

CITY OF SANIBEL  
ORDINANCE 24-025

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES TO DELETE REQUIRED CONDITIONS RELATING TO VEGETATED LANDSCAPE BUFFERS THAT HAVE BEEN SUBJECT TO AN “ADMINISTRATIVE STAY” SINCE 2014; AMENDING SUBPART B LAND DEVELOPMENT CODE, CHAPTER 86, DEVELOPMENT STANDARDS, ARTICLE II, SITE PREPARATION, SECTION 86-42, DETERMINATION OF IMPERMEABLE COVERAGE, FOR THE PURPOSE OF UPDATING THE LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Land Development Code (LDC) Review Subcommittee held meetings on August 13, 2024, and September 24, 2024, which included discussion on amendments to Land Development Code Section 86-42, determination of impermeable coverage; and

**WHEREAS**, the LDC Review Subcommittee, by unanimous consent, directed staff to prepare a draft resolution for Planning Commission consideration; and

**WHEREAS**, the Planning Commission held a legally and properly advertised public hearing on October 22, 2024, on specific proposed amendments to the LDC pertaining to the determination of impermeable coverage for the use of permeable pavers at single family, duplex, and triplex developments and the deletion of required conditions relating to vegetative landscape buffers that have been subject to an “administrative stay” since 2014; and

**WHEREAS**, the Planning Commission may recommend to the City Council amendments to regulations of the LDC, in accordance with the standards set forth in LDC, Section 82-241; and

**WHEREAS**, the Planning Commission found the proposed amendments to be consistent with the Sanibel Plan, as it relates to Provision 3 of Section 3.2.5. Scenic Preservation Element, to encourage the use of suitable pervious surfacing for parking areas in order to maintain a casual retreat atmosphere; and

**WHEREAS**, the Planning Commission found the proposed amendments to the LDC as referenced above to be consistent with the Sanibel Plan and meet the requirements of LDC Section 82-241, and recommended by a vote of 7 to 0 that the City Council adopt said amendments in the form of an ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA:**

**SECTION 1.** The recitals above are true and correct and made a part hereof.

**SECTION 2.** Sanibel Code of Ordinances, Subpart B. Land Development Code, is hereby amended with ~~strikethrough~~ language indicating deletions and underlined language indicating additions as follows:

**Chapter 86 – DEVELOPMENT STANDARDS**

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**ARTICLE II. – SITE PREPARATION**

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**Sec. 86-42. - Determination of impermeable coverage.**

(a) Purpose. In residential developments, it is deemed to be desirable to encourage sand and shell driveways and parking areas, because the more natural appearance of such substance is more in harmony with the character of the city as a whole and its emphasis on environmental and aesthetic priorities. The same factors apply to the use of sand and shell within higher density, larger, multifamily residential, mixed-use, and commercial development as well. However, the use of such substances in high traffic projects also entails some inconvenience and maintenance problems in wet weather conditions.

It is similarly deemed desirable to encourage the use of permeable pavers within low density, small scale residential developments such as single-family, duplex, and triplex because permeable pavers offer an attractive alternative to sand and shell driveways in that permeable pavers can, under appropriate conditions, contribute to the improved handling and treatment of on-site stormwater runoff.

For consistency with Policy 3.7 of the Plan for Coastal Zone Protection (Sanibel Plan), it is deemed to be desirable to encourage elevated beach dune walkovers within the Gulf Beach Zone and Bay Beach Zones of all residential development.

(b) Driveway and parking area.

- (1) For residential developments, sand or shell driveways and parking areas shall be deemed to be 100 percent permeable, provided that the slope of such surfaces does not exceed one to 12, vertical to horizontal; that is, such areas shall not be counted in the determination of coverage by impermeable surfaces.
- (2) For nonresidential developments, and for developments containing both commercial and residential uses on the same lot or parcel, sand or shell driveways, parking areas, loading areas, and turnaround areas shall be deemed to be 50 percent permeable, provided that the slope of such surfaces does not exceed one to 12, vertical to horizontal; that is, only one-half of such surface areas shall be counted in the determination of coverage by impermeable surfaces.
- (3) For the purposes of this section, the term "driveway and parking area" shall mean that area necessary to provide for safe and convenient access and off-street parking accommodation for the number of vehicles required for the specific use.
- (4) For all new and existing single-family, duplex, and triplex residential developments in conformance with the maximum allowed developed area requirements of this Land Development Code, the use of permeable pavers for driveways and parking areas, and the replacement of existing sand, shell, asphalt, brick or concrete driveways, and parking areas with permeable pavers, shall be deemed to be 100 percent permeable, and such areas shall not be counted in the determination of coverage by impermeable surfaces provided that:
  - a. The pavers are installed to the manufacturer's specifications and are not less than 50 percent permeable;
  - b. The slope of such surfaces does not exceed one to 12, vertical to horizontal;
  - c. ~~A vegetated landscaped buffer at least ten feet in depth is provided on each side of the driveway, unless the driveway is existing, and is located closer than ten feet to a side property line, and cannot be relocated in order to comply with this requirement, then the buffer on the one side of the driveway can be less than ten feet in depth;~~

- ~~d.~~ The required vegetated landscaped buffer areas shall not consist of primarily sod. All installed landscape buffers shall be subject to the maintenance standards of Land Development Code section 122-75 and the traffic visibility at driveway intersections requirements of Land Development Code section 126-935;
  - ~~e.~~ Native plant species shall comprise no less than 75 percent of the required vegetated landscape buffer and shall otherwise comply with the required types, numbers, varieties, and installation standards of Land Development Code sections 122-73 and 122-74;
  - ƒ. The driveway shall not be curbed or blocked along its sides in order to ensure that stormwater is allowed to drain into the adjacent vegetated landscape buffer;
  - ~~dg.~~ Where there is a shared use path, the paver driveway must stop at and abut the interior edge of the path in order to allow for a continuous pathway without any changes in either height or texture;
  - ~~eh.~~ Where there is no shared use path, the paver driveway must stop at and abut the paved edge of the roadway, matching the elevation of the roadway at their juncture. The property owner shall be responsible for normal maintenance and repair of the paver driveway; but the city shall either pick-up or replace any disturbed pavers to match the roadway surface whenever the city repaves or resurfaces the roadway; and
  - ~~fi.~~ The city reserves the right to address the use of pavers on driveways and parking areas for residential duplex and triplex structures, on a case-by case-basis, in order to accommodate the variety of parking layouts that exists or may be employed by such structures and to ensure that the intent of this section is achieved.
- (c) Elevated beach dune walkovers shall be deemed to be 100 percent permeable, in the A – Gulf Beach Zone (seaward of the 1974 Coastal Construction Control Line) or B - Bay Beach Zone, and such areas shall not be counted as coverage by impermeable surfaces, provided that:
- (1) Siting. Elevated walkovers shall be installed from the 1974 Coastal Construction Control Line (CCCL) or B - Bay Beach Zone boundary to no less than the seaward toe of frontal dune or the existing line of vegetation, but not farther than 10 feet seaward of the vegetation;
  - (2) Design. Walkovers shall be post-supported structures;
  - (3) Height. No less than two (2) feet above grade, as measured to the bottom of support beam of the structure;
  - (4) Width. Maximum width of five (5) feet;
  - (5) Deck planking. Deck planking shall be no wider than six inches. Spacing between planks shall be no less than one-half inch between deck planking. Alternative materials may be utilized for decking where it provides an equivalent or greater amount of stormwater infiltration and light penetration as the deck planking standards, as demonstrated by an engineering report or other competent evidence.
- (d) All other nonnatural surfaces shall be deemed to be 100 percent impermeable unless a developer demonstrates by engineering report or other competent evidence that the surface is less than 100 percent impermeable.
- (e) For all buildings, up to a four-foot roof overhang shall not count toward impermeable surface coverage, except for impermeable surfaces located under such overhang.

**FIRST READING THE 12TH DAY OF NOVEMBER 2024.**

**ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA THE 3RD DAY OF DECEMBER 2024.**

Attest:

\_\_\_\_\_  
Scotty Lynn Kelly, City Clerk

\_\_\_\_\_  
Richard Johnson, Mayor

Approved as to form and legality:

\_\_\_\_\_  
John D. Agnew, City Attorney

Date filed with City Clerk: \_\_\_\_\_

Vote of Council Members:

Johnson \_\_\_\_\_  
Miller \_\_\_\_\_  
DeBruce \_\_\_\_\_  
Henshaw \_\_\_\_\_  
Smith \_\_\_\_\_

First Reading: November 12, 2024  
Publication Date: November 20, 2024  
Second Reading: December 3, 2024