

**CITY OF SANIBEL  
ORDINANCE 25-004**

**AN ORDINANCE 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, SECTION 126-1317, ABATEMENT PLAN, AND SECTION 126-1319, ENFORCEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, between September 28, 2022, and October 9, 2024, Sanibel was impacted by Hurricane Ian, Tropical Storm Debby, Hurricane Helene, and Hurricane Milton which caused damage to property and structures throughout Sanibel; and

**WHEREAS**, during the aftermath of each storm, the vast majority of property owners on Sanibel worked diligently to clean, temporarily secure, and repair their property from storm damage; and

**WHEREAS**, a small percentage of property owners cannot or have not cleaned or secured their property as required by the City's Code of Ordinances, generating concerns and complaints from adjacent property owners and Sanibel citizens about those properties and structures that have not been secured, cleared of litter, refuse, or debris, or where pools, fountains, and spas have not been secured or maintained; and

**WHEREAS**, the Sanibel City Council wishes to amend the Land Development Code to authorize the City staff to take action to abate unsecured or unkept properties that have been declared a Distressed Property as provided for in Section 126-1313 of the Land Development Code.

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

**SECTION 1.** The recitals above are true and correct and made a part hereof.

**SECTION 2.** Chapter 126, Article XIV, Division 17, Code of Ordinances, is hereby amended with ~~strike through~~ language indicating deletions and underlined language indicating additions as follows:

**Chapter 126 - ZONING**

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**ARTICLE XIV. – SUPPLEMENTARY DISTRICT REGULATIONS**

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**DIVISION 17. – DISTRESSED PROPERTIES**

...

**Sec. 126-1314. Maintenance and security standards.**

(a) *Maintenance requirements.*

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- (2) All front, side, and rear yard areas shall be free of litter, refuse, and debris as defined in sections 30-31, 30-34, and 30-36 of the Sanibel Code including overgrown and/or dead vegetation, except temporary storage or placement of refuse and debris for appropriate disposal
- (3) Pools, fountains, hot tubs and spas shall be maintained so the water contained within ~~in~~ 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. Pools, fountains, hot tubs and spas shall comply with the requirements of city codes and ordinances and the Florida Building Code.

...

(b) *Security requirements.*

- (1) Improved property that is determined to have a vacant building upon inspection shall be kept in a secure manner so as to be kept inaccessible to wildlife or unauthorized persons. A secure manner shall include, but not be limited to, the closure and locking of all windows, doors, gates and other building or structure openings of such size that may allow access to the interior of a building or structure. Broken doors and windows shall be secured and repaired or completely replaced within ten days of being damaged to the point that such door or window does not secure the building.
- (2) Any excavations, swimming pools, hot tubs, spas, at grade fountains or other attractive nuisances shall be properly secured and comply with the requirements of the City Code of Ordinances and the Florida Building Code.

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**Sec. 126-1317. - Abatement plan.**

- (a) Should the violation to be remedied be costly or extensive, the person in charge or their designee may apply for an abatement plan with the city manager or designee ~~planning department~~. The application shall include the following:
  - (1) Justification for the need of an abatement plan including, but not limited to, excessive costs or extensive work to remedy; and
  - (2) A detailed plan describing each violation to be remedied; and
  - (3) A timeline for completing each violation to be remedied.

**Sec. 126-1319. Enforcement.**

- (a) A violation of this division shall be enforced pursuant to any of the alternative means of enforcement authorized in section 1-15 of the Sanibel Code of Ordinances.
- (b) Additionally, if the owner or person in charge fails to correct or abate violations in accordance with section 126-1316, for violations described in section 123-1314, subsections (a)(2), (a)(3), or (b) of this division, then the city may abate such violations as

frequently as may be required, to make and keep the property compliant with the requirements described therein. Expenses incurred by the city to abate such violations shall be subject to the assessment of liens and potential levy, in the same manner as described in section 14-272.

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**SECTION 3.** Codification. The City Manager is hereby authorized and directed to indicate these amendments in future City Code publications.

**SECTION 4.** Conflict. All ordinances and parts of ordinances in conflict herewith shall be and the same hereby repealed. If any part of this ordinance conflicts with any other part, it shall be severed, and the remainder shall have full force and effect and be liberally construed.

**SECTION 5.** Severance. If any section, subsection, sentence, clause, phrase or portion of this ordinance, or application hereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion or application hereof.

**SECTION 6.** Effective date. This Ordinance shall become effective immediately upon adoption.

**FIRST READING THE 18TH DAY OF MARCH 2025.**

**ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA THE 1ST DAY OF APRIL 2025.**

Attest:

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

\_\_\_\_\_  
Mike Miller, Mayor

Approved as to form and legality:

\_\_\_\_\_  
John D. Agnew, City Attorney

Date filed with City Clerk: \_\_\_\_\_

Vote of Council Members:

Miller \_\_\_\_\_  
Smith \_\_\_\_\_  
DeBruce \_\_\_\_\_  
Henshaw \_\_\_\_\_  
Johnson \_\_\_\_\_

First Reading: March 18, 2025  
Publication Date: March 21, 2025  
Second Reading: April 1, 2025