



## AGENDA MEMORANDUM

*Planning Department*

**Planning Commission Date: December 12, 2023**  
**Agenda Item: 8.a.**

**To:** Planning Commission  
**From:** Paula N. C. McMichael, AICP, Planning Director  
**Date:** December 6, 2023

### **SUBJECT**

#### **Review priorities for land development code amendments for 2024.**

The Land Development Code Review Subcommittee met November 28, 2023, to provide its annual review of the Sanibel Code. Staff presented a list of priorities for land development code amendments for the coming year. Following discussion among committee members, the committee directed that staff reevaluate the listed priorities based on committee discussion and bring the list back to the Planning Commission for approval. See below for the revised list.

#### **2024 Proposed Priorities**

<b>Section of Code</b>	<b>Comment</b>	<b>Staff Lead</b>
<b><i>First Level Priorities</i></b>		
Sec. 126-1361 et seq.	Nonresidential parking standards	Craig
Sec. 126-637. Development and redevelopment regulations.	Height limitations in the resort housing district	Paula
Sec. 78-1 and others	Open bodies of water	Kim
Correct Scrivener Errors identified in 2015	Identified in memo dated October 27, 2015	Paula w/city clerk
<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	Kim
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

<b>Section of Code</b>	<b>Comment</b>	<b>Staff Lead</b>
Sec. 82-422. Scheduling and notice.	Legal notice no longer required to be in a newspaper (§50.011 F.S.)	Paula w/ Aaron
Sec. 86-169. Architectural design standards and examples.	Flat roof and resort recreational open space.	Kim
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 w/ Aaron
<b><i>Not current priorities</i></b>		
Sec. 82-382. Filing procedure.	What constitutes a “complete application” for development permit	N/A
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
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.	N/A
Sec. 126-1027. Maximum street frontage for a commercial unit.	Review in light of redevelopment.	N/A
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	No corresponding requirements in the land development code.	N/A

Section of Code	Comment	Staff Lead
Management District and the Army Corps of Engineers.		
Cross references of the term “substantial improvement” between Chapter 94, Chapter 122, and Chapter 126.	Substantial improvement (50% rule) is used as the triggering mechanism for compliance with several sections of code unrelated to building.	N/A
Incorporate Resolution No. 98-100, Subdivision improvement construction requirements, into the Sanibel Code.	Site design requirements that are outside of the land development code.	N/A

### **RECOMMENDED ACTION**

The planning commission should confirm the priorities for code amendments for the coming year.