

CITY OF SANIBEL
ORDINANCE 25-019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES, SUBPART B, LAND DEVELOPMENT CODE, SUBPART B, LAND DEVELOPMENT CODE, CHAPTER 78, GENERAL PROVISIONS, SECTION 78-1, RULES OF CONSTRUCTION AND DEFINITIONS; AND CHAPTER 126 ZONING. ARTICLE XIV, SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 2, ACCESSORY STRUCTURES, ADDING A NEW SUBDIVISION V, ACCESSORY STAIRS AND PLATFORMS TO ELEVATE ELECTRICAL AND MECHANICAL EQUIPMENT, A NEW SECTION 126-921, ACCESSORY STAIRS AND PLATFORMS TO ELEVATE ELECTRICAL AND MECHANICAL EQUIPMENT; RENAMING DIVISION 16, ELECTRICAL POWER GENERATORS AND HVAC TO ELECTRICAL AND MECHANICAL EQUIPMENT; AND AMENDING SECTION 129-1307, STANDARDS; 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 Sanibel Plan identifies the reduction of risk to human life and damage to public and private property from natural disasters as a key objective; and

WHEREAS, the Sanibel Plan also emphasizes the importance of supporting post-hurricane recovery efforts; and

WHEREAS, the City acknowledges that generators, and solar energy systems enhance community resilience by enabling residents to remain in their homes during power outages; and

WHEREAS, the Planning Commission finds that the proposed amendment is not in conflict with Section 3.10.5 of the City Charter; and

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 found the proposed amendment to be consistent with the Sanibel Plan, specifically Section 3.1.1 Damage Reduction, in supporting hurricane safety by reducing sustained storm damage and facilitating recovery after natural disasters, thereby advancing the objectives of the Plan; and

WHEREAS, the Planning Commission also found the proposed amendment to be consistent with the Sanibel Plan, specifically Section 3.3.9 Other Human Support Systems, by encouraging the efficient use of electrical energy and supporting the adoption of new technologies for energy generation and conservation, thereby furthering the 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, Chapter 78, is hereby amended with ~~strickethrough~~ language indicating deletions and underlined language indicating additions as follows:

...

Chapter 78 – GENERAL PROVISIONS

Sec. 78-1. – Rules of construction and definitions

...

- (c) Throughout this Land Development Code, the following words and phrases shall have the meanings indicated unless the text of the article or section in which used clearly indicates otherwise:

...

Electrical and mechanical equipment means any system, device, or unit that provides or supports a structure's utility, power, or environmental control functions. This includes electric power generators; HVAC condensers and air handling units; solar energy system components (such as inverters, batteries, and related electrical panels); pool and spa equipment; irrigation pumps; water treatment systems; and control panels for utility meters.

...

SECTION 3. Sanibel Code of Ordinances, Subpart B. Land Development Code, Chapter 126, is hereby amended with ~~strickethrough~~ language indicating deletions and underlined language indicating additions as follows:

Chapter 126 – ZONING

...

ARTICLE XIV. – SUPPLEMENTARY DISTRICT REGULATIONS

...

DIVISION 2. – ACCESSORY STRUCTURES

...

Subdivision IV. – Alternative clean Energy Technologies

...

Secs. 126-920 ~~930~~. – Reserved.

Subdivision V. - Accessory stairs and platforms to elevate electrical and mechanical equipment

Sec. 126-921. Accessory stairs and platforms to elevate electrical and mechanical equipment

Accessory stairs and platforms required to elevate electrical or mechanical equipment to meet required flood elevations may be eligible for an administrative deviation from the limitations on impermeable coverage, vegetation removal, developed area, and required setbacks, but only to the minimum extent necessary to accommodate the size of the platform and stairs required by LCEC or the Florida Building Code.

Secs. 126-922 – 930. – Reserved.

...

DIVISION 16. – ELECTRICAL ~~AND MECHANICAL EQUIPMENT~~ POWER GENERATORS AND HVAC

Footnotes:

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Editor's note— Ord. No. 22-004, § 2, adopted June 7, 2022, amended Div. 16 in its entirety to read as herein set out. Former Div. 16, §§ 126-1305—126-1307 was entitled "Emergency Electrical Power Generators," and derived from: Ord. No. ~~06-018~~ ~~06-019~~, §§ 2, 3, adopted Dec. 5, 2006; and Ord. No. ~~08-006~~ ~~08-066~~, §§ 2—4, adopted April 15, 2008.

...

Sec. 126-1307. Standards.

- (a) *Noise.*
 - (1) An emergency electrical power generator operating when the primary electric service (Lee County Electric Cooperative) is disrupted, or during the generator's performance testing cycle, shall not exceed a maximum sound pressure level of 78 dB(A), when measured at any point of any property line.
 - (2) Electrical power generators for general, unrestricted use are subject to the maximum permissible sound levels established in chapter 30, article III, section 30-64 of the city's Code of Ordinances. Unrestricted use means that there are no restrictions on the operation of an electrical power generator which limit its use to times when the primary electrical service is out or for the performance testing cycle of the generator.
- (b) *Use.* The exercise cycle of the generator shall occur only between the hours of 10:00 a.m. and 5:00 p.m., Monday through Saturday.
- (c) *Required setbacks.*
 - (1) *Front yard.* There shall be a front yard setback for generator and air conditioning machinery and associated structure of no less than 75 feet from the centerline of minor arterial or collector roads and 50 feet from the centerline of any other street, except where a special setback is imposed, as set forth in article XIV, division 3, subdivision II, of this chapter.
 - (2) *Side and rear yard.* There shall be side and rear yard setbacks for generator and air conditioning machinery and associated structure of no less than ten feet from any such property line.

- (3) *Open body of water.* The accessory structure shall not be located within 20 feet of any open body of water.
- (d) *Coverage; vegetation removal and developed area.*
- (1) Administrative waiver of applicable limitations of (impermeable) coverage, vegetation removal and developed area may be issued specifically for HVAC and emergency electrical power generators, or solar energy system components up to 30 square feet for the minimum necessary required for each respective improvement.
- Such waiver is ~~applicable to proposed emergency electrical power generator improvements at developed properties,~~ available subject to the following criteria:
- a. Properties developed after June 7, 2022, ~~the effective date of this section~~ are not eligible for an administrative waiver for HVAC or emergency electrical power generators but may request approval of a variance subject to the process and criteria pursuant to chapter 82, article III, division 3, subdivision 11, and approval by the planning commission.
 - b. Properties developed after the effective date of this section are not eligible for an administrative waiver for solar energy system components but may request approval of a variance subject to the process and criteria pursuant to chapter 82, article III, division 3, subdivision 11, and approval by the planning commission.
 - ~~c.~~ The applicant's request must be able to identify the specific hardship or practical reason for not being able to meet the regulation as a result of the particular shape, size, location or topography of a lot or parcel, or of a structure thereon, which would cause practical difficulties that would deprive the owner of reasonable use and enjoyment of such lot or parcel in the same manner as other properties similarly situated;
 - ~~d.~~ The applicant's request must be able to identify any special conditions related to unusual constraints peculiar to the specific lot or parcel or relate to special conditions of the structure involved, and that are not generally applicable to other lands or structures similarly situated;
 - ~~e.~~ The proposed waiver shall not be adverse to the developed neighborhood scheme and will not adversely affect the plan and scheme set forth in this Land Development Code, and will not cause the proposed development to be inconsistent with the Sanibel Plan nor adverse to the health, safety and general welfare of the community; and
 - ~~f.~~ The waiver granted must be the minimum necessary to mitigate the hardship demonstrated.
- (e) *Visual buffer.* The generator shall be effectively screened from views from off the subject property by a sound barrier wall, a fence, vegetation or other means.

- (1) Sound barrier walls that are higher than six feet above the ground shall comply with the setbacks required for the principal structure.
- (2) Sound barrier walls shall be architecturally compatible with the principal building and effectively screened from the adjacent property by use of native vegetation.

SECTION 4. Codification. The City Manager is hereby authorized and directed to indicate these amendments in future City Code publications.

SECTION 5. 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 6. 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 7. 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: _____