

**CITY OF SANIBEL
ORDINANCE 23-017**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO APPROVE THE PROPOSED AMENDMENTS TO CHAPTER 126, ZONING, ARTICLE IV, CONDITIONAL USES, SECTION 126-90, DRIVE-IN AND DRIVE-THROUGH FACILITIES, SECTION 129-91, EATING PLACES, RESTAURANTS, GROCERY STORES, ETC., NOT LISTED AS A PERMITTED USE, SECTION 126-92, MOTION PICTURE THEATERS, EXCEPT DRIVE-IN, AND THEATERS FOR LIVE PERFORMANCES, SECTION 126-93, GASOLINE SERVICE STATIONS, SECTION 126-94, VEHICLE RENTAL AND LEASING, SECTION 126-95, CAR WASHES; ARTICLE XV, OFF-STREET PARKING AND LOADING;; DIVISION 4, DESIGN STANDARDS, SECTION 126-1404, SERVICE AISLES, FOR THE PURPOSE OF AMENDING THE LAND DEVELOPMENT CODE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, many commercial developments sustained substantial damage or were destroyed by Hurricane Ian; and

WHEREAS, City Council directed staff to review the existing development regulations within commercial districts to streamline permit processing and aid redevelopment in a manner consistent with the Sanibel Plan; and

WHEREAS, the Planning Commission held a legally and properly advertised public hearing on April 25, 2023, on specific proposed Amendments to the Land Development Code; and

WHEREAS, the Planning Commission heard and considered comments and recommendations from the Planning Department Staff and public; and

WHEREAS, the Planning Commission may recommend to the City Council amendments to regulations of the Land Development Code, in accordance with the standards set forth in LDC Section 82-241; and

WHEREAS, Planning Commission found these amendments will generally improve viability of redevelopment in Commercial Districts in the wake of Hurricane Ian and will specifically improve the viability of certain commercially zoned parcels for certain conditional uses; and

WHEREAS, the Planning Commission found the proposed amendments to the Land Development Code as indicated below are 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, the substance of which follows below.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SANIBEL, FLORIDA:

SECTION 1. Chapter 126 is hereby amended to read as follows, with additions indicated by underlining and deletions indicated by ~~striketrough~~:

Chapter 126 - ZONING

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ARTICLE IV, CONDITIONAL USES

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Sec.126-90. - Drive-in and drive-through facilities.

Drive-in and drive-through facilities in conjunction with a permitted conditional use shall be permitted as a conditional use subject to the following conditions set forth in this section:

- ~~(1) No access driveway to any parcel on which such use is located shall be any closer than 200 feet to the intersection of Periwinkle Way with Causeway Road, Beach Road, Donax Street, Dixie Beach Boulevard, Casa Ybel Road, Palm Ridge Road, or Tarpon Bay Road, or the intersection of Tarpon Bay Road with Palm Ridge Road, as measured from the closest outermost edge of the intersecting access driveway, not including the turning radius, as extended to the centerline of the intersected street to the closest outermost edge of the intersecting street, not including the turning radius, as extended to the centerline of the intersected street.~~
- (12) All drive-in or drive-through service areas shall be designed to stack a minimum of four cars per lane, without interfering with on-site or off-site traffic circulation.
- ~~(23)~~ All drive-in or drive-through service areas shall be counted toward the maximum permitted commercial floor area for the parcel.
- (34) Nothing in this article or any other provision of this Land Development Code shall be construed to allow drive-up, drive-through, or drive-in lanes with carry-out service windows in or at any restaurant, food service operation, or beverage or liquor store, and drive-up, drive-through, or drive-in lanes with carry-out service windows in or at any restaurant, food service operation, or beverage or liquor store are specifically prohibited.

Sec.126-91. - Eating places, restaurants, grocery stores, etc., not listed as a permitted use.

Eating places, such as restaurants, grocery stores, delicatessen stores, food markets, convenience stores, carry-out food stores not listed as a permitted use, including ice cream shops, and any permitted commercial use involving on-site food preparation or processing shall be permitted as conditional uses subject to the following conditions set forth in this section:

- ~~(1) No access driveway to any parcel on which such use is located shall be any closer than 200 feet to the intersection of Periwinkle Way with Causeway Road, Beach Road, Donax Street, Dixie Beach Boulevard, Casa Ybel Road, Palm Ridge Road, or Tarpon Bay Road, or the intersection of Tarpon Bay Road with Palm Ridge Road, as measured from the closest outermost edge of the intersecting access driveway, not including the turning radius, as extended to the centerline of the intersected street to the closest outermost edge of the intersecting street, not including the turning radius, as extended to the centerline of the intersected street.~~
- (12) The planning commission shall require that the wastewater disposal facilities for any use approved pursuant to this section are adequate to serve the needs of the use as proposed, and may require such security as it deems necessary to ensure that the system installed is replaced if it proves to be inadequate or may condition the approval of such use upon such modifications and improvements to the system as are reasonably necessary after the use is developed.
- ~~(23)~~ All restaurants with more than 50 seats must be connected to the city sewer system.
- (34) All restaurants must be located at least 100 feet from any existing dwelling unit, except for a dwelling unit located in a commercial district. Any such use shall be required to be soundproofed to the extent reasonably necessary to ensure compliance with all existing ordinances of the city relating to the creation of noise.

- (45) Nothing in this article or any other provision of this Land Development Code shall be construed to allow formula restaurants.

Sec.126-92. - Motion picture theaters, except drive-in, and theaters for live performances.

Motion picture theaters, except drive-in, and theaters for live performances shall be permitted as conditional uses subject to the following conditions set forth in this section:

- ~~(1) No access driveway to any parcel on which such use is located shall be any closer than 200 feet to the intersection of Periwinkle Way with Causeway Road, Beach Road, Donax Street, Dixie Beach Boulevard, Casa Ybel Road, Palm Ridge Road, or Tarpon Bay Road, or the intersection of Tarpon Bay Road with Palm Ridge Road, as measured from the closest outermost edge of the intersecting access driveway, not including the turning radius, as extended to the centerline of the intersected street to the closest outermost edge of the intersecting street, not including the turning radius, as extended to the centerline of the intersected street.~~
- (12) No such use shall be located any closer than 100 feet to any existing dwelling unit, except a dwelling unit in a commercial district.
- (23) Any such use shall be required to be soundproofed to the extent reasonably necessary to ensure compliance with all existing ordinances of the city relating to the creation of noise.

Sec.126-93. - Gasoline service stations.

Gasoline service stations shall be permitted as a conditional use subject to the following conditions set forth in this section:

- ~~(1) No access driveway to any parcel on which such use is located shall be any closer than 200 feet to the intersection of Periwinkle Way with Causeway Road, Beach Road, Donax Street, Dixie Beach Boulevard, Casa Ybel Road, Palm Ridge Road, or Tarpon Bay Road, or the intersection of Tarpon Bay Road with Palm Ridge Road, as measured from the closest outermost edge of the intersecting access driveway, not including the turning radius, as extended to the centerline of the intersected street to the closest outermost edge of the intersecting street, not including the turning radius, as extended to the centerline of the intersected street.~~
- (12) All gasoline pumps (including pumps for dispensing any form of motor vehicle fuel) and service islands, as well as adequate area for the parking of automobiles next to such pumps, shall be located within minimum required setbacks and shall be counted toward the maximum permitted commercial floor area for the parcel.
- (23) Lanes for access to gasoline pumps or service islands shall be designed so that one automobile can park at each pump or pump island behind the vehicle being refueled, without interfering with on-site or off-site traffic circulation.
- (34) Outdoor displays of merchandise shall be limited to cans of oil or other vehicle fluids and such minor equipment and accessories as windshield wiper blades, fuses and similar equipment and accessories. Such displays of merchandise shall not be located so as to interfere with on-site traffic circulation.
- (45) A gasoline service station may include an accessory drive-through car wash, provided the required conditions for a car wash as a conditional use are met.
- (56) No vehicle lift or repair facilities shall be located outside of the principal structure.
- (67) Minor adjustments or repairs to automobiles, trucks, trailers, or other vehicles which do

not require body work, painting, or removal of engines from frames or dismantling of differentials shall be permitted as an accessory use. Additional adjustments or repairs at gasoline service stations shall only be permitted within zoning districts where such automotive repairs are a permitted principal use.

- (78) The planning commission shall ensure that the wastewater disposal system is adequate for the use as proposed.

Sec.126-94. - Vehicle rental and leasing.

Automotive rental and leasing, boat and canoe rentals, motorcycle rentals, including mopeds, and rental of bicycles shall be permitted as conditional uses subject to the following conditions set forth in this section:

- ~~(1) No access driveway to any parcel on which such use is located shall be any closer than 200 feet to the intersection of Periwinkle Way with Causeway Road, Beach Road, Donax Street, Dixie Beach Boulevard, Casa Ybel Road, Palm Ridge Road, or Tarpon Bay Road, or the intersection of Tarpon Bay Road with Palm Ridge Road, as measured from the closest outermost edge of the intersecting access driveway, not including the turning radius, as extended to the centerline of the intersected street to the closest outermost edge of the intersecting street, not including the turning radius, as extended to the centerline of the intersected street.~~
- (12) All areas in which rental cars, mopeds, bicycles, and boats are parked or stored shall be located behind minimum required setbacks and shall be counted toward the maximum permitted developed area for the parcel.
- (23) Conditional use permits shall not be issued for the rental of bicycles or other human-powered vehicles which exceed 36 inches total width.

Sec.126-95. - Car washes.

Car washes shall be permitted as a conditional use subject to the following conditions set forth in this section:

- ~~(1) No access driveway to any parcel on which such use is located shall be closer than 200 feet to the intersection of Periwinkle Way with Causeway Road, Beach Road, Donax Street, Dixie Beach Boulevard, Casa Ybel Road, Palm Ridge Road, or Tarpon Bay Road, or the intersection of Tarpon Bay Road with Palm Ridge Road, as measured from the closest outermost edge of the intersecting access driveway, not including the turning radius, as extended to the centerline of the intersected street to the closest outermost edge of the intersecting street, not including the turning radius, as extended to the centerline of the intersected street.~~
- (2) The planning commission shall ensure that the wastewater disposal system designed and installed for such use shall be installed and maintained in such fashion and to such standards as reasonably necessary to serve the needs of the use as proposed.

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ARTICLE XIV. – OFF-STREET PARKING AND LOADING

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DIVISION 4. – Design Standards

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Sec. 126-1404. – Driveways and S-service aisles.**(a) Access Driveways.****(1) Number.**

- a. Multiple and independent points of ingress and egress on a single arterial and connector road, or roads are not permitted, unless otherwise allowed by Planning Commission (i.e., conditional use, variance).
- b. Parcels abutting more than one street may have more than one access driveway, if more than one driveway is necessary to provide adequate traffic circulation or for the safety of the development (i.e., hurricane evacuation, emergency services access), as determined by the Planning Commission or City Manager.

(2) Location. Driveways shall comply with the following location requirements:

- a. Applicable minimum side setbacks.
- b. Multiple frontage lots shall locate the driveway to provide access at the roadways of lesser intensity, in the order of local, collector, and major arterial (e.g., Periwinkle Way and Sanibel-Captiva Road).
- c. Driveways less than 200 feet to the major intersections of Periwinkle Way (Causeway Road, Beach Road, Donax Street, Dixie Beach Boulevard, Casa Ybel Road, Palm Ridge Road, or Tarpon Bay Road) or the intersection of Tarpon Bay Road with Palm Ridge Road, as measured from the closest outermost edge of the access driveway to the closest outermost edge of the intersecting street, must demonstrate that the proposed driveway maximizes the distance from those major intersections to the greatest extent possible, and when possible, coordinate with adjacent development including examination of all opportunities to share or combine drives, entry points, and parking areas.

(3) Width.

- a. Single-Family and Duplex (Residential). Driveways shall provide a minimum width of 12 feet in the public right-of-way, and a minimum width of 10 feet up to no less than 50 feet from any such dwelling unit.
- b. Multi-family residential and Non-residential uses. Driveways shall provide a minimum driveway width of 13 feet (one-way) or 22 feet (two-way).

(b) Service aisles. All parking areas shall be designed with service aisles to meet the following standards:

- (1) One-way traffic. Service aisles for one-way traffic shall be as follows:
 - a. Parallel parking shall have a 13-foot aisle width.
 - b. Thirty-degree angle parking shall have a 13-foot aisle width.
 - c. Forty-five-degree parking shall have a 13-foot aisle width.
 - d. Sixty-degree parking shall have an 18-foot aisle width.
- (2) Two-way traffic. Service aisles for two-way traffic shall be as follows:
 - a. Parallel parking shall have a 25-foot aisle width.
 - b. Ninety-degree parking shall have a 24-foot aisle width.