

## **Resort Redevelopment: The Ball Is Back In Council's Court**

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After rejecting a basic overhaul of Section 86 - 43 of the Land Development Code which the planning commission had spent a year and a half developing, the city council seemed determined to prevent a similar outcome last spring when it asked the commission tackle the thorny issue of redevelopment in the Resort Housing District.

### **Key Ingredients**

Council members agreed unanimously on a set of guidelines, or so called "Key Ingredients" for redevelopment to help insure that in the end they and the commission were on the same page. Some might say that council was treading on the commission's turf, but council is, after all, the policy making body on the island and has the final say. Isn't it better to have the policy choices made clear before work begins than to waste everyone's time spinning wheels?

In developing its Key Ingredients, council's primary policy determination was that it was vital to the city's economy to maintain a viable block of daily and weekly short-term rental units on Sanibel. As an incentive to this end it took the position, which Committee of the Islands supported, that resort owners should be allowed to redevelop their properties to current non-conforming density as long as they maintained short-term rentals and did not increase habitable square footage. So that issue, except for the task of developing appropriate language, was taken off the table as the commission began its work.

### **Planning Commission's Role**

Otherwise, the council told the commissioners to come up with a workable plan to facilitate redevelopment of aging or deteriorating structures in the District within the existing confines of the Sanibel Plan and the Key Ingredients. That meant no relaxation of building height limitations, lot coverage or setbacks - a tall order given that many, if not most, of the affected properties predated both the Plan and the Code.

Now, a year later, the meetings are over and the commission's work is completed. The process worked as it should. And although not everyone was completely satisfied, the process was fair and open. Affected property owners and others interested in the outcome had the opportunity to present their views and influence the outcome. Many did so.

### **A Nuanced Approach**

As I read the ordinance I was struck by the fact that it's not all new. Refinements were made within the existing regulatory framework. Other than the major new sections which would permit redevelopment of resort properties to existing density, much of the change is fairly nuanced. There's a clear statement of purpose, there are clearer definitions of terms like redevelopment and rehabilitation and a clearer pathway to resort modernization. The ability to modernize means a lot to condominium owners (as

contrasted to single owner resorts) who are not likely to opt for full scale, ground - up redevelopment. That's because the complex rules and super majorities that govern condominium decision making make that impractical. Modernization is a simpler, less costly alternative to redevelopment for condominiums.

### **Variations From The Script**

In all but two minor particulars, the commissioners were able to follow the script written by the council as they developed their legislative proposal. In such instances, following the script to the letter would have been either impracticable or counterproductive to council's broad goal of retaining a viable block of short term rentals. In those cases the commissioners varied just enough to achieve a workable plan, but didn't go too far.

One minor and necessary variation would make it possible for property owners to redevelop without exceeding building height limits by the simple measure of taking into account evolving state and federal definitions of "base flood" level.

The other script change had to do with swimming pools and accessory structures in the Gulf Beach Zone. Resort owners made a strong case for reconstruction of those structures within the footprint of the existing pool and deck area, but the Key Ingredients and Sanibel Plan say "no." The commissions labored over this and finally gave a qualified approval, but only if the owner could demonstrate, at a hearing, that there was no feasible alternate site available. Even if the council accepts the commission's approach, however, resort owners will still have to deal with state regulators who have their own set of rules on the subject.

### **Back In Council's Court**

Where then do we go from here? The planning commission has listened to the public, considered the council's broad goals and sent council a draft ordinance which meets its requirements in all major respects. The ball is now back in the council's court. Let's see how they handle it.

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