

AN ORDINANCE OF THE COUNTY OF SARASOTA, FLORIDA, RELATING TO COMPREHENSIVE LAND USE PLANNING, PROVIDING FINDINGS; PROVIDING FOR DEFINITIONS; PROVIDING FOR THE ADOPTION OF A COMPREHENSIVE PLAN FOR SARASOTA COUNTY PURSUANT TO THE REQUIREMENTS OF THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT; PROVIDING FOR RATIFICATION OF THE PROCEDURES FOLLOWED IN ADOPTING THE SARASOTA COUNTY COMPREHENSIVE PLAN; PROVIDING FOR THE LEGAL SIGNIFICANCE OF THE COMPREHENSIVE PLAN AND ITS VARIOUS COMPONENTS; PROVIDING FOR INTERPRETATION AND ADMINISTRATION OF THE COMPREHENSIVE PLAN; PROVIDING FOR THE PROTECTION OF PROPERTY RIGHTS AND THE PROTECTION OF VESTED RIGHTS; PROVIDING FOR APPLICABILITY; PROVIDING FOR THE EFFECT OF THIS ORDINANCE ON OTHER ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

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

Section 1. Findings. The Board of County Commissioners hereby makes the following legislative findings:

1. Pursuant to Article VIII, Section I(g) of the Constitution of the State of Florida, the Sarasota County Home Rule Charter, and the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes, as amended, (the Act) Sarasota County is authorized and required to adopt a comprehensive plan.

2. Sarasota County Ordinance No. 76-51 designated the Sarasota County Planning Commission as the Local Planning Agency and provided for the preparation and recommendation of a comprehensive plan by the Sarasota County Planning Commission and the adoption of a comprehensive plan by the Board of County Commissioners in accordance with the provisions of the Act.

3. The Sarasota County Planning Department, the Sarasota County Planning Commission, and the Board of County Commissioners have provided for the broad dissemination of proposals for all elements of a comprehensive plan, and have held numerous public meetings and workshops to solicit public comment.

4. The Sarasota County Planning Commission held a two day public hearing on August 29, 1988, and August 31, 1988, to receive public comment on the proposed Sarasota County Comprehensive Plan entitled, "Apoxsee, the Revised and Updated Sarasota County Comprehensive Plan".

5. Following the public hearing, the Sarasota County Planning Commission made appropriate revisions to the proposed Sarasota County Comprehensive Plan and forwarded the proposed plan, as revised, together with supporting documentation including an Evaluation and Appraisal Report, to the Board of County Commissioners.

6. The Board of County Commissioners of Sarasota County held a two day public hearing on September 9, 1988, and September 16, 1988, on the proposed Sarasota County Comprehensive Plan, as revised and recommended by the Sarasota County Planning Commission, together with supporting documentation including an Evaluation and Appraisal Report.

STATE OF FLORIDA
COUNTY OF SARASOTA
I HEREBY CERTIFY THAT THE FOREGOING IS A
TRUE AND CORRECT COPY OF THE ORIGINAL FILED
IN THIS OFFICE, WITH MY HAND AND OFFICIAL

SEAL THIS DATE MAR 15 1989
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
EX-OFFICIO CLERK TO THE BOARD OF COUNTY
COMMISSIONERS, SARASOTA COUNTY, FLORIDA
BY Susan Kay Givens
DEPUTY CLERK

089-18

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Comprehensive Plan*

7. Following the public hearing, the Board of County Commissioners of Sarasota County made appropriate revisions to the proposed Sarasota County Comprehensive Plan and adopted the Evaluation and Appraisal Report.

8. The Board of County Commissioners of Sarasota County transmitted "Apoxsee, the Revised and Updated Sarasota County Comprehensive Plan", as amended by the Board of County Commissioners, together with the required supporting documents including the Evaluation and Appraisal Report, to the Florida Department of Community Affairs (the Department) pursuant to the requirements of the Act and Rule 9J-11.004, F.A.C.

9. The Board of County Commissioners of Sarasota County has held the required public hearing to consider the Department's objections, recommendations and comments on Apoxsee, the Revised and Updated Sarasota County Comprehensive Plan.

Section 2. Definitions. For the purpose of this ordinance, the following definitions shall apply:

1. "Act" means the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes, as amended.

2. "Apoxsee, the Revised and Updated Sarasota County Comprehensive Plan", or "Apoxsee" means the document adopted by the Board of County Commissioners and filed with the Clerk of said Board pursuant to this ordinance. Said document shall be identified by the signature of the Chairman of the Board of County Commissioners, and bear the seal of the County under the words:

This is to certify that this is the official copy of "Apoxsee, the Revised and Updated Sarasota County Comprehensive Plan" referred to in Section 2.2 of Sarasota County Ordinance No. 89-18.

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

4. "Consistent with the Sarasota County Comprehensive Plan" or "in conformity with the Sarasota County Comprehensive Plan" means that the land uses, densities or intensities and other aspects of development permitted by a development order are compatible with and further the goals, objectives, policies, land uses, and densities or intensities in the Sarasota County Comprehensive Plan pursuant to the provisions of this ordinance, as the Comprehensive Plan and this ordinance may be amended from time to time.

5. "Decision-making authority" means any state or local government commission, board, agency, department or official having authority to issue a development order as defined herein.

6. "Development order" means any action granting, denying, or granting with conditions, an application for a development permit.

7. "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, 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.

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IN THIS OFFICE, WITNESS MY HAND AND OFFICIAL SEAL
THIS DATE MAR 15 1989
KAREN E. BUSHNELL, CLERK OF THE CIRCUIT COURT
EX-OFFICIO CLERK TO THE BOARD OF COUNTY
COMMISSIONERS, SARASOTA COUNTY, FLORIDA
BY William Kelly Givens
DEPUTY CLERK

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8. "Guiding Principles of Apoxsee" means the Guiding Principles section of the Environment Chapter of Apoxsee; the Urban Area Residential Checklist, Urban Area Residential Density Matrix, and the Functional Classification of Activity Centers sections of the Future Land Use Chapter of Apoxsee; the Guiding Principles (Guidelines) For Determining Desirable Business and Industry Section of the Economy Chapter of Apoxsee.

9. "Official Compilation of the Sarasota County Comprehensive Plan" means the document adopted by the Board of County Commissioners pursuant to this ordinance which includes the Primary Components of Apoxsee, the Guiding Principles of Apoxsee, the text of this ordinance, and explanatory material.

10. "Primary Components of Apoxsee" means the Goals, Objectives, and Policies of each chapter of "Apoxsee" including those objectives and policies which provide procedures for monitoring and evaluation of Apoxsee; Five Year Schedule of Capital Improvements (Table 80 in the Capital Improvements Chapter of Apoxsee; Designated Constrained and Backlogged Facilities in Sarasota County (Table 21 in the Traffic Circulation Chapter); Year 2010 Future Thoroughfare Plan (Appendix E, Section 3 of the Traffic Circulation Chapter of Apoxsee); and the following maps in Apoxsee:

A. Future Land Use Plan Map, Sarasota County - 2010 (consisting of a series of three maps);

B. Future Thoroughfare Plan (Functional Classification) Figure 42, Traffic Circulation Chapter);

C. Future Thoroughfare Plan (By Lanes) Figure 43, Traffic Circulation Chapter);

D. Proposed SCAT Transit Routes (1988-1994) (Figure 52, Mass Transit Chapter);

E. Improved Transit Service For Urban Transit Area (1988-1994) (Figure 53, Mass Transit Chapter);

F. Sarasota-Bradenton Airport Future Aviation Facilities, 2004 (Figure 57, Aviation, Port and Rail Chapter);

G. Venice Municipal Airport Future Aviation Facilities, 2004 (Figure 59, Aviation, Port and Rail Chapter)

H. Planned Future Recreation Sites, 2010 (Figure 16, Recreation and Open Space Chapter).

11. "Sarasota County Comprehensive Plan" means those portions of "Apoxsee" adopted by the Board of County Commissioners pursuant to this ordinance, as the Sarasota County Comprehensive Plan as required by Chapter 163, Part II, Florida Statutes (1987).

12. "Supportive Material" means those portions of "Apoxsee" which are not "Primary Components" or "Guiding Principles". Supportive Material includes the data required by Section 163.3177(8), Florida Statutes.

Section 3. Adoption of the Sarasota County Comprehensive Plan.

1. The Board of County Commissioners hereby adopts those portions of "Apoxsee, the Revised and Updated Sarasota County Comprehensive Plan", defined in this ordinance as the "Primary Components of Apoxsee" and the "Guiding Principles of Apoxsee" as the Sarasota County Comprehensive Plan pursuant to, and in compliance with, the provisions of the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes (1987). Said portions of Apoxsee are incorporated herein by reference.

STATE OF FLORIDA
COUNTY OF SARASOTA
I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL IN THIS OFFICE. WITNESS MY HAND AND SEAL OF OFFICE.
SEAL THIS DATE: MAR 15 1989
KAREN E. HUGHES, CLERK OF THE CIRCUIT COURT
EX-OFFICIO CLERK TO THE BOARD OF COUNTY COMMISSIONERS, SARASOTA COUNTY, FLORIDA
BY: Marian Ray
DEPUTY CLERK

2. The Board of County Commissioners hereby ratifies and adopts all procedures utilized with regard to the Adoption of the Sarasota County Comprehensive Plan adopted by this ordinance, notwithstanding contrary or different provisions, if any, contained in any other ordinance.

Section 4. Legal Significance of the Primary Components, Guiding Principles, and Supportive Material.

1. The Primary Components of "Apoxsee, the Revised and Updated Sarasota County Comprehensive Plan" are intended to direct and achieve coordinated and harmonious development and land use in a manner which will permit the planning for adequate community facilities and protect the ecological balance of the environment, in order to protect and promote the public health, safety, convenience, prosperity and general welfare of Sarasota County's residents and visitors.

(A) All development orders entered by the Board of County Commissioners or any other state or local government commission, board, agency, department or official concerning development within the geographic area subject to the provisions of this ordinance shall be consistent with the Primary Components of "Apoxsee, the Revised and Updated Sarasota County Comprehensive Plan".

(B) In recognition that zoning has been and shall continue to be a major tool for the implementation of land use and development policies, petitioners seeking any rezoning or any special exception shall be required to affirmatively establish the manner in which the development proposal and requested change in land use is consistent with the Primary Components of "Apoxsee, the REvised and Updated Sarasota County Comprehensive Plan".

2. The Guiding Principles of "Apoxsee, the Revised and Updated Sarasota County Comprehensive Plan" are intended to assist the decision-making authority in determining whether a development order would be consistent with the Primary Components of the Sarasota County Comprehensive Plan. The Guiding Principles are intended to be applied in a flexible manner but failure of a proposed development or land use to comply with applicable portions of the Guiding Principles shall constitute sufficient grounds for denial of approval for a development permit.

3. Supportive Material may be utilized by the Board of County Commissioners and other governmental agencies as additional information in resolving development and land use decisions. Supportive Material shall not be used as the sole grounds for a decision on a development permit.

Section 5. Interpretation and Administration of the Comprehensive Plan.

1. The Board of County Commissioners shall have the authority and duty to weigh the relative importance and relevance of the various elements of the Sarasota County Comprehensive Plan, including the Primary Components of Apoxsee, as applied to specific development permits.

2. The decision of the Board of County Commissioners with respect to any development order shall be presumed to be consistent with the Sarasota County Comprehensive Plan. Formal, written findings by the Board of County Commissioners shall not be required with respect to whether a development order is consistent with the comprehensive plan. No decision of the Board of County Commissioners shall be overturned on the grounds of inconsistency with the comprehensive plan unless a court of competent jurisdiction determines that it is not at least fairly ascertainable that such decision is consistent with the Sarasota

STATE OF FLORIDA
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I HEREBY CERTIFY THAT THE
TRUE AND CORRECT COPY OF THE
HITTING OFFICE, WITH NO CHANGES
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KAREN E. HUGHES, CLERK OF THE CIRCUIT COURT
LA OFFICE CLERK TO THE BOARD OF COUNTY
COMMISSIONERS, SARASOTA COUNTY, FLORIDA
BY William Ray Geland
DEPUTY CLERK

*Apoxsee - The Revised and Updated Sarasota County
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County Comprehensive Plan.

3. The Board of County Commissioners may by resolution adopt and file with the Clerk of the Board Official Compilations of the Sarasota County Comprehensive Plan which shall be identified by the signature of the Chairman of the Board of County Commissioners, attested by the Clerk of the Board of County Commissioners, and bear the seal of the County under the words:

This is to certify that this is an official compilation approved by Resolution No. _____ on _____, 19____, pursuant to the provisions of Sarasota County Ordinance No. 89-18.

4. The Board of County Commissioners may by resolution replace for reasons of clarity or otherwise, any page, pages or portions of the official copy of Apoxsee, including the entire document on file with the Clerk of the Circuit Court, which shall supersede the prior page, pages or portions thereof; may correct drafting, typographical or other errors or omissions in the prior Apoxsee document, or page, pages or portions thereof; but no such correction shall amend the original Apoxsee document, or page, pages or portions thereof.

5. It shall be the duty of state and local government commissions, boards, agencies, departments, and officials to apply and carry out the Sarasota County Comprehensive Plan pursuant to the provisions of the Local Government Comprehensive Planning and Land Development Regulation Act.

6. The language and provisions of this ordinance, Apoxsee, and the Sarasota County Comprehensive Plan shall be construed in pari materia with Chapter 163, Part II, Florida Statutes, and Chapter 9J-5, F.A.C.

Section 6. No Taking or Abrogation of Vested Rights.

1. Nothing in this ordinance or the Sarasota County Comprehensive Plan shall be construed or applied to result in a temporary or permanent taking of private property without due process of law.

2. Nothing contained herein shall be construed as affecting validly existing vested rights. It shall be the duty and responsibility of the person alleging vested rights to demonstrate affirmatively the legal requisites of vested rights. Rights shall vest based upon a determination by the Board of County Commissioners that the person alleging vested rights:

(A) has relied in good faith,

(B) upon some act or omission of the government, and

(C) has made such a substantial change in position or incurred such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the rights he has acquired.

3. The Board shall adopt administrative procedures to afford due process to persons alleging vested rights.

4. The mere existence of zoning contrary to the Sarasota County Comprehensive Plan shall not be determined to vest rights.

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YARETH E. HUGHES, CLERK OF THE CIRCUIT COURT
EA OFFICER CLERK TO THE BOARD OF COUNTY
COMMISSIONERS, SARASOTA COUNTY, FLORIDA
BY: Julian Ray Gorman
DEPUTY CLERK

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5. Nothing contained herein shall limit or modify the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to Chapter 380, Fla. Stat., or who has been issued a final local development order prior to the effective date of this ordinance and development has commenced and is continuing in good faith, as provided by Section 163.3167(8), Florida Statutes (1987). "Final local development order" means construction plans for subdivision improvements, site and development plan approval for other types of development, or building permits.

Section 7. Applicability

1. The Sarasota County Comprehensive Plan shall be applicable throughout the unincorporated area of Sarasota County, Florida, and as otherwise provided by law.

Section 8. Effect on Other Ordinances.

1. This ordinance is not intended to repeal any existing county ordinance, except as provided in Section 8.2 hereof. Where this ordinance conflicts with another county ordinance the provisions of this ordinance shall prevail to the extent of such conflict except as otherwise provided herein.

2. This ordinance and the Sarasota County Comprehensive Plan adopted herein shall supercede the provisions of Sarasota County Ordinance No. 81-30 and the comprehensive plan adopted therein, as amended, upon the effective date of this ordinance.

Section 9. Severability. It is declared to be the intent of the Board of County Commissioners that 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 10. Effective Date. This ordinance shall take effect ninety days after its adoption.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 13th day of March, 1989.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

BY: [Signature]
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: Susan Kay Garland
Deputy Clerk

STATE OF FLORIDA
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