

ATTACHMENT '5'

Supplemental Staff Report No. 2 dated October 22, 2014

SUBJECT:	Supplemental Report No. 2 on Sarasota 2050 RMA Policy Revisited Phase 3
MEETING DATE:	October 22, 2014 Board Adoption Public Hearing / 2 nd Public Hearing
PREPARED BY:	Planning and Development Services Department, Planning Division

PURPOSE

On August 27, 2014, the Sarasota Board of County Commission (Board) authorized transmittal of Comprehensive Plan Amendment (CPA) No. 2014-I to the Florida Department of Economic Opportunity (FDEO) as presented by staff in the Planning Commission Staff Report dated July 24, 2014, and Supplemental Report dated August 27, 2014. At this meeting, the Board also held the first public hearing on companion Zoning Ordinance Amendment (ZOA) No. 86, which includes changes to implementation regulations for the revised policies within CPA No. 2013-I. The Board’s action included deletion of the proposed provisions within ZOA No. 86 that specified market rate housing incentives associated with Affordable Housing (Phase 3 Item FN-3). The Board also included direction to evaluate and potentially further modify the regulatory language on Fiscal Neutrality (Phase 3 Item FN-1) within proposed ZOA No. 86, to address more fully the concern that the staff recommended language would still interfere with the ability of development to obtain financing due to uncertainties associated with developments bearing the responsibility to cover negative changes to both costs and revenues, outside of a development’s control. This Supplemental Report No. 2 addresses this concern and presents revised language on Fiscal Neutrality within proposed ZOA No. 86 that would significantly revise existing requirements and would eliminate on-going fiscal neutrality monitoring requirements and responsibilities.

Additionally, staff is recommending that the proposed language changes associated with Conservation Subdivisions be clarified regarding applicability of the proposed 20 acre exemption (see page 11).

The updated background, analysis and recommended language changes are reflected below.

FN-1: Fiscal Neutrality

During the July 24, 2014 Planning Commission public hearing, questions were raised regarding the intent of the proposed language aimed at providing flexibility in a development’s monitoring of fiscal neutrality. The recommended language related to both timing and what would constitute a deviation between projections and actual development results, which then would require subsequent reanalysis. The unintended effect was that the proposed language could be interpreted to mean that a subsequent fiscal neutrality reanalysis would only be required when a development revised its development program (similar to a recent Fiscal Neutrality monitoring requirement approval associated with the Villages of Lakewood Ranch South) or that, as staff intended, a fiscal neutrality reanalysis would be required when the development cost and revenue results differed significantly from those projected in an initial fiscal neutrality analysis.

The Planning Commission recommendation maintained Fiscal Neutrality and called for a transparent methodology to be implemented that not only identifies what public costs are to be counted but clearly sets forth: 1) how those public costs are to be calculated; 2) what public revenues are to be counted; and 3) how those public revenues are to be calculated. It was also recommended that certain modifications be made clarifying that each phase of a development not be required to demonstrate Fiscal Neutrality on its own. Additionally, the recommendation called

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for clarification of the monitoring obligations on Fiscal Neutrality, and that mitigating conditions be recognized and accounted for, such as County policy actions that affect revenue projections and fiscal consequences associated with requiring Affordable Housing.

The County has engaged an experienced firm to assist with the establishment of a transparent methodology for developing Fiscal Neutrality Plans. The consultant shall utilize plans and reports previously prepared for the County as well as best practices for analyzing fiscal impacts. The goal is to have a clearly understood methodology for preparing Fiscal Neutrality Plans and for which compliance can easily be determined.

In preparation for the Board public hearing on August 27, 2014, and in response to the questions that were raised at the July 24, 2014 public hearing, staff evaluated whether to add clarifying language that would have changed the Planning Commission recommended language on Fiscal Neutrality, while maintaining the intent. Staff's original recommendation intended that monitoring reports would continue to be required to be checked for compliance with the approved Fiscal Neutrality Plan, and that updated Fiscal Neutrality Plans would continue to be required when cost/revenue projections differed significantly from actual results.

Due to numerous concerns being expressed regarding staff's clarification language, no changes were made to the Planning Commission recommended language associated with Fiscal Neutrality for the August 27, 2014, Board public hearing. Staff did recommend that the intent and lack of specificity with regard to Fiscal Neutrality Plan projection variations be addressed and clarified between the first and second public hearings. Staff also recommended that additional mitigating conditions be considered which would make explicit that Fiscal Neutrality Plans may rely upon initial underlying assumptions related to forecasted changes in costs and revenues, outside of the control of the developer. The Board endorsed this approach at the August 27, 2014 public hearing, requesting improved Fiscal Neutrality language that addresses the development financing capability question.

Fundamentally, that question is whether or not a proposed development can obtain financing subject to the county being able to stop a project due to non-compliance with a Fiscal Neutrality Plan after the project has been approved and construction has commenced. The development community's concern has been and continues to be that there are too many cost and revenue variables outside of a development's control that have tremendous impact on whether Fiscal Neutrality projections remain valid.

This concern with the complexity of how a development's fiscal impacts are determined as well as the accuracy of results is evident from the variety of research on the subject matter, as well as the Laffer Associates Report. A consensus from the fiscal impact analysis research suggests that the use of fiscal impact analysis is a very useful tool that can inform the decision making process, however it is not recommended that fiscal impact analysis results be used as a sole determining factor in whether a development is approved or not. In fact, a local government practice review indicates that only one other jurisdiction nationwide uses fiscal impact analyses as a requirement to demonstrate fiscal neutrality in order to receive development approval.

In the recently approved Villages of Lakewood Ranch South updated Fiscal Neutrality Plan, a condition of approval was included which limited fiscal neutrality reanalysis to a ten percent variation in the actual number of residential units constructed. This established a situation where

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a new Fiscal Neutrality Plan would only be required when the developer seeks a significant change to the project that exceeds the allowed percentage variable (10%). This typically occurs when the project is pursuing a significant zoning change.

Fiscal Neutrality based adjustments to a project cannot be mandated when the above described approach is combined with the changes being evaluated that seek to maintain the calculations at the original adoption levels within a Fiscal Neutrality Plan. Together they translate into a scenario where the Fiscal Neutrality Plan adopted at the time of initial rezoning approval becomes the only time that fiscal impact is checked, because the allowed variation is applied to numbers of residential units and non-residential square footage built instead of the public revenue stream resulting from the project. Monitoring the progress of the project would have no ability to put into effect changes in the project to bring it into compliance.

In the above described scenario, the importance of the initial Fiscal Neutrality Plan should be highlighted, because it is not likely to be revisited. Maintaining a follow up monitoring process diminishes the emphasis on the initial Fiscal Neutrality Plan because it is an implied 'failsafe' mechanism. However, the follow up monitoring evolving through the modifications currently being contemplated would not have any ability to impact the development once it is approved and construction has commenced.

Therefore staff is recommending that the importance of the initial Fiscal Neutrality Plan become a major focus of the initial zoning application review. This requires that its importance not be mitigated with an implied follow up monitoring system that does not have any ability to influence the impact of the development. The emphasis should be put directly on the initial Fiscal Neutrality Plan to make sure that it is an accurate and useful document upon which the county can rely and base capital improvement program decisions. A developer seeking changes that may cause a development to be out of conformance with an approved Fiscal Neutrality Plan would be required to be reviewed through the full zoning process as a revision to an approved planned development.

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The following Policy and Zoning Regulation language changes reflect the direction proposed:
The **red text** is proposed language changes presented to the Board on August 27, 2014.

The **yellow highlighted text** is proposed language presented to the Board on August 27, 2014, that is now being proposed for removal.

The **green text** is newly proposed language changes.

(* * *) – Denotes non-applicable language omitted.

Comprehensive Plan Policies

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Policy VOS2.4 Village/Open Space RMA Approval Process: Zoning

Development activity that is designed as a Village or Hamlet within the Village/Open Space RMA shall be rezoned to a planned unit development-type zoning district and shall be planned through a master development plan process that integrates development, Open Space, related Greenway RMA and infrastructure corridors. For Villages, the application and development order shall include the following:

- Master Development Plan
- Specific Design Guidelines for the Development
- Fiscal Neutrality Plan and Procedure for Monitoring Fiscal Neutrality
- Permanent Conservation Easements for Open Space and Greenway RMA areas
- Phasing Plan for development (including timing and amount and phasing of residential and non-residential development)

For Hamlets, the application and development order shall include the following:

- Master Development Plan
- Specific Design Guidelines for the Development
- Fiscal Neutrality Plan and Procedure for Monitoring Fiscal Neutrality
- Permanent Conservation Easements for Open Space and Greenway RMA areas

~~An update of the actual number of new dwelling units within a Village approved through this rezoning process that remain to be constructed shall be included as potential capacity in Future Land Use Policy 2.3.1.~~

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Policy VOS2.9 Fiscal Neutrality for Villages and Hamlets

Each Village and each Hamlet development within the Village/Open Space RMA shall provide adequate infrastructure that meets or exceeds the levels of service standards adopted by the County and be Fiscally Neutral or fiscally beneficial to Sarasota County Government, the School Board, and residents outside that development. The intent of Fiscal Neutrality is that the costs of additional local government services and infrastructure that are built or provided for the Villages or Hamlets shall be funded by properties within the approved Villages and Hamlets.

1. ~~Landowners, developers, or Community Development Districts~~ Fiscal Neutrality shall **be demonstrated** Fiscal Neutrality as part of the master development plan approval process; ~~and for each phase of each Village or Hamlet~~, according to the procedures established by the County, for review by the Board of County Commissioners. Such procedures shall require that Fiscal Neutrality be determined for each development project on a case-by-case basis, considering the location, phasing, and development program of the project. In addition, such procedures may allow for incentives to provide affordable housing. For off-site impacts, the procedures will require that the total proportionate share cost of

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infrastructure be included and not simply the existing impact fee rates. ~~Notwithstanding the provisions of Article VII, Chapter 94 of the Sarasota County Code pertaining to Concurrency Management this~~ This shall include, but not be limited to, both localized and Countywide impacts on County, City, State, and Federal transportation facilities (such as roads, intersections, sidewalks, lighting, medians, etc.) such transportation related components shall be analysed as a separate item from the remaining items; public transit, schools, water supply and delivery, sewage transmission and treatment, solid waste, storm and surface water management, law enforcement, fire and emergency management, ~~courts, jails justice, administrative facilities general government~~, libraries, parks and recreation, and public hospitals. ~~As an example, the Fiscal Neutrality analysis for transportation facilities will estimate the trip generation, trip lengths, internal trip capture, and average off site road improvement costs that are applicable to the specific development project.~~ Fiscal Neutrality for funds that are not fungible (i.e., generally enterprise funds) shall be measured separately. Nothing within this policy is intended to establish a school concurrency system.

2. The Board of County Commissioners shall require that these procedures for measuring Fiscal Neutrality, and the Fiscal Neutrality plans submitted as part of applications for development approval, ~~and for each phase of each Village or Hamlet~~, be reviewed and certified by independent advisors retained by Sarasota County at the expense of the ~~landowner, developer or Community Development District applicant~~ prior to acceptance by the County. Fiscal Neutrality procedures and calculations for school demands shall be submitted to the School Board for review prior to review by the Board of County Commissioners. All calculations of costs shall be based on current cost data.
3. The enforceability of Policy VOS2.9 and of any ordinances adopted to implement Fiscal Neutrality are expressly determined to be overarching to achieving the public benefits of the Sarasota 2050 RMA-1 Comprehensive Plan Amendments. ~~If necessary, additional amendments will be made to The Sarasota County Comprehensive Plan and to any ordinances that implement the principles of Fiscal Neutrality to ensure the enforceability thereof. No new development in the Village or Hamlet form shall be approved outside the Urban Services Area Boundary until and unless the Board of County Commissioners adopts the amendments to The Sarasota County Comprehensive Plan and any ordinances that implement the principles of Fiscal Neutrality.~~

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Zoning Regulations

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11.2.14. Fiscal Neutrality.

a. *Intent.* The intent of the Fiscal Neutrality requirement is to ensure that the costs of additional local government services and infrastructure that are built, expanded, improved or otherwise provided for any HPD, VPD, and SAPD development or as a result of the additional demand on those services and infrastructure resulting from that development shall be funded by ~~properties within~~ the owner of the approved development.

b. Fiscal Neutrality Requirements.

1. Prior to the approval of any rezoning action to designate a Village Planned Development, Settlement Area Planned Development or a Hamlet Planned Development, ~~and prior to the~~

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- ~~initiation of development of any phase of development approved under a Master Land Use Plan~~, the applicant shall demonstrate “Fiscal Neutrality” according to the procedures established herein. This documentation of Fiscal Neutrality shall be submitted to the Board of County Commissioners for review and action.
2. “Fiscal Neutrality” is when a development will pay the full costs of all public facilities and services that are required to support the development and that are required to meet or exceed the level of service standards adopted by the County. This requirement includes the initial costs of all required infrastructure and the on-going costs for operations and maintenance.
 3. Fiscal Neutrality shall be determined for each development project on a case-by-case basis, considering the location, phasing, and development program of the project. Fiscal Neutrality analyses may include incentives to provide affordable housing.
 - 4 The facilities and services that are required to be analyzed for Fiscal Neutrality shall include:
 - i. Both localized and Countywide impacts on County, City, State, and Federal transportation facilities (Note: the transportation related components shall be analyzed as a separate item from the remaining items);
 - ii. Public transit;
 - iii. Schools;
 - iv. Water supply and delivery;
 - v. Sewage transmission and treatment;
 - vi. Solid waste;
 - vii. Storm and surface water management;
 - viii. Law enforcement;
 - ix. Fire and emergency management;
 - x. Courts Justice;
 - ~~xi. Jails~~;
 - ~~xii-xi. Administrative facilities~~ General Government;
 - ~~xiii-xii. Libraries~~;
 - ~~xix-xiii. Parks and recreation~~; and
 - ~~xx-xiv. Public hospitals~~.
 5. ~~An applicant must demonstrate Fiscal Neutrality to the satisfaction of the County Commission for each phase of a project prior to commencement of development of that phase. This analysis shall be based upon a revised Facility Assessment in the form of a Monitoring Report that shall reflect updated financial and level of service standard evaluations to reflect the most current data available at the time of the review for all future phases. Fiscal Neutrality Plans that are submitted for a phased project shall prepare an evaluation and monitoring report of any prior phase to determine whether or not the Capital Program/Financing Plan was sufficient to meet the standards of Fiscal Neutrality. If the Capital Program/Financing Plan failed to meet the standards for Fiscal Neutrality, the~~

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~~applicant must revise such plan for all future phases to 1) compensate for the prior "shortfall" and 2) readdress the assumptions of the future phases based upon the results of the monitoring report.~~

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~~An applicant must demonstrate Fiscal Neutrality to the satisfaction of the County Commission prior to the approval of any rezone action. Administrative guidance shall be provided to applicants regarding provisions for monitoring project development results. The County Commission approval shall include a development condition or agreement indicating the conditions requiring an updating and revising of the initial Fiscal Neutrality analysis due to variation of actual development results from initial Fiscal Neutrality analyses projections. Any subsequent analysis shall be based upon the results of an Evaluation and Monitoring Report that shall reflect updated financial and level of service standard evaluations to reflect the most current data available at the time of the review. Phased projects shall prepare an Evaluation and Monitoring Report prior to each phase or other appropriate interval to assess the validity and conformance of the initial Fiscal Impact Analysis projections with actual development results. If the actual development results exceeds the agreed upon Fiscal Neutrality analysis projection's variation, the applicant must update and revise the initial Fiscal Impact Analysis to ensure that future phases address any potential overall "shortfall".~~

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A rezoning application for HPD, VPD, or SAPD zoning shall include a Fiscal Neutrality Plan demonstrating that the proposed development will be Fiscally Neutral. A stipulation shall be attached to all HPD, VPD, and SAPD zoning approval actions providing for the proposed development to be in accordance with the Fiscal Neutrality Plan.

- ~~6. For a single phase Village or Settlement Area project, the applicant shall prepare and submit an evaluation and monitoring report annually to determine the whether or not the Capital Program/Financing Plan was sufficient to meet the standards of Fiscal Neutrality. If the Capital Program/Financing Plan failed to meet the standards for Fiscal Neutrality, the applicant must revise such plan prior to any additional platting or subdivision or property or any additional construction activities, except for those activities that are vested. The revised plan must include methods to 1) compensate for the prior "shortfall" and 2) readdress the assumptions of the balance of the project based upon the results of the monitoring report.~~

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~~For a single-phase Hamlet, Village or Settlement Area project, the applicant shall prepare and submit an Evaluation and Monitoring Report at administratively determined intervals and duration to assess the validity and conformance of the initial Fiscal Impact Analysis projections with actual development results. If the actual development results exceeds the agreed upon Fiscal Neutrality analysis projection's variation, the applicant must update and revise the initial Fiscal Impact Analysis to ensure that future development addresses any potential overall "shortfall".~~

- ~~7. For Hamlet_s development, the applicant may demonstrate Fiscal Neutrality through the use of the County pre-approved methodology which analysis may be prepared by County staff or a by certified independent advisor retained by Sarasota County at the expense of the applicant.~~

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c. Fiscal Neutrality Plan: General Standards. The Fiscal Neutrality Plan shall include the following:

1. Development Program and Land Sales Value Assumptions. The applicant shall submit an annual estimate of the development program and land sales value for each of the following components.

- i. Vacant Acreage/Open Space (acres)
- ii. Single-Family - Low Range (dwelling units)
- iii. Single-Family - Mid Range (dwelling units)
- iv. Single-Family - High Range (dwelling units)
- v. Single-Family - Special (dwelling units)
- vi. Multifamily - For Sale Condo (dwelling units)
- vii. Multifamily - For Sale Townhouse (dwelling units)
- viii. Multifamily - For Sale Other (dwelling units)
- ix. Multifamily - Rental Apartments/Town Homes (dwelling units)
- x. Multifamily - ACLF/Nursing Home (number of beds)
- xi. Multifamily - Rental Other (dwelling units)
- xii. Total Residential (dwelling units)
- xiii. Projected persons per household by Type of dwelling unit
- xiv. Projected Population
- xv. Vacant Commercial (acres)
- xvi. Office Nonprofessional (total square feet)
- xvii. Office Class A (total square feet)
- xviii. Office Medical/Professional (total square feet)
- xix. Total Office (total square feet)
- xx. Retail - Neighborhood (total square feet)
- xxi. Retail - Community (total square feet)
- xxii. Retail - Regional (total square feet)
- xxiii. Total Retail (total square feet)
- xxiv. Restaurant - Sit Down (total square feet)
- xxv. Restaurant - Fast Food/Drive thru (total square feet)
- xxvi. Institutional/Government
- xxvii. Hotel (number of rooms)
- xxviii. Vacant Industrial (acres)
- xxix. Industrial (total square feet)
- xxx. Warehouse (total square feet)
- xxxi. Golf Course (total square feet)
- xxxii. Golf Course (number of holes)

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xxxiii. Swim/Tennis Club (total square feet)

xxxiv. Agriculture/Forestry (acres)

2. Baseline Assumptions. The applicant shall prepare the baseline assumptions for the review of school facility needs and shall submit these assumptions to the School Board for review and action prior to the preparation of a Facility Assessment. The baseline assumptions shall include:

i. Student Generation Rates by Housing Type

ii. General Construction Cost Estimates for School Facilities within the Village

3. Facility Assessment. The applicant will prepare and include a facility assessment that includes an assessment of facility capacity and on-going operations and maintenance costs based upon:

i. The level of service standards adopted in the Comprehensive Plan for each of the required services and facilities and which are consistent with the requirements of Article VII, Chapter 94 of the Sarasota County Code pertaining to Concurrency Management.

ii. The additional level of service standard for Recreational Space, Schools, and Fire/Rescue Services that is required under these standards. (See subsections 11.2.10.e., 11.2.11.b, and 11.2.11.c.)

iii. For those services and facilities that do not have either an adopted level of service standard in the Comprehensive Plan or Article VII, Chapter 94 of the Sarasota County Code pertaining to Concurrency Management or an alternate level of service standard adopted within the Village or Hamlet Planned Development District standards, the current delivered level of service for/within the urban area at the time of fiscal neutrality testing that is provided by the County or other applicable service provider for that facility or service is hereby adopted as the level of service standard for the purposes of Fiscal Neutrality.

4. Capital Improvements Plan/Financing Program.

i. The applicant will prepare and include a facilities or capital improvements plan and financing program that is designed to provide adequate facilities to serve the development in accordance with the level of service standards and to construct and maintain all required infrastructure. For off-site impacts, the total proportionate share cost of infrastructure shall be included.

ii. The Plan shall include reasonable estimates of the cost of such facilities, prepared by a civil engineer, registered in the state of Florida, ~~with appropriate adjustments to the cost based on the project date of construction of each facility.~~

iii. The Plan shall include the methodology used to estimate the value of land for facility construction.

Language being deleted.

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- iv. All calculations of costs shall be based on current cost data.
- v. Fiscal Neutrality for funds that are not fungible (i.e., generally enterprise funds) shall be measured separately.

5. Additional Facility Requirements.

- i. Parks, Schools, Stormwater. Land dedications that are identified as a part of a development approval as a means of meeting the requirements of Fiscal Neutrality, including any required easements, dedications or reservations shall have their property value established for the purpose of fiscal neutrality at the time of approval of the Master Land Use Plan ~~and shall be recorded at the time of approval of the Neighborhood, Village Center or Neighborhood Center Plan in which the facility is designated on the Master Land Use Plan.~~

Language
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- 6. Financing Strategy. The applicant shall prepare and submit a financial strategy to construct and maintain all required infrastructure and all required services. Community Development Districts are the preferred financing technique for infrastructure needs. The financial strategy shall not result in any increase in taxes, assessments, fees or indebtedness upon the people of Sarasota County other than the property owners within the Village, Hamlet or Settlement Area as applicable due to the project.

d. Approval of Methodology.

- 1. An applicant shall provide a determination of Fiscal Neutrality and a Fiscal Neutrality Plan based upon a methodology approved by the County specifically for use in Fiscal Neutrality Plans.

e. Administrative Procedures.

- 1. The applicant shall submit the Fiscal Neutrality Plan including the estimates and calculations for school demands to the School Board for review and action prior to submission and review by the Board of County Commissioners.
- 2. Fiscal Neutrality Plans shall be reviewed and, if found fully correct, sufficient and compliant, certified by independent advisors retained by Sarasota County at the expense of the landowner, developer, or Community Development District prior to acceptance by the Board of County Commissioners. If a Fiscal Neutrality Plan is found incorrect, insufficient or noncompliant in any material regard by the independent advisor or otherwise by the Board of County Commissioners, the Plan shall be rejected until revised to the satisfaction of the advisor and the Board.

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Conservation Subdivisions

The recommendation implements a 20-acre or less threshold that will not require the establishment of a Conservation Subdivision when the rezoning of a property involves an increase in residential density within the Rural Heritage/Estate RMA. Questions have been raised regarding the applicability of this exemption with the concern being that it opens up the county to piece meal development through property splits of property down to 20 acre parcels that would then qualify for the exemption. Staff recommends the following language change within ZOA No. 86:

The following Policy and Zoning Regulation language changes reflect the direction proposed:

The **red text** is proposed language changes presented to the Board on August 27, 2014.

The **yellow highlighted text** is proposed language presented to the Board on August 27, 2014, that is now being proposed for removal.

The **green text** is newly proposed language changes.

(* * *) – Denotes non-applicable language omitted.

Comprehensive Plan Policies

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Policy TDR2.2 Zoning Ordinance/Land Development Regulations

The County shall amend the Zoning Ordinance and Land Development Regulations to establish specific requirements for the creation of Conservation Subdivisions in the Rural Heritage/Estate, Village/Open Space, Greenway and Agricultural Reserve RMAs. In order to obtain any increase in residential density, land located within the above described RMAs must be rezoned consistent with the Village/Open Space RMA requirements, or be rezoned as a Conservation Subdivision except for rezoning of a single unplatted parcel of 20 acres or less that is of record before October 22, 2014 and that is completely within the Rural Heritage/Estate RMA. Such rezonings shall also require compliance with Policy VOS5.2. The amendments to the Zoning Ordinance and Land Development Regulations shall be adopted within two years of the effective date of the Sarasota 2050 RMA-1 Comprehensive Plan Amendment. The proposed ordinance amending the Zoning Ordinance and Land Development Regulations shall be prepared for public hearing within one year of the effective date of the Sarasota 2050 RMA-1 Comprehensive Plan Amendment. The Zoning Ordinance and the Land Development Regulations will establish general baseline regulations for Conservation Subdivisions, based on the following guidelines:

(First bullet point only)

- no minimum required size of development except for rezoning of a single unplatted parcel of 20 acres or less that is of record before October 22, 2014 and that is completely within the Rural Heritage/Estate RMA;

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Zoning Regulations

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4.10.6 Conservation Subdivision (CS).

a. *Purpose and Intent.*

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1. The purpose of the Sarasota County Conservation Subdivision Regulations are to implement the requirements of Sarasota County Comprehensive Plan Amendment Sarasota 2050 Resource Management Area (RMA) System Comprehensive Plan Amendment RMA-1, Ordinance No. 2001-076 by creating the following implementation tools:
 - i. A set of subdivision standards that function as an alternative to the large lot subdivision form. These regulations permit a Conservation Subdivision form of development as a permitted subdivision type within those properties that are zoned, OUR, OUE, RE-1, RE-2 and RE-3.
 - ii. A new Conservation Subdivision overlay zoning district. All rezoning requests that increase density within the Rural Heritage/Estate RMA, Greenway RMA and the Agricultural Reserve RMA as depicted and defined within the Sarasota County Comprehensive Plan are required to be Conservation Subdivisions, except for a rezoning of a single unplatted parcel request consisting of 20 acres or less in size that is of record before October 22, 2014 and that is completely within the Rural Heritage/Estate RMA. The only methods available to a property within the Village/Open Space RMA may request a rezoning action that increases density is through the Village Planned Development District, the Hamlet Planned Development District or the Conservation Subdivision overlay district.
2. The purpose of the Sarasota County Conservation Subdivision Design Standards are to preserve environmental systems, rural character and the viability of agricultural land by creating greater flexibility in the design of residential developments to achieve the following standards:
 - i. Create or add to an interconnected network of off-site conservation lands and publicly protected open spaces which extend beyond the individual subdivision boundary and function as a part of a regional conservation strategy as expressed in the Principles for Evaluating Development Proposals in Native Habitats, contained in the Environment Chapter of APOXSEE;
 - ii. Create a network of publicly protected open spaces within an individual subdivision and minimize the total amount of disturbance on a site;
 - iii. Minimize disturbance to environmentally sensitive areas, protect biological diversity, and maintain environmental corridors; and
 - iv. Minimize the disturbance to the rural landscape elements, preserve scenic views and existing open vistas and protect the integrity of the existing rural community character.
3. The secondary purpose of a Conservation Subdivision is to provide alternative subdivision standards that will support the following objectives:
 - i. Facilitate the construction and maintenance of housing, streets and other infrastructure in a more efficient manner; and
 - ii. Protect the viability of agricultural land.

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b. *Applicability.*

1. Any application/petition to rezone property within the Rural Heritage/Estate, Village/Open Space, Greenway and Agricultural Reserve RMAs must be rezoned consistent with the

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Village/Open Space RMA requirements, or be rezoned as a Conservation Subdivision, except for a rezoning of a single unplatted parcel request consisting of 20 acres or less in size that is of record before October 22, 2014 and that is completely within the Rural Heritage/Estate RMA. Except as otherwise provided herein, all development within these RMAs that are rezoned to Conservation Subdivision Overlay, including but not limited to (to the extent permitted by law) development undertaken by agencies of local, regional, state, and federal government, shall be carried out in accordance with each and every requirement of this part.

2. The applicable zoning districts determine permitted locations of Conservation Subdivisions. Rezoning is not necessary when Conservation Subdivision is an alternate form of development and there is not a density increase. Any of the following zoning districts may be developed as a Conservation Subdivision as an alternate subdivision form; OUR, OUE, RE-1, RE-2 and RE-3. No additional density can be achieved in the absence of a rezoning action.

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