



AGENDA MEMORANDUM

Planning Department

Land Development Code Subcommittee Meeting Date: February 24, 2026

To: Land Development Code Subcommittee

From: Savannah White, Senior Planner

Date: February 11, 2026

TITLE

Height Exceptions for Nonconforming Structures

BACKGROUND

The Land Development Code regulates height in residential districts in two ways: (1) overall height and (2) angle of light. Following Hurricane Ian, height standards in all residential districts were amended via Ordinance 23-025, effectively increasing allowable building height. Properties undertaking new construction or redevelopment must comply with these updated standards.

Last year, Ordinance 25-005 was adopted to address the reconstruction of structures substantially damaged by a natural disaster, in accordance with floodplain management standards set forth in Chapter 126, Article V, Division 5 – Standards for Building Back (Reconstruction) of Structures Substantially Damaged by a Natural Disaster. Section 126-212(5) provides:

- a. When reconstruction or elevation of a nonconforming structure to comply with minimum flood elevation requirements does not conform or increases the degree of nonconformity with applicable height standards; or*
- b. For the purpose of resiliency from potential future storm surge, the height of the lowest habitable floor of a nonconforming structure may be elevated up to ten feet above existing grade and exceed applicable height limitations proportionally, including any angle of light restrictions.*

As reconstruction deadlines for nonconforming structures approach, staff has encountered permit applications for the elevation of structures that were not substantially damaged by a natural disaster, but whose owners wish to elevate for resiliency purposes. Staff recommend a similar provision—allowing up to ten feet of elevation for all lawfully established nonconforming structures—is appropriate in the context of the city’s strategic goals (i.e. resilience).

Staff seeks clarification as to whether the 10 foot height limitation should apply to all lawfully established existing structures, including those that are currently conforming but would become

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nonconforming with respect to height requirements (angle-of-light or overall height) once elevated.

Therefore, staff recommends the proposed amendments to Chapter 125, Article V, to allow lawfully established structures that are nonconforming with respect to setback requirements or height limitations to be elevated up to ten feet above predevelopment grade. "Predevelopment grade" is defined in Section 78-1.

RECOMMENDATION

Review of the proposed language and that it be moved forward to the Planning Commission.