

ORDINANCE NO. 2011-070

AN ORDINANCE OF SARASOTA COUNTY, FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING ARTICLE III, DIVISION 2 OF CHAPTER 94 (SECTIONS 94-81 THROUGH 94-91) OF THE COUNTY CODE; RELATING TO COMPREHENSIVE PLAN AMENDMENT PROCEDURES; AMENDING FINDINGS; AMENDING DEFINITIONS; AMENDING APPLICABILITY; AMENDING PROCEDURES FOR PRIVATE AND COUNTY INITIATION OF PLAN AMENDMENTS; AMENDING PROCEDURES FOR PUBLIC PARTICIPATION; AMENDING PROVISIONS PROVIDING FOR SUBSTANTIAL COMPLIANCE WITH PROCEDURES, AMENDING PROVISIONS RELATING TO FEES; AMENDING PROVISIONS RELATING TO SUNSET DATE; PROVIDING FOR RESERVATION OF CODE PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR CODING OF AMENDMENTS.

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

Section 1. Coding of Amendments. In this Ordinance, language added to an existing Ordinance is underscored and language deleted is typed in ~~strike-through~~ type.

Section 2. Amendment of Comprehensive Plan Amendment Procedures. Article III, Division 2 of Chapter 94 of the Sarasota County Code is hereby amended as follows:

Division 2. Comprehensive Plan Amendment Procedures.

Section. 94-81. Findings.

The Board of County Commissioners of Sarasota County, Florida, hereby makes the following findings:

(1) F.S. Chapter 163, Part II (F.S. 163.3164~~7~~(2)), provides that each local government shall prepare a comprehensive plan of the type and in the manner set out in said chapter, or prepare amendments to the existing comprehensive plan in accordance with said Part II. F.S. 163.3184 and 163.3187 provide specific procedures to amend adopted comprehensive plans.

~~(2) On February 6, 1990, the Board adopted Ordinance No. 90-11, which was subsequently amended by Ordinance No. 92-004, setting forth procedures for amending comprehensive plans. It is necessary to amend Ordinance No. 90-11 and Ordinance No. 92-004 to reflect changes in state law and county procedures.~~

~~(3)~~ The adoption of this division will ensure Sarasota County's continued compliance with the requirements of F.S. 163.3184 and 163.3187.

~~(4)~~ The Board, sitting as the Land Development Regulation Commission, has reviewed ~~the~~

~~proposed ordinance codified in~~ this division and has found that it is consistent with the Comprehensive Plan.

(54) In applying and interpreting the provisions of this division, reference to any State, federal or local law, rule, chapter, statute, ordinance or resolution shall mean the most current, recently adopted or amended version of said law, rule, chapter, statute, ordinance or resolution.

Section 94-82. Definitions.

For the purposes of this division, the following definitions will apply:

Administrative Amendment means any amendment initiated by the Board for the purpose of complying with changes in State or federal law; local ordinances, resolutions or rules; or final judgments or orders issued by a court, commission, agency, hearing officer or other entity with jurisdiction over the subject matter.

Board means the Board of County Commissioners of Sarasota County, Florida.

Comprehensive Plan means those portions of ~~"Apexsee: The Sarasota County Comprehensive Plan~~ adopted by the Board of County Commissioners as ~~The Sarasota County Comprehensive Plan~~ pursuant to ~~Sarasota County Ordinance No. 89-18, as amended Section 94-61,~~ as required by F.S. ch. 163, pt. II (F.S. § 163.3161 et seq.) 163.3177 and 163.3178.

~~*Critical Area Planning Study* means corridor plans, commercial corridor plans, sector plans, and, other components of the critical area planning program that have been adopted pursuant to Sarasota County Ordinance No. 89-93 (Chapter 94, Article IV, of this Code).~~

~~*Development of Regional Impact* means development authorized pursuant to the provisions of F.S. §§ 380.06 and 163.3187(1)(b).~~

Emergency Amendment means any amendment initiated by the Board to address any occurrence or threat thereof whether accidental or natural, caused by humankind, in war or peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property or public funds, as authorized by F.S. 163.3187.

Evaluation and Appraisal Report of comprehensive plan means a report that meets the requirements of F.S. 163.3191.

~~*F.A.C. 9J-5* means the Rules of the Florida Department of Community Affairs, Division of Resource Planning and Management, "Minimum Criteria for Review of Local Government Comprehensive Plans and Determination of Compliance."~~

F.S. 163, Part II means the ~~Local Government Comprehensive Planning and Land Development Regulation~~ Community Planning Act.

F.S. 187 means the State Comprehensive Plan.

Local Planning Agency or *LPA* means the Sarasota County Planning Commission, designated by ~~Sarasota County Ordinance No. 76-51 (Section 94-61 of this Code)~~, Section 94-67 as the LPA for the unincorporated area of Sarasota County, Florida, as required by F.S. 163.3174.

Person means an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more Persons having a joint or common interest, or any other legal entity.

Petitioner means any entity or person, or its, his or her duly authorized representative, the Local Planning Agency, a department of Sarasota County government or the Board, who or which submits a Comprehensive Plan amendment petition pursuant to this division for the purpose of obtaining approval thereof. No person, except for a government agency, shall be permitted to file an application pursuant to Section 94-84 seeking to change the future land use map designation for property (except as agent or attorney for the owner) which is not owned by the person.

Sarasota County Concurrency Management System Regulations means the regulations for evaluating development orders to ensure that adequate public facilities including roads, parks, solid waste, drainage, sanitary sewer, and potable water are available concurrent with development impacts within the unincorporated area of Sarasota County, Florida, as provided for in ~~Sarasota County Ordinance No. 89-103 (Chapter 94, Article VII, of this Code)~~.

~~*Sarasota County Land Development Regulations* means the regulation of the development of land within the unincorporated area of Sarasota County, Florida, as provided for in Sarasota County Ordinance No. 81-12 (Chapter 74 of this Code).~~

Sarasota County Zoning Regulations means Sarasota County Ordinance No. ~~75-38~~ 2003-052 (Appendix A to this Code), which controls and regulates zoning within the unincorporated area of Sarasota County, Florida.

Small Scale Development Activities means the types of Comprehensive Plan amendments described in F.S. 163.3187(1)(e a), which involve ten or less acres.

State Land Planning Agency or ~~DCA~~ DEO means the Florida Department of ~~Community Affairs~~ Economic Opportunity as defined by F.S. § 163.3164.

Section 94-83. Applicability.

- (a) The procedures contained in this division shall apply to the processing of any amendment to the Comprehensive Plan. The singular shall include the plural. In computing any period of time prescribed in this division, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday, or holiday, in which event

the period shall run to the next day that is not a Saturday, Sunday, or holiday. All time periods include intermediate Saturdays, Sundays, and holidays. The times provided herein are directory and shall not be deemed to be jurisdictional.

- (b) Notwithstanding any other provision of this division, in accordance with F.S. §§ 163.3187(24) and 163.3177(3)(a), any ordinance adopted by the Board to correct, update or modify current costs, revenue sources, acceptance of dedicated facilities, or the dates of construction of any facility enumerated in the capital improvements element of the Comprehensive Plan shall not be deemed an amendment to the Comprehensive Plan and may be initiated by the Board or the Planning Department at any time without regard to any limitation imposed by this division.

Section 94-84. Private sector initiation of Comprehensive Plan amendments.

(a) *Pre-application process.*

(1) A Petitioner seeking to initiate a proposed amendment to the Comprehensive Plan shall submit a written request to the Director of the Planning Department for a pre-application meeting. A description of the proposed amendment and reason for the amendment shall be included in the request. Requests shall be submitted prior to April 1, except for amendments related to a proposed Development of Regional Impact or proposed Small Scale Development Activities, which may be requested at any time subject to the limitations set forth in F.S. § 163.3187(1)(e). By letter to the Planning Director, any Petitioner may request that the Board allow any privately initiated Plan amendment to be submitted at any time. The Planning Director will report to the Board on any such request with a recommendation as to whether the request can be reasonably accommodated at the time requested or whether the amendment more appropriately should be processed as part of the annual cycle.

(2) Upon submission of the request, a pre-application meeting will be scheduled and held between the Petitioner initiating the proposed amendment and the Director of the Planning Department or his designee(s). The procedures for processing Comprehensive Plan amendments and the petition forms to be submitted will be discussed at the pre-application meeting. Applications for a Comprehensive Plan amendment shall be made on forms provided by the Planning Department.

(3) Neighborhood workshops shall be held in accordance with the procedures established for that purpose by Resolution of the Board of County Commissioners, prior to submission of an application. These workshops shall be conducted by the Petitioner at the expense of the Petitioner.

(4) A complete application shall include the following:

- a. Identification of all proposed changes to the Comprehensive Plan;
- b. All data and maps required to meet the submittal requirements for Comprehensive Plan amendments outlined in ~~F.A.C. 9J-11.006(1)(b)1-5~~ Section 163.3168, F.S.;

- c. Justification for the proposed amendment including a statement of consistency with the Comprehensive Plan;
 - d. Disclosure of ownership or other interest in any property proposed for redesignation, including an affidavit of ownership;
 - e. Summary of the findings of the neighborhood workshop held on the proposed amendment pursuant to subsection (a)3 of this section;
 - f. The fee required by Section 94-89; and
 - g. Any additional information deemed necessary by the Planning Department.
- (b) ~~Seventy five copies of the~~ An application and any supporting documentation shall be provided to the Planning Department no later than May 15, except for an application related to a proposed Development of Regional Impact or proposed Small Scale Development Activities, which may be processed at any time subject to the limitations set forth in F.S. § 163.3187(1)~~(e)~~. Additional copies may be requested for public hearings before the LPA and the Board.
- (c) *Planning Department formal review.* The Planning Department will have 45 ~~calendar~~ working days to prepare an analysis of the proposed Comprehensive Plan amendment petition following submission of a complete application. This review will be done to determine consistency with the Comprehensive Plan and other relevant County ordinances and resolutions, ~~and to assess the effect of the proposed amendment upon the financial feasibility of the Comprehensive Plan.~~ This analysis shall also address the proposed amendment's consistency with the applicable requirements of Chapters 163 and 187, Florida Statutes, ~~and Rule 9J-5, Florida Administrative Code.~~ During the formal review period, the Planning Department may consult with other departments of Sarasota County government, adjacent governmental entities, and regional and State agencies, as it deems necessary, to evaluate the proposed amendment.

Section 94-85. County initiation of Comprehensive Plan amendments.

- (a) The Board, the LPA, a department of County government, or no fewer than 20 registered voters, each of whom resides, owns real property, or owns or operates a business within the unincorporated area of Sarasota County, may request the County to initiate a Comprehensive Plan amendment at any time, provided the proposed amendment is presented to the Sarasota County Planning Department no later than January 15 for processing as a County-initiated amendment, subject to the provisions of Section 94-87(d). A department of the County Government must submit a proposed comprehensive plan amendment to the LPA. Planning staff will schedule the proposed amendment for consideration by the LPA at the earliest regularly scheduled meeting of the LPA, and the LPA shall forward a recommendation to the Board of County Commissioners. Prior to the LPA meeting, Planning Staff will conduct a scoping process for the proposed amendment per Sub-section (c) of this Section, and present the results of this study at the LPA meeting. The Board may waive the scoping requirement by majority vote.
- (b) Except for Administrative Amendments, Emergency Amendments or amendments related to a proposed Development of Regional Impact or proposed Small Scale Development

Activities, which may be initiated by the Board at any time subject to the limitations of F.S. § 163.3187, all requests for amendments shall be presented to the Board by the Planning Department ~~at its first regularly scheduled meeting in April, or as soon thereafter as possible,~~ after compliance with the provisions of Section 94-87(d). The Board may approve or deny requests to proceed with County-initiated Comprehensive Plan amendments, or withdraw County-initiated amendments at any time, in the exercise of its legislative authority.

(c) The Planning Department will conduct a two-part scoping process wherein: Part 1 - the proposed amendment will be clearly defined and all pertinent issues identified, and Part 2 - county staff will further research identified issues to define what level of work and staff time will be needed to process the proposed amendment.

~~(e) Because of the unique and extraordinary resource management area (RMA) planning efforts initiated by the Board in response to the December 10, 1999, presentation by the Urban Land Institute Advisory Services Panel (ULI) and the April 27, 2000, ULI written report entitled Sarasota County Florida, Strategies for Managing Growth: Shaping a Future for Sarasota County to Maintain and Enhance Its Quality of Life, and as approved by the Board on June 5, 2000, in the Action Plan for an I.D.E.A.L. future (Intelligent Design, Effective Action, and Leadership), the Board hereby provides for a special processing cycle for RMA related Comprehensive Plan amendments. These RMA related Comprehensive Plan amendments may be initiated by the Board at any time in exercise of its legislative authority, subject to the limitation of F.S. § 163.3187.~~

(d) Staff will present the recommendation of the LPA regarding a proposed amendment and the results of the scoping process to the Board during the discussions for authorization to proceed with processing a proposed comprehensive plan amendment.

~~(d) In order to fulfill the community vision adopted in the Comprehensive Plan, including Sarasota 2050, and to allow for special consideration of other significant policy changes, the Board hereby provides for a special processing cycle for County initiated Comprehensive Plan amendments as determined to be a priority by the Board. These Comprehensive Plan amendments may be initiated by the Board at any time in exercise of its legislative authority, subject to the limitation of F.S. § 163.3187.~~

~~(e) Notwithstanding the limitations for amendments set forth above, County Government may process Evaluation and Appraisal Report (EAR) amendments as an independent amendment cycle, subject to the limitations of F.S. § 163.3187.~~

Section 94-86. Procedures for processing Comprehensive Plan amendments.

(a) *Local Planning Agency review and action.*

(1) The LPA shall hold at least one public hearing on all proposed Comprehensive Plan amendments. ~~The LPA public hearing shall be held during a meeting on the third Thursday of July, or as soon thereafter as possible, except for Administrative~~

~~Amendments, Emergency Amendments, proposed Development of Regional Impact amendments and proposed Small Scale Development Activities amendments. Administrative and Emergency Amendments may be scheduled for public hearing at any time. The public hearing for an amendment related to a proposed Development of Regional Impact or proposed Small Scale Development Activities shall be held no sooner than 60 days from receipt of a complete application at the next available hearing date before the LPA. The LPA public hearing may be continued from time to time as necessary.~~

(2) Notice of the public hearing shall be given at least ten (10) days prior to the hearing by publication in a newspaper of general circulation in the County. For proposed amendments to the Future Land Use Map for areas to be designated Low, Moderate, Medium or High Density Residential, Semi-Rural, Commercial Center, ~~Commercial Center (Undefined Boundaries)~~, Commercial Corridor, Light Office, Office/Multi-Family Residential Area and Corridor, Commercial Highway Interchange, ~~Mixed Use~~, Major Employment Center, ~~Major Employment Center MEC/Interstate Regional Office Park IROP~~, and Major Government Use, except as specified in Section 94-85(c), notice shall be provided by mail at least ten days prior to the hearing to all property owners located adjacent to the subject property pursuant to Section 3.1.10.b., Mailed Notice, of the Zoning Regulations. ~~within 750 feet of the boundary line of the property. Where such land is adjacent to property in the same ownership as the land subject to petition, the distance shall be measured from the boundaries of the entire ownership. The distance measurement shall not include public or private right of way. If the parcel is located in the area designated "Rural" or "Semi-Rural" on the Comprehensive Plan Future Land Use Map, the Petitioner shall mail the notice to all owners of property within 1,500 feet of the boundary line of the parcel. Where such land is adjacent to property in the same ownership as the land subject to petition, the distance shall be measured from the boundaries of the entire ownership. The distance measurement shall not include public or private right of way. For a new commercial center, such notice by mail shall be given to all property owners within one-fourth mile from the roadway intersection(s) intended to provide vehicular access to the proposed commercial center. For purposes of this section, the addresses of owners shall be as listed on the latest available tax rolls maintained by Sarasota County. If any dwelling unit within such area is within a property owners' or homeowners' association, the Petitioner shall provide the name and mailing address of the association. The property owners' or homeowners' association shall also be notified by mail. In addition, for proposed amendments to the Future Land Use Map, as defined in Section 94-86(a)(2), the applicant shall post a sign(s), provided by ~~the Growth Management Business Center Planning and Development Services~~, on the land which is the subject of the public hearing pursuant to Section 3.1.10.d., Posted Notice, of the Zoning Regulations. ~~at least 15 days prior to the date of the public hearing. The sign(s) shall state the date, time and location of the public hearing, a general description of the existing and proposed Future Land Use Map designations, and a telephone number for information. The sign(s) shall be erected in full view of the public on the primary street side(s) of the property. Where large parcels of property are subject of a proposed amendment to the Future Land Use Map with street frontages extending over considerable distance, the applicant shall post signs at intervals of 1,000 feet along the street frontages. For amendments to the Future Land Use Map that~~~~

~~propose a new commercial center, the applicant shall post signs at all quadrants of the roadway intersection(s) intended to provide vehicular access to the proposed commercial center. The applicant shall submit to the Growth Management Business Center an affidavit swearing that the applicant has posted the property in accordance with this section. Notification of any parties or property owners by mail or posting shall not be a jurisdictional requirement of a public hearing, and a public hearing may proceed provided proper notice was given in a newspaper of general circulation.~~

(3) ~~The Growth Management Business Center~~ Planning and Development Services shall transmit the proposed amendment, and, in the case of a privately initiated amendment, its formal review analysis of a proposed amendment, to the LPA two Fridays prior to the week of the LPA public hearing for all types of amendments except proposed Small Scale Development Activities, ~~that~~ which shall be transmitted to the LPA one Friday prior to the week of the LPA public hearing.

(4) The LPA shall make a recommendation to the Board on the proposed amendment through the adoption of an appropriate resolution.

(b) *Board of County Commissioners transmittal stage public hearing and transmittal to the State Land Planning Agency.*

(1) The Board shall hold a transmittal stage public hearing for all proposed Comprehensive Plan amendments; except that, as authorized by F.S. § 163.3187(~~12~~)(~~e~~)~~3~~, no transmittal stage public hearing shall be required for amendments related to proposed Small Scale Development Activities. The transmittal stage public hearing for all other Comprehensive Plan amendments shall be held during a regularly scheduled Board meeting no sooner than 30 days nor later than 60 days following the LPA's recommendation.

(2) The transmittal stage public hearing will be noticed and held pursuant to the provisions of F.S. § 163.3184(~~115~~) and in the case of proposed amendments to the Future Land Use Map the subject property shall be posted and notice shall be provided by mail pursuant to subsection (a)(2) of this section, and may be continued from time to time as necessary. The materials to be considered at the Board transmittal stage public hearing shall be available for public review no later than two Fridays prior to the week of the public hearing.

(3) The Board shall approve, or approve with modifications, through the adoption of an appropriate resolution, a proposed Comprehensive Plan amendment for transmittal to ~~DCA~~ the Department of Economic Opportunity (DEO), or deny a proposed amendment in the exercise of its legislative discretion.

(c) *Board of County Commissioners adoption stage public hearing and transmittal to the State Land Planning Agency.*

(1) The Board shall hold an adoption stage public hearing on proposed Comprehensive

Plan amendments. The public hearing shall be held during a regularly scheduled Board meeting. ~~45 calendar days of receipt of DCA's objections, recommendations, and comments. An adoption stage public hearing for an amendment related to proposed Small Scale Development Activities shall be held within 45 days following the hearing before the LPA.~~

(2) The adoption stage public hearing will be noticed and held pursuant to the provisions of F.S. § 163.3184(11~~5~~) and in the case of proposed amendments to the Future Land Use Map the subject property shall be posted and notice shall be provided by mail pursuant to subsection (a)(2) of this section. In regard to a Comprehensive Plan amendment related to proposed Small Scale Development Activities, notice of the hearing shall be provided pursuant to subsection (a)(2) of this section. The public hearing may be continued from time to time as necessary. The materials to be considered at the adoption stage public hearing shall be available for public review no later than two Fridays prior to the week of the public hearing.

(3) ~~The Board shall adopt, adopt with modifications, or deny a proposed Comprehensive Plan amendment within 60 calendar days of receipt of DCA's objections, recommendations, and comments pursuant to the provisions of F.S. § 163.3184(7). Upon receipt of written comments from DCA, the County shall have 120 days to adopt or adopt with changes amendments prepared in accordance with the County's Evaluation and Appraisal Report adopted pursuant to F.S. § 163.3191. Comprehensive Plan amendments shall be adopted by ordinance.~~

Section 94-87. Public participation in the Comprehensive Plan amendment process.

(a) *Dissemination of proposals.* The Planning Department is directed to make available for public inspection proposals for amendments to the Comprehensive Plan, ~~and the Evaluation and Appraisal Reports, at the following locations, and is directed to publicize the availability of same at such locations, which may be relocated from time to time.~~

(1) Sarasota County Planning Department, 1660 Ringling Boulevard ~~(fifth floor)~~, Sarasota, Florida.

(2) Sarasota County Clerk of the Board's Office, 1660 Ringling Boulevard ~~(second floor)~~, Sarasota, Florida.

(3) ~~South County~~ Robert L. Anderson Administration Center, 4000 South Tamiami Trail, Venice, Florida.

(4) All public libraries.

(b) *Opportunity for written comments.* Notification that written comments may be filed with the Planning Department regarding proposals for amendments to the Comprehensive Plan and Evaluation and Appraisal Reports shall be provided in the appropriate advertised public notices for public hearings on such proposals.

(c) *Provisions for open discussions.*

(1) The public shall be encouraged to express their views regarding proposed amendments to the Comprehensive Plan and the Evaluation and Appraisal Reports during the required public hearing process. The Planning Department shall prepare responses to the issues raised by public comments made during public hearings, to the extent practicable and in accordance with such directives as the local governing body may specify, prior to action by the Board of County Commissioners.

(2) The Planning Department shall establish and maintain central files for public comments submitted and received during the comprehensive planning process.

(d) *Provisions for public workshops.*

(1) Public participation will be further encouraged by convening public workshops to promote open public discussion during the early stages of developing County-initiated Comprehensive Plan amendments.

(2) Workshops will be conducted by the Planning Department, or as otherwise provided herein, with assistance provided, as necessary, by other appropriate County departments.

(3) Workshops shall be held prior to requests for Comprehensive Plan amendments being forwarded to the Board, as set forth in Section 94-85(b). Summaries of workshop proceedings shall be presented to the Board as part of any request for authorization to proceed with an amendment.

(4) A proposed workshop schedule will be presented to the LPA ~~at one of its regularly scheduled meetings in January of each year,~~ at which time the LPA may determine that it shall conduct one or more of said workshops.

(e) *Communications programs and information services.*

(1) Pursuant to the Comprehensive Plan's Intergovernmental Coordination and Citizen Participation Plan, Policy 2.1.1, Sarasota County will "continue to utilize an information exchange program, including the maintenance of an updated mailing list, as one means of communication between the County and all interested parties." The Planning Department shall maintain an updated mailing list, which shall include units of local government, governmental agencies, special districts, community groups, civic associations, the media, and general public. The Planning Department shall transmit to these entities notices of public hearings and workshops. Interested Persons may request to be included in the mailing list of their interest by contacting the Planning Department. The mailing lists shall be maintained for the duration of the process for which they are developed.

(2) During the preparation of Evaluation and Appraisal Reports on the Comprehensive Plan, the Planning Department shall periodically contact the media for discussions

regarding the processes involved, including progress at that particular time, anticipated public hearings, workshops, completion date(s), etc. Interested groups may request presentations by Planning Department staff regarding particular aspects of the documents under preparation.

Section 94-88. Requirement of substantial compliance with procedures.

The public participation procedures ratified and adopted by this division shall be substantially complied with in carrying out the comprehensive planning process, including the consideration of Comprehensive Plan amendments, and Evaluation and ~~u~~Appraisal ~~Reports~~ of comprehensive plan. Such procedures are directory in nature and are not jurisdictional.

Section 94-89. Schedule of fees.

Fees for processing Comprehensive Plan amendment petitions will be charged pursuant to resolution adopted by the Board. For privately initiated amendments, all expenses of advertising, notice and staff review and processing shall be paid by the Petitioner under the County's billable fee system pursuant to resolution adopted by the Board.

Section 94-90. Severability.

If any provision of this division 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 94-91. ~~Automatic Sunset~~ Reservation.

~~This ordinance shall automatically sunset and be of no further force or effect on January 20, 2005, unless prior to that date it is readopted, ratified or amended by the Board. Notwithstanding the foregoing, in the event any Comprehensive Plan amendment has been initiated or filed in accordance with the procedures provided herein prior to October 1, 2004, then that amendment shall continue to be processed after October 1, 2004 in accordance with the procedures provided herein until final Board action is taken on the amendment.~~

Sections 94-92 through 94-110 are hereby reserved.

Section 3. Effective Date. This Ordinance shall take effect immediately upon filing with the Office of the Secretary of State of Florida.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this _____ day of _____, 2011.

BOARD OF COUNTY COMMISSIONERS OF
SARASOTA COUNTY, FLORIDA

By: _____

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