



# City of Sanibel

## Planning Commission

### Planning Department Agenda Memorandum

**Planning Commission Meeting Date: June 10, 2025**

**To: Planning Commission**

**From: Paula McMichael, AICP, Planning Director**

**Date: June 3, 2025**

**SUBJECT:** Allow existing multifamily building permitted by the city in D-2 Upland Wetlands

Consideration of a resolution recommending that City Council adopt an ordinance amending the Code of Ordinances to amend the list of permitted uses in the D-2 Upland Wetlands Ecological Zone to permit existing multifamily buildings to remain, amending Subpart B, Land Development Code, Chapter 126 – Zoning, Article VII – Residential Districts, Division 7 – D-2 Upland Wetlands Zone, Sec. 126-391 – Permitted uses, for the purpose of updating land development code regulations.

#### REVIEW TIMELINE

Date	Meeting Type	Summary
05/06/25	City Council	Reviewed information regarding two multifamily buildings permitted by the city in D-2 Upland Wetlands ecological zone and reviewed options for their re-establishment.

#### BACKGROUND

In February of 2025, two residents of Gulf Beach Condominium (527 East Gulf Drive) wrote emails to City Council, one in support of further extending the deadline to re-establish a nonconforming use, and one in opposition.

Gulf Beach Condominium is a nonconforming use – a multifamily building in a district where that use is prohibited. Gulf Beach Condo is located in the D-2 Upland Wetlands Ecological Zone, which only allows multifamily buildings subject to the following (Sec. 126-391(4)):

only in areas within (sic) 400 feet of Periwinkle Way between Tarpon Bay Road and Causeway Road on lots or parcels abutting Periwinkle Way, but see also chapter 86, article III, division 3. Multifamily developments for Below Market Rate Housing units are permitted on any parcel when the units are located within 600 feet of Periwinkle Way between Tarpon Bay Road and Causeway Road and the parcel abuts an arterial or collector road.

Multifamily development was originally prohibited entirely from the D-2 Upland Wetlands zone. The Comprehensive Land Use Plan (CLUP) adopted in 1976 shows only two permitted residential uses: 1 - Single family detached dwellings and 2 - Duplexes.

The allowance “only in areas within (sic) 400 feet of Periwinkle Way between Tarpon Bay Road and Causeway Road on lots or parcels abutting Periwinkle Way “ was added in 1986 to permit development of a triplex on 2143 Periwinkle Way. The allowance “Multifamily developments for Below Market Rate Housing units are permitted on any parcel when the units are located within 600 feet of Periwinkle Way between Tarpon Bay Road and Causeway Road and the parcel abuts an arterial or collector road” was added to the code in 2002 to permit a below market rate housing development in the D-2 Upland Wetlands zone – Woodhaven at 800 Casa Ybel Road.

Gulf Beach Condo (14 units in one building) received a building permit in approx. September of 1977, subsequent to the adoption of the CLUP that prohibited the use within the D-2 Upland Wetlands Zone. Staff has been unable to locate any documentation that would explain how the use was permitted, for instance, by specific amendment to the CLUP.

Staff has found one other instance where a multifamily building was approved within the D-2 Upland Wetlands Zone without any documentation to explain the approval of the otherwise prohibited use – Sandpiper Beach Condo at 1919 Olde Middle Gulf Drive (27 units in five buildings) constructed in 1979. Four of the buildings are within the D2 Upland Wetlands zone and one is within the E-2 Gulf Beach Ridge Zone. All of the buildings are multifamily buildings (three (3) or more dwelling units in a building).

Gulf Beach Condo was substantially damaged by Hurricane Ian and the building must be demolished. A demolition permit was issued on May 16, 2023; however, the building has not been demolished. The property is currently for sale.

As a nonconforming use in a nonconforming structure, the option to “build back” Gulf Beach Condo in one multifamily building with 14 units will currently expire on December 15, 2025 (expected to be extended to December 15, 2026). The density is conforming and the property is entitled to and could be redeveloped with the same number of units; however, the code requires the units be built as either single-family homes or duplexes. A cluster development of duplex and/or single-family residences could be approved up to 14 dwelling units (similar examples include Victoria Way, Colony Beach Estates or Ferry Landing). A traditional single-family residential subdivision requires minimum lot sizes of 20,000 square feet. The subject property contains approx. 124,320 square feet (2.85 acres), allowing potentially up to six (6) single-family lots.

City Council at the meeting of May 6, 2025, voted to recommend staff to create an exception in the D-2 Upland Wetlands Ecological Zone to allow the use of “multifamily building” on two existing nonconforming use properties (Gulf Beach Condo and Sandpiper Beach Condo). The buildings were permitted, but no authorization for the use appears to have been properly granted. Other exceptions to allow multifamily in the D-2 Upland Wetlands Zone have already been granted by code amendment and the longstanding presence of these uses without detriment to adjacent properties would support allowing the use going forward.

#### **FUNDING SOURCE**

Not applicable.

#### **RECOMMENDATION**

Approve the resolution to recommend that council allows the use of “multifamily building” on two nonconforming use properties (Gulf Beach Condo and Sandpiper Beach Condo).