

**CITY OF SANIBEL  
RESOLUTION 23-010**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AUTHORIZING OUTDOOR DISPLAY OF MERCHANDISE UNDER CERTAIN CONDITIONS FOR A TWELVE-MONTH PERIOD RETROACTIVELY TO SEPTEMBER 28, 2022, AND ENDING SEPTEMBER 28, 2023; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on September 28, 2022, Hurricane Ian made landfall in Sanibel and other parts of Lee County as a Category 4 hurricane, causing catastrophic property damage and loss of life; and

**WHEREAS**, damages directly impacting the City of Sanibel include widespread damage and destruction of infrastructure, public property, and private property; and

**WHEREAS**, it is the desire of City Council to support local businesses as they recover from storm damage; and

**WHEREAS**, on January 17, 2023, City Council indicated their support for a temporary waiving of prohibitions on outdoor display; and

**WHEREAS**, mayoral proclamation 23-04 provided for limited authorization for outdoor display; and

**WHEREAS**, City Council wishes to waive the restrictions imposed by Sections 110-46(4) or 126-1022(a), Sanibel Code, prohibiting the outdoor display of merchandise for commercial purposes, for a limited duration.

**NOW, THEREFORE, BE IT RESOLVED 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.** The restrictions imposed by Sections 110-46(4) and 126-1022(a), Sanibel Code, prohibiting the outdoor display of merchandise for commercial purposes, is hereby waived for any commercial business that possessed a valid Sanibel Business Tax Receipt (BTR) as of September 28, 2022, so long as that business continues to maintain a current Sanibel BTR.

**SECTION 3.** Multiple qualifying businesses may aggregate their outdoor displays in the location of another qualifying business (the "host business"), with express permission from the host business and necessary approvals, if any, from any applicable landlord or governing association of the host business.

**SECTION 4.** Outdoor display may only be located on a property within the Commercial District, Special Use District, or where nonconforming commercial use is recognized as lawfully-existing by City of Sanibel prior to the disaster;

**SECTION 5.** Outdoor display shall be located within an existing approved developed area.

**SECTION 6.** These exemptions shall expire 12 months from the date of the disaster (September 28, 2023) or whenever city council shall revoke this resolution, whichever is sooner.

**SECTION 7.** This Resolution shall be effective immediately upon adoption.

**PASSED IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA THIS 7<sup>th</sup> DAY OF FEBRUARY 2023.**

Attest:

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

\_\_\_\_\_  
Holly D. Smith, Mayor

Approved as to form and legality:

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

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

Vote of Council Members:

Smith	_____
Johnson	_____
Crater	_____
Henshaw	_____
Miller	_____