



AGENDA MEMORANDUM

City Manager

City Council Regular Meeting Date: April 1, 2025

To: City Council
From: Dana A. Souza, City Manager
Date: March 21, 2025

SUBJECT: ORDINANCE 25-004, OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING CHAPTER 126, ZONING, ARTICLE XIV, SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 17, DISTRESSED PROPERTIES, SECTION 126-1314, MAINTENANCE AND SECURITY STANDARDS, AND SECTION 126-1319, ENFORCEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

BACKGROUND: At the February 18, 2025, Joint City Council/Planning Commission workshop, City Councilmembers and Planning Commissioners were provided with an update on Distressed Properties and Dangerous Buildings on Sanibel that received damage from at least one of several hurricanes that have affected Sanibel between September 28, 2022 (Hurricane Ian) and October 9, 2025 (Hurricane Milton). Following the staff update, City Councilmembers and Planning Commissioners discussed the benefit of amending Sanibel's Land Development Code to allow the City to abate those Distressed Properties (Chapter 126, Article XIV, Division 17) where property owners cannot or have not abated nuisance or blighted conditions.

After discussion, there was consensus among City Councilmembers that [Chapter 126, Article XIV, Division 17, Distressed Properties](#), should be amended so the City may choose to abate nuisance or blighted conditions at Distressed Properties when the property owner cannot or will not voluntarily abate such conditions.

Ordinance 25-004 proposes to amend the Land Development Code to allow the City to abate nuisance or unsecured conditions at a Distressed Property and recover expenses related to the abatement of a property. Once the Ordinance is approved and a property owner cannot or will not abate distressed conditions at a property, the City will be authorized to:

- Abate front, side, and rear yard areas so they are free of litter, refuse and debris as defined in sections 30-31, 30-34 and 30-36 of the Sanibel Code. This will include pruning or removing overgrown vegetation and removing dead vegetation.

Sanibel is and shall remain a barrier island sanctuary

- Abate pools, fountains, hot tubs and spas shall be maintained so the water contained within them remains free and clear of hazards, pollutants, debris, fungal or plant growth and shall not produce noxious odors nor act as a breeding ground for mosquitos.
- Secure a vacant building so it is inaccessible to wildlife or unauthorized persons, which includes securing or locking all windows, doors, gates and other building or structure openings that could allow access to the interior of a building or structure. Broken doors and windows may be secured.
- Secure swimming pools, hot tubs, spas, at grade fountains or other attractive nuisances so they are properly secured and comply with the requirements of the City Code of Ordinances and the Florida Building Code.

The City will seek to recover expenses incurred to abate violations at Distressed Properties through the assessment of liens and potential levy, in the same manner as provided for in [Chapter 14 – Article VI, Dangerous Buildings and Hazardous Lands, Section 14-272](#).

The purpose of this Ordinance is to authorize City staff to take action to abate unsecured or unkept properties that have been declared a Distressed Property, if the property owner fails to abate the distressed condition at their property in a reasonable amount of time, as provided for in Section 126-1313 of the Land Development Code.

FUNDING SOURCE: N/A

RECOMMENDED ACTION: Adopt Ordinance 25-004 at Second Reading and Public Hearing.