

CITY OF SANIBEL  
ORDINANCE 23-020

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES TO SITE PLANNING AND ASSOCIATED SETBACKS FOR COMMERCIAL USES, AMENDING SUBPART B LAND DEVELOPMENT CODE, CHAPTER 126, ZONING, ARTICLE VIII, COMMERCIAL DISTRICTS, DIVISION 2, GC GENERAL COMMERCIAL DISTRICT, SECTION 126-494, REQUIRED CONDITIONS; DIVISION 3, TCG TOWN CENTER GENERAL COMMERCIAL DISTRICT, SECTION 126-514, REQUIRED CONDITIONS; DIVISION 4, TCL TOWN CENTER LIMITED COMMERCIAL DISTRICT, SECTION 126-534, REQUIRED CONDITIONS; ARTICLE XIV, SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 3, BUILDING AND AREA REQUIREMENTS, SUBDIVISION II, SPECIAL SETBACKS, SECTION 126-961, OUTDOOR SEATING SETBACKS; DIVISION 5, COMMERCIAL AND INSTITUTIONAL USES GENERALLY, SECTION 126-1029, SITE PLANNING STANDARDS FOR THE PURPOSE OF LAND DEVELOPMENT CODE REGULATIONS; 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 (Sanibel Plan) Plan for Commercial Development provision 16 states development standards to existing conforming and nonconforming, as well as new, commercial development shall be applied to assure that the standards have a desirable long-term effect on commercial development in terms of the community's goals, and provision 17 states that, as part of the City's redevelopment planning work program for commercial districts, include the enhancement of the scenic appearance of these areas and consistent with historic building placement prior to causeway construction; and

**WHEREAS**, the Planning Commission held a legally and properly advertised public hearing on May 9, 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 contribute to a walkable and bike-friendly environment in Commercial Districts that emphasizes the scenic character of its buildings, consistent with island-style architectural design and buffered by predominately native vegetation consistent with historic building placement prior to the causeway construction, while reducing the visual impact of off-street parking lots, as supported by the community's unique small-town identity and avoidance of "auto-urban" development influences; and

**WHEREAS**, Planning Commission found these amendments will improve viability of redevelopment in Commercial Districts in the wake of Hurricane Ian and will effectively reduce the

number of waiver applications necessary to consider modifications, improvements, and additions at existing developments, thereby streamlining permit processes; 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 7 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 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, are hereby amended with ~~strikethrough~~ language indicating deletions and underlined language indicating additions as follows:

**Chapter 126 – ZONING**

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**ARTICLE VIII. – COMMERCIAL DISTRICTS**

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**DIVISION 2. – GC GENERAL COMMERCIAL DISTRICT**

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**Sec. 126-494. – Required conditions**

- (a) *Maximum floor area ratio.* The maximum floor area ratio for parcels in the GC general commercial district shall be ten percent.
- (b) *Height.* The height of the principal structure in the GC general commercial district shall not exceed 45 feet above mean sea level. In any structure, commercial floor area shall be limited to the lowest story, either below base flood elevation (and floodproofed) or elevated to or above the base flood elevation. However, two stories may be used for commercial floor area, provided that the following criteria are met:
  - (1) No more than 40 percent of the commercial floor area in the structure is on the second story.
  - (2) The second story is to be completely within the roof of the structure.
- (c) *Front yard setback.* For principal structures in the GC general commercial district there shall be a front yard setback of 20 feet from the front property line ~~not less than 100 feet from the centerline of minor arterial or collector roads and 50 feet from the centerline of any other street, except where a special setback is imposed, as set forth in article XIV, division 3, subdivision II of this chapter, and except that such applicable setback shall not be less than 20 feet from any open body of water.~~
- (d) *Side and rear yard setbacks.* For principal structures in the GC general commercial district there shall be side yard setbacks of 15 feet from side and rear property lines ~~25 feet each for parcels with more than 125 feet of road frontage and of 15 feet each for parcels with 125 feet or less of road frontage, and there shall be a rear yard setback of 20 feet.~~
- (e) *Open body of water setback.* All structures in the GC general commercial district shall be set back a minimum of 20 feet from open bodies of water.

- (f) ~~(e)~~ *Coverage*. The maximum land area to be covered with impermeable surfaces in the GC general commercial district shall not exceed 45 percent of the lot area, but see also section 126-977.
- (g) ~~(f)~~ *Developed area and vegetation removal*. The maximum land area to be used as developed area and the maximum land area to be cleared of vegetation in the GC general commercial district shall not exceed 50 percent of the gross area of any parcel.
- (h) ~~(g)~~ *Environmental performance standards*. Except as may be specified to the contrary in divisions 2 through 5 of this article, commercial development of any parcel in the GC general commercial district shall comply with the environmental performance standards set forth in section 126-653 and article XIII, divisions 2 through 7, of this chapter for the applicable ecological zones designated on the zoning map of the city.

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**DIVISION 3. – TCG Town Center General Commercial District**

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**Sec. 126-514. – Required conditions.**

- (a) *Maximum floor area ratio*. The maximum floor area ratio for parcels in the TCG town center general commercial district shall be 12 percent, [unless otherwise approved pursuant to section 126-1032(4)].
- (b) *Height*. The height of the principal structure in the TCG town center general commercial district shall not exceed 45 feet above mean sea level. In any structure in the TCG town center general commercial district, commercial floor area shall be limited to the lowest story, either below base flood elevation (and floodproofed) or elevated to or above the base flood elevation. However, two stories may be used for commercial floor area, provided that the following criteria are met:
  - (1) No more than 40 percent of the commercial floor area in the structure is on the second story.
  - (2) The second story is to be completely within the roof of the structure.
- (c) *Front yard setback*. For principal structures in the TCG town center general commercial district there shall be a front yard setback of 20 feet from the front property line ~~not less than 100 feet from the centerline of minor arterial or collector roads and 50 feet from the centerline of any other street, except where a special setback is imposed, as set forth in article XIV, division 3, subdivision II of this chapter, and except that such applicable setback shall not be less than 20 feet from any open body of water.~~
- (d) *Side and rear yard setbacks*. For principal structures in the TCG town center general commercial district there shall be side yard setbacks of 15 feet from side and rear property lines ~~25 feet each for parcels with more than 125 feet of road frontage and of 15 feet each for parcels with 125 feet or less of road frontage, and there shall be a rear yard setback of 20 feet.~~
- (e) *Open body of water setback*. All structures in the TCG town center general commercial district shall be set back a minimum of 20 feet from open bodies of water.
- (f) ~~(e)~~ *Coverage*. The maximum land area to be covered with impermeable surface in the TCG town center general commercial district shall not exceed 45 percent of the lot area, but see also section 126-977.
- (g) ~~(f)~~ *Developed area and vegetation removal*. The maximum land area to be used as developed area and the maximum land area to be cleared of vegetation in the TCG town center general

commercial district shall not exceed 50 percent of the gross area of any parcel.

(h) ~~(g)~~ *Environmental performance standards.* Except as may be specified to the contrary in this article, commercial development of any parcel in the TCG town center general commercial district shall comply with the environmental performance standards set forth in section 126-653 and article XIII, divisions 2 through 7 of this chapter for the applicable ecological zone designated on the zoning map of the city.

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**DIVISION 4. – TCL Town Center Limited Commercial District**

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**Sec. 126-534. – Required conditions.**

(a) *Maximum floor area ratio.* The maximum floor area ratio for parcels in the TCL town center limited commercial district shall be 12 percent, [unless otherwise approved pursuant to section 126-1032(4)].

(b) *Height.* The height of the principal structure in the TCL town center limited commercial district shall not exceed 45 feet above mean sea level. In any structure in the TCL town center limited commercial district, commercial floor area shall be limited to the lowest story, either below base flood elevation (and floodproofed) or elevated to or above the base flood elevation. However, two stories may be used for commercial floor area, provided that the following criteria are met:

(a) No more than 40 percent of the commercial floor area in the structure is on the second story.

(b) The second story is to be completely within the roof of the structure.

(c) *Front yard setback.* For principal structures in the TCL town center limited commercial district there shall be a front yard setback of 20 feet from the front property line ~~not less than 100 feet from the centerline of minor arterial or collector roads and 50 feet from the centerline of any other street, except where a special setback is imposed, as set forth in article XIV, division 3, subdivision II of this chapter, and except that such applicable setback shall not be less than 20 feet from any open body of water.~~

(d) *Side and rear yard setbacks.* For principal structures in the TCL town center limited commercial district there shall be side yard setbacks of 15 feet from side and rear property lines ~~25 feet each for parcels with more than 125 feet of road frontage and of 15 feet each for parcels with 125 feet or less of road frontage, and there shall be a rear yard setback of 20 feet.~~

(e) *Open body of water setback.* All structures shall be set back a minimum of 20 feet from open bodies of water.

(f) ~~(e)~~ *Coverage.* The maximum land area to be covered with impermeable surfaces in the TCL town center limited commercial district shall not exceed 45 percent of the lot area, but see also section 126-977.

(g) ~~(f)~~ *Developed area and vegetation removal.* Maximum land area to be used as developed area and the maximum land area to be cleared of vegetation in the TCL town center limited commercial district shall not exceed 50 percent of the gross area of any parcel.

(h) ~~(g)~~ *Environmental performance standards.* Except as may be specified to the contrary in this article, commercial development of any parcel in the TCL town center limited commercial district shall comply with the environmental performance standards set forth in section 126-653 and article XIII, divisions 2 through 7, of this chapter for the applicable ecological zone

designated on the zoning map of the city.

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**ARTICLE XIV. – SUPPLEMENTARY DISTRICT REGULATIONS**

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**DIVISION 3. BUILDING AND AREA REQUIREMENTS**

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**SUBDIVISION II. – Special Setbacks**

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**Sec. 126-961. – Outdoor seating setbacks.**

Outdoor dining approved by conditional use permit and/or bonus outdoor seating approved by development permit shall be located no less than:

- (a) Fifteen feet from any side or rear property line; or
- (b) ~~Seventy feet measured from the centerline of Periwinkle Way right-of-way; or~~
- (c) ~~Twenty feet measured from the right-of-way line of any other street.~~

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**Sec. 126- 1029. – Site planning.**

The site planning standards in this section shall apply to all new commercial developments, ~~whether or not the commercial buildings are new development or redevelopment of existing commercial floor area.~~ These site planning standards also apply to commercial developments that are adding, or redeveloping, more than ten percent of the commercial floor area of that development, or more than 3,000 sf of commercial floor area.

(a) ~~Setbacks.~~ Required setbacks are applicable to all portions of any structure, unless otherwise specified in the land development code.

- (1) ~~General Commercial.~~ Refer to required conditions in section 126-494.
- (2) ~~Town Center General.~~ Refer to required conditions in section 126-514.
- (3) ~~Town Center Limited.~~ Refer to required conditions in section 126-534.
- (4) ~~Special Setbacks.~~ Refer to chapter 126, article xiv, division 3, subdivision II.

(b) ~~(a) Location and design of off-street parking, loading and service areas.~~

- (1) ~~Generally,~~ off-street parking spaces, and loading and service areas, shall be primarily located ~~below or at the front~~ behind or at the side of commercial or institutional buildings, or under an elevated commercial structure.
- (2) ~~At multiple frontage lots, where the front yard exists at two or more sides of the principal structure (as defined by sec. 78-1), the primary location of off-street parking may be permitted within one of the front yards.~~
- (3) ~~The location and design of off-street parking, loading and service areas shall not impact adjoining adjacent residential uses outside the commercial district, conservation land, or wildlife habitat.~~

(b) ~~Location and design of off-street loading and service areas.~~ On-street loading and service areas shall be appropriately designed, located, landscaped, and screened to ensure that adjoining residential areas and environmentally sensitive land uses will not be negatively impacted.

(c) Design of off-street parking, loading and service areas. See article xv, division 4 – design standards for dimensional requirements and illustrations.

(d) ~~(e)~~ Site access and internal circulation.

- (1) Multiple and independent points of ingress and egress on a single arterial and collector road, or roads are not permitted, unless otherwise allowed by planning commission (i.e., conditional use, variance).
- (2) Unobstructed sight lines at points of ingress and egress shall be provided to ensure pedestrian, bicyclist, and motorist safety.
- (3) When possible, bicycle Bicycle and pedestrian cross-access between commercial sites and development and the Shared Use Path (inter-connectivity) shall be established at parcels directly adjacent to a path, pursuant to administrative waiver standards in sec. 126-855, if necessary.
- (4) Access between commercial development sites (intra-connectivity) is encouraged, pursuant to administrative waiver standards in sec. 126-855, if necessary.
- (5) Functional and integrated access and internal circulation for people with disabilities shall be provided.
- (6) Safe and efficient internal pedestrian circulation to and from on-site parking spaces shall be provided.
- (7) Conveniently located on-site storage areas for bicycles shall be provided.

(e) ~~(d)~~ On-site utilities, equipment, lighting, trash containers, dumpsters and service areas, and activities. All above ground utilities, equipment, and related service facilities and operations shall be designed, located, and maintained to ensure compatibility with adjoining adjacent residential areas and other environmentally sensitive land.

(f) ~~(e)~~ Landscaping, buffering, and screening.

- (1) Vegetation buffers are required pursuant to chapter 122, article ii., division 2.
- (2) Parking lot interior landscaping is required pursuant to sec. 126-1405.
- (3) Courtyards and lands around buildings are to be landscaped.
- (4) Service areas, HVAC, generators, trash containers, dumpsters, and other commercial equipment shall be screened from view from adjacent residential uses and environmentally sensitive spaces, off-street parking and common public space, pursuant to sec. 126-854 and sec.126-1307.

~~In addition to the vegetation buffers and parking area vegetation required for commercial uses, by chapter 122, article II, division 2, courtyards and lands around buildings are to be landscaped. Specific and detailed landscape plans are required for buffering and screening adjacent residential uses from negative visual and physical impacts of the commercial land uses. Side and rear yard setbacks may have to be increased to provide adequate vegetation buffering for abutting and nearby residential land uses.~~

~~(g) City council may adopt and, from time to time, amend an illustrated guide of site planning guidelines to aid in the administration and interpretation of the above standards.~~