



# City of Sanibel Planning Commission

## Planning Department Agenda Memorandum

**Planning Commission Meeting Date: March 24, 2026**

**To:** Planning Commission

**From:** Savannah White, Senior Planner

**Date:** March 2, 2026

**TITLE: Height Exceptions for Nonconforming Structures**

### REVIEW TIMELINE

Date	Meeting Type	Summary
02/24/2026	LDC Subcommittee	Feedback provided to staff on recommended revisions. Staff directed to draft code language to be reviewed by Planning Commission.
3/24/2026	Planning Commission	Review of draft resolution

### PROPOSAL

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.*

At the February 24, 2026, LDC Review Sub-Committee meeting, staff explained that homeowners are pursuing permits to elevate structures that were not substantially damaged by a natural disaster but wish to elevate for resiliency purposes or to comply with FEMA regulations. Some of these structures are proposed to be elevated above the required flood elevation, which may result in nonconformance with applicable height standards, including angle-of-light requirements.

Staff recommends allowing up to ten (10) feet above predevelopment grade for lawfully established nonconforming structures when elevation above the required flood elevation would otherwise create noncompliance with height standards, including angle-of-light requirements, in furtherance of the City's resiliency goals, provided that the elevation achieves the required FEMA flood elevation and complies with the Florida Building Code. "Predevelopment grade" is a defined term in Section 78-1.

### **RECOMMENDATION**

Staff recommend a motion to approve the resolution and proceed to City Council for discussion and first reading.