



AGENDA MEMORANDUM

Planning Department

City Council
Meeting Date: January 13, 2026

To: City Council
From: Paula McMichael, AICP, Planning Director
Date: December 22, 2025

SUBJECT: Ordinance 25-023 – extending the temporary allowance for short-form approval of certain conditional uses to December 31, 2026

AN ORDINANCE AMENDING THE CODE OF ORDINANCES TO EXTEND THE EXPIRATION DATE RELATED TO ADMINISTRATIVE APPROVAL OF CERTAIN CONDITIONAL USE APPLICATIONS; AMENDING SUBPART B, LAND DEVELOPMENT CODE; CHAPTER 82, ADMINISTRATION, ARTICLE III, PLANNING COMMISSION, DIVISION 3, SPECIFIC AUTHORITY, SUBDIVISION V, CONDITIONAL USES, SECTION 82-201, AUTHORIZATION, SUBSECTION (a)(3), EXTENDING THE EXPIRATION DATE AS STATED IN ORDINANCE 25-006 TO DECEMBER 31, 2026, FOR THE PURPOSE OF UPDATING THE LAND DEVELOPMENT CODE REGULATIONS.

REVIEW TIMELINE

Date	Meeting Type	Summary
10/21/25	City Council	Discussion of extending temporary allowance for staff approval of certain conditional use applications
11/18/25	Planning Commission	Approval of Resolution 25-25 by a 4-3 vote with one change, to exclude conditional use applications related to “eating places, restaurants, grocery stores, etc.”
12/2/25	City Council	Discussion and First Reading

PROPOSAL SUMMARY:

On October 21, 2025, City Council considered extending the temporary allowances for short-form approval of certain types of conditional uses, which would otherwise expire on December 31, 2025. The ordinance as presented would extend the deadline in the code for the sunsetting of the provision to December 31, 2026.

Sanibel is and shall remain a barrier island sanctuary

BACKGROUND:

On June 11, 2024, City Council and the Planning Commission convened a joint workshop to discuss possible amendments to the Sanibel Code to assist redevelopment post disaster. Part of the discussion at the joint workshop was whether there were opportunities to expedite some applications by temporarily allowing staff review rather than requiring planning commission approval. Based on that discussion, the code was subsequently amended to allow the following conditional uses to be approved administratively through the end of the year:

- a. Eating places, restaurants, grocery stores, etc.;
- b. Dock, boat davits, boat lifts and mooring pilings;
- c. Alternative shoreline stabilization project; and
- d. Seawall as accessory structure waterward of existing seawall.

One conditional use permit application has been approved administratively since the ordinance was passed:

- CUP-2025-000268 (2407 PERIWINKLE WAY Unit:4 SANIBEL, FL 33957) – to establish a retail wine shop with a tasting room serving wine by the glass, snacks and cheese/charcuterie boards.

Two others are in process and are anticipated to be approved administratively:

- CUP-PL20250002 (1048 PERIWINKLE WAY) – for a restaurant with forty-five seats. (old Dairy Queen property)
- CUP-PL20250003 (1204 ISABEL DRIVE) – placement of a seawall in front of an existing seawall.

Notice of a conditional use application is provided to adjacent property owners within 300 feet as well as to the planning commission. Any applicant, resident, or business owner may request a conditional use permit be considered as a long-form application by the planning commission rather than through administrative review.

Planning Commission reviewed a draft ordinance to extend the timelines at their meeting of November 18, 2025, and voted 4-3 to remove the administrative approval of conditional use permits associated with “Eating places, restaurants, grocery stores, etc.,” from the extension. Those opposed stated that they would approve the extension with the inclusion of “eating places, restaurants, grocery stores, etc.” City Council at discussion on December 2, 2025, moved forward with the recommendation from Planning Commission at a vote of 4-1.

The proposed amendment will extend the approval for administrative review for a limited period of time (through December 31, 2026). All the standards of review still apply.

PUBLIC COMMENT: Staff have not received public comments on this item.

FISCAL IMPACT: None.

RECOMMENDED ACTION: Approve Ordinance 25-023.

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