses have convenient access to the existing shared use path system. Bicycling or walking to these locations, in lieu of driving, could become more appealing if a safe and convenient access network was made available; particularly for those properties without frontage along the existing shared use path system.

Over the years a few unpermitted pathways have been created to allow access between existing developed properties. Approximately two years ago, a preliminary study was conducted by the Planning Department whereby staff began to inventory some of these makeshift pathways to determine whether some type of formal pedestrian cross access connection should be allowed for under the Code.



Example of a makeshift path between CVS and SunTrust Bank.

Existing Code

The below site planning standards that are under Land Development Code Section 126-1029 applies only to new commercial developments, whether or not the commercial buildings are new development or redevelopment of existing commercial floor area. These site planning standards also apply to commercial developments that are adding, or redeveloping, more than ten percent of the commercial floor area of that development or more than 3,000 SF of commercial floor area.

(c) Site access and internal circulation

- *Multiple and independent points of ingress and egress shall be avoided when possible.*
- *Unobstructed sight lines at points of ingress and egress shall be provided to ensure pedestrian, bicyclists and motorist safety.*

- *When possible, bicycle and pedestrian cross access between commercial sites and developments shall be established.*
- *Functional and integrated access and internal circulation for people with disabilities shall be provided.*
- *Safe and efficient internal pedestrian circulation from on-site parking spaces shall be provided.*
- *Conveniently located on-site storage areas for bicycles shall be provided.*

Options

1. Retain the current interconnectivity specifications.
2. Investigate opportunities for installation of additional shared use paths for properties that do not have convenient access to the shared use path system.
3. Research what other cities have done to promote interconnectivity between commercial properties.
4. Contact commercial properties on Sanibel that currently have makeshift paths and determine if they would be willing to participate in an interconnectivity pilot program.
5. Continue to limit, where possible, bicycle and pedestrian cross access connections between commercial sites that only qualify as new development and redevelopments projects.
6. Revise Option 5 to also allow the same opportunity to establish bicycle and pedestrian cross access connections between properties to existing residential and other noncommercial uses and developments.

With either option new guidelines for cross access connectivity should be developed to not only provide for safe bicycle and pedestrian access but to also offset any impact to existing native vegetation, wildlife habitat or required drainage features. Consideration should also be given to providing for proper lighting and way finding signage.

5. Setbacks Standards

Background

Setback standards on Sanibel are important as they help to accommodate the installation of required vegetative buffers, off-street parking, stormwater management improvements, and preserve open space which reinforces the community's rural character, scenic qualities and natural ambiance. Since the Commercial District abuts or is adjacent to residentially zoned properties, required setbacks also help to minimize the impact of uses permitted in the Commercial District from adversely affecting nearby residentially zoned properties.

Properties choosing to develop or redevelop are required to meet all minimum required setbacks as called for in the Land Development Code, or to obtain a variance if a deviation is necessary.

While approval of the requested variance is never guaranteed, relief to any setback requirement can be reviewed on a case-by-case basis without reducing the current minimum standards.

Existing Code

Sec. 78-1 Rules of construction and definitions.

Setback or (setback line) means an area defined by a lot line, street centerline, mean high water line of an open body of water, or right-of-way line and a line on the lot parallel to, and a specified distance from, such lot line, street centerline, mean high water line, or right-of-way line, in which no structure may be located and into which part of any structure shall project, unless specifically permitted in this Land Development Code. When an accessory structure, such as a dock or boat davit, is permitted to be located adjacent to the lot on which the principal structure exists, setbacks shall be measured from the applicable lot line, street line, mean high water line or right-of-way line, as extended.

Sec. 78-1 Rules of construction and definitions.

Yards means

- 1. Front yard means an area, occupied except by structures specifically permitted, extending across the full width of a lot and lying between the abutting street line and the nearest part of the principal structure on the lot.*

2. *Side yard means an area, unoccupied except by structures specifically permitted, extending from the front yard to the rear yard of a lot and lying between the side lot line and the nearest part of the principal structure on the lot.*
3. *Rear yard means an area, unoccupied except by structures specifically permitted, extending across the full width of a lot and lying between the rear lot line and the nearest part of the principal structure on the lot.*

The current setback requirements for the three (3) commercial districts on Sanibel are summarized in the table below:

Setback Requirement	GC	TCG	TCL
Front Yard Setback (Arterial/Collector)	100 feet	100 feet	100 feet
Front Yard Setback (Other)	50 feet	50 feet	50 feet
Side Yard Setback (<125 ft. frontage)	15 feet	15 feet	15 feet
Side Yard Setback (>125 ft. frontage)	25 feet	25 feet	25 feet
Rear Yard Setback	20 feet	20 feet	20 feet
Front Parking Lot Setback (Periwinkle)	70 feet	70 feet	70 feet
Front Parking Lot Setback (Other)	20 feet	20 feet	20 feet
Side Parking Lot Setback	15 feet	15 feet	15 feet
Rear Parking Lot Setback	15 feet	15 feet	15 feet
Water Setback	20 feet	20 feet	20 feet

Options

In considering whether setback options are warranted or not, it is important to note that, as part of the Scenic Preservation objectives, the Sanibel Plan requires vegetation buffers be located between commercial developments and along all roadways. Any adjustments to the existing setback requirements will need to be consistent with the Sanibel Plan.

1. Retain the current regulations for setbacks
2. Research further options that would be consistent with the Sanibel Plan.
3. Investigate potential code changes that would provide certain setback relief for businesses located in the Commercial District that were developed prior to the City's incorporation.

Appendix

- A. List of Commercial Uses Permitted Prior to 1985
- B. Examples of Nonconformities
- C. Comparison of City of Sanibel and Other Local Jurisdiction Parking Standards
- D. Commercial District Permitted Uses, Floor Area and Residential Density
- E. Commercial District Maps

APPENDIX A

SECTION 3.4.9: BAY BEACH

1. Recreation and conservation including boating, hiking, fishing, swimming and birding.

2. There shall be no other development in this area seaward of the Coastal Construction Setback Line.

SECTION 3.4.10: ALTERED LAND

1. Residential

a) single family detached dwellings.

b) duplexes,*except in any of the following subdivisions: Chateaux Sur Mer, Tahiti Shores, Sanibel Lake Estates, The Rocks (Units 1, 2 and 3), Palm Lake, Shell Harbor (including area east of Beach Road between Periwinkle Way and Middle Gulf Drive), Sanibel Estates (less Unit 1, Block 7, and Unit 2, Block 7), Anchors Aweigh, Kinzie, and Sanibel Harbours.

c) multi-family dwellings,*except in any of the following subdivisions: Chateaux Sur Mer, Tahiti Shores, Sanibel Lake Estates, The Rocks (Units 1, 2 and 3), Palm Lake, Shell Harbor (including area east of Beach Road between Periwinkle Way and Middle Gulf Drive), Sanibel Estates (less Unit 1, Block 7, and Unit 2, Block 7), Anchors Aweigh, Kinzie, and Sanibel Harbours.

d) resort housing in areas having a development intensity of not less than 5.0.

2. Public Facilities

a) Utility substations and storage facilities.

b) Wells, water supply and transmission facilities.

c) Recreation facilities, including but not limited to tennis courts and golf courses.

***A84-37 adopted 10/16/84

***A84-36 adopted 9/4/84

***A84-48 adopted 11/20/84

3. Agricultural: Such horticultural uses as commercial nursery of native vegetation or non-competing exotics and non-commercial gardening.

SECTION 3.4.11: COMMERCIAL USES

The following commercial uses are permitted in designated Commercial Districts:

1. Retail Permitted Uses in both the Primary and General Office and Retail Commercial Districts:

clothing

groceries, caterers, bakeries and delicatessens

barber shops and beauty salons

drug stores

laundramats and dry cleaning outlets

hardware stores

furniture stores

book and stationery stores

jewelry, shell and gift shops

florists, greenhouses, and garden and nursery stores

printing shops with an on-site retail outlet

general repair shops not requiring outside storage

pet stores

bait and tackle stores

sporting goods stores

APPENDIX A (Continued)

hobby, toy, and game stores

camera and photographic supply stores

sewing, needlework, and arts and crafts

other retail uses that the Planning Commission finds to be similar in character, size, intensity, and impact to those listed.

2. Office Permitted Uses in both the Primary and General Office and Retail Commercial Districts:

professional offices, such as law, accounting, architecture, and engineering

real estate and insurance

construction-related offices such as electricians, plumbers and contractors, not requiring outside storage and not engaged in retail sales

professional buildings

federal, state and local government offices

banks and financial institutions without drive-up facilities

business supply offices that sell exclusively to businesses

wholesale business and general business offices not engaged in direct on-site retail sales

other uses that the Planning Commission finds to be similar in character, size, intensity, and impact to those listed.

3. Retail Uses that may be permitted as a Conditional Use in both the Primary and General Office and Retail Commercial Districts:

retail developments with more than 12,000 square feet of floor area

restaurants

retail uses located in developments in the General Office and Retail District with a floor area ratio greater than 12%

automotive service stations and repair shops

marine sales and repair shops requiring outside storage

car washes

car and other motorized vehicle rental agencies

places of amusement, entertainment or commercial recreation

all retail uses with drive-in facilities

other uses that the Planning Commission finds to be similar in character, size, intensity, and impact to those listed.

4. Office Uses permitted as a Conditional Use in both the Primary and the General Office and Retail Commercial Districts:

banks and financial institutions with drive-up facilities

APPENDIX B

Examples of Nonconformities

The following are examples of nonconforming commercial properties that were developed prior to the City's incorporation. Without the benefit of an as built survey for each property, staff utilized the measuring tools available on the Tax Map Viewer from the LEEPA website to measure sizes and distances. While these measurements are not exact, they did provide a way to estimate whether a property was conforming or nonconforming.

SEAHORSE SHOPS - 362 PERIWINKLE WAY



Nonconformity (Code Requirement)

- Floor Area Ratio (maximum 10 percent)
- Front yard setback – Periwinkle (minimum 100 feet)
- Front yard setback – Buttonwood (minimum 50 feet)
- Side yard setback - North (minimum 25 feet)
- Developed area (maximum 50 percent)
- Front parking lot setback - Periwinkle (minimum 70 feet)
- Front parking lot setback - Anhinga (minimum 20 feet)
- Side parking lot setback (minimum 15 feet)
- Front yard vegetative buffer depth – Periwinkle (minimum 20 feet)
- Front yard vegetative buffer depth – Anhinga (minimum 20 feet)
- Side yard vegetative buffer (minimum 15 feet)

BIG DOG SURF SHOP – 459 PERIWINKLE WAY



Nonconformity (Code Requirement)

- Floor Area Ratio (maximum 10 percent)
- Front yard setback - Periwinkle (minimum 100 feet)
- Front yard setback – Lagoon (minimum 50 feet)
- Side yard setback (minimum 25 feet)
- Coverage (maximum 45 percent)
- Developed area (maximum 50 percent)
- Front parking lot setback - Periwinkle (minimum 70 feet)
- Front yard vegetative buffer depth - Periwinkle (minimum 20 feet)
- Front yard vegetative buffer depth – Lagoon (minimum 20 feet)

BP – 1015 PERIWINKLE WAY



Nonconformity (Code Requirement)

- Front yard setback (minimum 100 feet)
- Side yard setback – West (minimum 15 feet)
- Developed area (maximum 50 percent)
- Front parking lot setback (minimum 70 feet)
- Side parking lot setback (minimum 15 feet)
- Parking area landscaping (minimum 20 square feet per space)
- Front yard vegetative buffer setback (50 – 90 feet)
- Front yard vegetative buffer depth (minimum 20 feet)
- Side yard vegetative buffer (minimum 15 feet)
- Rear yard vegetative buffer (minimum 15 feet)

SHE SELLS SEASHELLS – 1157 PERIWINKLE WAY



Nonconformity (Code Requirement)

- Floor Area Ratio (maximum 10 percent)
- Front yard setback (minimum 100 feet)
- Side yard setback - East (minimum 25 feet)
- Developed area (maximum 50 percent)
- Front parking lot setback (minimum 70 feet)
- Side parking lot setback (minimum 15 feet)
- Rear parking lot setback (minimum 15 feet)
- Parking area landscaping (minimum 20 square feet per space)
- Front yard vegetative buffer setback (50 – 90 feet)
- Front yard vegetative buffer depth (minimum 20 feet)
- Side yard vegetative buffer (minimum 15 feet)
- Rear yard vegetative buffer (minimum 15 feet)

HUXTER'S - 1201/1203 PERIWINKLE WAY



Nonconformity (Code Requirement)

- Floor Area Ratio (maximum 10 percent)
- Front yard setback (minimum 100 feet)
- Side yard setback (minimum 25 feet)
- Developed area (maximum 50 percent)
- Front parking lot setback (minimum 70 feet)
- Side parking lot setback (minimum 15 feet)
- Rear parking lot setback (minimum 15 feet)
- Front yard vegetative buffer depth (minimum 20 feet)
- Front yard vegetative buffer setback (50 – 90 feet)
- Side yard vegetative buffer (minimum 15 feet)
- Rear yard vegetative buffer (minimum 15 feet)

T-SHIRT HUT – 1504 PERIWINKLE WAY



Nonconformity (Code Requirement)

- Floor Area Ratio (maximum 10 percent)
- Front yard setback – Periwinkle (minimum 100 feet)
- Front yard Setback – Main (minimum 50 feet)
- Side yard setback (minimum 15 feet)
- Front parking lot setback – Periwinkle (minimum 70 feet)
- Front parking lot setback – Main (minimum 20 feet)
- Side parking lot setback (minimum 15 feet)
- Parking area landscaping (minimum 20 square feet per space)
- Front yard vegetative buffer depth (minimum 20 feet)
- Front yard vegetative buffer setback (50 – 90 feet)
- Side yard vegetative buffer (minimum 15 feet)
- Rear yard vegetative buffer (minimum 15 feet)

CJ's ISLAND BOUTIQUE - 2359 PERIWINKLE WAY



Nonconformity (Code Requirement)

- Front yard setback (minimum 100 feet)
- Side yard setback – West (minimum 25 feet)
- Side parking lot setback - West (minimum 15 feet)
- Rear parking lot setback (minimum 15 feet)
- Front yard vegetative buffer setback (50 – 90 feet)
- Side yard vegetative buffer (minimum 15 feet)
- Rear yard vegetative buffer (minimum 15 feet)

PALM RIDGE PLAZA – 2400 PALM RIDGE ROAD



Nonconformity (Code Requirement)

- Floor Area Ratio (maximum 12 percent)
- Front yard setback – Palm Ridge (minimum 100 feet)
- Front yard setback - Wooster (minimum 50 feet)
- Side yard setback - North (minimum 25 feet)
- Side yard setback – East (minimum 25 feet)
- Coverage (maximum 45 percent)
- Developed area (maximum 50 percent)
- Front parking lot setback – Palm Ridge (minimum 20 feet)
- Front parking lot setback – Wooster (minimum 20 feet)
- Side parking lot setback (minimum 15 feet)
- Rear parking lot setback (minimum 15 feet)
- Parking area landscaping (minimum 20 square feet per space)
- Front yard vegetative buffer depth – Palm Ridge (minimum 20 feet)
- Front yard vegetative buffer depth – Wooster (minimum 20 feet)
- Side yard vegetative buffer (minimum 15 feet)
- Rear yard vegetative buffer (minimum 15 feet)

HESS PLAZA – 2491 PALM RIDGE ROAD



Nonconformity (Code Requirement)

- Floor Area Ratio (maximum 12 percent)
- Coverage (maximum 45 percent)
- Developed area (maximum 50 percent)
- Front parking lot setback – Wax Myrtle (minimum 20 feet)
- Side parking lot setback (minimum 15 feet)
- Front yard vegetative buffer depth – Wax Myrtle (minimum 20 feet)
- Side yard vegetative buffer (minimum 15 feet)
- Accessory structure front yard setback (minimum 150 feet)

APPENDIX C

Parking Space Design Standards								
City/County	30° Angle	37.5° Angle	45° Angle	52.5° Angle	60° Angle	90° Angle	Parallel	Entrance/Exit
Sanibel								
Space Size	9' x 15'	9' x 16'	9' x 17'	9' x 18'	9' x 19'	9' x 20'	9' x 22'	
Service Aisle								
One-Way	12'		13'		18'		12'	13'
Two-Way						25'	25'	22'
Lee County								
Space Size	8.5' x 18'		8.5' x 18'		8.5' x 18'	9' x 18'	8' x 22'	
Service Aisle								
One-Way	12'		12'		12'	22'	12'	15'
Two-Way	22'		22'		22'	24'	20'	24'
Fort Myers								
Space Size			10' x 18'		10' x 18'	10' x 18'	8' x 22'	
Service Aisle								
One-Way			12.5'		17'			
Two-Way						24'	22'	
Naples								
Space Size	9' x 16.83'		9' x 19.08'		9' x 20.07'	9' x 18'	9' x 20'	
Service Aisle								
One-Way	12'		12'		12'	12'	12'	
Two-Way	20'		20'		20'	20'	20'	
Compact car spaces: maximum of 10% of required spaces can be designated w/minimum size of 8' x 18'								
Parking spaces in excess of required can be reduced to a minimum of 8' x 18' for 90° or proportionally the same for angled.								
Collier County								
Space Size ¹	9' x 18'		9' x 18'		9' x 18'	9' x 18'	9' x 23'	
Service Aisle								
One-Way	12'		12'		18'	22'	12'	
Two-Way	22'		22'		24'	24'	20'	
¹ 9' x 16' permissible if wheel stop is used & car overhangs into buffer								
Charlotte County								
Space Size	9' x 18'		9' x 18'		9' x 18'	9' x 18'	9' x 18'	
Service Aisle								
One-Way	12'		12'		18'	22'	12'	
Two-Way	22'		22'	34	24'	24'	22'	
Compact car spaces: 25-50% of required spaces can be designated (for certain types of development) w/ minimum size of 7.5' by 16'								

APPENDIX D

Commercial District, Current List of Permitted Uses, Floor Area and Residential Density

The following designated nodes are represented on the City's Commercial District Map.

<u>Symbol</u>	<u>Name</u>
GC	General Commercial
TCG	Town Center General Commercial
TCL	Town Center Limited Commercial

GC GENERAL COMMERCIAL DISTRICT

The purpose of the GC general commercial district is to provide for clusters of commercial development along Periwinkle Way, rather than a continuous commercial strip. This district provides opportunities for a wide range of commercial activities that primarily serve islander needs. The GC general commercial district is designed to permit low intensity commercial development with a wide variety and mixture of retail, office, and service uses, with integrated residential uses offered as an alternative to commercial uses.

Primary intended commercial uses in the GC general commercial district, which do not require conditional use approval, are as follows:

- (1) Accounting, auditing and bookkeeping services.*
- (2) Advertising agents.*
- (3) Animal training and grooming services.*
- (4) Apparel and apparel accessories stores (retail).*
- (5) Appraisers.*
- (6) Architectural, engineering and surveying services.*
- (7) Artists' studios (retail).*
- (8) Auctioneering services.*
- (9) Auto and home supply stores (retail).*
- (10) Bait and tackle shops (retail).*

- (11) Banks.
- (12) Barber shops.
- (13) Beauty shops.
- (14) Bicycle shops (retail).
- (15) Blueprinting and photocopying services.
- (16) Book stores (retail).
- (17) Building contractors and subcontractors.
- (18) Building materials stores (retail).
- (19) Business associations.
- (20) Cablevision services.
- (21) Camera and photographic supply stores (retail).
- (22) Candy, nut and confectionery stores (retail).
- (23) Carpet and upholstery cleaning.
- (24) Child care services.
- (25) Children's and infant's wear stores (retail).
- (26) Cleaning and maintenance services.
- (27) Commercial art galleries (retail).
- (28) Commercial photography.
- (29) Communication services.
- (30) Computer services.
- (31) Credit institutions.
- (32) Dairy products stores (retail).
- (33) Detective agencies and protective services.
- (34) Developers.
- (35) Disinfecting and exterminating services.
- (36) Drug stores and pharmacies (retail).
- (37) Florists (retail).
- (38) Fruit and vegetable markets (retail).
- (39) Funeral homes and parlors.

- (40) Furniture and wood products, manufacturing.
- (41) Furniture stores (retail).
- (42) Garment pressing, and agents, laundries and dry cleaning.
- (43) Gift, novelty, and souvenir shops, including shell shops (retail).
- (44) Hand painting and printing of textiles.
- (45) Hardware stores (retail).
- (46) Health clubs or spas.
- (47) Hobby, toy and game stores (retail).
- (48) Household appliance stores (retail).
- (49) Insurance agents.
- (50) Interior decorators.
- (51) Jewelry stores (retail).
- (52) Landscape and horticultural services.
- (53) Legal services.
- (54) Linen supply.
- (55) Liquor stores (retail).
- (56) Luggage and leather goods stores (retail).
- (57) Mail order houses and distributors.
- (58) Management, consulting and public relation services.
- (59) Mortgage bankers and brokers.
- (60) Music stores (retail).
- (61) News dealers (retail).
- (62) Notary publics.
- (63) Offices of dentists.
- (64) Offices of health practitioners.
- (65) Offices of physicians.
- (66) Office supply stores (retail).
- (67) Optical goods stores (retail).
- (68) Packaging and labeling services.

- (69) *Paint, glass and wallpaper stores (retail).*
- (70) *Pet food stores (retail).*
- (71) *Pet shops (retail).*
- (72) *Printing, publishing and allied industries.*
- (73) *Professional membership organizations.*
- (74) *Radio and television stores (retail).*
- (75) *Real estate agents and managers.*
- (76) *Religious goods stores (retail).*
- (77) *Repair shops.*
- (78) *Retail bakeries (retail).*
- (79) *Retail nurseries, lawn and garden supply stores (retail).*
- (80) *Re-upholstery and furniture repair.*
- (81) *Savings and loan associations.*
- (82) *Security brokers and services.*
- (83) *Sewing, needlework, and piece goods stores (retail).*
- (84) *Shoe stores (retail).*
- (85) *Sign painting and lettering shops.*
- (86) *Sporting goods stores (retail).*
- (87) *Stationery and card stores (retail).*
- (88) *Swimming pool cleaning and maintenance.*
- (89) *Tailoring and dressmaking services.*
- (90) *Taxicab services.*
- (91) *Telephone message services.*
- (92) *Title abstract offices.*
- (93) *Tobacco shops (retail).*
- (94) *Tool and equipment rental.*
- (95) *Travel agents.*
- (96) *Uniform supply stores.*
- (97) *Used merchandise stores (retail).*
- (98) *Veterinary services.*

- (99) Video equipment and tapes, sales and rentals (retail).
- (100) Warehousing and storage.

The maximum permitted floor area ratio for parcels in the GC general commercial district is ten percent.

The maximum permitted residential density is 2.2 and 4 units per acres for parcels in the GC general commercial district.

TCG- TOWN CENTER GENERAL COMMERCIAL DISTRICT

The purpose of the TCG town center general commercial district is to provide for commercial and mixed use development in the geographical center of the city. Because of this area's relatively good access from Periwinkle Way, Palm Ridge Road and Tarpon Bay Road and proximity to civic, cultural and governmental uses, the Town Center General District is a preferred location for retail and mixed use development and therefore higher floor area ratios are permitted. The TCG town center general commercial district is designed to provide a wide variety and mixture of retail, office, and service uses, along with integrated residential uses of low and moderate intensities.

Primary intended commercial uses for the TCG town center general commercial district are the same as for the GC general commercial district, but with higher permitted floor area ratios and residential densities.

The maximum permitted floor area ratio for parcels in the TCG town center general commercial district is 12 percent.

The maximum permitted residential density is 6 units per acre.

TCL- TOWN CENTER LIMITED COMMERCIAL DISTRICT

The purpose of the TCL town center limited commercial district, like the TCG town center general commercial district, is also to provide for commercial and mixed-use development in the geographical center of the city. Because of this area's relatively good access from Periwinkle Way, Palm Ridge Road and Tarpon Bay Road, and proximity to civic, cultural and governmental uses, the TCL town center limited district is a preferred location for retail development and therefore higher floor area ratios are permitted. The TCL town center limited commercial

district is designed to provide an opportunity for a variety and mixture of retail, office, and service uses which support the establishment and retention of island and resident serving commercial uses and discourage commercial uses that cater principally to the day visitor to the city.

Primary intended uses. Primary intended commercial uses for the TCL town center limited commercial district are the same as for the GC general commercial district and the TCG town center general commercial district, except that the following uses are not permitted:

- (1) Apparel and apparel accessories stores.*
- (2) Children's and infant's wear stores.*
- (3) Gift, novelty, and souvenir shops, including shell shops.*
- (4) Jewelry stores.*

The maximum permitted floor area ratio for parcels in the TCL town center limited commercial district is 12 percent. The maximum permitted residential density is 6 units per acre.

CONDITIONAL USES PERMITTED IN THE COMMERCIAL DISTRICT

Conditional use means a use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use, as contained in the zoning ordinance, and only upon the issuance of an authorization therefor by the planning commission.

GC- GENERAL COMMERCIAL DISTRICT

The following uses in the GC general commercial district are permitted as conditional uses subject to the conditions and procedures set forth in articles II and IV of this chapter:

- (1) Assisted living facilities.*
- (2) Any drive-in or drive-through facility in conjunction with a permitted or conditional commercial use; except that drive-up, drive-through or drive-in lanes with carry-out service windows shall not be permitted in or at*

any eating place, restaurant, food service operation or beverage or liquor store; and except that formula restaurants shall not be permitted in this, or in any, district of the city.

- (3) Any permitted or conditional commercial use involving on-site food preparation or processing; except that drive-up, drive-through or drive-in lanes with carry-out service windows shall not be permitted in or at any eating place, restaurant, food service operation or beverage or liquor store; and except that formula restaurants shall not be permitted in this, or in any, district of the city.
- (4) Any commercial building resulting in more than 6,000 square feet of commercial floor area, not including buildings occupied by the following uses that are exempt from this limitation: grocery stores, hardware stores, restaurants and furniture and home furnishings stores. The expansion of an existing commercial building resulting in a building with more than 6,000 square feet of commercial floor area requires conditional use approval. However, a conditional use permit is not required to re-occupy a lawfully existing commercial building that is larger than 6,000 square feet of commercial floor area with retail uses listed in section 126-491, permitted uses. For this use, conditional use approval must be obtained from city council.
- (5) Any commercial retail use resulting in more than 2,000 square feet of commercial stores and food markets, hardware stores, and furniture and home furnishings stores. The combining of existing commercial units or the expansion of an existing commercial unit resulting in a commercial retail unit with more than 2,000 square feet of commercial floor area requires conditional use approval. However, conditional use approval is not required to re-occupy a lawfully existing retail unit that is larger than 2,000 square feet of commercial floor area with a retail use listed in section 126-491, permitted uses. For this use, conditional use approval must be obtained from city council.
- (6) Any commercial unit with street frontage exceeding 50 linear feet for any commercial units fronting on and within 200 feet of the right-of-way for an arterial or collector road, not including the following uses that are exempt from this limitation: Grocery stores, hardware stores, restaurants, and furniture and home furnishings stores. The combining of existing commercial units or the expansion of an existing commercial unit resulting in a commercial retail unit with more than 50 linear feet of street frontage on and within 200 feet of the right-of-way for an arterial or collector road requires conditional use approval. For this use, conditional use approval must be obtained from city council.
- (7) Automobile and other motorized vehicle rental agencies.
- (8) Automotive repair shops.
- (9) Bicycle rentals.

- (10) Boat and canoe rentals.
- (11) Car washes.
- (12) Carry-out food stores not listed as a permitted use, including ice cream shops (retail).
- (13) Caterers.
- (14) Coin-operated laundries.
- (15) Combined residential and commercial developments.
- (16) Foster family homes.
- (17) Formula retail stores (retail) provided that the retail use (activity) is listed as a primary intended use or conditional use for this district. The definition of formula retail store is provided in section 78-1, rules of construction and definitions.
- (18) Gasoline service stations (retail).
- (19) Grocery stores, delicatessen stores, and food markets (retail).
- (20) Increased-density below market rate housing.
- (21) Institutional uses.
- (22) Marine sales and repair shops (retail).
- (23) Motion picture theatres, except drive-in.
- (24) Outdoor storage in conjunction with a permitted, or approved, conditional commercial use.
- (25) Public utility uses.
- (26) Rehabilitation centers.
- (27) Residential child caring facilities.
- (28) Restaurants and other eating places (retail); except that:
 - a. Drive-up, drive-through or drive-in lanes with carry-out service windows shall not be permitted in or at any eating place, restaurant, food service operation or beverage or liquor store; and
 - b. Formula restaurants shall not be permitted in this, or in any, district in the city.
- (29) Social service homes.
- (30) Theatres for live performances.
- (31) Variety or department stores (retail).

TCG- TOWN CENTER GENERAL COMMERCIAL DISTRICT

Conditional uses in the TCG town center general commercial district are the same as for the GC general commercial district, but with higher permitted floor area ratios.

TCL- TOWN CENTER LIMITED COMMERCIAL DISTRICT

Conditional uses in the TCL town center limited commercial district are the same as for the GC general commercial district and the TCG town center general commercial district.

The following table summarizes the Land Development Code requirements for Sanibel's three commercial districts

Code Requirement	GC	TCG	TCL
Floor Area Ratio	10 percent	12 percent	12 percent
Height	45 feet	45 feet	45 feet
Front Yard Setback from Centerline (Arterial/Collector Streets)	100 feet	100 feet	100 feet
Front Yard Setback from Centerline (Local Streets)	50 feet	50 feet	50 feet
Side Yard Setback from Property Line (<125 ft. frontage)	15 feet	15 feet	15 feet
Side Yard Setback from Property Line (>125 ft. frontage)	25 feet	25 feet	25 feet
Rear Yard Setback (From Property Line)	20 feet	20 feet	20 feet
Coverage	45 percent	45 percent	45 percent
Developed Area	50 percent	50 percent	50 percent
Front Parking Lot Setback from Centerline (Periwinkle)	70 feet	70 feet	70 feet
Front Parking Lot Setback from Right-of-Way (Other)	20 feet	20 feet	20 feet
Side Parking Lot Setback (From Property Line)	15 feet	15 feet	15 feet
Rear Parking Lot Setback (From Property Line)	15 feet	15 feet	15 feet
Parking Area Landscaping	20 sq. ft. per space	20 sq. ft. per space	20 sq. ft. per space
Front Yard Vegetative Buffer Location from Centerline (Periwinkle: Causeway to Tarpon Bay)	50 – 90 feet	50 – 90 feet	50 – 90 feet
Front Yard Vegetative Buffer Depth from Right-of-Way	20 feet	20 feet	20 feet
Side Yard Vegetative Buffer from Property Line	15 feet	15 feet	15 feet
Rear Yard Vegetative Buffer from Property Line	15 feet	15 feet	15 feet

APPENDIX E



City of Sanibel
Planning Department

Re-adopted Commercial Zoning Map

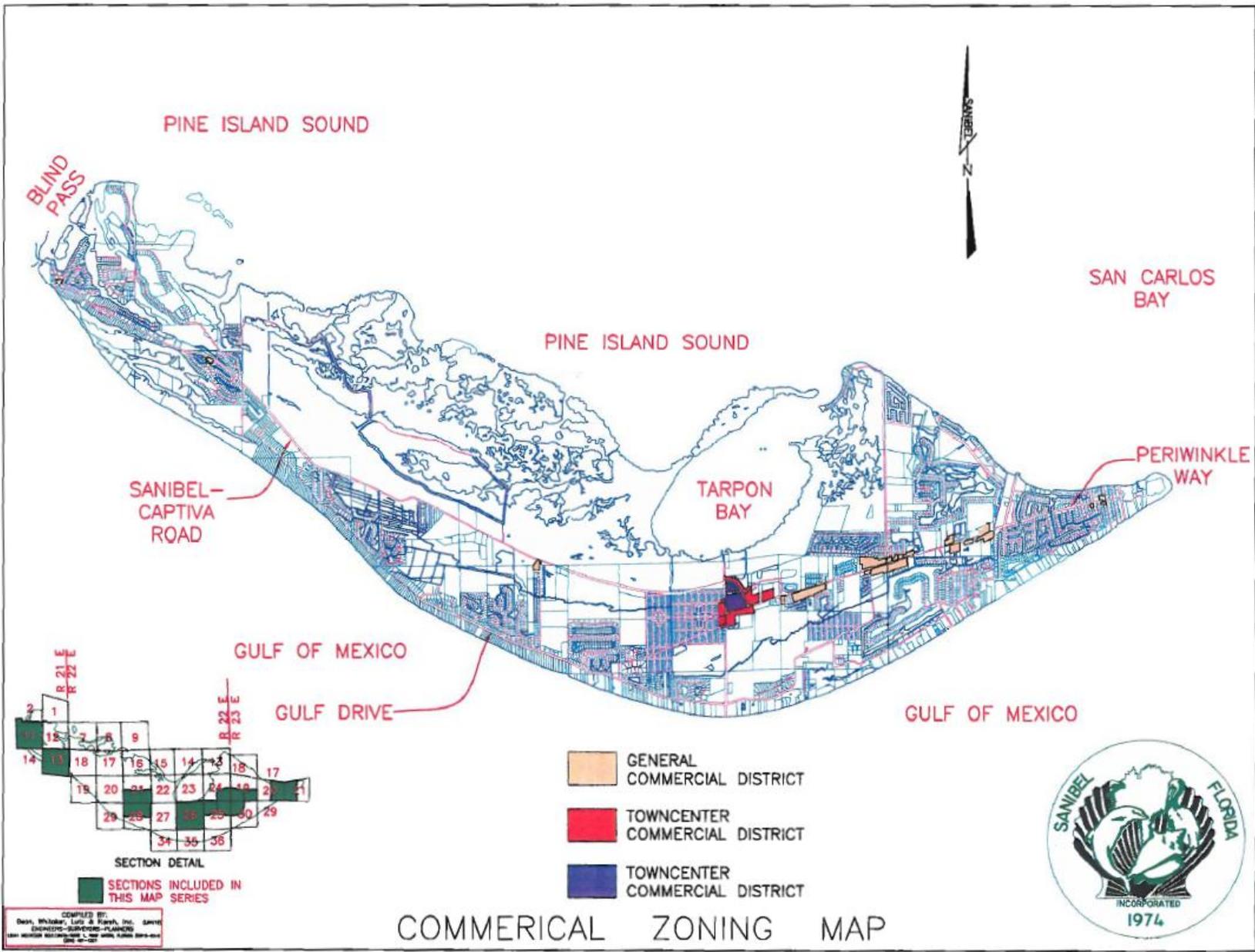
Pursuant to Land Development Code Section 126-241

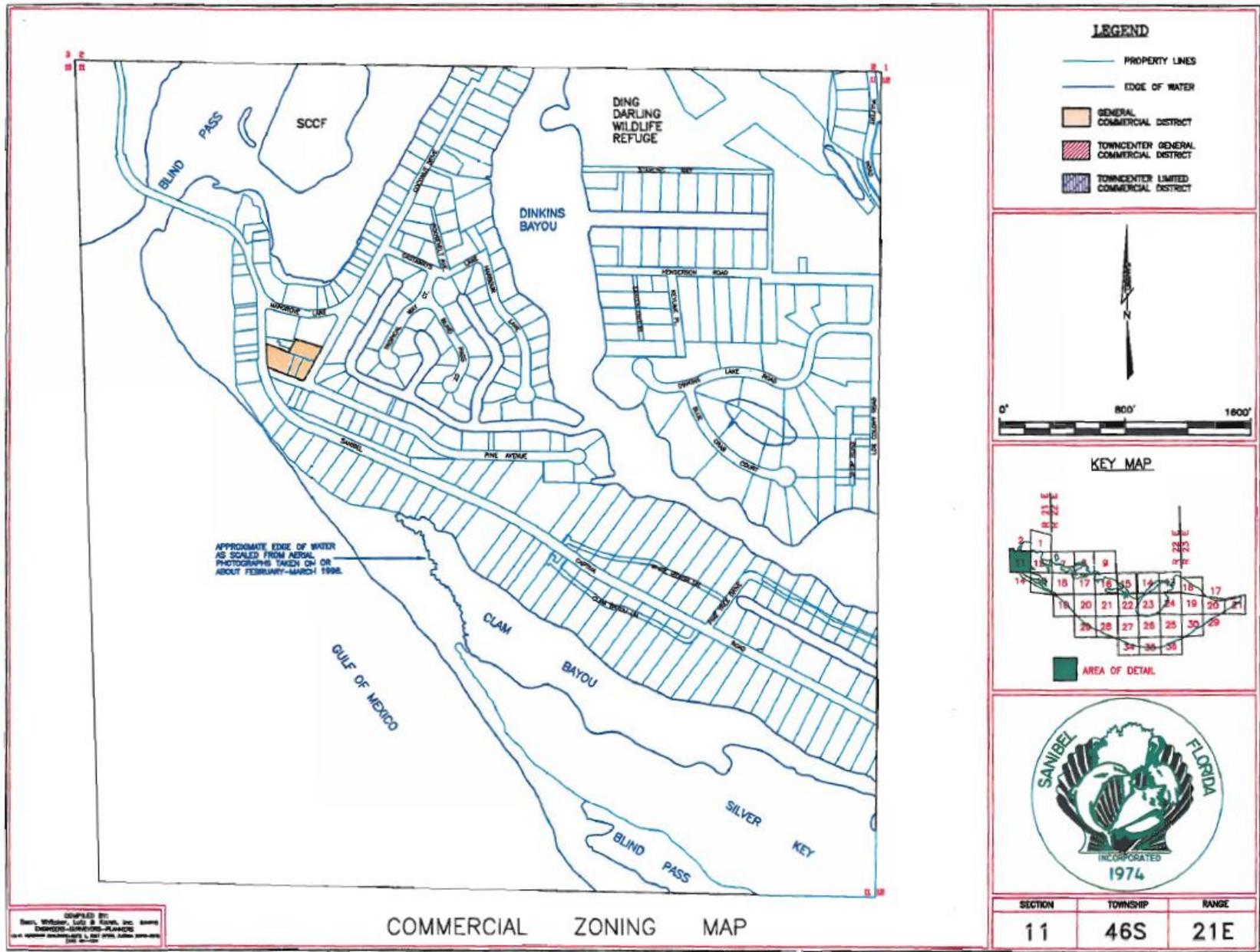
The re-adopted Commercial Zoning Map is a computer-generated drawing of the hand-drawn Commercial Zoning Map.

February 2007

Ordinance no. 06-022
Attachment 1

Application no. 06-3333LDC





COMMERCIAL ZONING MAP



LEGEND

- PROPERTY LINES
- EDGE OF WATER
- GENERAL COMMERCIAL DISTRICT
- TOWNCENTER GENERAL COMMERCIAL DISTRICT
- TOWNCENTER LIMITED COMMERCIAL DISTRICT

KEY MAP

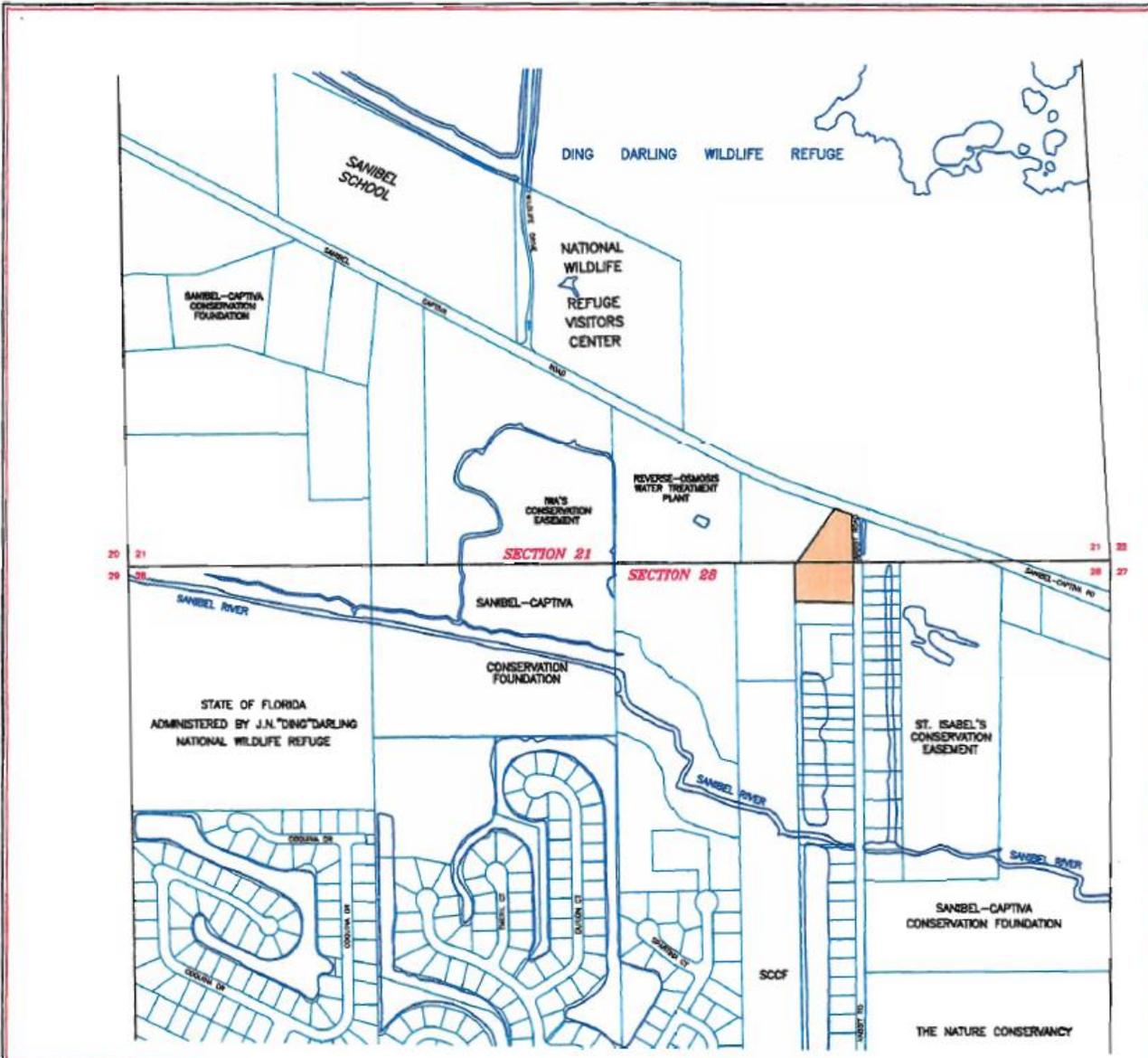
AREA OF DETAIL



SECTION	TOWNSHIP	RANGE
13	46S	21E

COMPILED BY:
 Bruce Whitaker, Lutz & Koval, Inc. OWNER
 2100-2225 - GULF BLDG. - Ft. MYERS
 NEW SANIBEL BRIDGE - 1.5 MI. SW. SANIBEL ISLAND - FLA.
 33957-1000

COMMERCIAL ZONING MAP



LEGEND

- PROPERTY LINES
- EDGE OF WATER
- GENERAL COMMERCIAL DISTRICT
- TOWNCENTER GENERAL COMMERCIAL DISTRICT
- TOWNCENTER LIMITED COMMERCIAL DISTRICT

0' 800' 1600'

KEY MAP

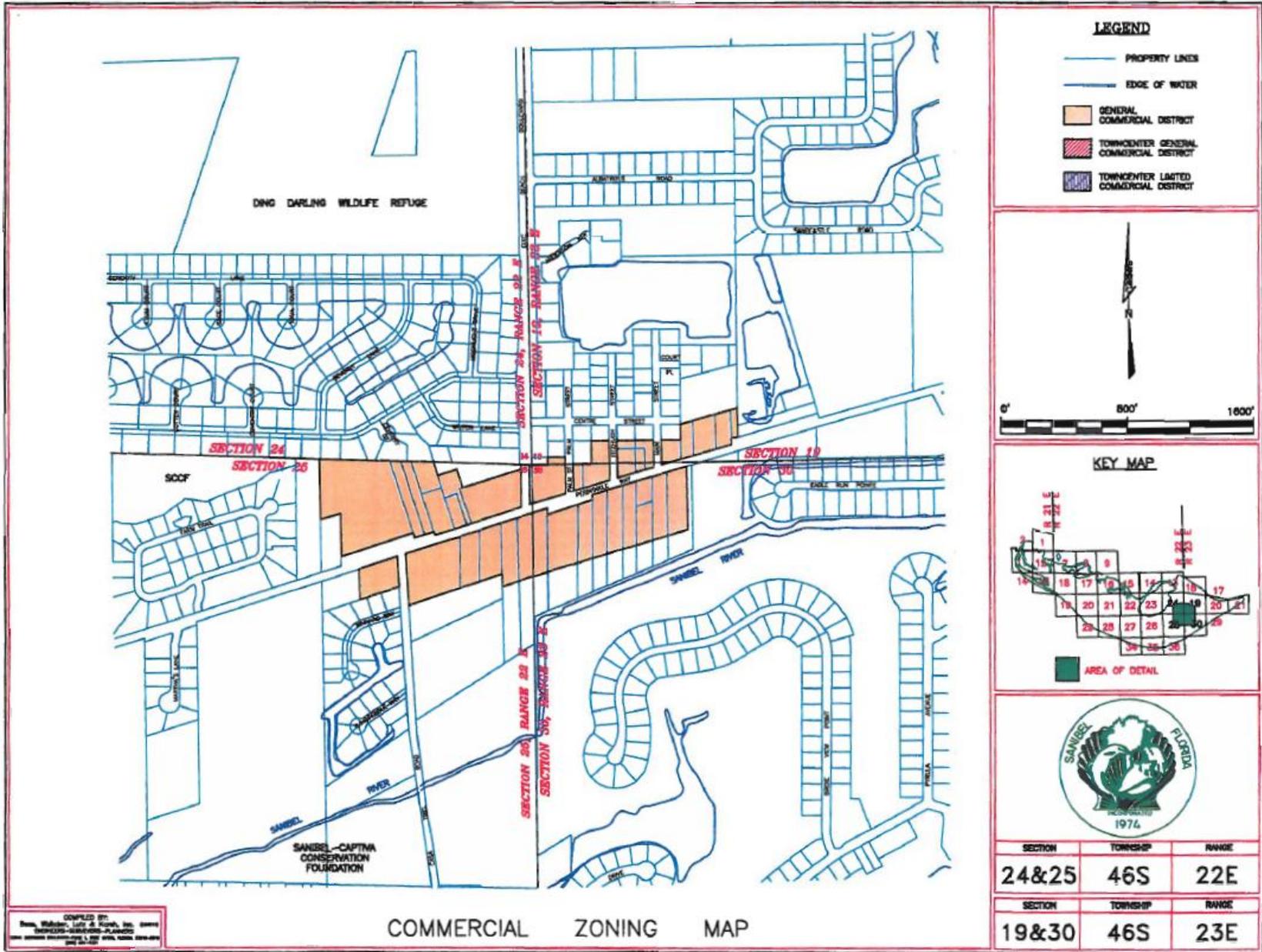
AREA OF DETAIL



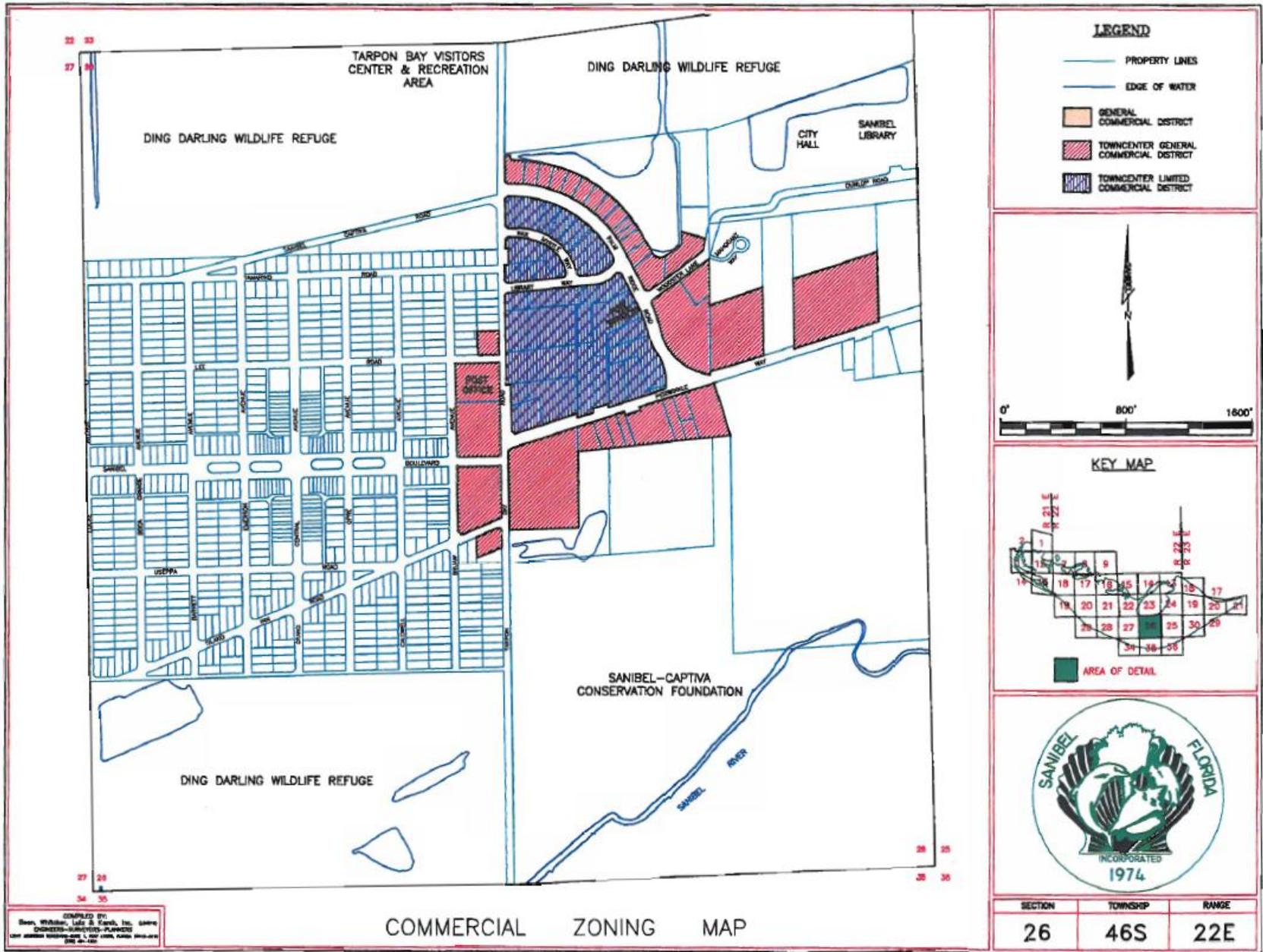
COMPILED BY:
 Don, Wilbur, Lutz & Runk, Inc. 6899
 ENGINEERING-ARCHITECTURE-PLANNING
 1001 W. WASHINGTON AVE., SUITE 200, SANibel, FLORIDA 33957
 888-22-2222

COMMERCIAL ZONING MAP

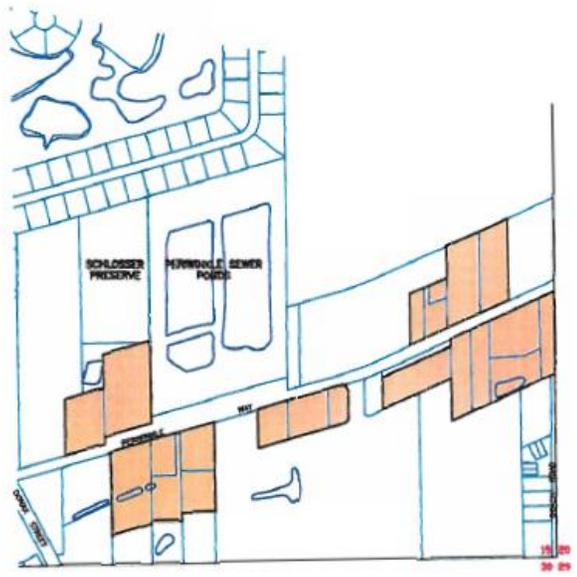
SECTION	TOWNSHIP	RANGE
21&28	46S	22E



COMMERCIAL ZONING MAP



COMMERCIAL ZONING MAP



LEGEND

- PROPERTY LINES
- EDGE OF WATER
- GENERAL COMMERCIAL DISTRICT
- TOWNCENTER GENERAL COMMERCIAL DISTRICT
- TOWNCENTER LIMITED COMMERCIAL DISTRICT



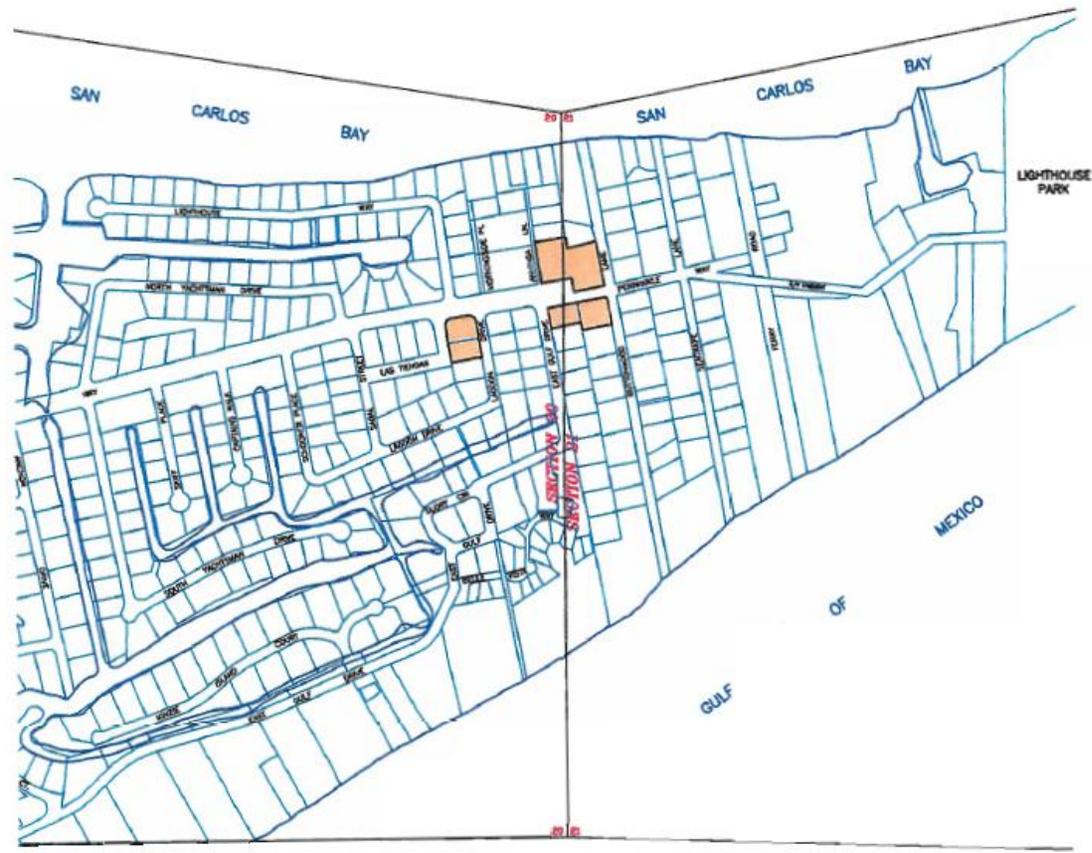
KEY MAP



SECTION	TOWNSHIP	RANGE
19	46S	23E

COMPAILED BY:
 BROWN, WOODMAN, LLOYD & KAYNE, INC.
 ENGINEERS-ARCHITECTS-PLANNERS
 1100 W. PALM BEACH BLVD., SUITE 100
 WEST PALM BEACH, FLORIDA 33411

COMMERCIAL ZONING MAP



LEGEND

- PROPERTY LINES
- EDGE OF WATER
- GENERAL COMMERCIAL DISTRICT
- TOWNCENTER GENERAL COMMERCIAL DISTRICT
- TOWNCENTER LIMITED COMMERCIAL DISTRICT



KEY MAP



SECTION	TOWNSHIP	RANGE
20&21	46S	23E

COMPILED BY:
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 1000 W. GULF BLVD., SUITE 100, SANIBEL, FLORIDA 33957

COMMERCIAL ZONING MAP