



## AGENDA MEMORANDUM

*Planning Department*

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**City Council Meeting Date: February 7, 2023**

**To:** City Council

**From:** Craig Chandler, Planning Supervisor

**Date:** January 5, 2023

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### **CITY COUNCIL INITIATED PROPOSED CONSIDERATION**

At their November 1, 2022, meeting, City Council adopted Resolution 22-056 declaring a zoning in progress directing the review of the standards in the Land Development Code applicable to the Resort Housing District. This crucial period of review seeks to streamline permit processes in anticipation of higher than usual demand for permitting, with consideration of policies and best practices that advance goals and objectives of the Sanibel Plan ahead of an unprecedented and compressed phase of redevelopment.

### **PLANNING COMMISSION RECOMMENDATION**

Staff presented its review and recommended amendments to standards related to the Resort Housing District including off-street parking, associated land uses and permit processes. Ensuing discussion with Commission allowed staff to reiterate the near-term advantages of a reduced minimum parking requirement, as it relates to multi-family condo and resort redevelopment – reduction of redevelopment cost, improvements to stormwater drainage, and opportunities for guest and community amenities including recreation and open space – as well as macro-level considerations such as traffic congestion, urban design, housing affordability, air quality and viability of transportation alternatives, all of which research has found minimum parking requirements (often excessive) affect negatively.

Additional discussion from Planning Commission focused on the staff-recommended no minimum parking requirement for Below Market Rate Housing (BMRH) units and Residential dwelling units at a mixed-use development. After fielding several questions over its potential viability in the context of BMRH and workforce housing, staff suggested, and Planning Commission concurred, that further discussion over parking requirements for BMRH and Dwelling units at mixed use development would be best if described alongside Zoning-In-Progress review of mixed-use and Town Center Commercial District standards at a subsequent meeting.

Planning Commission took public comment from two individuals. Staff addressed a question from Commissioner DeBruce to a member of the public, regarding inference that amending minimum parking requirements would inhibit regulation of intensity of use resulting in increased traffic counts and congestion, as necessary to correct the record. Staff reiterated that research finds excessive parking, in fact, had been linked to more vehicle trips and worse traffic congestion.

Planning Commission voted 7-0 to recommend approval of the proposed amendments (minus the standard for BMRH and mixed use) including two addendums provided by staff – to retain a minimum parking requirement of two spaces per single-family dwelling unit; and to cross reference a maximum parking condition of 2 spaces per

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resort housing unit, as presented by Kim Ruiz and endorsed by Planning Commission in the discussion of Resort Housing redevelopment standards.

The below background and recommendations presented to Planning Commission have been revised to reflect the changes described above.

## BACKGROUND

The specific amendments recommended by this memorandum pertain to off-street parking requirements and land use within the Resort Housing District. For this meeting, staff prioritized codes that influence redevelopment and reconstruction in the Resort Housing District, which endured the worst damages resulting from Hurricane Ian. Staff completed research and analysis for a broader conversation regarding off-street parking requirements with a focus on commercial and institutional uses in anticipation of redevelopment in the city's commercial districts, which will occur at another time.

Land Development Code Section 126-1341 provides a table with four land use categories and corresponding minimum off-street parking requirements (*italicized, see below*).

<i>Use</i>	<i>Required Parking Spaces</i>
<i>Single-family dwellings and duplexes</i>	<i>2 for each dwelling unit.</i>
<i>Multifamily developments of no more than 20 dwelling units, except resort housing</i>	<i>2 for each dwelling unit.</i>
<i>Dwellings Multifamily development of more than 20 dwelling units, except resort housing</i>	<i>10, plus 1.5 for each dwelling unit.</i>
<i>Multifamily resort housing developments</i>	<i>1.5 for each dwelling unit.</i>

These standards were adopted along with Ordinance 85-26 alongside many others (the ordinance is 335 pages long). Staff presently has limited ability to conduct research into the origin of these standards. However, the standards are not likely to have been sourced by the ITE handbook, whose first edition was not published until 1985. More likely, these standards were a product of duplicating standards of another municipality.

Five surveys conducted by Planning Advisory Service (PAS) since 1964 suggest two main features of planning for parking. First, parking requirements are often copied from other cities. Second, they are often based on scant evidence – or none at all (*The High Cost of Free Parking*, 2005). Richard Willson (California Polytechnic University Pomona professor) surveyed planning directors and senior planners, and asked What sources of information do you normally use to set minimum parking requirements? Forty-five percent of respondents ranked “Survey nearby cities” as most important, and “Institute of Transportation Engineers handbooks” came in second place at 15 percent (*The High Cost of Free Parking*, 2005).

The seminal book by Dr. Donald Shoup, *The High Cost of Free Parking*, published in 2005 by the American Planning Association, took a methodical approach, using statistical analysis to deconstructing minimum parking requirements, which have been the status quo among American cities since the 1930s. For this work, Dr. Shoup, who is regarded as the “*Godfather of Parking*”, earned a National Planning Excellence Award for a Planning Pioneer in 2015.

What the book found, essentially, is cities have been over-zealous with their parking policies with little (statistically significant) evidence to defend them. These policies place high costs on developers, which are passed down to consumers and residents, thus making housing (for example) inherently less affordable, while burdening site design, increasing vehicle trips (i.e. congestion), and discouraging transportation alternatives. All for a sum of vehicle spaces in parking lots that are rarely, if ever, fully occupied. Not to mention the opportunity cost of providing other valuable community amenities, including recreation and open space. The outcome is a built environment that is “auto-urban”.

Planners also struggle to explain the differences between requirements of similar land uses. Consider this: Why does a multi-family development less than 20 units presume car ownership of two vehicles per unit, whereas multi-family development greater than 20 units presumes car ownership of 1.5 vehicles per unit with an additional ten spaces required for the development? These prescriptions are misleadingly precise and, as a rule of thumb, regulators should not administer regulations they do not understand.

The Sanibel Plan has several objectives, policies, and notable references to off-street parking:

- Ultimately the City will look for opportunities to reduce the amount of land area devoted to streets, roads and parking areas for private motor vehicles. (Transportation element, page 102)
- The parking strategies of the Sanibel Plan are to ensure the provision of adequate on-site and off-site parking for existing and future land uses, in a manner that promotes transportation goals and objectives of the Sanibel Plan. (Objective 3, page 110)
- Continue to provide adequate on-site or off-site parking for the support of existing and future land uses. (Policy 3.1, page 110)
- The amount of parking, public and private, will not overwhelm the resources of individual sites and land uses and will not overwhelm the human-made and natural resources of the City. (Policy 3.4, page 110)

The proposed amendments will effectively consolidate off-street parking land use categories to two. The existing standard for single-family use is proposed to remain at 2 spaces per unit. However, duplex, residential cluster housing, and multifamily (including resort housing use) is reduced to 1 space per unit as a minimum requirement. The proposed amendment would not be prohibitive of an applicant providing more than the minimum standard, although a maximum parking standard of 2 spaces per unit is applicable for developments within the Resort Housing District. Other development regulations such as setbacks, developed area and coverage limitations may provide indirect controls over the maximum supply.

Staff finds the proposed amendments consistent with Transportation Element Objective 3 and Policy 3.1, provided above. Furthermore, staff finds the proposed amendment achieves more consistency than existing standards with Transportation Element Policy 3.4 and the Sanibel Plan, generally, which also states that “auto-urban” development influences shall be avoided.

An additional Land Development Code standard reviewed by staff in the context of off-street parking requirements and Resort Housing District redevelopment and reconstruction is Section 126-83 – Resort housing accessory commercial uses. This section contains specific conditions associated with the described use, which is considered a conditional use that may be authorized by Planning Commission (italicized, see below).

*Sec. 126-83. - Resort housing accessory commercial uses.*

*Resort housing accessory commercial uses shall be permitted as a conditional use subject to the following conditions set forth in this section:*

- (1) The development must contain 25 or more dwelling units.*
- (2) Access to the accessory use shall only be from within the development and not from any abutting street or public way.*
- (3) All of the dwelling units in the development must either be under common ownership or be approved under one development permit which unites the lands upon which the dwelling units and accessory use are located as a single lot and as to which effective restrictive covenants are recorded on the public records of the county which perpetuate the right of dwelling unit owners, tenants and guests to use such accessory commercial use.*
- (4) Resort housing accessory commercial uses must either be limited to the exclusive use of the owners, tenants and guests of the resort housing dwelling units or else provide additional parking on the site equivalent to one-half the number of parking spaces which would be required of a similar commercial use in a commercial district.*
- (5) The resort housing accessory commercial use may be no larger than the applicant can demonstrate is reasonably necessary to serve the needs of the owners, tenants and guests of the resort housing dwelling units.*
- (6) Resort housing accessory commercial uses shall be limited to restaurants, recreational lessons and nonmotorized equipment rentals, retail sales of recreational equipment (other than vehicles, boats, and motorized equipment) used in conjunction with activities available on the site, retail sales of food items and sundries (utilizing no more than 200 square feet of floor area for any resort housing development, restricted real estate sales and rental offices and vending machines).*
- (7) In the case of real estate sales and rental offices, use shall be restricted to sale and rental of whole ownership and timeshare units located on the site, and not for off-site sales and rentals. In addition, the following restrictions shall apply:*
  - a. Hours of operation shall be limited to 9:00 a.m. to 6:00 p.m. daily.*
  - b. No additional on-site parking shall be required.*
  - c. Permanent street graphics and temporary "open house" signs advertising the sales activity are expressly prohibited.*
  - d. A fully executed resolution from the board of directors of the respective condominium association or other governing body setting forth the consent and authority for the establishment of the on-site sales and rental office shall be submitted with an application for the conditional use.*
  - e. Only one on-site sales or rental office may be authorized for each separate resort use.*
  - f. The for sale inventory shall consist of a minimum annual average of five percent of the total number of whole ownership or timeshare units at a given resort property in order to continue the sales office use. The respective board of directors shall provide to the city an annual accounting of the for sale inventory, with the year commencing on the date a development permit is issued for the use.*
  - g. The use must be conducted within a completely enclosed building.*
- (8) No rental of bicycles or other human-powered vehicles which exceed 36 inches total width shall be permitted.*
- (9) Reserved.*

The section serves as a narrow mixed-use provision in the resort housing district for restaurants, recreational lessons, nonmotorized equipment rentals, retail sales of recreational equipment, limited real estate sales, and vending machines. Two of these uses, restaurant and nonmotorized vehicle rental, are classified as conditional uses regardless of location.

Notwithstanding analysis of the validity of these specific conditions, staff finds these provisions would be just as effective if removed from conditional uses and placed alongside standards within Article XII – Resort Housing District. Such an amendment would streamline permitting and fees associated with the establishment of these accessory uses.

A review of the specific conditions found that several of the standards are challenging to evaluate in an application and some of the standards have not been consistently enforced or administered. This memorandum, however, will only address those conditions associated with off-street parking.

Subsection (4) provides a condition that requires at least half of spaces required by Section 126-1361 are provided if the use is available to the general public. This provision has proved challenging to enforce and the necessity of this standard is questionable in the context of another provision stated in the general conditions for conditional uses, Section 126-82(6)(f), which provides:

*f. Off-street parking. Sufficient off-street parking, for bicycles and other vehicles as well as cars, shall be provided. **The specific requirements of this Land Development Code shall be used as a guide only.** Parking areas shall be constructed in accordance with such standards as are approved by the planning commission to ensure that they are safe and maintainable and that they allow for sufficient privacy for adjoining uses.*

## RECOMMENDATION

Staff finds the proposed amendments to be consistent with Sanibel Plan goals, objectives, and policies, as well as the overarching Vision Statement for this community. Additionally, staff finds that these amendments will effectively adopt best planning practices that streamline the permitting process for redevelopment and reconstruction in the Resort Housing District as directed by City Council 22-056.

Planning staff recommends that City Council move to adopt the proposed amendments to Section 126-1341, Section 126-83 and Article XII – Resort Housing District, as proposed by staff and described by Ordinance 23-005.