

CITY OF SANIBEL
ORDINANCE 26-005

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, DETERMINING A VARIANCE (APPLICATION NO. PL20260007) RELATIVE TO SECTION 86-163, MAXIMUM NUMBER OF DWELLING UNITS, SECTION 86-164, LIMITATIONS ON PRINCIPAL BUILDINGS, SECTION 122-48, LOCATION AND SIZE OF REQUIRED VEGETATION BUFFERS, SECTION 122-49, TYPES, VARIETIES, AND NUMBERS OF PLANTS REQUIRED, SECTION 126-494, REQUIRED CONDITIONS, SECTION 126-1029, SITE PLANNING, AND SECTION 126-1404, DRIVEWAYS AND SERVICE AISLES, TO ALLOW FOR THE CONSTRUCTION OF A 39-UNIT MULTI-FAMILY DEVELOPMENT, ON PROPERTY OWNED BY COAST ISLANDS COMMUNITY LAND TRUST, INC. (FORMERLY OWNED BY SANIBEL 1523, INC. AND SANIBEL 1531, INC.) AND LOCATED AT 1523 PERIWINKLE WAY, TAX PARCEL NO. 30-46-23-T1-00004.0060 AND NO. 30-46-23-T1-00004.0070, FILED PURSUANT TO SECTION 82-138 OF THE LAND DEVELOPMENT CODE; MORE FULLY DESCRIBED HEREIN; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Sanibel 1523, INC. and Sanibel 1531, INC. are the former owners of the property located at 1523 Periwinkle Way (the "Subject Property"), and during such ownership of the Subject Property, Sanibel 1523, Inc. and Sanibel 1531, Inc. authorized Rachel Bielert, RLBCM, LLC, to submit Application No. PL20260007 (the "Application") to allow for the construction of a 39-unit multi-family development for below market rate housing; and

WHEREAS, since submitting the Application, the Subject Property was sold to Coast and Islands Community Land Trust, Inc. (the "Applicant"), which has continued to pursue the Application for approval through Rachel Bielert, RLBCM, LLC; and

WHEREAS, a duly noticed public hearing of the Application was held by the Planning Commission on February 24, 2026; and

WHEREAS, the Application seeks approvals of certain variances related to Land Development Code Sections 86-164, 122-48, 122-49, 126-494, 126-1029, and 126-1404, that address limitations on principal buildings, location and size of required vegetation buffers, types, varieties, and numbers of plants required, required conditions, site planning, and driveways and service aisles, respectively; and

WHEREAS, Land Development Code Section 82-138 provides for the application for a variance, with Section 82-144 of the Land Development Code providing that the Planning Commission may grant variances necessary to accommodate below market rate housing developments; and

WHEREAS, after providing the applicant, staff, and the public an opportunity to present testimony and evidence, and having reviewed the record, the Planning Commission found that the Application met the variance criteria required and formally recommended through Planning Commission Resolution 26-05 that City Council approve the Application.

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. The City Council hereby approves / denies Application No. 20260007 to allow for the construction of a 39-unit multi-family development at property located at 1523 Periwinkle Way (tax parcel No. 30-46-23-T1-00004.0060 and No. 30-46-23-T1-00004.0070) and owned by Sanibel 1523, LLC, and Sanibel 1531, LLC.

Approval of this Application is pursuant to the application and attachments included with the item, and subject to the following condition(s) contained in the February 24, 2026 staff report:

1. The proposed scope of work is contingent upon City Council approval of an application to increase density for below market rate housing (PL20260002).
2. An as-built survey is required to verify conformance with the approved site plan.
3. Pursuant to Section 126-651. – Preservation and enhancement of resources, development shall not take place within the Interior Wetlands Conservation District. The portion of the property within the Interior Wetlands Conservation District shall be preserved by means of a conservation easement or through dedication of such land areas to the city or to a nonprofit conservation entity to manage, or other means, to provide the continued maintenance of conservation lands. Any such easement shall be recorded in the official records of the Lee County Clerk of Courts prior to issuance of a Certificate of Occupancy.
4. Execute a revised agreement for the use of shared trash and recycling facilities located on the subject property to the property owner of 1521 Periwinkle Way (Southland Corporation) and recorded in the official records of the Lee County Clerk of Courts prior to issuance of a Certificate of Occupancy. The City of Sanibel shall be named as a party to this agreement and shall be notified no less than sixty (60) days prior to termination of this agreement.
5. Bike parking facilities for no less than 15 bikes are to be installed and maintained in conformance with all applicable development standards (i.e. setbacks, developed area, coverage).
6. The inter-connectivity path and intra-connectivity driveway are approved pursuant to Section 126-855. – Inter- and Intra-connectivity. These connections shall be maintained as approved unless otherwise approved by Planning Commission by revision.
7. Obtain all necessary building, development, and vegetation permits prior to commencement and within twelve (12) months from the effective date of this resolution.
8. The principal building shall be clearly identified as to building number or street number. Obtain a permit for an accessory ground sign in compliance with Section 106-178. – Unified housing and residential development prior to issuance of a Certificate of Occupancy.
9. The “future 2,447 square-foot commercial building” shown on the site plan is not authorized for development by this resolution. The applicant shall file all necessary permit applications prior to construction and change of use (mixed-use development).
10. A final landscape plan is required for submittal in compliance with landscape buffer requirements in Division 2. – Commercial and Institutional Uses, except for the reduced buffer area as described by this application, prior to installation of landscaping and issuance of a Certificate of Occupancy

Conditions contained herein are in addition to the requirements of the Sanibel Code. The applicant is required to comply with all regulations of the City of Sanibel. Some conditions stated herein reflect the current code requirements applicable at the time of approval of this permit. After the issuance of the completion certificate for this development or upon expiration of the development permit, any subsequent development or change of use for the parcel must comply with the regulations in effect at that time.

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.

SCHEDULED FOR SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, ON THE 31ST DAY OF MARCH 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 _____
Smith _____
DeBruce _____
Henshaw _____
Johnson _____

First Reading: March 17, 2026
Publication Date: _____
Second Reading: _____