

CITY OF SANIBEL

ORDINANCE 09-001

AN ORDINANCE AMENDING THE *SANIBEL PLAN* TO ADD A NEW SECTION 3.3.8 PUBLIC SCHOOLS FACILITIES ELEMENT PURSUANT TO SECTION 163.31777, FLORIDA STATUTES; TO RENUMBER SECTION 3.3.8 OTHER HUMAN SUPPORT SYSTEMS TO 3.3.9 AND TO AMEND THE SUBSECTION ON EDUCATION IN THAT SECTION; TO AMEND PART 3.3 HUMAN SUPPORT SYSTEMS TO REFERENCE THE PUBLIC SCHOOLS FACILITIES ELEMENT; TO AMEND SECTION 3.3.1 HUMAN SUPPORT SYSTEMS TO INCLUDE PUBLIC SCHOOL FACILITIES IN THE REVIEW OF THE CONCURRENCY MANAGEMENT SYSTEM OF THE LAND DEVELOPMENT CODE; TO AMEND SECTION 3.4.1 INTERGOVERNMENTAL COORDINATION GOALS, OBJECTIVES AND POLICIES TO INCLUDE THE INTERLOCAL AGREEMENT WITH THE LEE COUNTY SCHOOL DISTRICT; TO AMEND SECTION 3.5.1 CAPITAL IMPROVEMENTS GOALS OBJECTIVES AND POLICIES TO INCLUDE THE LEVEL OF SERVICE STANDARDS ESTABLISHED FOR PUBLIC SCHOOL FACILITIES; AND TO AMEND SECTION 3.5.2 IMPLEMENTATION, MONITORING AND EVALUATION TO INCLUDE PUBLIC SCHOOL FACILITIES IN THE ADOPTED FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS AND TO REFLECT THE ANNUAL UPDATE OF THE ADOPTED FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS; 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 September 18, 2007; and

WHEREAS, December 4, 2007 is the effective date of the Evaluation and Appraisal Report-based Amendment to the *Sanibel Plan*, including the Five-Year Schedule of Capital Improvements in the Capital Improvements Element, based on a finding of compliance with *Sections 163.3184, 163.3187 and 163.3189, Florida Statutes* by the Florida Department of Community Affairs; and

WHEREAS, pursuant to *Florida Statutes, Section 163.31777*, the City has implemented a public school concurrency program through interlocal coordination with the Lee County School District; and

WHEREAS, Lee County and the Cities of Bonita Springs, Cape Coral, Fort Myers, and Fort Myers Beach have also entered into an interlocal agreement with the Lee County School District to establish common parameters for public school concurrency throughout the County; and

WHEREAS, pursuant to *Florida Statutes, Section 163.3177(12)*, the *Sanibel Plan* must include a public schools facilities element that establishes level of service standards for public schools ensuring that public schools will be in place before or concurrent with the impacts of new residential development on projections for student enrollment; and

WHEREAS, pursuant to *Florida Statutes, Section 163.3177(3)*, this Plan Amendment also contains the annual review and update to the Five-year Schedule of Capital Improvements in the *Sanibel Plan* in order to demonstrate and maintain the financial feasibility of the Five-year Schedule of Capital Improvements; and

WHEREAS, the proposed amendment to Part 3.5. Capital Improvements concludes that there continues to be no capital improvements necessary to attain or maintain the required Level of Service Standards for public facilities, including Public School Facilities, established in the *Sanibel Plan*; and

WHEREAS, pursuant to Florida Statutes, this amendment to the *Sanibel Plan* demonstrates consistency with State Statutes and Administrative Code, the State Comprehensive Plan, the Southwest Florida Regional Strategic Policy Plan, and the Plans of State and Regional Agencies; and

WHEREAS, this amendment to the *Sanibel Plan* was approved for transmittal to the Florida Department of Community Affairs on January 6, 2009; and

WHEREAS, the Florida Department of Community Affairs' Objections, Recommendation and Comments Report (ORC) was received by the City on _____ 2009; and

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

WHEREAS, the City Council deems it necessary to make such revisions 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 Council for the City of Sanibel, Lee County, Florida:

SECTION 1. The City Council of the City of Sanibel hereby amends the *Sanibel Plan* in order to:

- ✓ add a new Section 3.3.8 Public Schools Facilities Element pursuant to *Section 163.3177(12), Florida Statutes*;
- ✓ renumber Section 3.3.8 Other Human Support Systems to 3.3.9;
- ✓ amend the sub-section on Education in renumbered Section 3.3.9;
- ✓ amend Part 3.3 Human Support Systems to reference the public schools facilities element;
- ✓ amend Section 3.3.1 Human Support Systems to include public school facilities in the review of the concurrency management system of the Land Development Code;
- ✓ amend Section 3.4.1 Intergovernmental Coordination Goals, Objectives and Policies to include the interlocal agreement with the Lee County School District;
- ✓ amend Section 3.5.1 Capital Improvements Goals Objectives and Policies to include the level of service standards established for public school facilities; and
- ✓ amend Section 3.5.2 Implementation, Monitoring and Evaluation to reflect the annual update of the adopted Five-year Schedule of Capital Improvements and to include public school facilities in this Five-year Schedule of Capital Improvements.

A copy of full text of this amendment to the *Sanibel Plan* is attached hereto as **Exhibit "A"**. with underlining indicating additions and ~~strikethrough~~ indicating deletions.

A copy of the 2008 Annual Review and Update of the Capital Improvements Element of the *Sanibel Plan* is attached hereto as **Exhibit "B"**.

SECTION 2. A copy of this amendment to the *Sanibel Plan* 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.

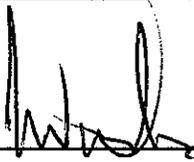
SECTION 5. Effective date.

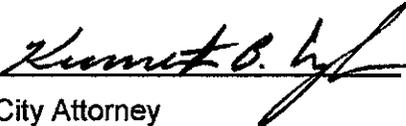
This ordinance shall take effect on the date the State Land Planning Agency issues a final order determining that the adopted amendments to the *Sanibel Plan* contained herein to be in compliance and in accordance with *Section 163.3184 (9), Florida Statutes*, or on the date the State Administration Commission issues a final order determining the adopted amendment to the *Sanibel Plan* to be in compliance with *Section 163.3184 (10), Florida Statutes*, whichever occurs earlier.

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 by this ordinance.

DULY PASSED AND ENACTED by the Council of the City of Sanibel, Lee County, Florida, this 5th day of May, 2009.

AUTHENTICATION:  Mayor  City Clerk

APPROVED AS TO FORM:  City Attorney 12/17/08 Date

Publication and Hearing Dates

Section 163, F.S. Publication Dates	December 22, 2008
Date of First Public (Transmittal) Hearing	January 06, 2009
Section 163, F.S. Publication Date	April 28, 2009
Date of Second Public (Adoption) Hearing	May 05, 2009

Vote of Council Members:

Denham	yea
Ruane	yea
Harrity	yea
Jennings	yea
Pappas	yea

Date filed with the City Clerk: May 05, 2009