



City of Sanibel

Planning Commission

Planning Department Agenda Memorandum

Planning Commission Meeting Date: November 18, 2025

To: Planning Commission

From: Paula McMichael, AICP, Planning Director

Date: November 12, 2025

SUBJECT: Extend Ordinance 24-017 adopted September 9, 2024 – Development permits to implement waivers, variances, and conditional uses to be accepted as short-form development permits

A RESOLUTION RECOMMENDING THAT CITY COUNCIL ADOPT AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 82, ADMINISTRATION, ARTICLE IV, DEVELOPMENT PERMITS, DIVISION 2, PROCEDURE, SUBDIVISION III, LONG-FORM, SECTION 82-421, SUBSECTION (b), EXTENDING THE EXPIRATION DATE AS STATED IN ORDINANCE 24-017 TO DECEMBER 31, 2026, FOR THE PURPOSE OF UPDATING THE LAND DEVELOPMENT CODE REGULATIONS.

PROPOSAL SUMMARY

On October 21, 2025, City Council considered extending the temporary allowances for short-form approval of three types of long-form development permits that would otherwise expire on December 31, 2025. The resolution as presented would extend the deadline in the code for the sunset of the provision to December 31, 2026.

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. Long-form development permit was one type of application discussed.

The Sanibel Code establishes two types of development permits – short-form, which are approved by staff, and long-form, which require approval by the Planning Commission (see Sections 82-401 and 82-421). The code currently allows three types of long-form development permits to be reviewed and approved by staff:

- (1) All applications for development which require a variance or waiver.
- (2) All applications for development requiring conditional use permits.

- (3) Building back either a nonconforming structure or a nonconforming use within a nonconforming structure which has been destroyed or substantially damaged by a natural disaster within the three-dimensional outline of the lawfully existing habitable area of the pre-disaster building, but the footprint of the lawfully existing pre-disaster building is moved in a manner that reduces the pre-disaster building's encroachment into the Gulf Beach Zone.

Variances are still heard and approved by Planning Commission; however, any implementing development permit can be approved by staff.

Waiver applications can be approved by staff under a similar proposal from the workshop, along with, under this amendment, any implementing development permit.

Conditional uses are still heard and approved by Planning Commission, with the exceptions listed below, but the implementing development permit can be approved by staff.

Conditional uses that can be approved short-form:

- 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.

These long-form development permit applications can be approved by planning staff for a limited period of time (through December 31, 2026). All the standards of review still apply.

RECOMMENDED ACTION: Adopt the resolution that recommends approval of an ordinance amending the Land Development Code for consideration by City Council, to allow for an extension of staff review of three types of long-form development permit applications through December 31, 2026.