

**CITY OF SANIBEL
ORDINANCE 23-XXX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO AMEND THE CODE OF ORDINANCES RELATING TO ARCHITECTURAL DESIGN REQUIREMENTS FOR COMMERCIAL AND INSTITUTIONAL DEVELOPMENT TO ADD DEFINITIONS, CLARIFY REGULATORY LANGUAGE AND PROVIDE DESIGN STANDARDS FOR ELEVATED STRUCTURES TO ENSURE THAT REDEVELOPMENT WILL BE CONDUCTED CONSISTENT WITH ISLAND STYLE CHARACTER AND SCENIC PRESERVATION WITHIN THE BUILT ENVIRONMENT; AMENDING SUBPART B LAND DEVELOPMENT CODE, CHAPTER 126 - ZONING, ARTICLE VIII. – COMMERCIAL DISTRICTS, DIVISION 2. – GC GENERAL COMMERCIAL DISTRICT, SECTION 126-494. – REQUIRED CONDITIONS; DIVISION 3. – TCG TOWN CENTER GENERAL COMMERCIAL DISTRICT, SECTION 126-514. – REQUIRED CONDITIONS; AND DIVISION 4. – TCL TOWN CENTER LIMITED COMMERCIAL DISTRICT, SECTION 126-534. – REQUIRED CONDITIONS; AND ARTICLE XIV. – SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 5. – COMMERCIAL AND INSTITUTIONAL USES GENERALLY, SECTION 126-1028. – ARCHITECTURAL DESIGN STANDARDS AND EXAMPLES; FOR THE PURPOSE OF AMENDING LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, many commercial and institutional developments sustained substantial damage or were destroyed by Hurricane Ian; and

WHEREAS, City Council directed staff to review the existing development regulations affecting commercial and institutional development to aid redevelopment in a manner consistent with the Sanibel Plan; and

WHEREAS, the Planning Commission held a legally and properly advertised public hearing on January 9, 2023, on specific proposed Amendments to the Land Development Code; and

WHEREAS, the Planning Commission heard and considered comments and recommendations from the Planning Department Staff and public; and

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

WHEREAS, the Planning Commission found the proposed amendments to the Land Development Code as indicated below are consistent with the Sanibel Plan and meet the requirements of LDC Section 82-241, and recommended by a vote of 6 to 0 that the City Council adopt said amendments in the form of an ordinance, the substance of which follows below.

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, , are hereby amended with ~~strike through~~ language indicating deletions and underlined language indicating additions as follows:

Chapter 126 – Zoning

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ARTICLE VIII. – COMMERCIAL DISTRICTS

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DIVISION 2. – GC GENERAL COMMERCIAL DISTRICT

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Sec. 126-494. Required conditions.

- (a) Maximum floor area ratio. The maximum floor area ratio for parcels in the GC general commercial district shall be ten percent.
- (b) Height. The height of the principal structure in the GC general commercial district shall not exceed 45 feet above mean sea level. In any structure, commercial floor area ~~shall be limited to~~ is permitted in the lowest story either below base flood elevation (and floodproofed) or elevated to or above the base flood elevation. ~~However, t~~Two stories may be used for commercial floor area, provided that the following criteria are met:
 - (1) No more than 40 percent of the commercial floor area in the structure is on the second story.
 - (2) The second story is to be completely ~~within~~ under the roof of the structure.
 - ~~(3) The main roof of the structure is limited to a maximum pitch of ten vertical on 12 horizontal and must extend down to the ceiling of the first floor.~~
 - ~~(4) Dormers shall be limited in number and size to that necessary to provide adequate air circulation to the second story.~~
 - ~~(5) The access to the second story of the structure is permitted only by means of an interior connection to the first floor.~~
- (c) Front yard setback. For principal structures in the GC general commercial district there shall be a front yard setback of not less than 100 feet from the centerline of minor arterial or collector roads and 50 feet from the centerline of any other street, except where a special setback is imposed, as set forth in article XIV, division 3, subdivision II of this chapter, and except that such applicable setback shall not be less than 20 feet from any open body of water.
- (d) Side and rear yard setbacks. For principal structures in the GC general commercial district there shall be side yard setbacks of 25 feet each for parcels with more than 125 feet of road frontage and of 15 feet each for parcels with 125 feet or less of road frontage, and there shall be a rear yard setback of 20 feet. All structures in the GC general commercial district shall be set back a minimum of 20 feet from open bodies of water.
- (e) Coverage. The maximum land area to be covered with impermeable surfaces in the GC general commercial district shall not exceed 45 percent of the lot area, but see also section 126-977.
- (f) Developed area and vegetation removal. The maximum land area to be used as developed area and the maximum land area to be cleared of vegetation in the GC general commercial district shall not exceed 50 percent of the gross area of any parcel.
- (g) Environmental performance standards. Except as may be specified to the contrary in divisions 2 through 5 of this article, commercial development of any parcel in the GC

general commercial district shall comply with the environmental performance standards set forth in section 126-653 and article XIII, divisions 2 through 7, of this chapter for the applicable ecological zones designated on the zoning map of the city.

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DIVISION 3. TCG TOWN CENTER GENERAL COMMERCIAL DISTRICT

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Sec. 126-514. Required conditions.

- (a) Maximum floor area ratio. The maximum floor area ratio for parcels in the TCG town center general commercial district shall be 12 percent.
- (b) Height. The height of the principal structure in the TCG town center general commercial district shall not exceed 45 feet above mean sea level. In any structure in the TCG town center general commercial district, commercial floor area ~~shall be limited to~~ is permitted in the lowest story either below base flood elevation (and floodproofed) or elevated to or above the base flood elevation. ~~However, t~~Two stories may be used for commercial floor area, provided that the following criteria are met:
 - (1) No more than 40 percent of the commercial floor area in the structure is on the second story.
 - (2) The second story is to be completely ~~within~~ under the roof of the structure.
 - (3) ~~The main roof of the structure is limited to a maximum pitch of ten vertical on 12 horizontal and must extend down to the ceiling of the first floor.~~
 - (4) ~~Dormers shall be limited in number and size to that necessary to provide adequate air circulation to the second story.~~
 - (5) ~~The access to the second story of the structure is permitted only by means of an interior connection to the first floor.~~
- (c) Front yard setback. For principal structures in the TCG town center general commercial district there shall be a front yard setback of not less than 100 feet from the centerline of minor arterial or collector roads and 50 feet from the centerline of any other street, except where a special setback is imposed, as set forth in article XIV, division 3, subdivision II of this chapter, and except that such applicable setback shall not be less than 20 feet from any open body of water.
- (d) Side and rear yard setbacks. For principal structures in the TCG town center general commercial district there shall be side yard setbacks of 25 feet each for parcels with more than 125 feet of road frontage and of 15 feet each for parcels with 125 feet or less of road frontage, and there shall be a rear yard setback of 20 feet. All structures in the TCG town center general commercial district shall be set back a minimum of 20 feet from open bodies of water.
- (e) Coverage. The maximum land area to be covered with impermeable surface in the TCG town center general commercial district shall not exceed 45 percent of the lot area, but see also section 126-977.
- (f) Developed area and vegetation removal. The maximum land area to be used as developed area and the maximum land area to be cleared of vegetation in the TCG town center general commercial district shall not exceed 50 percent of the gross area of any parcel.

- (g) Environmental performance standards. Except as may be specified to the contrary in this article, commercial development of any parcel in the TCG town center general commercial district shall comply with the environmental performance standards set forth in section 126-653 and article XIII, divisions 2 through 7 of this chapter for the applicable ecological zone designated on the zoning map of the city.

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DIVISION R. – TCL TOWN CENTER LIMITED COMMERCIAL DISTRICT

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Sec. 126-534. Required conditions.

- (a) Maximum floor area ratio. The maximum floor area ratio for parcels in the TCL town center limited commercial district shall be 12 percent.
- (b) Height. The height of the principal structure in the TCL town center limited commercial district shall not exceed 45 feet above mean sea level. In any structure in the TCL town center limited commercial district, commercial floor area ~~shall be limited to~~ is permitted in the lowest story either below base flood elevation (and floodproofed) or elevated to or above the base flood elevation. ~~However, t~~ Two stories may be used for commercial floor area, provided that the following criteria are met:
- (1) No more than 40 percent of the commercial floor area in the structure is on the second story.
 - (2) The second story is to be completely ~~within~~ under the roof of the structure.
 - (3) ~~The main roof of the structure is limited to a maximum pitch of ten vertical on 12 horizontal and must extend down to the ceiling of the first floor.~~
 - (4) ~~Dormers shall be limited in number and size to that necessary to provide adequate air circulation to the second story.~~
 - (5) ~~The access to the second story of the structure is permitted only by means of an interior connection to the first floor.~~
- (c) Front yard setback. For principal structures in the TCL town center limited commercial district there shall be a front yard setback of not less than 100 feet from the centerline of minor arterial or collector roads and 50 feet from the centerline of any other street, except where a special setback is imposed, as set forth in article XIV, division 3, subdivision II of this chapter, and except that such applicable setback shall not be less than 20 feet from any open body of water.
- (d) Side and rear yard setbacks. For principal structures in the TCL town center limited commercial district there shall be side yard setbacks of 25 feet each for parcels with more than 125 feet of road frontage and of 15 feet each for parcels with 125 feet or less of road frontage, and there shall be a rear yard setback of 20 feet. All structures shall be set back a minimum of 20 feet from open bodies of water.
- (e) Coverage. The maximum land area to be covered with impermeable surfaces in the TCL town center limited commercial district shall not exceed 45 percent of the lot area, but see also section 126-977.
- (f) Developed area and vegetation removal. Maximum land area to be used as developed area and the maximum land area to be cleared of vegetation in the TCL town center limited commercial district shall not exceed 50 percent of the gross area of any parcel.
- (g) Environmental performance standards. Except as may be specified to the contrary in this article, commercial development of any parcel in the TCL town center limited commercial district shall comply with the environmental performance standards set

forth in section 126-653 and article XIII, divisions 2 through 7, of this chapter for the applicable ecological zone designated on the zoning map of the city.

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ARTICLE XIV. – SUPPLEMENTAL DISTRICT REGULATIONS

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DIVISION 5. – Commercial and Institutional Uses Generally

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Sec. 126-1028. Architectural design standards and examples.

- (a) *Intent.* It is the intent of these architectural standards and examples to ensure that all structures devoted to commercial and institutional uses are designed, constructed, maintained, and improved in a manner that enhances the environment, visual and physical character of Sanibel consistent with the Sanibel Plan and its vision statement. (See also § 86-43(b) applicable to the appearance, size and mass of all buildings and structures.)
- (b) *Application.* The architectural standards and examples in this section shall apply to all new commercial and institutional buildings, whether the buildings are new development or redevelopment of existing commercial or institutional floor area within or outside of the commercial district and to nonconforming commercial uses located outside of the commercial district. These architectural standards shall also apply to an existing commercial or institutional building that is adding, or redeveloping, more than 25 percent of the commercial or institutional floor area of that building. To the extent practicable, these standards will apply to major improvements to the exterior of existing commercial or institutional use buildings that involve replacement or relocation of windows, entryways, walkways, and elements of the building's facade, provided that, the improvement exceeds normal repair and maintenance. These standards do not apply to interior renovations that do not affect the external appearance of the building.
- (c) *Recognition of Sanibel's "Island Style".* While there is a diversity of building styles represented among the structures within City of Sanibel, some building styles more successfully represent the "community aesthetic" or what could be thought of as Sanibel's "Island Style". ~~In the development of architectural standards and examples for the GC, TCG and TCL commercial districts, it was determined that four subcategories, or sub-styles, together contribute to Sanibel's "Island Style". These have been identified as Old Florida, Island Eclectic, Island Contemporary and Caribbean Island Leisure. These architectural styles are equally applicable as standards and examples for development and redevelopment throughout the city's commercial districts.~~

~~Conformance with specific architectural styles is not required by Sanibel's Land Development Code. However, the four subcategories are illustrative of the overall characteristics that are considered compatible with the term "Island Style", and form the basis for the illustrations of the architectural standards and examples are included in section 86-170. In keeping with the island's "rural" character, the buildings are typically smaller in stature and understated in design.~~

Old Florida. Florida "cracker" style, a vernacular architecture typified by a wood-frame house, lap siding, metal seam or shake roofs with exposed trusses, large overhangs and porches incorporated into the design.

Island Eclectic. Similar to “Old Florida” architecture in form and materials with design embellishments that contribute to a casual or off-beat aesthetic, often incorporating coastal themes in its design motif.

Island Contemporary. Also, similar to “Old Florida” architecture in its execution of form, using overhangs, porches, and balconies to establish functional intermediate spaces. However, this substyle is distinguished by its use of contemporary materials such as “board and batten”, concrete or stucco siding, tile or metal (including copper) roof material.

Island Leisure. Style that is typified by A-frame construction and steep peaks, or use of Skillion and Lean-to style roofs, with wood shake or thatched roof material. Building scale is residential in nature and incorporates porches and balconies.

An attribute of all of these styles is their compatibility with issues of "sustainability" or "green architecture". For example, pronounced roof overhangs shade walls and the open spaces below, providing natural cooling; sloped roofs can accommodate a natural ventilation space between the hot sun and living spaces below; and light-colored roofs reflect the sun's heat. When these building elements are combined with native plant species for landscaping, buildings and nature co-exist in harmony.

Except for reconstruction pursuant to post-disaster build-back (Chapter 126, Article V, Division 5), all new construction or redevelopment shall demonstrate features consistent with one of the four substyles of “Island Style” architecture, including green building features.

- (d) *Architectural design standards.* Compliance with the following standards is mandatory:
- (1) Commercial or institutional buildings shall be designed to appear as a group of buildings that vary in scale and size.
 - (2) Commercial or institutional buildings shall not appear monolithic, (unadorned walls and roof planes lacking articulation).
 - (3) Commercial or institutional buildings shall have architectural features and patterns that provide: Visual interest from the perspective of the pedestrian, bicyclist, and motorist; appear to reduce building mass; and recognize and respect local character and site conditions.
 - (4) Facades, horizontal and vertical. Large facades shall be broken up to present a more human scale, particularly to the public's right-of-way and beach views and the view of nearby residential uses.

Where it can be clearly demonstrated that both the horizontal and vertical screen and wall planes of a building's façade cannot be viewed from adjacent conservation lands, public rights-of-way, roadways, or beaches or other surrounding land uses, compliance with the articulation standards of subsection (d)(4)a. of this section is considered optional and not mandatory not required.

~~Large facades, both horizontal and vertical, shall be broken up to present a more human scale, particularly to the public's right-of-way and beach views and the view of nearby residential uses. The following provides a basis for general standards:~~

- ~~a. Facades shall be designed to reduce the mass/scale and uniform monolithic appearance of large unadorned walls. No building's horizontal wall or screen plane shall exceed 60 feet and no vertical wall or screen plane shall exceed 20 feet unless it can be demonstrated that the articulation requirements of subsection 4.b. below, can be met.~~

~~ba.~~ Articulation of facades and roofs shall be used to vary a building's mass, in height and width, so that it appears to be divided into distinct elements and details. To ~~help~~ achieve this standard each:

1. Horizontal wall or screen planes in excess of 60 feet shall have an off-set with a minimum depth of six feet and a minimum to maximum length of 15 feet and 30 feet, respectively;

2. Vertical wall or screen plane for buildings with two or more floors shall provide for the projection of architectural features such as balconies, porches, walkways, sunshades, trellises, roof overhangs, canopies or protruding or recessed openings for every vertical floor. ~~In addition, such projections of the façade shall have~~ with a minimum depth of 3-½ feet and a minimum length equal to 50 percent of the width of the horizontal wall plane from which they project;

3. Horizontal roof plane shall not exceed 70 feet in length; and in addition, the roof shall be sloped at a minimum pitch of 4:12 unless the pitch of the new roof is intended to match an existing roof pitch that is less than 4:12;

~~Area of a building devoted to a flat roof shall not exceed 25 percent of the building's total roof perimeter; and~~

4. Facades shall provide, through the use of detail and scale, visual interest that is consistent with the character of the community.

~~c. Where it can be clearly demonstrated that both the horizontal and vertical screen and wall planes of a building's façade cannot be viewed off site from adjacent conservation lands, public rights of way, beaches or other surrounding land uses; compliance with the articulation standards of subsection (d)(4)b. of this section is considered optional and not mandatory.~~

(5) Building entryways and windows. Such shall be located so as not to permit noise, light and other impacts on the quiet and private enjoyment of adjacent residential uses.

(6) Roofs and rooftop equipment.

a. No portion of a roof's perimeter visible from public or common space (including parking areas) shall be devoted to a flat roof. Examples of roof types that achieve compliance to this standard include hip, gable, and mansard.

b. All rooftop mechanical equipment protruding from the roof must be screened from adjacent roadways, residential use, public space, parking and common areas (not including service areas) ~~public view~~ by integrating it into a building and roof design, ~~and no roof plane shall exceed 70 feet horizontal.~~

(7) Interior parking.

a. Visual buffer/screen. All interior parking shall be visually screened from public or common space (including parking areas). Native vegetation and living walls are a preferred method consistent with Sanctuary values of the Sanibel Plan.

b. Enclosures. Any wall, panel, or structure used to enclose interior parking areas shall provide visible articulation in design, fenestration, or otherwise provide visual interest by incorporating public art, including murals or statuary.

c. Accessibility. All interior parking areas shall:

1. Be accessible for persons with disabilities; and

2. Incorporate covered entry at all points of pedestrian access to the structure, including use of roof overhangs, porches or awnings; and

3. Provide an interconnectivity path between the structure and shared use path, in cases when the subject property is directly adjacent to the shared use path.

~~(7) City council may adopt and, from time to time, amend the architectural design examples and associated illustrations that are offered to aid in the administration and interpretation of the above standards.~~

- (e) *Architectural design examples.* The graphic examples provided in section 86-170 are intended only as examples to assist property owners and developers in complying with the preceding mandatory standards. None of the individual architectural features described herein are required to be incorporated into new development or redevelopment within or outside of the commercial districts.

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SECTION 3. Codification. The City Manager is hereby authorized and directed to indicate these amendments in future City Code publications.

SECTION 4. Conflict. All ordinances and parts of ordinances in conflict herewith shall be and the same hereby repealed. If any part of this ordinance conflicts with any other part, it shall be severed, and the remainder shall have full force and effect and be liberally construed.

SECTION 5. Severance. If any section, subsection, sentence, clause, phrase or portion of this ordinance, or application hereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion or application hereof.

SECTION 6. Effective date. This Ordinance shall be effective immediately upon adoption.

Attest:

Scotty Lynn Kelly, City Clerk

Holly Smith, Mayor

Approved as to form and legality:

John D. Agnew, City Attorney

Date filed with City Clerk: _____

Vote of Council Members:

Smith _____
Johnson _____
Crater _____
Henshaw _____
Miller _____

First Reading: _____, 2023
Publication Date: _____
Second Reading: _____