

CITY OF SANIBEL
ORDINANCE 24-019

AN ORDINANCE AMENDING THE CODE OF ORDINANCES TO REDUCE NONRESIDENTIAL MINIMUM PARKING REQUIREMENTS, AMENDING SUBPART B LAND DEVELOPMENT CODE, CHAPTER 126, ZONING, ARTICLE XIV, SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 2, ACCESSORY STRUCTURES, SUBDIVISION I, IN GENERAL, SECTION 126-855, INTER- AND INTRA-CONNECTIVITY; DIVISION 5, COMMERCIAL AND INSTITUTIONAL USES GENERALLY, DELETING SECTION 126-1023. ECONOMIC AND TRAFFIC IMPACTS; AMENDING DIVISION 10, HOME OCCUPATIONS; SECTION 126-1176, GENERALLY; ARTICLE XV, OFF-STREET PARKING AND LOADING, DIVISION 2, OFF-STREET PARKING, SUBDIVISION III, NONRESIDENTIAL USES; SECTION 126-1361, REQUIRED PARKING SPACES; SECTION 126-1362, REQUIRED SPACES FOR OTHER NON-RESIDENTIAL USES; AND SECTION 126-1364, COMBINED PARKING REQUIREMENTS, FOR THE PURPOSE OF UPDATING LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Land Development Code Subcommittee, at its meeting of June 11, 2024, heard and considered comments and recommendations from the Planning Staff and the public pertaining to a draft amendment related to nonresidential minimum parking requirements; and

WHEREAS, the Planning Commission held a legally and properly advertised public hearing on July 9, 2024, on specific proposed amendments to the Land Development Code; and

WHEREAS, the Planning Commission found the proposed amendment to be consistent with the Sanibel Plan, as it relates to Objective 3 of Section 3.3.3. Transportation Element and Objective B6, Policy B6.1., of Section 3.6.2. Future Land Use Element, for the provision of adequate on-site parking for existing and future uses; and

WHEREAS, the Planning Commission found the proposed amendment to be consistent with the Sanibel Plan, as it relates to Section 3.3.3. Transportation Element Policy 2.7, regarding measures for “auto ridership reduction”, and Policy 3.4, which states, “The amount of parking, public and private, will not overwhelm the resources of individual sites and land uses and will not overwhelm the human-made and natural resources of the city;” and

WHEREAS, the Planning Commission may recommend to the City Council amendments to regulations of the Land Development Code (LDC), in accordance with the standards set forth in LDC Section 82-241; and

WHEREAS, the Planning Commission found the proposed amendments to the LDC as referenced above to be consistent with the Sanibel Plan and meet the requirements of LDC Section 82-241, and recommended by a vote of 6 to 0 that the City Council adopt said amendments in the form of an ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA:

SECTION 1. The recitals above are true and correct and made a part hereof.

SECTION 2. Sanibel Code of Ordinances, Subpart B. Land Development Code, Chapter 126, is hereby amended with ~~strike through~~ language indicating deletions and underlined language indicating additions as follows:

Chapter 126 – ZONING

ARTICLE XIV. – SUPPLEMENTARY DISTRICT REGULATIONS

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DIVISION 2. – ACCESSORY STRUCTURES

Subdivision I. – In General

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Sec. 126-855. – Inter- and intra-connectivity.

- (a) In the interest of public safety and the general welfare, providing inter-connectivity and intra-connectivity is encouraged and shall be accommodated. To that end, the city manager or the manager's designee is authorized to approve deviations from limits on coverage with impermeable surfaces and developed area ~~and from vegetation buffer requirements~~ to facilitate the issuance of a development permit for inter-connectivity and intra-connectivity. Such deviations may be issued only upon a finding by the city manager, or the manager's designee, that the following standards have been met:
 - ~~(1) — Alternatives to avoid the need for the deviation have been explored and found to be impracticable.~~
 - (12) The deviation is the minimum necessary to provide inter-connectivity and intra-connectivity.
 - (23) The inter-connection or intra-connection path is located, designed, and constructed in a safe, practical, and convenient manner such that the public interest is served.
 - (34) The inter-connection or intra-connection path meets all requirements of article XV, division 4 of chapter 126 of the Sanibel Code.
 - (45) The inter-connection or intra-connection path meets all drainage standards of article IV of chapter section 118 of the Sanibel Code.
 - (56) The inter-connection or intra-connection path meets all signage standards of chapter 126 of the Sanibel Code.
 - (67) The vegetation impacted by an inter-connection or intra-connection path has been included in a mitigation plan that identifies the treatment, relocation, replacement, or removal of any such plants.
- (b) The city manager or the manager's designee is authorized to attach conditions to the approval, as necessary, to assure compliance with the standards set out above.
- (c) In addition to the standards set out above, in considering applications for deviations under this section, no deviation approved under this section shall frustrate the underlying purpose and intent of this section or policies of the city, including the

Sanibel Code and Sanibel Plan.

~~(d) City council may adopt and, from time to time, amend an illustrated guide of inter-connectivity and Intra-connectivity guidelines to aid in the administration and interpretation of the above standards.~~

~~(de) Definitions: The following words, terms and phrases when used in this section, shall have the meanings ascribed to them in this subsection:~~

~~(1) Inter-connectivity means a pedestrian and bicycle connection to the shared use path system.~~

~~(2) Intra-connectivity means a pedestrian, and bicycle, or vehicular connection between adjacent properties.~~

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DIVISION 5. – COMMERCIAL AND INSTITUTIONAL USES GENERALLY

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~~Sec. 126-1023. – Economic and traffic impacts.~~

~~Any commercial development proposal which includes more than 12,000 square feet of retail floor area shall require, as part of the development permit application, the submission of an impact statement which shall include the following information:~~

~~(1) Economic impact. Based on the supply and demand analysis provided in the commercial market study prepared for the city in 1981 and any subsequent update reports prepared by or for the city, the applicant shall demonstrate that there is sufficient demand for the proposed development, without the necessity of any increase in traffic from outside of the city, and that the proposed development will not have a significant adverse impact on the economy of the city as a whole.~~

~~(2) Traffic impact. The applicant shall provide a professional traffic analysis that estimates the number of trips expected to be generated to and from the development, on an average day and a peak day during the peak season. This analysis of the impacts on traffic flow shall be quantified. Opportunities to mitigate potential traffic problems shall be identified. Estimates of the cost to implement these opportunities shall also be identified and a plan presented to implement them.~~

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DIVISION 10. – HOME OCCUPATIONS

Sec. 126-1176. – Generally

Home occupations shall be permitted in all lawful dwelling units. Home occupations including any lawful activity, provided that nothing shall be visible or otherwise detectable from outside the structure to indicate that the residential dwelling is being used for other than residential purposes, except that a one-foot square nameplate graphic may be attached to the residence structure at or near the appropriate entrance. No mechanical equipment which constitutes a nuisance or otherwise

interferes with the normal and comfortable use of adjacent residential uses, other than customary mechanical equipment used in connection with normal residential purposes, shall be installed or used. ~~No home~~ Home occupation shall ~~be permitted that requires~~ not be allowed more than one parking space in addition to the parking required for the residential use.

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ARTICLE XV. – OFF-STREET PARKING AND LOADING

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DIVISION 2. – OFF-STREET PARKING

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Subdivision III. – Nonresidential Uses

Sec. 126-1361. – Required parking spaces.

No development permit shall be issued for any nonresidential use or structure, or for any addition to or expansion thereof, unless parking spaces, in compliance with all requirements of this section, are provided as follows:

Use	Required Parking Spaces
<u>Permitted uses</u> Commercial retail uses	<u>Off-street parking is required for approval and renewal of a business tax receipt. A site plan that provides off-street parking in compliance with location and design standards is required for new development or redevelopment devoted to permitted use(s). For each separate use or commercial unit with more than 1,000 square feet of floor area, 1 for each 200 square feet (or fraction thereof) of floor area; for each separate use or commercial unit with less than 1,000 square feet of floor area, 5 spaces.</u>
<u>Conditional uses</u> Food stores, delicatessens, carry-out food sales and fast food restaurants without seats	<u>In determining the required number of parking spaces pursuant to this section, the planning commission shall consider all available evidence, qualified opinion, and documentation available relating to the number of parking spaces reasonably required, interpreting and applying such information in light of the peculiarities of the city, its traffic intensity and patterns, and the extent and type of commercial traffic in the city. For each separate use or commercial unit with more than 1,000 square feet of floor area, 8 spaces plus 1 for each 200 square feet (or fraction thereof) of floor area in excess of 1,000 square feet; for each separate use or commercial unit with less than</u>

Use	Required Parking Spaces
	1,000 square feet, 8 spaces.
Restaurants, general	<p><u>The following shall be used as a guide only:</u></p> <p>For each separate use or commercial unit, 15 spaces plus 1 space for each 3 seats in excess of 20 seats, or 1 space for every 75 square feet, or fraction thereof, of floor area (excluding bar/lounge area), whichever is greater.</p> <p><u>For bar/lounge area, 1 space for each 2 seats. Thirty linear inches of counter space shall be considered as 1 seat.</u></p>
<u>Food stores, delicatessens, carry-out food sales and fast-food restaurants</u> Restaurants, general with carry-out services	<p><u>The following shall be used as a guide only:</u></p> <p><u>8 spaces.</u></p> <p><u>For bar/lounge area, 1 space for each 2 seats. Thirty linear inches of counter space shall be considered 1 seat.</u></p> <p>For each separate use or commercial unit, 20 spaces plus 1 space for each 3 seats in excess of 20 seats; or 1 space for every 75 square feet, or fraction thereof, of floor area (excluding bar/lounge area), whichever is greater. Thirty linear inches of counter space shall be considered as 1 seat.</p>
Restaurants, fast food, with seats	<p>For each separate use or commercial unit, 20 spaces plus 1 space for each 2 seats in excess of 20 seats, or 1 space for every 62.5 square feet, or fraction thereof, of floor area (excluding bar/lounge area), whichever is greater. Thirty linear inches of counter space shall be considered as 1 seat.</p>
Bars/lounges	<p>For each bar/lounge area, 1 space for each 2 seats, or 5 spaces plus 1 space for every 50 square feet, or fraction thereof, of floor area in excess of 200 square feet attributable to the bar/lounge use, whichever is greater. Thirty linear inches of counter space shall be considered 1 seat.</p>
Office and service uses	<p>For each separate use or commercial unit with more than 1,000 square feet of floor area, 5 spaces plus 1 for each 250 square feet (or fraction thereof) of floor area in excess of 1,000 square feet; for each separate use or commercial unit with less than 1,000 square feet of floor area, 5 spaces.</p>

Use	Required Parking Spaces
Theatres, churches, auditoriums, and public assembly halls	1 for every 3 fixed seats, or 1 for every 100 square feet of floor area, whichever is greater.
Medical clinics, medical offices, and dental clinics	5 for each physician or other medical practitioner, plus 1 for each employee; or 1 for each 200 square feet of floor area, whichever is greater.
Dental offices	1 for each dentist or employee, plus 2 for each dental chair; or 1 for each 200 square feet of floor area, whichever is greater.
Hospitals, nursing homes, medical institutions	1 for each 2 beds.
Car rentals	5 plus 1 for each car in the on-site rental inventory in excess of 2 cars.
Bicycle and moped rentals	For each separate use with more than 40 bicycles or mopeds, 5 spaces plus 1 for each 10 bicycles or mopeds in excess of 40; for each separate use with 40 or fewer bicycles or mopeds, 5 spaces.
Boat rentals	1 for each boat in the rental inventory, which is stored or docked in the water, plus 1 for every 3 boats, 16 feet or greater in length, which are not so stored or docked, plus 1 for every 6 other boats, sailboards, or canoes.

Division and reestablishment of commercial units that had previously been combined into a larger commercial unit are not required to comply with the requirements of this section, provided there has been no reduction in the number of on-site parking spaces since the commercial units being recreated were combined.

Sec. 126-1362. – Bike parking. Required spaces for other nonresidential uses.

- (a) Intent. Bike parking is encouraged at all nonresidential development, especially those with direct access to the shared use path.
- (b) Conditional use guidelines. Each 10 bike parking spaces provided, shall be considered the equivalent of one vehicular parking space.

For any nonresidential use which is not specifically identified in section 126-1361, the planning commission shall determine the number of parking spaces required, taking into account the similarity of the use to those specifically identified in section 126-1361, and the type and amount of parking likely to be required to serve the needs of expected employees, customers, clients, patrons, or other

visitors. In determining the required number of parking spaces pursuant to this section, the planning commission shall also consider all available evidence, qualified opinion, and documentation available relating to the number of parking spaces reasonably required for various land uses, interpreting and applying such information in light of the peculiarities of the city, its traffic intensity and patterns, and the extent and type of commercial traffic in the city.

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Sec. 126-1364. – Shared parking ~~Combined parking~~ requirements.

- (a) A shared parking agreement may be submitted in lieu of a parking demand study/analysis and approved by the city manager or designee for off-street parking on contiguous lots under different ownership under the following conditions: Any lot, parcel, premises, or structure containing more than one separate use or commercial unit must provide the total combined parking space requirements for all such uses and commercial units. When any new or existing commercial structure is divided into more than one commercial unit by the creation of cooperative or condominium units, the cooperative or condominium documents shall, for the sole purpose of determining the application of this subdivision, allocate a specific number of parking spaces exclusively to each such unit. For new structures, the permitted uses of any unit therein shall thereafter be limited by the number of parking spaces allocated to such unit. For existing structures, parking spaces shall be allocated proportionately so that all existing uses shall conform as nearly as possible to the requirements of this subdivision, and any future change of use shall be limited by the following section 126-1365.
- (a) A minimum ten-year lease agreement between the property owners must be provided. The agreement must be reviewed by the city attorney for form and legal sufficiency and recorded in the official records of Lee County. Any changes to the agreement must be reviewed by the city attorney and the agreement re-recorded.
- (b) Properties must comply with zoning and land use restrictions in the district in which the property is located (i.e., a residentially zoned parcel shall not be used for parking for a commercial use).
- (c) Properties associated with a shared parking agreement must be contiguous.
- (d) An intra-connectivity driveway is required between the contiguous properties. If staff determines an interconnectivity driveway is not feasible, an intra-connectivity pathway may satisfy this standard.
- (e) Separate drainage must be maintained on each property, i.e. through installation of a culvert(s) at the intra-connectivity driveway or pathway.
- (b) ~~For the future application of section 126-1365, any commercial unit in a structure previously divided into cooperative or condominium units without a specific allocation of parking spaces shall be deemed to have been allocated a portion of the total number of parking spaces for the development in accordance with the ratio that the commercial floor area for each unit bears to the total commercial floor area for the development.~~

SECTION 3. Codification. The City Manager is hereby authorized and directed to indicate these amendments in future City Code publications.

SECTION 4. Conflict. All ordinances and parts of ordinances in conflict herewith shall be and the same hereby repealed. If any part of this ordinance conflicts with any other part, it shall be severed, and the remainder shall have full force and effect and be liberally construed.

SECTION 5. Severance. If any section, subsection, sentence, clause, phrase, or portion of this ordinance, or application hereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion or application hereof.

SECTION 6. Effective date. This Ordinance shall be effective immediately upon adoption.

FIRST READING THE 20TH DAY OF AUGUST 2024.

ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND SPECIAL SESSION OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA THIS 9TH DAY OF SEPTEMBER 2024.

Attest:

Scotty Lynn Kelly, City Clerk

Richard Johnson, Mayor

Approved as to form and legality:

John D. Agnew, City Attorney

Date filed with City Clerk: _____

Vote of Council Members:

Johnson _____
Miller _____
DeBruce _____
Henshaw _____
Smith _____

First Reading: August 20, 2024
Publication Date: August 29, 2024
Second Reading: September 9, 2024