



City of Sanibel

Planning Commission

Planning Department Agenda Memorandum

Planning Commission Meeting Date: November 18, 2025

To: Planning Commission

From: Paula McMichael, AICP, Planning Director

Date: November 12, 2025

SUBJECT: Extend Ordinance 24-018 adopted September 9, 2024 – Waivers to be reviewed administratively

A RESOLUTION RECOMMENDING THAT CITY COUNCIL ADOPT AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 82, ADMINISTRATION, ARTICLE III, PLANNING COMMISSION, DIVISION 3, SPECIFIC AUTHORITY, SUBDIVISION XIII, WAIVERS TO LAWFULLY EXISTING NONCONFORMING STRUCTURES AND PROPERTIES LOCATED IN THE GENERAL, TOWN CENTER GENERAL, AND TOWN CENTER LIMITED COMMERCIAL DISTRICTS, SECTION 82-351, AUTHORIZATION, SUBSECTION (b), EXTENDING THE EXPIRATION DATE AS STATED IN ORDINANCE 24-018 TO DECEMBER 31, 2026, FOR THE PURPOSE OF UPDATING THE LAND DEVELOPMENT CODE REGULATIONS.

PROPOSAL SUMMARY

On October 21, 2025, City Council considered extending the temporary allowances for short-form approval of waivers, which would otherwise expire on December 31, 2025. The resolution as presented would extend the deadline in the code for the sunseting of the provision to December 31, 2026.

BACKGROUND

On June 11, 2024, City Council and the Planning Commission convened a joint workshop to discuss possible amendments to the Sanibel Code to assist redevelopment post disaster. Part of the discussion at the joint workshop was whether there were opportunities to expedite some applications by temporarily allowing staff review rather than requiring planning commission approval. Waivers to Lawfully Existing Nonconforming Structures and Properties Located in the General, Town Center General, and Town Center Limited Commercial Districts was one type of application discussed.

The waiver process was established in 2015, recognizing the importance of encouraging reinvestment in nonconforming commercial properties as a means to reinvigorate the commercial districts. The waiver process was one of the components of the commercial redevelopment study directed by City Council. Sec. 82-351 defines five types of waivers that nonconforming commercial properties can apply for as well as standards for review. The five types of waivers are:

- (1) The design specifications for off-street parking spaces and loading areas;

- (2) The installation, location, numbers, types, size and variety specified for commercial vegetation buffers and landscaping;
- (3) Modifications and improvements to lawfully existing nonconforming parcels of land, buildings or structures, (including the roof or other architectural features of such buildings or structures), that are situated within the minimum front, side or rear yard setbacks for the commercial districts;
- (4) The maximum allowed land area to be either covered with impermeable surfaces or developed for a specific use or cleared of vegetation for nonconforming properties located within the commercial districts; and
- (5) Increase in the number of ingress/egress driveways access to any of the commercially zoned properties that will enhance safety and traffic circulation.

The draft ordinance would extend the allowance that waiver applications could be approved administratively for a limited period of time (through December 31, 2026). All the standards of review would still apply.

RECOMMENDED ACTION: Adopt the resolution that recommends approval of an ordinance amending the Land Development Code for consideration by City Council, to allow for an extension of staff review of waiver applications through December 31, 2026.