

CITY OF SANIBEL
ORDINANCE 26-006

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES SUBPART B LAND DEVELOPMENT CODE, 122, VEGETATION, ARTICLE II, LANDSCAPING, DIVISION 2, COMMERCIAL AND INSTITUTIONAL USES, SECTION 122-49, TYPES, VARIETIES AND NUMBERS OF PLANTS REQUIRED, SECTION 122-50, INSTALLATION STANDARDS, AND SECTION 122-51, MAINTENANCE STANDARDS, TO REVISE THE VEGETATION BUFFER STANDARDS FOR COMMERCIAL AND INSTITUTIONAL USES, 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 Natural Resources Staff and the public pertaining to a draft amendment related to revising the vegetation buffer standards for commercial and institutional uses; 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 122, is hereby amended with ~~strike through~~ language indicating deletions and underlined language indicating additions as follows:

Chapter 122 - VEGETATION

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ARTICLE II. – LANDSCAPING

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DIVISION 2. - COMMERCIAL AND INSTITUTIONAL USES

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Sec.122-49. – Types, varieties, and numbers of plants required.

Each ~~v~~Vegetation buffers required by this division shall be installed with plants meeting the following requirements:

- ~~(a4)~~ Front / right-of-way buffers. ~~Each required vegetation buffer shall include at least one large or medium tree for each 75 square feet of the required buffer area, excluding areas within existing or proposed ingress-egress driveways or inter- and intra-connectivity pathways, with a minimum of six different species of native plants included.~~
 - (1) Each required vegetation buffer shall include at least one large or medium tree for each 200 square feet of the required buffer area with a minimum of six different species of native plants included.
 - (2) Each required vegetation buffer shall include at least one small tree or medium shrub for each 30 square feet of the required buffer areas (at least 25 percent of which must be small trees) with a minimum of five different species of native plants included.
 - (3) Each required vegetation buffer shall include at least one low growing (small) shrub or groundcover plant for each 25 square feet of the required buffer area with a minimum of three different species of native plants included. No St. Augustine, Bermuda, Zoysia, Bahia, or sod-type grasses or vines shall be used to satisfy this requirement.
- (b) Side and rear buffers shall comply with section 122-49(a), except as follows:
 - (1) Side and rear buffers adjacent to a commercial or institutional use.
 - a. Each required vegetation buffer shall include at least one large or medium tree for each 300 square feet of the required buffer area with a minimum of six different species of native plants included.
 - b. Each required vegetation buffer shall include at least one small tree or medium shrub for each 30 square feet of the required buffer area with a minimum of five different species of native plants included.
 - c. Each required vegetation buffer shall include at least one low growing (small) shrub or groundcover plant for each 25 square feet of the required buffer area with a minimum of three different species of native plants included. No St. Augustine, Bermuda, Zoysia, Bahia, or sod-type grasses or vines shall be used to satisfy this requirement.
 - (2) Side and rear buffer adjacent to conservation lands shall include at least one small tree or medium shrub for each 30 square feet of the required buffer area (at least 25 percent of which must be small trees) with a minimum of five different species of native plants included.
- (c) The square footage for existing or proposed ingress-egress driveways or inter- and intra-connectivity pathways within a required vegetation buffer shall be excluded from calculations for required plant quantities.
- ~~(2) Each required vegetation buffer shall include at least one small tree or medium shrub for each 30 square feet of the required buffer areas, excluding areas within existing or proposed ingress-egress driveways or inter- and intra-connectivity pathways, (at least 25 percent of which must be small trees), with a minimum of five different~~

~~species of native plants included.~~

- ~~(3) Each required vegetation buffer shall include at least one low growing (small) shrub or groundcover plant for each 25 square feet of the required buffer area, excluding areas within existing or proposed ingress-egress driveways or inter- and intra-connectivity pathways, with a minimum of three different species of native plants included. No St. Augustine, Bermuda, Zoysia, Bahia, or sod-type grasses or vines shall be used to satisfy this requirement.~~
- ~~(d4)~~ A minimum of 75 percent of the plants required by each of the subsections (1) through (3) of this section shall be native plants. The remainder may be either native plants or noncompeting exotic species of plant. Invasive exotic vegetation shall not be permitted within the required buffers. The category for native plants (as large or medium trees, small trees or medium shrubs, or low growing (small) shrubs or groundcover plants) is specified on the city's horticulturally available native plants list maintained by the city's natural resources department. The applicable category for noncompeting exotic species of plant shall be as determined by the city manager, or the manager's designee, categorized by size in a manner consistent with the horticulturally available native plant list maintained by the city's natural resources department. Existing, preserved plants shall be counted toward meeting the requirements of this division.
- ~~(e)~~ A credit for large or medium tree quantity requirements shall be applied to vegetation buffers with existing mature canopy trees in the large or medium tree category that are retained. The following scale shall be applied to determine tree credits using the diameter at breast height (DBH) measurement of the existing mature canopy tree for which credit is sought:
- (1) DBH 6"-10" is equivalent to two medium or large trees;
 - (2) DBH 10.1"-20" is equivalent to three medium or large trees;
 - (3) DBH 20" or greater is equivalent to four medium or large trees.
- ~~(f)~~ If the vegetation buffer depth cannot be increased to accommodate drainage easements and facilities, overhead powerlines, public utility easements containing underground utilities, and other natural or manmade features that exist within a required vegetation buffer pursuant to section 122-48(d), the following standards shall apply:
- (1) For any portion of a required vegetation buffer that contains overhead powerlines, small trees shall be substituted for the required quantity of large or medium trees.
 - (2) For any portion of a required vegetation buffer that overlaps with public utility easements, plant quantity calculations for large or medium trees and small trees or medium shrubs shall be omitted. Only groundcovers will be required in the portions of the buffer in which public utility easements exist.
 - (3) When a majority of a required buffer area (greater than 50% of the square footage) overlaps with drainage easements or facilities, the species diversity requirement shall be reduced to a minimum of three species for large or medium trees and a minimum of three species for small trees or medium shrubs. Low growing (small) shrub or groundcover species diversity shall remain the same.
- ~~(g5)~~ An administrative waiver to subsections ~~(a4)~~, and (b2), ~~and (3)~~, to incentivize use of

native plant species in landscaping, may be authorized, if the following conditions are met:

- ~~(1)a=~~ All vegetation within a required vegetation buffer is 100 percent native plant species.
- ~~(2)b=~~ Eighty-five percent of the total number of plants required by subsections ~~(a4)~~; and ~~(b2)~~, and ~~(3)~~ are installed pursuant to section 122-50.

Sec. 122-50. - Installation standards.

All vegetation installed to meet the requirements of this division shall be planted in conformance with the following standards:

- ~~(a4)~~ The placement of plants comprising the vegetation buffer need not be uniform, but the required plants within each category shall be thoroughly distributed throughout the buffer area.
- ~~(b2)~~ The quality of plants used in the vegetation buffers shall conform to the standards of Florida No. 1 or better, as provided in Grades and Standards for Nursery Plants, 2nd edition, February 1998 PI #97T-05, published by the Division of Plant Industry, State Department of Agriculture and Consumer Services, as it may be revised from time to time.
- ~~(c3)~~ Large and medium trees installed in a vegetation buffer, and existing, preserved large and medium trees used to meet the requirements of this division, must be a minimum of eight feet in height for medium trees and 12 feet in height for large trees. Nursery stock large and medium trees shall be in ten gallon or larger containers at the time of installation. Small trees must be a minimum height of six feet and shrubs a minimum height of 18 inches. Nursery stock small trees and shrubs shall be in seven gallon or larger containers for small trees and in three-gallon or larger containers for shrubs at the time of installation. Nursery stock low growing (small) shrubs and groundcover plants shall be in one gallon or larger containers at the time of installation.
- ~~(4)~~ ~~Any part of a required vegetation buffer which lies directly between (line of sight) any commercial building or parking or loading area and any dwelling unit shall be sufficiently dense, between two feet and six feet above ground level, as to screen light and sound passage to the extent reasonably practical. As a minimum, all required small trees and shrubs in such portions of a buffer must be at least six feet in height at the time a completion certificate or certificate of occupancy is issued.~~
- ~~(d5)~~ All vegetation buffers shall be installed in a sound and professional manner according to good planting procedures and in accordance with any applicable requirement of this Land Development Code or other ordinance of the city.
- ~~(e6)~~ All required vegetation buffers shall be protected from vehicular encroachment from adjacent streets, driveways, parking areas, and loading areas.
- ~~(f)~~ A property owner may provide a request in writing for phased installation of required vegetation buffers. The property owner must sign a Stipulation of Phased Vegetation Buffer Installation Agreement and incorporate an approved vegetation buffer plan to ensure the property owner will fully comply with the requirements of this division. Under phased installation, front buffers shall be installed first and must be completed within 12 months of permit approval. Twelve months shall be provided for each additional buffer (i.e. side and rear buffers), up to 48 months for vegetation buffer compliance along all property lines.
- ~~(g7)~~ A completion certificate or certificate of occupancy shall not be issued unless required vegetation buffers meet all the requirements of this division or the property owner has obtained a Stipulation of Phased Vegetation Buffer Installation Agreement.

Sec. 122-51. - Maintenance standards.

- (a) All plants used to meet the requirements for vegetation buffers provided in this division shall be permitted to mature to the natural height and growth pattern of the plants; and all plants shall be permitted to produce their natural fruit and provide cover for wildlife by emulating their natural growth patterns. All plants required for conformance with this division shall be inspected by the city manager, or the manager's designee, six months after installation, and periodically thereafter, to ensure that they are maintained and are surviving in a healthy condition and are being maintained in accordance with the requirements and standards of this division and applicable provisions of this Code or permit. Any plants appearing unable to sustain healthy future growth or are missing from the vegetation buffer shall be replaced by ones that conform to the requirements of this division. Replacement vegetation must be installed within 30 days after notification of such requirement by the city manager, or the manager's designee. Maintenance trimming to keep vegetation from encroaching upon bordering driveways, walkways, parking areas, roads and shared use paths is permitted.
- (b) Required vegetation buffers destroyed or damaged by accidental fire or other natural and disastrous force must be brought into compliance within two years of the date of destruction or damage. If the declared state of local emergency extends beyond six months, all required vegetation buffers must be reestablished within three years. If the declared state of local emergency extends beyond one year, all required buffers must be reestablished within four years. If another state of local emergency is declared during an existing reestablishment period, the more recent state of local emergency will reset the reestablishment period for buffer compliance. To the extent practicable, the first buffer to be reestablished shall be the front buffer followed by side and rear buffers.
- (c) ~~(b)~~ Failure to maintain vegetation buffers required by this division may be grounds for revocation of a development permit, or any other permit or approval issued pursuant to this Land Development Code, as provided in sections 82-33 and 82-34, or any other enforcement proceeding provided in chapter 82, article VII.

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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.

SCHEDULED FOR SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, ON THE 5TH DAY OF

MAY 2026.

Attest:

Scotty Lynn Kelly, City Clerk

, Mayor

Approved as to form and legality:

John D. Agnew, City Attorney

Date filed with City Clerk: _____

Vote of Council Members:

DeBruce _____
Henshaw _____
Johnson _____
Miller _____
Smith _____

First Reading: _____
Publication Date: _____
Second Reading: _____