

ORDINANCE NO. 08-4792

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF SARASOTA [A/K/A THE SARASOTA CITY PLAN (1998)]; STATING VARIOUS FINDINGS OF FACT CONCERNING THE PREPARATION AND ADOPTION OF THE COMPREHENSIVE PLAN; PROVIDING FOR DEFINITIONS; ADOPTING BY REFERENCE THE FOLLOWING ELEVEN (11) CHAPTERS (EACH CHAPTER CONSISTING OF INTENT AND PURPOSE, GOALS, OBJECTIVES AND ACTION STRATEGIES AS WELL AS SPECIFIED ATTACHMENTS); NEIGHBORHOOD CHAPTER, RECREATION AND OPEN SPACE CHAPTER, HOUSING CHAPTER, ENVIRONMENTAL PROTECTION AND COASTAL ISLANDS CHAPTER, UTILITIES CHAPTER, TRANSPORTATION CHAPTER, GOVERNMENTAL COORDINATION CHAPTER, HISTORIC PRESERVATION CHAPTER, PUBLIC SCHOOL FACILITIES CHAPTER, CAPITAL IMPROVEMENTS CHAPTER AND FUTURE LAND USE CHAPTER ALL HEREINAFTER COLLECTIVELY THE SARASOTA CITY PLAN (2008 EDITION); SAID AMENDMENT INCLUDES MAKING CHANGES TO THE GOALS, OBJECTIVES AND ACTION STRATEGIES OF EACH CHAPTER AND CREATING A NEW PUBLIC SCHOOL FACILITIES CHAPTER; REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR THE SEVERABILITY OF THE PARTS HEREOF; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 10, 1998, the City of Sarasota, by the adoption of Ordinance Nos. 98-4061 and 99-4095 adopted a comprehensive plan hereinafter referred to as the "*Sarasota City Plan (1998)*", as amended; and,

WHEREAS, Section 163.3191, Florida Statutes, required that the City prepare and submit to the Department of Community Affairs a report [hereinafter "*Evaluation and Appraisal Report (2005)*"], evaluating the success or failure of the *Sarasota City Plan (1998)*, including the realization of its goals and objectives, and identification of any actions which needed to be taken to address the planning issues identified in the Report; and,

WHEREAS, the City Commission adopted by reference the *Evaluation and Appraisal Report (2005)* on October 11, 2005; and,

WHEREAS, Section 163.3191(10), Florida Statutes, requires the *Sarasota City Plan (1998)* be amended based upon the recommendations contained in the Evaluation and Appraisal Report (2005); and,

WHEREAS, the Planning Board, acting in its capacity as Local Planning Agency for the City of Sarasota, has held a duly noticed transmittal stage public hearing on January 23, 2008 and recommended to the City Commission the transmittal of the *Sarasota City Plan, (2008)* to the Department of Community Affairs; and,

WHEREAS, the City Commission held a duly noticed transmittal stage public hearing on February 12, 2008 which was continued to March 17, 2008 and completed on April 7, 2008 to receive public comment on the proposed amendments to the *Sarasota City Plan, (2008)*, and approved the proposed amendments for transmittal to state, regional and local agencies for review and comment pursuant to Section 163.3184(3), Florida Statutes; and,

WHEREAS, the Department of Community Affairs, as the state land planning agency, provided its Objections, Recommendations and Comment Report which was received by the city on July 7, 2008; and

WHEREAS, the city has modified the *Sarasota City Plan (2008)* to meet the requirements of the Department of Community Affairs; and

WHEREAS, the City Commission has held one (1) adoption stage public hearing on October 6, 2008 to receive public comment, has considered the Objections, Recommendations and Comments Report received from the Department of Community Affairs and considered and hereby adopts the *Sarasota City Plan, (2008)*.

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF SARASOTA, FLORIDA:

**Section 1. Definitions.** For the purpose of this Ordinance, the following definitions shall apply:

"Act" means the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes, as amended.

"*Sarasota City Plan, (2008)*" means the Comprehensive Plan adopted herein by reference by the City Commission pursuant to the Act.

**Section 2. Findings.** The City Commission hereby finds and determines that:

A. The Planning Board held a duly noticed transmittal stage public hearing on January 23, 2008 and recommended to the City Commission the transmittal of the *Sarasota City Plan (2008)* to the Department of Community Affairs for review and comment.

B. The City Commission held a duly noticed transmittal stage public hearing on February 12, 2008 which was continued to March 17, 2008 as well as April 7, 2008 to receive public comment on the proposed *Sarasota City Plan (2008)* and authorized the transmittal of the proposed *Sarasota City Plan (2008)* to state, regional and local agencies for review and comment pursuant to Section 163.3184 (3), Florida Statutes.

C. The proposed *Sarasota City Plan, (2008)* and supporting documentation, was transmitted to the Florida Department of Community Affairs, the Florida Department of Environmental Protection, the Florida Department of Transportation, the Southwest Florida Water Management District, the Florida Department of Education, Sarasota County, the Florida Department of State, Division of Historical Resources and any other

entity of local government or governmental agency in the State of Florida that had filed with the City of Sarasota a request for copies of the proposed *Sarasota City Plan, (2008)* or portions thereof, for review and comment in accordance with the provisions of the Act and Rule 9J-11.006, F.A.C. The Department of Community Affairs's Objections, Recommendations and Comments Report contained objections, recommendations and comments on this amendment.

D. The City has held numerous workshops regarding all of the chapters of the proposed *Sarasota City Plan (2008)*. Those workshops have been held by the Planning Board in its capacity as the Local Planning Agency, the City Commission, or as joint workshops of the two bodies. Those workshops have been conducted on October 22, 2007; October 30, 2007; November 1, 2007; November 13, 2007; and November 29, 2007.

E. The Planning and Redevelopment Department of City has held open houses to inform the public regarding the proposed *Sarasota City Plan (2008)*. These open houses were held on December 12, 2007 and January 10, 2008.

F. The Department of Community Affairs, as the state land planning agency, provided its Objections, Recommendations and Comment Report which was received by the City on July 7, 2008. Consequently, the *Sarasota City Plan (2008)* must be adopted on or before November 4, 2008.

G. The City Commission has held one (1) adoption Stage public hearing, after providing due public notice on October 6, 2008 in order to adopt the *Sarasota City Plan, (2008)*, pursuant to Section 163.3184(7) and (15) , Florida Statutes.

**Section 3. Adoption of the Sarasota City Plan (2008).** The *Sarasota City Plan (2008)* is hereby adopted as the Comprehensive Plan of the City of Sarasota and shall consist of the Intent and Purpose; Goals, Objectives and Action Strategies; and specified attachments of the following chapters of the *Sarasota City Plan (2008)*:

- A. Neighborhood.
- B. Recreation and Open Space.  
Illustration R-1, Parks + Connectivity Master Plan Map.
- C. Housing.
- D. Environmental Protection and Coastal Islands.  
Attachment 1, Environmental Protection and Coastal Islands Illustrations.
- E. Utilities.  
Illustration U-1.
- F. Transportation.  
Transportation Map Series.
- G. Governmental Coordination.
- H. Historic Preservation.
- I. Public School Facilities.  
Future Conditions Maps.
- J. Capital Improvements.  
Attachment 1, Illustration CI-7 and Illustration CI-8.
- K. Future Land Use.  
Attachment 1, Future Land Use Classifications; Attachment 2, Future Land Use Map Series; Attachment 3, Process for Elimination of Land Use Inconsistencies; Attachment 4, Definitions; and Attachment 5, Concurrency Management System.

The foregoing items, subparagraphs A through K are hereby designated as the *Sarasota City Plan (2008)* and are hereby adopted by reference as though fully set forth herein. Three or more copies of the *Sarasota City Plan (2008)* shall be identified as

official copies and shall be kept on file with the City Auditor and Clerk for public use, inspection and examination.

**Section 4. Support Document.** Any surveys, studies, background data, analysis or maps not adopted by reference as part of the *Sarasota City Plan (2008)* in Section 3 hereof, (hereinafter collectively referred to as the "Support Document") shall not be deemed a part of the *Sarasota City Plan (2008)*. The Support Document not adopted as part of the *Sarasota City Plan (2008)* shall be utilized solely as supporting material and shall be available for public inspection at the Planning and Development Division of the Neighborhood and Development Services Department of the City of Sarasota, Florida.

**Section 5. Repeal of Ordinances in Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed, but only to the extent of such conflict. This Ordinance and the *Sarasota City Plan, (2008)*, adopted herein, shall supersede the provisions of Ordinance Nos. 98-4061 and 99-4095 and the *Sarasota City Plan (1998)* adopted therein, as amended, upon the effective date of this Ordinance.

**Section 6. Severability.** It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses and phrases of this Ordinance shall be deemed severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance is declared unconstitutional or otherwise invalid by the valid judgment of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance.

**Section 7. Effective Date.** The effective date of the *Sarasota City Plan*

(2008) shall be the first to occur of the following events:

A. The twenty second (22nd) day after publication of a Notice of Intent to Find the Proposed Amendment "In compliance" provided that no affected person has filed a petition to challenge the determination of compliance as authorized by Section 163.3184 (9)(a), Florida Statutes.

B. The date a final order is issued by the State of Florida Department of Community Affairs finding amendments enacted by this ordinance to be "In Compliance" pursuant to Section 163.3184 (9)(b), Florida Statutes; or

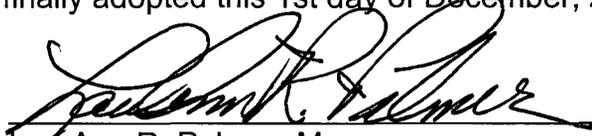
C. The date a final order is issued by the State of Florida Administrative Commission finding the amendments enacted by this Ordinance to be "In Compliance" pursuant to Section 163.3184 (10)(b), Florida Statutes.

D. Upon the first of the above events to occur, the effective date of the Public School Facilities Chapter shall relate back to October 1, 2008. Consequently, upon the effective date of this Ordinance, the effective date of the Public School Facilities Chapter shall be October 1, 2008.

No development orders, development permits or land uses dependent on the *Sarasota City Plan (2008)* may be issued or commence before the effective date of the *Sarasota City Plan (2008)*.

PASSED on first reading by title only, after posting on the bulletin board at City Hall for at least three (3) days prior to first reading, as authorized by Article IV, Section 2, Charter of the City of Sarasota, Florida this 6th day of October, 2008.

PASSED on second reading and finally adopted this 1st day of December, 2008.

  
Lou Ann R. Palmer, Mayor

ATTEST:

  
City Auditor and Clerk

word/cityatty/mac/pn/08-4792/12/10/08