

# What to do about aging structures in our resort district?

By Larry Schopp, Board Member  
Committee of the Islands

The City is now actively engaged in addressing an issue whose time has come: What to do about aging structures in the Resort Housing District -- condominiums, hotels and motels?

One might ask: What's the problem? Why not just improve or replace them as needed?

The answer: Because most of them are non-conforming. And, without some kind of accommodation by the City, rebuilding them -- or making major improvements -- would often require that they be replaced with structures that have fewer units, in line with current codes. This would likely result in economic loss that acts as a disincentive to replace or improve aging buildings.

Many island structures, including many in the Resort Housing District, predate Sanibel's incorporation as a city. They were built or had permits issued before the Sanibel Plan and Land Development Code were adopted. As one would expect, many exceed current residential density limits or other land use regulations. For this reason, they are classified as "nonconforming structures"-- legal when built and entitled to exist, but not eligible for redevelopment. As these structures age, the question the City faces is what is to become of them. There are two choices -- gradual deterioration (in appearance, functionality and safety) or redevelopment consistent with community standards.

## **Sanibel Plan offers insight**

Section 1.3 of the Sanibel Plan offers insight but no real roadmap to a solution. It states:

*"Redevelopment is a process that is more difficult than initial development. The City of Sanibel will need to be more flexible and imaginative with respect to ... principles of building and site design. This flexibility should not be a lessening of standards. Rather, it should open up new routes to attaining those standards, which ensure that the harmony, general atmosphere and character of the community are retained."*

One might ask: Didn't the City address all these issues when it adopted its first post-disaster buildback ordinance? Yes and no. The buildback ordinance was intended to deal with emergency situations -- the potential loss of property to a hurricane or other natural disaster.

With strong support from the Committee of the Islands, the Land Development Code was amended to make it clear that, with very few limitations, nonconforming structures could be rebuilt in their pre-disaster configuration to avoid loss of property after a natural disaster. For example, structures with four habitable floors are now permitted to build back post-disaster above base flood elevation, even though those structures presently exceed the height limitations of both the Sanibel Plan and the Land Development Code. That's because avoidance of hardship is the primary objective.

## **Redevelopment vs. buildback**

Planned redevelopment is different from buildback. It is not driven by duress or hardship, but by a desire

to improve or the prospect of financial gain. The City needs to be flexible in devising a framework for redevelopment, so that owners have an incentive to maintain standards. But owners of nonconforming structures should not be permitted to redevelop with the same allowances granted to buildback driven by natural disasters and hardship. For example, in a planned redevelopment scenario, owners of four-story structures might be permitted to modernize their properties, but not to replace them at current nonconforming heights.

Normally the Planning Commission would be expected to develop proposals on redevelopment, which would be presented to City Council for adoption, modification or perhaps rejection. The Commission has instead, in this instance, asked Council for a guidance document that will enable it to focus on the issue within approved parameters. That makes sense and should streamline the whole process.

Council, with assistance from the Planning Department, recently completed work on just such a guidance document and referred it to the Planning Commission, which has already begun its deliberations. We think the process is on the right track, and as it moves forward, we will comment further on the issues involved and the choices before the City.

Public input on resort redevelopment is important to the City. There is ample time for you to become informed and make your feelings known to those in city government. There is an opportunity for public comment before important decisions are made at both City Council and the Planning Commission. Meeting times are posted on the internet and in the newspapers -- usually Tuesday mornings at 9:00 A.M.

The Committee of the Islands also invites your comments and ideas on this important subject. You can email us at [coti@cot.org](mailto:coti@cot.org) and/or check our website at [coti.org](http://coti.org).

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