



# City of Sanibel

800 Dunlop Road  
Sanibel, FL 33957

## Meeting Minutes - Draft City Council

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Wednesday, November 1, 2023

5:30 PM

BIG ARTS - 900 Dunlop Road

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### Special Meeting

#### 1. CALL TO ORDER

The meeting convened at 5:30 PM

#### 2. INVOCATION AND PLEDGE OF ALLEGIANCE (Councilmember Smith)

Councilmember Smith gave the Invocation and led the Pledge of Allegiance.

#### 3. ROLL CALL

**Present:** 5 - Mayor Richard Johnson, Vice Mayor Mike Miller, Councilmember Scott Crater, Councilmember John Henshaw, and Councilmember Holly Smith

#### 4. SET THE AGENDA

The agenda was set as published.

#### 5. NEW BUSINESS

- a. Discussion of a Draft Ordinance Considering a Recommendation by the Planning Commission of the City of Sanibel, Florida, to the City Council to Adjust Maximum Building Heights Within Ecological Zones by Amending Subpart B, Land Development Code, Chapter 126, Zoning, Article VII, Residential Districts; Division 4, E-1 Blind Pass Area Zone, Section 126-334, Required Conditions; Division 5, E-2 Gulf Beach Ridge Zone, Section 126-354, Required Conditions; Division 6, D-1 Lowland Wetlands Zone, Section, 126-374, Required Conditions; Division 7, D-2 Upland Wetlands Zone, Section 126-394, Required Conditions; Division 8, F Mid-Island Ridge Zone, Section, 126-414, Required Conditions; Division 9, C Mangrove Forest Zone, Section 126-434, Required Conditions; Division 10, G Altered Land Zone, Section 126-454, Required Conditions, for the Purpose of Amending the Land Development Code.

City Manager Souza stated that the internet service is down at BIG ARTS, noting paper copies of the agenda packet had been provided to the Council members. Mr. Souza advised that if the service issues were resolved before the meeting ended the live stream on Facebook would be started.

Planning Director Paula McMichael introduced the topic, summarized the background of the Planning Commission discussions, and provided a PowerPoint presentation relating to the proposed amendments. Ms. McMichael advised public comment would be allowed tonight and if Council forwards the item to first reading it would be

on November 7, with second reading on November 20 at a special meeting.

Discussion ensued regarding how the predevelopment grade was calculated. Ms. McMichael stated it was the average of where the structure would be located. Continued discussion ensued regarding the angle of light limiting the height of a building, advising that public comments would be heard tonight, addresses flooding concerns, avoiding conflicts with Senate Bill 250, and option for variances from the angle of light regulations. Council expressed gratitude for Staff and Commission efforts to prepare the amendments.

Public Comments:

- Larry Schopp - Sanibel Resident
- Brian Haag - Windward Construction
- Jennifer Pensico - Windward Construction
- Mary Winifeld - property owner

Discussion ensued regarding limits of moderate wave action (LiMWA). Ms. McMichael responded those were standards set by the Florida Department of Environmental Protection (FDEP). Discussion ensued regarding standard and required flood elevations and possible restrictions. Attorney Agnew spoke to the only height amendment that would require a referendum would be increasing from 3 living levels as currently stated in the code.

Council inquired if there were a number of properties that are impacted by in flood elevations and wave action models. Ms. McMichael noted the proposed range takes those minimum and maximum standards into account.

- b.** Request to direct Planning Commission to study and make recommendations to City Council concerning specific sections of the Land Development Code

Director McMichael provided a brief background for the request, advising specific items the Commission would like to review further.

Discussion ensued regarding there being two different height regulations or limitations for the resort housing district and what the impetus of the 33-foot limitation was, requesting to direct Commission to review and make recommendations. Further discussion ensued regarding allowing three-living-levels above base flood elevation. Discussion ensued regarding the topic of living levels being covered in the Sanibel Plan update but could be addressed now.

Council inquired as to the angle-of-light restrictions and if amendments could be made to the front and back. City Manager Souza spoke to having the Commission provide discussions and comments before Staff prepares draft amendments.

**Councilmember Smith moved, seconded by Councilmember Crater, to direct Planning Commission to address and make recommendations regarding the three items as listed. The motion carried.**

## **6. PUBLIC COMMENTS FOR NON-AGENDA ITEMS**

There were no public comments from the audience.

## **7. ADJOURNMENT**

There being no further business, the meeting adjourned at 6:52 p.m.