



# **Guidelines for Seeking Amendments to the *Sarasota City Plan***

**August 2009**



## Administrative Regulation No. 030.A006.0909

### Guidelines for Seeking Amendment to the *Sarasota City Plan*

#### I. Purpose

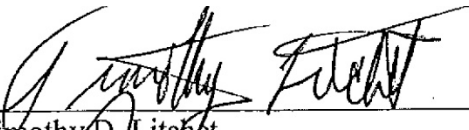
The purpose of this Administrative Regulation is to set forth the City of Sarasota's uniform procedures and format for the processing of requests to amend the *Sarasota City Plan*.

#### II. Definitions

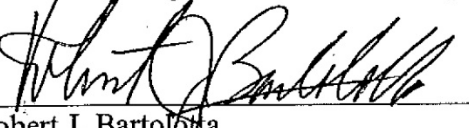
The *Sarasota City Plan* contains those statements of intent, goals, objectives, and action strategies adopted by the City Commission and all subsequent amendments.

#### III. Procedures

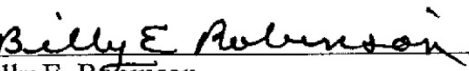
See Attached Guidelines pages 1 through 19, effective on the latest date reflected below.

  
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Timothy D. Litchet  
Director of Neighborhood and Development Services

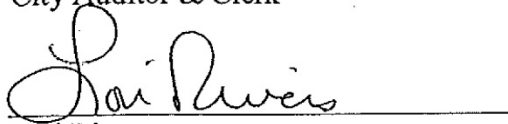
9/20/09  
Date

  
\_\_\_\_\_  
Robert J. Bartolotta  
City Manager

10-6-09  
Date

  
\_\_\_\_\_  
Billy E. Robinson  
City Auditor & Clerk

10-08-09  
Date

  
\_\_\_\_\_  
Lori Rivers  
Manager, City Records  
Regulation disseminated this date

10-13-09  
Date

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## A. Definitions

**Administrative Amendment** means any amendment initiated by the City Commission for the sole purpose of:

1. making the Sarasota City Plan consistent with applicable federal, state, or municipal laws, ordinances, regulations and rules as amended;
2. complying with the order of any court or other entity having subject matter jurisdiction;
3. addressing annexed parcels; or
4. a) pursuing modifications that clearly provide a public benefit as recommended by the City Manager in which the City is the applicant, or  
b) pursuing modifications recommended by the City Manager in which the City acts to initiate the application and in which the application is prepared and paid for by a non-city applicant.

**Applicant** means an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or other legal entity who undertakes to initiate an amendment to the Sarasota City Plan by filing an application with the City Auditor and Clerk.

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

**Chapter 9J-5, Florida Administrative Code** means the Rules of the Florida Department of Community Affairs, Division of Resource Planning and Management entitled “Minimum Criteria for Review of Local Government Comprehensive Plans and Determination of Compliance,” as amended.

**Chapter 9J-11, Florida Administrative Code** means the Rules of the Florida Department of Community Affairs, Division of Resource Planning and Management entitled “Governing the Procedure for the Submittal and Review of Local Government Comprehensive Plans and Amendments,” as amended

**Department** means the City of Sarasota Department of Neighborhood and Development Services.

**Development of Regional Impact** means development authorized pursuant to the provisions of Section 380.06 and 163.3187(1)(b), Florida Statutes, as amended.

**Emergency Amendment** means any amendment initiated by the City Commission to address any occurrence which results or may result in substantial injury or harm to the population or substantial damage to or loss of property or public funds, as authorized by Section 163.3187(1)(a), Florida Statutes.

**Guidelines** means this document entitled “Guidelines for Seeking Amendments to the Sarasota City Plan”.

**Local Planning Agency** means the City of Sarasota Planning Board as designated by Article III, Division 2, Section III-201 of the City’s Zoning Code and as required by Section 163.3174, Florida Statutes.

**Sarasota City Plan** is the comprehensive plan of the City of Sarasota which contains statements of intent, goals, objectives, and action strategies adopted by the City Commission.

**Small Scale Development Activities** means the types of comprehensive plan amendments described in Section 163.3187(1)(c), Florida Statutes.

**State Land Planning Agency or DCA** means the Florida Department of Community Affairs as defined by Section 163.3164(20), Florida Statutes.

**Zoning Code** means the Zoning Code, for the City of Sarasota.

## **B. Background and General Provisions**

### **1. Purpose**

The purpose of these guidelines is to provide Applicants seeking amendments to the Sarasota City Plan with information concerning data needs, procedures, and actions associated with the filing and processing of the amendment proposal.

### **2. Annual Amendment Schedule**

- a. Once each year except as provided in b. and c. below, the City Commission will consider all proposed amendments to the Sarasota City Plan, including those associated with Developments of Regional Impact and small scale development activities. Appendix I reflects the annual amendment schedule that is applicable to all petitions. All proposals will be processed collectively for consideration by the Local Planning Agency and the City Commission.
- b. The annual amendment schedule (Appendix I) does not apply to emergency amendments to the Sarasota City Plan. In accordance with Section 163.3187(1)(a), Florida Statutes, the City Commission shall adopt an amendment schedule by resolution in the event it determines that an emergency exists as defined therein.
- c. The annual amendment schedule (Appendix I) does not apply to administrative amendments which shall be processed subsequent to City Commission initiation. A schedule for processing these administrative amendments will be adopted by resolution of the City Commission at the time the amendments are initiated. The two types of administrative amendments are:
  1. modifications that clearly provide a public benefit as recommended by the City Manager in which the City is the applicant; or
  2. modifications recommended by the City Manager in which the City acts to initiate the application and in which the application is prepared and paid for by a non-City applicant.

### **3. Applicability**

- a. Small Scale Development Activity.

An applicant initiating an amendment to the Sarasota City Plan may request that the application be processed as a small scale development activity as described in Section 163.3187(1)(c), Florida Statutes. This request shall be accompanied with evidence to demonstrate that the application satisfies the criteria for small scale amendments. However, the final decision as to whether any petition shall be processed as a small scale development activity, regardless of whether the criteria found in Section 163.3187(1)(c) are met for the particular petition, shall be within the sole discretion of the

Director of Neighborhood and Development Services. This is due to the fact that certain petitions may pertain to land uses which have an impact within the community which is significant enough to warrant proceeding through both the “transmittal” and the “adoption” stage public hearing process.

The procedures outlined in Section C, C.1 through C.6, shall be applicable to small scale development activities. These procedures require only one public hearing before the Local Planning Agency and one public hearing before the City Commission. However, Sections C.7 through C.11 shall also apply to small scale development activities if the Director of Neighborhood and Development Services elects to make these additional procedures applicable as authorized by Section 163.3187(1)(c), Florida Statutes.

b. Capital Improvements.

The Capital Improvements Chapter shall be reviewed on an annual basis and modified as necessary during the annual budget process in order to maintain a financially feasible schedule of capital improvements. Notwithstanding any other provision of these guidelines, and in accordance with Sections 163.3187(2) and 163.3177(3)(b), Florida Statutes, any ordinance adopted by the City Commission to correct, update, or modify current costs, revenue sources, or accept facilities pursuant to dedication which are consistent with the plan shall not be deemed an amendment to the Sarasota City Plan. An amendment to the comprehensive plan is required to update the schedule on an annual basis in order to eliminate, defer, or delay the construction for any facility listed in the 5-year schedule. A Capital Improvements Chapter amendment shall require only a single public hearing before the City Commission.

c. Rules of Construction.

Notwithstanding any other provision of these guidelines, all requirements of Chapter 163, Part II, Florida Statutes, as it exists now or as it may subsequently be amended shall be applicable to any amendments to the Sarasota City Plan reviewed and processed pursuant to these guidelines. In case of a conflict between these guidelines and the Florida Statutes, the more restrictive regulations shall prevail. Any reference to the Florida Statutes shall be construed to be a reference to the most recent enactment of such statute, and shall include any amendments as may from time to time be adopted.

In computing any period of time prescribed herein, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday, or holiday, in which event the period shall run to the next day that is not a Saturday, Sunday, or holiday. All time periods include intermediate Saturdays, Sunday, and holidays.

#### **4. Application Form**

The Sarasota City Plan application form contains instructions for making application and associated data needs. The application form is located in the Development Application Forms provided by the Office of the City Auditor and Clerk.

#### **5. Community Workshop**

All non-City applicants seeking amendment(s) to the Sarasota City Plan's Future Land Use Map Series shall be required to hold a community meeting to inform the neighboring residents and business owners as to the nature of the proposal. This meeting will be in accordance with the "Community Meeting Guidelines" reflected by Appendix II.

For City-initiated amendments, a community workshop will be held for a Future Land Use Map (Illustration LU-6) amendment or may be held for a text amendment to the Goals, Objectives, or Action Strategies if the proposed amendment will impact a limited area or population of the City.

#### **6. Fees**

The fees for filing an application to amend the Sarasota City Plan are identified in the Development Application Forms provided by the City Auditor and Clerk.

#### **7. Concurrent Processing**

An application to amend the Sarasota City Plan may be accompanied by an application to amend the City of Sarasota's Zoning Code or an application seeking other approvals. All of these applications can be processed concurrently.

#### **8. Public Participation**

Procedures for public participation in the local government comprehensive planning process, including the update and amendment of the Sarasota City Plan, are reflected by Appendix III.

#### **9. Intergovernmental Coordination – Coordination by Notification**

Pursuant to the Sarasota City Plan's Governmental Coordination Plan, Objectives 1, 2, and 3, the City of Sarasota will coordinate with governmental entities on the development of state, regional and local plans with mutual impacts. In this regard, the Neighborhood and Development Services Department shall maintain an updated mailing list which shall include state, regional, and local government agencies. The Neighborhood and Development Services Department shall notify these agencies, in writing, when an application has been found complete. Copies of proposed amendments will be made available when requested. Interested



agencies may request to be included on the mailing list by contacting the Neighborhood and Development Services Department.

# C. Application Preparation and Review Process

## 1. Pre-Application Conference

- a. Except for administrative amendments, and in accordance with the annual amendment schedule (Appendix I), an applicant seeking to initiate a proposed amendment to the Sarasota City Plan shall submit a Development Application Form for a pre-application conference to the Office of the City Auditor and Clerk. A description of the proposed amendment and reason for the amendment shall be included in the request. If a small scale development activity is proposed, data relative to the criteria reflected by Section 163.3187(1)(c) shall also be provided.
- b. Upon receipt of the request, a pre-application conference will be scheduled in accordance with the annual amendment schedule (Appendix I). The pre-application meeting shall be held with the City's Development Review Committee (DRC). During the meeting, representatives of the Applicant and City government will discuss the proposal, the procedures for processing the proposed amendment, the petition forms to be used in submitting the application, and other relevant issues.
- c. In accordance with the annual amendment schedule (Appendix I), the staff will seek to identify and transmit to the applicant any additional provisions of the Sarasota City Plan and any other relevant City ordinances and resolutions, if any, which would require amendment in order to ensure internal consistency between the proposed amendment and those other documents.

## 2. Community Workshop

See Section B. 5.

## 3. Application Submittal and Completeness Review

- a. A complete application shall be filed in accordance with the annual amendment schedule (Appendix I) and shall include:
  - a completed Development Application Form;
  - a summary of the comments (i.e., minutes) received at the community workshop held on the proposed amendment;
  - a demonstration as to how the application addresses and is consistent with the applicable requirements of Chapter 163, Florida Statutes, and Chapters 9J-5 and 9J-11, Florida Administrative Code;
  - the application fee identified in the Development Application Form; and

- additional information as determined by the Neighborhood and Development Services Department which is unique to the proposed amendment as discussed at the pre-application meeting.
- b. After review of the application, and in accordance with the annual amendment schedule (Appendix I), the Department of Neighborhood and Development Services will transmit the results of its completeness review to the Applicant. If the application is found to be incomplete, the applicant shall be requested to supplement the application with an addendum and submit that addendum to the Office of the City Auditor and Clerk in accordance with the annual amendment schedule (Appendix I).
  - c. Once the application is found to be complete, and in accordance with the annual amendment schedule (Appendix I), the Neighborhood and Development Services Department will advise the City Commission, the Local Planning Agency, other City departments, and other agencies that are part of the City's governmental coordination activities (Section B.9. above). In addition, if an amendment to the Future Land Use Map Series is proposed, the City Auditor and Clerk shall notify property owners within 500 feet of the subject parcel that the application has been submitted.

#### **4. Substantive Review and Analysis**

- a. In accordance with the annual amendment schedule (Appendix I), the Neighborhood and Development Services Department will, in conjunction with other City agencies, undertake the analysis of the application. This review will be done to determine consistency with the Sarasota City Plan and compliance with other relevant City ordinances and resolutions and, if necessary, to identify any financial support expected from the City such as that necessary for the maintenance of adopted levels of service. This analysis shall also address the consistency of the proposed amendment with the applicable requirements of Chapters 163 and 187, Florida Statutes, and Chapters 9J-5 and 9J-11, Florida Administrative Code.
- b. As a result of its analysis, the Neighborhood and Development Services Department will prepare a report and recommendation in accordance with the annual amendment schedule (Appendix I) and transmit this report and the amendment request to the Local Planning Agency.

#### **5. Local Planning Agency Transmittal Public Hearing (see item B.3.a. above)**

- a. The Local Planning Agency shall hold a transmittal stage public hearing for all proposed amendments to the Sarasota City Plan in accordance with the annual amendment schedule (Appendix I); except for Emergency Amendments and small scale development activities where no transmittal public hearing is required and this hearing is the adoption hearing.

- b. Notice of the public hearing shall be given at least fifteen (15) days prior to the public hearing by publication in a newspaper of general circulation in the City.
- c. The public hearing may be continued from time to time as necessary.
- d. Public participation in the review process is reflected by Appendix III.
- e. At the close of the public hearings, the Local Planning Agency shall make a recommendation for transmittal of the proposed amendment by the adoption of an appropriate resolution and shall promptly transmit the proposed amendment and recommendation to the City Commission.
- f. If the Local Planning Agency is considering a proposed small scale development activity, it shall make a recommendation by the adoption of a resolution to approve, approve with modifications or deny the proposed amendment.

**6. City Commission Transmittal Public Hearing (see item B.3.a. above)**

- a. In accordance with the annual amendment schedule (Appendix I), the City Commission will hold a transmittal stage public hearing for all proposed amendments; except small scale development amendments (including administrative amendments and emergency amendments which are determined to be small scale development amendments) where no transmittal public hearing is required. For those small scale amendments this hearing is the adopting hearing.
- b. Notice of the public hearing shall be given at least fifteen (15) days prior to the public hearing by publication in a newspaper of general circulation in the City.
- c. The public hearing may be continued from time to time as necessary.
- d. Public participation in the review process is reflected by Appendix III.
- e. The City Commission may approve or approve with modifications, through the adoption of an appropriate resolution, a proposed Sarasota City Plan amendment for transmittal to the Florida Department of Community Affairs. The City Commission may also deny the proposal. The City Commission may disapprove the transmittal of the proposed amendment if the proposed amendment is denied.

The affirmative vote of four (4) City Commissioners (a supermajority) shall be required to authorize the transmittal of a comprehensive plan amendment to the Department of Community Affairs and to other governmental agencies. However, an amendment to assign a Future Land Use Map

classification to a parcel of real property newly annexed into the City which had not previously been classified on the City Future Land Use Map shall be exempted from the supermajority vote requirement for transmittal.

- f. If the City Commission is considering a proposed small scale development activity, it may remand the proposal back to the Local Planning Agency for further study, approve, approve with modifications, or deny this application. Any approval will be done by adoption of an ordinance.

The affirmative vote of four (4) City Commissioners (supermajority) shall be required to adopt a small scale Future Land Use Map amendment. An amendment to assign a Future Land Use Map classification to a parcel of real property newly annexed into the City which has not previously been classified on the City Future Land Use Map shall be exempted from the supermajority vote requirement for adoption.

## **7. Transmittal of the Proposed Amendment to the Florida Department of Community Affairs (DCA), and other Agencies for Review And Comment**

- a. In accordance with the annual amendment schedule (Appendix I), the City Commission will transmit the proposed amendment, any proposed changes to the amendment made by the City Commission, the staff analysis, and the Local Planning Agency recommendation to DCA and may request that DCA review the amendment transmitted by the City Commission and submit its comments, recommendations, and objections, if any, to the City.
- b. In accordance with Chapter 163.3184(6), Florida Statutes, the Department of Community Affairs may review the proposed amendment and return its written comments, objections, and recommendations, if any, to the City within 60 days from receipt of the proposed amendment.

## **8. Local Planning Agency Review and Action Subsequent to Receipt of DCA Response (if necessary)**

- a. In accordance with the annual amendment schedule (Appendix I), the Director of Neighborhood and Development Services shall determine whether the DCA's response contains issues of substance, as opposed to formatting and technical issues, which would warrant a second public hearing by the Local Planning Agency and shall notify the Local Planning Agency accordingly. In the event that such a public hearing is necessary, the public hearing shall be noticed at least fifteen (15) days prior to the public hearing by publication in a newspaper of general circulation in the City.
- b. Public participation in the review process is reflected by Appendix III.

- c. Subsequent to the public hearing, if one is held, the Local Planning Agency shall make a recommendation to the City Commission as to whether the amendment should be adopted, adopted with modifications, or denied. Transmittal of the recommendation to the City Commission will be accompanied by the DCA response.
- d. If a public hearing by the Local Planning Agency is not held, the Department of Neighborhood and Development Services shall make a recommendation to the City Commission as to whether the amendment should be adopted, adopted with modifications, or denied. Transmittal of the recommendation to the City Commission will be accompanied by DCA's response.

**9. City Commission Review and Action Subsequent to Receipt of DCA Response and LPA Recommendation**

- a. In accordance with the annual amendment schedule (Appendix I), the City Commission shall notice and commence a public hearing on the proposed amendment pursuant to the provisions of Section 163.3184(15), Florida Statutes.
- b. Public participation in the review process is reflected by Appendix III.
- c. Subsequent to the public hearing, the City Commission may, by ordinance, adopt or adopt with modifications the proposed amendment. The City Commission may also deny the proposal.

The affirmative vote of four (4) City Commissioners (a supermajority) shall be required to adopt the following types of amendments:

- a Future Land Use Map amendment (large scale amendment);
- a text amendment to increase the maximum allowable dwelling unit density within any of the future land use classifications;
- a text amendment to increase the maximum allowable height within any of the future land use classifications;
- a text amendment to increase the maximum allowable floor area ratio within any of the future land use classifications; or
- a text amendment to add any new future land use classification.

However, an amendment to assign a Future Land Use Map classification to a parcel of real property newly annexed into the City which has not previously been classified on the City Future Land Use Map shall be exempted from the supermajority vote requirement for adoption.

## **10. Transmittal to the Florida Department of Community Affairs for Compliance Review of Approved Amendment**

In accordance with the annual amendment schedule (Appendix D), the ordinance adopting the amendment and any statements of change from the initial transmittal (see Section C.7.) shall be transmitted to DCA.

## **11. Notice of Compliance by the Department of Community Affairs**

- a. In accordance with Section 163.3184(8), Florida Statutes, DCA shall, within 45 days from receipt of the amendment, publish a notice of intent to find the amendment in compliance or not in compliance with Sections 163.3177, 163.3178, and 163.3191, Florida Statutes; the State Comprehensive Plan; Chapter 9J-5 of the Florida Administrative Code; and the policy plan of the Southwest Florida Regional Planning Council regional plans and policies.
- b. Approval of an amendment by the City Commission becomes effective 22 days after the DCA issues a notice of intent to find the amendment in compliance unless an administrative challenge is filed.

## **D. APPENDICES**

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# Appendix I

## Annual Amendment Schedule <sup>(1)</sup>

|                             | ACTIVITY  | TIME LINE   | CUMULATIVE ELAPSED TIME <sup>(2)</sup> |
|-----------------------------|---|---|--|
| 1                           | REQUEST FOR A PRE-APPLICATION CONFERENCE  | RECEIVED BY THE 4 <sup>TH</sup> WEDNESDAY OF MAY  | 0 DAYS                                 |
| 2                           | PRE-APPLICATION CONFERENCE  | HELD NO LATER THAN THE 4 <sup>TH</sup> WEDNESDAY OF JUNE  | 28 DAYS                                |
| 3                           | COMMUNITY WORKSHOP  | HELD NO LATER THAN THE 2 <sup>ND</sup> WEDNESDAY OF AUGUST  | 70 DAYS                                |
| 4                           | APPLICATION SUBMITTAL FOR COMPLETENESS REVIEW                                       | RECEIVED NO LATER THAN THE 4 <sup>TH</sup> WEDNESDAY OF AUGUST  | 91 DAYS                                |
| 5                           | COMPLETENESS REVIEW   | COMPLETED NO LATER THAN THE 4 <sup>TH</sup> WEDNESDAY OF SEPTEMBER  | 119 DAYS                               |
| 6                           | SUBMITTAL OF ADDITIONAL DATA (if necessary)   | RECEIVED BY THE 2 <sup>ND</sup> WEDNESDAY OF OCTOBER  | 133 DAYS                               |
| 7                           | SUBSTANTIVE REVIEW AND ANALYSIS   | COMPLETED NO LATER THAN THE 2 <sup>ND</sup> WEDNESDAY OF DECEMBER   | 197 DAYS                               |
| 8                           | LOCAL PLANNING AGENCY PUBLIC HEARING  | COMPLETED NO LATER THAN THE 4 <sup>TH</sup> WEDNESDAY OF JANUARY  | 239 DAYS                               |
| 9                           | CITY COMMISSION <sup>(3)</sup> PUBLIC HEARING                                       | COMPLETED NO LATER THAN THE 3 <sup>RD</sup> WEDNESDAY OF MARCH  | 295 DAYS                               |
| -----SEE NOTE #1 BELOW----- |   |   |  |
| 10                          | REVIEW OF CITY COMMISSION ACTION (STEP 9) COORDINATED BY DCA AND COMMENTS SUBMITTED | COMPLETED NO LATER THAN THE 4 <sup>TH</sup> MONDAY OF MAY   | 363 DAYS                               |
| 11                          | LOCAL PLANNING AGENCY FINAL REVIEW AND ACTION, AS NEEDED                            | COMPLETED NO LATER THAN THE 2 <sup>ND</sup> MONDAY OF JULY  | 412 DAYS                               |
| 12                          | CITY COMMISSION SECOND PUBLIC HEARING   | COMPLETED NO LATER THAN THE 2 <sup>ND</sup> MONDAY OF AUGUST  | 440 DAYS                               |
| 13                          | ADOPTION AND FORWARD TO DCA FOR COMPLIANCE REVIEW                                   | COMPLETED NO LATER THAN THE 3 <sup>RD</sup> MONDAY OF SEPTEMBER   | 475 DAYS                               |
| 14                          | NOTICE OF COMPLIANCE BY DCA APPEAL PERIOD AND EFFECTIVE DATE IF NO APPEAL           | COMPLIANCE REVIEW COMPLETED BY DCA 45 DAYS AFTER RECEIPT OF AMENDMENT; EFFECTIVE DATE IS 22 DAYS AFTER ISSUANCE OF DCA NOTICE OF INTENT | 520 DAYS                               |

**NOTES:**

- (1) Comprehensive Plan amendments that qualify as small scale development activities are processed through step #9 only and are not required to be reviewed by the Department of Community Affairs nor is a second public hearing required by either the Local Planning Agency or the City Commission.
- (2) Values found under the “Cumulative Elapsed Time” column are approximate and will vary with changing calendar years.
- (3) Approval of a small scale development activity by the City Commission (See Step 9 above) becomes effective 31 days after the ordinance is adopted (on second reading) unless an administrative challenge is filed.

## **Appendix II**

### **Community Meeting Guidelines**

The City requires all private sector Applicants requesting a change to the Future Land Use Map Series to hold a community workshop prior to filing their application. The purpose of the workshop is to inform the neighboring residents and business owners of the nature of the proposed development, explain the site and development plan, if any, and to solicit suggestions and concerns. This workshop shall be announced and conducted by the applicant or his/her representative(s). The City's Neighborhood and Development Services Department will assist in facilitating the community meeting. Please call (941) 954-2612 to arrange the meeting.

**Location:** It is required that the meeting be held at a local community facility (such as a church meeting room, school, fire station, or other facility open to the general public) that is located as close to the subject site as possible or, if need be, at City Hall. Community meetings shall not be held at the office of the applicant or at the offices of the applicant's agents or consultants. It is the Applicant's responsibility to schedule the meeting facility.

**Time:** The meeting shall be conducted on a weekday evening with a starting time of between 5:30 p.m. to 7:30 p.m.

**Notification:** The City Auditor & Clerk's Office shall notify by mail all property owners within 500 feet of the subject site of the proposed amendment. This written notice shall reach these property owners at least 15 days before the date of the workshop. The Director of Neighborhood and Development Services reserves the right to expand the notification boundary as deemed necessary. In addition, all affected neighborhood associations, who are registered with the City Auditor and Clerk, shall be notified.

The notification shall include but not be limited to the following information:

1. Applicant's name and telephone number;
2. The street address of the amendment site with an identification map;
3. If applicable, the name by which the site is commonly known;
4. A clear explanation of the Applicant's proposal as it relates to the comprehensive plan; and
5. The correct time, day, date and location where the meeting is to be held.

**Meeting:** The meeting is to be conducted by the applicant or his/her representative. It is the Applicant's responsibility to provide all visual aids. City staff will be in attendance to answer administrative questions.

Applicants must include a copy of the notification sent out, a sign-up sheet, a summary of the materials presented and issues raised at the time of Development Application Form submittal by the fourth Wednesday in August.

## **Appendix III**

### **Public Participation Activities**

In accordance with Section 163.3181, Florida Statutes, and Chapter 9J-5.004 and 9J-5.005, Florida Administrative Code, the following public participation procedures shall be followed during the review and processing of proposed amendments to the Sarasota City Plan.

- A. Notice Procedures - In addition to the public notice requirements set forth in Chapter 163, Part II, Florida Statutes, the following procedures shall apply:
1. The Neighborhood and Development Services Department shall maintain a mailing list reflecting those persons who have noted an interest in the comprehensive planning process. Additional names will be placed upon the mailing list upon the filing of a written request with the Neighborhood and Development Services Department. The Department shall mail to those upon the mailing list notices and agendas of public hearings or workshops to be held by the Local Planning Agency or City Commission pertaining to proposed amendments or updates to the Sarasota City Plan. Additionally, upon receiving a written request from a person upon the mailing list, the Department shall make available to such person documentation pertaining to the amendment process, such as minutes, preliminary or final drafts, and other relevant information as requested.
  2. If an amendment to the Future Land Use Map Series is proposed, the City Auditor and Clerk shall notify property owners within 500 feet of the subject parcel at the time that the application is found to be complete. Additionally, the Neighborhood and Development Services Department will advise the City Commission, the Local Planning Agency, other City departments, and other agencies that are part of the City's governmental coordination activities whenever any proposed amendment is found to be complete.
  3. The Neighborhood and Development Services Department shall cause a notice to be advertised in a newspaper of general circulation within the City of Sarasota, of all public hearings or workshops held by the Local Planning Agency or the City Commission, at least fifteen (15) days prior to the date of said public hearing or workshop. Said notice shall state the date, time, place and subject of the public hearing or workshop, the procedure for submitting written comments, and that copies of the agenda and that any drafts of the amendment or update may be obtained in the Neighborhood and Development Services Department. The notice shall also state that any person may appear at the public hearing or workshop and be heard regarding the topic to be discussed. The advertisement specified in Section 163.3184(15)(b), Florida Statutes, as amended, shall apply to the adoption stage public hearings and transmittal stage public hearings held by the City Commission.
- B. Written Comments - The general public is encouraged to submit written comments pertaining to a proposed amendment or update of the Sarasota City Plan. Comments may

be mailed, emailed, or delivered in person to the Neighborhood and Development Services Department and will become part of the record for the subject petition.

- C. Public Hearings - In addition to the requirements for transmittal stage and adoption stage public hearings specified in Chapter 163.3184(15)(b), Florida Statutes, as amended, the following procedures shall apply:
1. The Neighborhood and Development Services Department shall schedule all public hearings and any workshops to be held by the Local Planning Agency and the City Commission for the purpose of receiving public input concerning proposed amendments or updates to the Sarasota City Plan. Said public hearings or workshops shall be advertised pursuant to Paragraph A(2) hereof and shall be held at locations readily accessible by the general public, within the City of Sarasota. The general public is hereby encouraged to submit written comments to the Local Planning Agency at said public hearings or workshops. The general public is hereby encouraged to attend the public hearings or workshops and participate in open discussions concerning proposed site specific amendments or updates of the Sarasota City Plan. The Department shall make available for public inspection the minutes of all such public hearings or workshops.
- D. Dissemination of Information - The Neighborhood and Development Services Department shall make all proposed amendments and associated documents available for inspection by the general public at the Neighborhood and Development Services Department located at City Hall, 1565 First Street, Annex Building, 3<sup>rd</sup> Floor, Sarasota, Florida. Copies of proposed updates of and amendments to the Sarasota City Plan shall be available, for no charge, to members of the general public at the Department, prior to final adoption of the proposed update by the City Commission.

Subsequent to final adoption of the proposed amendment or update of the Sarasota City Plan, the Department may charge a reasonable fee for the distribution of copies of the adopted amendment or update. Said fee shall not exceed the “actual cost of duplication” pursuant to Chapter 119, Florida Statutes, as amended.

## **Appendix IV**

### **Administrative Interpretations**

The Director of the Neighborhood and Development Services Department is responsible for administering the Sarasota City Plan. This responsibility includes the rendering of administrative interpretations of the Sarasota City Plan.

#### A. Interpretation of Comprehensive Plan

Administrative interpretations are generated in response to individuals seeking to clarify the meaning or application of the Sarasota City Plan. Administrative interpretations are binding upon the Department unless the City Commission reverses or modifies the interpretation upon its own motion or upon an appeal pursuant to Section B below. However, and due to the narrow focus of an interpretation, it is not binding upon the City as it relates to any recommendation or decision related to a comprehensive plan amendment.

Anyone requesting an administrative interpretation should submit the specifics of the inquiry to the Director of the Neighborhood and Development Services Department in writing. The Director will respond in writing within twenty-one (21) days from receipt of the request. The interpretation shall be mailed to the requesting party.

All administrative interpretations will be kept on file for review by the public at the office of the Neighborhood and Development Services Department.

#### B. Appeal from an Administrative Interpretation

The person or entity who requested the administrative interpretation may appeal the interpretation after same is issued in writing by the Director of the Neighborhood and Development Services Department by filing a notice of appeal in letter form with the City Auditor and Clerk's Office within fifteen (15) days after the written interpretation was mailed. The Neighborhood and Development Services Department shall place the appeal on one of the two following regularly scheduled Planning Board (Local Planning Agency) meeting agendas. The Planning Board shall make a recommendation to the City Commission as to the disposition of the appeal. Within ten (10) days of the Planning Board's recommendation, the Neighborhood and Development Services Department shall prepare an Agenda Request for submission to the City Auditor and Clerk's Office to place the item on a City Commission meeting agenda. The City Commission shall hear the Neighborhood and Development Services Department staff and the appealing party with respect to the appeal and shall approve or deny the appeal. The Planning Board and the City Commission are not required to schedule a public hearing in order to hear and decide an appeal from an administrative interpretation of the Sarasota City Plan.