



AGENDA MEMORANDUM

Planning Department

City Council Special Meeting Date July 30, 2024

To: City Council
From: Paula McMichael, AICP, Planning Director
Date: July 24, 2024

SUBJECT: TEMPORARY USE PERMIT FOR BEACH CLUB DAY PASSES

BACKGROUND:

At the July 16, 2024, City Council meeting, council discussed a proposal from Sundial resort to sell day passes to the beach. The Sanibel Code classifies this type of use as a “beach club” and specifically prohibits the use. Please see the definition, below, from Section 78-1, and the prohibition included in Section 126-35, Recreation facilities.

Beach club means a membership establishment, that provides for private recreational and social activities on a beach in the City of Sanibel or in close proximity to Sanibel beaches to individuals that are not residing overnight at the beachfront property on the day of or the day after the overnight stay. Memberships of any time period, including a day membership or fee for daily use, are included within this definition. The use of lawfully existing and specifically approved common areas of residential developments, which extend into the Gulf Beach Zone, by the residents of that residential development is not a beach club. The use of lawfully existing private beach access easements by the residents of properties with existing rights to use that easement is not a beach club.

Recreation facilities are limited to country clubs, private swim clubs, racquetball courts, tennis courts or golf courses, or any combination thereof. Beach clubs are not permitted as a principal land use. Beach clubs are not permitted as an accessory or associated use with residential developments, including hotels, motels, inns, timeshare developments and other resort housing developments. However, lawfully existing and specifically approved common areas of residential developments, which extend into the Gulf Beach Zone, that serve only the residents of that development are not beach clubs. Lawfully existing private beach access easements that serve the residents of properties with existing rights to use that easement are not beach clubs.

The definition and specific prohibition against the use were adopted by Ordinance 06-023, which is included as background material for this item. The whereas clauses identify that the use was never permitted by the City of Sanibel and cite the carrying capacity of the beach, the

Sanibel is and shall remain a barrier island sanctuary

preservation of the residential character of neighborhoods, and control of the intensity of use in residential developments, including short-term occupancy developments (the Resort Housing District), as reasons for the prohibition. These concerns relate back to the Vision Statement adopted into both the city charter and the Sanibel Plan, which states “This three-part statement of the community’s vision of its future is a hierarchy, one in which the dominant principle is Sanibel’s sanctuary quality. Sanibel shall be developed as a community only to the extent to which it retains and embraces this quality of sanctuary. Sanibel will serve as attraction only to the extent to which it retains its desired qualities as sanctuary and community.” Increasing utilization of Sanibel’s beaches would place attraction above the desired qualities of sanctuary and community.

The Sundial request as described by the general manager, Becky Miller, is to utilize the day passes as a replacement for resort housing dwelling units that cannot currently be occupied due to hurricane damage and to discontinue the program once these dwelling units are able to be rented. The estimated date for the opening of Sundial for overnight rentals is November 1, 2024. Ms. Miller provided a business plan and FAQ document to the planning department, also included as background information for consideration of this resolution. The operations plan states that ticket sales will be monitored to ensure adequate parking on-site. The program would run Wednesday-Sunday and include access to on-site amenities (pools, beach, dining at Turtles Tiki Bar).

A resolution to establish a temporary use permit for beach club day passes has been drafted for council’s consideration. Several conditions are included, including making the temporary use permit available only to those resort housing properties licensed as a hotel or motel by the Florida Department of Business and Professional Regulation (DBPR) and only to replace resort housing dwelling units unavailable for short-term rental due to storm-related damage. Limiting the temporary use permit in this way would address concerns that while the use of “beach club” is not, as a permanent use, consistent with the Sanibel Plan due to the concerns stated above, the intensity of use of Sanibel’s beaches is currently reduced due to the impacts of Hurricane Ian on the Resort Housing District. A temporary use permit issued under this allowance would expire in six months (January 30, 2025). Staff has identified 19 hotel/motel license holders on Sanibel, 14 of which are within the resort housing district. A table with this information is included as background information for this item in a separate attachment.

FUNDING SOURCE: N/A

RECOMMENDED ACTION: City Council discussion of Resolution 24-043.

Sanibel is and shall remain a barrier island sanctuary



AGENDA MEMORANDUM
Planning Department
