

SUBSTITUTE
RESOLUTION NO. 2009-188
OF THE BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

WHEREAS, the Planning Commission of Sarasota County, after due public notice, did hold public workshops and a public hearing to consider amendments to the Neighborhood Workshop requirements, and

WHEREAS, the Planning Commission did submit and report its findings and recommendations to this Board that the Neighborhood Workshop requirements be amended, and

WHEREAS, the Board, after due public notice, on September 8, 2009, did hold a public hearing to consider these amendments, the recommendation of the Planning Commission, and all matters relevant to these changes.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Sarasota County, Florida, in public meeting assembled:

A. This Board, after having considered the report of the Planning Commission, the testimony of County residents and other evidence entered into the record, and based on its own experience in many public hearings, find that the procedures contained in Exhibit A will lead to more meaningful and effective neighborhood workshops that will better inform the public, the petitioners, the Planning Commission, and the Board as Sarasota County processes and hears petitions for Comprehensive Plan and Critical Area Plan amendments, rezonings, special exceptions, and similar land use approvals.

B. The Neighborhood Workshop Requirements contained in Exhibit "A" are hereby adopted as the standards for neighborhood workshops required by Sarasota County. The Board may waive one or more technical deviations from these standards upon a determination that the deviations do not or did not substantially impair the effectiveness of the Neighborhood Workshop. Any person who believes that a required Neighborhood Workshop did not meet the County standards must raise the issue in writing no later than the public hearing on the application before the Planning Commission or the Board, whichever hearing comes first. Failure to complete a Neighborhood Workshop according to these standards is cause for the Planning Commission or Board to continue a public hearing until the applicant completes at least one workshop meeting these standards.

C. Sarasota County may charge the petitioner a reasonable fee for providing a staff member to attend the Neighborhood Workshop, which shall be paid prior to the Neighborhood Workshop. This initial fee is established at two hundred and fifteen dollars (\$215), until it is modified by subsequent resolution of the Board.

D. Petitions filed where the pre-application meeting(s) were held prior to the effective date of this resolution may proceed under the neighborhood workshop requirements contained in the Planning Commission Rules of Procedure in effect at the time of the pre-application conference. This provision shall expire after September 30, 2010.

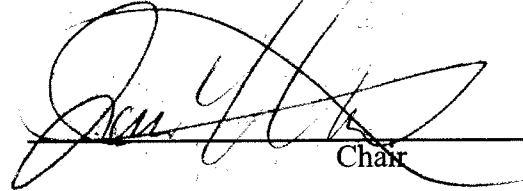
E. This Resolution shall take effect immediately upon its adoption.

BOARD RECORDS
FILED FOR RECORD
OCT 6 PM 03
KAREN E. RUSHING
CLERK OF COUNTY COURT
SARASOTA COUNTY FL

PASSED AND DULY ADOPTED this ~~31st~~ ^{8th} day of SEPTEMBER, 2009.

BOARD OF COUNTY COMMISSIONERS OF
SARASOTA COUNTY, FLORIDA

By:

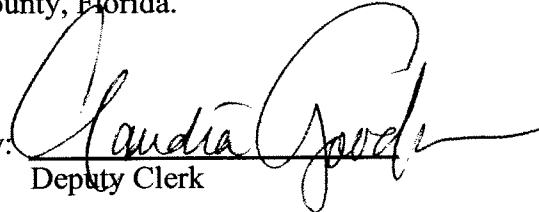


Chair

ATTEST:

KAREN E. RUSHING, Clerk
of Circuit Court and ex officio
Clerk of the Board of County
Commissioners of Sarasota
County, Florida.

By:



Deputy Clerk

EXHIBIT A NEIGHBORHOOD WORKSHOP REQUIREMENTS

Before an application for a rezoning, special exception, comprehensive plan amendment, critical area plan, or any other land use issue regarding specific property to come before the Planning Commission can be deemed complete by the Planning and Development Services Business Center, the petitioner shall be responsible for holding an advertised neighborhood workshop.

1. Purpose

The purpose of the workshop shall be for the applicant to inform the neighboring residents of the nature of the proposed development, to solicit suggestions and concerns, and for rezoning petitions and special exceptions, to explain the concept plan.

2. Time, Location , and Procedure

- a. The neighborhood workshop shall be held no earlier than 6:00 p.m. on weekdays or between 9:00 a.m. and 5:00 p.m. on the weekend.
- b. The workshop shall be held within two (2) miles of the subject parcel if the parcel is located within the Urban Service Boundary or within five (5) miles of the subject parcel if the parcel is located outside the Urban Service Boundary.
- c. The workshop shall be held within nine (9) months of the scheduled Planning Commission public hearing on said petition. Any additional required neighborhood workshop(s) shall be held at least two (2) weeks prior to the advertisement of a Planning Commission public hearing for land use petitions.
- d. Waiver of the above rules regarding the place and time of the neighborhood workshop(s) maybe granted pursuant to Section 9 of these requirements.
- e. The Petitioner is responsible for arranging for the appearance of a County Planning Staff member familiar with the process involved, to provide technical and procedural resource assistance and to explain the review and hearing process to members of the public.
- f. The workshop is to be conducted in a single group format, so that the questions and responses may be heard by all participants and accurately captured by the meeting summary.
- g. Any non-required workshops or meetings may be conducted by any means.

3. Public Notification

- a. Notice of the neighborhood workshop shall be advertised in a newspaper of general circulation in the County at least one time at least seven (7) days prior to the neighborhood workshop.
- b. The advertisement shall state the requested zone district in the case of a rezone petition or the specific special exception use (as stated in the Zoning Ordinance) in the case of a special exception. For comprehensive plan amendments the advertisement shall state the current and the proposed future land use designation. For critical area plans the advertisement shall state the nature of the proposed amendment to the plan.

- c. The advertisement shall include a link to the County Website for more information on the proposed land use petition.

4. Notices

The Petitioner shall send notice of the neighborhood workshop by U.S. Mail ten (10) days in advance to all owners of property as follows:

- a. Outside the Urban Service Boundary: 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 fifteen hundred feet (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.
- b. Within the Urban Service Boundary: If the parcel is not designated "Rural" or "Semi-Rural," the Petitioner shall mail the notice to all owners of property within seven hundred and fifty (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.
- c. If the parcel borders an area outside the Urban Service Boundary, designated "Rural" or "Semi-Rural" on the Comprehensive Plan Future Land Use Map, the Petitioner shall mail a notice as provided in (a) and (b), whichever is greater.
- d. When the Petitioner proposes a transmission tower, the Petitioner shall mail a notice as provided in (a) and (b) above, or to all owners of property within a distance equal to eight (8) times the height of the proposed tower as measured from the base of the proposed tower location, whichever is greater.
- e. If any dwelling unit within the required notification area is within a Property Owners' Association, the Petitioner also shall send the notice to the Property Owners' Association.
- f. For purposes of this provision, owners of adjacent or nearby properties within the distances set forth herein shall be deemed those whose names appear on the latest available ad valorem tax records maintained by Sarasota County.
- g. Failure to provide written notice to adjacent property owners or Property Owners' Association shall not constitute a jurisdictional or procedural defect provided that proper notice has been published in the newspaper.

5. Workshop Presentation Materials

a. Rezones and Special Exceptions

- i. Proposed Development Concept Plan to include the maximum height and density allowed and all the elements of the list staff provides to Applicants at pre application meetings.
- ii. Project location within Sarasota County.
- iii. Permitted uses allowed under the present and proposed zoning for the subject parcel.

- iv. Dwelling units per acre of the present versus proposed land use change.
- v. The workshop will be presented in a lecture/classroom setting.

b. Critical Area Plan and Comprehensive Plan Amendments

- i. A geographical map with major street names as a means of identifying the general area.
- ii. A narrative describing the reason for the amendment and stating the current and proposed future land use designations as well as the respective densities.

6. Items To Be Discussed

- a. Binding development concept plan versus non-binding development concept plan.
- b. Current permitted uses versus proposed permitted uses.
- c. Current permitted maximum height and density versus proposed height and density.

7. Written Summary of the Meeting

The developer shall record the attendance, make an audio recording to include all questions and responses given, prepare a written summary of the meeting and mail or email the written summary to participants and County Planning Services staff. The written summary shall contain detailed information about the presentation and discussion including but not limited to:

- a. The names of those individuals presenting the plans on behalf of the petitioner.
- b. The information presented and discussed as required in Section 5.
- c. Each individual question or comment and the response to each. If possible, the name of the citizen asking the question or commenting should be included.

8. Materials to Be Submitted

- a. After the completion of a neighborhood meeting, the petitioner shall include a copy of the recorded audio, materials presented and/or distributed, a copy of the workshop ad, a sign up sheet from the workshop and a summary of the meeting.
- b. After the advertisement of a public hearing, the petitioner may submit to Planning Services any additional material in electronic format up to five (5) business days prior to the hearing.

9. Waiver Of Distance And/Or Time Requirements Of Neighborhood Workshops

- a. Waiver of the above rules regarding the place and time of the neighborhood workshop(s) may be considered by the Planning Commission in accordance with the rules outlined below.
- b. A petitioner may request a waiver of the distance and/or time requirements specified above for the required neighborhood workshop by submitting a written request to the Planning and Development Business Center stating the reason for the request and specifying the proposed location and/or time of the proposed neighborhood workshop. Such requests for waivers shall

be included in the next available mailing of regular Planning Commission public hearing packet.

- c. The decision to permit or to deny the waiver request shall be at the sole discretion of a majority vote of the Planning Commission as the first item on the agenda of the meeting. The decision of the Planning Commission shall rely primarily upon the written submission of the applicant, however, the applicant may, at the discretion of the Planning Commission, be permitted to make a presentation in support of their request at the designated meeting.