



AGENDA MEMORANDUM *Planning Department*

Planning Commission Meeting Date: July 23, 2024

To: Planning Commission
From: Paula McMichael, AICP, Planning Director
Date: July 17, 2024

SUBJECT: Long-form development permit applications

Consideration of a recommendation to City Council for an ordinance amending the Code of Ordinances to modify the process for approval for some long-form development permits following a disaster, amending Subpart B Land Development Code, Chapter 82 – Administration, Article IV. Development Permits, Division 2. Procedure, Subdivision III. Long-Form, Sec. 82-421. Application, for the purpose of land development code regulations.

BACKGROUND: On June 11, 2024, City Council and the Planning Commission convened a joint workshop to discuss possible amendments to the Sanibel Code to assist redevelopment post disaster. Part of the discussion at the joint workshop was whether there were opportunities to expedite some applications by temporarily allowing staff review rather than requiring planning commission approval. Long-form development permit was one type of application discussed.

The Sanibel Code establishes two types of development permits – short-form, which are approved by staff, and long-form, which require approval by the Planning Commission (see Sections 82-401 and 82-421). Staff has proposed three types of long-form development permits for staff review and approval:

- (1) All applications for development which require a variance or waiver.
- (2) All applications for development requiring conditional use permits.
- (3) Building back either a nonconforming structure or a nonconforming use within a nonconforming structure which has been destroyed or substantially damaged by a natural disaster within the three-dimensional outline of the lawfully existing habitable area of the pre-disaster building, but the footprint of the lawfully existing pre-disaster building is moved in a manner that reduces the pre-disaster building's encroachment into the Gulf Beach Zone.

Variances would still be heard and approved by Planning Commission; however, any implementing development permit could be approved by staff.

Sanibel is and shall remain a barrier island sanctuary

Waiver applications would be approved by staff under a similar proposal from the workshop, along with, under this amendment, any implementing development permit.

Conditional uses would still be heard and approved by Planning Commission (with the exception of, potentially, “eating places, restaurants, grocery stores, etc.” and formula retail), but any implementing development permit could be approved by staff.

The amendment would also allow staff approval of any development permit to “build back” a lawfully existing structure in the Gulf Beach Zone where the footprint changes in order to reduce the encroachment into the Gulf Beach.

The draft ordinance would provide that these long-form development permit applications could be approved by planning staff for a limited period of time. All the standards of review would still apply. This allowance would automatically sunset in one year, with the ability to be extended by council by resolution.

FUNDING SOURCE: N/A

RECOMMENDED ACTION: Adopt the resolution that recommends approval of an ordinance amending the Land Development Code for consideration by City Council, to allow for staff review of three types of long-form development applications for a limited period of time.