



AGENDA MEMORANDUM

Planning Department

City Council Regular Meeting Date: December 5, 2023

To: City Council
From: Craig Chandler, Deputy Planning Director
Date: November 21, 2023

SUBJECT: Discussion of a Draft Ordinance to Amend Land Development Code Standards Related to Vegetation

BACKGROUND:

On October 24, 2023, staff presented concepts relating to vegetation standards and Land Development Code amendments for Planning Commission discussion, pursuant to directives of Resolution 22-056 (zoning in progress) following Hurricane Ian and goals of the Sanibel Plan – its Vision Statement and its parts, including the Plan for Vegetation Preservation, Plan for Scenic Preservation, and Plan for Commercial Development.

Generally, Sanibel Plan goals related to vegetation directly express our Sanctuary Value – the dominant principle within the Hierarchy of Values – as well as Community Values, as described in the Sanibel Vision Statement, including (ecological) Diversity, Beauty, Uniqueness, Character, and Stewardship.

Specifically, the Sanibel Plan provides policy guidance within Section 3.2.2. Conservation Element, Section 3.2.5. Scenic Preservation Element, and Section 3.6.2. Future Land Use Element. The Sanibel Plan encourages the use of native species of plants in the landscaping of future developments (Provision #5 in Plan for Vegetation Preservation) and requires buffering around commercial and institutional development to ensure compatibility with the community character as a sanctuary island (Provision #6 in Plan for Scenic Preservation and Provision #14 of the Plan for Commercial Development).

The Sanibel Code, which implements the Sanibel Plan, regulates vegetation in Chapter 126 (zoning) containing Environmental Performance Standards that broadly regulate geology, hydrology, vegetation, landscaping, and protection of wildlife by ecological zone; and in Chapter 122 (vegetation), which establishes minimum percentage of native vegetation species and landscape buffer standards. Commercial and institutional uses are required to comply with these standards for the ecological zone in which they are located.

Staff prepared recommendations for discussion, which focused on the following amendments:

1. Establishing an administrative process for an applicant to increase vegetation buffer size or relocate a required vegetation buffer when necessary to accommodate drainage

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easements and utilities, such as overhead power lines, in lieu of an existing procedure requiring Planning Commission approval.

2. Establishing clear language relating to the exclusion of areas improved for ingress-egress (driveways, walkways) within a required vegetation buffer from calculations determinative of number of plants required within a vegetation buffer.
3. Establishing a regulatory incentive to encourage the installation of 100% native vegetation buffers that effectively reduces the overall number of plants required but does not reduce the volume of native plant species achieved under existing standards.
4. Establishing a fee incentive for exemption of fees associated with a waiver application for lawfully existing nonconforming commercial properties that proactively initiate planting of vegetation buffers in a manner that achieves conformance with waiver standards, and vegetation buffers requirements to the extent possible.
5. Providing an allowance for use of native grasses within vegetation buffer areas.
6. Establishing “wildlife corridor” as a purpose of vegetation buffers.

Staff emphasized each amendment is less restrictive in its nature, as it relates to Senate Bill 250. Furthermore, these concepts alleviate current challenges facing property owners undertaking vegetation restoration activities post Hurricane Ian while maintaining consistency with the Sanibel Plan.

Following discussion, Planning Commission suggested staff share its recommendations with the Vegetation Committee and directed staff to prepare a draft resolution for consideration at the November 7, 2023, meeting.

On November 2, 2023, Natural Resources staff presented draft amendments to the Vegetation Committee. The committee expressed their support of each recommended amendment within Article II. – Landscaping (Chapter 122).

At the November 7, 2023, meeting, Planning Commission voted unanimously, 7-0, recommending City Council approval of a draft ordinance to amend vegetation standards of the Land Development Code, which is included in the agenda materials.

PUBLIC COMMENT:

At the October 24, 2023, Planning Commission meeting supportive statements were made by local organizations SCCF and Bailey Matthews National Shell Museum, as well as resident Barbara J. Cooley. The latter of which also inquired about possible incentives to encourage replacement of seawalls with mangrove shoreline and native ground covers in lieu of sod. Staff finds both points have merit and warrant further consideration.

There were no public comments provided at the November 7, 2023, Planning Commission meeting.

RECOMMENDED ACTION:

A motion to schedule First Reading of a draft ordinance amending Land Development Code standards related to vegetation on January 16, 2023.

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