



AGENDA MEMORANDUM

Planning Department

City Council Meeting Date: December 3, 2024

To: City Council
From: Craig Chandler, AICP, Deputy Planning Director
Date: November 13, 2024

SUBJECT: Second Reading and Public Hearing of Ordinance 24-025 to Amend Land Development Code Standards Related to Determination of Impermeable Coverage (for permeable pavers)

BACKGROUND: At the August 13, 2024, Land Development Code Review Subcommittee meeting, staff presented its memo regarding Section 82-42. – Determination of impermeable coverage, which was divided into two parts. The first addressed determination of impermeable coverage for elevated beach dune walkovers, while the second examined existing text regarding permeable pavers in the context of an “administrative stay” placed by then-City Manager Zimomra following the adoption of Ordinance 14-007.

The subcommittee moved to direct the elevated dune beach walkover recommendations to Planning Commission but requested more background information on the administrative stay to conditions adopted by Ordinance 14-007 for further discussion.

Staff presented additional information on the subject item at the September 24, 2024, Land Development Code Review Subcommittee meeting. The subcommittee reached consensus to move the item forward to Planning Commission with a request for input to be provided by Natural Resources Director Holly Milbrandt and City Engineer Oisin Dolley.

On October 22, 2024, Planning Commission voted unanimously to approve Resolution 24-020 with one revision – to modify subsection (4)(d) instead of striking it. The modification recommended by Planning Commission is as follows:

(d) The driveway shall not be curbed or blocked along its sides in order to ensure that stormwater is allowed to drain into ~~the adjacent vegetated landscape buffer;~~

Resolution 24-020 is a recommendation to City Council to approve an ordinance amending Sec. 86-42. – Determination of impermeable coverage, as drafted. A copy of Planning Commission Resolution 24-020 is attached to this agenda.

First Reading of this ordinance occurred on November 12, 2024.

ANALYSIS: Ordinance 14-007 was adopted by City Council unanimously on June 17, 2014, to allow for permeable pavers to replace shell or gravel driveways at single-family, duplex and triplex residential developments and not to consider such change to be an increase in impermeable coverage.

Within several months, contractors and homeowners expressed implementation challenges specific to required conditions relating to vegetative buffers, described in subsections (4)(c) through (f) in Sec. 86-42. The Natural Resources Department drafted a recommendation with revised language, interpretation guidance for applicants, and elimination of large/medium tree requirements. Ultimately, City Manager Zimomra authorized an “administrative stay”, to cease implementation of those required conditions, citing “inconsistency with City Council’s legislative intent.”

A present-day review of the staff report presented to Planning Commission on May 27, 2014, including a draft ordinance and report from LaRue Planning & Management Services, Inc., did not explain a basis for additional vegetation conditions.

A copy of the Staff Report dated October 22, 2024, is attached to this agenda.

...

Staff has re-examined the conditions placed under an administrative stay in the context of current conditions and makes the following conclusions:

- Staff does not find the vegetative buffer requirement improves the performance of permeable pavers for stormwater infiltration and storage.
- Any action to repeal the administrative stay and implement those standards would require significant discourse and education with property owners and paver contractors. Such action would also effectively create hundreds of lawful nonconformances.
 - Since 2014, staff has processed 636 development permit applications for driveway improvements – the overwhelming majority of which authorized installation of a permeable paver driveway in place of an existing shell driveway. This number does not include driveways completed in association with new construction.
- Staff finds Section 86-42. – Determination of impermeable coverage, sans vegetation conditions, remains consistent with provision 3 of Section 3.2.5. under the Plan for Scenic Preservation.
 - 3. Encourage the use of shell surfacing, or alternatively, other suitable pervious surfacing for parking areas in order to maintain a casual retreat atmosphere. Concrete and asphalt paving of parking areas should be minimized.

PUBLIC COMMENT: Staff has received no public comment on this item.

RECOMMENDED ACTION: Staff recommends a motion to adopt Ordinance 24-025, as submitted.

Sanibel is and shall remain a barrier island sanctuary