

ORDINANCE 2011-16

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, STATING ITS INTENT TO AMEND ORDINANCE 2003-36 IN ACCORDANCE WITH THE RECOMMENDATIONS CONTAINED IN THE ADOPTED EVALUATION AND APPRAISAL REPORT BY RESOLUTION 2009-142; AND APPROVING THE TRANSMITTAL OF SUCH PROPOSED AMENDMENTS TO THE STATE LAND PLANNING AGENCY FOR REVIEW IN ACCORDANCE WITH SECTION 163.3184(3), FLORIDA STATUTES.

WHEREAS, the Florida Legislature intends that local planning be a continuous and ongoing process; and

WHEREAS, the City Commission adopted the City of Fernandina Beach Comprehensive Plan by Ordinance No. 2003-36 on May 4, 2004; and

WHEREAS, Section 163.3191, Florida Statutes, directs local governments to periodically assess the success or failure of the adopted plan to adequately address changing conditions and state policies and rules; and

WHEREAS, Section 163.3191, Florida Statutes, directs local governments to adopt needed amendments to ensure that the plan provides appropriate policy guidance for growth and development; and

WHEREAS, pursuant to Resolution 2009-142, the City Commission of the City of Fernandina Beach adopted its Evaluation and Appraisal Report and stated its intention to amend its Comprehensive Plan in accordance with the recommendations contained therein; and

WHEREAS, Section 163.3191(10), Florida Statutes, requires the City to amend its Comprehensive Plan based on the recommendations in the Evaluation and Appraisal Report; and

WHEREAS, the Planning Advisory Board (PAB) acting as the designated Local Planning Agency, has reviewed the Evaluation and Appraisal Report based Comprehensive Plan amendments, held multiple advertised public hearings on May 31, 2011, June 8, 2011, June 15, 2011, June 22, 2011 and July 13, 2011, provided for participation by the public in the process through advertised public hearings and through an advertised community workshop series held May 23, 2011-May 26, 2011, and rendered its final recommendation to approve the proposed amendments to the City Commissioners on July 13, 2011; and

WHEREAS, the City Commission has reviewed the proposed Comprehensive Plan amendments based on its 2009 adopted Evaluation and Appraisal Report, held an advertised public hearing, and provided for comments and public participation in the process in accordance with the requirements of state law and the procedures adopted for public participation in the planning process;

NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH AS FOLLOWS:

- SECTION 1. **PURPOSE AND INTENT.** The City Commission finds that amendments, attached hereto as Exhibit "A" incorporating the Evaluation and Appraisal Report recommendations into the Comprehensive Plan are necessary and desirable to properly coordinate growth within the City.
- SECTION 2. **TRANSMITTAL OF PROPOSED AMENDMENTS.** The City Commission hereby endorses the proposed Evaluation and Appraisal Report based Comprehensive Plan amendments for transmittal to the State Land Planning Agency for the purpose of a sufficiency review in accordance with Section 163.3191, Florida Statutes.
- SECTION 3. **SEVERABILITY.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, the holding shall in no way affect the validity of the remaining portions of this Ordinance.
- SECTION 4. **COMPLIANCE.** The proposed plan amendments adopted by this Ordinance are not effective until a

final order is issued by the State Land Planning Agency finding the amendments to be "in compliance" in accordance with Section 163.3184, Florida Statutes. If the Agency issues a final order finding the amendments not "in compliance," the amendments may nonetheless be made effective by adoption of a resolution at a public hearing affirming the effective status of the amendments. No development orders or development permits dependent upon these amendments may be issued, and no development dependent upon these amendment may be undertaken, before the amendments become effective.

SECTION 5. ADOPTED, this ___ day of November, 2011.

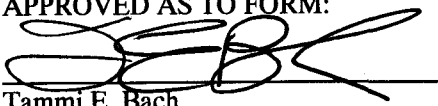
CITY OF FERNANDINA BEACH

Susan Hardee Steger
Commissioner-Mayor

ATTEST:

Mary L. Mercer
City Clerk

APPROVED AS TO FORM:



Tammi E. Bach
City Attorney

Date of First Reading Advertisement:	August 24, 2011
Date of First Reading and Public Hearing:	September 6, 2011
Date of transmitted as proposed amendments to State Land Planning Agency:	September 16, 2011
Date of Compliance Report Received from State Land Planning Agency:	
Date of Second Reading Advertisement:	
Date of Second Reading and Public Hearing:	
Date of transmitted as adopted amendments to State Land Planning Agency:	

**CITY COMMISSION AGENDA ITEM
CITY OF FERNANDINA BEACH**

SUBJECT: ORDINANCE 2011-18
 STATING THE CITY COMMISSION'S INTENT TO AMEND ORDINANCE 2003-36 IN ACCORDANCE WITH THE RECOMMENDATIONS CONTAINED IN THE ADOPTED EVALUATION AND APPRAISAL REPORT BY RESOLUTION 2009-142 AND APPROVING THE TRANSMITTAL OF THE PROPOSED AMENDMENTS TO THE STATE LAND PLANNING AGENCY FOR REVIEW IN ACCORDANCE WITH SECTION 163.3184(3), FLORIDA STATUTES.

DEPARTMENT: PLANNING DEPARTMENT

ATTACHMENTS: X Ordinance Resolution
 Support Documents Other

SUMMARY: Planning staff requests the City Commission consider approval to transmit to the State Land Planning Agency the proposed Comprehensive Plan amendments based on recommendations contained as part of the 2009 adopted Evaluation and Appraisal Report (EAR).

For purposes of saving City expenses (paper and toner) and in keeping with the City's sustainability goals full copies of the roughly 150 page document are located on the City's website at: www.fbfl.us/EAR. Printed copies of the document are available at the front counter of the Community Development Department and City' Clerks office. All proposed amendments to the existing Comprehensive Plan are indicated in red with ~~strikethroughs~~ representing text deletions and underlining to signify text additions.

The City conducted an extensive public outreach campaign as part of the EAR based Comprehensive Plan amendments including active maintenance of the EAR website, direct mail flyers advertising outreach activities, open office hours of planning staff to answer questions and take public input, invitations to local non-profits and professional organizations for presentations by planning staff, newspaper display ads, and a four (4) day community workshop series held May 23-26. Staff released the draft plan amendments for public review on April 29, 2011. Staff provided all reviewing agencies with copies of the draft plan amendments in April and feedback received has already been incorporated into the proposed documents. Additionally, the Planning Advisory Board conducted five (5) separate public hearings (May-July 2011) to consider the proposed plan amendments and take public input. During this time staff again extended an invitation to the public to make appointments with staff and to local non-profit and professional organizations for presentations so that additional public input could be received and considered by the PAB. On July 13, 2011, the PAB issued its final recommendation for approval, by unanimous vote, endorsing the proposed plan amendments to the City Commission.

City Planning Staff will be available at the meeting to address questions and input from the Commission.

RECOMMENDED ACTION: Approve Ordinance 2011-18 at 1st Reading

CITY ATTORNEY COMMENTS: NO COMMENTS

DEPARTMENT HEAD:	Submitted by: Kelly N. Gibson, Senior Planner	Date: 8/11/11
	Requested Agenda:	Date: 9/6/11
FINANCE DEPARTMENT:	Budgeted <u> </u> Yes <u> </u> No <u> </u> X <u> </u> N/A	Date:
CITY ATTORNEY:	Approved for Form <u>TEB</u>	Date: <u>8/31/11</u>
CITY MANAGER:	Approved Agenda Item for <u>M</u>	Date: <u>9/11/11</u>
COMMISSION ACTION:	<input checked="" type="checkbox"/> Approved As Recommended	<u> </u> Disapproved
	<u> </u> Approved With Modification	<u> </u> Tabled To Time Certain
	<u> </u> Other	

First Reading
 Approved at the City Commission Meeting
 Held on 9-6-11
 Voted: 4-1 Initial: [Signature]