

CITY OF SANIBEL
ORDINANCE 25-022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES 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; 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, specifically, extending the expiration date contained in Ordinance 24-018 which sought to expedite the review of waiver applications for a certain period of time, 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 7 to 0 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 ~~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

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Subdivision xiii. – Waivers to Lawfully Existing Nonconforming Structures and Properties Located in the General, Town Center General, and Town Center Limited Commercial Districts

Sec. 82-351. – Authorization.

...

- (b) In the event of a declared state of local emergency extending beyond six months, waivers may be accepted as short-form applications, not requiring approval by the planning commission. All other requirements of subdivision XIII still apply. 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 ~~15, 2025~~.

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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: _____

Second Reading: _____