



AGENDA MEMORANDUM

Planning Department

City Council Meeting Date: April 17, 2025

To: City Council
From: Craig Chandler, AICP, Deputy Planning Director
Date: April 10, 2025

SUBJECT: An ordinance amending the Code of Ordinances to aid hurricane recovery, Subpart B Land Development Code, Chapter 82, Administration, Article III, Planning Commission, Division 3, Specific Authority, Subdivision V, Conditional Uses, Section 82-201, Authorization, for the purpose of updating the Land Development Code regulations.

REVIEW TIMELINE

Date	Meeting Type	Summary
6/11/2024	Joint Workshop	Discussion regarding possible code amendments to aid the recovery from Hurricane Ian, including changes to expedite permit processing for certain long-form applications.
7/26/2024	Planning Commission	Planning Commission approves (by 5-2 vote) Resolution 24-10, recommending a temporary short form application process for “eating places, restaurants, grocery stores, etc.”
9/9/2024	City Council	City Council adopts Ordinance 24-015 (by 4-0 vote) with two changes relative to recommendations from Planning Commission – (1) sunset clause revised to expire on December 31, 2024; and (2) added language to allow the public to appeal a Conditional Use Permit approved by staff. However, staff and the city attorney were not clear as to how an appellant might establish standing to appeal an application without a public hearing.
2/18/2025	Joint Workshop	Discussion regarding possible code amendments to aid the recovery from Hurricane Ian, including changes to expedite permit processing for certain long-form applications.

Sanibel is and shall remain a barrier island sanctuary

3/4/2025	Planning Commission	<p>Discussion to reinstate temporary short form application process for “eating places, restaurants, grocery stores, etc.” and the possibility of broadening this authorization to other conditional use permit types.</p> <p>The discussion also explored a staff recommendation to adopt language for public notice and referral of an application to Planning Commission in lieu of a formal appeal process to resolve legal concerns over the appellate process.</p> <p>Planning Commission directed staff to draft a resolution for “eating places, restaurants, grocery stores, etc.” and conditional uses specific to hurricane recovery or shoreline resiliency.</p>
3/25/2025	Planning Commission	<p>Planning Commission approved Resolution 25-03 recommending amendment of <u>Sec. 82-201. - Authorization</u> to authorize staff to approve the following uses as short-form applications with a sunset provision effective on December 31, 2025:</p> <ul style="list-style-type: none"> • Eating places, restaurants, grocery stores, etc. • Dock, boat davits, boat lifts and mooring pilings • Alternative shoreline stabilization project • Seawall as accessory structure waterward of existing seawall <p>The applicant or any member of the public may request an application be considered by the Planning Commission consistent with Sec. 82-204. – Application and hearing.</p>
4/7/2025	City Council	<p>City Council discussed the legislative text recommended by Planning Commission Resolution 25-03 and directed staff to prepare a draft ordinance with the following revisions:</p> <ul style="list-style-type: none"> • Clarify how “300-feet” is measured for the purpose of notification to adjacent property owners. • Include a provision for notification of conditional uses relating to shoreline or marine accessory structure to owners adjacent to the same canal. • Broaden the scope of notification procedures

BACKGROUND: The Land Development Code authorizes Planning Commission to consider applications for approval of conditional uses. Last year, City Council adopted Ordinance 24-015 to authorize staff to consider applications for approval of “eating places, restaurants, grocery stores, etc.” – a conditional use – in the event of a declared state of local emergency extending beyond six months with a sunset provision effective December 31, 2024.

In advance of a Joint Meeting on February 18, 2025, staff prepared draft legislative text for discussion to reinstate the temporary administrative authority over conditional use permits for “eating places, restaurants, grocery stores, etc.” and broadening this authorization to other conditional uses.

Benefits

The proposed amendments will streamline permit processes for specified conditional uses to aid in the recovery from Hurricanes Ian, Helene, and Milton.

Compliance with Florida Statutes (SB 250)

The proposed legislative text is compliant with the parameters of Senate Bill 250.

PUBLIC COMMENT: Staff have not received public comments on this item.

FISCAL IMPACT: None.

RECOMMENDED ACTION: Move the draft ordinance to second reading on May 6, 2025.

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