

CITY OF SANIBEL

ORDINANCE 09-014

AN ORDINANCE AMENDING THE *SANIBEL PLAN* BY AMENDING SECTION 3.5.1 CAPITAL IMPROVEMENTS GOALS OBJECTIVES AND POLICIES AND SECTION 3.5.2 IMPLEMENTATION, MONITORING AND EVALUATION TO UPDATE THE CAPITAL IMPROVEMENTS ELEMENT INCLUDING 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, this Plan Amendment to Part 3.5. Capital Improvements contains the 2009 annual review and update of the Capital Improvements Element and demonstrates and maintains the financial feasibility of the Five-year Schedule of Capital Improvements; and

WHEREAS, this 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 adopted pursuant to *Florida Statutes, Section 163.3177(3)*; 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:

- ✓ update background discussion in Section 3.5.1 Capital Improvements Goals Objectives and Policies; and
- ✓ to reflect the annual update of the adopted Five-year Schedule of Capital Improvements in Section 3.5.2 Implementation, Monitoring and Evaluation.

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

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 immediately upon adoption.

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 _____ day of _____, 2009.

AUTHENTICATION: _____
Mick Denham, Mayor Pamela Smith, City Clerk

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

Publication and Hearing Dates

Date of First Reading: _____
Section 163, F.S. Publication Date: _____
Ordinance Publication Date: _____
Date of Second Public Hearing _____

Vote of Council Members:

Denham _____
Ruane _____
Harrity _____
Jennings _____
Pappas _____

Date filed with the City Clerk: _____