



City of Sanibel

City Council

Planning Department Agenda Memorandum

City Council Meeting Date: April 1, 2025

To: City Council

From: Craig J. Chandler, AICP, Deputy Planning Director

Date: April 1, 2025

TITLE: Conditional Use Permits as Short-Form Applications through 2025

REVIEW TIMELINE:

Date	Meeting Type	Summary
6/11/2024	Joint Workshop	Discussion regarding possible code amendments to aid the recovery from Hurricane Ian, including changes to expedite permit processing for certain long-form applications.
7/26/2024	Planning Commission	Planning Commission approves (by 5-2 vote) Resolution 24-10, recommending a temporary short form application process for “eating places, restaurants, grocery stores, etc.”
9/9/2024	City Council	<p>City Council adopts Ordinance 24-015 (by 4-0 vote) with two changes relative to recommendations from Planning Commission – (1) sunset clause revised to expire on December 31, 2024; and (2) added language to allow the public to appeal a Conditional Use Permit approved by staff.</p> <p>However, staff and the city attorney were not clear as to how an appellate might establish standing to appeal an application without a public hearing.</p>
2/18/2025	Joint Workshop	Discussion regarding possible code amendments to aid the recovery from Hurricane Ian, including changes to expedite permit processing for certain long-form applications.
3/4/2025	Planning Commission	Discussion to reinstate temporary short form application process for “eating places, restaurants, grocery stores, etc.” and the possibility of broadening this authorization to other conditional use permit types.

		<p>The discussion also explored a staff recommendation to adopt language for public notice and referral of an application to Planning Commission in lieu of a formal appeal process to resolve legal concerns over the appellate process.</p> <p>Planning Commission directed staff to draft a resolution for “eating places, restaurants, grocery stores, etc.” and conditional uses specific to hurricane recovery or shoreline resiliency.</p>
3/25/2025	Planning Commission	<p>Planning Commission approved Resolution 25-03 recommending amendment of <u>Sec. 82-201. - Authorization</u> to authorize staff to approve the following uses as short-form applications with a sunset provision effective on December 31, 2025:</p> <ul style="list-style-type: none"> • Eating places, restaurants, grocery stores, etc. • Dock, boat davits, boat lifts and mooring pilings • Alternative shoreline stabilization project • Seawall as accessory structure waterward of existing seawall <p>The applicant or any member of the public may request an application be considered by the Planning Commission consistent with Sec. 82-204. – Application and hearing.</p>

PROPOSAL SUMMARY

Consideration of streamlined permit processes for specified conditional uses to aid in the recovery from Hurricane Ian.

The proposed legislative text, including strikethroughs (red) and underline (green) to signify proposed deletions and additions to the existing Land Development Code, is provided on page three of this report.

The proposed legislative text is in compliance with the parameters of Senate Bill 250.

PUBLIC COMMENT

Staff have not received public comments on this item.

RECOMMENDATION

Staff recommend approval of the draft legislative text and for staff to prepare a draft ordinance for 1st Reading at City Council’s next scheduled meeting.

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 the following uses eating places, restaurants, grocery stores, etc., may be approved as short-form applications not requiring approval by the planning commission. Notice of the filing of the application for a conditional use permit 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. The applicant or any member of the public may request an application be considered by the Planning Commission consistent with Section 82-204. ~~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, 2025⁴.

(1) Eating places, restaurants, grocery stores, etc.

(2) Dock, boat davits, boat lifts and mooring pilings

(3) Alternative shoreline stabilization project

(4) Seawall as accessory structure waterward of existing seawall

(Ord. No. 85-26, § 1(III.F.1), 11-27-1985; Ord. No. 24-015, § 2, 9-9-2024)