



City of Sanibel

800 Dunlop Road
Sanibel, FL 33957

Meeting Agenda - Final City Council

Tuesday, February 6, 2024

9:00 AM

BIG ARTS - 900 Dunlop Road

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 BIG ARTS.

- 1. CALL TO ORDER**
- 2. INVOCATION AND PLEDGE OF ALLEGIANCE (Mayor Johnson)**
- 3. ROLL CALL**
- 4. SET THE AGENDA**
- 5. APPOINTMENT OF A CITY COUNCIL MEMBER TO FILL THE UNEXPIRED TERM OF FORMER CITY COUNCIL MEMBER DR. SCOTT CRATER**
 - a. Discussion regarding appointment of a member to serve a temporary term on City Council ([applicants listed in alphabetical order by last name](#))

<u>Attachments:</u>	Agenda Memorandum
	Michael Barnhart
	Laura DeBruce
	Arlene Dillon
	Albert Hann
	Melissa Lehman
	Timothy Moore
	Josh Plumb
	Chuck Sterrett
	Alfredo Vargas
	Attorney Opinion - City Employee Eligibility

b. Interim Council Member Appointment

RESOLUTION 24-010 OF THE CITY OF SANIBEL APPOINTING A RESIDENT OF THE CITY OF SANIBEL TO FILL A VACANCY ON THE SANIBEL CITY COUNCIL; AND PROVIDING AN EFFECTIVE DATE.

Attachments: [Resolution 24-010](#)

c. Swearing in of interim Councilmember**RECESS FOR COUNCIL GROUP PHOTO****6. PRESENTATION(S)****a. Federal Emergency Management Agency (FEMA) Community Assistance - Hurricane Recovery Plan Report**

Attachments: [Agenda Memorandum](#)
 [FEMA CA Presentation](#)
 [Sanibel Master Project List Unmet Needs](#)

b. Community Development Block Grant Disaster Recovery (CDBG-DR) - Individual Housing Program presentation by Lee County

Attachments: [Agenda Memorandum](#)
 [LeeCARES Intro for City Councils](#)
 [LeeCares Press Release](#)
 [LeeCares Voluntary Residential Acquisition Program One Sheeter](#)
 [LeeCares Hurricane Ian Housing Recovery Program One Sheeter](#)

c. Beach Nourishment Project Update (Information to be provided in a supplemental agenda.)**d. Captiva Island Wastewater to Sanibel Island; Evaluation of Alternatives for Donax Water Reclamation Facility Effluent Reuse and Disposal**

Attachments: [Agenda Memorandum](#)
 [Captiva Donax Effluent Disposal Study](#)
 [PowerPoint Presentation](#)

7. PUBLIC COMMENTS FOR NON-AGENDA ITEMS

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

8. CITY COUNCIL COMMENTS**9. CITY COUNCIL CONSIDERATIONS FOR FUTURE AGENDAS**

10. 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. **Mixed Use**

ORDINANCE 24-005 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO AMEND THE CODE OF ORDINANCES RELATING TO MIXED-USE DEVELOPMENT TO PROVIDE INCENTIVES TO CREATE HOUSING OPPORTUNITIES FOR SANIBEL WORKFORCE AND STREAMLINE PERMIT PROCESSES FOR SUCH DEVELOPMENTS; AMENDING SUBPART B LAND DEVELOPMENT CODE, CHAPTER 78, GENERAL PROVISIONS, SECTION 78-1, RULES OF CONSTRUCTION AND DEFINITIONS; AMENDING CHAPTER 86, DEVELOPMENT STANDARDS, SECTION 86-1, COMBINED RESIDENTIAL AND COMMERCIAL DEVELOPMENT; REMOVING CHAPTER 90, FEES, ARTICLE II, DEVELOPMENT PERMITS, DIVISION 7, DEVELOPMENT PERMITS IMPLEMENTING CONDITIONAL USE APPROVAL, SECTION 90-180, COMBINED RESIDENTIAL AND COMMERCIAL DEVELOPMENT; REMOVING ARTICLE IV, PUBLIC HEARINGS, DIVISION 4, CONDITIONAL USES, SECTION 90-395, COMBINED RESIDENTIAL AND COMMERCIAL DEVELOPMENT; AMENDING CHAPTER 126, ZONING, ARTICLE II, CONDITIONAL USE PERMITS, SECTION 126-33, INSTITUTIONAL USES; REMOVING ARTICLE IV, CONDITIONAL USES, SECTION 126-87, COMBINED RESIDENTIAL AND COMMERCIAL DEVELOPMENT; AMENDING ARTICLE VIII, COMMERCIAL DISTRICTS, DIVISION 2, GC GENERAL COMMERCIAL, SECTION 126-491, PERMITTED USES, SECTION 126-492, CONDITIONAL USES, DIVISION 3, TCG TOWN CENTER GENERAL COMMERCIAL DISTRICT, SECTION 126-514, REQUIRED CONDITIONS, AND DIVISION 4, TOWN CENTER LIMITED COMMERCIAL DISTRICT, SECTION 126-534, REQUIRED CONDITIONS; AND ADDING SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 5, COMMERCIAL AND INSTITUTIONAL USES GENERALLY, SECTION 126-1032; AND AMENDING ARTICLE XV, OFF-STREET PARKING AND LOADING, DIVISION 2, OFF-STREET PARKING, SUBDIVISION II, RESIDENTIAL USES, SECTION 126-1341, REQUIRED PARKING SPACES, FOR THE PURPOSE OF AMENDING THE LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

Attachments:

[Agenda Memorandum](#)

[Ordinance 24-005](#)

[PC Res 23-006](#)

[Agenda Memorandum - January 16 Draft Discussion](#)

[Public Comment](#)

11. 9:10 - SECOND READING AND PUBLIC HEARING**a. Coconut Palm Definition**

ORDINANCE 24-001 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES RELATED TO VEGETATION STANDARDS BY AMENDING CHAPTER 122, VEGETATION, ARTICLE III, STANDARDS, DIVISION 1, GENERALLY, SECTION 122-101, DEFINITIONS, ADDING A DEFINITION FOR COCONUT PALMS, 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 24-001](#)

b. Marine Accessory Structures

ORDINANCE 24-002 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES TO UPDATE CONDITIONAL USE PERMIT STANDARDS FOR DOCKS, BOAT DAVITS, BOAT LIFTS, AND MOORING PILINGS IN THE BAY BEACH ZONE BY AMENDING SUBPART B LAND DEVELOPMENT CODE, CHAPTER 126, ZONING, ARTICLE IV, CONDITIONAL USES, SECTION 126-96, DOCKS, BOAT DAVITS, BOAT LIFTS, AND MOORING PILINGS; AND TO MARINE ACCESSORY STRUCTURES STANDARDS BY AMENDING CHAPTER 126, ZONING, ARTICLE XIV, SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 2, ACCESSORY STRUCTURES, SUBDIVISION II, ACCESSORY MARINE STRUCTURES, SECTION 126-875, WATERWARD EXTENSION, SECTION 126-882, DECK PLANKING, AND SECTION 126-888, LIGHTING; FOR THE PURPOSE OF AMENDING THE LAND DEVELOPMENT CODE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Attachments: [Agenda Memorandum](#)
 [Ordinance 24-002](#)

c. Vegetation Standards

ORDINANCE 24-003 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES RELATED TO FEES AND VEGETATION STANDARDS BY AMENDING CHAPTER 90, FEES, ARTICLE I, IN GENERAL, SECTION 90-5, EXEMPTIONS, IMMUNITIES, AND WAIVERS; AND CHAPTER 122, VEGETATION, ARTICLE II, LANDSCAPING, DIVISION 2, COMMERCIAL AND INSTITUTIONAL USES, SECTION 122-47, VEGETATION BUFFERS REQUIRED, SECTION 122-48, LOCATION AND SIZE OF REQUIRED VEGETATION BUFFERS, SECTION 122-49, TYPES, VARIETIES, AND NUMBERS OF PLANTS REQUIRED; DIVISION 3, RESIDENTIAL DEVELOPMENT ALONG

ARTERIAL AND COLLECTOR ROADS, SECTION 122-72, LOCATION AND SIZE OF VEGETATION BUFFERS, AND SECTION 122-73, TYPES, VARIETIES, AND NUMBERS OF PLANTS REQUIRED; 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 24-003](#)
 [Agenda Memorandum from December 5 Agenda](#)
 [PC Resolution 23-33](#)

d. Special Events

ORDINANCE 24-004 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES TO UPDATE SPECIAL EVENT APPLICATIONS AND CONDITIONS FOR GRANTING OF PERMITS BY AMENDING SUBPART B LAND DEVELOPMENT CODE, CHAPTER 110, ARTICLE I, IN GENERAL, DIVISION 2, PERMIT, SECTION 110-49, APPLICATIONS, AND SECTION 110-51, CONDITIONS FOR GRANTING PERMIT; FOR THE PURPOSE OF AMENDING THE LAND DEVELOPMENT CODE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

Attachments: [Agenda Memorandum](#)
 [Ordinance 24-004](#)
 [Community Partners - Proposed Special Event Ordinance Changes](#)

12. DISCUSSIONS OF DRAFT LEGISLATION

a. Milestone Inspections

DRAFT ORDINANCE 24-XX OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING CHAPTER 14, BUILDINGS AND BUILDING REGULATIONS, TO CREATE A NEW ARTICLE VIII, MANDATORY INSPECTION OF AGING CONDOMINIUM AND COOPERATIVE BUILDINGS, CONTAINING NEW SECTIONS 14-321 TO 14-324 ADDRESSING INSPECTION, REPORTING, REPAIRS, ENFORCEMENT, AND PENALTIES; 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](#)[DRAFT Ordinance 24-XX redlined with changes from first discussion](#)[DRAFT Ordinance 24-XX clean copy](#)[Senate Bill 4-D](#)[Senate Bill 154](#)[Chapter Law-2023-203](#)[Legislative Staff Analysis Inspections](#)**b. Below Market Rate Housing (BMRH) Increased Density**

DRAFT ORDINANCE 24-V OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES RELATED TO HOUSING STANDARDS AND POLICIES OF THE BELOW MARKET RATE HOUSING PROGRAM, AMENDING SUBPART B LAND DEVELOPMENT CODE, CHAPTER 86, DEVELOPMENT STANDARDS, ARTICLE III, RESIDENTIAL, DIVISION 3, UNIFIED RESIDENTIAL HOUSING (CLUSTER HOUSING) AND MULTIFAMILY HOUSING, SUBDIVISION III, MULTIFAMILY HOUSING, SECTION 86-158, MINIMUM SIZE OF PARCEL, AND SECTION 86-159, MINIMUM WIDTH OF PARCEL; CHAPTER 90, FEES, ARTICLE II, DEVELOPMENT PERMITS, DIVISION 7, DEVELOPMENT PERMITS IMPLEMENTING CONDITIONAL USE APPROVAL, SECTION 90-178, INCREASED-DENSITY BELOW MARKET RATE HOUSING; ARTICLE IV, PUBLIC HEARINGS, DIVISION 4, CONDITIONAL USES, SECTION 90-393, INCREASED-DENSITY BELOW MARKET RATE HOUSING; CHAPTER 102, HOUSING, ARTICLE II, BELOW MARKET RATE HOUSING, DIVISION 3, BELOW MARKET RATE HOUSING RENTAL PROGRAM, BY ADDING SECTION 102-101, PURPOSE AND INTENT, AND AMENDING SECTION 102-102, QUALIFICATION AND RANKING OF APPLICANTS; AND AMENDING CHAPTER 126, ZONING, ARTICLE IV, CONDITIONAL USES, SECTION 126-85, INCREASED DENSITY BELOW MARKET RATE HOUSING; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Attachments:[Agenda Memorandum](#)[DRAFT Ordinance 24-V](#)[PC Resolution 23-32](#)**13. 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. ADOPTION OF RESOLUTIONS**i. Special Event Fees****RESOLUTION 24-011 AMENDING THE SPECIAL EVENT SCHEDULE OF**

FEES FOR THE CITY OF SANIBEL; PROVIDING FOR FEES FOR RENTAL OF VARIOUS EQUIPMENT FROM THE CITY; PROVIDING FOR FEES FOR RENTALS OF CITY FACILITIES INCLUDING COMMUNITY PARK AND BOWMAN'S BEACH PARK; AND PROVIDING AN EFFECTIVE DATE.

Attachments: [Agenda Memorandum](#)
 [Resolution 24-011](#)

b. BUSINESS ITEMS

- i. Adoption of Minutes - January 16, 2024 Regular Meeting (Information to be provided in a supplemental agenda)
- ii. Approval of Bowman's Beach Camera Repair (Information to be provided in a supplemental agenda.)
- iii. Approve the Subaward and Grant Agreement between the Federal Emergency Management Agency (FEMA) and the City of Sanibel for Hurricane Idalia (Event DR-4734) and authorize the Deputy City Manager to execute same

Attachments: [Agenda Memorandum](#)
 [FEMA Subaward and Funding Agreement](#)

- iv. Approval of a request from Sanibel Historic Museum & Village to serve alcohol at "Changing Times Art Exhibit Opening Reception" on February 23, 2024

Attachments: [Agenda Memorandum](#)
 [SE Permit 24-027 SHMV Changing Times Art Exhibit Reception 02.23.24](#)

- v. Sanibel Captiva Conservation Foundation (SCCF) Partnership Agreement Letter

Attachments: [Agenda Memorandum](#)
 [SCCF Partnership Letter 02.06.24](#)

CONSENT ITEMS PULLED FOR DISCUSSION

14. INFORMATIONAL ITEMS

- a.** Donax and Phase IV Sewer Update

Attachments: [Donax Update](#)
 [Phase 4B Update](#)
 [Resolution 23-074](#)
 [Link to December 5, 2023 City Council Meeting](#)

- b.** Hazard Mitigation Grant Project Updates (Tradewinds, East Rocks)

Attachments: [Agenda Memorandum - Tradewinds](#)
 [Agenda Memorandum - East Rocks](#)

- c. Water Quality Report from Natural Resources Department

Attachments: [Agenda Memorandum](#)

- d. Sanibel Causeway Traffic Counts for December and Calendar Year 2023

Attachments: [Agenda Memorandum](#)

- e. Shared Use Path Master Plan Update

Attachments: [Agenda Memorandum](#)

15. OLD BUSINESS

- a. Independence Day Drone Show Information

Attachments: [Agenda Memorandum](#)

[Dronisos](#)

[Luna Lite](#)

[Sky Elements](#)

- b. Councilmember Smith's request to discuss an Amendment to Section 3.07 (c) Filling of Vacancies (City Council), of the Sanibel Charter.

Attachments: [Agenda Memorandum](#)

[Councilmember Smith Email Request](#)

[Section 3.07 Sanibel Charter](#)

- c. Request from the Captiva Community Panel (Information to be provided in a supplemental agenda.)

- d. Lee County Charter Review Commission - Voluntary Annexation

Attachments: [Agenda Memorandum](#)

[Minutes - Lee County Charter Review Commission - 1-16-2024](#)

[Lee Charter Commission Letter - December 2023 - Voluntary Annexation](#)

- e. Legislative Priorities (Information to be provided in a supplemental agenda.)

Attachments: [Sanibel Legislative Priorities 2024](#)

16. CITY MANAGER'S REPORT

17. CITY ATTORNEY'S REPORT

18. COUNCIL MEMBERS' REPORTS

19. PUBLIC COMMENT

20. 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

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.**