



# AGENDA REQUEST

<b><u>AGENDA HEADING:</u></b> Unfinished Business		<b><u>COMMISSION MEETING DATE:</u></b> July 6, 2015		<b><u>AGENDA ITEM NO.:</u></b> VI.4.	
<b>BY</b> Neighborhood and Development Services		Timothy Litchet		Neighborhood and Development Services Director Litchet	
<b>Originating Department</b>		<b>Department Head</b>		<b>Presenter</b>	
<b><u>SUBJECT:</u></b> Direction Re: Requesting Sarasota County to assume permitting of dredge projects within the City of Sarasota.					
<b><u>COMMISSION PRIORITIES:</u></b> Quality of Life					
<b><u>EXPLANATION:</u></b> At the City Commission meeting of May 18, 2015 the City Commission considered the issue of whether to file a Writ of Certiorari with the Second District Court in the Armour dredging case. The City Commission also requested staff to look at the issue of amending the zoning code related to dredging and to explore whether permitting of maintenance dredging in the City of Sarasota should be handled by Sarasota County. Staff has discussed this matter with Mike Connolly, Deputy City Attorney and he has recommended the following steps: 1) Ask the City Commission for authorization to pursue having the County dredging regulations be applied by the County within the City limits. 2) Pursuant to Zoning Code Section IV-1202, (attached) waive the requirements to file a formal application for zoning text amendment, waive submission of Development Review Committee submission and waive the preparation of the staff analysis. We request this because we will only be proposing to remove the last sentence from Zoning Code Section VII-1301 (attached). I have also attached Mr. Connolly's email of June 19th which details the timing issues.					
<b><u>ADMINISTRATION'S RECOMMENDATION:</u></b> A motion to authorize the City Attorney to prepare a resolution to allow the County to regulate dredging within the City of Sarasota, and to waive the requirements of Zoning Code Sections IV-1202(1), (2) and (3) as it relates to the required zoning text amendment.					
<b><u>APPROVAL SUMMARY:</u></b>					
<b>Approval</b>	<b>Required</b>	<b>Date Completed</b>	<b>Completed By</b>	<b>Status</b>	
Department Head Approval	Y	06/24/2015	Timothy Litchet	APPROVED	
Legal Review / Approval	Y	06/24/2015	Robert Fournier	APPROVED	
Deputy City Manager Approval	Y	06/24/2015	Marlon Brown	APPROVED	
City Manager Approval	Y	06/24/2015	Marlon Brown	APPROVED	
City Auditor and Clerk Approval	Y	06/25/2015	Pamela Nadalini	APPROVED	



# AGENDA REQUEST

**ADDITIONAL EXPLANATION:**

**ADDITIONAL ADMIN RECOMMENDATION:**

**FUNDING SOURCE:**

**AMOUNT:**

**HOUSING IMPACT (Per House):**

**NEW CONSTRUCTION:**

**REHABILITATION:**

\$ 0

\$ 0

**SUPPORT DEPARTMENTS:**

City Auditor and Clerk - Pamela M. Nadalini

City Attorney - Robert Fournier

City Manager - Thomas Barwin

**AGENDA DISPOSITION**

**COMMISSION ACTION:**

Final Action Motion: \_\_\_\_\_

Motion By: \_\_\_\_\_ Second By: \_\_\_\_\_

Vote: \_\_\_\_\_

**DIVISION 12. ZONING TEXT AMENDMENTS****Sec. IV-1201. Purpose and applicability.**

The city commission is hereby authorized to amend the text of these regulations whenever the commission determines that the amendment would be in the public interest and would serve a valid public purpose.

(Ord. No. 02-4357, 4-29-02; Ord. No. 05-4607, § 10, 3-24-05)

**Sec. IV-1202. Application requirements.**

Amendments to the text of these regulations may be initiated by the city commission, any board of the city, city manager, city attorney, or the department of neighborhood and development services. An application for a text amendment shall be accompanied by justification necessary to support the amendment. All applications for text amendments shall be submitted to the city auditor and clerk's office. The city commission shall have the authority to waive any one or all of the following requirements for a zoning text amendment when, in the judgment of a majority of the commissioners, such waiver is necessary or appropriate:

- (1) Filing of a formal application for a text amendment;
- (2) Submission of the proposed amendment to the development review committee for comments; and
- (3) The preparation of a written staff analysis of the application setting forth the goals and objectives of the Sarasota City Plan affected by the proposed amendments.

(Ord. No. 02-4357, 4-29-02; Ord. No. 09-4838, § 2(att. 1), 2-17-09)

**Sec. IV-1203. Staff review and recommendations.**

The planning department shall review the application for the amendment and the comments of all members of the DRC, and shall prepare a written staff analysis of the issues raised by the application, and setting forth the goals, objectives of the Sarasota City Plan affected by the proposed amendment.

(Ord. No. 02-4357, 4-29-02)

**Sec. IV-1204. Planning board review.**

The planning board shall conduct a public hearing to review the proposed amendment, and shall consider the written staff analysis and the testimony at the public hearing, and make a recommendation upon the proposed amendment, which shall set forth its findings in regard to whether the proposed amendment will satisfy the standards set forth in section IV-1206, and its findings in regard to whether the amendment is consistent with Sarasota City Plan. The board may include in its recommendation any modifications or conditions to the amendment, and the reasons therefore.

(Ord. No. 02-4357, 4-29-02)

- (13) Boat lifts shall not exceed seven feet in height above mean high water, as measured to the top of the lifter beam. Davits shall not exceed eight feet in height above the decking of a dock. Davits shall not exceed ten feet in height above a seawall cap. No dock shall have more than one boat lift or davit for each permitted vessel.
- (14) Pilings shall not exceed ten and one-half feet in height above mean high water.
- (15) Fish cleaning tables shall not exceed 42 inches in height above the decking of a dock. No dock shall have more than one fish cleaning table.
- (16) Benches and boat lockers shall not exceed 96 inches in length, 36 inches in width or 36 inches in height above the decking of a dock. No dock shall have more than one bench and one boat locker for each permitted vessel.
- (17) Upland walkways shall be subject to the height limitation for structures in waterfront setbacks.
- (18) Docks in the G zone district shall be subject to major conditional use approval. (Ord. No. 02-4357, 4-29-02; Ord. No. 04-4538, § 14, 6-7-04; Ord. No. 06-4702, § 2, 11-20-06; Ord. No. 07-4720 § 2, 5-21-07; Ord. No. 09-4838, § 2(att. 1), 2-17-09; Ord. No. 13-5041, § 2(att. 1), 3-4-13)

#### **Sec. VII-1303. Dredging and filling.**

While dredging and filling of waterfront and submerged lands under the jurisdiction of the trustees of the internal improvement fund of the state are subject to the authority of the trustees, the city reaffirms its position that there shall be no filling of submerged and waterfront lands beyond the established mean highwater line. **There shall be no dredging operations seaward beyond established mean highwater lines, except for those dredging operations necessary to maintain boat channels and basins.**

(Ord. No. 02-4357, 4-29-02)

#### **Sec. VII-1304. Seawall, groins and beach protective devices.**

Where properties are located on the waters of the Gulf of Mexico or the waters of passes, seawalls, groins and other beach protection devices or coastal armoring shall be erected in accordance with F.S. § 161.085 and only by special permit of the city commission, upon it being proved by the permittee at a public hearing held for such purpose that such beach protection works are necessary to prevent such erosion, are properly designed to prevent erosion of the property on which they are to be erected, and will not adversely affect adjacent and nearby properties. On all other water frontage, seawalls and bulkheads may be erected only landward of mean highwater lines. In no event shall such seawalls or bulkheads exceed an elevation of plus five feet above the mean low watermark. Existing seawalls, groins and beach protective devices that are seaward of the mean highwater line may be maintained or replaced to the same extent that existed at the time of this amendment. Existing seawalls may be repaired with panels seaward of the seawall if it is determined by the director of neighborhoods and development services that such panel is the appropriate method of repair.

(Ord. No. 02-4357, 4-29-02; Ord. No. 09-4888, § 2(att. 1), 11-2-09)

## Kim Denais

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**From:** Mike Connolly  
**Sent:** Friday, June 19, 2015 10:37 AM  
**To:** Timothy Litchet; Gretchen Schneider  
**Subject:** RE: dredge

Tim and Gretchen,

I think we need to give some thought to timing and procedures as we move forward.

Section IV-1202 allows the city commission to waive the requirement for filing of a formal application for the ZTA; for submission of the ZTA to the DRC; and for the preparation of the written staff report. To date, the city commission has not been asked to make these waivers regarding the possible dredge ZTA. Staff will need to ask the commission to make these waivers before the proposed ZTA can go to the Planning Board.

The resolution to state that there is no conflict to the county dredging regulations in the city's regulation cannot go to the commission for adoption until the ZTA has been completed. But, the city probably does not want to do the ZTA until the staff knows that the commission wants have the county dredging regulations apply in the city. As you can see, we have a chicken and egg situation.

Perhaps staff should schedule this issue for consideration by the commission and direction. At the preliminary discussion, the commission could make the decision to waive the ZTA requirements. Then staff can start the ZTA process. Then the city commission second reading of the ZTA can be scheduled at the same meeting as the resolution stating no conflict with county dredging regulations. Does this process avoid the chicken and egg problem? Is this process acceptable to staff?

If this process is acceptable, I think staff needs to go back to the commission under unfinished business. This can be done as early as the July 6 meeting. Staff would need to ask the commission for the following:  
authorization to pursue having the county dredging regulations be applied by the county within the city limits;  
waiver of the filing of a formal application for the dredge ZTA;  
waiver of the submission of the dredge ZTA to the DRC;  
waiver of the preparation of a staff report for the dredge ZTA.

Upon approval of the above by the commission, the dredge ZTA can be scheduled for Planning Board public hearing, perhaps as early as the September 9 meeting. That would get the dredge ZTA to the city commission public hearing on October 19. Second reading of the dredge ZTA and adoption of the no conflict resolution could both occur on November 2. Just a suggested way of getting us where we want to go.

We can talk about this procedural stuff in our July 6 meeting when we discuss the substantive issues as well.

Mike

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