

CITY OF SANIBEL  
PLANNING COMMISSION RESOLUTION 24-12

**A RESOLUTION RECOMMENDING THAT CITY COUNCIL ADOPT AN ORDINANCE AMENDING THE CODE OF ORDINANCES TO SUPPORT THE REBUILDING EFFORTS OF THE COMMUNITY BY NOT REQUIRING A LONG-FORM DEVELOPMENT PERMIT FOR CERTAIN APPLICATIONS FOR A DEFINED PERIOD OF TIME BY AMENDING CHAPTER 82, ADMINISTRATION, ARTICLE IV, DEVELOPMENT PERMITS, DIVISION 2, PROCEDURE, SUBDIVISION III, LONG-FORM, SECTION 82-421, FOR THE PURPOSE OF UPDATING THE LAND DEVELOPMENT CODE REGULATIONS, FOR THE PURPOSE OF UPDATING THE LAND DEVELOPMENT CODE REGULATIONS.**

**WHEREAS**, the City Council and the Planning Commission held a joint workshop on June 11, 2024, to discuss aiding hurricane recovery efforts through amendments to the Sanibel Code; and

**WHEREAS**, the City of Sanibel seeks to support the rebuilding efforts of the community by not requiring a long-form development permit for certain applications for a defined period of time, while maintaining consistency with the Sanibel Plan and Vision; and

**WHEREAS**, the Planning Commission, held a legally and properly advertised public hearing on July 23, 2024, at which the Planning Commission heard and considered comments and recommendations from the Planning Staff and the public pertaining to a draft amendment related to long-form development permits for certain applications; and

**WHEREAS**, the Planning Commission may recommend to the City Council amendments to regulations of the Land Development Code, in accordance with the standards set forth in Land Development Code Section 82-241.

**NOW, THEREFORE, BE IT RESOLVED**, the Planning Commission finds the proposed amendments to the Land Development Code attached hereto as Exhibit A, are consistent with the Sanibel Plan, meet the above-referenced requirements, and recommends that the City Council adopt said amendments in the form of an ordinance.

**PASSED IN OPEN AND REGULAR SESSION OF THE PLANNING COMMISSION OF THE CITY OF SANIBEL, FLORIDA, THIS 23RD DAY OF JULY 2024.**

Attest:

\_\_\_\_\_  
Scotty Lynn Kelly, City Clerk

\_\_\_\_\_  
Roger Grogman, Chair

Approved as to form and legality:

\_\_\_\_\_  
John D. Agnew, City Attorney

Date filed with City Clerk: \_\_\_\_\_

Vote of Commission Members:

Grogman	_____
Pfeifer	_____
Sergeant	_____
Colter	_____
Nichols	_____
Welch	_____
Steiner	_____

EXHIBIT A OF RESOLUTION

Agenda Item  
Meeting of

CITY OF SANIBEL  
ORDINANCE 24-

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES TO SUPPORT THE REBUILDING EFFORTS OF THE COMMUNITY BY NOT REQUIRING A LONG-FORM DEVELOPMENT PERMIT FOR CERTAIN APPLICATIONS FOR A DEFINED PERIOD OF TIME BY AMENDING CHAPTER 82, ADMINISTRATION, ARTICLE IV, DEVELOPMENT PERMITS, DIVISION 2, PROCEDURE, SUBDIVISION III, LONG-FORM, SECTION 82-421, 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 July 23, 2024, on specific proposed amendments to the Land Development Code; 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 \_ to \_ 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 126, is hereby amended with ~~striketrough~~ language indicating deletions and underlined language indicating additions as follows:

**Chapter 82. - ADMINISTRATION**

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**ARTICLE IV. – DEVELOPMENT PERMITS**

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**DIVISION 2. – PROCEDURE**

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**Subdivision III. – Long-Form**

**Sec. 421. – Application.**

- (a) A long-form application shall be required for the following types of development:
  - (1) All applications for development that do not qualify for short-form application.
  - (2) Application for development which the city manager determines to be inconsistent with the plan or raise issues as to interpretation of the Sanibel Plan or this Land Development Code.
  - (3) All applications for development which require a variance or waiver.
  - (4) All applications for development requiring conditional use permits.
  - (5) All applications which require interpretation of zone line.
  - (6) Any application in which the developer seeks an interpretation of the language of the Sanibel Plan or this Land Development Code inconsistent with that of the city manager.
  - (7) Any application for placement of a structure on the historic register, in accordance with the procedures set forth in chapter 98.
  - (8) Any application which raises questions as to compliance with section 86-43.
  - (9) 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.
  - (10) All applications for a principal structure that includes an accessory structure, integrally attached to the principal structure, which requires a long-form application.
- (b) The following long-form development permits may be approved as short-form applications, not requiring approval by the planning commission, if, following a disaster, the declared state of local emergency extends beyond six months. This provision will automatically sunset on December 15, 2025, unless extended by the city council via resolution.
  - (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.

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