

**CITY OF SANIBEL  
RESOLUTION 22-056**

**A RESOLUTION DECLARING A ZONING IN PROGRESS AND THEREBY IMPOSING A TEMPORARY MORATORIUM UPON THE PROCESSING OR ISSUANCE OF CERTAIN DEVELOPMENT PERMITS OR ORDERS; RELATING TO RESORT HOUSING DEVELOPMENT REGULATIONS (SEC. 126-637); RELATING TO OUTDOOR LIGHTING (SEC. 126-996 ET SEQ., (SEC. 126-152(E)(5)); RELATING TO BEACH ACCESSWAY STANDARDS (SEC. 126-294); RELATING TO DUNE RESTORATION (SEC. 126-675); RELATING TO VEGETATION BUFFERS – MAINTENANCE STANDARDS, TIMING OF RESTORATION (CHAPTER 122, ARTICLE II); RELATING TO ENVIRONMENTAL PERFORMANCE STANDARDS RELATED TO VEGETATION (LANDSCAPING) AND USE OF SOD OR GRASS (CHAPTER 126, ARTICLE VIII); RELATING TO COMMERCIAL AND INSTITUTIONAL USES – SITE PLANNING STANDARDS; RELATING TO PARKING STANDARDS (SEC. 126-1029); RELATING TO TOWN CENTER GENERAL AND TOWN CENTER LIMITED ZONING DISTRICTS – REQUIRED CONDITIONS (SEC. 126-514, 126-534); RELATING TO COMMERCIAL AND INSTITUTIONAL USES – ARCHITECTURAL DESIGN STANDARDS AND EXAMPLES (SEC. 126-1028); AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, on September 28, 2022, Hurricane Ian made landfall on the City of Sanibel as a strong Category 4 hurricane, causing catastrophic property damage; and

**WHEREAS**, damages directly impacting the City of Sanibel include widespread destruction and major damage to infrastructure, public and private property; and

**WHEREAS**, the City of Sanibel remains under a federally-declared, state-declared, and locally-declared state of emergency related to Hurricane Ian's destruction; and

**WHEREAS**, the damage resulting from Hurricane Ian requires that the City reevaluate certain land development regulations for potential amendment to facilitate appropriate reconstruction and development post-Hurricane Ian; and

**WHEREAS**, Florida law recognizes "Zoning in Progress" doctrine that allows the City to take temporary measures while code changes are pending; and

**WHEREAS**, the City Council finds 60 days to be a reasonable duration to impose a temporary moratorium upon the processing or issuance of certain development permits or orders in the areas further detailed in Section 1 below, while the city's professional staff concludes its study and Council has the opportunity to consider and adopt such land development code amendments it deems necessary; and

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


**SECTION 1.** A zoning in progress is hereby declared and imposed to allow the City's professional staff to study and complete a careful, but as expeditious as possible, review of appropriate amendments to the Land Development Code. The zoning in progress imposes a temporary moratorium upon the processing or issuance of any applications for development permits or orders, amendments to previously approved development permits, or other zoning approvals, whether administratively or otherwise, related to the following:


- a. Resort housing development regulations (Sec. 126-637).
- b. Outdoor lighting (Sec. 126-996 et seq., Sec.126-152(e)(5)).
- c. Beach accessway standards (Sec. 126-294).
- d. Dune restoration (Sec. 126-675).
- e. Vegetation buffers – maintenance standards, timing of restoration (Chapter 122, Article II).

- f. Environmental performance standards related to vegetation (landscaping) and use of sod or grass (Chapter 126, Article VIII)
- g. Commercial and institutional uses – site planning standards, parking standards (Sec. 126-1029).
- h. Town Center General and Town Center Limited zoning districts – required conditions (Sec. 126-514, 126-534).
- i. Commercial and Institutional Uses – architectural design standards and examples (Sec. 126-1028).

**SECTION 2.** Effective date. This Resolution shall be effective immediately upon adoption and have a 60-day duration, unless otherwise terminated or amended by City Council.

Attest:

  
\_\_\_\_\_  
Scotty Lynn Kelly, City Clerk

  
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Holly D. Smith, Mayor

Approved as to form and legality:

  
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John D. Agnew, City Attorney

Date filed with City Clerk: November 1, 2022

Vote of Council Members:

Smith	<u>Yea</u>
Johnson	<u>Yea</u>
Crater	<u>Yea</u>
Henshaw	<u>Yea</u>
Miller	<u>Yea</u>