



AGENDA MEMORANDUM *Planning Department*

Planning Commission Meeting Date: July 23, 2024

To: Planning Commission
From: Paula McMichael, AICP, Planning Director
Date: July 17, 2024

SUBJECT: Waiver applications

Consideration of a recommendation to City Council for an ordinance amending the Code of Ordinances to modify the process for approval of waivers to Lawfully Existing Nonconforming Structures and Properties Located in the General, Town Center General and Town Center Limited Commercial Districts following a disaster, amending Subpart B Land Development Code, Chapter 82 – Administration, Article III – Planning Commission, Division 3. Specific Authority, Subdivision XIII. Waivers to Lawfully Existing Nonconforming Structures and Properties Located in the General, Town Center General and Town Center Limited Commercial Districts, Sec. 82-351. Authorization, for the purpose of land development code regulations.

BACKGROUND: On June 11, 2024, City Council and the Planning Commission convened a joint workshop to discuss possible amendments to the Sanibel Code to assist redevelopment post disaster. Part of the discussion at the joint workshop was whether there were opportunities to expedite some applications by temporarily allowing staff review rather than requiring planning commission approval. Waivers was one type of application discussed.

The waiver process was established in 2015, recognizing the importance of encouraging reinvestment in nonconforming commercial properties as a means to reinvigorate the commercial districts. The waiver process was one of the components of the commercial redevelopment study directed by City Council. Sec. 82-351 defines five types of waivers that nonconforming commercial properties can apply for as well as standards for review. The five types of waivers are:

- (1) The design specifications for off-street parking spaces and loading areas;
- (2) The installation, location, numbers, types, size and variety specified for commercial vegetation buffers and landscaping;
- (3) Modifications and improvements to lawfully existing nonconforming parcels of land, buildings or structures, (including the roof or other architectural features of such buildings or structures), that are situated within the minimum front, side or rear yard setbacks for the commercial districts;

Sanibel is and shall remain a barrier island sanctuary

- (4) The maximum allowed land area to be either covered with impermeable surfaces or developed for a specific use or cleared of vegetation for nonconforming properties located within the commercial districts; and
- (5) Increase in the number of ingress/egress driveways access to any of the commercially zoned properties that will enhance safety and traffic circulation.

The draft ordinance would provide that waiver applications could be approved by planning staff for a limited period of time. All the standards of review would still apply. This allowance would automatically sunset in one year, with the ability to be extended by council by resolution.

FUNDING SOURCE: N/A

RECOMMENDED ACTION: Adopt the resolution that recommends approval of an ordinance amending the Land Development Code for consideration by City Council, to allow for staff review of waiver applications for a limited period of time.