



City of Sanibel

800 Dunlop Road
Sanibel, FL 33957

Meeting Agenda - Final Revised City Council

Tuesday, December 20, 2022

9:00 AM

BIG ARTS - 900 Dunlop Road, Sanibel

Special Meeting

**AS OF 12/19/22 SUPPLEMENT 2 - ADDED PUBLIC COMMENT TO HURRICANE IAN
UPDATE ITEM 4**

**AS OF 12/17/22 SUPPLEMENT 1 - OLD BUSINESS ITEM 10(A) MOVED TO NEW ITEM 4,
REST OF AGENDA RENUMBERED; FIRST READING ITEMS 8E, 8F, 8G REMOVED FROM
THIS AGENDA TO ALLOW FURTHER DISCUSSION BY SANIBEL PLANNING
COMMISSION**

PLEASE NOTE THAT THE CITY COUNCIL AGENDA IS SUBJECT TO CHANGE.

**A COPY OF THE AGENDA PACKET IS AVAILABLE ON THE CITY'S WEBSITE AT
WWW.MYSANIBEL.COM**

**"The Rules of Civility for Public Participation" as adopted by City Council can be found on the last
page of this agenda. Reminder: Please turn all cell phones on to vibrate while in MacKenzie Hall.**

- 1. CALL TO ORDER**
- 2. INVOCATION AND PLEDGE OF ALLEGIANCE (Mayor Smith)**
- 3. ROLL CALL**
- 4. HURRICANE IAN RECOVERY UPDATE (Supplement 1)**

Attachments:

[Agenda Memorandum](#)

[PowerPoint Presentation](#)

[Public Comments - Causeway Reopening - As of 5pm 121622](#)

[Public Comments - Causeway Reopening - As of 6pm 121922 \(Supplement 2\)](#)

[PowerPoint Presentation - Added to the Record](#)

5. PUBLIC COMMENTS FOR NON-AGENDA ITEMS

(Maximum time allotted, 20 minutes, with a limitation of 3 minutes per speaker.)

6. COUNCIL COMMENTS

7. CITY COUNCIL CONSIDERATIONS FOR FUTURE AGENDAS

- a. Councilman Miller - Request to waive the requirement for a vegetation permit to remove, prune or trim any native tree, as required in Section 122-145 and Section 122-146(5) of the Land Development Code (LDC) during the current Local State of Emergency and to include the provision for this waiver in an updated Mayoral Proclamation, provided the activities comply with the "Sanibel Natural Resources Department - Vegetation Recovery Tips and Permitting Post Hurricane Ian" document dated 10/21/2022

Attachments:

[Agenda Memorandum](#)

[Vegetation Recovery Tips and Permitting Post Hurricane Ian](#)

8. FIRST READING OF AN ORDINANCE AND SCHEDULING OF PUBLIC HEARING

Note: The First Reading is not a public hearing and no discussion or testimony will be taken unless the ordinance changes permitted conditional or prohibited uses as required by State Statute

a. **Building Fees**

ORDINANCE 22-013 OF THE CITY COUNCIL OF THE CITY OF SANIBEL TO AMEND CHAPTER 14, BUILDING AND BUILDING REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF SANIBEL; ARTICLE IV, PERMITS, SECTION 14-188, FEE SCHEDULE, BY ADDING NEW SUBSECTIONS (13) AND (14) RELATING TO BUILDING PERMIT DISCOUNTS AND FEE WAIVERS IN CERTAIN INSTANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; AND PROVIDING AN EFFECTIVE DATE

Attachments:

[Agenda Memorandum](#)

[Ordinance 22-013](#)

b. **Temporary Use Fees - Chapter 90**

ORDINANCE 22-015 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO AMEND CHAPTER 90 - FEES, ARTICLE II, DEVELOPMENT PERMITS, DIVISION 8, TEMPORARY USES, SECTION 90-213, TEMPORARY STRUCTURE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Attachments:

[Agenda Memorandum](#)

[Ordinance 22-015](#)

c. **Resort Housing Development Regulations - Chapter 126**

ORDINANCE 22-017 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO AMEND THE CODE OF ORDINANCE TO UPDATE RESORT HOUSING DEVELOPMENT REGULATIONS, AMENDING SUBPART B LAND DEVELOPMENT CODE, CHAPTER 126 - ZONING, ARTICLE XII, RESORT

HOUSING DISTRICT, SECTION 126-637, RESORT HOUSING DEVELOPMENT REGULATIONS, FOR THE PURPOSE OF UPDATING LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Attachments: [Agenda Memorandum](#)
 [Ordinance 22-017](#)

d. Parking Standards - Chapter 126

ORDINANCE 22-019 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO AMEND THE CODE OF ORDINANCES RELATING TO OFF-STREET PARKING REQUIREMENTS AND LAND USE REGULATION WITHIN THE RESORT HOUSING DISTRICT TO STREAMLINE PERMIT PROCESSING AND AID REDEVELOPMENT; AMENDING SUBPART B LAND DEVELOPMENT CODE, CHAPTER 126, ZONING, ARTICLE XV, OFF-STREET PARKING AND LOADING, DIVISION 2, OFF-STREET PARKING, SUBDIVISION II, RESIDENTIAL USES, SECTION 126-1341, REQUIRED PARKING SPACES; ARTICLE IV, CONDITIONAL USES, SECTION 126-83, RESORT HOUSING ACCESSORY COMMERCIAL USES AND RELOCATING THOSE STANDARDS TO ARTICLE XII, RESORT HOUSING DISTRICT, ADDING SECTION 126-640, RESORT HOUSING ACCESSORY COMMERCIAL USES, FOR THE PURPOSE OF UPDATING LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Attachments: [Agenda Memorandum](#)
 [Ordinance 22-019](#)

e. Vegetation Buffer Standards – Chapter 122 Article II

~~ORDINANCE 22-020 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO AMEND THE CODE OF ORDINANCES TO UPDATE LANDSCAPING WITHIN BUFFERS, AMENDING SUBPART B LAND DEVELOPMENT CODE, CHAPTER 122, VEGETATION, ARTICLE II, LANDSCAPING, DIVISION 2, COMMERCIAL AND INSTITUTIONAL USES, SECTION 122-47, VEGETATION BUFFERS REQUIRED; SECTION 122-49, TYPES, VARIETIES, AND NUMBERS OF PLANTS REQUIRED; SECTION 122-50, INSTALLATION STANDARDS; AND SECTION 122-51, MAINTENANCE STANDARDS; DIVISION 3, RESIDENTIAL DEVELOPMENT ALONG ARTERIAL AND COLLECTOR ROADS, SECTION 122-73, TYPES, VARIETIES, AND NUMBERS OF PLANTS REQUIRED; SECTION 122-74, INSTALLATION STANDARDS; SECTION 122-75, MAINTENANCE STANDARDS, FOR THE PURPOSE OF UPDATING LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE-~~
(Information to come)-(Supplement 1)

f. Vegetation Permits—Chapter 122 Article III

~~ORDINANCE 22-021 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO AMEND THE CODE OF ORDINANCES TO UPDATE STANDARDS FOR ISSUANCE OF VEGETATION PERMITS, AMENDING SUBPART B LAND DEVELOPMENT CODE, CHAPTER 122, VEGETATION, ARTICLE III, STANDARDS, DIVISION 1, GENERALLY, SECTION 122-101, DEFINITIONS; SECTION 122-102, GENERAL POLICY AND STANDARDS; SECTION 122-104, PENALTIES; DIVISION 2, ADMINISTRATION, SUBDIVISION I, IN GENERAL, SECTION 122-123, REMOVAL OF VEGETATION; SUBDIVISION II, PERMITS, SECTION 122-141, AUTHORITY TO ESTABLISH PERMIT; SECTION 122-142, PERMIT ISSUANCE OR DENIAL; CONDITIONS; APPEAL; SECTION 122-144, VEGETATION PERMIT AS PART OF A DEVELOPMENT PERMIT; SECTION 122-146, OTHER ACTIVITIES REQUIRING A PERMIT; AMENDING SEC. 122-147—INSPECTION PROCEDURES FOR OBTAINING A VEGETATION PERMIT; SECTION 122-149, GROUNDS AROUND BUILDINGS; DIVISION 3, GENERAL STANDARDS, SECTION 122-167, REQUIREMENTS FOR STAKING AND TAPING; SECTION 122-168, PLANTING LIMITATIONS UNDER OVERHEAD POWER LINES; SECTION 122-169, LANDSCAPING REQUIREMENTS; SECTION 122-170, AREAS SEAWARD OF THE 1974 COASTAL CONSTRUCTION CONTROL LINE (THE GULF BEACH ZONE); SECTION 122-171, MANGROVES; DIVISION 4, BRAZILIAN PEPPER AND MELALEUCA, AND OTHER INVASIVE EXOTIC VEGETATION, SECTION 122-192, REMOVAL METHODS, FOR THE PURPOSE OF UPDATING LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.~~ (Information to come) (Supplement 1)

g. Vegetation Standards Sod/Grass—Chapter 126 Article XIII

~~ORDINANCE 22-018 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO AMEND THE CODE OF ORDINANCE TO UPDATE THE VEGETATION STANDARDS RELATED TO USE OF SOD OR GRASS, AMENDING SUBPART B LAND DEVELOPMENT CODE, CHAPTER 126—ZONING, ARTICLE XIII—ENVIRONMENTAL PERFORMANCE STANDARDS, DIVISION 2. GULF BEACH, GULF BEACH RIDGE AND BLIND PASS AREA ZONES; AMENDING SECTION 126-675—VEGETATION—PROTECTION; PLANTING OF NATIVE SPECIES; USE OF SOD OR GRASS, AMENDING SECTION 126-678—SAME—APPLICATION TO DEVELOPMENT GENERALLY; DIVISION 3. UPLAND WETLAND AND LOWLAND WETLAND ZONES; AMENDING SECTION 126-699—VEGETATION—PROTECTION; PLANTING OF NATIVE SPECIES; USE OF SOD OR GRASS, AMENDING SECTION 126-700—SAME—LANDSCAPING, AMENDING SECTION 126-702—SAME—APPLICATION TO DEVELOPMENT GENERALLY; DIVISION 4. MID-ISLAND RIDGE ZONE; AMENDING SECTION 126-724—VEGETATION—PROTECTION; PLANTING OF NATIVE SPECIES; USE OF SOD OR~~

~~GRASS, AMENDING SECTION 126-727 SAME APPLICATION TO DEVELOPMENT GENERALLY; DIVISION 5. MANGROVE FOREST ZONE; AMENDING SECTION 126-749 VEGETATION PROTECTION; PLANTING OF NATIVE SPECIES; USE OF SOD OR GRASS, SECTION 126-752 SAME APPLICATION TO DEVELOPMENT GENERALLY; DIVISION 6. BAY BEACH ZONE; AMENDING SECTION 126-775 VEGETATION PROTECTION; PLANTING OF NATIVE SPECIES; USE OF SOD OR GRASS, AMENDING SECTION 126-778 SAME APPLICATION TO DEVELOPMENT GENERALLY; DIVISION 7. ALTERED LAND ZONE; AMENDING SECTION 126-799 VEGETATION PROTECTION; PLANTING OF NATIVE SPECIES; USE OF SOD OR GRASS, AMENDING SECTION 26-802 SAME APPLICATION TO DEVELOPMENT GENERALLY, FOR THE PURPOSE OF LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE~~ (Supplement 1)

Attachments: [Agenda Memorandum](#)
 [Ordinance 22-018](#)

9. CONSENT AGENDA

ANY PERSON MAY REQUEST THAT COUNCIL REMOVE AN ITEM FROM THE CONSENT AGENDA FOR DISCUSSION BY NOTIFYING THE CITY MANAGER, CITY CLERK, OR A COUNCIL MEMBER PRIOR TO OR AT THE MEETING.

- a. Approval of a proposal submitted by Cabana Construction of SWFL, Inc. in the amount of \$30,000 to perform emergency directional drill repair to Caloosa Shores Bridge force main crossing

Attachments: [Agenda Memorandum](#)
 [Proposal from Cabana Construction of SWFL, INC.](#)
 [Caloosa Bridge Sketch](#)

10. INFORMATIONAL ITEMS

- a. Finance Department Reports
- i. General Fund quarterly financial report for 2022 fiscal year to date as of September 30, 2022
 - ii. Recreation Fund quarterly financial report for 2022 fiscal year to date as of September 30, 2022
 - iii. Sewer Fund quarterly financial report for 2022 fiscal year to date as of September 30, 2022
 - iv. Beach Parking Fund quarterly financial report for 2022 fiscal year to date as of September 30, 2022
 - v. City of Sanibel fiscal year 2022 quarterly investment report as of September 30, 2022

Attachments: [Agenda Memorandum](#)
 [City of Sanibel Treasury Program - Q3 2022](#)

11. OLD BUSINESS

- b. Request to direct the Planning Commission to consider amending Section 126-87(5) of the Land Development Code (LDC). (Councilman Miller from 12/6/2022)

Attachments: [Agenda Memorandum](#)

- c. Discussion regarding Dwelling Rental License renewals (Current licenses expire 12/31/22)

Attachments: [Agenda Memorandum](#)

- d. Update on Issuance of Line of Credit (Deputy City Manager Chaipel)

- e. Special Event Permits Discussion

Attachments: [Agenda Memorandum](#)

- f. Legislative Priorities

Attachments: [Agenda Memorandum](#)
[Sanibel Legislative Priorities 2023](#)

12. CITY MANAGER**13. CITY ATTORNEY'S REPORT****14. COUNCIL MEMBER'S REPORTS****15. PUBLIC COMMENT****16. ADJOURNMENT**

IF A PERSON DECIDES, TO APPEAL A DECISION MADE BY THE COUNCIL ON ANY MATTER CONSIDERED AT THIS MEETING/HEARING, SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, TO INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH ANY SUCH APPEAL IS TO BE BASED.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS NEEDING A SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING, TO INCLUDE HEARING IMPAIRMENT, SHOULD CONTACT SCOTTY LYNN KELLY, CITY CLERK, NO LATER THAN ONE DAY PRIOR TO THE PROCEEDINGS AT (239) 472-3700. FOR ADDITIONAL ASSISTANCE IF HEARING IMPAIRED, TELEPHONE THE FLORIDA RELAY SERVICE AT 711.

Citizens may request to receive Sanibel City Council and Planning Commission meeting agenda directly via e-mail. Citizens wishing to receive a copy of the agenda via e-mail may do so by visiting the City's website at www.mysanibel.com. Additionally, citizens may register to receive City announcements such as press releases.

Prior to requesting the agendas, the website reminds citizens that all e-mail addresses and requests submitted to the City are public information and governed by the applicable Florida Statute.

HORIZON – UPCOMING IMPORTANT DATES

Horizon Upcoming Important Dates

[Attachments:](#)

[Horizon Schedule](#)

“RULES OF CIVILITY FOR PUBLIC PARTICIPATION”

In recognition that public discourse is essential to the democratic system of government on April 16, 2002, Sanibel City Council adopted a Proclamation embracing civility in public deliberations. These rules were updated February 22, 2007.

Therefore, Sanibel City Council sanctioned these rules for public participation while conducting meetings and workshops:

- 1. Speakers are permitted to deliver his or her comments without interruption.**
- 2. Speakers and debates should focus on issues, not on persons or personalities.**
- 3. Persons are encouraged to participate in the governmental process.**
- 4. To allow time to hear all points of view, speakers are allotted 3 minutes each time they are recognized.**
- 5. Sidebar discussions while others are speaking are not permitted in Council Chambers. These discussions are to be removed from the chamber so as not to be disruptive to those conducting and following Council business.**
- 6. Only the speaker recognized by the Chairperson has the floor. Speakers should raise their hand to be recognized. Speakers should identify themselves for the record. Speakers should utilize the microphone so that their comments can be recorded.**
- 7. Anyone wishing to speak on an issue is given an opportunity to speak before speakers are recognized for an opportunity to speak a second time on an issue.**
- 8. We seek to understand one another's points of view.**
- 9. Anger, rudeness, ridicule, impatience and lack of respect for others are not acceptable behavior. Demonstrations in support or opposition to a speaker or idea such as clapping, cheering, booing or hissing or intimidating body language are not permitted in Council Chambers or workshop facilities.**
- 10. We should all take initiative to make things better. Our goal is to foster an environment, which encourages a fair discussion and exchange of ideas without fear of personal attacks.**