

**CITY OF SANIBEL
ORDINANCE 25-006**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES SUBPART B LAND DEVELOPMENT CODE, CHAPTER 82, ADMINISTRATION, ARTICLE III, PLANNING COMMISSION, DIVISION 3, SPECIFIC AUTHORITY, SUBDIVISION V, CONDITIONAL USES, SECTION 82-201, AUTHORIZATION, TO AID HURRICANE RECOVERY, FOR THE PURPOSE OF UPDATING THE LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning Commission held a legally and properly advertised public hearing on March 25, 2025, on specific proposed amendments to the Land Development Code; and

WHEREAS, the City of Sanibel seeks to expedite certain conditional use permits and amend conditional use application requirements in support of redevelopment while maintaining consistency with the Sanibel Plan and Vision; 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 6 to 1 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, is hereby amended with ~~strike through~~ language indicating deletions and underlined language indicating additions as follows:

Chapter 82 - ADMINISTRATION

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ARTICLE III - PLANNING COMMISSION

...

DIVISION 3 - SPECIFIC AUTHORITY

...

Subdivision V - CONDITIONAL USES

Sec. 82-201. - Authorization.

- (a) The planning commission is hereby authorized to consider applications for approval of conditional uses and to approve such conditional uses when the applicant demonstrates compliance with all requirements and conditions of this Land Development Code.
- (b) In the event of a declared state of local emergency extending beyond six months, conditional uses ~~for eating places, restaurants, grocery stores, etc.,~~ may be approved as short-form applications not requiring approval by the planning commission subject to the following conditions:-
 - (1) The application pertains to one or more of the following uses:
 - a. Eating places, restaurants, grocery stores, etc.;
 - b. Dock, boat davits, boat lifts and mooring pilings;
 - c. Alternative shoreline stabilization project; and
 - d. Seawall as accessory structure waterward of existing seawall.
 - (2) Notice of filing a conditional use permit application will be distributed through the city's email notification service, posted on the city website, and mailed to the property owners of any lands abutting or within a 300-foot radius of the subject property at least 14 days prior to the issuance of a conditional use permit. Additionally, for any of conditional uses detailed in subsection (1)(b) through 1(d) of this section, notice at least 14 days prior to the issuance of a conditional use permit shall also be provided to all property owners on the same canal as the applicant whose navigation to the nearest exit of the open water may be affected by the conditional used proposed. An applicant, resident or business owner within the City of Sanibel may request an application be considered by the Planning Commission consistent with Section 82-204.
 - (3) All other requirements of subdivision V remain applicable, including the ability to attach to the approval such conditions as staff deems necessary to ensure that development and use of the property pursuant to such an approval shall occur only in compliance with all the requirements of this Land Development Code for such conditional use and shall not be detrimental to the public health, welfare, or safety, or to the peaceful and quiet use and enjoyment of adjacent lands or uses. The allowances of this provision will extend to processing and approval of applications received up to 30 days after the termination of the state of local emergency. This provision will automatically sunset on December 31, 2025.

~~Notice of the filing of the application for a conditional use to be approved as a short-form application will be included within planning commission agenda materials, distributed through the city's email notification service, and mailed to the property owners of any lands abutting or within 300 feet of the subject property at least 14 days prior to the issuance of the conditional use permit. All other requirements of subdivision V remain applicable, including the ability to attach to the approval such conditions as staff deems necessary to ensure that development and use of the property pursuant to such approval shall occur only in compliance with all of the requirements of this Land Development Code for such conditional use and shall not be detrimental to the public health, welfare, or safety, or to the peaceful and quiet use and enjoyment of adjacent lands or uses. Appeals to a final decision by staff may be filed pursuant to section 82-98. The allowances of this provision will extend to~~

~~processing and approval of applications received up to 30 days after the termination of the state of local emergency. This provision will automatically sunset on December 31, 2024.~~

SECTION 3. Codification. The City Manager is hereby authorized and directed to indicate these amendments in future City Code publications.

SECTION 4. Conflict. All ordinances and parts of ordinances in conflict herewith shall be and the same hereby repealed. If any part of this ordinance conflicts with any other part, it shall be severed, and the remainder shall have full force and effect and be liberally construed.

SECTION 5. Severance. If any section, subsection, sentence, clause, phrase or portion of this ordinance, or application hereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion or application hereof.

SECTION 6. Effective date. This Ordinance shall be effective immediately upon adoption.

FIRST READING THE 17TH DAY OF APRIL 2025.

ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA THIS 6TH DAY OF MAY 2025.

Attest:

Scotty Lynn Kelly, City Clerk

Mike Miller, Mayor

Approved as to form and legality:

John D. Agnew, City Attorney

Date filed with City Clerk: _____

Vote of Council Members:

Miller _____
Smith _____
DeBruce _____
Henshaw _____
Johnson _____

First Reading: April 17, 2025
Publication Date: April 25, 2025
Second Reading: May 6, 2025