

CITY OF SANIBEL

ORDINANCE NO. 08-004

AN ORDINANCE AMENDING THE SANIBEL CODE, PART II LAND DEVELOPMENT CODE: CHAPTER 82 ADMINISTRATION, ARTICLE IV DEVELOPMENT PERMITS, DIVISION 2 PROCEDURE, SUBDIVISION III LONG FORM, SECTION 82-421 APPLICATION, TO REQUIRE A LONG FORM PERMIT APPLICATION, AND REVIEW BY THE PLANNING COMMISSION, FOR ALL PRINCIPAL STRUCTURES THAT INCLUDE AN INTEGRALLY ATTACHED ACCESSORY STRUCTURE THAT REQUIRES A LONG FORM PERMIT; PROVIDING FOR CONFLICT AND SEVER-ANCE; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the procedures of the Land Development Code require a public hearing and a long-form development permit (Planning Commission development order) for specifically identified accessory structures; and

WHEREAS, these accessory structures need to be considered within the context of the principal structure for an overall determination of compliance with the requirements of the Land Development Code; and

WHEREAS, a procedure has been established to revise and amend the Land Development Code, in a manner consistent with the *Sanibel Plan*; and

WHEREAS, such revisions have been referred to the Planning Commission for a recommendation as to the consistency with the *Sanibel Plan*; and

WHEREAS, City Council deems it necessary to make such revisions to the Land Development Code, as contained in this ordinance; and

WHEREAS, all required public notices and public hearings for such amendment have been properly given and held.

NOW, THEREFORE, BE IT ORDAINED by the Council for the City of Sanibel, Lee County, Florida:

SECTION 1. The Code of Ordinances of the City of Sanibel, Section 82-421 Application, is hereby amended by adding a new sub-section (10), with underlining indicating additions, as follows:

Section 82-421 Application.

A long-form application shall be required for the following types of development:

...

(10) All applications for a principal structure that includes an accessory structure, integrally attached to the principal structure, which requires a long-form application.

SECTION 2. Codification.

This ordinance shall be an amendment to the Code of Ordinances of the City of Sanibel. Section 82-421 of the Sanibel Code of Ordinances is hereby amended.

SECTION 3. Conflict.

All ordinances and parts of ordinances in conflict herewith shall be and the same are hereby repealed.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 4. 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 5. Effective date.

This ordinance shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the Council of the City of Sanibel, Lee County, Florida, this 1st day of April, 2008.

AUTHENTICATION:



Mick Denham, Mayor



Pamela Smith, City Clerk

APPROVED AS TO FORM:



Kenneth B. Cuyler, City Attorney

4/3/08

Date

Publication and Hearing Dates:

Date of 1st Reading: March 18, 2008

Ordinance Publication Date: March 20, 2008

Date of 2nd Reading: April 01, 2008

Vote of Council Members:

Denham	yea
Ruane	yea
Jennings	yea
Johnston	yea
Pappas	yea

Date filed with the City Clerk: April 01, 2008