

**CITY OF SANIBEL
ORDINANCE 25-023**

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, 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 November 18, 2025, on specific proposed amendments to the Land Development Code; and

WHEREAS, the Planning Commission heard and considered comments and recommendations from the Planning Staff and the public pertaining to a draft amendment related to extending the expiration date 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 found the proposed amendment to be consistent with the Sanibel Plan, as it relates to Objective B9 of Section 3.6.2. Future Land Use Element, for continued implementation of innovative land development regulations to achieve objectives of the Plan; 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 4 to 3 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 82, is hereby amended with ~~strikethrough~~ language indicating deletions and underlined language indicating additions as follows:

Chapter 82 - ADMINISTRATION

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ARTICLE III - PLANNING COMMISSION

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DIVISION 3 - SPECIFIC AUTHORITY

...

Subdivision V - CONDITIONAL USES**Sec. 82-201. - Authorization.**

...

(b) In the event of a declared state of local emergency extending beyond six months, conditional uses 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.;~~

ab. Dock, boat davits, boat lifts and mooring pilings;

be. Alternative shoreline stabilization project; and

cd. 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 subsections (b)(1)b through (b)(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, 2026 2025.

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.

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: December 2, 2025
Publication Date: December 29, 2025
Second Reading: January 13, 2026