

CITY OF SANIBEL

ORDINANCE 12- 010

AN ORDINANCE EXTENSIVELY AMENDING AND RESTATING THE SANIBEL PLAN TO UPDATE AND TO CLARIFY THE PLAN, TO IMPLEMENT THE RECOMMENDATIONS OF THE 2012 EVALUATION AND APPRAISAL REPORT OF THE SANIBEL PLAN, TO ADDRESS CONSISTENCY WITH CHANGES IN STATE STATUTES AND ADMINISTRATIVE CODE AND TO ADDRESS CHANGES IN LOCAL CONDITIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Florida Statutes, the City has adopted a comprehensive land use plan (the *Sanibel Plan*); and

WHEREAS, the *Sanibel Plan*, initially adopted on July 19, 1976, is the product of an ongoing planning process; and

WHEREAS, that planning process resulted in extensive revisions to the Plan on November 27, 1985, February 8, 1989, August 5, 1997 and September 18, 2007; and

WHEREAS, pursuant to Florida Statutes, the *Sanibel Plan* shall be amended based on the recommendations contained in the adopted 2012 Evaluation and Appraisal Report; and

WHEREAS, pursuant to the Florida Statutes, on December 4, 2012, the City Council adopted Resolution no. 12-097 that adopted the 2012 Evaluation and Appraisal Report of the *Sanibel Plan*; and

WHEREAS, pursuant to Florida Statutes, this 2012 Evaluation and Appraisal Report-based Amendment to the *Sanibel Plan* is consistent with the 2012 Evaluation and Appraisal Report of the *Sanibel Plan*; and

WHEREAS, the City Council and the Planning Commission determined, as advised by the Planning Department, that the proposed Evaluation and Appraisal Report-based Amendment to the *Sanibel Plan* is consistent with changes in State Statutes and Administrative Code; and

WHEREAS, pursuant to Florida Statutes, the 2012 Evaluation and Appraisal Report-based amendment to the *Sanibel Plan* demonstrates consistency with

the State Comprehensive Plan, the Southwest Florida Regional Strategic Policy Plan, and the Plans of State and Regional agencies; and

WHEREAS, an updated and current *Sanibel Plan* is essential to direct the City's future planning programs; and

WHEREAS, the Planning Commission provided its recommendation on the 2012 Evaluation and Appraisal Report-based Amendment to the *Sanibel Plan* (Planning Commission Resolution no. 12-14) to the City Council; and

WHEREAS, the adopted 2012 Evaluation and Appraisal Report and the proposed 2012 Evaluation and Appraisal Report-based amendment to the *Sanibel Plan* were transmitted to the Florida Department of Economic Opportunity on December 4, 2012; and

WHEREAS, the Florida Department of Economic Opportunity's Objections, Recommendation and Comments Report (ORC) was sent to the City on January 31, 2013; and

WHEREAS, in response to that report, appropriate actions were taken; and

WHEREAS, the City Council continued the Adoption Hearing from March 5, 2013 to May 7, 2013; and

WHEREAS, the City Council deems it necessary to make such Amendment to the *Sanibel Plan*, as contained in this ordinance; and

WHEREAS, all required public notices and public hearings for such amendment to the *Sanibel Plan* have been properly given and held.

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

SECTION 1. The City Council of the City of Sanibel hereby adopts the extensively revised and restated *Sanibel Plan*, as amended herein. The *Sanibel Plan*, initially adopted on July 19, 1976 (Ordinance no 76-21), extensively revised on November 27, 1985 (Ordinance no. GA-85-04), on February 8, 1989 (Ordinance no. 89-04), on August 5, 1997 (Ordinance no. 97-16) and on September 18, 2007 (Ordinance no. 07-005), is hereby extensively revised and restated by this ordinance.

A copy of the extensively revised and restated *Sanibel Plan* is attached hereto as Exhibit "A" and Exhibit "B".

Exhibit "A" contains the text of the Plan, including Goals, Objectives and Policies.

Exhibit "B" contains the Official Maps of the Plan.

Exhibits "A" and "B" are a complete copy of the *Sanibel Plan*, as amended by this ordinance, with underlining indicating additions and ~~strike through~~ indicating deletions.

SECTION 2. A copy of the *Sanibel Plan*, as amended and restated by this ordinance, shall be kept on file in the office of the City Clerk.

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, adopted pursuant to *Section 163.3184, Florida Statutes*, shall take effect immediately upon the issuance of the State Land Planning Agency's "Notice of Intent" to find that the Plan Amendment is in Compliance. Upon the issuance of the State Land Planning Agency's "Notice of Intent" to find that the Plan Amendment is Not in Compliance or if timely challenged, this ordinance shall take effect on the date the State Land Planning Agency or the

State Administration Commission enters a final order determining the adopted amendment to the *Sanibel Plan* to be in compliance.

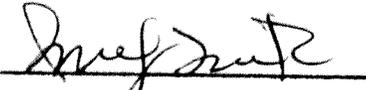
SECTION 6. Codification.

The City Manager is hereby authorized and directed to cause the amendment approved herein to be incorporated into the adopted *Sanibel Plan*, as amended and restated by this ordinance.

DULY PASSED AND ENACTED by the City Council of the City of Sanibel, Florida, this 7th day of May, 2013.

AUTHENTICATION:


Kevin Ruane, Mayor


Pamela Smith, City Clerk

APPROVED AS TO FORM:


Kenneth B. Cuyler, City Attorney

5/1/13
Date

Publication and Hearing Dates

Section 163, F.S. Publication Date:	<u>October 29, 2012</u>
Date of First Public (Transmittal) Hearing:	<u>November 8, 2012</u>
Continued Transmittal Hearing Date:	<u>December 4, 2012</u>
Section 163, F.S. Publication Date:	<u>February 25, 2013</u>
Ordinance Publication Date:	<u>April 28, 2013</u>
Date of Second Public (Adoption) Hearing:	<u>March 5, 2013</u>
Continued Adoption Hearing Date:	<u>May 7, 2013</u>

Vote of Council Members:

Ruane	<u>yea</u>
Congress	<u>yea</u>
Denham	<u>yea</u>
Harity	<u>yea</u>
Jennings	<u>yea</u>

Date filed with the City Clerk: May 7, 2013