



## AGENDA MEMORANDUM

### *Planning Department*

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**Planning Commission Meeting Date: July 9, 2024**

**To:** Planning Commission  
**From:** Paula McMichael, AICP, Planning Director  
**Date:** July 3, 2024

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**SUBJECT:** Review priorities for land development code amendments for 2024.

**BACKGROUND:** The Planning Commission established priorities for land development code amendments at the December 12, 2023, meeting. These priorities were subsequently reviewed as part of the joint council-planning commission workshop on June 11, 2024. There was discussion among city council and planning commission members regarding revisiting the established priorities. Staff has made initial revisions based on the discussion at the workshop to reprioritize existing items and include new work being undertaken as a result of the workshop.

**FUNDING SOURCE:** N/A

**RECOMMENDED ACTION:** The planning commission should discuss and confirm the priorities for code amendments for the remainder of 2024.

*Sanibel is and shall remain a barrier island sanctuary*

**Revised priorities for 2024 LDC amendments**

<b>Section of Code</b>	<b>Comment</b>	<b>Staff Lead</b>	<b>Status</b>	<b>Important Dates</b>	<b>Next Step</b>
<b><i>First Level Priorities</i></b>					
Sec. 126-1361 et seq.	Nonresidential parking standards	Craig	PC Recommendation	7/9/2024	City Council
Sec. 126-637. Development and redevelopment regulations.	Height limitations in the resort housing district	Paula	PC Recommendation	7/9/2024	City Council
Sec. 78-1 and others	Open bodies of water	Kim	Discussion	8/13/2024	LDC Subcommittee
<i>Correct Scrivener Errors identified in 2015</i>	<i>Identified in memo dated October 27, 2015</i>	<i>Paula w/city clerk</i>	<i>Complete</i>		
<b><i>Second Level Priorities</i></b>					
Sec. 86-43. Appearance of structures; size and mass of structures.	See memo dated October 27, 2015: "Procedure for notification of the filing of an application for single-family or duplex dwelling unit" adds 14-day delay to issuance of permit	Craig			
Sec. 86-42. Determination of impermeable coverage.	Consideration of whether dune walkovers should count towards impermeable coverage	Craig	Elevated to next priority - Discussion	8/13/2024	LDC Subcommittee
Sec. 82-402. Review and issuance.	Revise to be consistent with the timeframes and process established by §166.033 F.S. – changes made in 2021	Paula			

Revised priorities for 2024 LDC amendments

Section of Code	Comment	Staff Lead	Status	Important Dates	Next Step
Sec. 82-422. Scheduling and notice.	Legal notice no longer required to be in a newspaper (§50.011 F.S.)	N/A	Requires Lee County to establish a website for publishing notices - complete		
Sec. 86-169. Architectural design standards and examples.	Flat roof and resort recreational open space.	Paula	PC Recommendation	7/9/2024	City Council
Sec. 126-334. - Required conditions. (all ecological zones)	Angle of light measurements for residential and institutional uses at rear and front setbacks	Paula			
Amendments to create green building incentives.	See separate memo and presentation from Nov. 28 <sup>th</sup> LDC Review Subcommittee	Paula	Discussion	8/13/2024	LDC Subcommittee
<b>Not current priorities</b>					
Sec. 82-382. Filing procedure.	What constitutes a “complete application” for development permit	Craig	Elevated to next priority - Discussion	8/13/2024	LDC Subcommittee
Sec. 86-42. Determination of impermeable coverage.	Requirement for vegetated landscape buffer at least 10 feet in depth on each side of driveway in order to permeable pavers to be considered 100 percent permeable – “administrative stay” on the requirement so that it has not been enforced.	N/A			

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Subdivision III. Multifamily Housing - Sec. 86-156 et seq.	Review development standards for multifamily housing in light of redevelopment.	N/A			
Sec. 106-247. Illumination standards.	Illumination for signs – reference to fluorescent bulbs	N/A			
Sec. 126-471. Emergency refuge space; water supply.	Requirement for emergency refuge space in nonresidential structures	N/A			
Sec. 126-937. Required yards.	Review for consistency with landscaping requirements	N/A			
Sec. 126-939. Standard minimum distance between buildings.	Review in light of redevelopment.	N/A			
Sec. 126-1023. Economic and traffic impacts.	Need for updated commercial market study, necessity of traffic impact studies based on build out.	Craig	Included with nonresidential parking - PC Recommendation	7/9/2024	City Council
Sec. 126-1027. Maximum street frontage for a commercial unit.	Review in light of redevelopment.	N/A			

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<p>Sanibel Plan - Policy 1.4 - Ensure that dredge and fill activities are undertaken in compliance with Land Development Code requirements, as well as the requirements enforced by the Department of Environmental Protection, the South Florida Water Management District and the Army Corps of Engineers.</p>	<p>No corresponding requirements in the land development code.</p>	<p>N/A</p>			
<p>Cross references of the term “substantial improvement” between Chapter 94, Chapter 122, and Chapter 126.</p>	<p>Substantial improvement (50% rule) is used as the triggering mechanism for compliance with several sections of code unrelated to building.</p>	<p>N/A</p>			
<p>Incorporate Resolution No. 98-100, Subdivision improvement construction requirements, into the Sanibel Code.</p>	<p>Site design requirements that are outside of the land development code.</p>	<p>N/A</p>			

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<b>NEW PRIORITIES</b>					
Sec. 82-57. Discontinuance, vacation, or abandonment of use, Sec. 126-212. Nonconforming structures, and Sec. 126-218. Re-establishment of discontinued or abandoned use prohibited	Nonconforming uses & structures - extend timeframes to reestablish	Paula	PC Recommendation	7/23/2024	City Council
Various sections in Chapter 82 - Administration	Temporary provisions to waive Planning Commission review post-storm - some conditional uses, long-form development permits, waivers	Paula	PC Recommendation	7/23/2024	City Council
Sec. 126-31. Generally and Sec. 126-82. General requirements	Conditional use general requirements	Paula	PC Recommendation	7/23/2024	City Council
Sec. 126-492. - Conditional uses.	Evaluate whether any conditional use should become a permitted use.	Paula	Discussion	7/23/2024	Planning Commission
Sec. 126-871 et seq. - Accessory Marine Structures	Unauthorized rip rap revetments	Kim/ Paula	Discussion	7/23/2024	Planning Commission