

Planning Commission Meeting

December 9, 2025

PLANNING COMMISSION AGENDA ITEM 7A:

TRANSFER OF DEVELOPMENT RIGHTS

Joint Workshop

- Held on September 9, 2025, with members of Planning Commission and City Council
- City Attorney John Agnew presented City Charter provisions related to density (Sec. 3.10.2 – Ordinance increasing residential development intensity)
- Planning Director Paula McMichael, AICP, presented an overview of related provisions in the Sanibel Plan and Land Development Code
- Robert Mulhere, FAICP, Senior Vice President at Bowman, presented an overview of TDR programs in Collier County

What We Learned (pt. 1)

TDRs as they relate to the City Charter:

To lawfully and appropriately accomplish the transfer of any development rights from one parcel to another, which would result in the receiving parcel having residential development density in excess of that which is provided by adopted Development Intensity Map (other than for BMRH purposes), such transfer would require:

- An Ordinance approved by City Council with subsequent approval by voter referendum.
- Amendment of the Sanibel Plan and the Development Intensity Map in accordance with Sanibel Plan Section 5.1.

What We Learned (pt. 2)

TDRs as they relate to the Sanibel Plan:

Hurricane Safety Element. Development intensity for the coastal area subject to storm surge and scour will not be increased above existing densities and that currently established on the Development Intensity Map.

Plan for Development Intensity. To maintain the stock of short-term occupancy units in the City, existing hotels, motels and resort condominiums are allowed to maintain up to their existing density, provided that short term occupancy use of prior development is continued.

VE-Zones and Limit of Moderate Wave Action (LiMWA)



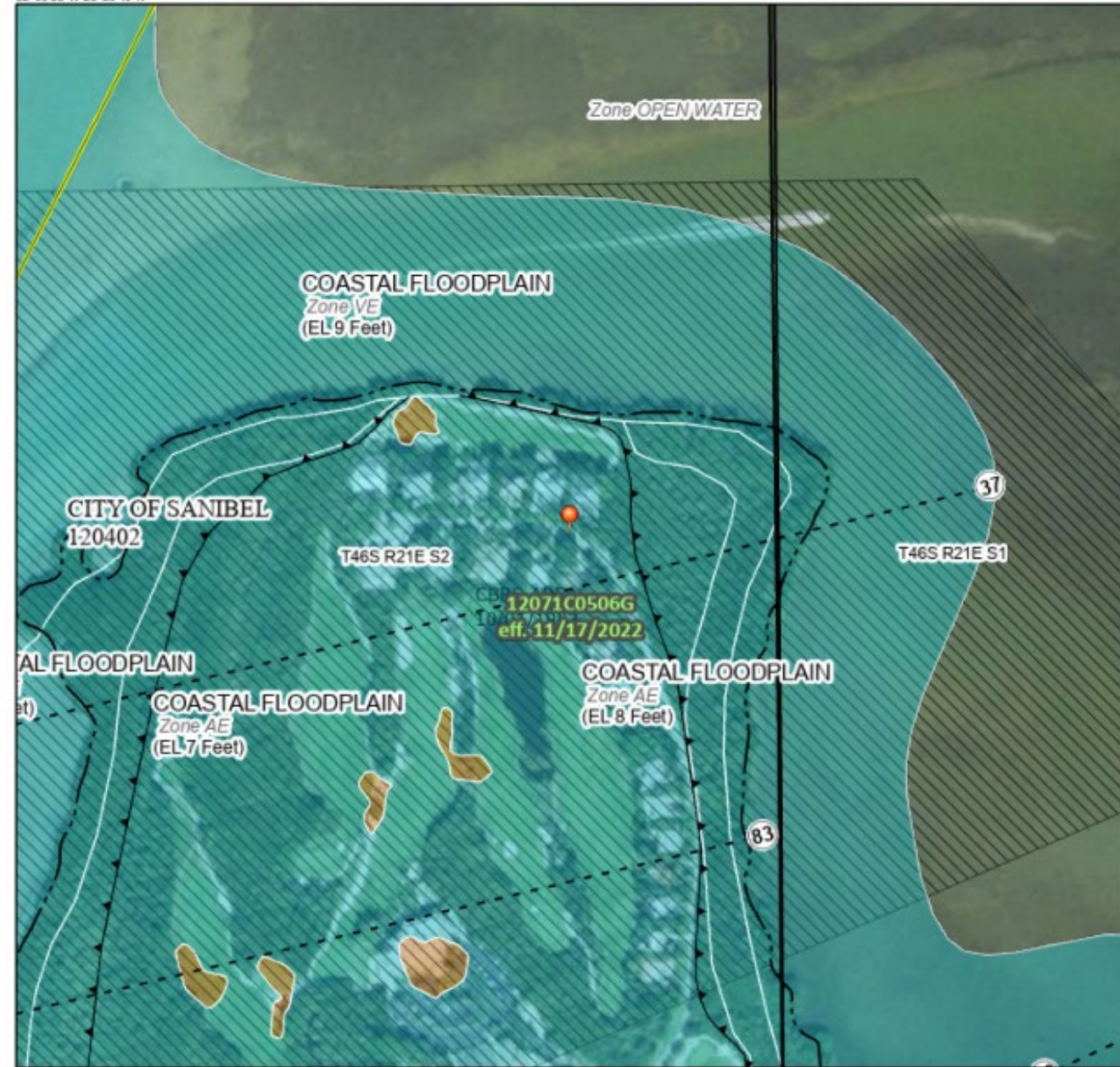
Map of “Coastal Areas Subject to Storm Surge and Scour”:

Coastal Barrier Resource System (CBRS)

National Flood Hazard Layer FIRMette



82°10'33"W 26°29'49"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND

SPECIAL FLOOD HAZARD AREAS	W1 W2 W3 Re
OTHER AREAS OF FLOOD HAZARD	0.2 of de an Fu Ch Ar Le Ar
OTHER AREAS	NO SCREEN Eff Ar
GENERAL STRUCTURES	Ch Le
OTHER FEATURES	20.2 17.5 Co Ba Lin Ju Co Pr Hy
MAP PANELS	Di No Un
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This map complies with FEMA digital flood maps if it is not. The basemap shown complies with accuracy standards.

The flood hazard information is authoritative NFHL web service was exported on 10/6/2023. It reflects changes or amendments in time. The NFHL and effective date become superseded by new.

This map image is void if the elements do not appear: basemap, legend, scale bar, map creation date, FIRM panel number, and FIRM panel number. This map is for regulatory purposes.

What We Learned (pt. 2)

TDRs as they relate to the Sanibel Plan (con.):

Plan for Housing. Restrict development intensity in the Resort Housing District in excess of density permitted by the Development Intensity Map; however, allow build-back or redevelopment of existing units, up to the number of dwelling units existing on May 4, 2004.

(Plan Amendment) Standards. Criteria for amendments proposing residential density increases, and whether mitigating circumstances are found to exist which would outweigh potential drawbacks and work toward achieving other purposes of this plan, include the following:

- To promote further conservation of environmentally sensitive lands by creating incentives to set aside sensitive land from development, such as the transfer of development rights.

What We Learned (pt. 3)

TDR Basics:

- Identify the intended public policy purpose of the TDR program.
- Identify where TDRs may be generated and where they may be sent.
- Is the program to be voluntary or mandatory?
- If mandatory, it is critical to evaluate the value of TDRs to determine fair compensation.



Sending Lands



Receiving Lands

What We Heard

- Concern over economic recovery in the Resort Housing District.
- Interest in TDRs as a means to achieve conservation and affordable housing goals.
- Frequent mention of Sanibel Community Church parcel at Bailey Road.
- Perception that there is a significant sum of unutilized (“surplus”) densities in the Resort Housing District.
- Direction to take a broad approach on a draft proposal (i.e. voter referendum).
- Direction to answer “four basic questions” of TDR program framework.
 - What is the “public policy purpose?”
 - What is the status of Resort Housing recovery? Is there an “ROI problem?”
 - How can the program expand conservation districts and/or benefit the BMRH rental program?
 - If mandatory, it is critical to evaluate the value of TDRs to determine fair compensation.

Concept Framework

1. Develop voluntary TDR program concepts that are consistent with the Sanibel Plan.
2. Aim for simplicity; avoid complexity.
 - a. Use existing programs, plans, and definitions to the extent possible.
 - b. Transfer density in whole numbers only.
3. Lands in the Environmentally Sensitive Lands Conservation District are not permitted to transfer density to lands within a receiving district.

Concepts for Discussion



Environmentally Sensitive Lands
Conservation TDR Program



Resort Housing District TDR
Program

Environmentally Sensitive Lands Conservation District TDR Program

Public Purpose Served:

- To expand the Environmentally Sensitive Lands Conservation District for the protection of wetlands and wildlife habitat, while also serving other Future Land Use goals of the Sanibel.

Sending Lands:

- Lands or lots rendered undevelopable by the standards of the Interior Wetlands Conservation District
- Lands or lots within 200 feet of the Sanibel River
- Lands with little to no elevation above 1.8 feet NAVD
- Lands abutting parcels currently under public or quasi-public owner
- Blind Pass Ecological Zone

Receiving Lands:

- Town Center Commercial District
- Modern Platted Subdivisions



Sending Lands



Receiving Lands

Research

- The Interior Wetlands Conservation District was established in 1984, and a wetlands acquisition program was adopted in 1985. The existing language of the program was first integrated into the Sanibel Plan in the 1989 comprehensive update.
- The city began a funding program in 1987 (via special tax assessment) to acquire environmentally sensitive lands for conservation purposes. An Environmentally Sensitive Lands Conservation District map was adopted into the Sanibel Plan in 1989 and Land Development Code in 1992 and is guarded by legislative controls of the City Charter.
 - All lands purchased by the City, using funds from the Environmentally Sensitive Lands Acquisition Fund (ESLAF), were added to the District.
 - In 2003, a proclamation celebrated the completion of Sanibel Gardens acquisition through the ESLAF.
 - It appears the final acquisition of the program was also in 2003 (Leisure Acres).
- The most recent property acquisition for conservation use occurred in 2009.



Research

- There are approximately 833 properties that are either:
 - Adjacent to public or nonprofit conservation lands (553)
 - Located predominately in D-1 Lowland Wetlands Zone (242)
 - Within 200 feet of the Sanibel River (117)
 - Located predominately in E-1 Blind Pass Zone (97)
 - Density within these areas total approximately 921 dwelling units.
- However, only 108/833 properties are currently vacant. Density of vacant lands within these areas total approximately 176 dwelling units.
 - Sanibel Community Church 25 du
 - Clamshell Condo 8 du
 - ~~Island Cow Restaurant: 8 du~~
 - ~~Coastal Creek subdivision: 6 du~~
 - Sanibel United Congregational Church: 6 du
 - ~~Dunn subdivision: 5 du~~



Analysis

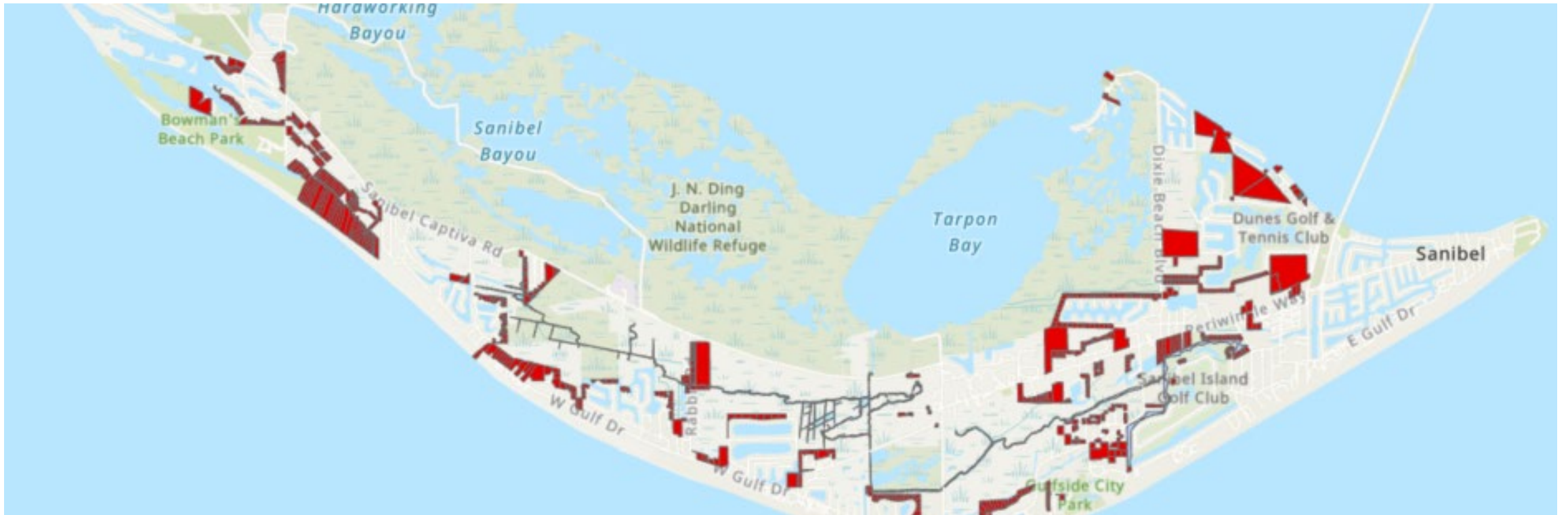
Intended Public Purpose	Goal Achievement:	Challenges:
To expand the Environmentally Sensitive Lands Conversation District for the protection of wetlands and wildlife habitat, while also serving other Future Land Use goals of the Sanibel.	Consistent with the Sanibel Plan. Specifically – <i>“to promote further <u>conservation</u> of environmentally sensitive lands by creating incentives to set aside sensitive land from development, such as the transfer of development rights.”</i>	Due to the limited quantity of vacant properties within Sending Lands (as presently conceived), especially those with density greater than one dwelling unit, a TDR program may disproportionately serve individual property interests over the larger public interest.

Analysis

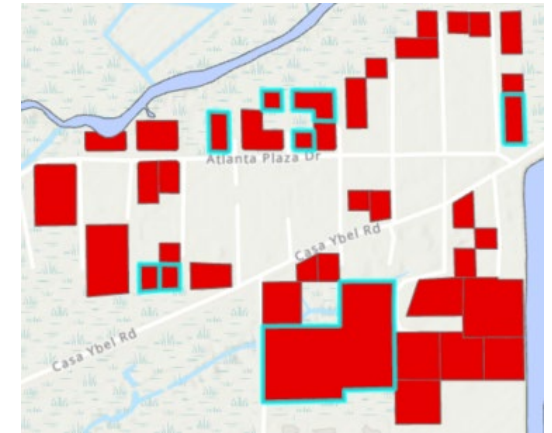
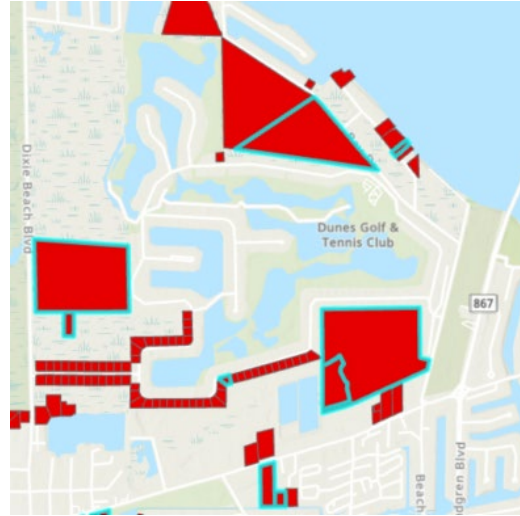
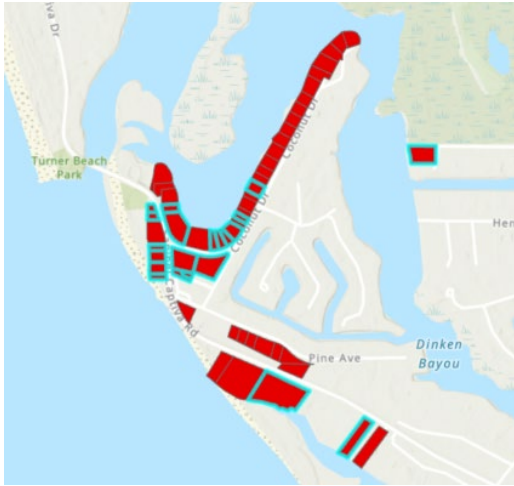
Sending Lands	Goal Achievement:	Challenges:
<ul style="list-style-type: none"> • Lands or lots rendered undevelopable by the standards of the Interior Wetlands Conservation District. • Lands or lots within 200 feet of the Sanibel River. • Lands with little to no elevation above 1.8 feet NAVD. • Lands abutting parcels currently under public or quasi-public owner. • Blind Pass Ecological Zone. 	<p>Utilizes conditions of the existing wetland acquisition program (Conservation Element) for ease of implementation.</p>	<p>Applicants will be required to complete a survey and title research to verify density and program qualifications.</p>
	<p>Sending Lands which include the Blind Pass ecological zone is consistent with the Sanibel Plan policies to restrict development and increased densities in this dynamic area which carries higher flood risk.</p>	<p>N/A</p>

Analysis

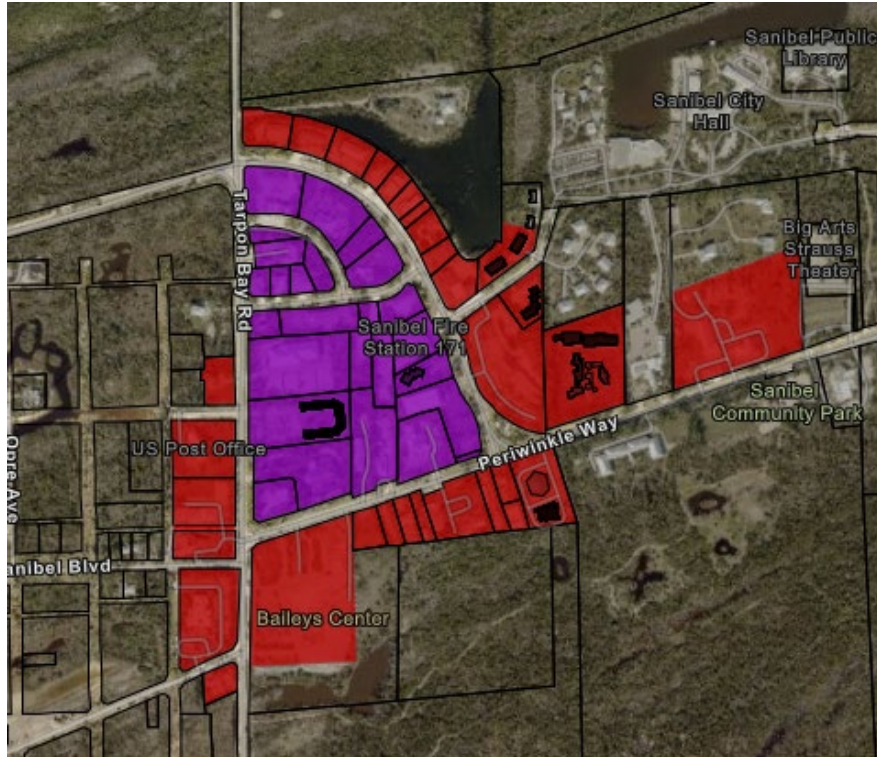
Receiving Lands	Goal Achievement:	Challenges:
<ul style="list-style-type: none">Town Center Commercial DistrictModern Platted Subdivisions	Receiving Lands at Town Center Commercial Districts are consistent with goals to establish mixed-use development within districts where higher densities are supported by existing infrastructure.	Ordinance 24-005 was adopted to incentivize mixed-use development <u>with</u> Below Market Rate Housing units. A TDR program may unintentionally diminish these incentives.
	Modern Platted Subdivisions could be used to increase attainable market-rate housing by facilitating development of middle density development (duplexes, triplexes, and small multi-family apartments).	Ten of 49 Modern Platted Subdivisions are exclusively zoned for single-family residential use per Sec. 86-2.



Maps – Potential Sending Lands



Maps – Potential Sending Lands



MODERN PLATTED SUBDIVISIONS

(Residential Subdivisions Developed Prior to July 8, 1976)

- | | |
|---------------------------------------|---------------------------|
| 1. Sanibel Estates | 25. Sanibel Bayous |
| 2. Anchors Aweigh | 26. Dinkins Bayou |
| 3. Shell Harbor | 27. Del Segal |
| 4. Shell Basket | 28. Castaways Estates |
| 5. Sanibel Shores | 29. Caloosa Shores |
| 6. Beachview Country Club | 30. Leisure Acres |
| 7. Sanibel Center | 31. Belle Meade |
| 8. Lagoon Estates | 32. Windrow |
| 9. Sanibel Lake Estates | 33. Sanibel River Estates |
| 10. Southwinds | 34. Sanibel Pines |
| 11. Periwinkle Properties | 35. Sanibel Isles |
| 12. Kearns | 36. Water Shadows |
| 13. Palm Lake | 37. Gumbo Limbo |
| 14a. Lake Murex | 38. Sanibel Harbours |
| 14b. Little Lake Murex | 39. O. L. Richardson |
| 15. Bright Water | 40a. Dunes - Phase 1 |
| 16. Ranchos Way | 40b. Dunes - Phase 2 |
| 17. Seaside | 41. Briant Michigan |
| 18. Sea Oats | 42. Sedgemoor |
| 19a. East Rocks | 43. Sanibel Woodlands |
| 19b. West Rocks | 44. Cardinal Ridge |
| 20. Terrill Ridge | 45. Poinciana Circle |
| 21. Gulf Pines | 46. Sawyers |
| 22. Gulf Shores (f/k/a Tahiti Shores) | 47. Los Conchas |
| 23. Chateau Sur Mer | 48. S. B. Woodring's |
| 24. Tradewinds | 49. Betts |

Source: 1976 Plan, as amended.

Maps – Potential Receiving Lands

Alternatives to a TDR program

1. No Action – Applicants File an Application to Amend the Sanibel Plan

- Applications must be filed jointly by property owners of the sending and receiving parcels.
- Applications filed pursuant to Sec. 82-242 subject to Planning Commission review and recommendation.
- Authorized by City Council subject to voter referendum per Sec. 3.10.2.
- Planning and legal personnel would assist applicants through the application and referendum process. Cost of referendum would be incurred by the applicant.
- Example: Sanibel Community Church property at Bailey Road.



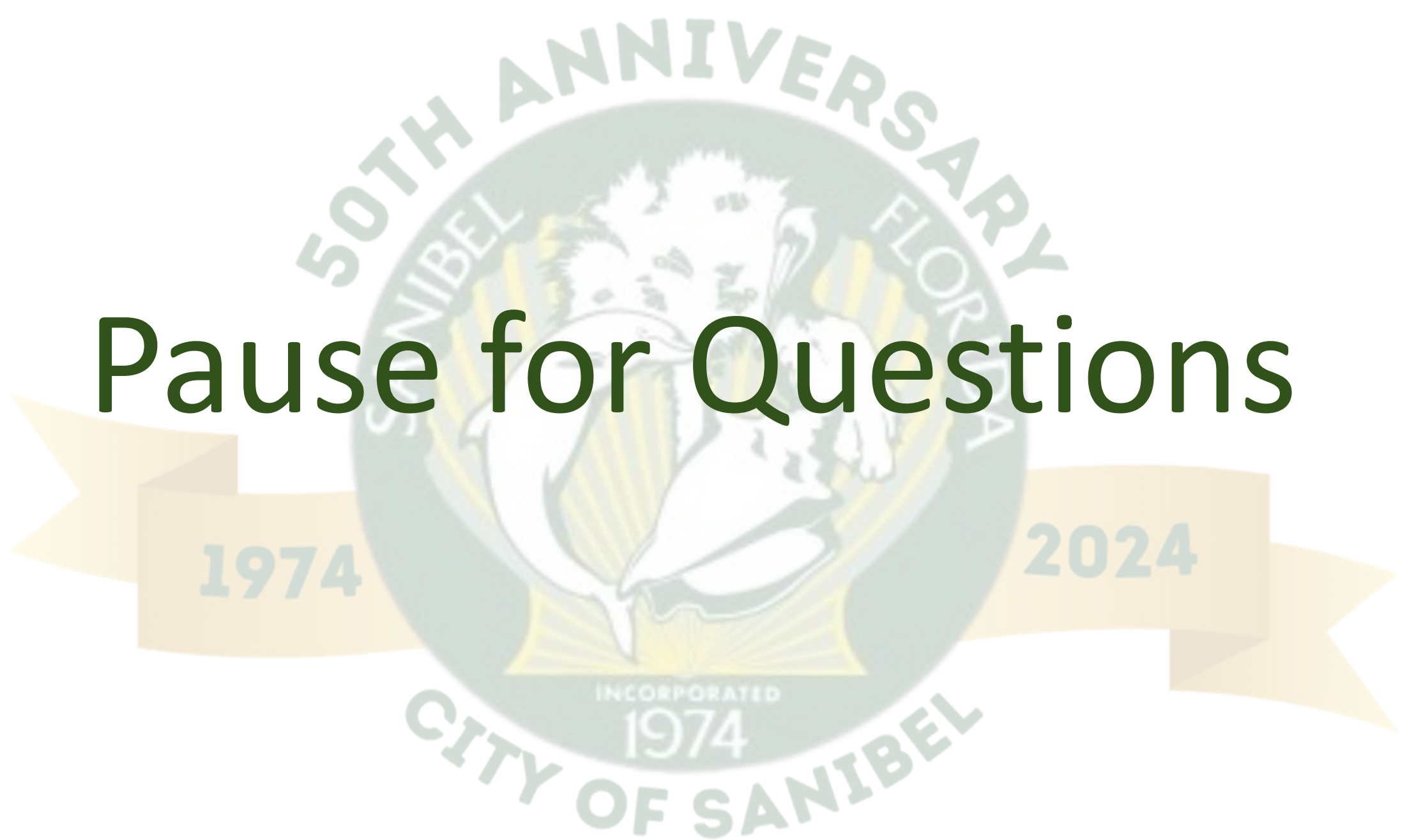
Alternatives to a TDR program

2. Re-establish the Environmentally Sensitive Conservation Lands Acquisition Program (ESLAP)

- A fund is established in the General Fund or by Special Tax Assessment.
- Lands acquired by the ESLAP are automatically added to the district and densities are “retired.”
- Retired densities through land acquisition help to offset increases in density for Below Market Rate Housing.
- Voter referendum is not required.
- Amendment to the Sanibel Plan and Land Development Code is not required.
- Finance Department would complete purchases. Planning Department/IT would update district maps as needed.



Pause for Questions



Resort Housing District TDR Program

Public Purpose Served:

- To allow the transfer of development intensity (number of units and rate of occupancy) to maintain short-term occupancy use in the Resort Housing District.

Sending District:

- Resort Housing District

Receiving District:

- Resort Housing District



Sending Lands



Receiving Lands

Research

Existing (pre-Hurricane Ian) number of units in the Resort Housing District is over that allowed per Development Intensity map by 1,685 units (91% over).

- Sundial Resort (254.19)
- Loggerhead Cay (116)
- Blind Pass Condo (91.15)
- Mariner Pointe (72.8)
- Sanibel Island Beach Resort (75.4)
- Sanibel Moorings (70.95)
- West Wind Inn (69.6)



Research

Existing Occupancy in the Resort Housing District is 7,753 individuals over maximum occupancy per Development Intensity map.

- Sundial Resort (1,055.07)
- Loggerhead Cay (473.60)
- Pointe Santo (367.02)



Research

- 88.6% of resort units in the Resort Housing District are restored and occupied.
 - Sundial (407)
 - Loggerhead Cay (168)
 - Sanibel Moorings (122)
 - Sanibel Arms West (104)
 - Mariner Pointe (100)
- A total of 398 Resort Housing District resort units remain vacant or under construction.
 - 121 units are under construction or permit review.
 - West Wind Inn (104) accounts for over 1/3 of the remaining unrestored resort units.



Analysis

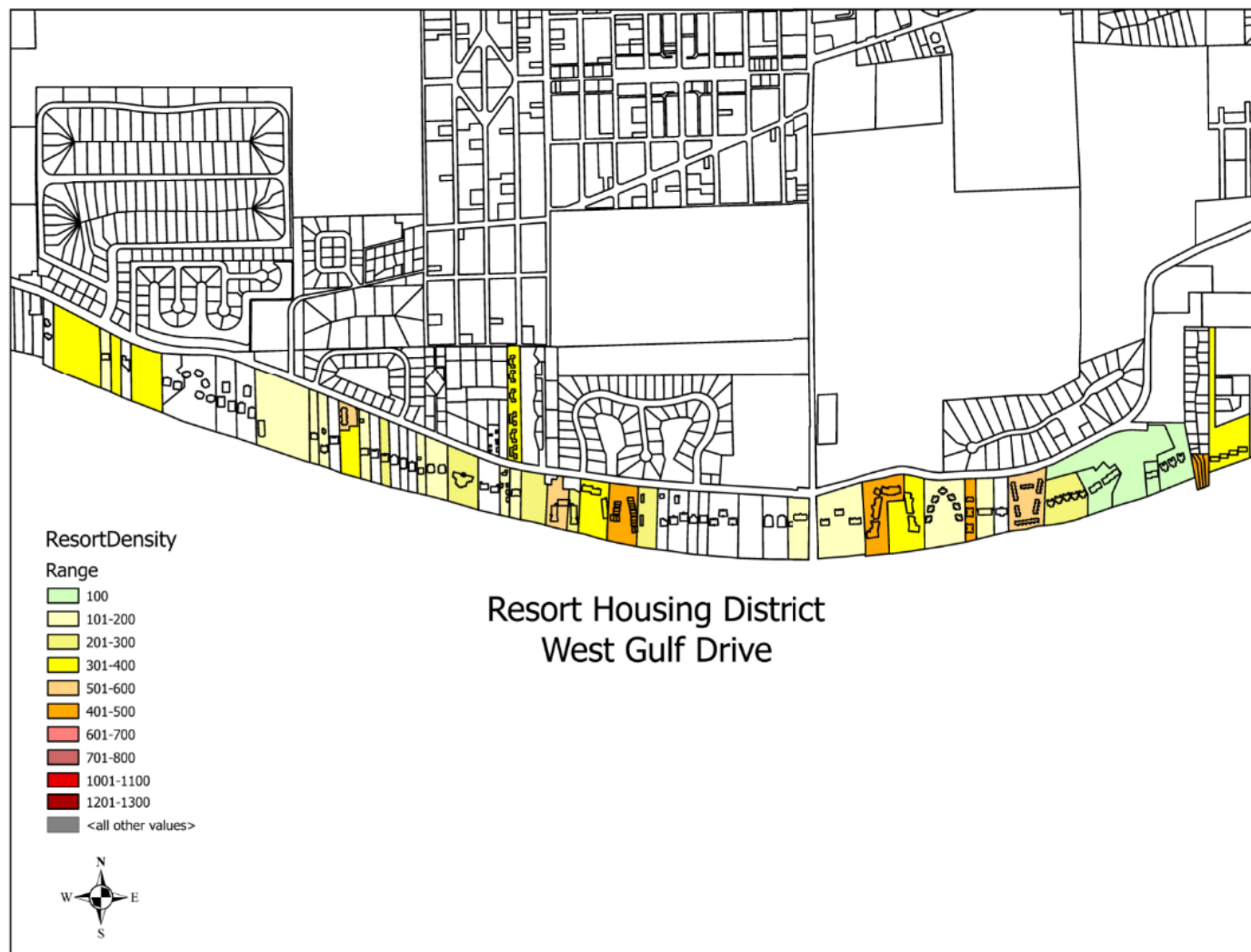
Intended Public Purpose	Goal Achievement	Challenges
To allow the transfer of development intensity (number of units and rate of occupancy) to maintain short-term occupancy use in the Resort Housing District.	This concept essentially extends the premise of provision #4 of the Plan for Development Intensity, on an aggregate basis.	<u>Inconsistent</u> with the criteria for amendments proposing residential density increases (Sanibel Plan, Section 5.4.4.)
	To maintain the stock of short-term occupancy units in the City, existing resorts that are redeveloped in accordance with the Sanibel Plan and Land Development Code are allowed to maintain up to their existing density.	Is there really a need as it relates to Resort Housing recovery? Just ten percent of resort units remain unrestored, mostly from two properties – West Wind Inn and Island Inn Resort. As it relates to “ROI” – a pattern of lower density developments unable to redevelop would signal an issue; such pattern has not been observed.

Analysis

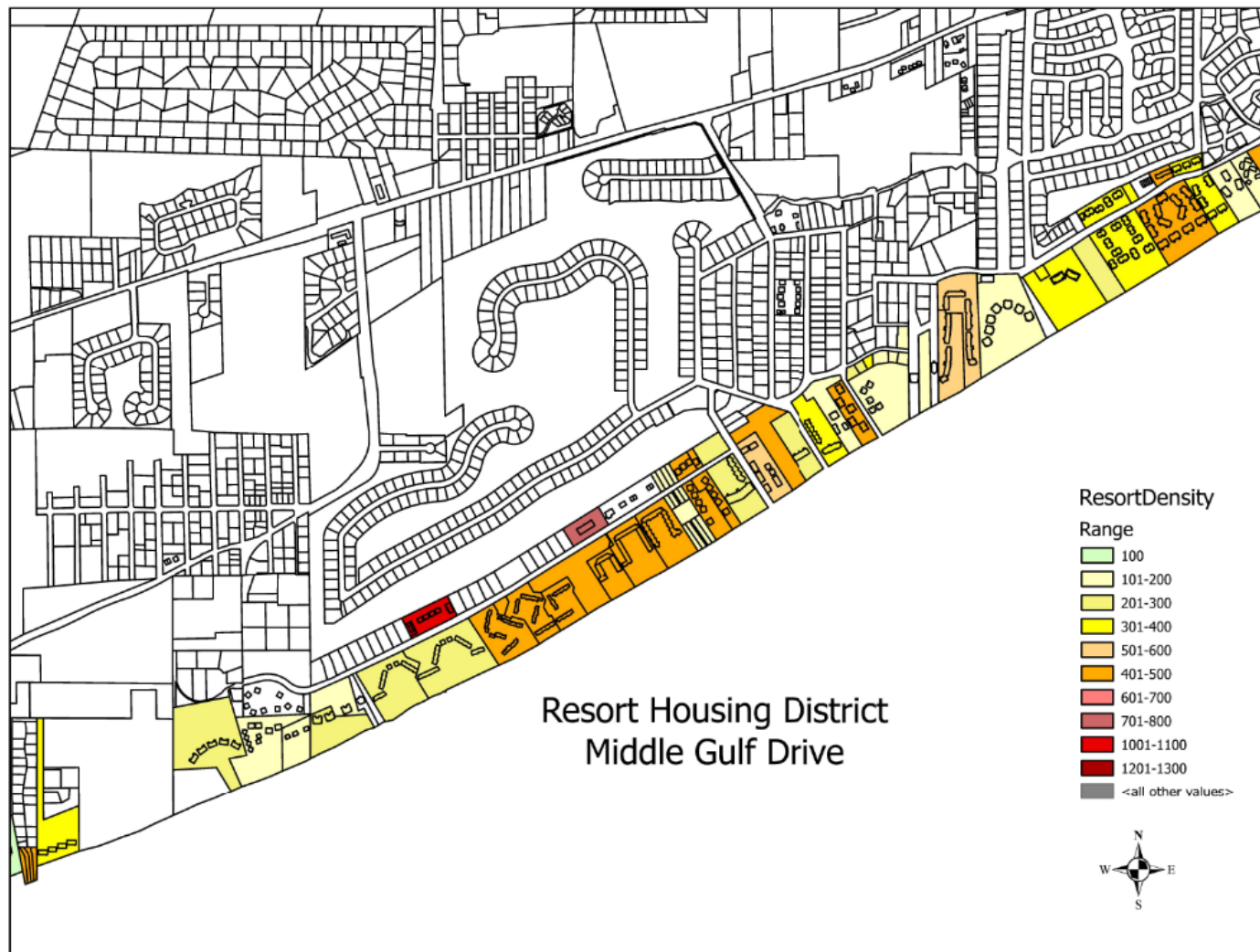
Sending and Receiving Lands	Goal Achievement	Challenges
Resort Housing District	Using the Resort Housing District as both the sending and receiving lands is simple, understandable, manageable.	<u>Inconsistent</u> with the Hurricane Safety Element, Objective 2 and Policy 2.1.
	Resort units carry higher rates of occupancy than non-resort units. A transfer of density from outside the Resort Housing District to the Resort Housing District is not a 1:1 exchange of development intensity.	<u>Inconsistent</u> with the Plan for Housing, Provision #4.

Analysis

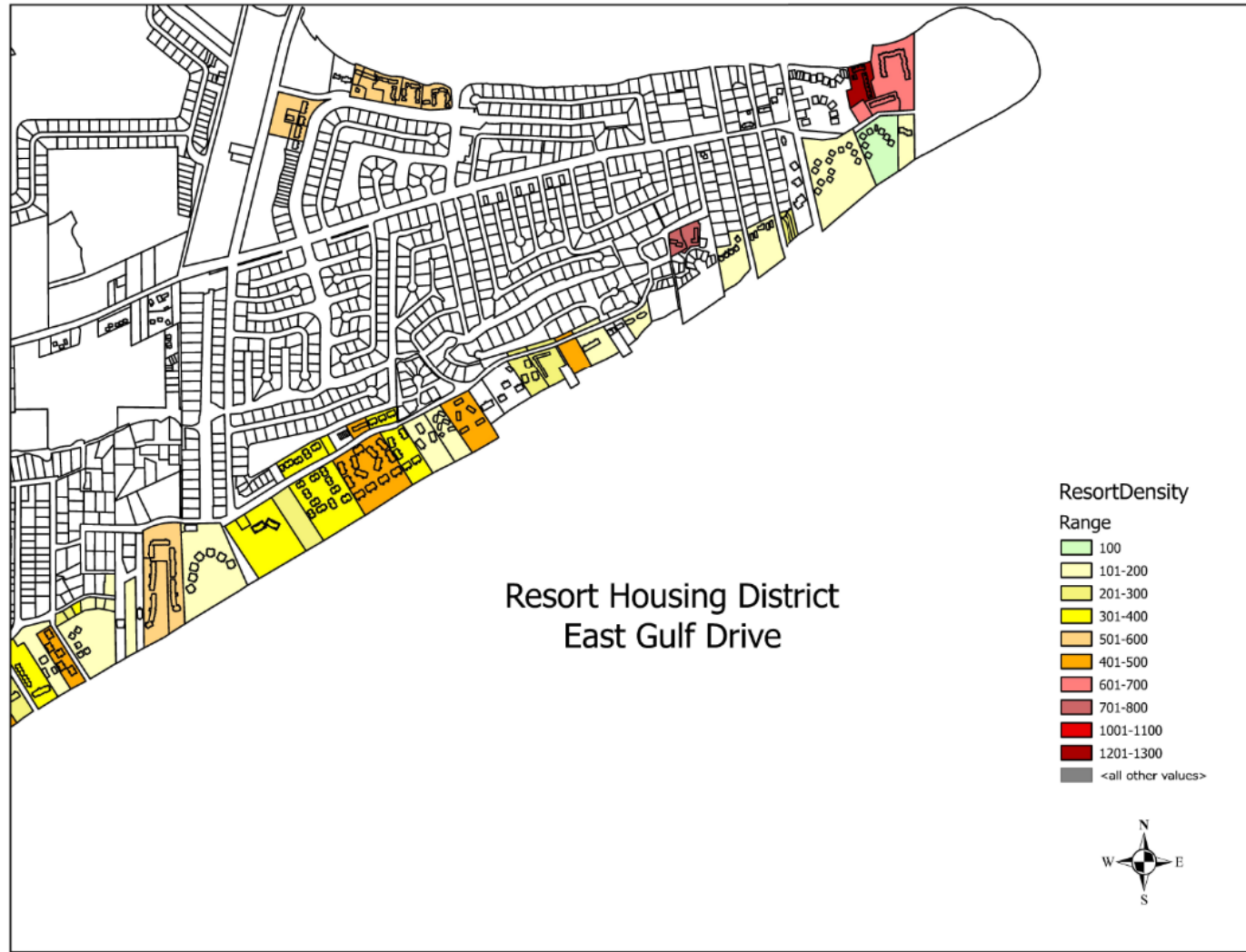
Sending and Receiving Lands	Goal Achievement	Challenges
Resort Housing District	Transfer of development intensity within the Resort Housing District avoids conversion of non-resort units to resort occupancy, which complicates the process and may confuse the public.	“Higher densities typically contribute to reductions in the carrying capacity of the beach for use by wildlife.” (Future Land Use Element)
	A simplified transfer means less uncertainty for prospective applicants and easier program implementation for staff.	“The most basic of all the economic assumptions for Sanibel’s planning is that Sanibel’s economic fortune is directly related to the viability of its natural systems...” (see entire Section 1.3. Economic Assumptions of the Plan)



Maps



Maps



Maps

The image features a large, faded circular seal in the background. The seal is for the 50th anniversary of the City of Sanibel, Florida. It includes the text "50TH ANNIVERSARY" at the top, "SANIBEL FLORIDA" around the sides, and "CITY OF SANIBEL" at the bottom. In the center of the seal is a detailed illustration of a pelican feeding its young in a nest. Below the nest, it says "INCORPORATED 1974". Two yellow ribbons are draped across the seal, with "1974" on the left and "2024" on the right. Overlaid on this seal is the word "Questions?" in a large, dark green, sans-serif font.

Questions?