

# SARASOTA COUNTY GOVERNMENT

## *Planning and Development Services*

**TO:** Sarasota County Commission

**THROUGH:** Thomas A. Harmer, County Administrator

**FROM:** Thomas C. Polk, Director, Planning and Development Services Department  
Allen Parsons, Manager, Long Range Planning  
Donna Thompson, Assistant Zoning Administrator, Zoning

**DATE:** May 21, 2014

**SUBJECT:** **Sarasota 2050 Resource Management Area (RMA) Policy Revisited  
Phase 2 – Policy and Regulatory Amendments**

### **RECOMMENDED MOTION(S) OR ACTION(S):**

- A. Public hearing to consider proposed Ordinance No. 2014-009, Comprehensive Plan Amendment No. 2013-H, a County-initiated Amendment to the Environment Policy in Chapter 2 and the Sarasota 2050 Resource Management Area Policy, Chapter 9 of the Comprehensive Plan. (Planning Commission recommended approval.);
- B. Second public hearing to consider proposed Ordinance No. 2014-010, Zoning Ordinance Amendment No. 80, to amend Article 11, 2050 Regulations of the County Zoning Regulations. (Planning Commission recommended approval.);
- C. (Not a public hearing.) Land Development Regulation Commission to find proposed Ordinance No. 2014-010 to be consistent with the Sarasota County Comprehensive Plan. (Must be done prior to the final adoption of B.)

### **BACKGROUND:**

Through a series of workshops, the Sarasota County Commission (Board) has acquired perspectives from staff, the public, and development stakeholders on issues/concerns related to processing and construction of projects pursuant to Sarasota 2050 RMA Policy (Chapter 9 of the Comprehensive Plan). The Board subsequently approved a scope of work document that combines and restates those identified issues in relation to policies and regulations that should be re-evaluated and possibly amended to encourage the implementation of Sarasota 2050 RMA Policy. This effort was directed to be pursued, while maintaining Sarasota 2050 RMA Policy intended outcomes and fundamental values.

The scope of work for the Sarasota 2050 RMA Policy Revisited effort is organized within three phases as related to the complexity of the issues involved. The first phase included issues involving modifications to the Zoning Regulations that did not require any Comprehensive Plan policy changes. The second phase involves policy changes (Comprehensive Plan) that do not deviate significantly from the original fundamental values of 2050 Policy, and the third phase involves policy changes that deviate to some extent from those values.

The draft ordinances reflect proposed language for the second phase, requiring amendments to Comprehensive Plan Policy and Zoning Regulation.

## **RELEVANT PRIOR BOARD ACTION:**

1. January 26, 2011 - Board direction to reassess Sarasota 2050 RMA (Resource Management Area) Plan Requirements in an effort to maintain its original goals and intent (3-2 vote).
2. September 18, 2012 - Board direction to meet with affected private sector development interests on Chapter 9, Sarasota 2050 RMA policy of the Sarasota County Comprehensive Plan (5-0 vote).
3. January 30, 2013 - Board direction to a) compile data on Sarasota 2050 RMA projects; b) engage the community on Sarasota 2050 RMA policy; and c) prepare a draft scope of work document for initiation of appropriate implementation action in response to input collected (5-0 vote).
4. May 8, 2013 - Board direction to a) County Attorney to clarify any conflicts in the county's fiscal neutrality requirement in relation to the recent Florida legislative action regarding proportionate share; b) waive the 'scope of work review process' and direct staff to present a report back to the Board within 60 days with a refined scope of work document, timeline/schedule; and community engagement description; and c) the May 8, 2013 staff report on Sarasota 2050 RMA policy be posted on the county's website and update the public comment section on the "Revisiting Sarasota 2050" web page to include citizen name and address (4-1 vote).
5. July 9, 2013 – Board approved the scope of work for the Sarasota 2050 RMA Policy evaluation with specified timeline (4-1 vote).
6. November 20, 2013 – Board approved ZOA No. 78 (Ordinance No. 2013-032) for 2050 Policy Revisited Phase 1, and authorized the processing of CPA No. 2013-H and advertisement for ZOA No. 80 for 2050 Policy Revisited Phase 2 (5-0 vote). Additionally, the Board denied waiver of 5:01 public hearing.
7. March 18, 2014 – Board authorized transmittal of CPA No. 2013-H for 2050 Policy Revisited Phase 2 to the Florida State Dept. of Economic Opportunity (DEO) (5-0 vote).

## **ANALYSIS:**

The staff report addresses 15 of the 17 issues that were originally part of the scope of work for the second phase. The two remaining issues, involving Fiscal Neutrality (FN-1 & FN-2) provisions, are not included with this second phase report. This is due to both being reviewed separately under a consultant's contract to be analyzed with the third phase. The relevant policy and regulatory citations involved, along with analysis behind each recommended amendment to the 2050 related policies and regulations, are provided within the staff report. An individual section of the report has been prepared for each issue pursuant to the following outline:

- A. **Issue Statement:** Presents a brief summary statement of the issue being addressed.
- B. **Issue Direction Proposed:** Provides a concise statement describing the direction being pursued that responds to the issue with a brief rationale for the proposed direction.
- C. **Relevant Policy & Regulatory Citations:** Provides the text of the relevant policy and regulatory citations for the issue with a statement as to why each is relevant.

- D. **Information Supporting Direction:** Provides qualified supportive information utilized within the analysis / deliberative process in consideration of the proposed direction.
- E. **Information Refuting Direction:** Identifies information that may refute the proposed direction to be addressed within the analysis.
- F. **Analysis of Information:** Addresses differing sides of the issue.
- G. **Conclusion:** Summary statement as to how the proposed direction addresses the issue.
- H. **Proposed Regulatory Language Changes (if applicable):** Presents the specific modifications being proposed to be made to Comprehensive Plan policy and regulatory text of the County Code.

## **RECOMMENDATIONS:**

The Planning Commission recommended approval by a 7-1 vote of both CPA No. 2013-H and ZOA No. 80 as presented.

The final recommendation for each of the 2050 Phase 2 issues are briefly summarized below and include the Planning Commission recommendations:

**FN-3 Affordable Housing.** Proposed regulatory changes. This item will be reviewed in greater detail with the third phase. However, a review of the current affordable housing requirements revealed a lack of clarity. Thus, requiring changes to a number of provisions, particularly as applied to the administration of the Affordable Housing Plan and the monitoring, reporting, construction and sale or occupancy of the affordable housing units.

**SP-1 Modification of Settlement Area Dwelling Unit (DU) Limit.** Proposed policy and regulatory changes. Staff recommends the elimination of the 4000 DU cap on Settlement Areas due to it being effectively redundant.

**SP-2 Zoning Language Updates.** Proposed regulatory changes. Three basic changes are required to the use table within Article 11 to make it consistent with Article 5. Additionally, deletion of all references to the Town Center due to the policy provisions for the same having been deleted by Ordinance 2012-041.

**SP-3 Policy Language Updates.** Proposed policy changes. Date specific language shall be removed from the applicable policies. This revision does not eliminate the substantive content of the policies, and the majority of them have already been implemented through adopted regulations.

**NU-3 Land-Use Mix.** Proposed policy and regulatory changes. The percentage of land use ranges allocated for the various uses within the Village Center are being increased so that the results of the required market study analysis and market demand will be allowed to determine appropriate amounts. To assist in this change and to simplify zoning language, the Commercial/Retail and Office use categories will be combined to match existing policy in the Comprehensive Plan. This change allows greater flexibility in the planning and design of Village Centers.

**NU-7 Flexibility in Walk-ability Application.** No proposed policy or regulatory changes. The regulations already allow a great deal of flexibility. Neighborhood designs may utilize either the ¼ mile radius or ½ mile walking distance parameters, and these only apply to 50% of the housing for Villages or Settlement Areas. Walk-ability for Hamlets remain to be assessed with the evaluation of the 400 DU limit on Hamlet size as part of the third phase of the Sarasota 2050 RMA Policy Revisited effort.

**NU-15 Modification Processes Evaluation.** Proposed regulatory changes. If found to be within the parameters established by 2050 policy, the 2050 RMA planned development regulations have a high degree of flexibility given that virtually all standards are eligible to be modified. The provisions under “Changes in Approved Master Land Use Plans” (Section 11.3.15) allow for administrative approval of a modification with a proposed Neighborhood Plan, if classified as ‘Minor’. Additionally, the Board has the same ability after a public hearing is held on the modification that is not classified as a ‘Substantial’ change from the approved Master Land Use Plan. The ability to approve this type of modification is already available, however clarification language needs to be added to Section 11.3.15 stating the applicability of Section 11.3.11.e.(1)(c) “Modifications of Zoning Regulations or Land Development Regulations”.

**NU-16 New Urbanism/Form Based Standards.** Proposed regulatory changes. Modify or eliminate the New Urbanism/Form Based zoning regulations that do not affect the basic structure or form of the traditional village center design to provide additional planning and design flexibility options.

**NU-18 Village Size.** Proposed policy and regulatory changes. Allows smaller parcels to be considered for development with criteria that is consistent with the policies and objectives of Sarasota 2050. These changes are based upon the recognition that there are no provisions for smaller single (or multi-) owned parcels, less than 1,000 acres of Developed Area (2,000 gross acres) in the 2050 plan.

**OS-9a Greenbelts adjacent to Village Centers.** Proposed policy and regulatory changes. Provides for possible reductions of the Greenbelt between a Village Center and adjacent roadway to allow for design solutions that are more commercially viable.

**OS-9b Greenbelts between Hamlets.** No proposed policy or regulatory changes at this time. This issue needs to be evaluated in the context of defining the purpose and intent of Hamlet developments, which is part of the third phase of the Sarasota 2050 RMA Policy Revisited effort.

**OS-9c Protection of Roadway Character.** Proposed policy and regulatory changes. Modify Policy VOS5.2 to specify that the roadway rural character should be protected for lands east/south of the Countryside Line.

**OS-4 Lakes as Open Space.** Proposed policy and regulatory changes. Eliminate the size requirement for lakes, which will allow lakes to count as Open Space if they have a minimum of 25% public access along the edge. These lake features will only count towards the Open Space requirement if the native habitat and environmental objectives are satisfied first.

**OS-5 Greenways as Open Space.** Proposed policy and regulatory changes. The purpose of OS-5 was to incentivize environmental enhancement of the Greenway RMA buffer by allowing it to be counted as Open Space. If OS-10 is approved, it will allow for a reduced greenway buffer width, resulting in greater developed area with the remaining greenway buffer width being counted toward Open Space. This creates an incentive that remains consistent with the tenets of Sarasota 2050. Additionally, recognizing Lands of High Environmental Value within the Greenway RMA as Open Space is recommended under specified circumstances.

**OS-10 Greenway Alternatives.** Proposed regulatory changes. Generally, where there is no existing habitat within the Greenway, the buffer may be reduced from 550 feet to no less than 300 feet, if the

buffer is enhanced to create a net ecological benefit. This policy will create additional options for 2050 applicants to configure the developed area relative to the Greenway RMA, yet still provide a buffer that provides ecological and water quality function.

**OS-14 State Parks and Other Public Lands.** Proposed policy change. Issues raised by Oscar Scherer State Park (OSSP) are also applicable to the Scherer-Thaxton Preserve adjacent to OSSP and the Myakka River State Park. Create a new policy in the Comprehensive Plan that addresses avoiding, minimizing, and mitigating impacts to these lands.

**OS-15 Conservation of Pine Flatwoods.** No proposed policy or regulatory changes at this time. The conservation of pine flatwoods remains a concern for non-2050 village projects. Staff will proffer amendments to the current regulations to better define how pine flatwoods are conserved.

There have been a few changes made to the proposed Ordinances adopting CPA No. 2013-H and ZOA No. 80 subsequent to the transmittal public hearing. These changes include proposed language modifications to address questions raised at the transmittal public hearing and through the State review process. The first change adds the ‘Myakka State Park’ to proposed Policy ENV4.5.21 as suggested by the Florida Department of Agriculture and Consumer Services letter dated April 18, 2014 (see Attachment 2). The second change adds clarification to proposed Policy GS3.3 pursuant to further consideration to incorporate guidance for the ability to reconfigure Greenway RMA buffers. The third change clarifies that the allowance for Villages less than 1000 acres of Development Area does not release them from any of the requirements for a Village as provided for within policy and code.

**FUNDING SOURCE:**

N/A

**ATTACHMENTS:**

1. Planning Commission Minutes January 16, 2014
2. Florida Dept. of Economic Opportunity related Correspondence
3. Proposed Ordinance No. 2014-009, CPA No. 2013-H
4. Proposed Ordinance No. 2014-010, ZOA No. 80
5. Supplemental Staff Report dated March 18, 2014
6. Staff Report dated January 16, 2014 (Planning Commission public hearing staff report)
7. Planning Commission Resolution
8. Summary of Public Meetings dated Dec. 4, 10, and 12, 2013
9. Correspondence
10. Economic Impact Statement
11. Consistency Review Ord. No. 2014-010, ZOA No. 80