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COMMITTEES BOARDS COMMISSION

- d. Submittal of the 2008 Annual Report submitted by the Planning Commission's Land Development Code Review



City of Sanibel

Planning Department

MEMORANDUM

DATE: October 28, 2008

TO: Judie Zimomra, City Manager

FROM: Robert J. Duffy, AICP, Planning Director

SUBJECT: **Consideration of FY 2007-2008 Annual Report to City Council**

On October 28, 2008 the Planning Commission's Land Development Code Review Committee approved the enclosed Annual Report.

The subject report has been prepared pursuant to Land Development Code Chapter 82 Administration, Article III. Planning Commission, Division 3. Specific Authority, Subdivision XII. Land Development Code Review.

If you have any questions, please let me know.

RJD/stb

Enc. (1)



2008 ANNUAL REVIEW OF THE PROVISIONS OF THE LAND DEVELOPMENT CODE

Prepared by:

THE SANIBEL PLANNING COMMISSION LAND DEVELOPMENT CODE REVIEW COMMITTEE

Michael Valiquette, Chair
David M. Berger, Les Forney, Tom Krekel,
Phillip Marks, Paul Reynolds and Patricia Sprankle

October 28, 2008

BACKGROUND

Pursuant to the City of Sanibel's Land Development Code (LDC) Chapter 82 Administration, Article III. Planning Commission, Division 3. Specific Authority, Subdivision XII. Land Development Code Review, Section 82-341 Future Land Use, the "Planning Commission shall annually review the provisions of the Land Development Code and make any recommendations for changes, deletions or additions to such Land Development Code in terms of the following:

- (1) Adequate regulation of the use of land and water;
- (2) Adequate regulation of the subdivision of land;
- (3) Determination of whether the Land Development Code ensures compatibility of adjacent land uses;
- (4) Adequacy of provisions for open space;
- (5) Adequacy of provisions to ensure safe on-site traffic flow; and
- (6) The adequacy of on-site parking. "

The Land Development Code Review Committee (LDCRC) of the Planning Commission conducted a meeting on October 28, 2008 to consider the draft 2008 Annual Report. Based on the Committee's deliberations and recommendations, the Committee on October 28, 2008 approved the following 2008 Annual Report which summarizes the Committee's work program, findings and activities for the period between November 2007 and October 2008 and the following 2009 recommendations and work program.

2008 COMMITTEE ACTIVITY AND LDC AMENDMENTS 2009 RECOMMENDATIONS AND WORK PROGRAM

In general, the Land Development Code (LDC) adequately addresses the areas identified by LDC Section 82-341.

During FY 2007-2008 the Committee and Planning Commission focused on ten priority planning and zoning issues and the performance of and potential amendments to specific sections of the Land Development Code to insure ongoing conformance with the Sanibel Plan and the areas defined by LDC Sec. 82-341.

The following report defines the specific issues, activities and LDC amendments initiated and completed by the Committee and Planning Commission during FY 2007-2008 and a recommended work program for FY 2008-2009.

The Committee's 2008 Annual Report and 2009 Work Program defines the following for each planning and zoning issue: identification of the relevant sections of the LDC; Committee and Commission meetings associated with each issue; summary of the review process and public meetings conducted by the Committee and Planning Commission; identification of relevant reports and supporting documents prepared for Committee and Commission consideration; resolutions recommended by the Committee and approved by the Commission; ordinances adopted by City Council; and recommendations that form work program priorities for FY2008-2009.

1. Architectural and Site Planning Standards and Guidelines and Potential Zoning Amendments for Town Center General (TCG) and Town Center Limited (TCL) Commercial Zoning Districts

LDC Sections Considered:

LDC Chapter 126 Zoning, Article VIII. Commercial Districts, Divisions 3 and 4
LDC Sec. 126-1028. Architectural Standards
LDC Sec. 126-1029. Site Planning Standards

Committee and Planning Commission Meetings:

LDCRC Meetings – March 11, 2008; April 8, 2008; April 22, 2008; and May 25, 2008
Planning Commission Meetings - February 26, 2008; June 10, 2008

Review Process:

- The Committee conducted a series of work sessions and public meetings.
- The Committee conducted a tour of the Town Center districts.
- The Committee considered draft reports prepared by Wallace Roberts and Todd, LLC and the Planning Department.
- The Committee recommended a final report for Planning Commission consideration and action.

Reports and Resolutions:

Architectural and Site Planning Standards and Guidelines, July 2008

Planning Commission Resolution No. 08-11, June 10, 2008

City Council Resolution No. 08-080, July 15, 2008

Recommendations and 2009 Work Program:

- During the first quarter of FY2008-2009 the Planning Department will complete a summary report for the Periwinkle Way West commercial redevelopment planning district that will present draft policies, strategies and potential LDC amendments for specific TCG and TCL focus areas. Consistent with the Sanibel Plan, the potential LDC amendments will address: permitted, conditional, accessory and prohibited uses; alternative land uses; redevelopment of non-conforming structures and floor area; shared parking; 100 ft. front yard setback requirement; and zoning strategies that will coincide with future Palm Ridge Road, shared use path, vegetation, off-street parking and utility designs and improvements.
- The Committee will conduct work sessions and public meetings to review draft and final reports and recommendations for submission to City Council.
- The Committee will consider alternative revisions to the LDC for consideration by the Planning Commission and City Council.

2. Size and Mass of New and Substantially Improved Single Family Structures

LDC Sections Considered:

LDC Chapter 86 Development Standards, Article II. Site Preparation, Sec. 86-43. Appearance of Structures; size and mass of structures

Committee Meetings:

LDCRC Meetings: February 12, 2008; April 8, 2008; May 13, 2008; July 8, 2008; August 12, 2008; September 2, 2008; and September 23, 2008

Reports and Process:

- The Planning Commission on February 14, 2008 requested that City Council "enable the Planning Commission to study and report to City Council on potential amendments to the Land Development Code that will address appropriately sized houses and neighborhood rhythm and harmony."
- The Committee held seven work sessions and public meetings to consider the following reports.

February 12, 2008

A summary of Case Studies, Reports, Articles and Ordinances: related to Neighborhood Conservation and Large House Standards and Guidelines.

February 12, 2008 (Cont'd.)	A report entitled: "Summary of Issues and Opportunities"
	A report entitled: "Outline of Potential Preliminary Alternative Amendments to the Land Development Code to assist with the Interpretation and Administration of Land Development Code Section 86-43 Appearance of structure; size and mass of structures"
May 13, 2008	A report entitled: "Current Procedures for Review of an Application for a Single Family Dwelling"
July 8, 2008	A report entitled: "Potential Amendments to Land Development Code Chapter 86 Development Standards and the addition of Division 3. Design of Single Family and Duplex Dwellings"
August 12, 2008	A report entitled: "Threshold for Size and Mass of Single Family Dwellings for Determining the Appropriate Review Procedure"
September 2, 2008	A report that updated Potential Amendments to LDC Section 86-43 Appearance of Structures; Size and Mass of Structures
September 23, 2008	Draft report from the Planning Commission defining potential amendments to LDC Sec. 86-43.

- The Committee considered public comments during each of the scheduled and noticed work sessions and public meetings.

Recommendations and 2009 Work Program:

- On September 23, 2008 the Committee voted to continue further work sessions, and public meetings and discussions regarding potential amendments to LDC Sec. 86-43 during the second quarter (January – March 2009) of FY 2008-2009 and to submit a report and recommendations to City Council.

3. FEMA Flood Insurance Rate Study and Map Amendments to LDC Chapter 94 Floods

LDC Sections Considered:

LDC Chapter 94 Floods
LDC Chapter 82 Administration

Committee and Planning Commission Meeting: Planning Commission Meeting - June 24, 2008

Process:

- The Committee conducted a public meeting to review draft revisions to LDC Chapter 94 Floods for consistency with the Flood Insurance Study and Flood Insurance Rate Map revisions for the City of Sanibel and Lee County as prescribed by the flood insurance management measures that satisfy Code of Federal Regulations (CFR) Section 60.3(e) of the National Flood Insurance Program (NFIP).
- The Committee recommended Planning Commission action on the proposed amendments to LDC Chapters 82 and 94.

Resolution and Ordinance:

Planning Commission Resolution 08-14 adopted June 24, 2008
City Council Ordinance 08-013 adopted August 19, 2008

Recommendations and 2009 Work Program:

- During the third quarter of FY 2008-2009, the Committee will consider potential amendments to the LDC that pertain to single family design, construction and building height that may be necessary as a result of the adoption of the revisions to Chapter 94 Floods to conform with the NFIP.

4. Outdoor Seating for Carry-Out Restaurants

LDC Sections Considered:

LDC Chapter 126 Zoning, Article XIV Supplementary District Regulations, New Section 126-1032

Committee and Planning Commission Meetings:

LDCRC Meetings: November 13, 2007; December 11, 2007
Planning Commission Meeting: January 8, 2008

Review Process

- Reviewed current LDC regulations.
- Reviewed current locations and characteristics of existing carry-out restaurants.

- Reviewed permit activities and performance of current regulations for LDC Sec. 126-1031 Bonus Outdoor Seats for standard restaurants.
- Considered report on Sewer Permit fees associated with bonus outdoor seating.
- Defined and evaluated potential LDC amendment(s).
- Conducted public meetings.
- Considered final revisions to LDC and recommendation to Planning Commission.

Reports, Resolution and Ordinance:

Reports – November 13, 2007; December 11, 2007; and January 8, 2008
 Planning Commission Resolution No. 08-01 adopted January 8, 2008
 City Council Ordinance No. 08-003 adopted February 19, 2008

5. Emergency Electrical Power Generators

LDC Sections Considered:

LDC Chapter 126 Zoning (Article XIV, New Sections 126-1295 and 126-1296)

Subcommittee and Planning Commission Meetings:

LDCRC Meeting -December 11, 2007
 Planning Commission Meetings - February 26, 2008 and March 11, 2008

Review Process

- Reviewed current regulations.
- Reviewed performance of current regulations.
- Considered proposed amendments submitted by Jeff Molnar and Bruce Rogers.
- Reviewed research on sound pressure levels generated by emergency electrical power generators.
- Conducted public meetings and hearing on final proposed LDC amendments.

Reports, Resolution and Ordinance:

Reports - December 11, 2007; February 26, 2008 and March 11, 2008
 Planning Commission Resolution No. 08-08 adopted March 11, 2008
 City Council Ordinance No. 08-006 adopted April 15, 2008

Guide to the City of Sanibel's Emergency Electrical Power Generator Regulations,
 June 2008.

6. Coordinated Planning Commission review of Short and Long Form Permit Applications.

LDC Sections Considered:

Sanibel Code, Part II Land Development Code: Chapter 82 Administration, Article IV. Development Permits, Division 2 Procedure, Subdivision III Long Form, Section 82-421 Application.

Committee and Planning Commission Meetings:

Planning Commission Meeting - February 26, 2008

Process:

- Commission considered revisions to LDC.

Resolution and Ordinance:

Planning Commission Resolution 08-07 adopted February 26, 2008

City Council Ordinance 08-004 adopted April 1, 2008

7. Wetlands Definitions, Identification and Conservation

LDC Sections Considered:

LDC Chapter 82 Administration, Sec. 82-363 Environmental Assessment

LDC Chapter 86 Development Standards, Sec. 86-40 Habitat Protection

LDC Chapter 86 Development Standards, Sec. 86-41 Restoration of Environmentally Sensitive Land

LDC Chapter 114 Subdivision

LDC Chapter 126 Zoning

Committee Meeting:

LDCRC Meeting - December 11, 2007

Review Process:

- Reviewed adopted Plan for Wetlands Protection in the Conservation Element of the 2007 EAR-based Amendment to the *Sanibel Plan*.
- Reviewed applicable definition(s) of Wetlands.
- Reviewed current applicable Land Development Code standards.

Reports:

December 11, 2007

Recommendations and 2009 Work Program:

During the third quarter of FY2008-2009 the Committee will:

- Review environmental importance (inventory, function and management guidelines) of Sanibel's wetlands, including the relationship between wetlands and water quality.
- Review local, state and related permitting requirements and processes.
- Review practices for on-site mitigation of unavoidable damage to wetlands, and the criteria, based on the Plan for Wetlands Protection, for off-site mitigation.
- Consider potential LDC amendments, as warranted, based on the EAR-based revisions to the *Sanibel Plan*.
- As warranted, recommend LDC amendments.

8. Temporary Use Permits

LDC Sections Considered:

LDC Chapter 126 Zoning, Article III. Temporary Use Permits

Committee and Planning Commission Meetings:

LDCRC Meetings - June 24, 2008 and July 8, 2008

Reports and Process:

- The Committee considered the July 8, 2008 staff report prepared by the Planning Department.
- The Committee considered draft and final LDC amendments and recommended favorable action by the Planning Commission and City Council.

Resolution and Ordinance:

Subject to October 28, 2008 meeting of the Committee.

9. Telecommunications Devices

LDC Sections Considered:

LDC Chapter 126 Zoning, Article XVII. Telecommunications Devices

Committee Meeting:

LDCRC Meetings - November 13, 2007; and April 8, 2008

Process:

- Considered summary of current regulations and permitting activity since the adoption of Ord. 99-07 by City Council.
- Review of recommended update to Sec. 126-1533. Existing Antenna Support Structures.
- Review of preliminary report on current capacity of telecommunication tolerant areas defined by Sec. 126-1536. Telecommunications tolerant areas.

Report:

November 13, 2007; April 4, 2008

Recommendations and 2009 Work Program:

- The Planning Department, based on the recommendations from City Council and the Planning Commission, is currently working with the Department of Public Works and potential telecommunication providers on alternative plans to provide improved telecommunication services for the east end of Sanibel at the Donax wastewater reclamation facility which is defined as the eastern telecommunication tolerant area by Sec. 126-1536 (b) (2).

- A preliminary report, plans and recommendation will be submitted to the Planning Commission and City Council during the first quarter of 2009.

10. Historic Preservation

LDC Sections Considered:

LDC Chapter 98 Historic Preservation

LDCR and Historic Preservation Committee Meetings:

Historic Preservation Committee – April 17, 2008 and May 1, 2008
Land Development Code Review Committee – August 12, 2008

Process:

- Planning Department reviewed the following with the LDCRC and Historic Preservation Committee:
 - Historic Preservation Element of the of the 2007 EAR-based amendments to the *Sanibel Plan*.
 - Current procedures, responsibilities and regulations pertaining to landmark designation, certificates of appropriateness, demolition and relocation.
 - Potential sections of Chapter 98 to be considered for amendment(s).

Recommendations and 2009 Work Program:

- During the second quarter of FY2008-2009, the Planning Department will complete draft amendments to LDC Chapter 98 for review with both the LDCRC and the Historic Preservation Committee.
- Based on the results of that review process, final amendments will be prepared for consideration and public hearings by the LDCRC and Planning Commission.

11. Report on Non-Conforming Multi-Family and Resort Housing Structures and Uses and Potential Redevelopment Strategies and Supporting Alternative Amendments to the Land Development Code Consistent with the Sanibel Plan.

LDC Sections to be Considered:

LDC Chapter 126 Zoning, Article V. Non-conformances
LDC Chapter 126 Zoning, Article VII. Resort Housing District

Recommendations and 2009 Work Program:

During the second quarter of FY2008 – 2009, the Committee will proceed with the following:

- Review previously updated inventory of resort housing submitted to Planning Commission and City Council.
- Consider updated survey and report of pre-existing non-conforming resort uses and structures completed and submitted to Planning Commission and City Council.
- Consider preliminary Issues Report for Non-conforming Multi-family Resort Housing Structures and Uses prepared for Planning Commission and City Council review and discussion. The report will focus on the following categories of non-conforming resort uses and structures: hotels, motels and inns; cottages; and condominiums. The issues report will be based on the recently completed resort housing inventory and survey, interviews and focus groups with property owners and managers, and other supporting research and the Sanibel Plan.
- Consider and evaluate Resort Redevelopment Options Report detailing potential alternative LDC amendments prepared for Planning Commission and City Council review and prioritization. The options report will define and utilize several predominant conditions of pre-existing non-conforming resort uses and structures to illustrate the application of various potential LDC amendments. Consistency of potential options with the Sanibel Plan's recommendations, goals and policies will also be defined.
- Consider specific LDC amendments prepared for consideration and recommendation to City Council.

12. Beach and Dune Habitat Protection and Accessory Beach Equipment Regulations Associated with Resort Housing.

LDC Sections to be Considered:

LDC Chapter 74. Water Ways, Article VII. Beach and Dune System
LDC Chapter 126. Zoning, Sec. 126 – 636. Resort housing accessory beach equipment requirements

Recommendations and 2009 Work Program:

During the third quarter of FY 2008-2009, the Committee will initiate the following:

- Review the performance of the applicable sections of the LDC.
- Conduct public meeting(s) to consider public comments.
- Consider potential amendments to the LDC as warranted.

Respectfully submitted:


Michael Valiquette, Chairman

10/29/08
Date