

**CITY OF SANIBEL
ORDINANCE 26-004**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, APPROVING AN INCREASE IN RESIDENTIAL DEVELOPMENT DENSITY AS SET FORTH AND APPROVED IN PLANNING COMMISSION RESOLUTION 26-04, CONDITIONAL USE PETITION APPLICATION NO. PL20260002, PURSUANT TO SECTIONS 82-201, AUTHORIZATION, AND 82-204, APPLICATION AND HEARING, OF THE CODE OF ORDINANCES, TO ALLOW INCREASED-DENSITY BELOW MARKET RATE HOUSING FOR CONSTRUCTION OF A 39-UNIT MULTI-FAMILY DEVELOPMENT ON PROPERTY OWNED BY COAST ISLANDS COMMUNITY LAND TRUST, INC. (FORMERLY OWNED BY SANIBEL 1523 , INC., AND SANIBEL 1531, INC.), AND LOCATED AT 1523 PERIWINKLE WAY, TAX PARCEL NO. 30-46-23-T1-00004.0060 AND NO. 30-46-23-T1-00004.0070, MORE FULLY DESCRIBED HEREIN; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Sanibel 1523, Inc. and Sanibel 1531, Inc. are the former owners of the property located at 1523 Periwinkle Way (the “Subject Property”), and during such ownership of the Subject Property, Sanibel 1523, Inc. and Sanibel 1531, Inc. authorized Rachel Bielert, RLBCM, LLC, to act as an applicant and file this Petition Application No. PL20260002 (the “Application”), seeking Increased-Density Below Market Rate Housing for construction of a 39-unit multi-family development on property located at 1523 Periwinkle Way; and

WHEREAS, since submitting the Application, the Subject Property was sold to Coast and Islands Community Land Trust, Inc. (the “Applicant”), which has continued to pursue the Application for approval through Rachel Bielert, RLBCM, LLC; and

WHEREAS, Sections 82-201 and 82-204 of the Land Development Code detail the application and hearing process for a conditional use; and

WHEREAS, a duly noticed public hearing of the Application was held by the Planning Commission on February 24, 2026; and

WHEREAS, after providing the Applicant, staff, and the public an opportunity to present testimony and evidence, the Planning Commission found that the requirements for conditional uses, set forth in Section 126-82 and Section 126-85 of the Code of Ordinances, had been met and the Application was therefore recommended for approval by City Council; and

WHEREAS, the City Council finds that the proposed increase in residential density approved by this Ordinance is to provide incentives for the Below Market Rate Housing Program; and

WHEREAS, pursuant to Land Development Code Section 82-32, Actions requiring supermajority vote of council, action to increase residential development intensity as established in the Sanibel Plan may be taken by the City only by ordinance adopted by four-fifths of the membership of council where the full membership is voting or unanimous vote of the voting members where less than the full membership is voting; and

WHEREAS, the City Council agrees with the Planning Commission’s finding that the Application is consistent with the Sanibel Plan – Plan for Housing and Plan for Development Intensity – and demonstrates compliance with the standards and regulations of the Land Development Code.

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. The City Council hereby finds that Conditional Use Petition Application PL20260002 to allow Increased-Density Below Market Rate Housing for construction of a 39-unit multi-family development on property located at 1523 Periwinkle Way, tax parcel No. 30-46-23-T1-00004.0060 and No. 30-46-23-T1-00004.0070 is hereby approved.

Any approval of the Conditional Use Petition Applications are pursuant to the application and attachments included with these items, and subject to the following condition(s) contained in the February 24, 2026, staff report,

1. All dwelling units shall be dedicated to the Below Market Rate Housing rental program indefinitely and in conformance with Chapter 102, Article II. – Below Market Rate Housing.
2. The applicant shall comply with all required conditions of a Planning Commission resolution approving variances (application No. PL20260007), which have been determined necessary to authorize this development.
3. Upon approval of a development permit, the developer shall execute and record in the public records of the county a declaration that the residential density allocation for the property has been fully executed in conformance with Sec. 86-113. – Declaration of density allocation requirements prior to issuance of a Certificate of Occupancy.

Conditions contained herein are in addition to the requirements of the Sanibel Code. The applicant is required to comply with all regulations of the City of Sanibel. Some conditions stated herein reflect the current code requirements applicable at the time of approval of this permit. After the issuance of the completion certificate for this development or upon expiration of the development permit, any subsequent development or change of use for the parcel must comply with the regulations in effect at that time.

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.

ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, ON THIS 31ST DAY OF MARCH 2026.

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: March 17, 2026

Publication Date: March 20, 2026

Second Reading: March 31, 2026