

CITY OF SANIBEL

ORDINANCE NO. - SA - 85 - 27

AN ORDINANCE SPECIFICALLY AMENDING THE COMPREHENSIVE LAND USE PLAN, SECTION 3.3.2: RESIDENTIAL YARD REQUIREMENTS, PART 3.4: PERMITTED USES, SECTION 3.4.9: BAY BEACH, AND PART 3.9: ENVIRONMENTAL PERFORMANCE STANDARDS, SECTION 3.9.6: ALTERED LAND ZONE, TO PERMIT AN ADDITION TO A SINGLE FAMILY RESIDENCE PARTIALLY LOCATED IN THE BAY BEACH ZONE AND TO PERMIT CONSTRUCTION OF A SWIMMING POOL AND PRIVACY WALL WITHIN THE REQUIRED SETBACK FROM THE ROAD, ON A PARCEL LOCATED AT 1528 SAN CARLOS BAY DRIVE IN SECTION 18, TOWNSHIP 46 SOUTH, RANGE 23 EAST, AS SUBMITTED BY BURT BINDER; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. That a Specific Amendment to the Comprehensive Land Use Plan, Section 3.3.2: Residential Yard Requirements, Part 3.4: Permitted Uses, Section 3.4.9: Bay Beach, and Part 3.9: Environmental Performance Standards, Section 3.9.6: Altered Land Zone, to permit an addition to a single family residence partially located in the Bay Beach Zone and to permit construction of a swimming pool and privacy wall within the required setback from the road, on a parcel located at 1528 San Carlos Bay Drive in Section 18, Township 46 South, Range 23 East, as submitted by Burt Binder, is hereby approved only as to the second story addition, on the following conditions:

1. The swimming pool and privacy wall are not approved.
2. The development permit for the addition shall be conditioned on the removal of all concrete driveways and strict compliance with subsection 3.9.6(4).

Section 2. 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All ordinances and parts of ordinances in conflict herewith shall be and the same are hereby repealed.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 3. 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 4. 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 16th day of April, 1985.

ATTEST:

Rouse W. Johnson
Member of Council

Gay L. Price
City Clerk

Myron W. Klein
Member of Council

Fred N. H.
Mayor

William E. Huggins
Member of Council

Jim P. Boy
Member of Council

March 19, 1985 First Reading

March 21, 1985 Publication Date

April 16, 1985 Second Reading

Filed in the Office of the City Clerk this 16th day of April, 1985.

Gay L. Price
City Clerk

APPROVED AS TO FORM:

4/17/85

David S. L...
City Attorney