

CITY OF SANIBEL

ORDINANCE 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:

(1) Upon approval and recording of the final plat for the prior phase; or

(2) 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.

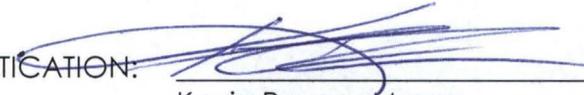
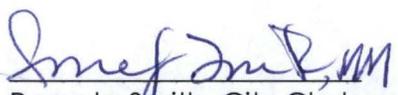
SECTION 5. Severance.

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.

DULY PASSED AND ENACTED by the Council of the City of Sanibel, Florida, this
1st day of October, 2013

AUTHENTICATION:  
Kevin Ruane, Mayor Pamela Smith, City Clerk

APPROVED AS TO FORM:  
Kenneth B. Cuyler, City Attorney Date

First Reading: September 17, 2013

Publication Notice: September 18, 2013

Second Reading: October 01, 2013

Vote of Council Members:

Ruane	yea
Congress	yea
Denham	yea
Harrity	yea
Jennings	excused

Date filed with the City Clerk: October 01, 2013