



AGENDA MEMORANDUM

Planning Department

City Council Date: October 3, 2023

Agenda Item: 11.b.

To: City Council

From: Paula N. C. McMichael, AICP, Planning Director

Date: September 22, 2023

SUBJECT

Second reading of a draft ordinance of the City Council of the City of Sanibel, Florida, amending Ordinance 22-009 to correct a scrivener's error contained in Section 4, Condition 3, relating to the exterior of the original building, namely property owned by Priscilla Murphy Center, a condominium, located at 1019 Periwinkle Way.

BACKGROUND

The Priscilla Murphy Center (now owned by Sanibel Captiva Bank) was added to the city's historic register by Planning Commission Resolution 22-017 and Ordinance 22-009. A condition of the approval was inadvertently changed in the adopted resolution and subsequent ordinance. Specifically, there was extensive discussion among the Planning Commissioners about maintaining the color of the building ca. 1950 as white with black shutters. During the discussion of the motion of approval with conditions, the condition was revised "to have a primary color of white" and this was approved by the Planning Commission. However, the signed resolution states that the exterior of the building "shall be and remain primarily white with black shutters." The erroneous condition was then included in the ordinance. Sanibel Captiva Bank has since obtained a certificate of appropriateness from the Planning Commission for alterations and repairs (PC Resolution 23-018).

The PC resolution can be corrected administratively; however, city council, in reliance on the erroneous PC resolution, adopted an ordinance and voted on the language as presented in the PC resolution, which did not accurately reflect the vote of the planning commission. The language adopted in error relates to the reference to black shutters. The motion that was adopted was simply to require the building to remain white (without reference to shutters being black or otherwise). The ordinance before council now will correct the record and amend Ordinance 22-009.

FUNDING SOURCE: N/A

RECOMMENDED ACTION

Motion to adopt Ordinance 23-020, removing a condition adopted in error in Ordinance 22-009.

Sanibel is and shall remain a barrier island sanctuary