

CITY OF SANIBEL
ORDINANCE 25-011

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES TO CONSIDER SOLAR ENERGY SYSTEMS AND ELECTRIC VEHICLE (EV) CHARGING INFRASTRUCTURE; AMENDING SUBPART B, LAND DEVELOPMENT CODE; CHAPTER 126, ZONING; ARTICLE XIV, SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 2, ACCESSORY STRUCTURES, ADDING A NEW SUBDIVISION IV, ALTERNATIVE CLEAN ENERGY TECHNOLOGIES, A NEW SECTION 126-913, APPLICABILITY, AND A NEW SECTION 126-914 DEVELOPMENT 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 Planning Commission held a legally and properly advertised public hearing on May 13, 2025, on specific proposed amendments to the Land Development Code; and

WHEREAS, the Planning Commission finds the proposed amendment to be consistent with the Sanibel Plan as it relates to Plan for Enhancement and Restoration of Natural Resources, including sustainability, in Section 3.2.2. Conservation Element, to encourage implementation of sustainable development practices to achieve objectives of the Plan; and

WHEREAS, the Planning Commission finds the proposed amendment to be consistent with the Sanibel Plan as it relates to Provisions of the Plan for Electric Utility, including solar panels, in Section 3.3.9. Other Human Support Systems, to be receptive to new technologies that generate and conserve electricity while maintaining community compatibility aesthetics to achieve 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, Subpart B. Land Development Code, Chapter 126, is hereby amended with ~~striketrough~~ language indicating deletions and underlined language indicating additions as follows:

Chapter 126 – ZONING

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ARTICLE XIV. – SUPPLEMENTARY DISTRICT REGULATIONS

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DIVISION 2. – ACCESSORY STRUCTURES

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Subdivision IV. – Alternative Clean Energy Technologies**Section 126-913. – Applicability**

The provisions of this section shall apply to the installation of solar energy systems and electric vehicle (EV) charging infrastructure. A development permit is required for ground-mounted solar installations and solar-covered parking canopies, generally. A development permit is required for EV charging stations for all land uses, except for single-family and duplex residential uses.

Section 126-914. – Development standards

- (a) Roof-Mounted Solar Panels. Roof-mounted solar photovoltaic (PV) panels may extend above the maximum building height as defined in the land development code, including any supporting structures or mounts, provided they are installed in accordance with the manufacturer's specifications to the minimum required installation height.
- (b) Ground-Mounted Solar Energy Systems. Standalone (ground-mounted) solar photovoltaic (PV) systems must comply with:
 - (1) Setback and separation requirements for accessory structures; and
 - (2) Limitations on vegetation removal, developed area, and impermeable surface coverage applicable to the zoning district in which the property is located.
- (c) Solar-Covered Parking Canopy. Solar-covered parking canopy may be permitted in multi-family residential or non-residential developments when located above a lawfully established parking area, provided:
 - (1) Required vegetation buffers and landscape islands are not disturbed;
 - (2) Compliance with all setbacks applicable to a parking area or parking space;
 - (3) Compliance with impermeable coverage and developed area limitations of the applicable zoning district; and
 - (4) No portion of the structure may be located within the A-Gulf Beach Zone (seaward of the 1974 Coastal Construction Control Line) or the B-Bay Beach Zone.
- (d) Electric Vehicle (EV) Charging Stations. EV charging stations may be permitted at multi-family residential, non-residential, and public facility developments within a lawfully established parking area, provided:
 - (1) Required vegetation buffers and parking landscape islands are not disturbed;
 - (2) Compliance with all setbacks applicable to a parking area or parking space;
 - (3) No portion of the structure may be located within the A-Gulf Beach (seaward of the 1974 Coastal Construction Control Line) or B-Bay Beach zones; and
 - (4) The EV charging station area is counted toward minimum required parking spaces.

Secs. 126-915 913 – 126-930. – Reserved.

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.

FIRST READING THE 3RD DAY OF JUNE 2025.

ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA THIS 15TH DAY OF JULY 2025.

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: June 3, 2025
Publication Date: July 3, 2025
Second Reading: July 15, 2025