

5. Housing and Planning

Re-establishing permanent housing for disaster victims is a key element for successful long-term recovery. Rebuilding will take time, and the ability of the community to provide adequate temporary housing during this period is critical to ensuring residents return. Many residents will require assistance in locating temporary housing, understanding disaster assistance programs, wading through insurance claims, finding reputable contractors, understanding their renter's rights, and making decisions on whether to rebuild their home, to name a few. All residents will need clear guidance from local government on the process and methods they can use in rebuilding, and this is an opportunity to promote inclusion of hazard mitigation as well. Decisions made about rebuilding housing can directly affect the neighborhood fabric of the community and therefore should be made in consultation with the local comprehensive plan and be based on the community's vision for the future.



Housing being rebuilt in the Gulf Coast region following hurricane destruction.

Comprehensive planning is another critical component of post-disaster recovery and redevelopment. Changes in land use and zoning can be one of the most effective ways to reduce future risk in highly vulnerable areas—especially to residential areas. Decisions to rebuild a more resilient community, however, will inevitably involve controversial issues such as land use, density, private property rights, public access, and environmental protection. These decisions will likely require much discussion and buy-in from multiple stakeholders. It is therefore important to address the topic of planning and rebuilding in the pre-disaster period to allow ample time for thoughtful actions. Ideally, any discussion on the topic of planning for and rebuilding from a natural hazard should reflect the community's input, and integrate Sarasota County's Comprehensive Plan goals and other community documents as appropriate.



Storm surge damage along the Mississippi coast from Hurricane Katrina (FEMA).

5.1 HOUSING

Housing Recovery Goal

Sarasota County will assist residents to rebuild their homes to be more resilient to future disasters while providing displaced residents with safe, temporary accommodations until they can return to permanent dwellings.

Housing Recovery Issues

1. **Temporary housing siting criteria and regulations** – Establishing a site for temporary housing can require a large investment in infrastructure, including roads, sewer and water treatment, and electric distribution. Although temporary in nature, these sites may be active for two or more years. Potential sites should ideally be pre-selected, located near employment centers, and have access to public transportation. Temporary housing also can be placed on individual lots, if regulations are in place before the disaster.
2. **Rapid repair permitting, phased approach to rebuilding** – Current permitting processes in Sarasota County could be temporarily modified to speed rebuilding in areas that are not severely impacted by the disaster. Areas that are severely impacted may be best redeveloped through a phased approach of permitting to allow for extra planning that may be needed.
3. **Code enforcement and contractor licensing** – Rebuilding from a disaster provides an opportunity to mitigate future hazard impacts and build back a more resilient community. Strict building code enforcement is a way to ensure that housing is rebuilt to current standards. After a disaster, there also could be an influx of contractors into the county, who may or may not be licensed. Public education, as well as enforcement, may be needed.
4. **Adequate construction materials/debris material reuse** – The high demand for supplies needed to do repair work after a disaster could result in a sharp rise in prices for materials, and shortages could possibly delay rebuilding progress. At the same time, many reusable building materials may be mixed with other types of debris and hauled away.
5. **Available contractors and skilled construction workers** – The high demand for estimates and construction work from a limited amount of contractors and construction workers could translate into long delays in rebuilding. Actions can be taken to encourage quality, licensed contractors and workers are available for repairs and rebuilding.
6. **Funding assistance and under-insured problems** – Many residents will not be financially able to rebuild or relocate within the county without government assistance. FEMA Individual Assistance and Small Business Administration loans will cover most of those in need, but some may need additional assistance with understanding the process and eligibility requirements. Many homeowners may find they are underinsured and do not have coverage for all of the damage that has occurred. Efforts to address funding and insurance can occur both pre- and post-disaster.
7. **Including hazard mitigation during rebuilding** – After a disaster, there may be a rush to rebuild, as people wish to return to normalcy. Often in the rush, they bypass opportunities to include hazard mitigation so that the same destruction does not happen again. Some may forgo hazard mitigation improvements due to extra cost or lack of information.

8. **Historic structures restoration** – Historic structures can be particularly vulnerable to damage due to their age, and repair of these homes must meet certain requirements to maintain their character, particularly if they are on the U.S. Register of Historic Places.
9. **Abandoned homes** – After a disaster, some community members may choose not to return to their homes or not have the means to repair them, which could result in sporadic blight throughout the county. The majority of a neighborhood may rebuild, but a few individual homes may not.

5.2 HOUSING PRE-DISASTER ACTIONS



Housing Pre-Disaster Action Plan

Pre-Disaster Action	Estimated Timeframe		Mechanism for Implementation	Lead Implementing Agency	Potential Resources or Funding
	Start	Duration			
Issue: Temporary Housing Siting Criteria and Regulations					
1) Establish policy to allow for approved temporary housing structures to be placed on private property during reconstruction. Include clauses that allow for extensions if initial time periods are not adequate.	January 2010	3 months	New Policy	<ul style="list-style-type: none"> Sarasota County Zoning Administration City of Sarasota Zoning City of Venice Planning and Zoning City of North Port Planning and Zoning City of Longboat Key Planning and Zoning 	Staff Time
2) Draft MOUs with companies that produce manufactured housing.	June 2010	6 months	New Procedure	<ul style="list-style-type: none"> Sarasota County Planning and Development Services 	Staff Time
3) Identify a list of potential companies that produce manufactured housing with building code requirements.			New Procedure	<ul style="list-style-type: none"> Sarasota County Planning and Development Department 	
4) Locate suitable parcels for the placement of temporary housing units (tents or trailers) and ensure these parcels have adequate access to infrastructure and would be compatible with adjacent land use for temporary housing.			Existing Procedure	<ul style="list-style-type: none"> Sarasota County Planning and Development Department Sarasota County Emergency Management Sarasota Office of Housing and Community Development 	
5) Identify permit expediting procedures from the County/city building departments and FDOH.			Existing Procedure	<ul style="list-style-type: none"> Sarasota County Zoning Administration City of Sarasota Zoning City of Venice Planning and Zoning City of North Port Planning and Zoning City of Longboat Key Planning and Zoning 	



Housing Pre-Disaster Action Plan

Pre-Disaster Action	Estimated Timeframe		Mechanism for Implementation	Lead Implementing Agency	Potential Resources or Funding
	Start	Duration			
Issue: Rapid Repair Permitting, Phased Approach to Rebuilding					
1) Evaluate County and municipalities' rapid permitting guidelines and prioritization process and look for opportunities to streamline and standardize.	March 2010	3 Months	Existing Procedure	<ul style="list-style-type: none"> Sarasota County Planning and Development Services City of Sarasota Building Department City of Venice Building and Code Enforcement City of North Port Building Department Town of Longboat Key Building Division 	Staff Time
2) Identify existing infrastructure (roads, utilities) that would support temporary housing.			New Procedure	<ul style="list-style-type: none"> Sarasota County Planning and Development Department Sarasota County Emergency Management Sarasota County Area Transit 	
Issue: Code Enforcement and Contractor Licensing					
1) Conduct educational workshops and seminars for HOAs concerning build-back rules and code enforcement (these classes can be expanded to address other issues such as insurance and homeowner liability).	June 2010	On-going	New Program	<ul style="list-style-type: none"> Sarasota County Code Enforcement Sarasota County Communications Department 	Staff time
2) Launch public outreach campaign to educate the public about build-back rules, code enforcement, and tips about hiring contractors. Outreach methods can include: mail outs, public service announcements, newspapers, websites, church bulletins, community newsletters, twitter.	June 2010	On-going	New Program	<ul style="list-style-type: none"> Sarasota County Code Enforcement Sarasota County Communications Department 	Staff Time



Housing Pre-Disaster Action Plan

Pre-Disaster Action	Estimated Timeframe		Mechanism for Implementation	Lead Implementing Agency	Potential Resources or Funding
	Start	Duration			
Issue: Adequate Construction Materials/Debris Material Reuse					
1) Issue MOUs with construction material wholesalers so that adequate materials are being delivered to the County during reconstruction	January 2011	3 Months	New Procedure	<ul style="list-style-type: none"> Sarasota County Planning and Development Services 	Staff Time
Issue: Available Contractors and Skilled Construction Workers					
1) Research the licensing requirements of neighboring states and develop processes to validate out-of-state licenses in Sarasota County.	June 2010	6 Months	New Procedure	<ul style="list-style-type: none"> Sarasota County Planning and Development Services 	Staff Time
Issue: Funding Assistance and Under-insured Problems					
1) Review sources of funding assistance and establish directory of criteria and program parameters (including CDBG, SHIP, HOME, FEMA, USDA, Florida Housing Finance Corporation, Older Americans Patriot Act, and Hazardous Mitigation Grant Program) to be distributed to the public at DRCs following a disaster.	Sept. 2010	6 Months	Existing Procedure	<ul style="list-style-type: none"> Sarasota County Planning and Development Services 	Staff Time
2) Organize programs to educate residents about having adequate insurance.	June 2010	On-going		<ul style="list-style-type: none"> Sarasota County Planning and Development Services; Sarasota County Communications Department 	



Housing Pre-Disaster Action Plan

Pre-Disaster Action	Estimated Timeframe		Mechanism for Implementation	Lead Implementing Agency	Potential Resources or Funding
	Start	Duration			
Issue: Including Hazard Mitigation During Rebuilding					
1) Review building codes and look for opportunities to implement additional hazard mitigation practices into rebuilding.	Sept. 2011	3 Months	Existing Procedure	<ul style="list-style-type: none"> Sarasota County Code Enforcement City of Sarasota Code Compliance City of Venice Building and Code Enforcement City of North Port Building Department Town of Longboat Key Code Enforcement 	Staff Time
2) Create policy to incentivize incorporating green building techniques and mitigation into new construction.	January, 2012	6 Months	New Policy	<ul style="list-style-type: none"> Sarasota County Code Enforcement City of Sarasota Code Compliance City of Venice Building and Code Enforcement City of North Port Building Department Town of Longboat Key Code Enforcement 	
3) Examine all of the current non-conforming uses and determine how the city will address these uses should the property be damaged beyond 50%, leaving property owners unable to rebuild their home or business				•	
4) Contract for emergency building inspection services prior to an event			New Procedure	•	
Issue: Historic Structures Restoration					
1) Map and inventory the existing historic structures to determine vulnerability to disaster events.	April, 2011	3 Months	Existing Procedure	<ul style="list-style-type: none"> Sarasota County History Center Sarasota County Planning and Development Services 	Staff Time; GIS
2) Work with the local historic preservation committee to determine if current				<ul style="list-style-type: none"> Sarasota County History Center Sarasota County Planning 	Disaster Planning for Florida's Historic



Housing Pre-Disaster Action Plan

Pre-Disaster Action	Estimated Timeframe		Mechanism for Implementation	Lead Implementing Agency	Potential Resources or Funding
	Start	Duration			
guidelines are compatible with weather proofing and other forms of hazard mitigation risk reduction and disaster preparedness.				Dept <ul style="list-style-type: none"> Sarasota County Historical Commission Sarasota Historical Society Community Historic Coalition 	Resources, 1000 Friends of Florida, Division of Historical Resources (DHR) at the Dept of State, Dept of Community Affairs
3) Consider all options for most vulnerable structures, such as relocation.				<ul style="list-style-type: none"> 	

Issue: Abandoned Homes

1) Review State Building Codes that address abandoned homes	April, 2010	3 Months	Existing Procedure	<ul style="list-style-type: none"> Sarasota County Code Enforcement 	Staff Time
2) Create a contact list of property owners most likely to be affected from a disaster in order to contact them once their property has been assessed and inspected post-disaster			New Procedure	<ul style="list-style-type: none"> Sarasota County Emergency Management Sarasota County Planning and Development Services 	
3) Determine what land use laws are in place regarding timeframes for property owners before/if land becomes county or state property if it remains abandoned or taxes are not paid for a certain length of time			New Procedure	<ul style="list-style-type: none"> Sarasota County Emergency Management Sarasota County Planning and Development Services 	

5.3 HOUSING POST-DISASTER ACTIONS



Housing Post-Disaster Action Plan

Post-Disaster Action	Estimated Timeframe	Mechanism for Implementation	Lead Implementing Agency	Potential Resources or Funding
Issue: Temporary Housing Siting Criteria and Regulations				
1) Coordinate with Federal/State and local environmental/health and public safety organizations to conduct environmental testing on identified temporary housing sites to ensure sites meet all health and safety regulations.		New Procedure	<ul style="list-style-type: none"> Sarasota County Planning and Development Sarasota County Solid Waste Sarasota County Public Works 	
2) Coordinating short term rentals that are not affected by the disaster for displaced residents through some form of web-based portal/community bulletin board or community information centers.		New Procedure	<ul style="list-style-type: none"> Sarasota County Planning and Development Services Sarasota County Emergency Management 	
3) Identify site requirements (e.g., site preparation, utilities) and establishing baseline for returning site to pre-disaster condition for pre-identified potential temporary group housing sites in the county.		New Procedure	<ul style="list-style-type: none"> Sarasota County Planning and Development 	



Housing Post-Disaster Action Plan

Post-Disaster Action	Estimated Timeframe	Mechanism for Implementation	Lead Implementing Agency	Potential Resources or Funding
Issue: Rapid Repair Permitting, Phased Approach to Rebuilding				
1) Incentivize mitigation methods during reconstruction	Ongoing, no end date	New Program	<ul style="list-style-type: none"> Sarasota County Planning and Development Services City of Sarasota Building Department City of Venice Building and Code Enforcement City of North Port Building Department Town of Longboat Key Building Division 	
Issue: Code Enforcement and Contractor Licensing				
1) Launch public outreach campaign to educate the public about build-back rules, code enforcement, and tips about hiring contractors. Outreach methods can include: mail outs, public service announcements, newspapers, websites, church bulletins, community newsletters, twitter	Ongoing, no end date	New Program	<ul style="list-style-type: none"> Sarasota County Code Enforcement Sarasota County Communications Department 	
2) Institute temporary licensing for out-of-state contractors.	Short-term (disaster event-30 days to 5 th year)	New Procedure	<ul style="list-style-type: none"> Sarasota County Code Enforcement 	
Issue: Adequate Construction Materials/Debris Material Reuse				
1) Launch public outreach campaign to instruct public about properly separating debris so that reusable materials can be salvaged.	Short-term (disaster event-30 days to 2 nd year)	New Program	<ul style="list-style-type: none"> Sarasota County Solid Waste Sarasota County Communications Department 	



Housing Post-Disaster Action Plan

Post-Disaster Action	Estimated Timeframe	Mechanism for Implementation	Lead Implementing Agency	Potential Resources or Funding
2) Reuse concrete debris to pave roads.	Short-term (disaster event-30 days to 5 th year)	New Program	<ul style="list-style-type: none"> Sarasota County Solid Waste 	
Issue: Available Contractors and Skilled Construction Workers				
1) Locate contractors, permitting, and code experts at DRCs.	Ongoing, no end date	Existing Procedure	<ul style="list-style-type: none"> Sarasota County EOC 	
Issue: Funding Assistance and Under-insured Problems				
1) Organize programs to educate residents about homeowners' and renters' insurance.	Short-term (disaster event-30 days to 5 th year)	New Program	<ul style="list-style-type: none"> Sarasota County Planning and Development Services Sarasota County Communications Department 	
2) Review and pursue buy out options with FEMA and other appropriate agencies of repetitive flooding properties and severe repetitive flooding properties		New Program	<ul style="list-style-type: none"> Sarasota County Building Department Sarasota County Planning Department 	
Issue: Including Hazard Mitigation During Rebuilding				
1) Develop public outreach campaign to educate residents and builders as the techniques, best practices and the benefits of including mitigation even if not required by code.			<ul style="list-style-type: none"> 	Insurance companies, building departments, building associations
2) Identify and channel financial assistance into hazard mitigation programs while residents and businesses are rebuilding damaged property, specifically the 25% match requirement on the HMGP.			<ul style="list-style-type: none"> 	HMGP



Housing Post-Disaster Action Plan

Post-Disaster Action	Estimated Timeframe	Mechanism for Implementation	Lead Implementing Agency	Potential Resources or Funding
Issue: Historic Structures Restoration				
1) Develop a post-impact workshop or mailing to private historic property owners as well as educate the public to let them know about restoration requirements and to avoid demolition.		New Program	<ul style="list-style-type: none"> Sarasota County History Center Sarasota County Planning and Development Services 	
2) Develop Sarasota Historic District Council procedures for post-disaster restoration plan that prioritizes resources for making temporary and long term repairs.		New Program	<ul style="list-style-type: none"> Sarasota County History Center Sarasota County Emergency Management Sarasota County Planning and Development Services 	
Issue: Abandoned Homes				
1) Conduct a damage assessment of affected properties; convey results of assessment to property owners and explain their options.		Existing Procedure	<ul style="list-style-type: none"> Sarasota County Planning and Development Department 	
2) Meet with the public to identify interested landowners in hazard-prone areas for potential buyout projects.		New Procedure	<ul style="list-style-type: none"> Sarasota County Planning and Development Department 	

5.4 PLANNING

Planning Goal

Sarasota County will guide long-term post-disaster redevelopment to ensure that the County is more resilient and sustainable in the future and that land is being utilized in a smart and mutually beneficial manner that is consistent with the accepted community vision.

Planning Issues

1. **Non-conforming structures/substantial damage regulations** – Structures in the 100-year floodplain that are substantially damaged (50% or more of pre-disaster value) are required to meet current building code requirements in order to rebuild according to the National Flood Insurance Program. Use of substantial damage and non-conforming structure rules can increase the community's resiliency to future disasters during rebuilding.
2. **Redevelopment priority areas** – Limited time, funds, and materials are going to make simultaneous redevelopment of all damaged areas difficult. The county also may want to direct redevelopment to areas that correspond to its vision for the future and are less vulnerable to disasters by prioritizing and incentivizing development in these areas.
3. **Alternative future use consideration for high hazard areas** – Heavy development is not best suited for areas that are highly vulnerable to disaster impacts. The best way to build resiliency to disasters is to direct future development to safe locations or minimize highly vulnerable types of development in hazardous areas.
4. **Opportunities to modify existing land uses in areas that experience great damage** – If an area is severely impacted in a disaster, a community may have the opportunity to reconsider the safest use of that land before redevelopment occurs. This could be accomplished through acquisition, some other form of compensation, or a change in zoning.
5. **Affordable and workforce housing redevelopment opportunities** – Often after a disaster, the affordable housing stock is the hardest hit since it is often older homes that are not built to current code requirements. Redevelopment efforts will need to include affordable or workforce housing to provide for a well-balanced community once recovery is complete.
6. **Property acquisition to reduce vulnerability and enhance open space/conservation** – An ideal way to reduce vulnerability is through post-disaster acquisition programs that target highly vulnerable areas or repetitive flood loss homes and use these acquired properties for conservation and passive recreation. Through advanced planning, properties that are candidates for both habitat restoration and vulnerability reduction could be prioritized so that limited funds can be wisely used.

Comment [TM1]: Break into two issues: non-conforming structures and substantial damage regulations

Comment [TM2]: All three issues require a series of public workshops to come together to form a cohesive community vision and priority redevelopment areas. Transparency is mandatory.

7. **Neighborhood preservation** – If a neighborhood is severely damaged during a storm, it is possible that the current character of the neighborhood could get lost during reconstruction.

Planning Mechanisms for Redevelopment

Understanding the available tools and programs by which pre- and post-disaster planning issues can be addressed will help stakeholders and the public discuss options regarding the above planning issues. Different planning options and techniques include:

- Financial Incentives
- Hazard Mitigation Grant Program
- Zoning Regulations and Design Standards
- Public Acquisition through willing-seller programs (fee-simple)
- Transfer of Development Rights/ Conservation Easements (less-than-fee simple)
- Deed Restrictions and Covenants
- Education and Public Outreach Programs

Several of these are discussed in detail in Sarasota County’s Comprehensive Plan. For the purposes of better understanding, a discussion has been included below regarding those planning options and programs which already exist or could be initiated as they relate to post-disaster recover planning issues.

Financial Incentives

Incentives such as tax relief, gap financing, or expedited permits can be used to encourage rebuilding. Other mechanisms may include flexibility with site development, Planned Unit Development techniques, or variable lot size. Gap financing and expedited permits can be used for homeowners or developers who intend to rebuild using best practices for energy efficient, green, and disaster resistant housing construction (exceeding those requirements of the building code).

Other alternative redevelopment funding mechanisms named in the Future Land Use Element of Sarasota County’s Comprehensive Plan (Policy 4.2.3.) could also be pursued as part of planning and rebuilding. These include, but are not limited to the Capital Improvement Plan (CIP); Neighborhood Matching Grants program; special financing mechanisms such as improvement taxing districts, Municipal Service Benefit Units (MSBU), Municipal Service Tax Unit (MSTU), and Community Development District (CDD); state funding such as Community Development Block Grants (CDBG); private – public partnerships; or establishing a dedicated redevelopment fund.

Zoning Regulations and Design Standards

Similar to other landowner incentives, zoning regulations can encourage high risk areas to be rebuilt in a manner which will decrease future risk to residents. For example, design standards that require specific features such as a 50-foot vegetated buffer between waterfront development and water bodies will protect habitats and water quality and decrease risk to structures caused by erosion. Other land use regulations may prohibit development in certain high-risk areas or require setbacks, such the Gulf Beach

Comment [TM3]:
Possible Financial Incentive Actions:
PDRP rainy day fund
Put in place property tax incentives for replanting seas grass
SCOAD is responsible for taking donations short-term- county could put control in place to deal with long-term donations
Special taxing districts for residents to contribute to redevelopment costs

Setback Line and Barrier Island Pass Twenty-Year Hazard Line for Construction or Excavation established by the County. Regulatory approaches have the advantage of being specific but sometimes lack the flexibility which the County may desire when working in post-disaster atmosphere.

Acquisition Programs (Fee-simple)

Two programs which Sarasota County uses could be considered as additional ways in which the County can acquire property under different rebuilding alternatives. Sarasota County's Environmentally Sensitive Lands Protection Program (ESLPP) and Neighborhood Parkland Acquisition Program are voter-approved and taxpayer-funded programs. These programs are designed to acquire and protect natural lands and parklands. In March 1999, voters approved the ESLPP to protect native habitats by a 0.25 mil ad valorem tax collected through 2019. In November 2005, voters approved a second referendum extending the program through 2029 and expanding the county's land protection efforts to include neighborhood parkland acquisitions.

Priority sites under the ESLPP are ranked on environmental criteria including connectivity, water quality, habitat rarity, land quality and manageability. Acquired lands are being protected and managed. Some preserves will have public access for nature-based recreation. To be considered under the Environmentally Sensitive or Neighborhood Parkland Programs, a property must have a willing seller. The criteria for considering parkland acquisitions include location, broad community access, proximity and connectedness, natural features, cultural features, compatible community needs and water access. The criteria considered for environmental acquisitions are rarity, quality, connectivity, manageability and water quality benefits. The nomination form may be used for either program and contains more details.

The County could consider expanding the criteria to target lands which would be acquired for the purposes of conservation to reduce future risk and vulnerability. For example, the county could evaluate the costs of acquisition of privately-owned, developed properties for which the County provides infrastructure that have been severely or repetitively damaged by tropical storms, hurricanes, floods, or other natural disasters. The acquisition cost could then be compared against the costs associated with rebuilding the required infrastructure for that property or the rebuilding of the property itself. This will be done in order to determine the most cost-effective options for addressing loss, mitigation, or prevention.

After a disaster, the Federal Hazard Mitigation Grant Program can be a major source of acquisition funding especially for repetitive damaged properties. Grant funds are eligible for acquisition of real property for willing sellers and demolition or relocation of buildings to convert the property to open space use. Determining pre-disaster what repetitive damaged properties or extremely vulnerable properties would be high priorities for post-disaster acquisition if substantially damaged would ease decision-making regarding acquisition for post-disaster mitigation.

Transfer of Development Rights/ Conservation Easements (Less-than-fee simple methods)

Comment [TM4]: Already in place in Sarasota County but not a functioning program. No incentive to use program if density is already easily available in town.

With the purchase of development rights, ownership of the land remains with the private property owner, but development of the property is constrained as provided in the contract agreement. Under the Sarasota County Transfer of Development Rights (TDR) ordinance, a property owner may file for a Residential Sending Zone (RSZ) designation and a Transfer Permit. This provides for the transfer of some, or all, of the development rights of a piece of property to another area of the County that can better accommodate urban development. Similarly, land that is under a conservation easement is privately owned, but the owner has agreed to preserve its natural character as provided in the agreement that conveys the easement. Silviculture, hunting, low intensity agriculture and ecotourism are examples of the uses that may be allowed under the agreement.

The County is already using both of these methods to protect ecologically significant lands. As is suggested with the acquisition programs, TDRs and conservation easements could also be aligned with this PDRP by targeting highly vulnerable areas. Considerations of these programs should include cost and public access, which can vary greatly. Fee-simple acquisition is generally more expensive than purchase of conservation easements or development rights. Fee-simple purchase gives the government entity control of the property, restricted only by constraints imposed by funding sources and any agreements that were obligated by the purchase. Public access could be allowed. The government agency given responsibility for the property sustains costs of management. This usually involves providing security, exotic pest control, and, for many habitats, prescribed burning. When land remains in private ownership, public access is usually limited, but the private owner may assume management costs.

Private Property Rights

When discussing acquisition, transfer of development rights, and other land purchasing programs, it is important to also include a discussion on private property rights. As clearly stated in Sarasota County's Code of Ordinances, "It is in the best interests of the community that a protocol be established for acquiring Neighborhood Parkland with the intent to balance the private property and development rights of citizens within Sarasota County." In the case of these property acquisition programs, the County can pursue negotiations to acquire a real Property Interest in Neighborhood Parkland *only* after obtaining voluntary approval of the landowner.

The 1995 Bert J. Harris, Jr. Private Property Rights Protection Act (§ 70.001, Florida Statutes), also serves to protect private property owners. This act reflects the judgment of the Florida Legislature that takings law under the U.S. and Florida constitutions did too little to protect private property and placed too much of the burden of regulation for the common good on private property owners. The act creates a separate and distinct cause of action from takings law. The act requires compensation to landowners for regulations that "inordinately burden" property. The remedy may include compensation for the actual loss to the fair market value of the land resulting from the government regulation. It applies to any law, regulation, or rule noticed for adoption or adopted after May 11, 1995. Provisions which may give rise to claims against the government include open space requirements, prohibitions on development, and mandatory transfer of development rights programs that lack guaranteed development rights markets.

Constitutional takings claims can usually be avoided in most of these areas by ensuring that landowners retain some development right on the property or the property as a whole retains some significant value. The act specifically allows that settlement offers to aggrieved land owners may include, among others, such things as modifications to permits or development densities, land swaps, transfer of development rights, and variances or special exceptions.

Deed Restrictions and Covenants

Real estate deed restrictions are restrictions on the deed that place limitations on the use of the property. Restrictive covenants are an example of deed restrictions. Restrictive covenants are not zoning or governmental regulations. Deed restrictions are usually initiated by the developers - those who determined what the land would be used for, divided the land into plots, and built homes, office buildings, or retail buildings on it. Deed restrictions come with the property and usually can't be changed or removed by subsequent owners.

Restrictions give a development a more standard appearance, and control some of the activities that take place within its boundaries. Restrictive covenants nearly always stipulate the minimum size residence allowed, how many homes may be built on one lot, and what type of construction the homes must (or must not) be. Other restrictive covenants may include setbacks, easements, fees for road maintenance or amenities, rules on tree-cutting, pets, fencing, and paint colors.

Covenants can be considered as a means for addressing resiliency and redevelopment standards. If a community finds that their neighborhood has been damaged, or has considered ways in which building and design standards could be improved to reduce future hurricane and other hazard risks, amending their current restrictions may be an opportunity for improvement.

Education and Public Outreach Programs

Education programs can also be an effective means for discussing and/or implementing planning issues. Community buy-in and support for issues regarding changes to zoning regulations or other property issues addressed in this PDRP will require a thorough understanding of the facts, risk, and rationale. Public meetings allow community members to discuss and collaborate on ways in which programs can be most effectively implemented.

Future Considerations

Different rebuilding alternatives will have different impacts—some of which may tie into future planning issues, such as greenhouse gas reduction, energy conservation, and smart growth. House Bill 697 Energy Conservation – Building Code Standards revises requirements for the future land use element of local comprehensive plans to include energy-efficient land use patterns and greenhouse gas reduction strategies. Opportunities for building back stronger and greener should be sought and linked to rebuilding alternatives to improve long term resiliency.

EAR Recommendations

Pursuant to Section 163.3191, Florida Statutes, "each local government shall adopt an evaluation and appraisal report (EAR) once every seven years assessing the progress in implementing the local government's comprehensive plan." The report evaluates how successful a community has been in addressing major community land use planning issues through implementation of its comprehensive plan. Based on this evaluation, the report suggests how the plan should be revised to better address community objectives, changing conditions and trends affecting the community, and changes in state requirements.

Comment [TM5]: Planning department is going to try to weave PDRP into comp plan and not add as an additional chapter

The EAR is not a comprehensive plan amendment, but it does serve as a work scope for EAR-based comprehensive plan amendments which will follow it. Although it is still necessary to evaluate individual comprehensive plan Goals, Objectives and Policies (GOPs) in the EAR, the Florida Department of Community Affairs (DCA) has requested local governments focus on ten or fewer community issues in their EARs. The community issues are used to assess how effective adopted Comprehensive Plan GOPs have been with respect to each community issue and to determine where new or amended GOPs should be considered in subsequent EAR-based comprehensive plan amendments.

Sarasota County's last EAR was performed in 2004. During that round, DCA recommended that hurricane hazard mitigation also be addressed in the EAR. Sarasota County Planning Services staff responded by including a hurricane hazard mitigation assessment summary (e.g., evacuation clearance times, shelter space, local mitigation strategies) in the EAR for the Planning Commission's and Board of County Commission's consideration. The next EAR is an opportunity for further integrating the adopted PDRP with the Comprehensive Plan. The following recommendations are general ways in which post-disaster redevelopment planning can be addressed in the EAR:

- Discuss ways in which the PDRP will be integrated into the updated Comprehensive Plan. The PDRP can be referenced and kept as a standalone document, it may included as a post-disaster element, or integrated into each element as necessary. Regardless of its method of inclusion, Comprehensive Plan policies should be aligned with the issues and actions addressed in this PDRP and major updates coordinated.
- When revisions to the Future Land Use Map are made, they should include recommendations from PDRP, incorporating for example: any identified redevelopment priority areas, any evaluation of density reductions, temporary housing sites, and temporary debris sites.
- The Comprehensive Plan provides a thorough discussion on coastal hazards. Further identification and discussion of vulnerable inland areas should be included. For example, older housing stock on the mainland at risk to hurricane winds, storm surge, or wildfire risk could be addressed to a greater degree in terms of pre- and post-disaster redevelopment. In addition, the emerging concern of sea level rise could be given greater attention.
- Identify and ensure that new linkages between appropriate implementation agencies are established to facilitate the PDRP planning process. This would ideally be addressed in the Intergovernmental Coordination element.

- Specific regulations concerning rebuilding, reconstruction, acquisition, and flood protection could be reviewed for their ability to achieve the long term goals of resiliency, including the County's financial ability to support redevelopment.

5.5 PLANNING PRE-DISASTER ACTIONS



Planning Pre-Disaster Action Plan

Comment [TM6]:
 Other actions:
 Consistent use of seawalls could prevent a disjointed coast
 Make sure that there is a plan for beach renourishment in the environment or economic action plan

Pre-Disaster Action	Estimated Timeframe		Mechanism for Implementation	Lead Implementing Agency	Potential Resources or Funding
	Start	Duration			
Issue: Non-Conforming Structures/Substantial Damage Regulations					
1) Review County and municipality <u>substantial damage regulations and building code requirements</u> to ensure consistency and look for opportunities to streamline.	April 2010	3 Months	Existing Procedure	<ul style="list-style-type: none"> Sarasota County Code Enforcement City of Sarasota Code Compliance City of Venice Building and Code Enforcement City of North Port Building Department Town of Longboat Key Code Enforcement 	Staff Time
Issue: Redevelopment Priority Areas					
1) Discuss the possibility of creating priority redevelopment areas. Work with the Infrastructure Subgroup and review the 2050 vision and future land use map in the comp plan in conjunction with a county risk and vulnerability analysis as a starting point.	April 2010	3 Months	Existing Procedure	<ul style="list-style-type: none"> Sarasota County Planning and Development Services City of Sarasota Neighborhood and Development Services City of Venice Planning and Zoning Department City of North Port Planning, Zoning and Engineering Department Town of Longboat Key Planning and Zoning Division 	Staff Time
2) <u>Organize a series of public workshops to develop a comprehensive county vision for redevelopment as a first step to identifying redevelopment priority areas.</u>	<u>January 2010</u>	<u>1 Year</u>	<u>New Procedure</u>	<ul style="list-style-type: none"> <u>Sarasota County Planning and Development Services</u> <u>Sarasota County Coastal Resources</u> <u>Sarasota County Communications Department</u> 	<u>Staff Time</u>

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Planning Pre-Disaster Action Plan

Pre-Disaster Action	Estimated Timeframe		Mechanism for Implementation	Lead Implementing Agency	Potential Resources or Funding	
	Start	Duration				
3) Launch a public outreach campaign to motivate resident involvement in redeveloping visioning workshops	January 2010	1 Year	New Procedure	<ul style="list-style-type: none"> Sarasota County Communications Department 	Staff Time	develop outreach materials and reach-out to the media
4) Develop a set of criteria to use to determine redevelopment priority areas	January 2011	6 Months	New Procedure	<ul style="list-style-type: none"> Sarasota County Planning and Development Services City of Sarasota Neighborhood and Development Services City of Venice Planning and Zoning Department City of North Port Planning, Zoning and Engineering Department Town of Longboat Key Planning and Zoning Division 	Staff Time	
Issue: Alternative Future use Consideration for High Hazard Areas						
1) Develop a policy/zoning regulation to remove mobile homes from highly vulnerable areas.	January 2012	1 Year	New Policy	<ul style="list-style-type: none"> Sarasota County Planning and Development Services City of Sarasota Neighborhood and Development Services City of Venice Planning and Zoning Department City of North Port Planning, Zoning and Engineering Department Town of Longboat Key Planning and Zoning Division 	Staff Time	
2) Analyze density and land use in conjunction with the county's risk and vulnerability assessment to determine those areas most suitable for modifying zoning			New Policy	<ul style="list-style-type: none"> Sarasota County Planning and Development Services City of Sarasota Neighborhood and Development Services 		

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Planning Pre-Disaster Action Plan

Pre-Disaster Action	Estimated Timeframe		Mechanism for Implementation	Lead Implementing Agency	Potential Resources or Funding
	Start	Duration			
requirements to lower future risk.				<ul style="list-style-type: none"> City of Venice Planning and Zoning Department City of North Port Planning, Zoning and Engineering Department Town of Longboat Key Planning and Zoning Division 	
Issue: Opportunities to Modify Existing Land Uses in Areas that Experience Great Damage					
1) Develop criteria to dictate parameters of building back highly vulnerable areas if they are greatly damaged in a disaster.	January 2012	1 Year	New Policy	<ul style="list-style-type: none"> Sarasota County Planning and Development Services City of Sarasota Neighborhood and Development Services City of Venice Planning and Zoning Department City of North Port Planning, Zoning and Engineering Department Town of Longboat Key Planning and Zoning Division 	Staff Time
Issue: Affordable and Workforce Housing Redevelopment Opportunities					
1) Develop code modifications to permit development of temporary housing by business owners in all land use and zoning categories temporarily after a disaster.	January 2011	6 Months	Existing Policy	<ul style="list-style-type: none"> Sarasota County Planning and Development Services City of Sarasota Neighborhood and Development Services City of Venice Planning and Zoning Department City of North Port Planning, Zoning and Engineering Department Town of Longboat Key Planning and Zoning Division 	Staff Time
2) Work with the Economic Redevelopment Subgroup to reach out to employers about planning for workforce	June 2011	1 Year	New Program	<ul style="list-style-type: none"> Housing and Planning Subgroup; Economic Redevelopment Subgroup 	



Planning Pre-Disaster Action Plan

Pre-Disaster Action	Estimated Timeframe		Mechanism for Implementation	Lead Implementing Agency	Potential Resources or Funding
	Start	Duration			
housing.					
Issue: Property Acquisition to Reduce Vulnerability and Enhance Open Space/Conservation					
1) Determine the value of prioritized properties for acquisition under the ESLPP program.	June 2011	6 Months	Existing Program	<ul style="list-style-type: none"> Sarasota County Resource Management 	Staff Time
2) Research Lands for Public Trust acquisition program to determine if identified areas within Sarasota County can be purchased through this program to preserve open space for flood hazard mitigation or other hazard mitigation programs.			New Procedure	<ul style="list-style-type: none"> Sarasota County Planning and Development Services Sarasota County Emergency Management 	Staff Time
3) Research tax benefits and other financial incentives associated with land donation in a post-disaster scenario.			New Procedure	<ul style="list-style-type: none"> Sarasota County Planning and Development Services Sarasota County Emergency Management 	Staff Time
4) <u>Research the possibility of using rolling easements</u>			<u>New Procedure</u>	<ul style="list-style-type: none"> <u>Sarasota County Planning and Development Services</u> <u>City of Sarasota Neighborhood and Development Services</u> <u>City of Venice Planning and Zoning Department</u> <u>City of North Port Planning, Zoning and Engineering Department</u> <u>Town of Longboat Key Planning and Zoning Division</u> 	<u>Staff Time</u>
5) <u>Create a criteria list pre-disaster of areas to target post-disaster for acquisition</u>			<u>New Procedure</u>	<ul style="list-style-type: none"> <u>Sarasota County Planning and Development Services</u> <u>City of Sarasota Neighborhood and Development Services</u> <u>City of Venice Planning</u> 	<u>Staff Time</u>

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Planning Pre-Disaster Action Plan

Pre-Disaster Action	Estimated Timeframe		Mechanism for Implementation	Lead Implementing Agency	Potential Resources or Funding
	Start	Duration			
				<ul style="list-style-type: none"> and Zoning Department City of North Port Planning, Zoning and Engineering Department Town of Longboat Key Planning and Zoning Division 	
Issue: Neighborhood Preservation					
1) Ensure that existing plans (comp plan, housing plan) address neighborhood preservation through regulatory or other enforceable mechanisms to avoid rebuilding which alters the character and cohesion of a neighborhood.	June 2011	1 Year	New Procedure	<ul style="list-style-type: none"> Sarasota County Planning and Development Services 	Staff Time
2) Work with neighborhood HOAs to determine if existing covenants support the goals of this PDRP; look for ways in which resiliency can be increased through rebuilding methods while respecting community character.	June 2011	1 Year	New Procedure	<ul style="list-style-type: none"> Sarasota County Planning and Development Services City of Sarasota Neighborhood and Development Services 	Staff Time
3) Work with residents and HOAs to find areas that are suitable for historic designations	January 2013	1 Year	New Procedure	<ul style="list-style-type: none"> Sarasota County Planning and Development Services Sarasota County History Center 	Staff Time
4) Look into form-based codes as a tool to preserve neighborhood character	January 2013	1 Year	New Procedure	<ul style="list-style-type: none"> Sarasota County Planning and Development Services Sarasota County History Center 	Staff Time

5.6 PLANNING POST-DISASTER ACTIONS



Planning Post-Disaster Action Plan

Post-Disaster Action	Estimated Timeframe	Mechanism for Implementation	Lead Implementing Agency	Potential Resources or Funding
Issue: Non-Conforming Structures/Substantial Damage Regulations				
1) Ensure that County flood maps are kept up to date and property owners are regularly informed about NFIP laws regarding substantial improvement or substantial damage.	Ongoing	New Program	<ul style="list-style-type: none"> Sarasota County Planning and Development Services 	Staff Time
2) Examine all the current non-conforming uses and determine how the city will address these uses should the property be damaged beyond 50%, leaving property owners unable to rebuild their home or business.	Ongoing	New Procedure	<ul style="list-style-type: none"> Sarasota County Planning and Development Services 	Staff Time
Issue: Redevelopment Priority Areas				
1) Seek opportunities for redevelopment projects to connect to the central water and sewer systems within the central service districts consistent with the Comprehensive Plan.	Ongoing	New Procedure	<ul style="list-style-type: none"> Sarasota County Planning and Development Services 	Staff Time
2) Review damage assessment and coordinate with stakeholder groups to prioritize redevelopment within pre-designated areas in accordance with the goals of the Comprehensive Plan and Future Land Use Map.	Short-term (disaster event – 30 days) to 5 th year	New Procedure	<ul style="list-style-type: none"> Sarasota County Planning and Development Services 	Staff Time
Issue: Alternative Future Use Consideration for High Hazard Areas				
1) Develop post-disaster zoning allowance for temporary housing on existing home and	Short-term (disaster event – 30 days) to 1 st year	New Procedure	<ul style="list-style-type: none"> Sarasota County Planning and Development Services 	Staff Time



Planning Post-Disaster Action Plan

Post-Disaster Action	Estimated Timeframe	Mechanism for Implementation	Lead Implementing Agency	Potential Resources or Funding
business sites with a set time limit that can be extended as necessary			•	
2) Modify the future land use map after the damage assessment but prior to redevelopment	Short-term (disaster event – 30 days) to 1 st year	New Procedure	<ul style="list-style-type: none"> Sarasota County Planning and Development Services 	Staff Time
Issue: Opportunities to Modify Existing Land Uses in Areas that Experience Great Damage				
1) Identify conservation easements or eligible sites for the TDR program to seek ways in which development may be restricted to avoid future repetitive losses or damage.	Short-term (disaster event – 30 days) to 5 th year	Existing Program	<ul style="list-style-type: none"> Sarasota County Planning and Development Services City of Sarasota Neighborhood and Development Services City of Venice Planning and Zoning Department City of North Port 	Hazard Mitigation Grant Program
Issue: Affordable and Workforce Housing Redevelopment Opportunities				
1) Create incentives to incorporate affordable housing into redevelopment plans.	Short-term (disaster event-30 days) to 5 th year	New Program	<ul style="list-style-type: none"> Sarasota County Planning and Development Services City of Sarasota Neighborhood and Development Services City of Venice Planning and Zoning Department City of North Port 	Staff Time
Issue: Property Acquisition to Reduce Vulnerability and Enhance Open Space/Conservation				
1) Implement the ESLPP Program and the Lands for Public Trust Program for funding purposes and land buy-out.	Short-term (disaster event – 30 days) to 5 th year	Existing Program	<ul style="list-style-type: none"> Sarasota County Planning and Development Services 	Staff Time
2) If there are land donation options then the public and property owners needs to be notified of tax credit	Short-term (disaster event-30 days) to 1 st year	New Program	<ul style="list-style-type: none"> Sarasota County Planning and Development Services 	Staff Time



Planning Post-Disaster Action Plan

Post-Disaster Action	Estimated Timeframe	Mechanism for Implementation	Lead Implementing Agency	Potential Resources or Funding
benefits and options.				
Issue: Neighborhood Preservation				
1) Put in place a moratorium on buildings for a specified amount of time and during that time make corrections to existing building codes.	Short-term (disaster event-30 days) to 1st year	New Policy	<ul style="list-style-type: none"> • Sarasota County Planning and Development Services 	Staff Time