

CITY OF SANIBEL
ORDINANCE 25-012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES TO CONSIDER FRONT PORCH ADDITIONS WITHIN THE TOWN CENTER COMMERCIAL DISTRICTS; AMENDING SUBPART B, LAND DEVELOPMENT CODE; CHAPTER 122, VEGETATION, ARTICLE II, LANDSCAPING, DIVISION 2, COMMERCIAL AND INSTITUTIONAL USES, SECTION 122-48, LOCATION AND SIZE OF VEGETATION BUFFERS; AND CHAPTER 126, ZONING, ARTICLE VIII, COMMERCIAL DISTRICTS, DIVISION 3, TCG TOWN CENTER GENERAL COMMERCIAL DISTRICT, SECTION 126-514, REQUIRED CONDITIONS, AND DIVISION 4, TCL TOWN CENTER LIMITED COMMERCIAL DISTRICT, SECTION 126-534, REQUIRED CONDITIONS, AND ARTICLE XIV, SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 3, BUILDING AND AREA REQUIREMENTS, SUBDIVISION II, SPECIAL SETBACKS, AMENDING SECTION 126-961, OUTDOOR SEATING SETBACKS, AND ADDING A NEW SECTION 126-962, FRONT YARD SETBACKS FOR FRONT PORCHES IN THE TCL AND TCG DISTRICTS; 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 Commercial Districts, in Section 3.6.2. Future Land Use Element, to encourage the Town Center to serve as a focal point for community activity, special events, and informal assembly 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 Commercial Development, in Section 3.6.2. Future Land Use Element, to assume commercial developments contribute to the architectural compatibility of the community 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 122, is hereby amended with ~~striketrough~~ 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

Sec. 122-48. – Location and size of required vegetation buffers.

Vegetation buffers required by this division shall be located and sized in accordance with the following requirements:

- (a~~1~~) A vegetation buffer at least 20 feet in depth shall be located adjacent to the right-of-way of any street.
- (b~~2~~) Vegetation buffers at least 15 feet in depth shall be located along all side lot lines.
- (c~~3~~) Vegetation buffers at least 15 feet in depth shall be located along all rear lot lines, or along the boundary of a commercial district if such boundary is located on the property closer to the abutting street than the rear lot line.
- (d~~4~~) The minimum depths for vegetation buffers required by subsections (1) through (3) of this section may be increased by the city manager or the manager's designee when necessary to accommodate drainage easements and facilities, overhead power lines, and other natural or manmade features located along the boundaries of the parcel in question which constrain the establishment of required vegetation buffers.
- (e~~5~~) Required vegetation buffers must be entirely located between the property lines of a lot or parcel and all structural development and driveways and parking areas located on such lot or parcel.
- (f) The minimum size of a vegetation buffer required by subsection (a) of this section may be reduced to no less than 10 feet in depth, provided the reduction is proportionately necessary to construct a front porch at a commercial or mixed-use development pursuant to sec. 126-962 for a property located within the TCG town center general or TCL town center limited commercial district.

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SECTION 3. Sanibel Code of Ordinances, Subpart B. Land Development Code, Chapter 126, is hereby amended with strikethrough language indicating deletions and underlined language indicating additions as follows:

Chapter 126 - ZONING

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ARTICLE VIII. – COMMERCIAL DISTRICTS

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DIVISION 3. – TCG TOWN CENTER GENERAL COMMERCIAL DISTRICT

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Sec. 126-514. – Required conditions

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- (c) *Front yard setback.* For principal structures in the TCG town center general commercial district there shall be a minimum front yard setback of 20 feet from the front property line; see also sec. 126-962.

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DIVISION 4. – TCL TOWN CENTER LIMITED COMMERCIAL DISTRICT

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Sec. 126-534. – Required conditions.

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- (c) *Front yard setback.* For principal structures in the TCL town center limited commercial district there shall be a minimum front yard setback of 20 feet from the front property line; see also sec. 126-962.

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ARTICLE XIV. – SUPPLEMENTARY DISTRICT REGULATIONS

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DIVISION 3. – BUILDING AND AREA REQUIREMENTS

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Subdivision II. – Special Setbacks

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Sec. 126-961. - Outdoor seating setbacks.

- (a) Generally, outdoor ~~Outdoor~~ dining approved by conditional use permit and/or bonus outdoor seating approved by development permit shall be located no less than:
(1~~a~~) Fifteen feet from any side or rear property line; or
(2~~b~~) Twenty feet measured from the right-of-way line of any street.
(b) TCL town center limited and TCG town center general commercial districts. Outdoor dining approved by conditional use permit and/or bonus outdoor seating approved by development permit may be located no less than ten feet from the front property line in accordance with sec. 126-962(c).

Sec. 126-962. – Front yard setbacks for front porches in the TCL and TCG districts.

- (a) *Applicability.* This section applies exclusively to properties located within the TCL town center limited and TCG town center general commercial districts, as defined by

the Sanibel Plan and regulated under chap. 126, art. VIII, divs. 2 and 3.

(b) Purpose. The purpose of this section is to encourage pedestrian-friendly development and promote the incorporation of front porches as an integral architectural feature consistent with Sanibel's "Island Style" character, as identified in the architectural design standards of the land development code.

(c) Special Front Yard Setback. Notwithstanding the minimum front setback requirements established in secs. 126-514(c) and 126-534(c), open-air or screen-enclosed porches may be constructed to a minimum setback of 10 feet from the front property line, subject to the following design requirements:

- (1) The porch must be attached to the principal structure and open on at least three sides (excluding structural columns or railings).
- (2) The porch shall not be enclosed by wall(s) or glass and shall not be designed or subsequently converted to air-conditioned space.

Secs. 126-~~963~~ 962 - 126-975. – Reserved.

FIRST READING THIS 3RD DAY OF JUNE 2025.

SCHEDULED FOR SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA THE 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: _____
Publication Date: _____
Second Reading: _____