CITY OF SANIBEL
DRAFT PLANNING COMMISSION RESOLUTION 25-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANIBEL, FLORIDA, RECOMMENDING THAT CITY COUNCIL ADOPT AN ORDINANCE AMENDING THE CODE OF ORDINANCES TO AMEND THE LIST OF PERMITTED USES IN THE D-2 UPLAND WETLANDS ECOLOGICAL ZONE TO PERMIT EXISTING MULTIFAMILY BUILDINGS TO REMAIN; AMENDING SUBPART B, LAND DEVELOPMENT CODE; CHAPTER 126, ZONING; ARTICLE VII, RESIDENTIAL DISTRICTS, DIVISION 7, D-2 UPLAND WETLANDS ZONE, SECTION 126-391, PERMITTED USES; FOR THE PURPOSE OF UPDATING THE LAND DEVELOPMENT CODE REGULATIONS.

WHEREAS, the Planning Commission held a legally and properly advertised public hearing on June 10, 2025, at which the Planning Commission heard and considered comments and recommendations from the Planning Staff and the public pertaining to a draft amendment related to amending the list of permitted uses in the D-2 Upland Wetlands Ecological Zone to permit existing multifamily buildings to remain; and

WHEREAS, the Planning Commission finds the proposed amendment to be consistent with the Sanibel Plan as it is consistent with permitted uses established for the Upland Wetlands Ecological zone, which includes limited multifamily in designated areas; and

WHEREAS, the Planning Commission finds the proposed amendment to be consistent with the Sanibel Plan as it relates to the determination of permitted uses also should take into account existing patterns of development, the need to maintain compatibility with existing uses and the desire to retain the character of the community; 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 Land Development Code Section 82-241; and

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission finds the proposed amendments to the Land Development Code attached hereto as Exhibit A, are consistent with the Sanibel Plan, meet the above-referenced requirements, and recommends that the City Council adopt said amendments in the form of an ordinance.

PASSED IN OPEN AND REGULAR SESSION OF THE PLANNING COMMISSION OF THE CITY OF SANIBEL, FLORIDA, THIS 10TH DAY OF JUNE 2025.

Attest:

_____   _____
Scotty Lynn Kelly, City Clerk   Paul Nichols, Chair

Approved as to form and legality:

_____
John D. Agnew, City Attorney

Date filed with City Clerk: _____

Vote of Commission Members:

Nichols	_____
Steiner	_____
Burns	_____
Colter	_____
Schopp	_____
Sergeant	_____
Welch	_____

EXHIBIT A OF RESOLUTION

<div align="right">

Agenda Item
Meeting of

</div>

CITY OF SANIBEL
ORDINANCE 25-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES TO AMEND THE LIST OF PERMITTED USES IN THE D-2 UPLAND WETLANDS ECOLOGICAL ZONE TO PERMIT EXISTING MULTIFAMILY BUILDINGS TO REMAIN; AMENDING SUBPART B, LAND DEVELOPMENT CODE; CHAPTER 126, ZONING; ARTICLE VII, RESIDENTIAL DISTRICTS, DIVISION 7, D-2 UPLAND WETLANDS ZONE, SEFTION 126-391, PERMITTED USES; FOR THE PURPOSE OF UPDATING THE LAND DEVELOPMENT CODE REGULATIONS.

WHEREAS, the Planning Commission held a legally and properly advertised public hearing on June 10, 2025, on specific proposed amendments to the Land Development Code; and

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

WHEREAS, the Planning Commission found the proposed amendments to the LDC as referenced above to be consistent with the Sanibel Plan and meet the requirements of LDC Section 82-241, and recommended by a vote of _ to _ that the City Council adopt said amendments in the form of an ordinance.

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, Chapter 126, is hereby amended with ~~strikethrough~~ language indicating deletions and <u>underlined</u> language indicating additions as follows:

Chapter 126 – ZONING

. . .

ARTICLE VII. – RESIDENTIAL DISTRICTS

. . .

DIVISION 7. – D-2 UPLAND WETLANDS ZONE

Sec. 126-391. – Permitted uses.

(a) *Primary intended uses.* The D-2 upland wetlands zone is designed for single-family dwellings and duplex dwellings in accordance with the requirements set forth in this division. Primary intended uses in the D-2 upland wetlands zone are as follows:
(1) Single-family dwellings.
(2) Duplex dwelling units, but see also chapter 86, article III, division 3.
(3) Residential cluster developments, subject to the provisions of subsection 86-71(a),

but see also chapter 86, article III, division 3.

(4) Multifamily developments, ~~subject to the provisions of subsection 86-71(a)~~ <u>only as allowed by the following:</u>

a. ~~but only in areas~~ within (sic) 400 feet of Periwinkle Way between Tarpon Bay Road and Causeway Road on lots or parcels abutting Periwinkle Way, <u>subject to the provisions of subsection 86-71(a)</u>, but see also chapter 86, article III, division 3.

<u>b.   Multifamily developments for Below Market Rate Housing units are permitted on any parcel when the units are located within 600 feet of Periwinkle Way between Tarpon Bay Road and Causeway Road and the parcel abuts an arterial or collector road.</u>

<u>c. The following developments, permitted following incorporation of the City of Sanibel:</u>

<u>1.   Gulf Beach Condominium, 527 East Gulf Drive</u>

<u>2.   Sandpiper Beach Condominium, 1919 Olde Middle Gulf Drive</u>

(5) Occupancy of a dwelling unit by one family.

(6) Rental of a dwelling unit by one family for periods of no less than four consecutive weeks.

(b) *Other permitted uses.* The following uses are also permitted in the D-2 upland wetlands zone:

(1) Passive recreation, which includes all uses that have a minimum impact on the land and have little or no ecological impact and result in conservation of the area, such as, but not limited to, fishing, shelling, hiking, boating and birding.

(2) Public facilities.