



AGENDA MEMORANDUM

Planning Department

City Council
Meeting Date: December 2, 2025

To: City Council
From: Paula McMichael, AICP, Planning Director
Date: November 20, 2025

SUBJECT: AN ORDINANCE AMENDING THE CODE OF ORDINANCES TO EXTEND THE EXPIRATION DATE RELATED TO ADMINISTRATIVE APPROVAL OF WAIVER APPLICATIONS; AMENDING SUBPART B, LAND DEVELOPMENT CODE; 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.

REVIEW TIMELINE

Date	Meeting Type	Summary
10/21/25	City Council	Discussion of extending temporary allowance for staff approval of waiver applications
11/18/25	Planning Commission	Unanimous approval of Resolution 25-24
12/2/25	City Council	Discussion and First Reading

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 ordinance as presented would extend the deadline in the code for the sunseting of the provision to December 31, 2026.

Sanibel is and shall remain a barrier island sanctuary

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.

Three waiver applications have been approved administratively since the ordinance was passed:

- WVR-2025-000271 (1504 PERIWINKLE WAY SANIBEL, FL 33957) - Waiver from Sec. 122-48 for the size specified for commercial vegetation buffers and landscaping Chapter 126, Article VX as it applies to off-street parking and loading design and section 126-854 as it relates to recycling and trash disposal facilities.
- WVR-2025-000269 (2499 PALM RIDGE RD Unit: C SANIBEL, FL 33957) - Waiver from Sec. 122-48(1) for the size specified for commercial vegetation
- WVR-2024-000249 (1019 PERIWINKLE WAY Unit:2 SANIBEL, FL 33957) - to reduce compliance requirements for location and size of required commercial landscape buffers and landscaping at the front (north) buffer adjacent to Palm Ridge Road.

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PUBLIC COMMENT: Staff have not received public comments on this item.

FISCAL IMPACT: None.

RECOMMENDED ACTION: Move the draft ordinance to second reading at the January 13, 2026 City Council meeting.

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