



AGENDA MEMORANDUM *Planning Department*

Planning Commission Meeting Date: July 23, 2024

To: Planning Commission
From: Paula McMichael, AICP, Planning Director
Date: July 17, 2024

SUBJECT: Conditional use applications

Consideration of a recommendation to City Council for an ordinance amending the Code of Ordinances to modify the process for approval of conditional use permits following a natural disaster, amending Subpart B Land Development Code, Chapter 82 – Administration, Article III. – Planning Commission, Division 3. Specific Authority, Subdivision V. Conditional Uses, Section 82-201. Authorization, Chapter 126 – Zoning, Article II. Conditional Use Permits, creating a new section, Sec. 126-36, Uses in existence since incorporation, and amending Sec. 126-31. Generally and Sec. 126-82. General requirements, for the purpose of land development code regulations.

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. Conditional use was one type of application discussed.

A conditional use is defined as “a use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use, as contained in the zoning ordinance, and only upon the issuance of an authorization therefor by the planning commission.”

Two types of conditional uses were identified for staff review, based on the number of applications received and the potential impacts of the type of use.

The draft ordinance includes the following changes:

- Two conditional use application types would temporarily be approved as short-form applications (i.e. staff review only). This allowance would automatically sunset in one year, with the ability to be extended by council by resolution.
 - Eating places, restaurants, grocery stores, etc. (Sec. 126-91) – this is a common type of conditional use permit.

Sanibel is and shall remain a barrier island sanctuary

- Formula retail (Sec. 126-102) – a common type of conditional use permit, and when the total commercial floor area used by formula retail stores in all of the city’s commercial districts does not exceed 60,000 sq. ft., the review is straightforward. The formula retail inventory is in the process of being updated. The inventory pre-storm showed approx. 49,900 sq. ft. of formula retail in the commercial districts; post-storm we would anticipate the square footage has decreased.
- Provide an exemption for businesses that have been in existence since the city’s incorporation from obtaining otherwise required conditional use permits, if the need arises from redevelopment post-disaster.
- Amends the general requirements for conditional use applications to presume that conditional uses have no greater traffic impacts than permitted uses.

FUNDING SOURCE: N/A

RECOMMENDED ACTION: Adopt the resolution that recommends approval of an ordinance amending the Land Development Code for consideration by City Council, to amend the application process for conditional uses.