

CITY OF SANIBEL

ORDINANCE NO. 13 - 006

AN ORDINANCE AMENDING THE SANIBEL CODE OF ORDINANCES, SUBPART B, LAND DEVELOPMENT CODE, CHAPTER 114 SUBDIVISION, ARTICLE II ADMINISTRATION, DIVISION 5, PLATS, SECTION 114-106., - PRELIMINARY PLATS, BY ADDING A NEW SUBSECTION (11), ALLOWING FOR THE PHASED DEVELOPMENT APPROVAL OF A PRELIMINARY PLAT; PROVIDING FOR CONFLICT AND SEVERANCE; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City has reviewed the adequacy of approving the phase development of a preliminary plat subdivision; and

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

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

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

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

SECTION 1. The Code of Ordinances of the City of Sanibel, Chapter 114 Subdivision, Article II Administration, Division 5, Plats, is hereby amended by adding a new Subsection 11 to read as follows:

(11) A preliminary plat may be approved by the Planning Commission for development to occur in separate, designated phases where an application includes a request for a phased plat approval and the Planning Commission finds that the number of lots to be approved or the facilities or improvements to be located within the platted area warrant construction, completion and recording in separate phases, or alternatively finds that a phased preliminary plat is in the best interests of the City of Sanibel. For a phased preliminary plat approval, the time periods for the completion and recording of a final plat as set forth in this section shall be applicable to each phase individually and the commencement of the initial two year time period for each subsequent phase shall commence:

- a. Upon approval and recording of the final plat for the prior phase; or
- b. Upon the issuance of any development permit for improvements or development authorized by such subsequent preliminary plat phase.

A condition of a phased preliminary plat approval shall be that any and all dedications or contributions of land or other rights or resources for the entire plat shall be made, dedicated or provided, as applicable, as a condition of the first approved phase."

SECTION 3. Codification.

This Ordinance shall be deemed to be an amendment to the Code of Ordinances of the City of Sanibel.

SECTION 4. 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 5. 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 6. Effective date.

This ordinance shall take effect immediately upon adoption.

RESOLUTION NO. 13-21

**CITY OF SANIBEL
PLANNING COMMISSION**

A RESOLUTION APPROVING AND RECOMMENDING AN ORDINANCE AMENDING THE SANIBEL CODE OF ORDINANCES, SUBPART B, LAND DEVELOPMENT CODE, CHAPTER 114 SUBDIVISION, ARTICLE II ADMINISTRATION, DIVISION 5, PLATS, SECTION 114-106., - PRELIMINARY PLATS, BY ADDING A NEW SUBSECTION (11), ALLOWING PRELIMINARY PLAT APPROVALS, AS MAJOR SUBDIVISIONS, TO BE DEVELOPED IN SEPARATE DESIGNATED PHASES.

WHEREAS, an Application (No. 13-7517 LDC) was made by the City of Sanibel to provide procedures for the phased development of a preliminary plat; and

WHEREAS, public hearings were legally and properly advertised and held on September 24, 2013; 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.

SECTION 1. The Sanibel Planning Commission recommends that the City Council enact proposed Ordinance 13-006, a copy of which is attached hereto, in order to amend the Sanibel Code of Ordinances, Subpart B, Land Development Code, Chapter 114 Subdivision, Article II Administration, Division 5, Plats, Section 114-106., - Preliminary PLATS, to add a new subsection (11), with underlining indicating additions, as follows:

(11) A preliminary plat may be approved by the Planning Commission for development to occur in separate, designated phases where an application includes a request for a phased plat approval and the Planning Commission finds that the number of lots to be approved or the facilities or improvements to be located within the platted area warrant construction, completion and recording in separate phases, or alternatively finds that a phased preliminary plat is in the best interests of the City of Sanibel. For a phased preliminary plat approval, the time periods for the completion and recording of a final plat as set forth in this section shall be applicable to each phase individually and the commencement of the initial two year time period for each subsequent phase shall commence:

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NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission recommends that the City Council adopt proposed Ordinance 13 - 006, by adding a new Subsection (11), to Land Development Code Section 114-106 Preliminary Plats, to allow a preliminary plat approval of a major subdivision to occur in separate phases.

The foregoing Resolution was adopted by the Planning Commission upon a motion by Planning Commission Member Holly Smith and seconded by Planning Commission Member Chuck KETEMAN, and the vote was as follows:

Christopher Heidrick	<u>YES</u>	Holly Smith	<u>YES</u>
Chuck Ketteman	<u>YES</u>	John Talmage	<u>EXCLUDED</u>
Tom Krekel	<u>YES</u>	Michael Valiquette	<u>YES</u>
Phillip Marks	<u>YES</u>		

DULY PASSED AND ADOPTED this 24th day of September 2013.

SANIBEL PLANNING COMMISSION

Signed: Michael Valiquette
Michael Valiquette, Planning Commission Chairman

9/24/2013
Date Signed

Approved As To Form: Kenneth B. Cuyler
Kenneth B. Cuyler, City Attorney

9/24/13
Date Signed

Date Filed With City Manager: 9/24/2013

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