

ORDINANCE NO. 97-074

AN ORDINANCE OF THE COUNTY OF SARASOTA RELATING TO LAND USE PLANNING IN ACCORDANCE WITH THE PROVISIONS OF THE SARASOTA COUNTY COMPREHENSIVE PLAN; AMENDING AND RESTATING SARASOTA COUNTY ORDINANCE NO. 89-93 RELATING TO CRITICAL AREA PLANNING; PROVIDING FINDINGS; PROVIDING DEFINITIONS AND CONSTRUCTION; PROVIDING FOR THE ADOPTION OF AMENDED CRITICAL AREA PLANNING REGULATIONS; PROVIDING FOR THE EFFECT OF CRITICAL AREA PLANNING REGULATIONS UPON DEVELOPMENT ORDERS; PROVIDING FOR APPEAL TO THE BOARD OF COUNTY COMMISSIONERS OF CRITICAL AREA PLAN DETERMINATION; PROVIDING FOR WAIVER BY THE BOARD OF COUNTY COMMISSIONERS OF CRITERIA IN AN ADOPTED CRITICAL AREA PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE EFFECT UPON OTHER ORDINANCES AND REGULATIONS; AND PROVIDING AN EFFECTIVE DATE.

JUL 17 2 33 PM '97

FILED

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

PREAMBLE: This Ordinance amends and restates Sarasota County Ordinance 89-93, including the Regulations for the Preparation, Processing and Administration of Sector Plans attached thereto as Exhibit A. To the extent the following provisions differ from the provisions of Ordinance 89-93, including Exhibit A attached thereto, the differences shall be deemed amendments.

Section 1. Findings. The Board of County Commissioners of Sarasota County, hereinafter referred to as "the Board" finds as follows:

1. Critical Area Plans adopted pursuant to the regulations set forth in this ordinance, promote the public health, safety and general welfare by ensuring that critical areas of concern, as described in the Future Land Use Element of the Comprehensive Plan will be developed in a coordinated and harmonious manner, consistent with the Sarasota County Comprehensive Plan, as amended.
2. The adoption of this ordinance setting forth Critical Area Planning regulations will assist in the implementation of the Sarasota County Comprehensive Plan.
3. The Board sitting as the Sarasota County Land Development Regulations Commission has reviewed the proposed ordinance provided herein and has found that the ordinance is consistent with the Sarasota County Comprehensive Plan, as amended.

047-074

Section 2. Definitions and Construction.

1. For the purpose of this ordinance, the following definitions shall apply:
 - a. "Consistent with an adopted Critical Area Plan" or "in conformity with an adopted Critical Area Plan" means that a development order will not inhibit or obstruct the attainment of the goals and policies contained in the Critical Area Plan.
 - b. "Development Order" means any action granting, denying, or granting with conditions, an application for a development permit.
 - c. "Development Permit" means any building permit, zoning permit, preliminary subdivision plan, subdivision or other plat approval, site and development plan approval, rezoning, certification, special exception, sign permit, variance, environmental permit or any other official action of Sarasota County or any other state or local government commission, board, agency, department or official having the effect of permitting development of land located within the geographic area subject to the provisions of this ordinance. Development shall include all activities set forth in Section 380.04, Florida Statutes.
2. The provisions of this ordinance shall be read in pari materia with the provisions of Sarasota County Ordinance No. 89-18, as amended and the Sarasota County Comprehensive Plan, as amended.

Section 3. Adoption of Amended Critical Area Planning Regulations. The document entitled Regulations for the Preparation, Processing and Administration of Critical Area Plans attached hereto as Exhibit "A" and by this reference made a part hereof, is hereby adopted as regulation for preparing, processing and administering Critical Area Plans in the unincorporated areas of Sarasota County.

Section 4. Effect of Critical Area Planning Regulations Upon Development Orders.

1. Except as otherwise provided by the regulations adopted herein, no rezoning or special exception for property which is located within an area for which Critical Area Planning is required shall be approved until a Critical Area Plan has been adopted for that area.
2. Except as otherwise provided by the regulations adopted herein, no development order shall be approved for property within the boundaries of an adopted Critical Area Plan unless the development order is consistent with the adopted Critical Area Plan.

Section 5. Appeal to the Board of County Commissioners of Critical Area Plan Determination. The Board shall have the authority in a regularly scheduled meeting to reverse a determination, made by the Sarasota County Planning Department, that a Critical Area Plan or Plan Amendment is required, as provided by the regulations adopted herein.

Section 6. Waiver by the Board of County Commissioners of Criteria in an Adopted Critical Area Plan. The Board shall have the authority in a public hearing to waive any criteria, conditions, or standards set forth in a Critical Area Plan, except for the land use designation of a parcel, upon a showing by the

Applicant for the waiver that:

1. Enforcement of the criteria for which a waiver is sought would be unreasonable due to unique features of the site or proposed development and would fail to promote the objectives and intent of the Critical Area Plan; and
2. The granting of a waiver would not impede achievement of the goals or purposes of the Critical Area Plan.

A waiver shall not be granted to change the land use designation of a parcel. Notice of a public hearing to consider a waiver shall be given as provided by the regulations adopted herein.

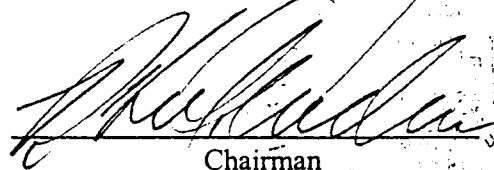
Section 7. Severability. If any provision of this ordinance is for any reason finally held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining provisions.

Section 8. Effect Upon Other Ordinances and Regulations. The provisions of this ordinance shall prevail in the event of conflict with the provisions of any existing ordinance.

Section 9. Effective Date. This ordinance shall take effect immediately upon filing with the Florida Department of State.

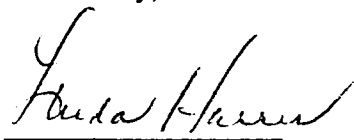
PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 8 day of July, A.D., 1997.

BOARD OF COUNTY COMMISSIONERS OF
SARASOTA COUNTY, FLORIDA


Chairman

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

ATTACHMENT A
ORDINANCE NO. 97-074, ADOPTING THE AMENDED
CRITICAL AREA PLANNING REGULATIONS

0-97-074



Exhibit "A"

**REGULATIONS FOR THE PREPARATION, PROCESSING
AND ADMINISTRATION OF CRITICAL AREA PLANS**

June 16, 1997

C-97074

**REGULATIONS FOR THE PREPARATION, PROCESSING
AND ADMINISTRATION OF CRITICAL AREA PLANS**

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A. PURPOSE AND INTENT

The purpose of the Critical Area Planning program is to plan for critical areas of concern and provide information for evaluating future development proposals in such areas to ensure consistency with the Comprehensive Plan. Critical Area Plans (CAPs) are intended to provide a bridge between the general characteristics of the Comprehensive Plan and the specific nature of development orders and permits issued pursuant to the County's land development procedures (e.g., Land Development Regulations and Zoning Ordinance).

Critical Area Plans are comprehensive planning tools adopted by the Sarasota County Board of County Commissioners (Board) in its legislative discretion. Adoption of a CAP is an integral but interim step in the overall comprehensive planning and land development process. Adoption of a Critical Area Plan does not, in itself, grant or guarantee rezoning and/or development approval. An adopted CAP is not a "development order" within the meaning of Chapter 380 or Chapter 163, Florida Statutes and does not by itself have the effect of permitting or prohibiting development of any property.¹

The ultimate responsibility for the approval and adoption of CAPs remains with the Sarasota County Board of County Commissioners. The County, however, recognizes that private developers, consultants, investors, civic groups, and other private citizens play a vital role in the planning of the community. Therefore, these regulations provide both the public and private sectors with the standards necessary to prepare CAPs for a given area.

B. DEFINITIONS

Comprehensive Plan - means Apoxsee, the Revised and Updated Sarasota County Comprehensive Plan or Apoxsee adopted by Ordinance No. 89-19, as amended, as required by Chapter 163, Part II, Florida Statutes.

Consistent with an adopted Critical Area Plan or in conformity with an adopted Critical Area Plan - means that a development order will not inhibit or obstruct the attainment of the goals and policies contained in the Critical Area Plan.

Corridor Plans - are one type of CAP. Corridor Plans are linear-type studies that are prepared for areas along major roads (i.e., I-75, I-75 connector roads, and other arterials included in the Primary Components of the Traffic Circulation Chapter of Apoxsee). Components of these plans may address urban design, land use distribution and compatibility issues, drainage, and transportation needs focusing on access and circulation issues. They may also include elements of other types of CAPs.

Critical Area Planning Regulations - are the administrative procedures for the preparation, submission, review, and adoption of CAPs. These regulations include a master list of elements to be considered when preparing a CAP document. The appropriate list of elements for each CAP will be selected from this master list.

Critical Area Plans (CAPs) - include Corridor Plans, Sector Plans, Town and Village Plans, and Revitalization and Redevelopment Plans. CAPs provide additional guidelines for specific critical areas of concern in order

¹ Notwithstanding the foregoing, under the County's concurrency management regulations adopted as Ordinance 89-103, as amended, CAPs are treated as development orders only for the purpose of evaluating potential land use impacts of proposed CAPs on adopted Levels of Service.

to ensure compatibility with the Goals, Objectives and Policies, and the Guiding Principles of the Comprehensive Plan.

Critical Areas of Concern - are areas in which the Board may require CAPs. Critical Areas of Concern include Commercial Centers, Town and Village Centers, blighted, declining, or transitional neighborhoods, Commercial Highway Interchanges, I-75 connector roads and other arterials included in the Apoxsee Future Thoroughfare Plan, the Barrier Islands, Major Employment Centers, Major Employment Centers/Interstate Regional Office Parks, large tracts of land under common ownership, Englewood, or other areas determined appropriate by the Board pursuant to Future Land Use Policy 4.1.2. of the Comprehensive Plan.

Development Order - means any action granting, denying, or granting with conditions, an application for a development permit.

Development Permit - means any building permit, zoning permit, preliminary subdivision plan, subdivision or other plat approval, site and development plan approval, rezoning, certification, special exception, sign permit, variance, environmental permit or any other official action of Sarasota County or any other state or local government commission, board, agency, department or official having the effect of permitting development of land located within the geographic area subject to the provisions of this ordinance. Development shall include all activities set forth in Section 380.04, Florida Statutes.

Development Review Committee (DRC) - includes those County Departments responsible for assisting in the review and/or preparation of CAPs. Other non-County agencies may also be included on the DRC as deemed appropriate.

Impact Area(s) - is the land area(s) and systems within and outside the boundary of the CAP Study Area, which may be affected by development anticipated within the Study Area (e.g., stormwater impacts, traffic circulation, and availability of community facilities).

Revitalization and Redevelopment Plans - are a type of CAP for existing communities. These plans provide strategies to foster the renewal of the community's function by identifying and planning for necessary improvements to community facilities and infrastructure, housing rehabilitation, redevelopment, community identity and cohesiveness where appropriate.

Sector Plans - are a type of CAP for Commercial Centers, Major Employment Centers, Major Employment Centers/Interstate Regional Office Parks, and Commercial Highway Interchanges. The appropriate list of elements for each Sector Plan will be selected from the master list contained in the CAP Regulations.

Scope of Work - contains those pertinent elements listed in Section E of these Regulations that are to be addressed in the preparation of the CAP for a defined Study Area. The Scope of Work for preparing each CAP is adopted by Resolution by the Board.

Study Area - is the land area that is the subject of the CAP, where future land use changes are anticipated.

Town and Village Plans - are a type of CAP for areas designated Town and Village Centers on the Apoxsee Future Land Use Map. These plans are designed to promote redevelopment and the creation of public amenities within designated Town and Village Centers. Town and Village Plans address the provision of safe and convenient pedestrian, bicycle, and vehicular access; minimization of incompatible land uses or building types; evaluation of mixed uses; and protection and integration of residential uses.

C. DETERMINING WHETHER A CRITICAL AREA PLAN OR AMENDMENT IS REQUIRED

This section outlines the standards and procedures to be used in determining whether a proposed development, located within an area identified for critical area planning in Apoxsee, may proceed through the development approval process (i.e., rezone petition) prior to the adoption of a CAP or CAP Amendment.

1. STANDARDS FOR DETERMINING WHETHER A CRITICAL AREA PLAN IS REQUIRED

- a. Unless otherwise noted in this section, the following Critical Areas of Concern, as designated on the Apoxsee Future Land Use Map, shall require the processing of a Critical Area Plan prior to development:
 - (1) Commercial Centers, Town and Village Centers, Commercial Highway Interchanges;
 - (2) Major Employment Centers, Major Employment Centers/Interstate Regional Office Parks.
- b. The following types of development and/or thresholds are presumed **not** to require the preparation of a CAP due to the limited impact on the surrounding area and the existence of other procedures for assessing minimal off-site impacts:
 - (1) Developments that do not require rezoning to a district permitting more intensive uses or require only a special exception for development approval;
 - (2) Developments which are considered to be Developments of Regional Impact (DRI) as defined by Chapter 380, Florida Statutes;
 - (3) Developments which are considered to be Developments of Critical Concern (DOCC) and subject to Sarasota County Ordinance No. 89-77;
 - (4) The following Critical Areas of Concern, as identified in the Apoxsee Future Land Use Plan that are more than 50 percent zoned or developed with land uses consistent with the following Comprehensive Plan designations:
 - (a) Commercial Centers, provided that any proposed non-residential development would not result in the removal of more than five (5) existing residential units in designated Centers of less than 40 acres in size, or ten (10) existing residential units in designated Centers of 40 acres or more in size;
 - (b) Major Employment Centers, Major Employment Center/Interstate Regional Office Parks, and Commercial Highway Interchanges.
 - (5) Where the proposed development would not comprise more than 10 percent of the maximum allowed acreage within the following Comprehensive Plan designations:
 - (a) Commercial Centers, providing that any proposed non-residential development would not result in the removal of more than five (5) existing residential units;
 - (b) Major Employment Centers, Major Employment Center/Interstate Regional Office Parks, and Commercial Highway Interchanges.

(6) Town and Village Centers provided that:

- (a) Proposed commercial development lies within areas designated for commercial uses on the Apoxsee Future Land Use Map;
- (b) Proposed residential development is consistent with the density ranges of the Apoxsee Future Land Use Map and does not exceed 13 units per acre.

2. STANDARDS FOR DETERMINING WHETHER AN AMENDMENT TO AN ADOPTED CRITICAL AREA PLAN IS REQUIRED

Unless otherwise noted in this section, any proposed development that is inconsistent with the adopted CAP's Future Land Use Map or Conditions for Development Approval shall require a CAP Amendment prior to development approval. The following situations shall not require a formal amendment to an adopted CAP, as described in Section D, prior to development approval:

- a. Where a proposed development is the subject of a Development of Regional Impact (DRI);
- b. Where a proposed development is inconsistent with an adopted CAP Condition for Development Approval and that Condition has been rendered non-valid by superseding Land Development Regulations, adopted by Ordinance No. 81-12, as amended;
- c. Where a proposed residential development is inconsistent with the residential densities indicated on the Future Land Use Plan adopted as part of a CAP, but is consistent with the Apoxsee Future Land Use Map and with all other relevant components of Apoxsee, as amended;
- d. Where a proposed development is inconsistent with an existing land use (e.g., "church") indicated on the Future Land Use Plan adopted as part of a CAP, but is consistent with the Apoxsee Future Land Use Map and with all other relevant components of Apoxsee, as amended;
- e. Where a proposed development within a Major Employment Center or Major Employment Center/ Interstate Regional Office Park is in an area designated in the adopted CAP for a specific Planned Development District, and the proposed development is for a different Planned Development District;
- f. Where the proposed development is for Government Use and requires rezoning of ten (10) acres or less and the adopted CAP land use designation is not a residential use;
- g. Where a proposed development requires rezoning of less than two (2) acres.

In the above cases, the final ordinance adopting the proposed development order will be used to amend the relevant CAP ordinance or resolution. The final ordinance and Plans (i.e., DRI ordinance and DRI Future Land Use Plan, rezone ordinance and rezone petition Concept Plan, amended ordinance and any contained Plan, Planned District Concept Plan, Site and Development Plan, Preliminary Plan or Subdivision Plan) must clearly indicate which elements of the adopted CAP are amended, superseded or eliminated in the proposed development.

3. PROCEDURES FOR DETERMINING WHETHER A CRITICAL AREA PLAN OR AMENDMENT IS REQUIRED

- a. An Applicant who has initiated a rezone petition will receive a determination from the Planning Department as to whether a CAP or CAP Amendment is required. This determination will be made as part of the Completeness Review comments on the rezone petition. If a CAP or CAP Amendment is not required, the rezone petition will continue normal processing. If a CAP or CAP Amendment is required, one of the following may occur:
- (1) The Applicant elects to prepare a CAP or CAP Amendment. The rezone petition may be processed concurrent with the CAP or follow the normal rezone review process upon adoption of the CAP by the Board.
 - (2) Action by the Board on the rezone petition may be deferred until a CAP or CAP Amendment is developed by the Planning Department or another party and adopted by the Board for an area which includes the subject parcel.
 - (3) The Applicant may defer action on the rezone petition and appeal the CAP determination as described in Section C.4 below.
- b. An Applicant who has submitted a Site and Development Plan or a Preliminary Site Development Plan or Subdivision Plan will receive a determination from the Planning Department as to whether the Plan is consistent with an adopted CAP. If it is determined that the submitted Plan is inconsistent with the adopted CAP and a CAP Amendment is required, the Applicant may prepare a CAP Amendment concurrent with preparation of the Site and Development Plan or Preliminary Site and Development Plan or Subdivision Plan, or may await the adoption of the CAP Amendment prepared by another party.

4. PROCEDURES FOR APPEALING A CRITICAL AREA PLAN DETERMINATION

Should the Planning Department determine that a CAP or CAP Amendment is required, the Applicant may submit an appeal of this determination, in writing, to the Planning Department. The appeal shall include a description of the proposed development and shall provide justification why the CAP or CAP Amendment should not be required. The Planning Department will schedule an appeal of the determination at the next available regularly scheduled meeting of the Board. The Board may find that a CAP must be adopted prior to development, that CAP issues can be addressed through the development approval process, or that no CAP is required.

5. PROCEDURES FOR REQUESTING A WAIVER OF CRITERIA IN AN ADOPTED CAP

In certain instances, a waiver of specified criteria, conditions or standards in an adopted CAP, other than land use designation, may be requested by an Applicant for a development order. Accordingly, if a development proposal fulfills the goals or purposes of an adopted CAP but requires a waiver to certain criteria of the CAP, the Applicant may submit a request, in writing, to the Planning Department, describing and justifying the waiver. The Applicant shall demonstrate that enforcement of the criteria would be unreasonable due to unique features of the site or proposed development and would fail to promote the objectives and intent of the CAP. Planning staff will review the request, prepare a recommendation or report, and schedule the waiver request at the next available regularly scheduled Board public hearing. Notice of a public hearing to consider a waiver shall be given by publication of a notice in a newspaper of general paid circulation in the County at least ten (10) days prior to the public hearing date.

D. CRITICAL AREA PLANNING PROCESS

CAP regulations allow for the preparation of CAPs by the private sector as well as the public sector, recognizing the vital role played by the community in planning. All CAPs, whether generated by the public or private sector, will follow similar review procedures. Figure 1 is a diagram of the private sector initiated CAP process.

1. APPLICATION TO PREPARE A CRITICAL AREA PLAN

Prior to initiating a CAP, the Applicant shall schedule a pre-application meeting with the Planning Department. The purpose of this meeting is to explain the administrative procedures for preparing, submitting, reviewing, and adopting the CAP.

a. To initiate action on a CAP, the Applicant shall submit to the Planning Department a completed Application Form for a CAP as contained in Attachment Cap-A of these regulations; the filing fee, provided for in Sarasota County Ordinance No. 85-91, as may be amended; and a completed Billable Fee Payment Agreement (See Attachment Cap-B). The Applicant shall submit the following information along with the application.

(1) The following maps:

(a) Proposed boundaries for the Study Area and Impact Areas;

(b) A map which indicates the location of the proposed Study Area within the County;

(c) A recent legible aerial photograph of the proposed Study Area;

(d) An ownership and parcel map of the proposed Study Area and adjacent land within 300 feet of the boundary, with a list of names and addresses of property owners of all parcels, suitable for notification purposes, using the most current available property ownership information from the ad valorem tax rolls of Sarasota County; and

(e) A generalized existing land use map of the proposed Study Area and adjacent land within 300 feet of the proposed Study Area.

(2) A proposed Scope of Work for preparing the CAP. The Scope of Work shall contain, at a minimum, those pertinent elements contained within Section E of these Regulations.

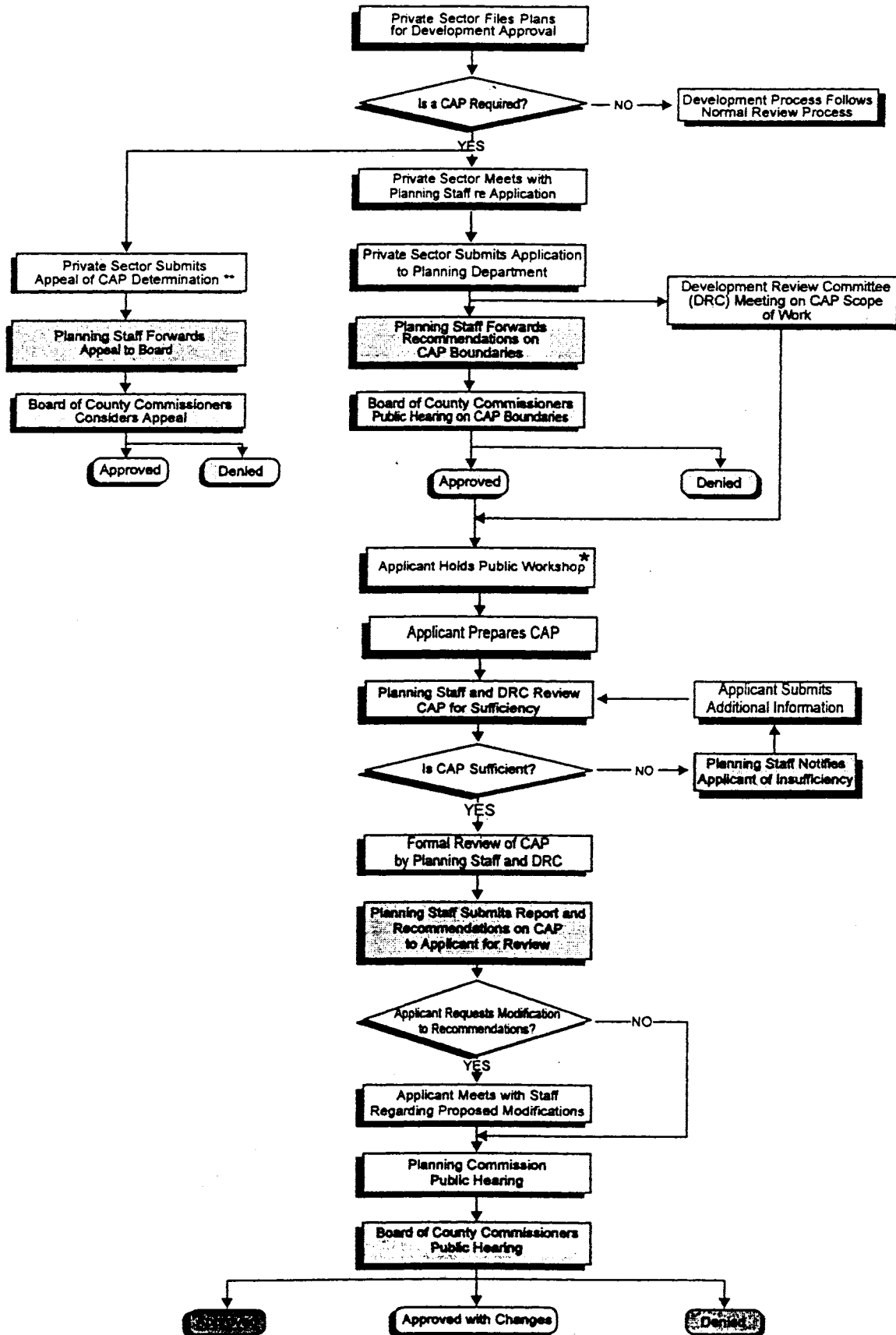
(3) Justification for not addressing any elements listed in Section E of these Regulations in the preparation of the CAP.

b. Upon receipt of the application and appropriate fee, the Planning Department shall review the materials for accuracy and completeness within ten (10) working days. Upon determination that the application and proposed Scope of Work for preparing the CAP are sufficient, the Planning Department will schedule the presentation of the Boundaries to the Board at a public hearing and a Scope of Work conference with the Development Review Committee (DRC). This DRC conference will focus on the following issues:

(1) Appropriate Scope of Work, including the proposed boundaries of the Study Area and Impact Area(s);

CRITICAL AREA PLAN PROCESS

Figure 1



*Workshop shall be held prior to the Planning Commission Public Hearing
 **In the CAP Amendment Process, Applicant may request a waiver of certain criteria or conditions in the adopted CAP

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- (2) Agreement on the methodologies to be used in conducting necessary evaluations (e.g., transportation, drainage, historical/archaeological resources, retail trade area analysis, water pollution); and
- (3) Selection of DRC members to be involved in the review of the CAP.

c. Notification of Public Hearing on the Proposed Boundaries for the CAP:

(1) Publication of Legal Notice

The Planning Department shall publish a legal notice of the public hearing in a newspaper of general paid circulation within the County at least ten (10) days prior to the date of the public hearing, on a billable fee basis if the Applicant is from the private sector. The notice shall state the date, time, place of the meeting, and where copies of the proposed Boundaries may be inspected by the public. The notice shall also advise that interested parties may appear at the public hearing and be heard with respect to the proposed Boundaries for the CAP.

(2) Notification of Property Owners by Mail

Notice of the time and place of the public hearing shall be sent by the Planning Department by mail to all owners of property within the Study Area and within a distance of three hundred (300) feet of the boundary of the Study Area, on a billable fee basis if the Applicant is from the private sector. For the purpose of this requirement, the names and addresses of property owners are those appearing on the latest available ad valorem tax rolls of Sarasota County as submitted by the Applicant, where applicable. When a CAP affects residential properties, notification shall also be sent to local neighborhood and condominium associations. Failure to provide written notice to property owners shall not constitute a jurisdictional defect provided that legal public notice has been published.

- d. The Board shall adopt the CAP Boundaries by Resolution during a public hearing. The Board may approve any subsequent changes to adopted Boundaries during a regularly scheduled meeting. Where the size of the Study Area is proposed to be increased or decreased by more than twenty (20) percent, amendments to an adopted Scope of Work shall follow the same DRC conference process prior to Board action.

2. APPLICATION TO PREPARE AN AMENDMENT TO AN ADOPTED CRITICAL AREA PLAN

To amend a CAP, an Applicant shall submit a completed Application Form contained in Attachment Cap-A or a letter which fully outlines the information requested in Attachment Cap-A. To amend any portion of a Future Land Use Map or Condition for Development Approval adopted as part of a CAP, the Applicant shall schedule a pre-application meeting with Planning staff. The purpose of this meeting is to limit the elements to be included in the Scope of Work to reflect only the anticipated impacts of the proposed amendment and to explain the CAP process and regulations. At this meeting, the various Departments that will be involved in review and analysis shall be identified and the Applicant encouraged to contact these Departments with regard to analysis methodologies. The actual review process for amending an adopted CAP will follow the same review and processing procedures for CAPs, except that the CAP Amendment Scope of Work is not subject to DRC review, and the Boundaries (unless changed) are not reviewed by the Board. If the proposed CAP Amendment involves a boundary change, the amended boundaries must be approved by the Board at a regularly scheduled meeting prior to the CAP Amendment document preparation.

In the sections below, the word "CAP" shall mean both Critical Area Plans and Amendments to adopted CAPs.

3. NEIGHBORHOOD MEETING ON THE PROPOSED CRITICAL AREA PLAN

- a. The Applicant shall hold an advertised Neighborhood Meeting on any proposed CAP following analysis and schematic plans, prior to submittal of the CAP to the Planning Commission. The purpose of this neighborhood meeting is to inform the public of the nature of the proposed CAP and to solicit suggestions and concerns. When the CAP is public initiated, the Planning Department shall hold the advertised neighborhood meeting. The newspaper advertisement shall state the date, time, and place of the meeting, and that the public is invited.

Notification of Property Owners by Mail

Notice of the time and place for the neighborhood meeting shall be sent by the Applicant by mail to all owners of property within the Study Area and within a distance of three hundred (300) feet of the boundary of the Study Area. Where a CAP Amendment proposes modifications to the Future Land Use Map or a Condition of Development Approval, notification of property owners shall be limited to within 300 feet of the affected area. For the purpose of this requirement, the names and addresses of property owners are those appearing on the latest available ad valorem tax rolls of Sarasota County as submitted by the Applicant, where applicable. When a CAP affects residential properties, notification shall also be sent to local neighborhood and condominium associations. The Applicant may elect to have the Planning Department prepare mailing labels and/or prepare mailings for notification of property owners on a billable fee basis. The Applicant shall provide to the Planning Department a copy of the list of the property owners' names and addresses, the notification letter, the attendance list, and a summary of the items discussed at the meeting, to be included in the sufficiency review and the official file.

4. PREPARATION OF A CRITICAL AREA PLAN

The Scope of Work, as approved by the DRC, is the minimum amount of information that is required in the CAP document. The County encourages preparers of a CAP to include more detailed information which they feel may provide a more definitive description of future land use or development impacts.

The information provided in a CAP shall follow the general outline of elements presented in Section E to ensure a uniform review process. A narrative format shall be used. (Simple yes/no answers are not acceptable). All requested information shall be presented in one document which is typed on 8-1/2" by 11" size paper and includes all maps or other graphic illustrations. The final document shall be produced on three-hole punched paper. Maps should be presented at a size which fits neatly into the document. Any additional supporting information which is not part of the CAP shall be included in an appendix to assist reviewers in plan evaluation. This information shall include the identification of methodologies which were used in conducting evaluations, references for information used, and a list of those who prepared the CAP.

a. Review Process

(1) Intergovernmental Coordination

Where the Study Area for a proposed CAP is located within 1/4 mile of a municipality or adjacent county, or within a greater distance as stated in an interlocal agreement on coordination, said jurisdiction shall be invited to participate in the review of the proposed CAP.

(2) Sufficiency Review

After a CAP is prepared, in accordance with the established requirements, eighteen (18) copies shall be submitted to the Planning Department. The Planning Department will review the CAP to determine whether the plan is sufficient for formal review. The Planning Department, in coordination with the DRC, will normally have ten (10) working days to complete this review and notify the Applicant as to the sufficiency of the CAP. Due to the complexity and/or size of a Study Area, an additional 10 working days may be necessary to evaluate the sufficiency of elements such as transportation, stormwater management, or retail trade area analysis. If a CAP is not found to have addressed all questions, or contains inaccurate information, inappropriate methodologies or documentation, or does not contain the required maps, the Applicant will be asked to revise the document or present additional information, prior to formal review of the CAP by the DRC. A CAP shall not be considered officially filed until all elements of the Scope of Work approved by the Planning Department are sufficiently addressed in the document.

(3) Formal Review

When a CAP has been determined to be officially filed, sixty (60) three-hole punched copies shall be submitted to the Planning Department for distribution. The DRC will have twenty (20) working days to complete its formal review and forward its comments to the Planning Department. When all comments have been received, the Planning Department will prepare recommendations on the CAP within twenty (20) working days. Planning staff will send a copy of the recommendations to the Applicant for review and comment. If the Applicant has no objections to the Planning Department's recommendations, the Planning Department will schedule a public hearing before the Planning Commission on the next available date.

If the Applicant has objections to staff's recommendations, the Applicant shall request, in writing, a meeting with the Planning Department to discuss and resolve if possible differences in the recommendations, within five (5) working days from the transmittal of staff's recommendations. The meeting involving the Applicant, appropriate County staff and other review agencies shall be held no later than ten (10) working days after receipt of the Applicant's request. The Planning Department will document the meeting proceedings and the rationale for any changes made. Within ten (10) working days of the meeting, the Planning Department will forward its comments and any revised recommendations to the Applicant and will schedule a public hearing before the Planning Commission on the next available date.

b. Public Participation on the Proposed CAP or CAP Amendment

- (1) The Planning Department shall schedule a public hearing before the Planning Commission. At the Planning Commission public hearing, the Applicant will be requested to make a presentation on the CAP, and Planning staff will present their recommendations. The recommendations of the Planning Commission and all pertinent information will be submitted to the Board for their consideration.
- (2) The Planning Department shall schedule a public hearing before the Board. Following the public hearing, the Board has the option of adopting the CAP, adopting the CAP with conditions, or denying the CAP. CAPs shall be adopted by Ordinance.

(3) Notification of Public Hearings on the Proposed CAP or CAP Amendment:

(a) Unless otherwise directed, the Planning Commission and Board public hearings shall be advertised as follows:

1) Publication of Legal Notice

The Planning Department shall publish a notice for each of the public hearings before the Planning Commission and the Board in a newspaper of general paid circulation within the County at least ten (10) days prior to the date of the public hearings, on a billable fee basis if the Applicant is from the private sector. The notice shall be a minimum of two columns wide and ten (10) inches long. The notice shall state the date, time, and place of the meeting; the title of the proposed adopting ordinance; the opportunity for interested parties to appear and be heard; where copies of the proposed CAP may be inspected; and where the proposed adopting ordinance may be inspected, all pursuant to Chapter 125.66, Florida Statutes.

2) Notification of Property Owners by Mail

Notice of the time and place for each of the public hearings before the Planning Commission and the Board shall be sent by the Planning Department by mail to all owners of property within the Study Area and within a distance of three hundred (300) feet of the boundary of the Study Area, on a billable fee basis if the Applicant is from the private sector. Where a CAP Amendment proposes modifications to the Future Land Use Map, notification of property owners shall be limited to within three hundred (300 feet) of the affected area. For the purpose of this requirement, the names and addresses of property owners are those appearing on the latest available ad valorem tax rolls of Sarasota County as submitted by the Applicant, where applicable. When a CAP affects residential properties, notification shall also be sent to local neighborhood and condominium associations. Failure to provide written notice to property owners shall not constitute a jurisdictional defect provided that legal public notice has been published.

3) Posting of Notices

The Planning Department shall post notices of the time and place of the public hearings within and/or adjacent to the boundaries of the proposed CAP or the boundaries of the affected area of the proposed CAP Amendment.

(b) Where a proposed CAP is being processed concurrently with a rezone petition, the Planning Commission and Board public hearing notification requirements shall be as provided in the Sarasota County Zoning Regulations, adopted by Ordinance No. 75-38, as amended.

5. CONCURRENT PROCESSING OF COMPREHENSIVE PLAN AMENDMENTS OR REZONE PETITIONS AND CRITICAL AREA PLANS

a. All CAPs must be consistent with the adopted Comprehensive Plan. If an amendment to the Comprehensive Plan is required for CAP adoption, the Comprehensive Plan Amendment must be adopted prior to the adoption of the CAP. Comprehensive Plan Amendments of ten (10) acres or less may be processed concurrent with proposed CAPs, independent of the Comprehensive Plan Amendment cycle, as

long as all requirements of Florida Statute 163.3187(1)(c) are met. All of the Comprehensive Plan Amendment requirements, including time frames, must be met.

- b. In cases where a CAP and rezone petition are anticipated for the same area in question, it is recommended that one complete document for the CAP and the rezone petition be prepared to expedite the review process. This option would allow for the concurrent processing of the CAP and rezone petition for public hearings. Review times will vary for the rezone petition and the CAP.

E. ELEMENTS TO BE ADDRESSED IN CRITICAL AREA PLANS

This part of the Critical Area Planning Regulations contains the specific elements to be considered when preparing a CAP document. The appropriate Scope of Work elements for each CAP will be selected from this list, finalized during the DRC conference, and approved by the Planning Department. Other unique elements may be included within the Scope of Work, if appropriate.

1. GENERAL ELEMENTS

- a. Provide an executive summary which outlines the key findings of the study as presented in the CAP document.
- b. List authors and/or consultants who prepared the CAP.
- c. Describe the objectives of the study.
- d. Provide a recommended Future Land Use Plan, and if appropriate, any Conditions for Development Approval which should be met by, or imposed upon, development within the Study Area of the CAP.
 - (1) On the Future Land Use Plan, residential areas within the Urban Service Area should be classified in terms of low (less than two units per acre), moderate (two to less than five units per acre), medium (five to nine units per acre), and high (greater than nine to thirteen units per acre) densities. Higher densities (up to 25 units per acre) may be designated only within Village and Town Centers.
 - (2) On the Future Land Use Plan, areas within Major Employment Centers and Major Employment Centers/Interstate Regional Office Parks to be developed under a planned district should be designated as Planned Development.
- e. Identify any applicable proposed capital improvements projects and community services that will be necessary on or off site to support future development within the Study Area and method of funding and necessary time frame as appropriate.

2. SPECIFIC ELEMENTS

- a. Map or Map Series

Provide a map or map series which illustrates the location of the Study Area within the County, including political boundaries (e.g., county and municipal boundaries), ownership patterns, parcel sizes, existing utility easements, existing rights-of-way, and a delineation of the boundaries of the Study Area and Impact Area(s), and a legible, recent, full section aerial photograph (the most recent County Property Appraiser or Transportation Department aerial photograph or equivalent) with the boundaries of the Study Area

marked. Provide additional maps and aerial photographs as may be necessary to address the specific requirements listed in this section.

b. Historic Preservation

- (1) Based upon a review by the Historical Resources Department, a site assessment survey may be required in areas with known historic resources for which insufficient or incomplete information is available, or that occur in areas with moderate to high probability for the presence of historic resources.
- (2) The site assessment survey shall be based upon research design methodology approved in writing by the Historical Resources Department. Surveys must be conducted by professionals meeting the qualifications established by the National Park Service.

c. Environment

- (1) Provide an inventory and analysis of existing native habitat areas within and adjacent to the Study Area. These native habitat areas shall be identified on a legible, recent aerial photograph.
- (2) Identify any existing native tree masses and any anticipated areas of native tree removal on a map or legible, recent aerial photograph.
- (3) Identify all native habitat areas that should be included within preservation/conservation areas, consistent with the Environmental Chapter of Apoxsee.
- (4) Indicate the presence of any rare, unique, threatened or endangered plant or animal species, as defined in the Official Lists of Endangered and Potentially Endangered Fauna and Flora in Florida by the Florida Game and Fresh Water Fish Commission, that are located within or adjacent to the Study Area and provide recommendations for protecting these species.
- (5) Indicate natural coastal processes which may significantly affect development, such as beach erosion and build up, tidal flow, currents and wave action.
- (6) Identify existing sites that may be a source of air emissions, or ground or surface water contamination, such as, but not limited to: abandoned landfills, abandoned underground storage tanks, known sites of petroleum contamination, sites previously used as fuel stations, or businesses that have any air emissions or discharges to the ground or surface water.

d. Potable Water/Wastewater Treatment

- (1) Identify existing franchise boundaries within the Study Area.
- (2) Inventory and analyze the existing potable water and wastewater distribution, collection, and pumping facilities within the Study Area and assess available (non-committed) capacity and planned improvements to these systems.
- (3) Discuss present fire flow capabilities (sustained and immediate).

- (4) Project future potable water and wastewater system needs. These projections should be based on average County data, (e.g., potable water at 250 GPD and wastewater at 200 GPD per equivalent dwelling) unless more specific data are available for the Study Area. Identify any existing or projected service deficiencies and any capital improvements necessary to ensure adequate service for future development within the Study Area, and method of funding and necessary time frame as appropriate.

e. Drainage

- (1) Demonstrate consistency with an adopted basin master plan, if appropriate. In addition, describe and map water resources in the Study Area indicating the following:
 - (a) a general location of the drainage basin(s) in which the Study Area is located, and an explanation of any modifications to existing basin boundaries;
 - (b) generalized drainage flow patterns;
 - (c) major surface water bodies and manmade drainage facilities;
 - (d) the location of any 25- and 100-year flood plain areas defined by the Federal Emergency Management Agency, County drainage studies, or other available information on the Study Area (this information may be obtained from the Construction and Property Standards Department or the Transportation Department);
 - (e) the location of the coastal construction line, as appropriate; and
 - (f) the boundaries of the West Coast Inland Navigation District, as appropriate.
- (2) Describe the general topography and soil characteristics and capabilities in the Study Area, including pertinent engineering properties that would affect future construction (i.e., buildings, roads, utilities).
- (3) Identify existing drainage conditions within the Study Area including historical and potential flooding, existing flow rates, inadequate conveyance systems, water quality problems, and erosion problems.
- (4) Identify any potential sources and the significance of pollution within the Study Area which could adversely affect the quality of water resources.
- (5) Identify any probable effects changes in drainage could have on property upstream and downstream of the Study Area.
- (6) Identify what measures would be utilized in the proposed drainage system to ensure acceptable water quality and to meet adopted drainage level of service standards.

f. Community Services

- (1) Police, Fire Protection, and Emergency Services

Describe how police, fire protection, and emergency medical services are provided for the Study area, including response times to the nearest stations and locations of those stations. Describe the demand

of the proposed development for these services, including the need for any special facilities or services (e.g., land for a new station).

(2) Recreation and Open Space

- (a) Inventory existing and proposed passive and active public parks and recreational areas serving the Study Area. Existing and future public park and recreational sites shall be identified on the appropriate maps.
- (b) Include an assessment of current and future recreational needs of the Study Area based on the adopted Level of Service in the Comprehensive Plan.

(3) Schools and Libraries

- (a) Indicate the location and capacity of existing schools and libraries serving the Study Area.
- (b) Include an assessment of demands on the school system and libraries based on the adopted Levels of Service in the Comprehensive Plan and the future development within the Study Area. Any special needs of the Study Area should be identified.

g. Transportation

- (1) Identify the existing and projected traffic volume and level of service conditions on roadways anticipated to be impacted by development within the Study Area. This roadway capacity analysis shall be based upon a traffic impact assessment methodology approved in writing by the Transportation Department as part of the DRC conference on the Scope of Work. The results should be summarized in concise tabular form. Based upon the roadway capacity analysis, identify any roadway improvements necessary to mitigate any roadway deficiencies expected to be created by future development within the Study Area.
- (2) Indicate the location of any proposed external access locations required to serve development within the Study Area. Identify any improvements to County roads that may be required at access locations to accommodate development within the Study Area.
- (3) To the extent that future development within the Study Area is known, show the internal traffic circulation plan (i.e., internal access). Identify the need for and, if appropriate, the location of any cross access easements and parking structures.
- (4) Identify the location of existing or planned mass transit routes within or adjacent to the Study Area. Indicate the potential demand for mass transit by the proposed development and the need for, and possible locations of, bus shelters.
- (5) Identify any dependent relationships between the proposed development and existing or proposed aviation, or rail facilities. Outline any new construction proposals involving such facilities.
- (6) Discuss the existing bicycle and pedestrian circulation systems. Identify any needed improvements to either of these circulation systems.

h. Land Use

- (1) Identify the following information on a map or map series, for those areas within the Study Area and Impact Area(s). Unless otherwise specified, the Impact Area shall extend approximately 300 feet beyond the Study Area.
 - (a) Major natural and manmade features
 - (b) Existing generalized land uses
 - (c) Existing zoning
- (2) Identify the land use designation(s) within the Study Area and Impact Area as presented on the Apoosee Future Land Use Map.
- (3) Provide a general description of the proposed land uses that are presented on the recommended Future Land Use Map for the CAP.
 - (a) Explain how future development within the Study Area will function internally and outside the Study Area including accessibility to police, fire protection, and emergency medical services, other governmental and institutional facilities and their service areas.
 - (b) Discuss the rationale for allocating residential areas and densities on the Future Land Use Map for the CAP.
 - (c) Provide the following information on any commercial allocations within a Commercial Center:
 - 1) Generally indicate the function and limits of the retail trade service area;
 - 2) Provide support for any proposed commercial allocation based upon a methodology for conducting a retail trade area analysis approved in writing by the Planning Department as part of the DRC conference on the Scope of Work.
- (4) Identify proposed land use areas in the Study Area where urban design standards or recommendations are appropriate, with respect to signage, lighting, landscaping, screening, underground utilities, street furniture, and architectural appearance. Describe proposed standards and/or recommendations suitable for use in conditions for development approval. Refer to the Urban Design Overlay District criteria in the Zoning Regulations as appropriate.
- (5) Identify and justify any land use designations that may require a Comprehensive Plan Amendment.

I. Intergovernmental Coordination.

If the Study Area is located within 1/4 mile of any municipality or adjacent county, or within a greater distance as stated in an interlocal agreement on coordination, provide assurances that development within the Study Area will be compatible with any affected jurisdiction's comprehensive plan.

ATTACHMENT CAP-A

**APPLICATION FOR CRITICAL AREA PLAN
OR AMENDMENT**

1. **Applicant/Agent** (attach additional sheets as necessary):

Name: _____

Mailing Address: _____

Phone Number: _____

Planning Department Use

CAP Name: _____

CAP No. _____

Date Application Received: _____

2. **Property Owner(s)** (attach additional sheets as necessary):

Name: _____

Mailing Address: _____

Phone Number: _____

Name: _____

Mailing Address: _____

Phone Number: _____

3. **Lessee/Contract Purchaser:**

Name: _____

Mailing Address: _____

Phone Number: _____

4. **General Location:** _____

5. **Type of Critical Area Plan:** _____

6. **A general description of Study Area or amendment in Sarasota County:** _____

a. Said CAP Area contains _____ acres \pm .

b. Present zoning _____.

7. Provide a brief description of the type and intensity of the development anticipated within the Study Area or amendment area. Indicate within this description any anticipated rezoning and/or special exception requests: _____

8. Provide at a minimum, the following **exhibits** to enable the Planning Department to accurately assess your application.

- a. A map showing proposed boundaries of the Study Area and/or amendment area for the CAP.
- b. A proposed Scope of Work for preparing the CAP.
- c. A locality map which indicates the relationship of the proposed Study Area within the County.

- d. A recent, legible aerial photograph of the proposed Study Area.
- e. An ownership and parcel size map of the proposed Study Area and adjacent land within 300 feet of the boundary. Any small tracts of land under one acre in size or within a platted subdivision can be exempted.
- f. A generalized existing land use map of the proposed Study Area and adjacent land within 300 feet of the boundary.

9. Specify any criteria from Section E of the CAP Regulations which is not appropriate for the CAP or amendment and explain why: _____

10. Provide any **other information** the Planning staff should be aware of when assessing this CAP application or amendment:

Signed this ___ day of _____, 199_.

Signature of Applicant:

097-074

ATTACHMENT CAP-B

Billable Fee Payment Agreement

The undersigned, being the Agent of record for the property owner and/or lessee/contract purchaser, hereby acknowledges responsibility for any expenses incurred by this petition. This also includes the proper distribution of any refund available at the end of the process.

Authorized Agent(s) or Designated Responsible Individual:

Name: _____

Address: _____

Phone Number: _____

Signed the _____ *day of* _____, 19____

Signature _____

Before me personally appeared this day _____
to me well known to be the Person(s) described in and who executed the foregoing authorization and has acknowledged to and before me that _____ *executed said authorization for the purposes therein expressed.*

WITNESS, my hand and official seal, the _____ *day of* _____, 19____

Notary Public

097-074

STATE OF FLORIDA
COUNTY OF SARASOTA
I HEREBY CERTIFY THAT THE FOREGOING IS A
TRUE AND CORRECT COPY OF THE ORIGINAL FILES
IN THIS OFFICE WITNESS MY HAND AND OFFICIAL
SEAL THIS DATE 7/14/97
LAREN E. RUSSELL, CLERK OF THE CIRCUIT COURT
EX OFFICIO CLERK TO THE BOARD OF COUNTY
COMMISSIONERS, SARASOTA COUNTY, FLORIDA
BY *Laren E. Russell*
DEPUTY CLERK