

CITY OF SANIBEL
ORDINANCE 25-014

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES TO UPDATE THE ALTERNATIVE SHORELINE STABILIZATION PROJECT STANDARDS TO BE CLASSIFIED AS LIVING SHORELINE STABILIZATION PROJECT AND UPDATING ALL REFERENCES TO THAT TERM, REORGANIZE THE STANDARDS FOR CLARITY, ADD EXAMPLE GRAPHICS; AMENDING SUBPART B, LAND DEVELOPMENT CODE; CHAPTER 90, FEES, ARTICLE II, DEVELOPMENT PERMITS, DIVISION 7, DEVELOPMENT PERMITS IMPLEMENTING CONDITIONAL USE APPROVAL, SECTION 90-192, EROSION CONTROL STRUCTURES ON NATURAL BODIES OF WATER; ARTICLE IV, PUBLIC HEARINGS, DIVISION 4, CONDITIONAL USES, SECTION 90-407, EROSION CONTROL STRUCTURES ON NATURAL BODIES OF WATER; AND CHAPTER 126, ZONING, ARTICLE IV, CONDITIONAL USE, SECTION 126-99, ALTERNATIVE SHORELINE STABILIZATION PROJECT; ARTICLE VII, RESIDENTIAL DISTRICTS, DIVISION 3, B BAY BEACH ZONE, SECTION 126-312, CONDITIONAL USES AND SECTION 126-314, OTHER REGULATIONS; DIVISION 4, E-1 BLIND PASS AREA ZONE, SECTION 126-332, CONDITIONAL USES; AND DIVISION 6, D-1 LOWLAND WETLANDS ZONE, SECTION 126-372, CONDITIONAL USES; DIVISION 7, D-2 UPLAND WETLANDS ZONE, SECTION 126-392, CONDITIONAL USES; DIVISION 8, F MID-ISLAND RIDGE ZONE, SECTION 126-412, CONDITIONAL USES; AND DIVISION 10, G ALTERED LAND ZONE, SECTION 126-452, CONDITIONAL 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 May 13, 2025, on specific proposed amendments to the Land Development Code; and

WHEREAS, the Planning Commission continued the consideration of the proposed amendments to a public hearing on June 10, 2025; and

WHEREAS, the Planning Commission finds the proposed amendment to be consistent with the Sanibel Plan, as it relates to the Goal Statement of Section 3.2.1. Coastal Zone Protection Element, to protect and appropriately manage the natural resources of the coastal area to ensure the conservation or enhancement of the natural functions of the coastal ecosystem; 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 6 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 90, is hereby amended with strikethrough language indicating deletions and underlined language indicating additions as follows:

Chapter 90 – FEES

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ARTICLE II. – DEVELOPMENT PERMITS

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DIVISION 7. – DEVELOPMENT PERMITS IMPLEMENTING CONDITIONAL USE APPROVAL

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Sec. 90-192. – Living shoreline stabilization projects ~~Erosion control structures on natural bodies of water.~~

The fees for living shoreline stabilization projects ~~erosion control structures on natural bodies of water~~ shall be one percent of the estimated cost of the improvement up to \$1,000,000.00 in value and 0.5% of the next \$500,000.00 in value and 0.25% of the value in excess of \$1,500,000.00, but not less than \$431.00.

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ARTICLE IV. – PUBLIC HEARINGS

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DIVISION 4. – CONDITIONAL USES

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Sec. 90-407. - Living shoreline stabilization projects ~~Erosion control structures on natural bodies of water.~~

The fee for a conditional use application for living shoreline stabilization projects ~~erosion control structures on natural bodies of water~~ (section 126-99) shall be \$2,693.00 for up to 100 lineal feet, plus \$431.00 for each additional 50 lineal feet, or fraction thereof.

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SECTION 3. 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 IV. – CONDITIONAL USES

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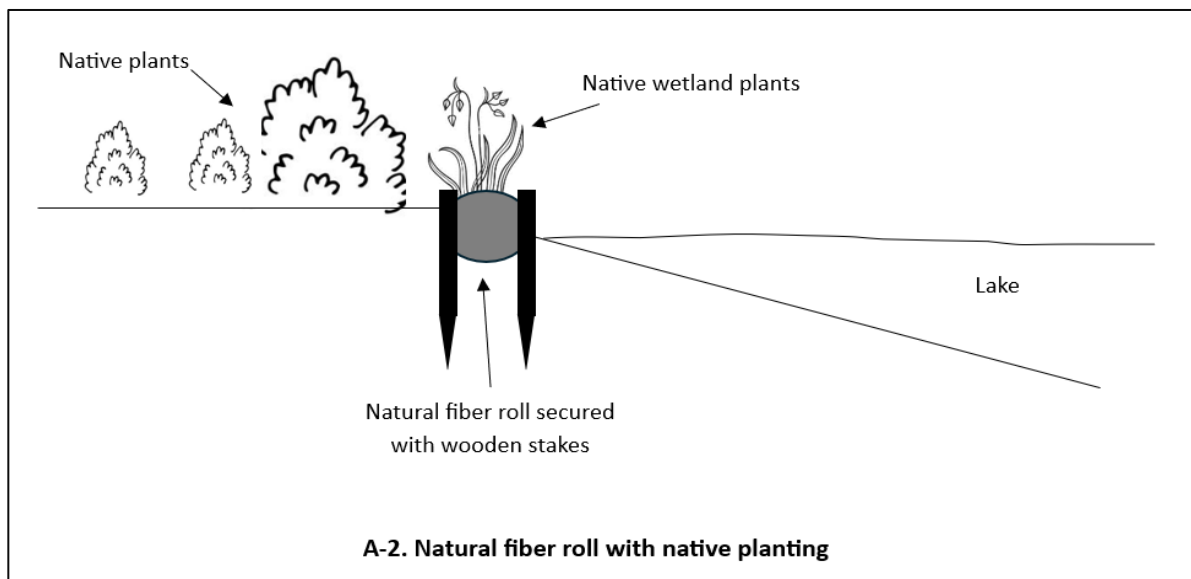
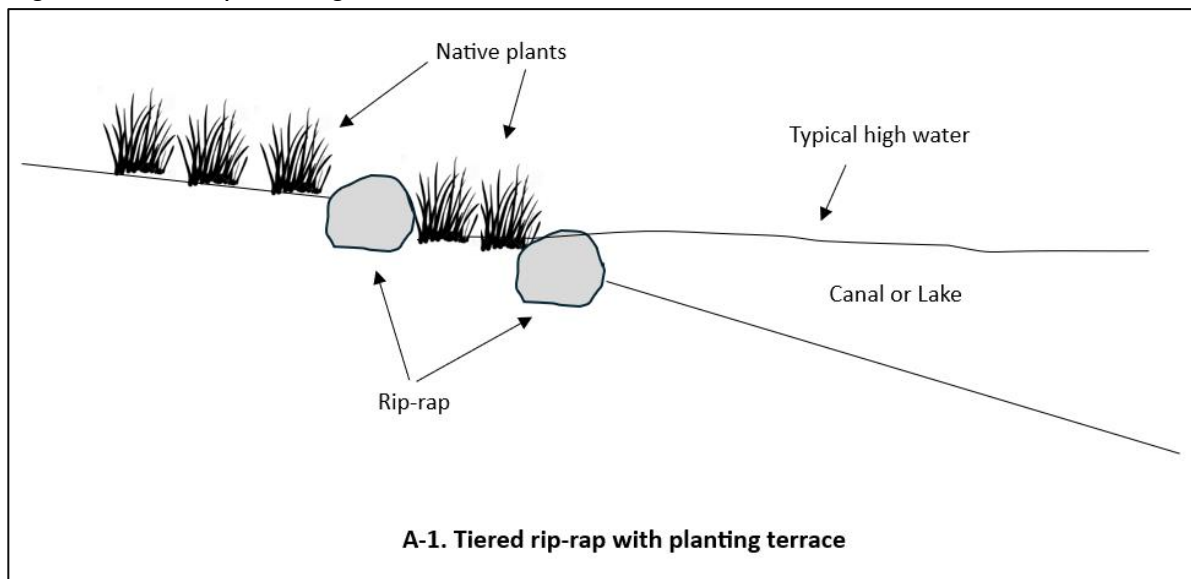
Sec. 126-99. – Living ~~Alternative~~ shoreline stabilization project.

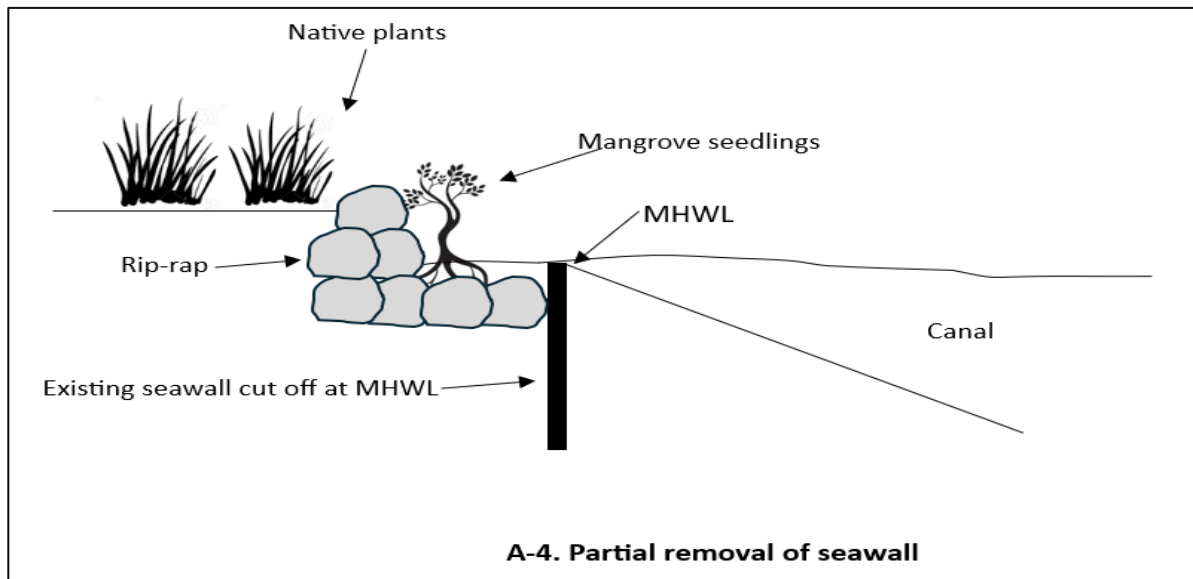
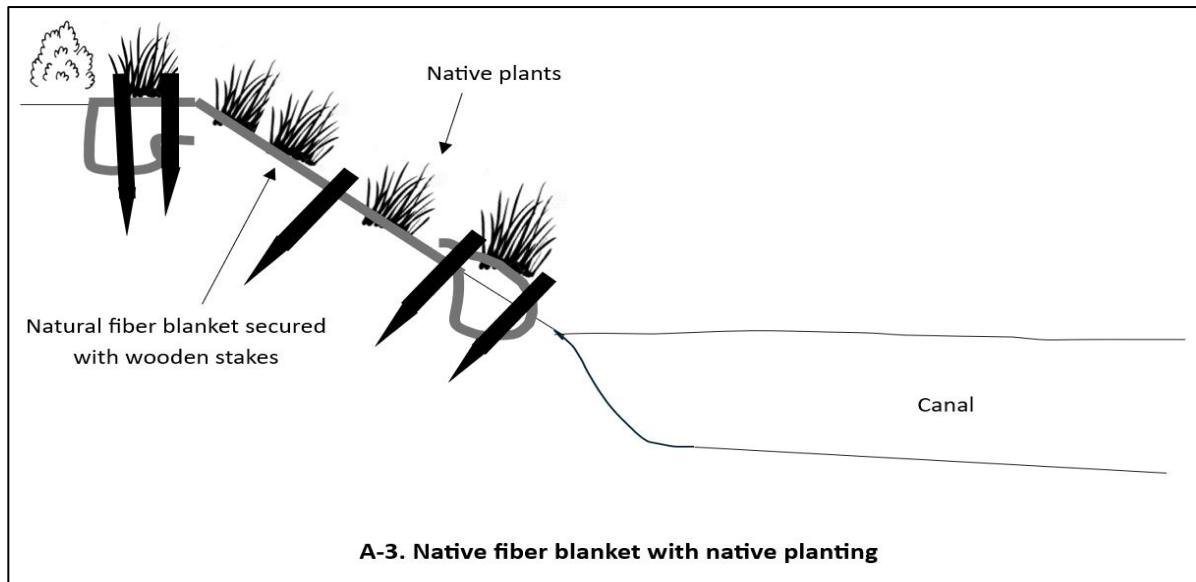
The continuing advancements in shoreline restoration and stabilization techniques offer more sustainable and ecologically based enhancement alternatives to seawalls, revetments and erosion control structures, therefore living alternative shoreline stabilization projects (referenced in this section as "project" or "projects") shall be permitted as conditional uses on the banks of human made water bodies (e.g., canals and artificial lakes) and natural water bodies (e.g., San Carlos Bay, Dinkins Bayou, Clam Bayou, and Blind Pass), subject to the general requirements of section 126-82 and the following conditions set forth in this section:

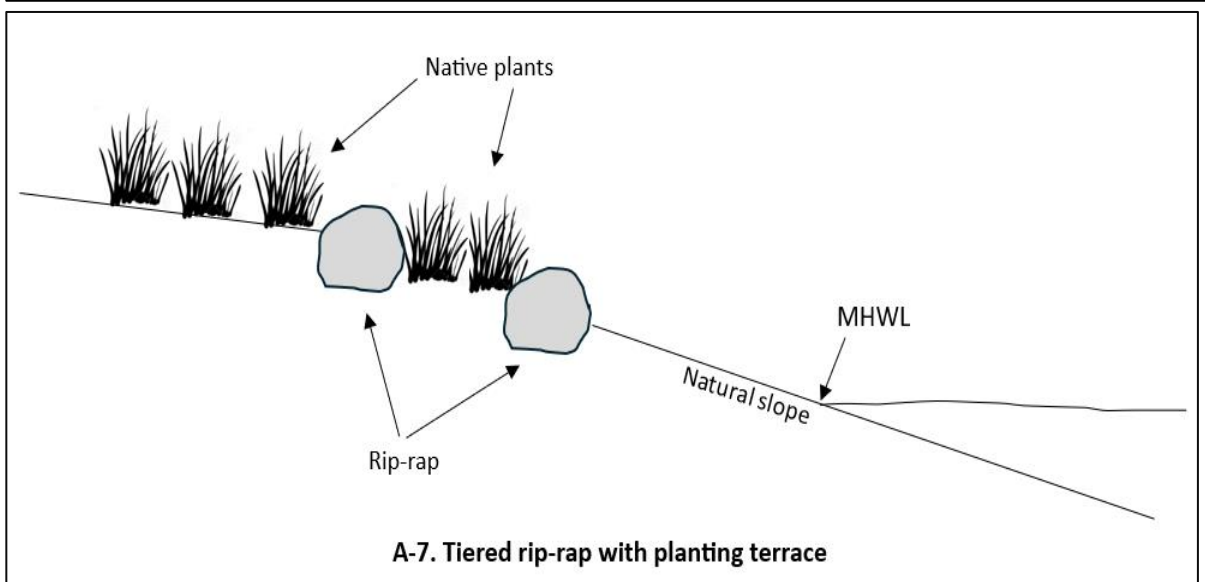
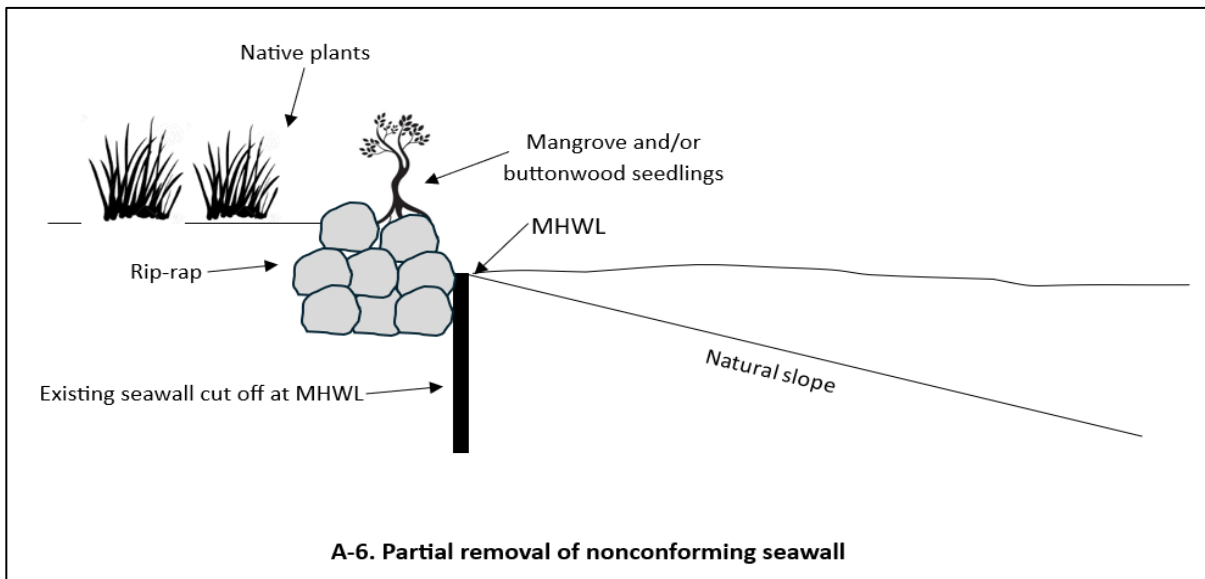
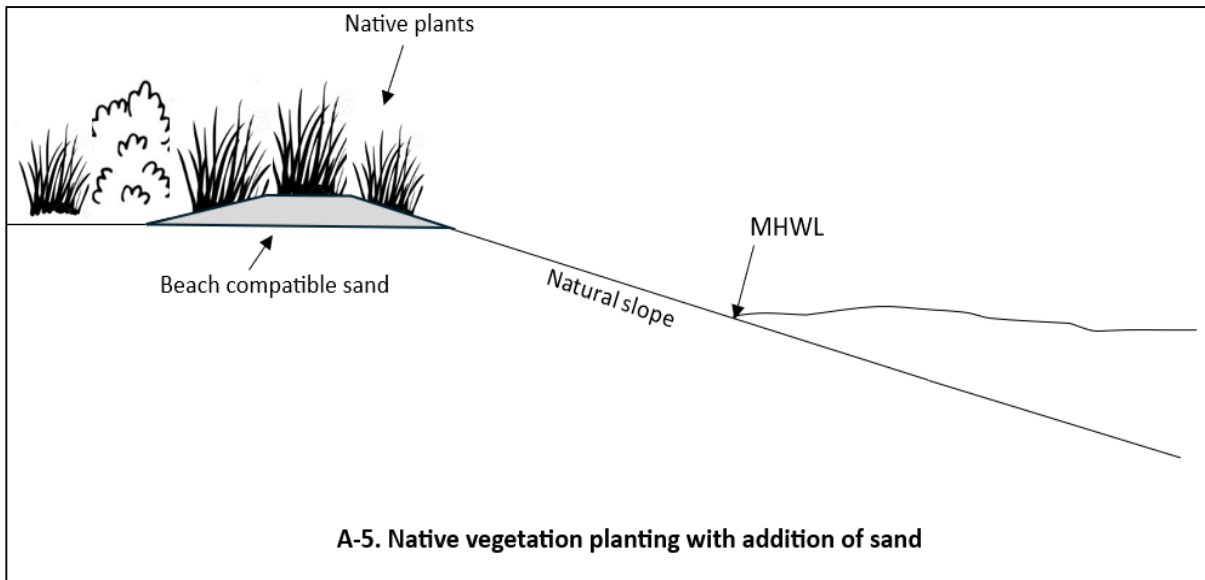
- (a~~1~~) Projects are prohibited on shorelines along the Gulf of America ~~Mexico~~ except for projects to protect public infrastructure.
- (b~~2~~) The application for conditional use approval under this section shall be prepared by a professional engineer registered in the state having experience in coastal engineering, and with assistance from ~~an Ecological Society of America certified~~ a professional ecologist or State of Florida licensed landscape architect with knowledge of southwest Florida coastal systems, and shall include:
 - (1)~~a~~ An inventory and map of existing grass beds, shell beds and other living components of the marine environment that may be affected by the installation of the proposed project and an assessment of the impact of the proposed project on these identified natural resources;
 - ~~b~~ ~~A technical report examining alternatives to the proposed project, including, but not limited to, doing nothing, public or private (e.g., Sanibel Captiva Conservation Foundation) acquisition, beach renourishment where more than 200 lineal feet of structure are proposed, relocation or removal of existing structures, and transfer of development rights;~~
 - (2)~~c~~ An assessment of the potential for harm to existing structures, both public and private, including roads, both on and off the subject parcel, if the proposed project is not installed and if the project is installed;
 - (3)~~d~~ Evidence of active, ongoing, and/or progressive shoreline erosion is present on the subject lot which is not caused by runoff from the uplands. ~~Within the bay beach zone the evidence of erosion must be documented to be other than~~ and is not due to the typical seasonal fluctuations in shoreline profile; and
 - (4)~~e~~ Such other information as may be necessary for a complete determination on the application.
- (c~~3~~) New rigid, nonflexible structures which resist or redirect wave action or impede sediment accumulation (accretion) are expressly prohibited.
- (d~~4~~) Projects may not be approved within the bay beach zone under this section unless the project design encourages sediment accretion along the shoreline.
- (e~~5~~) Projects approved under this section shall be the minimum necessary to accomplish the intended purpose ~~as determined by the planning commission~~.
- (f~~6~~) The project shall be designed, installed, and maintained to preserve and protect existing native vegetation ~~which~~ that stabilizes the bank or shoreline, filters surface water runoff, or provides terrestrial or aquatic habitat.
- (g~~7~~) The project shall meet the following minimum requirements:
 - (1)~~a~~ Along natural bodies of water, The slope of the natural beach shoreline profile shall be maintained or restored to the extent feasible (if previously altered ~~by human-made structures~~), but in no case shall the slope be steeper than three feet horizontal to one foot vertical. Within the bay beach zone, the preferred slope shall be no steeper than ten feet horizontal to one foot vertical.

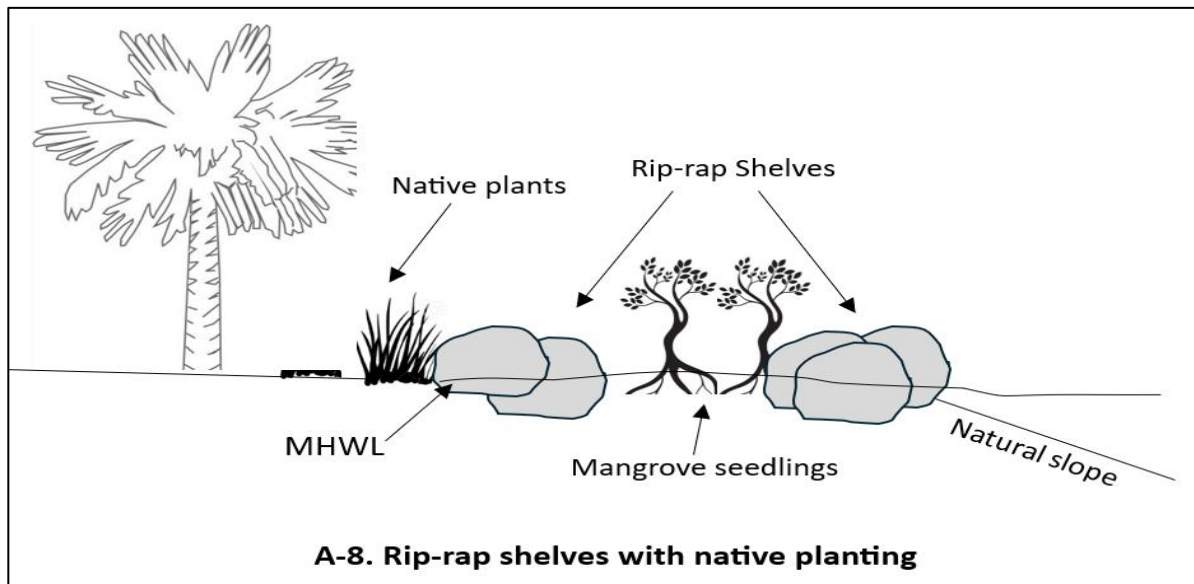
- (2) ~~b.~~ Along human-made bodies of water, the bank may be altered to include terraces or a graded slope no steeper than two feet horizontal to one foot vertical; a more gentle slope shall be required if indicated by site specific conditions.
- (3) ~~b.~~ The project shall provide a connection or transition zone between the adjacent uplands and water bodies for the benefit of wildlife to the extent feasible.
- (4) ~~c.~~ Limerock rip-rap, ~~clean cement rip-rap, and/or clean cement grids or pipes,~~ reef balls, oyster bags, natural fiber rolls or mats, or similar material may be integrated into the design in a size and manner where they will not be dislodged, resist or redirect wave action, or impede sediment accumulation provided only the minimum necessary size and quantity is incorporated to create planting areas and stabilize the shoreline through encouraging natural sediment accretion. Refer to Figure A - Example Designs.

Figure A – Example Designs









- (5)~~e~~ Plans must include the locations with elevations of mean low tide and mean high tide in relation to the proposed project. There shall be no filling or dredging at or below the mean high water line associated with the installation of the project when located along natural bodies of water.
- (6)~~e~~ Native plants suitable for shoreline stabilization, provision of wildlife habitat, and water quality enhancement or protection, and enhancement of on-site environmental conditions shall be planted ~~within the project in sufficient density with minimum~~ three-foot on centers in areas where no native vegetation exists, ~~to create a natural appearing shoreline at maturity. A planting plan shall be incorporated into the design drawings.~~
- (7)~~f~~ The ends of the project shall be tied into any ~~the~~ existing structures on adjoining lots in a manner which contributes to the stability of each structure or project; where an existing structure adjoins the proposed project at only one end, the other end of the proposed project shall be tied into the subject parcel in a manner which minimizes the potential for flank erosion.
- (8)~~g~~ Designs may include the removal of all or part of an existing seawall, revetment or erosion control structure. If an existing seawall is removed, a drainage plan must be submitted to ensure runoff is directed away from the waterbody to an appropriate onsite location.
- (h)~~g~~ The ~~planning commission shall place conditions on the~~ timing and sequence of construction to protect existing habitats or nesting, feeding or reproductive areas shall be based upon recommendations from the city's natural resources department.
- (i)~~h~~ For projects within the bay beach zone, the waterward and landward limits of the bay beach zone shall be established (i.e., field located, corners staked, and coordinates recorded for mapping) by a State of Florida licensed professional surveyor prior to installation of the project. The line 50 feet landward of the mean high water line established by this survey, which is the boundary of the bay beach zone, shall not be moved waterward because of the installation of the project.
- ((j)~~i~~) The mean high water line shall be established (i.e., field located, staked, and

coordinates recorded for mapping) by a State of Florida licensed professional surveyor prior to the installation of the project and the mean high water line shall not be moved waterward because of the installation of the project.

- (k) Revisions to previously permitted erosion control structures, revetments, or living shoreline stabilization projects due to changes in site conditions from storm events, king tides, or other sea level rise impacts may be applied for through a short-form development permit using the standards of this section.

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ARTICLE VII. – RESIDENTIAL DISTRICTS

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DIVISION 3. – B BAY BEACH ZONE

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Sec. 126-312. - Conditional uses.

The following uses in the B bay beach zone shall be permitted as conditional uses subject to the conditions and procedures set forth in articles II and IV of this chapter:

- (a1) Public utility uses.
- (b2) Accessory piers and docks, except in the portion of this zone extending from the west boundary of Lighthouse Park to the west right-of-way boundary of Dixie Beach Boulevard at Woodring's Point.
- (c3) Living shoreline stabilization projects ~~Accessory erosion control structures.~~

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Sec. 126-314. - Other regulations.

Seawalls and other hardened shoreline structures are prohibited in the B bay beach zone, but see also section 126-99 regarding living shoreline stabilization projects ~~erosion control structures~~. Emergency beach shoreline erosion control development in the B bay beach zone is permitted in compliance with the requirements of chapter 86, article IV, division 2. Development or use of any lot or parcel in this zone must be in compliance with the requirements of section 78-11; chapter 82, article III, division 3, subdivision IV; sections 82-363 and 82-364; chapter 82, article IV, division 2; chapter 86, article II; chapter 86, article IV, division 2; chapter 94; chapter 106; chapter 110; chapter 114 (when any division of land is involved); chapter 118; chapter 122, article III; article V of this chapter; sections 126-244 through 126-249; sections 126-651 and 126-652; article XIV, divisions 1 through 4, 6 and 8, of this chapter; article XIV, division 9, subdivisions I and II of this chapter; section 126-1156; article XIV, divisions 10 through 13, of this chapter; article XV of this chapter; and article XVII of this chapter.

DIVISION 4. – E-1 BLIND PASS AREA

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Sec. 126-332. - Conditional uses.

The following uses in the E-1 Blind Pass area zone shall be permitted as conditional uses subject to the conditions and procedures set forth in chapter 86, article IV, division 2:

- (a1) Public utility uses.
- (b2) Accessory security guardhouses and security gates without setbacks.
- (c3) Living shoreline stabilization projects ~~Accessory erosion control structures.~~

DIVISION 6. – D-1 LOWLAND WETLANDS ZONE

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Sec. 126-372. - Conditional uses.

The following uses in the D-1 lowland wetlands zone shall be permitted as conditional uses subject to the conditions and procedures set forth in articles II and IV of this chapter:

- (1) Public utility uses.
- (2) Institutional uses.
- (3) Agriculture.
- (4) Aquaculture.
- (5) Foster family homes.
- (6) Accessory security guardhouses and security gates without setbacks.
- (7) Living shoreline stabilization projects ~~Accessory erosion control structures.~~

DIVISION 7. – D-2 UPLAND WETLANDS ZONE

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Sec. 126-392. - Conditional uses.

The following uses in the D-2 upland wetlands zone shall be permitted as conditional uses subject to the conditions and procedures set forth in articles II and IV of this chapter:

- (1) Public utility uses.
- (2) Institutional uses.
- (3) Agriculture.
- (4) Increased-density below market rate housing.
- (5) Foster family homes.
- (6) Residential child caring facilities.

- (7) Assisted living facilities.
- (8) Aquaculture.
- (9) Recreation facilities.
- (10) Accessory security guardhouses and security gates without setbacks.
- (11) Living shoreline stabilization projects ~~Accessory erosion control structures.~~

DIVISION 8. – F MID-ISLAND RIDGE ZONE

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Sec. 126-412. - Conditional uses.

The following uses in the F mid-island ridge zone shall be permitted as conditional uses subject to the conditions and procedures set forth in articles II and IV of this chapter:

- (1) Public utility uses.
- (2) Institutional uses.
- (3) Recreation facilities.
- (4) Agriculture.
- (5) Increased-density below market rate housing.
- (6) Foster family homes.
- (7) Residential child caring facilities.
- (8) Assisted living facilities.
- (9) Accessory security guardhouses and security gates without setbacks.
- (10) Seawalls as accessory structures.
- (11) Living shoreline stabilization projects ~~Accessory erosion control structures.~~

DIVISION 10. – G ALTERED LAND ZONE

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Sec. 126-452. - Conditional uses.

The following uses in the G altered land zone shall be permitted as conditional uses subject to the conditions and procedures set forth in articles II and IV of this chapter:

- (1) Public utility uses.
- (2) Institutional uses.
- (3) Recreation facilities.
- (4) Agriculture.
- (5) Increased-density below market rate housing.
- (6) Foster family homes.
- (7) Residential child caring facilities.
- (8) Assisted living facilities.
- (9) Accessory security guardhouses and security gates without setbacks.
- (10) Seawalls as accessory structures.
- (11) Living shoreline stabilization projects ~~Accessory erosion control structures.~~

SECTION 4. Codification. The City Manager is hereby authorized and directed to indicate these amendments in future City Code publications.

SECTION 5. 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 6. 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 7. Effective date. This Ordinance shall be effective immediately upon adoption.

FIRST READING THIS 19TH DAY OF AUGUST 2025.

SCHEDULED FOR SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, THE 8TH DAY OF SEPTEMBER 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: August 19, 2025

Publication Date: _____

Second Reading: _____