

10. **SECOND READING AND PUBLIC HEARING**

- 9:15 A. M. a. **ORDINANCE 08-004 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 SEVERANCE; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE**

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 SEVERANCE; 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* *3/24/08*
Kenneth B. Cuyler, City Attorney Date

Publication and Hearing Dates:

Date of 1st Reading: _____

Ordinance Publication Date: _____

Date of 2nd Reading: _____

Vote of Council Members:

Denham _____
Johnston _____
Jennings _____
Pappas _____
Ruane _____

Date filed with the City Clerk: _____

RESOLUTION NO. 08-07

**CITY OF SANIBEL
PLANNING COMMISSION**

A RESOLUTION APPROVING AND RECOMMENDING ENACTMENT BY THE CITY COUNCIL OF 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 SEVERANCE; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, an application (no. 08-4423LDC) was made by the City of Sanibel to amend its land use regulations 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; and

WHEREAS, a public hearing was legally and properly advertised and held on February 26, 2008; and

WHEREAS, the Planning Commission made reference to the *Sanibel Plan* and determined that the proposed amendment to the land development regulations is consistent with the intent and purpose of the *Sanibel Plan*; and

WHEREAS, the Planning Commission determined that the proposed amendment:

- a. Will encourage the most appropriate use of land and City resources, consistent with the public interest;
- b. Will prevent the overcrowding of land and avoid the undue concentration of population;
- c. Will not adversely affect the development of adequate and efficient provisions for transportation, water, sewage, schools, parks, recreation facilities, and the environmental, social and economic resources of the City;
- d. Will not adversely affect the character stability of the present and future land use and development of the community;
- e. Will not adversely affect orderly growth and development;
- f. Will preserve, promote, protect and improve the public health, safety and general welfare of the community; and
- g. Is consistent with the City Charter.

WHEREAS, at the public hearing on February 26, 2006, all Commissioners were present;


NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission, that after discussion and review of the proposed ordinance, the Planning Commission recommends that City Council enact the amendment to the Land Development Code as proposed in draft no. 1 of the ordinance (dated 2/13/8), the title of which is provided in this resolution.

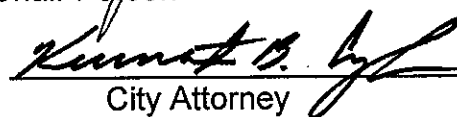
The foregoing Resolution was adopted by the Planning Commission upon a motion by Planning Commission Member Marks and seconded by Planning Commission Member Forney, and the vote was as follows:

David Berger	<u>Yes</u>	Paul Reynolds	<u>Yes</u>
Les Forney	<u>Yes</u>	Patricia Sprankle	<u>Yes</u>
Thomas Krekel	<u>Yes</u>	Michael Valiquette	<u>Yes</u>
Phillip Marks	<u>Yes</u>		

DULY PASSED AND ADOPTED this 26th day of February, 2008

SANIBEL PLANNING COMMISSION

Signed:  2/26/08
Chair Person Date Signed

Approved As To Form:  2/21/08
City Attorney Date Signed

Date Filed with City Manager: 2/26/08