

CITY OF SANIBEL
DRAFT PLANNING COMMISSION RESOLUTION 24-07

A RESOLUTION RECOMMENDING THAT CITY COUNCIL ADOPT AN ORDINANCE AMENDING THE CODE OF ORDINANCES TO ADJUST HEIGHT LIMITATIONS WITHIN THE RESORT HOUSING DISTRICT, AMENDING SUBPART B, LAND DEVELOPMENT CODE, CHAPTER 86, DEVELOPMENT STANDARDS, ARTICLE III, RESIDENTIAL, DIVISION 3, UNIFIED RESIDENTIAL HOUSING (CLUSTER HOUSING) AND MULTIFAMILY HOUSING, SUBDIVISION III, MULTIFAMILY HOUSING, SECTION 86-169, ARCHITECTURAL DESIGN STANDARDS AND EXAMPLES; CHAPTER 126, ZONING, ARTICLE XII, RESORT HOUSING DISTRICT, SECTION 126-637, DEVELOPMENT AND REDEVELOPMENT REGULATIONS, AND ARTICLE XIV, SUPPLEMENTARY DISTRICT REGULATIONS, SECTION 126-932, HEIGHT EXCEPTIONS, FOR THE PURPOSE OF UPDATING THE LAND DEVELOPMENT CODE REGULATIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City wishes to encourage rebuilding following the damages due to Hurricane Ian in a manner that is resilient to potential flooding events while maintaining the City's small-town character and scenic charm; and

WHEREAS, elevating buildings is a recognized approach to reduce both loss of lives and damage to property in the event of catastrophic flooding; and

WHEREAS, elevating buildings elevates overall building heights; and

WHEREAS, the City proposes to amend building heights in the Resort Housing District in a manner that is consistent with the Sanibel Charter and the Sanibel Plan, Section 3.2.5 Scenic Preservation Element, and Policy 1.1, concerning height of buildings; and

WHEREAS, the Sanibel Plan allows build back or redevelopment of existing units in the Resort Housing District (Provision 4 of the Plan for Housing), consistent with the Sanibel Plan and Code of Ordinances; and

WHEREAS, the Sanibel Code of Ordinances encourages the retention of short-term rental units, opportunities for upgrading resort accommodations, and improving building safety by compliance with building codes and flood requirements; and

WHEREAS, redevelopment in the Resort Housing District requires provision of recreational open space to reduce the use of the gulf beach; and

WHEREAS, the Sanibel Plan, Plan for Recreation and Open Space, Provision #10, states that the City has an ongoing commitment to provide easy access to recreation facilities for the general population and particularly for the very young, senior citizens, and people with disabilities; and

WHEREAS, the City Council, at its meeting of November 1, 2023, recommended a review of building heights in the Resort Housing District; and

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 height limitation in the Resort Housing District; and

WHEREAS, the Planning Commission, held a legally and properly advertised public hearing on July 9, 2024, at which the Planning Commission heard and considered comments and recommendations from the Planning Staff and the public pertaining to a draft amendment related to height limitation in the Resort Housing District; and

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

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission finds the proposed amendments to the Land Development Code attached hereto as Exhibit A, are consistent with the Sanibel Plan, meet the above-referenced requirements, and recommends that the City Council adopt said amendments in the form of an ordinance.

PASSED IN OPEN AND REGULAR SESSION OF THE PLANNING COMMISSION OF THE CITY OF SANIBEL, FLORIDA, THIS 9TH DAY OF JULY 2024.

Attest:

Scotty Lynn Kelly, City Clerk

Roger Grogman, Chair

Approved as to form and legality:

John D. Agnew, City Attorney

Date filed with City Clerk: _____

Vote of Commission Members:

Grogman	_____
Pfeifer	_____
Sergeant	_____
Colter	_____
Nichols	_____
Welch	_____
Steiner	_____

EXHIBIT A OF RESOLUTION

Agenda Item
Meeting of

CITY OF SANIBEL
ORDINANCE 24-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES TO ADJUST HEIGHT LIMITATIONS WITHIN THE RESORT HOUSING DISTRICT, AMENDING SUBPART B, LAND DEVELOPMENT CODE, CHAPTER 86, DEVELOPMENT STANDARDS, ARTICLE III, RESIDENTIAL, DIVISION 3, UNIFIED RESIDENTIAL HOUSING (CLUSTER HOUSING) AND MULTIFAMILY HOUSING, SUBDIVISION III, MULTIFAMILY HOUSING, SECTION 86-169, ARCHITECTURAL DESIGN STANDARDS AND EXAMPLES; CHAPTER 126, ZONING, ARTICLE XII, RESORT HOUSING DISTRICT, SECTION 126-637, DEVELOPMENT AND REDEVELOPMENT REGULATIONS, AND ARTICLE XIV, SUPPLEMENTARY DISTRICT REGULATIONS, SECTION 126-932, HEIGHT EXCEPTIONS, 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 City wishes to encourage rebuilding following the damages due to Hurricane Ian in a manner that is resilient to potential flooding events while maintaining the City's small-town character and scenic charm; and

WHEREAS, elevating buildings is a recognized approach to reduce both loss of lives and damage to property in the event of catastrophic flooding; and

WHEREAS, elevating buildings elevates overall building heights; and

WHEREAS, the City proposes to amend building heights in the Resort Housing District in a manner that is consistent with the Sanibel Charter and the Sanibel Plan, Section 3.2.5 Scenic Preservation Element, and Policy 1.1, concerning height of buildings; and

WHEREAS, the Sanibel Plan allows build back or redevelopment of existing units in the Resort Housing District (Provision 4 of the Plan for Housing), consistent with the Sanibel Plan and Code of Ordinances; and

WHEREAS, the Sanibel Code of Ordinances encourages the retention of short-term rental units, opportunities for upgrading resort accommodations, and improving building safety by compliance with building codes and flood requirements; and

WHEREAS, redevelopment in the Resort Housing District requires provision of recreational open space to reduce the use of the gulf beach; and

WHEREAS, the Sanibel Plan, Plan for Recreation and Open Space, Provision #10, states that the City has an ongoing commitment to provide easy access to recreation facilities for the general population and particularly for the very young, senior citizens, and people with disabilities; and

WHEREAS, the City Council, at its meeting of November 1, 2023, recommended a review of building heights in the Resort Housing District; and

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 height limitation in the Resort Housing District; and

WHEREAS, the Planning Commission held a legally and properly advertised public hearing on July 9, 2024, at which the Planning Commission heard and considered comments and recommendations from the Planning Staff and the public pertaining to a draft amendment related to height limitation in the Resort Housing District; 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 heard and considered comments and recommendations from the Planning Department Staff and public; 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 _ to _ 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 86, is hereby amended with ~~strikethrough~~ language indicating deletions and underlined language indicating additions as follows:

Chapter 86 – DEVELOPMENT STANDARDS

...

ARTICLE III. – RESIDENTIAL

...

DIVISION 3. – UNIFIED RESIDENTIAL HOUSING (CLUSTER HOUSING) AND MULTIFAMILY HOUSING

Subdivision III. – Multifamily Housing

...

Sec. 86-169. – Architectural design standards and examples.

...

(d) *Architectural design standards.* Compliance with the following standards is mandatory:

...

(6) *Rooftops and rooftop equipment.*

- a. ~~No portion of a roof's perimeter visible from public or common space (including parking areas) shall be devoted to a flat roof, unless otherwise incorporated as resort recreational open space. Examples of roof types that achieve compliance to this standard include hip, gable, and mansard.~~
- b. All rooftop mechanical equipment protruding from the roof must be screened from adjacent roadways, residential use, public space, parking, and common areas (not including service areas) by integrating it into a building and roof design.

...

SECTION 3. Sanibel Code of Ordinances, Subpart B. Land Development Code, Chapter 126, is hereby amended with ~~striketrough~~ language indicating deletions and underlined language indicating additions as follows:

Chapter 126 – ZONING

ARTICLE XII. – RESORT HOUSING DISTRICT

Sec. 126-637. Development and redevelopment regulations.

...

(b) This subsection implements a redevelopment strategy that requires the protection and restoration of the beach and dune system while providing standards for the retention of resort housing units (hotel, motel, and resort condominium units) as part of the city's housing stock. The following requirements shall apply to all lands within the Resort Housing District:

...

(3) *Height limits for buildings.*

- a. The height of new and substantially improved buildings will not exceed three stories above the base flood elevation, except that buildings replacing condominiums substantially damaged or destroyed by a natural disaster may exceed the height of the building immediately prior to the disaster by up to one story if the building must be elevated above the ground level to comply with the flood ordinance and prohibiting the additional height would result in the loss of a dwelling unit by its owner. This limitation is established by Policy 1.1 in the Scenic

Preservation Element (Section 3.2.5) of the Sanibel Plan.

- b. The maximum height of buildings, other than the exception provided in subsection (b)(3)a., shall not exceed ~~35.23~~ feet above the base flood elevation of the FEMA Flood Insurance Rate Map (FIRM) or the Florida Building Code for buildings located seaward of the state's 1991 Coastal Construction Control Line (CCCL), whichever is higher. ~~However, no building in the Resort Housing District can exceed a height greater than 49.8 feet NAVD (or 51 feet NGVD).~~
- c. A permitted exception to the maximum height limitation is provided solely for ~~the mandatory a pitched roof required~~ on multifamily buildings designed with three habitable floors or stories above the base flood elevation. For purposes of this section, a mansard roof is not considered a pitched roof.

The maximum height of the ~~required~~ sloped roof shall not exceed ~~a height greater than 58.1 feet NAVD or 8.3 feet~~ above the established maximum building height of 49.8 feet NAVD.

The interior areas of roofs exceeding the height limit for buildings in the Resort Housing District may be used for additional ceiling height but shall not be used for additional habitable space or stories beyond the three permitted by this subsection.

...

ARTICLE XIV. – SUPPLEMENTARY DISTRICT REGULATIONS

...

DIVISION 3. – BUILDING AND AREA REQUIREMENTS

Subdivision I. – In General

...

Sec. 126-932. – Height exceptions.

(a) The height limitations of this of section 78-1 through 78-11; chapter 86, chapter 94, chapter 98, chapter 106, chapter 110, chapter 118, chapter 122; and articles II through XV of this chapter shall not apply to detached water towers, bird nesting platforms, public utility structures, anti-bird nesting devices of a type approved by the building official and installed a maximum of 16 inches above the top of a chimney or chimney vent cap, or lightning protection devices installed according to National Fire Protection Association Standard No. 78, Lightning Protection Code. Height restrictions for telecommunications devices are provided in section 126-1256 et seq.

(b) In the Resort Housing District, elevator enclosures necessary to allow ADA compliant

access to rooftop resort recreational open space may exceed the height limitation by 8 feet.