

CITY OF SANIBEL
ORDINANCE 26-007

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES, SUBPART B LAND DEVELOPMENT CODE, CHAPTER 126, ZONING, ARTICLE XIV, SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 2, ACCESSORY STRUCTURES, SUBDIVISION I, IN GENERAL, SECTION 126-852, REQUIREMENTS, AND SECTION 126-853, FRONT YARDS, TO ALLOW ACCESSORY STRUCTURES IN FRONT YARDS EXCEPT ACCESSORY STORAGE STRUCTURES SUBJECT TO FRONT SETBACK REQUIREMENTS WITH LIMITED EXCEPTIONS; AND DIVISION 3, BUILDING AND AREA REQUIREMENTS, SUBDIVISION I, IN GENERAL, SECTION 126-933, MULTIPLE-FRONTAGE LOTS, 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 26, 2026, on specific proposed amendments to the Land Development Code; and

WHEREAS, the Planning Commission heard and considered comments and recommendations from the Planning Staff and the public pertaining to a draft amendment related to allowing accessory structures in front yards except accessory storage structures subject to front setback requirements with limited exceptions; 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 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

Subdivision I – IN GENERAL

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Sec. 126-852. – Requirements

All accessory buildings and structures shall comply with the following requirements:

- (a) *Height.* Accessory buildings and structures shall comply with the height limitations for principal structures, but in no event shall an accessory structure exceed the height of a principal structure located on the same lot.
- (b) *Separation.* Accessory buildings or structures shall be at least ten feet from any principal building located on the same lot, unless attached to and an integral part of such principal building, and shall be at least six feet from any other accessory ~~building~~ or structure located on the same lot.
- (c) Front yard setbacks. All accessory structures shall comply with front yard setback requirements for a principal structure, except as follows:
 - (1) Ground-level walkways, driveways, bike paths, and parking areas (but not including those parking areas subject to article XIV, division 3, subdivision II of this chapter);
 - (2) Utility facilities;
 - (3) Lamp posts and mailboxes;
 - (4) Planters and statuary up to three feet in height;
 - (5) Signs in accordance with chapter 106; and
 - (6) Little-libraries, not to exceed 6 feet in overall height with the box dimensions of 25 inches high by 36 inches wide by 18 inches deep, may be mounted upon a post or other structure no larger than the minimum size necessary to safely and securely support the receptacle, but may contain or include minor decorative or design features which are in harmony with the character and ambiance of the neighborhood in which the receptacle is located and which do not pose a threat to traffic safety and visibility.
- (d) Side and rear yard setbacks. Accessory ~~buildings and~~ structures shall comply with the side and rear yard setback requirements for a principal structure, except as follows:
 - (1) Fences are subject to article IX, division 3, subdivision 1, and division 6 of this chapter.
 - (24) Side and rear yard setback requirements shall not apply to accessory revetments, seawalls, or erosion control structures.
 - (32) Side yard setback requirements shall not apply to docks, boat davits, or boat lifts located along a side lot line.
 - (43) Rear yard setback requirements shall not apply to docks, boat davits, or boat lifts located along a rear lot line.
 - (54) Side and rear yard setback requirements shall not apply to docks, boat davits, or boat lifts located on lots A through Q of Sanibel Harbors Subdivision.
- (e) Open body of water setback. Accessory ~~buildings and~~ structures shall comply with the open body of water setback requirements for a principal structure, except as the open body of water setback shall not apply to the following:
 - (1) Docks, boat davits, or boat lifts, and access walkways or paths to docks.
 - (2) Accessory revetments, seawalls, or alternative shoreline stabilization projects.

- (3) Within conservation lands, boardwalks, dune walkovers, trails, or observation platforms/towers.
- (4) Driveways proposed to cross an open body of water where the crossing is the minimum necessary to provide access to the principal use of the lot and where the hydrological connection will not be disrupted.
- (5) De minimis impacts pursuant to section 86-45(c).

Sec. 126-853. - Accessory buildings in front yards. ~~Front yards.~~

(a) Accessory buildings are prohibited in actual front yard areas, (between principal structure and front lot line), unless the accessory building is located more than 150 feet from the front lot line. All accessory structures are prohibited within required front yard setbacks (including all street-side setbacks for multiple-frontage lots), except for:

- ~~(1) Ground-level walkways, driveways, bike paths, and parking areas (but not including those parking areas subject to article XIV, division 3, subdivision II of this chapter;~~
- ~~(2) Utility facilities;~~
- ~~(3) Lamp posts and mailboxes;~~
- ~~(4) Planters and statuary up to three feet in height; and~~
- ~~(5) Street graphics in accordance with chapter 106.~~

(b) Non-elevated accessory storage buildings shall comply with size and area limitations described in Section 94-133.

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DIVISION 3. – BUILDING AND AREA REQUIREMENTS

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Subdivision I. – In General

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Sec. 126-933. – Multiple-frontage lots.

Where a lot is bounded by more than one street, the front yard setback requirement shall be met on each abutting street; provided, however, that on lots ~~qualifying under the "existing parcels" provision (section 86-92)~~ which are of insufficient, width or depth to meet this requirement, the principal structure may project as close to the abutting side or rear street as one-half the setback requirement.

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.

SCHEDULE FOR SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, ON THE 21ST DAY OF JULY 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 _____
Henshaw _____
DeBruce _____
Johnson _____
Smith _____

First Reading: _____
Publication Date: _____
Second Reading: _____