

RESOLUTION NO. 18-007

**CITY OF SANIBEL
PLANNING COMMISSION**

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, SUBPART B LAND DEVELOPMENT CODE, CHAPTER 78 GENERAL PROVISIONS, SECTION 78-1 – RULES OF CONSTRUCTION AND DEFINITIONS BY ADDING LANGUAGE TO DEFINE THE TERM “FILL” FOR PURPOSES OF THE LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CONFLICT AND SEVERANCE; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a public hearing on the proposed ordinance, referenced in the above title, was legally and properly advertised and held on May 22, 2018, 2018 before the Sanibel Planning Commission; and

WHEREAS, the Planning Commission has heard and considered comments and recommendations from the Planning Department staff and public; and

WHEREAS, the Planning Commission finds the proposed amendment to be consistent with the Sanibel Plan; and

WHEREAS, the Planning Commission may recommend to the City Council amendments to regulations of the Land Development Code, in accordance with the following standards, as set forth in LDC Section 82-241:

- (1) The Planning Commission shall make reference to the Sanibel Plan to determine if the proposed amendment to the land development regulations is consistent with the intent and purpose of the Sanibel Plan.*
- (2) The Planning Commission shall determine whether 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 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 adversely affect the character and stability of the present and future land use and development of the community;*
 - e. Will 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.*

(3) If the Planning Commission determines that a proposed amendment is inconsistent with the Sanibel Plan or its intent and purpose, the Planning Commission may, nevertheless, recommend approval of the proposed amendment, along with a corresponding amendment to the Sanibel Plan, if the Planning Commission determines that the proposed amendment should be approved based upon a consideration of all of the factors specified in subsection (2) of this section.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission finds that proposed Ordinance No. 18-___ is consistent with the Sanibel Plan and meets the above referenced requirements and recommends that the City Council adopt said ordinance, the title of which is provided in this Resolution.

The foregoing Resolution was adopted by the Planning Commission upon a motion by Commissioner _____ and seconded by Commissioner _____ and the vote was as follows:

Richard Johnson _____
Chuck Kettelman _____
Roger Grogman _____

Karen Storjohann _____
Dirk deWerff _____
Phillip Marks _____

DULY PASSED AND ADOPTED this 22nd day of May, 2018

SANIBEL PLANNING COMMISSION

Signed: _____
Phillip Marks, Planning Commission Chair

Date Signed

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

Date Signed

Date Filed With City Manager: _____