
APPENDIX E
PROPOSED ORDINANCE NO. 2009-XXX

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AN ORDINANCE OF THE COUNTY OF SARASOTA, FLORIDA, PROVIDING FOR FINDINGS; PROVIDING FOR DEFINITIONS; PROVIDING FOR THE AMENDMENT (CPA-2009-01) OF THE SARASOTA COUNTY COMPREHENSIVE PLAN AS ADOPTED BY SARASOTA COUNTY ORDINANCE NO. 89-18, AS AMENDED; PROVIDING FOR THE ADOPTION OF AMENDMENT CPA-2009-01 TO THE SARASOTA COUNTY COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP SERIES (FIGURES RMA-1 AND RMA-3) AS SHOWN ON THE ATTACHED EXHIBIT "A" BY RE-DESIGNATING GREENWAY TO VILLAGE/OPEN SPACE; REVISING POLICY VOS 5.1 IN THE FUTURE LAND USE CHAPTER REGARDING EXCEPTIONS TO THE GREENBELT BUFFER; CHANGING FIGURE 6-10 (YEAR 2025 THOROUGHFARE PLAN) OF THE TRANSPORTATION CHAPTER, APPENDIX D, SECTION 4 (YEAR 2025 THOROUGHFARE PLAN), AND FIGURE RMA-1, TO DESIGNATE LAKEWOOD RANCH BOULEVARD FROM UNIVERSITY PARKWAY TO FRUITVILLE ROAD AS A FOUR-LANE ROADWAY; AND AMENDING OTHER SUCH PORTIONS OF THE PLAN AND OTHER SUPPORTIVE MATERIAL AS DEEMED NECESSARY IN ORDER TO MAINTAIN INTERNAL CONSISTENCY; PROVIDING FOR INTERPRETATION; PROVIDING FOR EFFECT ON OTHER ORDINANCES AND REGULATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA:

Section 1. Findings. The Board of County Commissioners hereby makes the following findings:

(a) Pursuant to Article VIII, Section 1(g) of the Constitution of the State of Florida, the Sarasota County Home Rule Charter, and the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes, as amended, (the Act), Sarasota County is authorized and required to adopt a comprehensive plan.

(b) Section 94-61 of the Sarasota County code designates the Sarasota County Planning Commission as the Local Planning Agency and provided for the preparation and recommendation of a comprehensive plan and amendments thereto by the Sarasota County Planning Commission and the adoption of a comprehensive plan and amendments thereto by the Board of County Commissioners in accordance with the provisions of the Act.

(c) The Sarasota County Planning Commission, acting as the Local Planning Agency for Sarasota County, held a duly advertised public hearing on May 7, 2009 and recommended approval of proposed Comprehensive Plan Amendment 2009-01, and recommended approval of the amendment to the Board of County Commissioners of Sarasota County.

(d) The Board of County Commissioners of Sarasota County held a duly advertised public hearing on June 9, 2009 to receive public comment on the proposed amendment to *The Sarasota County Comprehensive Plan*.

(e) Following the public hearing, the Board of County Commissioners of Sarasota County approved the transmittal of the proposed amendment (CPA-2009-01) to state, regional and local agencies for review and comment on June 10, 2009.

(f) Said proposed amendment as approved for transmittal by the Board of County Commissioners of Sarasota County, together with supporting documentation, was transmitted to the Florida Department of Community Affairs and the various agencies and governments as appropriate for review and comment in accordance with the provisions of the Act and Rule 9J-11.006.

(g) The Florida Department of Community Affairs reviewed the proposed plan amendment (2009-01) for consistency with Chapter 163, Florida Statutes and Rule 9J-5, Florida Administrative Code and in its report dated XXX, raised X objection to the proposed amendment.

(h) The Board of County Commissioners of Sarasota County held a duly advertised adoption public hearing on XXX, to receive public comment on the proposed amendment to *The Sarasota County Comprehensive Plan*.

Section 2. Definitions. For the purpose of this Ordinance, the following definitions shall apply:

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

(b) *The Sarasota County Comprehensive Plan* means the document adopted by the Board of County Commissioners and filed with the Clerk of said Board pursuant to Sarasota County Ordinance No. 89-18, as amended.

(c) "Board" means the Board of County Commissioners of Sarasota County, Florida.

Section 3. Adoption of Amendment 2009-01 to *The Sarasota County Comprehensive Plan*. The Board of County Commissioners of Sarasota County hereby adopts Amendment 2009-01 to *The Sarasota County Comprehensive Plan* pursuant to and in compliance with the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes.

(a) 2009-01 amends future land use map series (Figure RMA-1 and RMA-3) by re-designating greenway to village/open space; revises policy VOS 5.1 in the Future Land Use Chapter regarding exceptions to greenbelt buffer; changes Figure 6-10 (Year 2025 Thoroughfare Plan) of the Transportation Chapter and Appendix D, Section 4 (Year 2025 Thoroughfare Plan), to designate Lakewood Ranch Boulevard as a four-lane roadway; and amending other such portions of the plan and other supportive material as deemed necessary in order to maintain internal consistency.

(b) The amendment in its entirety is provided in Exhibit "A" attached hereto and made a part thereof.

Section 4. Interpretation.

(a) In the event of any inconsistency between the provisions of the amendment provided for herein and other provisions of *The Sarasota County Comprehensive Plan*, the provisions of this amendment shall supersede and control over any other such inconsistent provision.

(b) The language and provisions of this ordinance and *The Sarasota County Comprehensive Plan* shall be construed in *pari materia* with Chapter 163, Part II, Florida Statutes, and Chapter 9J-5, Florida Administrative Code.

(c) Except where specifically indicated to the contrary, where any provision of this Ordinance refers to or incorporates another provision, ordinance, statute, code, regulation, or other authority, it refers to the most current version of the other provision, ordinance, statute, code, regulation, or other authority, including any subsequent amendments thereto or renumbering thereof.

Section 5. Effect on Other Ordinances and Regulations. Where this ordinance conflicts with another County ordinance, the provisions of this ordinance shall prevail to the extent of such conflict except as otherwise provided herein.

Section 6. Severability. It is declared to be the intent of the Board that if any provision of this ordinance is for any reason finally held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions.

Section 7. Effective Date. The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever is applicable. 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 Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this _____ day of _____, 2009.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

By: _____
Jon Thaxton, Chair

ATTEST:

KAREN E. RUSHING, Clerk of the
Circuit Court and Ex-Officio Clerk
of the Board of County Commissioners
of Sarasota County, Florida

By: _____
Deputy Clerk

EXHIBIT A



