

ATTACHMENT 2

CITY OF PUNTA GORDA

ORDINANCE NO. 1865-17

I HEREBY CERTIFY THIS TO BE A
TRUE AND EXACT COPY OF THE
Ordinance ON FILE IN THE
OFFICE OF THE CITY CLERK
CITY OF PUNTA GORDA,
CHARLOTTE COUNTY, FLORIDA.

DEPUTY CITY CLERK

AN ORDINANCE OF THE CITY OF PUNTA GORDA, FLORIDA ADOPTING THE EVALUATION AND APPRAISAL REPORT BASED AMENDMENTS INCLUDING THE GOALS, OBJECTIVES AND POLICIES OF THE CITY OF PUNTA GORDA COMPREHENSIVE PLAN 2040 CONTAINING THE FUTURE LAND USE ELEMENT, CONSERVATION ELEMENT, & COASTAL MANAGEMENT ELEMENT, INFRASTRUCTURE ELEMENT, HOUSING ELEMENT, RECREATION AND OPEN SPACE ELEMENT, COMMUNITY FACILITIES ELEMENT, TRANSPORTATION ELEMENT, PUBLIC SCHOOLS FACILITIES ELEMENT, INTERGOVERNMENTAL COORDINATION ELEMENT, HISTORIC ELEMENT, AND THE CAPITAL IMPROVEMENT ELEMENT IN ACCORDANCE WITH CHAPTER 163.3191, FLORIDA STATUTES; AND REPEALING TEXT, MAPS, ANALYSIS AND RELATED MATERIALS OF THE 2025 COMPREHENSIVE PLAN; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 163, Part II, Florida Statutes, mandates that all local governments adopt comprehensive plans to provide thorough and consistent planning with regard to land within their corporate limits; and

WHEREAS, the City of Punta Gorda adopted its Comprehensive Plan 2025 on November 19, 2008; and

WHEREAS, pursuant to Section 163.3191, Florida Statutes, the City's Comprehensive Plan is required to be reviewed and evaluated through an Evaluation and Appraisal Report process involving the State Land Planning Agency at least once every 7 years; and

WHEREAS, the City submitted its Evaluation and Appraisal Notification Letter to the State Land Planning Agency on November 4, 2015; and

WHEREAS, the State Land Planning Agency reviewed and approved the Evaluation and Appraisal Report making recommendations for changes to the City of Punta Gorda Comprehensive Plan 2040; and

WHEREAS, local comprehensive plans are required to be amended based upon the recommendations of the EAR; and

WHEREAS, pursuant to the provisions of Section 163.3191(4), Florida Statutes, the Planning Commission serving as the Local Planning Agency for the City of Punta Gorda, Florida, has reviewed the proposed EAR based amendments of the City of Punta Gorda Comprehensive Plan 2025 contained herein and has found said Plan to be in compliance with the recommendations contained within the adopted EAR and Chapter 163, Florida Statutes; and

WHEREAS, the City of Punta Gorda Planning Commission, as the Local Planning Agency, held a public hearing on September 26, 2016 and March 27, 2017; and

WHEREAS, the City Council of the City of Punta Gorda desires to adopt the City of Punta Gorda Comprehensive Plan 2040 as based on the EAR to govern and control the future development of the City, and to preserve, promote and protect the public's health, safety, and welfare.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PUNTA GORDA, FLORIDA:

I. The City Council of the City of Punta Gorda, Florida hereby supersedes the 2025 Comprehensive Plan and adopts the EAR based amendments, including the Goals, Objectives and Policies, to be known as City of Punta Gorda Comprehensive Plan 2040 which consists of the pages which are identified as Exhibit "A" and are incorporated into this Ordinance and on file in the Office of the City Clerk, City of Punta Gorda, Florida.

II. The City of Punta Gorda hereby repeals text, maps, analysis and other related material of the 2025 Comprehensive Plan.

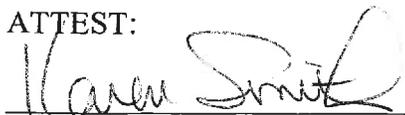
III. It is the declared intent of the City Council that if any section, subsection, sentence, clause, phrase or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

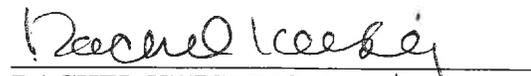
IV. Any ordinances or parts of any ordinances in conflict herewith are repealed to the extent of such conflict.

V. The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

ADOPTED in regular session of the City Council of the City of Punta Gorda, Florida, this 5th day of April, 2017

ATTEST:


KAREN SMITH, City Clerk


RACHEL KEESLING, Mayor

APPROVED AS TO FORM:


DAVID M. LEVIN, City Attorney