

CITY OF SANIBEL  
ORDINANCE 26-008

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES SUBPART B LAND DEVELOPMENT CODE, CHAPTER 86, DEVELOPMENT STANDARDS, ARTICLE III, RESIDENTIAL, DIVISION 3, UNIFIED RESIDENTIAL HOUSING (CLUSTER HOUSING) AND MULTIFAMILY HOUSING, SUBDIVISION III, MULTIFAMILY HOUSING, SECTION 86-164, LIMITATIONS ON PRINCIPAL BUILDINGS, 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 March 24, 2026, 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 limitations on vertical design and construction of principal buildings; 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 6 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 86, is hereby amended with ~~strikethrough~~ language indicating deletions and underlined language indicating additions as follows:

**Chapter 82 – DEVELOPMENT STANDARDS**

...

**ARTICLE III - RESIDENTIAL**

...

**DIVISION 3 – UNIFIED RESIDENTIAL HOUSING (CLUSTER HOUSING) AND MULTIFAMILY HOUSING**

...

**Subdivision III. – Multifamily Housing**

...

**Sec. 86-164. - Limitations on vertical design and construction of principal buildings.**

Except in the resort housing district, ~~the following limitations shall apply to principal buildings in multifamily developments:~~

- ~~(1) N~~ o building shall be designed and constructed so that there are more than two dwelling units, vertically, at any point in the building.
- ~~(2) A building may not be designed with a flat roof; that is, no plane of the roof may be a slope of less than one to four, vertical to horizontal.~~

...

**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.

**ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, ON THIS 5TH DAY OF MAY 2026.**

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 \_\_\_\_\_  
Henshaw \_\_\_\_\_  
DeBruce \_\_\_\_\_  
Johnson \_\_\_\_\_  
Smith \_\_\_\_\_

First Reading: April 21, 2026  
Publication Date: April 24, 2026  
Second Reading: May 5, 2026