



# City of Sanibel

800 Dunlop Road  
Sanibel, FL 33957

## Meeting Minutes - Draft City Council

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Thursday, April 17, 2025

1:00 PM

BIG ARTS - 900 Dunlop Road

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### Special Meeting

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

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**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 BIG ARTS.**

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#### 1. CALL TO ORDER

The meeting convened at 1:00 p.m.

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

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

#### 3. ROLL CALL

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

#### 4. SET THE AGENDA

The agenda was set as published.

#### 5. PUBLIC COMMENTS FOR NON-AGENDA ITEMS

There were no public comments from the audience.

#### 6. DISCUSSIONS OF DRAFT LEGISLATION

##### a. Placement of Fill

**DRAFT ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES TO PROMOTE COMMUNITY RESILIENCY THROUGH AMENDMENTS RELATED TO THE PLACEMENT OF FILL; AMENDING SUBPART B, LAND DEVELOPMENT CODE; CHAPTER 78, GENERAL PROVISIONS; SECTION 78-1, RULES OF CONSTRUCTION AND DEFINITIONS; CHAPTER 82, ADMINISTRATION, ARTICLE IV, DEVELOPMENT**

**PERMITS, DIVISION 2, PROCEDURE, SUBDIVISION I, GENERALLY, SUBSECTION 82-382(e) AND (k), FILING PROCEDURE; CHAPTER 86, DEVELOPMENT STANDARDS, ARTICLE II, SITE PREPARATION, ADDING A NEW SECTION 86-46, USE OF FILL IN DETERMINATION OF DEVELOPED AREA; CHAPTER 94, FLOODS, ARTICLE II, DEFINITIONS, DIVISION 1, GENERAL, SECTION 94-124, DEFINITIONS, AND ARTICLE III, FLOOD-RESISTANT DEVELOPMENT, DIVISION 3, SITE IMPROVEMENTS, UTILITIES, AND LIMITATIONS, SECTION 94-154, LIMITATIONS ON PLACEMENT OF FILL, FOR THE PURPOSE OF UPDATING THE LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE**

Planning Director Paula McMichael provided a brief background for the item, noting changes made following Council discussion and direction on April 1, 2025.

Council requested to remove the words "is permitted" from the definition on page 2, in the underlined sentence that begins with "organic material". City Attorney John Agnew spoke to the need for a permit when not associated with a driveway or other permit. Further discussion ensued regarding revitalizing scorched land and in the future Council proposes to request a Planning Commission review of the vegetation requirements. Further discussion ensued regarding the need for a permit to reduce adverse affects to adjacent properties. Ms. McMichael advised the language was based on previous discussions, noting the words could be removed from the definition.

Council inquired if Staff would be able to monitor and manage whether a permit were required or not, to which Ms. McMichael confirmed.

**Public Comment:**

- Larry Schopp - Sanibel Resident - commented that the regulations are too strict for those properties trying to re-grow their lawns and landscaping.

Discussion continued regarding ensuring there would be no unintended consequences. Ms. McMichael spoke to the current practices and them being included in the updated definition. Attorney Agnew suggested changing from "permitted" to "lawfully". Council expressed concerns with being too restrictive for residents looking to repair their properties. Council discussed what the quantifying factor would be to determine the need for a permit. Ms. McMichael advised changing the elevation of a property from what was permitted prior to the storm would require a permit.

Continued discussion ensued regarding why some members support removal of "is permitted" and why others do not. Council inquired if a date certain could be included as this is due to recovery. Mr. Agnew spoke to possible language for including an end date. Discussion turned to concerns that property owners could

address organic materials placed on the parcel in the storm and not affecting neighboring parcels during recovery.

Ms. McMichael spoke to "lawfully" being a good compromise, recommended not including an end date in the definition, though it may be suitable in a separate section of the code. Discussion ensued regarding the purpose for suggesting an end date.

**Councilmember Johnson moved, seconded by Vice Mayor Smith, to forward the item to first reading, in accordance with removing "is permitted".**

Further discussion ensued regarding using "lawfully" as opposed to "permitted". City Manager Souza spoke to not being able to ensure adjacent parcels would not be affected.

**Councilmember Johnson moved, seconded by Vice Mayor Smith, to amend the motion to include the word "lawfully" to replace "permitted", as opposed to removing the words. The motion to amend carried.**

**Councilmember Johnson moved, seconded by Vice Mayor Smith, to forward the item to first reading, revised to include the word "lawfully" to replace "permitted ". The motion carried as amended.**

**b. Conditional Uses**

**DRAFT ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES SUBPART B LAND DEVELOPMENT CODE, CHAPTER 82, ADMINISTRATION, ARTICLE III, PLANNING COMMISSION, DIVISION 3, SPECIFIC AUTHORITY, SUBDIVISION V, CONDITIONAL USES, SECTION 82-201, AUTHORIZATION, TO AID HURRICANE RECOVERY, FOR THE PURPOSE OF UPDATING THE LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE**

Deputy Planning Director Craig Chandler provided a brief background for the item and summarized the changes since last discussion.

Discussion ensued regarding who would be responsible for paying the fees if a hearing were required by someone other than the applicant. Mr. Chandler spoke to the process for requesting a hearing, noting the fees would be the responsibility of the applicant, and advising the sunset provision would be December 31, 2025.

Discussion ensued regarding if there were opportunity for the fees to be assigned to the requestor that the item go to hearing if other than the applicant.

**Vice Mayor Smith moved, seconded by Councilmember Johnson, to forward the item to first reading as written. The motion carried.**

**7. FIRST READING OF AN ORDINANCE AND SCHEDULING OF PUBLIC HEARING**

**a. Placement of Fill - FIRST READING**

**ORDINANCE 25-007 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA,**

**AMENDING THE CODE OF ORDINANCES TO PROMOTE COMMUNITY RESILIENCY THROUGH AMENDMENTS RELATED TO THE PLACEMENT OF FILL; AMENDING SUBPART B, LAND DEVELOPMENT CODE; CHAPTER 78, GENERAL PROVISIONS; SECTION 78-1, RULES OF CONSTRUCTION AND DEFINITIONS; CHAPTER 82, ADMINISTRATION, ARTICLE IV, DEVELOPMENT PERMITS, DIVISION 2, PROCEDURE, SUBDIVISION I, GENERALLY, SUBSECTION 82-382(e) AND (k), FILING PROCEDURE; CHAPTER 86, DEVELOPMENT STANDARDS, ARTICLE II, SITE PREPARATION, ADDING A NEW SECTION 86-46, USE OF FILL IN DETERMINATION OF DEVELOPED AREA; CHAPTER 94, FLOODS, ARTICLE II, DEFINITIONS, DIVISION 1, GENERAL, SECTION 94-124, DEFINITIONS, AND ARTICLE III, FLOOD-RESISTANT DEVELOPMENT, DIVISION 3, SITE IMPROVEMENTS, UTILITIES, AND LIMITATIONS, SECTION 94-154, LIMITATIONS ON PLACEMENT OF FILL, FOR THE PURPOSE OF UPDATING THE LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE**

Attorney Agnew read into record the title of Ordinance 25-007.

Second reading and public hearing scheduled for 9:10 a.m., Tuesday, May 6, 2025.

**b. Height Limitation Exception - FIRST READING**

**ORDINANCE 25-005 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES, SUBPART B LAND DEVELOPMENT, CODE, CHAPTER 126, ZONING, ARTICLE V, NONCONFORMANCES, DIVISION 5, STANDARDS FOR BUILDING-BACK (RECONSTRUCTION) OF STRUCTURES SUBSTANTIALLY DAMAGED BY A NATURAL DISASTER, SECTION 126-212, NONCONFORMING STRUCTURES, TO ALLOW AN EXCEPTION TO HEIGHT LIMITATION FOR RESILIENCY SPECIFIC TO THE BUILD-BACK (RECONSTRUCTION) OF NONCONFORMING STRUCTURES, FOR THE PURPOSE OF UPDATING THE LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE**

Attorney Agnew read into record the title of Ordinance 25-005.

Second reading and public hearing scheduled for 9:10 a.m., Tuesday, May 6, 2025.

**c. Conditional Uses - FIRST READING**

**ORDINANCE 25-006 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES SUBPART B LAND DEVELOPMENT CODE, CHAPTER 82, ADMINISTRATION, ARTICLE III, PLANNING COMMISSION, DIVISION 3, SPECIFIC AUTHORITY, SUBDIVISION V, CONDITIONAL USES, SECTION 82-201, AUTHORIZATION, TO AID HURRICANE RECOVERY, FOR THE PURPOSE OF UPDATING THE LAND DEVELOPMENT CODE REGULATIONS;**

**PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE**

Attorney Agnew read into record the title of Ordinance 25-006.

Second reading and public hearing scheduled for 9:10 a.m., Tuesday, May 6, 2025.

d. BMRH Density Increase - FIRST READING

**ORDINANCE 25-008 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, APPROVING AN INCREASE IN RESIDENTIAL DEVELOPMENT DENSITY AS SET FORTH AND APPROVED IN PLANNING COMMISSION RESOLUTION 25-06, CONDITIONAL USE PETITION APPLICATION CUP-2025-000255, PURSUANT TO SECTION 82-204 OF THE CODE OF ORDINANCES, ALLOWING INCREASED DENSITY FOR BELOW MARKET RATE HOUSING; TO ALLOW FOR REDEVELOPMENT OF MULTI-FAMILY HOUSING (15 UNITS) DEDICATED TO THE BELOW MARKET RATE HOUSING RENTAL PROGRAM, ON PROPERTY OWNED BY COMMUNITY HOUSING & RESOURCES, INC., AND LOCATED AT 1517 PERIWINKLE WAY, TAX PARCEL NO. 30-46-23-T1-00004.0080; PROVIDING A FINDING THAT SUCH INCREASE IN RESIDENTIAL DENSITY CAN BE APPROVED BY CITY COUNCIL WITHOUT THE NECESSITY OF APPROVAL BY A MAJORITY OF THE QUALIFIED CITY ELECTORS SINCE SUCH APPROVAL CONSTITUTES AN EXCEPTION PURSUANT TO SECTION 3.10.2 OF THE CITY CHARTER; INCORPORATING AND APPROVING PLANNING COMMISSION RESOLUTION 25-06; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE**

Attorney Agnew read into record the title of Ordinance 25-008.

Second reading and public hearing scheduled for 9:10 a.m., Tuesday, May 6, 2025.

## **8. CONSENT AGENDA**

### **CONSENT ITEMS PULLED FOR DISCUSSION**

No items were pulled for discussion.

- a. Approval of a proposal from Weston & Sampson Engineers, Inc. to provide professional engineering services in the amount of \$145,055.00 and authorize the City Manager to initiate the services
- b. Approval of an Amendment to ICMA Retirement Corporation D/B/A MissionSquare Retirement Government Money Purchase Plan Adoption Agreement for Plan Number 108190 and Authorize City Manager to Execute Same

Approval of Consent Agenda Business Items 8(a) and 8(b).

Vice Mayor Smith moved, seconded by Councilmember Henshaw, to approve Consent Agenda Business Items 8(a) and 8(b). The motion carried.

## **9. PUBLIC COMMENT**

There were no public comments from the audience.

## **10. ADJOURNMENT**

There being no further business, the meeting adjourned at 1:47 p.m.