



AGENDA MEMORANDUM

Planning Department

City Council Meeting Date: May 6, 2025

To: City Council
From: Craig Chandler, AICP, Deputy Planning Director
Date: April 21, 2025

SUBJECT: An ordinance amending the Code of Ordinances to promote community resiliency; amending Subpart B, Land Development Code; Chapter 126, Zoning, Article V, Nonconformances, Division 5, Standards for Building-Back (Reconstruction) of Structures Substantially Damaged by a Natural Disaster, Section 126-212, Nonconforming Structures, for the purpose of updating the Land Development Code regulations.

REVIEW TIMELINE

Date	Meeting Type	Summary
3/4/2025	Planning Commission	Staff presented background and provided options for discussion. Planning Commission reached consensus and directed staff to draft a resolution recommending amendment of <u>Sec. 126-212. – Nonconforming structures</u> to provide an exception to height standards for resiliency up to a height of ten (10) feet above existing grade.
3/25/2025	Planning Commission	Planning Commission unanimously approved Resolution 25-02 recommending amendment of <u>Sec. 126-212. – Nonconforming structures</u> with minor editorial revisions.
4/1/2025	City Council	City Council discussed the proposed legislative text and directed staff to prepare an ordinance for First Reading.
4/17/2025	City Council	First Reading of Ordinance 25-005

BACKGROUND: The Land Development Code regulates height in residential districts in two manners – (1) overall height and (2) angle of light. After Hurricane Ian, such standards were amended in all residential districts to accommodate “resiliency” by effectively reducing height restrictions by 4-6 feet depending on location via Ordinance 23-025.

Sanibel is and shall remain a barrier island sanctuary

Properties that undertake new construction or redevelopment are required to comply with these standards. However, lawfully-existing nonconforming structures – for example principal structures located in the Gulf Beach Zone or principal structures that encroach front, side, rear or open body of water setbacks – may apply for reconstruction pursuant to Chapter 126, Article V, Division 5. – Standards for Building Back (Reconstruction) of Structures Substantially Damaged by a Natural Disaster. Therein, Sec. 126-212. – Nonconforming structures requires such structures to be built back in compliance with flood elevation requirements in effect at the time the substantially damaged building is built back. A limited exception to height standards is administered in instances when the requirement to elevate a structure in conformance with flood standards and height limitations are in conflict, allowing a structure to penetrate the primary angle of light or overall height insofar as to achieve compliance with flood elevation requirements.

Staff processed at least twenty (20) permit applications under build-back provisions, many of which involved elevating an existing structure to comply with flood elevation requirements. However, there have been several cases in which a property owner or applicant has met with staff to discuss build-back of a nonconforming structure and have expressed that the existing internal policy exception to height is insufficient for the purposes of their respective projects.

Benefits

The proposed amendments will achieve the following:

- Codify existing policy that provides a height exception when reconstruction or elevation of a nonconforming structure, as necessary to comply with minimum flood elevation requirements, conflicts with maximum height or angle-of-light limitations.
- Adopt an additional height exception, for the purpose of increased resiliency from potential storm surge, to allow the height of the lowest habitable floor of a nonconforming structure to be elevated up to ten feet above existing grade and exceed applicable height limitations proportionally.

Compliance with Florida Statutes (SB 250)

The proposed legislative text is compliant with the parameters of Senate Bill 250.

PUBLIC COMMENT: Staff have not received public comments on this item.

FISCAL IMPACT: None.

RECOMMENDED ACTION: Adopt Ordinance 25-005 at Second Reading.