

BACK UP MATERIALS INCLUDED WITH
AGENDA REQUEST FOR
PROPOSED ORDINANCE NO. 22-5420

1. Page 2 - Proposed Ordinance No. 22-5420
2. Page 14 - Staff Report and Recommendation
3. Page 30 - Application, Memoranda, Comments, and Correspondence
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ORDINANCE NO. 22-5420

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF SARASOTA [THE *SARASOTA CITY PLAN (2030)*], TO, AS REQUIRED BY FLORIDA STATUTE, ADD A NEW PROPERTY RIGHTS CHAPTER TO THE *SARASOTA CITY PLAN (2030)*; REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY OF THE PARTS HEREOF; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on December 1, 2008, the City of Sarasota, by the adoption of Ordinance No. 08-4792 adopted a new Comprehensive Plan known as the *Sarasota City Plan (2030)*; and,

WHEREAS, the City of Sarasota, through David L. Smith, AICP, Manager of Long-Range Planning, has filed Application No. 22-PA-02 to amend the Comprehensive Plan of the City of Sarasota [the *Sarasota City Plan (2030)*]; and

WHEREAS, Application No. 22-PA-02 proposes to, as required by Florida Statutes, add a new Property Rights Chapter to the *Sarasota City Plan (2030)*; and

WHEREAS, the City of Sarasota Planning Board/Local Planning Agency held a transmittal stage public hearing on proposed Comprehensive Plan Amendment Application No. 22-PA-02 on January 12, 2022 and recommended to the City Commission that the Amendment be transmitted to the Reviewing Agencies as defined in Section 163.3184(1)(c), Florida Statutes, and thereafter adopted by the City Commission; and

WHEREAS, a second transmittal stage public hearing on proposed Comprehensive Plan Amendment No. 22-PA-02 was held by the City Commission on March 7, 2022 at which time the City Commission adopted Resolution No. 22R-3077 authorizing transmittal of Comprehensive Plan Amendment Application No. 22-PA-02 to the Reviewing Agencies in accordance with Section 163.3184 (3), Florida Statutes; and

WHEREAS, the Planning Department has received non-substantive comments from the Reviewing Agencies and has not modified Application No. 22-PA-02; and

WHEREAS, in accordance with Section IV-1404 (b)(2) Zoning Code (2002 edition), the Planning Board did not hold an adoption stage public hearing on proposed Comprehensive Plan Amendment Application No. 22-PA-02 because the Planning Director was able to determine that there were no substantive comments from the Reviewing Agencies; and

WHEREAS, in accordance with Section IV-1405 (b)(2), Zoning Code (2002 edition), the City Commission held an adoption stage public hearing on July 5, 2022 to receive public

comment on the proposed amendment and to consider the recommendations of the Planning Board/Local Planning Agency and the Planning Department staff regarding the proposed amendment.

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF SARASOTA, FLORIDA:

Section 1. Adoption of Amendment to Comprehensive Plan. The City Commission hereby approves an amendment to the *Sarasota City Plan (2030)*. There is hereby added to the *Sarasota City Plan (2030)* a new Property Rights Chapter. Attached hereto and incorporated by reference herein as Exhibit A is the proposed Property Rights Chapter and Support Document.

Section 2: Repeal of Ordinances in Conflict. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed, but only to the extent of such conflict.

Section 3: Severability. It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses and phrases of this ordinance shall be deemed severable, and if any phrase, clause, sentence, paragraph or section of this ordinance is declared unconstitutional or otherwise invalid by the valid judgment of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 4. Effective Date. The effective date of this Comprehensive Plan Amendment, if the Amendment is not timely challenged, shall be thirty-one (31) days after the State Land Planning Agency notifies the City of Sarasota that the Plan Amendment package is complete. If timely challenged, this Comprehensive Plan Amendment shall become effective on the date the State Land Planning Agency or the Administration Commission enters a final order determining this adopted Comprehensive Plan Amendment to be in compliance. No development orders, development permits, or land uses dependent upon this Comprehensive Plan Amendment may be issued or commenced before it has become effective. If a final order of

non-compliance is issued by the Administration Commission, this Comprehensive Plan Amendment may nevertheless be made effective by adoption of a Resolution affirming its effective status, a copy of which Resolution shall be sent to the State Land Planning Agency.

PASSED on first reading by title only, after posting on the bulletin board at City Hall for at least three (3) days prior to first reading, as authorized by Article IV, Section 2, Charter of the City of Sarasota, Florida this ____ day of _____, 2022

PASSED on second reading and finally adopted this ____ day of _____, 2022.

ATTEST:

Erik Arroyo, Mayor

Shayla Griggs
City Auditor and Clerk

Mayor Erik Arroyo
Vice Mayor Kyle Scott Battie
Commissioner Jen Ahearn-Koch
Commissioner Liz Alpert
Commissioner Hagen Brody



*The
Property Rights
Chapter*

Sarasota City Plan

and

Support Document

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The Property Rights Plan

INTENT AND PURPOSE

The purpose of Property Rights Plan is to respect judicially acknowledged and constitutionally protected private property rights. The foundation for this Chapter is the **City of Sarasota Strategic Plan** and Florida statutory requirements.

Sarasota's Strategic Plan Vision

In 2016, the City Commission adopted "The City of Sarasota Strategic Plan", which provides our vision:

"A world-class community and treasured destination, with enduring natural beauty, charm, and diversity."

To achieve this vision the City's mission is to provide high-quality services to our residents, businesses, and visitors, while safeguarding our natural resources and building a prosperous community.

It is the intent of the Property Rights Plan to pursue actions that further the **The City of Sarasota Strategic Plan**.

Florida Statutory Requirements

The Property Rights Chapter is intended to meet the requirements as outlined in Subsection 163.3177 (6) (i) 1, Florida Statutes.

Organization of the Property Rights Plan

The Property Rights Plan consists of a goal followed by an objective and action strategies pursuant to the goal.

The Property Rights Plan is organized around one objective addressing:

Objective 1. Private Property Rights.

The Property Rights Plan is one of the twelve plans which collectively represent the Sarasota City Plan. This Plan can neither stand alone nor be interpreted independent of the others.

Implementation of the Sarasota City Plan

Implementation of the Sarasota City Plan will require actions by both the public and private sectors. In this regard many of the plan components speak to “the City” pursuing certain actions to:

promote, provide, consider, identify, enhance, create, maintain, conserve, support, reduce discourage, coordinate, and employ.

While these actions may be initiated by City government itself, City government will also be expecting applicants seeking development approvals to pursue these same type of actions as part of their applications.

GOAL, OBJECTIVE AND ACTION STRATEGIES

Goal

The City recognizes and shall respect judicially acknowledged and constitutionally protected private property rights.

Objective 1 – Private Property Rights

The City shall consider private property rights in decision making as provided by the following Action Strategies.

Action Strategies

- 1.1 The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
- 1.2 The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
- 1.3 The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
- 1.4 The right of a property owner to dispose of his or her property through sale or gift.

The Property Rights Support Document

The inventory and analysis in the Support Document provide the foundation for the Plan portion of this Chapter.

The Support Document is not adopted.

INVENTORY AND ANALYSIS

Overview of Private Property Rights in Florida

House Bill 59. During the 2021 Florida legislative session, House Bill 59 was passed and signed into law by the governor on June 29, 2021. House Bill 59 requires that local governments consider private property rights when regulating land and for each local government to adopt a property rights element into its comprehensive plan. The bill provides a model statement of property rights a local government may adopt to satisfy the requirement. Alternatively, a local government may adopt a distinct property rights element as long as it does not conflict with the model statement. Those model statements from the Florida Statutes have been adopted as action strategies in the Plan section of this chapter. The bill directs local governments to adopt this element by the earlier of its next proposed plan amendment initiated after July 1, 2021, or the date of its next comprehensive plan evaluation, as required by s. 163.3191, Florida Statutes.

Bill of Rights. The Florida Statutes also includes a property owner's bill of rights in Section 70.002. The bill of rights lists property owner's rights and protections as:

1. The right to acquire, possess, and protect your property.
2. The right to use and enjoy your property.
3. The right to exclude others from your property.
4. The right to dispose of your property.
5. The right to due process.
6. The right to just compensation for property taken for a public purpose.
7. The right to relief, or payment of compensation, when a new law, rule, regulation, or ordinance of the state or a political entity unfairly affects your property.

Bert J. Harris Jr. Private Property Rights Protection Act. Florida law places a high value on the civil rights of property ownership as evidenced by the passage of House Bill 59 and the Bill of Rights noted above. The state also previously enacted the Bert J. Harris Jr. Private Property Rights Protection Act in 1995. The Harris Act, located in Section 70.001, Florida Statutes, provides specific processes for landowners to seek relief when they perceive their property rights may be inordinately burdened, restricted, or limited by government action without amounting to a taking under the State Constitution or the United States Constitution. Therefore, the Harris Act can provide for relief, or payment of compensation, when a new law, rule, regulation, or ordinance of the state or a political entity in the state inordinately burdens an existing use of real property or a vested right to a specific use of real property.

Riparian Rights. Additionally, the Florida Statutes defines riparian rights as those rights incident to land bordering upon navigable waters. They are rights of ingress, egress, boating, bathing, and fishing and such others as may be or have been defined by law and are not of a proprietary nature. The land to which an owner holds title must extend to the ordinary high watermark of the navigable water in order for riparian rights to be attached. Riparian rights are defined in Section 253.141 of the Florida Statutes.



Petition 22-PA-02

**Proposed Property Rights Chapter
Staff Report and Recommendation**

Date: December 29, 2021

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To: City Commission
Planning Board

From: David L. Smith, AICP, Manager of Long-Range Planning

Date: December 29, 2021

Subject: Staff Report and Recommendation for Petition Number 22-PA-02, Property Rights Chapter

This report analyzes a comprehensive plan petition that proposes to add a new Property Rights Chapter to the *Sarasota City Plan (2030)*. In 2021, the Florida Legislature and Governor DeSantis approved House Bill 59 which requires each local government in the state to adopt a property rights element into their comprehensive plan.

House Bill 59 provided a model statement of property rights that could be incorporated into comprehensive plans. Local governments have the ability to adopt distinct property rights elements as long as they do not conflict with the model statement contained within the Bill. Planning staff prepared a Property Rights Chapter utilizing the model statement provided in the legislation in order to be consistent with the Legislature's intent regarding property rights.

The Property Rights Chapter must be adopted before any large-scale amendments to the comprehensive plan can be adopted. The Florida Department of Economic Opportunity (DEO) will not allow a local government to amend its comprehensive plan until a Property Rights element is adopted. This provision does not impact small-scale plan amendments that do not require submittal to DEO.

This report is organized into four sections. **Section 1** contains the proposed Property Rights Chapter along with analysis and recommendation and motion for the proposal. As the entire chapter is new, it is not presented in underline/strikeout format. **Section 2** contains the application, technical memoranda, comments, and correspondence that have been received. **Section 3** contains review agency comments (*once comments are received after transmittal*). **Section 4** contains public hearing notices and minutes.

Section 1
Proposed Property Rights Chapter,
Analysis, Recommendation, and Motion

I. Proposed Amendment

This proposed Property Rights Chapter to the City's comprehensive plan was submitted by City of Sarasota Planning staff in order to address a Florida Statutes requirement. The process for adopting the chapter requires (1) a transmittal/adoption public hearing with the Planning Board; (2) a transmittal hearing with the City Commission; and once comments are received from State review, (3) an adoption public hearing with the City Commission.

The proposed chapter is located on the following pages.



*The
Property Rights
Chapter*

Sarasota City Plan

and

Support Document

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It is the intent of the Property Rights Plan to pursue actions that further the **The City Sarasota Strategic Plan**.

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The Property Rights Chapter is intended to meet the requirements as outlined in Subsection 163.3177 (6) (i) 1, Florida Statutes.

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The inventory and analysis in the Support Document provide the foundation for the Plan portion of this Chapter.

The Support Document is not adopted.

INVENTORY AND ANALYSIS

Overview of Private Property Rights in Florida

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Riparian Rights. Additionally, the Florida Statutes defines riparian rights as those rights incident to land bordering upon navigable waters. They are rights of ingress, egress, boating, bathing, and fishing and such others as may be or have been defined by law and are not of a proprietary nature. The land to which an owner holds title must extend to the ordinary high watermark of the navigable water in order for riparian rights to be attached. Riparian rights are defined in Section 253.141 of the Florida Statutes.

II. Analysis

The Zoning Code identifies standards for review of comprehensive plan amendments. The following applies.

Sec. IV-1406. - Guidelines for review.

In reviewing an application to amend the Sarasota City Plan, the planning board and the city commission shall consider whether the proposed amendment will:

- (1) Be consistent with the relevant components of the Sarasota City Plan, and whether such components of the Sarasota City Plan should be amended to ensure internal consistency; and
- (2) Establish a precedent, the cumulative effect of which would be inconsistent with the Sarasota City Plan.

Regarding consistency with relevant components of the comprehensive plan, staff reviewed the existing twelve chapters to determine if an inconsistency existed. Staff found that no consistency issue exists between the proposed Property Rights Chapter and the other chapters of the comprehensive plan. The other chapters do not have any Goals, Objectives, or Action Strategies that conflict with the proposed draft chapter. Therefore, internal consistency within the comprehensive plan would be maintained if the proposed Property Rights Chapter is adopted.

The term ‘precedent’ is not defined in the zoning code or comprehensive plan, but the Merriam-Webster online dictionary defines precedent as “*something done or said that may serve as an example or rule to authorize or justify a subsequent act of the same or an analogous kind.*” The Planning Board and City Commission are required to consider whether a proposed comprehensive plan amendment will establish a precedent, the cumulative effect of which may be inconsistent with the comprehensive plan.

It is staff’s opinion that adoption of the Property Rights Chapter will not establish a precedent that may serve as an example or authorization for any future amendment to the comprehensive plan. The proposed Goal, Objective, and Action Strategies are consistent with state and federal law and judicial cases pertaining to planning related subjects and the rights of individuals. Further, the proposed Action Strategies reflect the model element policies that are included in Housing Bill 59.

III. Recommendation and Motion

Staff recommends transmittal of the proposed Property Rights Chapter to the Florida Department of Economic Opportunity for review and comment, and adoption of the Chapter.

Motions for the Planning Board for Application 22-PA-02

(Recommended Motion)

Move to find 22-PA-02 consistent with the *Sarasota City Plan (2030)* and recommend the City Commission approve transmittal and adoption as identified in this report,

or

Move to find 22-PA-02 inconsistent with the *Sarasota City Plan (2030)* and recommend the City Commission not transmit or adopt the amendment,

or

Move to continue the public hearing in order to review additional information.

Section 2

Application, Memoranda, Comments, and Correspondence



**CITY OF SARASOTA
DEVELOPMENT APPLICATION**

RECEIVED
DEC 14 2021
City Auditor & Clerk
Development Review Division

GENERAL INFORMATION

[PLEASE PRINT OR TYPE]

APPLICATION [PROJECT] NAME: Proposed Property Rights Chapter

PROPERTY ADDRESS[ES]: N/A

PARCEL ID NUMBER[S]: N/A

	EXISTING		PROPOSED
Zone District			
Total Acres / Sq. Ft.			
Estimated Construction Value [Excluding land costs]			
THE FOLLOWING MUST BE COMPLETED FOR TRAFFIC CONCURRENCY ANALYSIS AS APPLICABLE:			
Use			
No. of Employees			
No. of Seats			
Hours of Operation			
Build-Out Date			
THE FOLLOWING MUST BE COMPLETED FOR AMENDMENTS TO THE COMPREHENSIVE PLAN:			
Future Land Use Classification			
Attach a legal description of the property and a map outlining/showing the parcel.			
THE FOLLOWING MUST BE COMPLETED BY THE OFFICE OF THE CITY AUDITOR AND CLERK FOR ANNEXATIONS:			
The property is within the Urban Service Boundary:	Signed:		Print:

ATTACH A PROJECT DESCRIPTION including total bldg. sq. ft. and, where applicable, total retail and office sq. ft., number of residential units, and proposed parking.

APPLICATION TYPE [CHECK ALL APPLICABLE]:

- | | | |
|--|--|--|
| <input type="checkbox"/> Adjustment to Downtown Code
<input type="checkbox"/> Staff <input type="checkbox"/> Planning Board | <input type="checkbox"/> Historic Designation | <input type="checkbox"/> Site Plan / Site Plan Amendment |
| <input type="checkbox"/> Administrative Site Plan
<input type="checkbox"/> Laurel Park Overlay District (LPOD) | <input type="checkbox"/> Major Conditional Use/Amendment * | <input type="checkbox"/> Site Plan Extension |
| <input type="checkbox"/> Amendment to the EDCM/City Code | <input type="checkbox"/> Minor Conditional Use/Amendment * | <input type="checkbox"/> Street / R-O-W Vacation * |
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Miscellaneous | <input type="checkbox"/> Street Name Change |
| <input type="checkbox"/> Appeal:
<input type="checkbox"/> BOA <input type="checkbox"/> PB <input type="checkbox"/> CC | <input type="checkbox"/> Off-Site Parking Agreement | <input type="checkbox"/> Shared Parking Agreement |
| <input type="checkbox"/> Boundary Adjustment/Lot Split Review | <input type="checkbox"/> Pre-Application Conference with
Development Review Committee | <input type="checkbox"/> TIF Funding Request
<input type="checkbox"/> Downtown <input type="checkbox"/> Newtown |
| <input type="checkbox"/> Brownfield Designation | <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Traffic Concurrence - Initial Review |
| <input type="checkbox"/> Certificate of Appropriateness | <input type="checkbox"/> Proportionate Fair Share Agreement | <input type="checkbox"/> Traffic Concurrence Study |
| <input type="checkbox"/> Community Workshop | <input type="checkbox"/> Provisional Use Permit/Market | <input type="checkbox"/> Urban Central Business District (Expedited) |
| <input type="checkbox"/> Community Workshop
<input type="checkbox"/> Laurel Park Overlay District (LPOD) | <input type="checkbox"/> Provisional Use Permit Extension | <input type="checkbox"/> Variance |
| <input checked="" type="checkbox"/> Comprehensive Plan Amendment * | <input type="checkbox"/> Regional Activity Center (Expedited) | <input type="checkbox"/> Variance Extension |
| <input type="checkbox"/> Development Agreement | <input type="checkbox"/> Rezone without Site Plan* | <input type="checkbox"/> Variance - Limited for Historic Structures |
| <input type="checkbox"/> Development of Regional Impact [DRI] | <input type="checkbox"/> Rezone with Site Plan* | <input type="checkbox"/> Zoning Code Interpretation Letter:
<input type="checkbox"/> Downtown <input type="checkbox"/> Outside DT |
| <input type="checkbox"/> Final Plat/Subdivision | <input type="checkbox"/> Rezone Ordinance Amendment * | <input type="checkbox"/> Zoning Code Confirmation Letter:
<input type="checkbox"/> Downtown <input type="checkbox"/> Outside DT |
| <input type="checkbox"/> "G" Zone Waiver * | <input type="checkbox"/> R-O-W Encroachment Agreement- Major | <input type="checkbox"/> Zoning Text Amendment [City Only] |
| | <input type="checkbox"/> Sidewalk Café (City Code Sec. 30-22) | |
| | <input type="checkbox"/> Sidewalk Café Annual Renewal | |

- Check if this application is a **REVISION** (Amendment) to a previously approved application
- Check if applying for the Affordable Housing Fee Deferral Program and you are fee simple owner of the property
- * Community Workshop Required

FOR USE BY THE OFFICE OF THE CITY AUDITOR AND CLERK	
RECEIVED BY: <u>[Signature]</u>	APPLICATION NUMBER: <u>22-PA-02</u>
DATE: <u>12/14/21</u>	AMOUNT PAID: <u>0</u>



CITY OF SARASOTA
DEVELOPMENT APPLICATION

GENERAL INFORMATION

[Please Print or Type]

I. PROPERTY OWNER, LESSEE, OR CONTRACT PURCHASER [Circle One]:

Name/Title:
Company Name:
Company Address:
City/State/Zip Code:

Telephone No:
Facsimile No:
E-Mail Address (Optional):

II. AGENT OF RECORD [IF ANY]: The following individual is designated as the Agent of Record for the property owner, lessee, or contract purchaser and should receive all correspondence related to the application review and billing. [Billing information will also be sent to the above-named individual.]

Name/Title: David L. Smith, AICP, Manager of Long-Range Planning
Company Name: City of Sarasota
Company Address: 1565 First Street
City/State/Zip Code: Sarasota, FL 34236

Telephone No: 263-6462
Facsimile No:
E-Mail Address (Optional): david.smith@sarasotafl.gov

III. THE UNDERSIGNED, AS THE PROPERTY OWNER, LESSEE, CONTRACT PURCHASER, OR AGENT [Circle One], acknowledges responsibility for all City expenses associated with the referenced application(s) including time spent by City Staff and Attorneys through the date of issuance of a Final Certificate of Occupancy. [If same as #I above, note "Same". Not required for Pre-Application Conference with DRC.]

Name/Title: David L. Smith, AICP, Manager of Long-Range Planning
Company Name: City of Sarasota
Company Address: 1565 First Street
City/State/Zip Code: Sarasota, FL 34236

Telephone No: 263-6462
Facsimile No:
E-Mail Address (Optional): david.smith@sarasotafl.gov

I hereby certify that all information contained herein is true and correct.

IV. Signed this 14th day of December, 2021

[Signature]
Signature of Property Owner, Lessee, Contract Purchaser, or Agent

WITNESSES TO EXECUTION ON BEHALF OF APPLICANT

[Signature]
Witness
Print Name: Stacey Monroe

[Signature]
Witness
Print Name: Rebecca Webster

If applicable, community workshop meeting desired date and time requested:

Location:

Submit To: The Office of the City Auditor and Clerk
1565 First Street - Sarasota, Florida 34236
Office Number: 941-263-6222 - Fax Number: 941-263-6461
www.sarasotafl.gov

Minimum Submission Checklist

The following is to be completed for General Applications

The General Information Form (Form A), Minimum Submission Checklist (Form B-1) and Fee Form (Form 1) are required for all General Applications. All items are to be folded to approximately 8 1/2" x 11" size, collated and assembled into complete sets.

Please note all items requiring a site plan or survey must include an electronic copy (.pdf file) of site plan and survey materials

SUBMISSION REQUIREMENTS FOR GENERAL APPLICATIONS:		IF REQUIRED	YES	N/A
1.	<p>A. Pre-Application Conference with the Development Review Committee – 1 original and 12 copies</p> <ul style="list-style-type: none"> If additional information is provided, and 1 original and 12 copies folded to 8 1/2 x 11" size should be submitted. Supplementary materials may include a sketch or concept plan, site plan(s), architectural renderings, special studies, detailed narrative, & other items the applicant deems pertinent. <p>B. Pre-Application Conference with Staff regarding TIF Funding – 1 original and 4 copies</p> <ul style="list-style-type: none"> Supplementary materials should be folded to 8 1/2 x 11 size and should include a statement of the public purpose, should demonstrate the need for public investment; indicate sources and uses of funds; indicate the developer's financial capacity and experience; a narrative demonstrating consistency with city redevelopment objectives; and state the need for additional consultant services, if any. 			
2.	<p>Traffic Concurrency Initial Review – 1 original and 1 copy</p> <ul style="list-style-type: none"> Proposed site plan to include one 8 1/2" X 11" and one 24" X 36" 	Submit prior to filing Application		
3.	<p>Traffic Concurrency Study – 1 original and 1 copy</p> <ul style="list-style-type: none"> Copies of any plans already submitted or copies of plans being submitted The Scope of Services for the Traffic Concurrency Study <p>Determination of concurrency must be made prior to filing a Development application.</p>	Submit prior to filing Application		
4.	<p>Community Workshops – 1 original and 1 copy</p> <ul style="list-style-type: none"> Proposed site plan Narrative including the following information: Proposed use, height, density, intensity, parking, vehicular access, landscaping and/or any other applicable information related to the project Other materials may include a sketch or concept plan, architectural renderings, special studies, etc. <p>Application submittal does not guarantee a specific Community Workshop date. The Community Workshop, when required, must be held prior to filing a Development Application.</p>	Submit at least 7 business days prior to 14-day notification period of Workshop Date		
5.	<p>Adjustments to the Downtown Code <input type="checkbox"/> City Staff <input type="checkbox"/> Planning Board – 1 original and 2 copies</p> <ul style="list-style-type: none"> Surveys – all signed and sealed; survey requirement can be waived by the Director (incl. electronic copy) Narrative and any other supporting documentation indicating how criteria in Section IV-1903 – Adjustments, Zoning Code (2002 Ed.), as amended, have been met. 8.5 x 11 size legal description and sketch of property (PB Adjustment only) 			
6.	<p>Amendments to the City's Comprehensive Plan, a/k/a Sarasota City Plan – 1 original and 1 copy</p> <ul style="list-style-type: none"> Narrative responding to all the questions indicated in Form I If a text amendment, proposed text. If an illustration amendment, proposed changes Summary of comments received at the Community Workshop 		XX	
7.	<p>Annexations – 1 original and 3 copies</p> <ul style="list-style-type: none"> Verification the property is within the City's Urban Service Boundary Legal description of property by Metes and Bounds Signed & Sealed Boundary Surveys, Property Surveys, and Topographic Surveys by Metes and Bounds County Zoning & Future Land Use Map applicable to the area Narrative responding to the following: 1) Reason for the Annexation; 2) Is the request is voluntary; 3) Is the property contiguous to the City Limits line; 4) County Future Land Use Designation, Equivalent City Zone District, and Proposed City Land Use Designation; 5) If the proposed Zone District requires a City or privately initiated Comprehensive Plan Amendment, and 6) Whether the Applicant wishes to be considered for a small-scale development activity amendment. 			
8.	<p>Boundary Adjustment/Lot Split Review – 1 original and 1 copy</p> <ul style="list-style-type: none"> 2 Signed and sealed surveys of the lot in its existing condition 2 Signed and sealed surveys of the proposed lot configuration Narrative Written authorization of all affected property owners 			
9.	<p>Sidewalk Café (First time and Extensions) – 1 original and 1 copy</p> <ul style="list-style-type: none"> Form M (2 signed originals) 2 Restaurant menus 8 1/2" X 11" professional drawing showing outdoor seating including scale and directional Copy of the Florida Department of Business and Profession Regulation License (Food Permit) and Liquor License (if applicable) Copy of the City of Sarasota Local Business Tax receipt and Sarasota County Business Tax receipt Certificates of Insurance (see Form M) 			
10.	<p>Provisional Use/Open Air Market – 1 original and 2 copies</p> <ul style="list-style-type: none"> Narrative describing the type of market, days and hours of operation, types of signs and any entertainment Approval letter from property owner(s) identifying site address, owner's name, mailing address, telephone number and acknowledgment of proposed activity and dates of operation. 8.5 x 11 sketch of the site identifying the location of all uses and parking if provided. 			
11.	<p>Regional Activity Center or Urban Central Business District – 1 original and 3 copies</p> <ul style="list-style-type: none"> Narrative responding to the questions/criteria indicated on Form O. Map delineating the boundary of the proposed area. Proposed Ordinance delineating a Regional Activity Center or Urban Central Business District, optional. Summary of comments received at the Community Workshop. 			

SUBMISSION REQUIREMENTS FOR GENERAL APPLICATIONS:		IF REQUIRED	YES	N/A
12.	Revisions/Amendments to Previously Approved Applications – 1 original and 2 copies • Submission requirements will be determined by agreement of Staff and the Applicant			
13.	Site Plan - Extension of Time – 1 original and 2 copies • Narrative	Submit 30 days prior to expiration		
14.	Tax Increment Financing (TIF) Funding Assistance Requests – 1 original and 4 copies • Narrative including 1) Development Budget for (a) Permanent Financing and (b) During Construction; 2) Construction timeline by Phase/Structure; 3) Detailed Operating Cash Flow Pro Forma. • 11" X 17" Schematic architectural drawings – a site plan and elevations of all facades			
15.	Zoning Code Confirmation – 1 original and 1 copy • Narrative			
16.	Zoning Code Interpretation – 1 original and 1 copy; a meeting with Staff prior to filing is encouraged • Narrative			

FAILURE TO SUBMIT ALL REQUIRED ITEMS WILL RESULT IN AN INCOMPLETE SUBMISSION

I HEREBY CERTIFY THAT THE STATED INFORMATION IS INCLUDED IN THE SUBMITTED PLANS AND/OR DOCUMENTS.

Date:

12/14/21



Signature of Property Owner, Lessee, Contract Purchaser, or Agent (Circle One)

NOTES:

- If a Variance is filed, it must be filed simultaneously with any other land use applications for the same site and filed simultaneously with a re-submittal.
- If an Adjustment to the Downtown Code is filed, it must be filed simultaneously with any other land use applications for the same site and filed simultaneously with a re-submittal.
- Re-Submitted Applications require a narrative certified by signature of owner, developer, representative, engineer, or architect responding to each issue raised by Development Review Committee members; a corresponding pointer on plan documents noting where each narrative issue has been resolved; and changes on plan documents indicated with "clouds".
- Completion of the Traffic Study averages 30 to 40 business days.



CITY OF SARASOTA
DEVELOPMENT APPLICATION

**Amendments to the Sarasota City Plan
Information and Data Requirements**

Please indicate:

Current Land Use Classification: <i>Not applicable</i>
Proposed Land Use Classification: <i>Not applicable</i>

Please answer all applicable questions and provide source(s) for all data.

1. What is the reason for the proposed amendment? *Florida Statutes was amended in 2021 to require each local government adopt a property rights element into their comprehensive plan. This amendment is being filed to meet this state mandate.*
2. A proposed amendment involving text changes should include a copy of the currently adopted text with proposed additions underlined (e.g. City of Sarasota) and proposed deletions struck through (e.g. ~~City of Sarasota~~). *A new Property Rights Chapter is being proposed. The chapter is not underlined as the complete document is new.*
3. A proposed amendment involving map changes should state the currently adopted classification and the proposed change(s). *Not applicable*
4. Analysis of the character of the parcel, using additional pages as necessary, from the *Sarasota City Plan* in order to determine its suitability for the proposed use(s) including:
 - a. FEMA flood zone designation(s) from Illustration EP-4 or its source document; *Not applicable*
 - b. Natural Resources from Illustration EP-2, EP-3, and EP-5 or their source documents; *Not applicable*
 - c. Historic Resources from the Historic Preservation Chapter; *Not applicable*
 - d. Hurricane Storm Surge Category from Illustration EP-11 or its source document. *Not applicable*
5. Hurricane evacuation information based on the proposed amendment, considering the number of persons requiring evacuation, availability of hurricane shelter spaces, and evacuation routes and times from the Sarasota County Emergency Management Center. *Not applicable*
6. Whether the proposed amendment affects beach accessibility. *Not applicable*
7. Whether the site contains habitat for species listed by Federal, State or Local Agencies as endangered, threatened or species of specific concern as identified by Illustration EP-6 of the *Sarasota City Plan*. If yes, identify the species and show the habitat location on map. *Not applicable*
8. Whether the proposed amendment affects adjacent local governments. If yes, how? *Not applicable*
9. How will the public interest be furthered if the amendment were to be approved? The comprehensive plan will acknowledge property owners rights as it pertains to privately owned property.
10. Why is the current land use classification for the subject parcel no longer appropriate? *Not*

applicable

11. Are there any changes in the character of the area surrounding the subject parcel since the adoption of the *Sarasota City Plan* which would support the amendment? *Not applicable*
12. What benefit would accrue to adjacent and nearby properties as a result of the proposed amendment? What detriments? *Not applicable*
13. Do any alternatives exist to accommodate the applicant's needs which would not require changes to the comprehensive plan and why the applicant is not proceeding with these alternatives? If so, what? *Not applicable*

14. If you will be seeking a concurrent review of a rezoning request or other type of development approval (e.g., rezoning, conditional use permit, site plan, etc.) please so indicate and provide the characteristics of the request. *Not applicable*
15. If other City actions are associated with your proposal (e.g., lease modifications, annexation, etc.) please so indicate and provide the characteristics of the request. *Not applicable*

**Public Infrastructure/Service Analyses
Map Amendments Only**
Not applicable

The Florida Statutes require that the City analyze all proposed land use changes in order to determine if the City's adopted levels-of-service (LOS) will be maintained and that existing infrastructure capacities are adequate to support the impact of the development associated with the land use change. In order for staff to undertake this LOS analysis, the applicant can pursue one of two options described below.

Option 1: - Worst-Case Scenario. Under this option, the applicant notes at the pre-application conference that he/she has no specific development plans for which the level-of-service analysis can be based. In this case, City staff will create a "Level of Service Analysis Table" based upon the most intensive activity that could be constructed on the subject parcel as determined by the most intensive implementing zone district. This table will be prepared within two weeks after the pre-application conference and transmitted to the applicant, the City departments of Public Works and Engineering as well as the Sarasota County Area Transit Service staff. Staff from these agencies will then determine if adopted LOS values will be maintained,¹ or whether additional information is required before this determination can be made (e.g., a traffic study).

Option 2: - Proffered Rezone Petition. Under this option, the applicant provides at the pre-application conference specific proffers reflecting specific land uses, intensities/densities, heights, and other components of a "concept plan." Staff will then prepare the "Level of Service Analysis Table" based upon these proffers and transmit it to the applicant, the Department of Public Works and the Engineering Department. Staff from these two departments will then determine if adopted LOS values will be maintained,² or whether additional information is required before this determination can be made (e.g., a traffic study). If there are companion development application(s) accompanying the proposed amendment or if a specific development plan for the future has been determined, describe the proposal(s) including building(s) square footage, use, etc.

Note: If Option 2 is chosen, a "proffered rezone" application must be filed concurrently with the Comprehensive Plan Amendment Application.

¹ The procedure for determining the impact of the proposed land use change under this option involves a comparison of the "most intense" development possible under the existing Future Land Use classification with the "most intense" development possible under the proposed Future Land Use classification. This comparison will determine the *net* impact that the proposed amendment will have on LOS related services (e.g., transportation, recreation, water, sewer, storm water, public transit, etc). These "most intense" scenarios are based upon the land use classifications implementing zone districts.

² The procedure for determining the impact of the proposed land use change under this option involves a comparison of the "most intense" development possible under the existing Future Land Use classification with the development reflected by the proposed "proffered" rezone. This comparison will determine the *net* impact that the proposed amendment will have on LOS related services (e.g., transportation, recreation, water, sewer, storm water, public transit, etc).

City Amendment – Proposed Property Rights Chapter

In 2021, the Florida Legislature and Governor DeSantis approved House Bill 59 which requires each local government in the state to adopt a property rights element into their comprehensive plan. The Bill provided a model statement of property rights that could be incorporated into comprehensive plans. Local governments have the ability to adopt distinct property rights elements as long as they do not conflict with the model statement contained within the Bill.

Planning staff prepared a Property Rights Chapter utilizing the model statement provided in the legislation in order to be consistent with the Legislature's intent regarding property rights.

The Florida Department of Economic Opportunity will not allow a local government to amend its comprehensive plan until a Property Rights element is adopted. Therefore, the proposed chapter will be submitted for the 2021-22 annual amendment schedule.



*The
Property Rights
Chapter*

Sarasota City Plan

and

Support Document

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The Property Rights Plan

INTENT AND PURPOSE

The purpose of Property Rights Plan is to respect judicially acknowledged and constitutionally protected private property rights. The foundation for this Chapter is the **City of Sarasota Strategic Plan** and Florida statutory requirements.

Sarasota’s Strategic Plan Vision

In 2016, the City Commission adopted “The City of Sarasota Strategic Plan”, which provides our vision:

“A world-class community and treasured destination, with enduring natural beauty, charm, and diversity.”

To achieve this vision the City’s mission is to provide high-quality services to our residents, businesses, and visitors, while safeguarding our natural resources and building a prosperous community.

It is the intent of the Property Rights Plan to pursue actions that further the **The City Sarasota Strategic Plan**.

Florida Statutory Requirements

The Property Rights Chapter is intended to meet the requirements as outlined in Subsection 163.3177 (6) (i) 1, Florida Statutes.

Organization of the Property Rights Plan

The Property Rights Plan consists of a goal followed by an objective and action strategies pursuant to the goal.

The Property Rights Plan is organized around one objective addressing:

Objective 1. Private Property Rights.

The Property Rights Plan is one of the twelve plans which collectively represent the Sarasota City Plan. This Plan can neither stand alone nor be interpreted independent of the others.

Implementation of the Sarasota City Plan

Implementation of the Sarasota City Plan will require actions by both the public and private sectors. In this regard many of the plan components speak to “the City” pursuing certain actions to:

promote, provide, consider, identify, enhance, create, maintain, conserve, support, reduce discourage, coordinate, and employ.

While these actions may be initiated by City government itself, City government will also be expecting applicants seeking development approvals to pursue these same type of actions as part of their applications.

GOAL, OBJECTIVE AND ACTION STRATEGIES

Goal

The City recognizes and shall respect judicially acknowledged and constitutionally protected private property rights.

Objective 1 – Private Property Rights

The City shall consider private property rights in decision making as provided by the following Action Strategies.

Action Strategies

- 1.1 The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
- 1.2 The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
- 1.3 The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
- 1.4 The right of a property owner to dispose of his or her property through sale or gift.

The Property Rights Support Document

The inventory and analysis in the Support Document provide the foundation for the Plan portion of this Chapter.

The Support Document is not adopted.

INVENTORY AND ANALYSIS

Overview of Private Property Rights in Florida

House Bill 59. During the 2021 Florida legislative session, House Bill 59 was passed and signed into law by the governor on June 29, 2021. House Bill 59 requires that local governments consider private property rights when regulating land and for each local government to adopt a property rights element into its comprehensive plan. The bill provides a model statement of property rights a local government may adopt to satisfy the requirement. Alternatively, a local government may adopt a distinct property rights element as long as it does not conflict with the model statement. Those model statements from the Florida Statutes have been adopted as action strategies in the Plan section of this chapter. The bill directs local governments to adopt this element by the earlier of its next proposed plan amendment initiated after July 1, 2021, or the date of its next comprehensive plan evaluation, as required by s. 163.3191, Florida Statutes.

Bill of Rights. The Florida Statutes also includes a property owner's bill of rights in Section 70.002. The bill of rights lists property owner's rights and protections as:

1. The right to acquire, possess, and protect your property.
2. The right to use and enjoy your property.
3. The right to exclude others from your property.
4. The right to dispose of your property.
5. The right to due process.
6. The right to just compensation for property taken for a public purpose.
7. The right to relief, or payment of compensation, when a new law, rule, regulation, or ordinance of the state or a political entity unfairly affects your property.

Bert J. Harris Jr. Private Property Rights Protection Act. Florida law places a high value on the civil rights of property ownership as evidenced by the passage of House Bill 59 and the Bill of Rights noted above. The state also previously enacted the Bert J. Harris Jr. Private Property Rights Protection Act in 1995. The Harris Act, located in Section 70.001, Florida Statutes, provides specific processes for landowners to seek relief when they perceive their property rights may be inordinately burdened, restricted, or limited by government action without amounting to a taking under the State Constitution or the United States Constitution. Therefore, the Harris Act can provide for relief, or payment of compensation, when a new law, rule, regulation, or ordinance of the state or a political entity in the state inordinately burdens an existing use of real property or a vested right to a specific use of real property.

Riparian Rights. Additionally, the Florida Statutes defines riparian rights as those rights incident to land bordering upon navigable waters. They are rights of ingress, egress, boating, bathing, and fishing and such others as may be or have been defined by law and are not of a proprietary nature. The land to which an owner holds title must extend to the ordinary high watermark of the navigable water in order for riparian rights to be attached. Riparian rights are defined in Section 253.141 of the Florida Statutes.



MEMORANDUM

Date: November 16, 2021

To: File

From: David L. Smith, AICP, Manager of Long-Range Planning

Subject: **DRC Comments - Property Rights Chapter**

The subject application has been scheduled for the November 17, 2021 Development Review Committee. Meetings are held in the City Commission Chambers at City Hall and commence at 9:00 AM. Staff looks forward to further discussing the project comments at that meeting, however, should you have immediate questions, please contact me or the individual reviewer noted below. Comments are as follows:

Development Services Comments:

Comments Prepared By / Contact In Case of Questions: Briana Dobbs, Development Review Senior Planner, Development Services / 941.263.6587 / briana.dobbs@sarasotafl.gov

A. Requirements & Regulations:

1. No comments.

B. Preliminary/Draft Conditions:

1. No comments.

C. Mitigation

1. No comments.

D. Advisory

1. No comments.

WASTE/RECYCLING COMMENTS:

Comments Prepared By / Contact In Case of Questions: Todd Kucharski, General Manager, Public Works / 941.263.6127 / todd.kucharski@sarasotafl.gov

A. Requirements & Regulations:

1. No comments.

B. Preliminary/Draft Conditions:

1. No comments.

C. Mitigation

1. No comments.

D. Advisory

1. No comments.

UTILITIES/WATER/WASTEWATER COMMENTS:

Comments Prepared By / Contact In Case of Questions: Zvonko Smlatic, Utilities Engineer / 941.263.6000 ext. 36189/ zvonko.smlatic@sarasotaFL.gov

A. Requirements & Regulations:

1. No comments.

B. Preliminary/Draft Conditions:

1. No comments.

C. Mitigation

1. No comments.

D. Advisory

1. No comments.

ENGINEERING COMMENTS:

Comments Prepared By / Contact In Case of Questions: Stephen Zadrozny, Engineering Technician III / 941.263.6000 ext. 36433 / stephen.zadrozny@sarasotaFL.gov

A. Requirements & Regulations:

1. No comments.

B. Preliminary/Draft Conditions:

1. No comments.

C. Mitigation

1. No comments.

D. Advisory

1. No comments.

TREE PROTECTION COMMENTS:

Comments Prepared By / Contact In Case of Questions: Mark Miller, Senior Arborist / 941.263.6000 ext. 36536 / mark.miller@sarasotaFL.gov

A. Requirements & Regulations:

1. No comments.

B. Preliminary/Draft Conditions:

1. No comments.

C. Mitigation

1. No comments.

D. Advisory

1. No comments.

SARASOTA POLICE / CPTED COMMENTS:

Comments Prepared By / Contact In Case of Questions: Danny Robbins, Police Officer 1st Class / 941.954-7056 / danny.robbsins@sarasotaFL.gov

A. Requirements & Regulations:

1. No comments.

B. Preliminary/Draft Conditions:

1. No comments.

C. Mitigation

1. No comments.

D. Advisory

1. No comments.

PLANNING/NEIGHBORHOODS COMMENTS:

Comments Prepared By / Contact In Case of Questions: Ryan Chapdelain, General Manager, Planning Department / 941.263.6000 ext. 36364/ ryan.chapdelain@sarasotaFL.gov

A. Requirements & Regulations:

1. No comments.

B. Preliminary/Draft Conditions:

1. No comments.

C. Mitigation

1. No comments.

D. Advisory

1. No comments.

BUILDING COMMENTS:

Comments Prepared By / Contact In Case of Questions: Mike Taylor, Deputy Building Official / 941.263.6000 ext. 36435/ mat.taylor@sarasotaFL.gov

A. Requirements & Regulations:

1. No comments.

B. Preliminary/Draft Conditions:

1. No comments.

C. Mitigation

1. No comments.

D. Advisory

1. No comments.

FIRE DEPARTMENT COMMENTS:

Comments Prepared By / Contact In Case of Questions: Robert Ritz, Fire Safety Inspector / 941.861.2299 / rritz@scgov.net

A. Requirements & Regulations:

1. No comments.

B. Preliminary/Draft Conditions:

1. No comments.

C. Mitigation

1. No comments.

D. Advisory

1. No comments.

TRAFFIC CONCURRENCY COMMENTS:

Comments Prepared By / Contact In Case of Questions: Daniel Ohrenstein, PE, Assistant City Engineer/ 941.263.6000 ext. 36520 / daniel.ohrenstein@sarasotaFL.gov

A. Requirements & Regulations:

1. No comments.

B. Preliminary/Draft Conditions:

1. No comments.

C. Mitigation

1. No comments.

D. Advisory

1. No comments.

PARKS AND RECREATION COMMENTS:

Comments Prepared By / Contact In Case of Questions: Candie Pedersen, General Manager / 941.263-6230/ candie.pedersen@sarasotaFL.gov

A. Requirements & Regulations:

1. No comments.

B. Preliminary/Draft Conditions:

1. No comments.

C. Mitigation

1. No comments.

D. Advisory

1. No comments.

David Smith

From: Briana Dobbs
Sent: Thursday, November 4, 2021 2:26 PM
To: David Smith
Subject: 22-PRE-04 & 22-PRE-05

David,

I do not have any comments for either pre-application.

Thank you,



Briana Dobbs
Development Review Senior Planner

Phone: (941) 263-6587

Mobile: (941) 504-8242

Email: briana.dobbs@sarasotafl.gov

1565 1st Street, Sarasota, FL 34236



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David Smith

From: Mark Miller
Sent: Friday, October 22, 2021 8:20 AM
To: David Smith
Subject: RE: DRC pre-application meeting for city initiated comprehensive plan amendment petitions

Good morning David,

I have no comments for these applications. Take care and stay healthy!



Mark Miller

Senior Arborist

Phone: (941) 263-6536

Mobile: (941) 894-2931

Email: mark.miller@sarasotafl.gov

1565 1st Street, Sarasota, FL 34236



From: David Smith <David.Smith@sarasotaFL.gov>

Sent: Tuesday, October 19, 2021 4:42 PM

To: planning@sarasotacountyschools.net; Daniel Ohrenstein <Daniel.Ohrenstein@sarasotaFL.gov>; Kevin McAndrew <Kevin.McAndrew@sarasotaFL.gov>; Ryan Chapdelain <Ryan.Chapdelain@sarasotaFL.gov>; Mike Connolly <Mike.Connolly@sarasotaFL.gov>; Mat Taylor <Mat.Taylor@sarasotaFL.gov>; Stephen Zadrozny <Stephen.Zadrozny@sarasotaFL.gov>; Mark Miller <Mark.Miller@sarasotaFL.gov>; Zvonko Smlatic <Zvonko.Smlatic@sarasotaFL.gov>; Todd Kucharski <Todd.Kucharski@sarasotaFL.gov>; Danny Robbins <Danny.Robbins@sarasotaFL.gov>; Bob Ritz <rritz@scgov.net>; Candie Pedersen <Candie.Pedersen@sarasotaFL.gov>; Sean Wilkins <Sean.Wilkins@sarasotaFL.gov>

Cc: Karen Grasset <Karen.Grasset@sarasotaFL.gov>

Subject: DRC pre-application meeting for city initiated comprehensive plan amendment petitions

Interoffice Memorandum

Date: October 19, 2021

To: Daniel Ohrenstein, PE, Assistant City Engineer, Engineering
Kevin McAndrew, General Manager, Development Services
Ryan Chapdelain, General Manager, Planning Department
Mike Connolly, Deputy City Attorney
Mike Taylor, Deputy Building Official, Development Services
Steve Zadrozny, Engineering Tech III, Engineering
Mark Miller, Senior Arborist, Development Services
Zvonko Smlatic, Utilities Engineer
Todd Kucharski, Public Works
Danny Robbins, Police Department
Robert Ritz, Fire Safety Inspector, Sarasota County
Candie Pedersen, Parks & Recreation

David Smith

From: Stephen Zadrozny
Sent: Thursday, November 4, 2021 6:54 AM
To: David Smith
Subject: Pre-Apps (22-PRE-04) & (22-PRE-05)

David,

Good morning. I do not have any comments regarding the subject Comprehensive Plan Amendments.

Thank you,

Steve



Steve Zadrozny

Engineering Technician III, Public Works

Phone : (941) 263-6433

Mobile : (941) 702-0261

Email : stephen.zadrozny@sarasotaf1.gov

1565 1st St. Sarasota, FL 34236



Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. E-mail messages sent or received by City of Sarasota officials and employees in connection with official City business are public records subject to disclosure under the Florida Public Records Act.

David Smith

From: Todd Kucharski
Sent: Wednesday, October 20, 2021 7:06 AM
To: David Smith
Cc: Jonathan Williamson; Karen Grassett
Subject: RE: DRC pre-application meeting for city initiated comprehensive plan amendment petitions

Good morning David,

There are no solid waste required comments. Please note that the Solid Waste Division of the Public Works Department will be able to continue providing solid waste collection services when and if this subject application submittal receives final approval by the City Commission.

Thank you and enjoy the day,



Todd Kucharski
Public Works General Manager
Phone: (941) 263-6127
Email: todd.kucharski@sarasotafl.gov
1761 12th Street, Sarasota, FL 34236



From: David Smith <David.Smith@sarasotaFL.gov>
Sent: Tuesday, October 19, 2021 4:42 PM
To: planning@sarasotacountyschools.net; Daniel Ohrenstein <Daniel.Ohrenstein@sarasotaFL.gov>; Kevin McAndrew <Kevin.McAndrew@sarasotaFL.gov>; Ryan Chapdelain <Ryan.Chapdelain@sarasotaFL.gov>; Mike Connolly <Mike.Connolly@sarasotaFL.gov>; Mat Taylor <Mat.Taylor@sarasotaFL.gov>; Stephen Zadrozny <Stephen.Zadrozny@sarasotaFL.gov>; Mark Miller <Mark.Miller@sarasotaFL.gov>; Zvonko Smlatic <Zvonko.Smlatic@sarasotaFL.gov>; Todd Kucharski <Todd.Kucharski@sarasotaFL.gov>; Danny Robbins <Danny.Robbins@sarasotaFL.gov>; Bob Ritz <rritz@scgov.net>; Candie Pedersen <Candie.Pedersen@sarasotaFL.gov>; Sean Wilkins <Sean.Wilkins@sarasotaFL.gov>
Cc: Karen Grassett <Karen.Grassett@sarasotaFL.gov>
Subject: DRC pre-application meeting for city initiated comprehensive plan amendment petitions

Interoffice Memorandum

Date: October 19, 2021

To: Daniel Ohrenstein, PE, Assistant City Engineer, Engineering
Kevin McAndrew, General Manager, Development Services
Ryan Chapdelain, General Manager, Planning Department
Mike Connolly, Deputy City Attorney
Mike Taylor, Deputy Building Official, Development Services
Steve Zadrozny, Engineering Tech III, Engineering
Mark Miller, Senior Arborist, Development Services
Zvonko Smlatic, Utilities Engineer

David Smith

From: Zvonko Smlatic
Sent: Monday, October 25, 2021 9:43 AM
To: David Smith
Subject: RE: DRC pre-application meeting for city initiated comprehensive plan amendment petitions

David,
The Utilities Department has no additional comments for the above subject project. Thanks.

Sincerely,



Zvonko Smlatic
Utilities Engineer, Utilities Permitting
Phone: (941) 263-6189
Email: zvonko.smlatic@sarasotafl.gov
1750 12th Street, Sarasota, FL 34236



All information provided by the City of Sarasota Utilities Department (COSUD), at any time, shall not be used for the design or construction of any building, development, or other improvements without field verification, including the use of ground penetrating radar and/or soft dig verification methods, by the DEVELOPER, the ENGINEER, or the CONTRACTOR. The recipient's reliance, at any time, upon maps, data, or other record information provided by COSUD shall be solely at his or her risk. COSUD shall have no actual or implied liability for incorrect drawings, record drawings, or other materials that the recipient reviews and/or utilizes in preparation of making business or personal decisions.

Be advised that any Contractor that damages any portion of the City's potable water, wastewater, and/or reclaimed water infrastructure shall be totally financially responsible for the repair of any such damaged infrastructure. All Contractors proposing to work directly on or in close proximity of any portion of the City's potable water, wastewater, and/or reclaimed water infrastructure shall have the appropriate repair materials (pipe, fittings, etc.), tools, and qualified staff available onsite in order to perform immediate repairs should damage to such infrastructure occur.

From: David Smith <David.Smith@sarasotaFL.gov>
Sent: Tuesday, October 19, 2021 4:42 PM
To: planning@sarasotacountyschools.net; Daniel Ohrenstein <Daniel.Ohrenstein@sarasotaFL.gov>; Kevin McAndrew <Kevin.McAndrew@sarasotaFL.gov>; Ryan Chapdelain <Ryan.Chapdelain@sarasotaFL.gov>; Mike Connolly <Mike.Connolly@sarasotaFL.gov>; Mat Taylor <Mat.Taylor@sarasotaFL.gov>; Stephen Zadrozny <Stephen.Zadrozny@sarasotaFL.gov>; Mark Miller <Mark.Miller@sarasotaFL.gov>; Zvonko Smlatic <Zvonko.Smlatic@sarasotaFL.gov>; Todd Kucharski <Todd.Kucharski@sarasotaFL.gov>; Danny Robbins <Danny.Robbins@sarasotaFL.gov>; Bob Ritz <rritz@scgov.net>; Candie Pedersen <Candie.Pedersen@sarasotaFL.gov>; Sean Wilkins <Sean.Wilkins@sarasotaFL.gov>
Cc: Karen Grasset <Karen.Grasset@sarasotaFL.gov>
Subject: DRC pre-application meeting for city initiated comprehensive plan amendment petitions

Interoffice Memorandum

Date: October 19, 2021

To: Daniel Ohrenstein, PE, Assistant City Engineer, Engineering
Kevin McAndrew, General Manager, Development Services

SARASOTA COUNTY FIRE MARSHAL'S OFFICE

To: David L. Smith, AICP, Manager of Long Range Planning
From: Robert Ritz, Supervisor Fire Plan Review
Date: October 21, 2021
Subject: Proposed Comprehensive Plan Amendments for a New Property Rights Chapter (22-PRE-04)

Requirements and Regulations:

- NONE

Advisory Comments:

- NONE

CC: Karen Grassett
CC: Mike Taylor

Robert Ritz
Supervisor Fire Plans Review
Sarasota County Fire Prevention

David Smith

From: Mike Connolly
Sent: Saturday, October 23, 2021 10:22 AM
To: David Smith
Subject: Re: DRC pre-application meeting for city initiated comprehensive plan amendment petitions

David,

As to the Property Rights Plan Amendment I have two comments.

The first one is something I missed when I reviewed your initial draft. [Sorry about that!] On page PR-5 in the bottom paragraph, you refer to "Subsection 70.0001, Florida Statutes". Please change "Subsection" to "Section".

The second comment is that this Plan Amendment DOES NOT require a super majority vote of the City Commission. This Plan Amendment is not one of the amendments mentioned in Article IV, Section 2(j) of the City Charter.

Mike

From: David Smith <David.Smith@sarasotaFL.gov>
Sent: Tuesday, October 19, 2021 4:42 PM
To: planning@sarasotacountyschools.net <planning@sarasotacountyschools.net>; Daniel Ohrenstein <Daniel.Ohrenstein@sarasotaFL.gov>; Kevin McAndrew <Kevin.McAndrew@sarasotaFL.gov>; Ryan Chapdelain <Ryan.Chapdelain@sarasotaFL.gov>; Mike Connolly <Mike.Connolly@sarasotaFL.gov>; Mat Taylor <Mat.Taylor@sarasotaFL.gov>; Stephen Zadrozny <Stephen.Zadrozny@sarasotaFL.gov>; Mark Miller <Mark.Miller@sarasotaFL.gov>; Zvonko Smlatic <Zvonko.Smlatic@sarasotaFL.gov>; Todd Kucharski <Todd.Kucharski@sarasotaFL.gov>; Danny Robbins <Danny.Robbins@sarasotaFL.gov>; Bob Ritz <rritz@scgov.net>; Candie Pedersen <Candie.Pedersen@sarasotaFL.gov>; Sean Wilkins <Sean.Wilkins@sarasotaFL.gov>
Cc: Karen Grasset <Karen.Grasset@sarasotaFL.gov>
Subject: DRC pre-application meeting for city initiated comprehensive plan amendment petitions

Section 3

Review Agency Comments

April 6, 2022

The Honorable Erik Arroyo
Mayor, City of Sarasota
1565 First Street
Sarasota, Florida 34236

Dear Mayor Arroyo:

The Department of Economic Opportunity (“Department”) has reviewed the proposed comprehensive plan amendment for the City of Sarasota (Amendment No. 22-01ESR) received on March 21, 2022. The review was completed under the expedited state review process. We have no comment on the proposed amendment.

The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the City is reminded that:

- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the City. **If the City receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**
- **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.
- **The adopted amendment must be rendered to the Department.** Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after the Department notifies the City that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.

The Honorable Erik Arroyo, Mayor

April 6, 2022

Page 2 of 2

If you have any questions concerning this review, please contact Scott Rogers, Regional Planning Administrator, by telephone at (850) 717-8510 or by email at scott.rogers@deo.myflorida.com.

Sincerely,

A handwritten signature in black ink that reads "Scott Rogers". The signature is written in a cursive, flowing style.

Scott Rogers, Regional Planning Administrator
Bureau of Community Planning and Growth

SR

Enclosure(s): Procedures for Adoption

cc: David Smith, Manager of Long-Range Planning, City of Sarasota
Margaret Wuerstle, Executive Director, Southwest Florida Regional Planning Council

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR EXPEDITED STATE REVIEW

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit electronically using the Department’s electronic amendment submittal portal “**Comprehensive Plan and Amendment Upload**” (<https://floridajobs.secure.force.com/cpl/>) or submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ State Land Planning Agency identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

_____ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency.

David Smith

From: Plan_Review <Plan.Review@dep.state.fl.us>
Sent: Tuesday, April 19, 2022 5:25 PM
To: David Smith; dcpexternalagencycomments@deo.myflorida.com
Cc: Plan_Review
Subject: Sarasota 22-01ESR Proposed

Caution: This email originated from outside the City's email system. Be Suspicious of Attachments, Links and Requests for Login Information. Verify requester via phone call before exchanging sensitive information. **Think B4U Click!**

To: David L. Smith, AICP, Manager of Long-Range Planning

Re: Sarasota 22-01ESR – Expedited State Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Please submit all future amendments by email to Plan.Review@FloridaDEP.gov. If your submittal is too large to send via email or if you need other assistance, contact Lindsay Weaver at (850) 717-9037.



April 13, 2022

Mr. David L. Smith, AICP
Manager of Long-Range Planning
City of Sarasota
1565 First Street, Room 301A
Sarasota, FL 34236

Subject: **Sarasota City 22-1ESR**

Dear Mr. Smith:

The Southwest Florida Water Management District (District) has reviewed the proposed amendment. It does not appear that the proposed amendment will result in any adverse regional water resource-related impacts. Therefore, we are not forwarding any comments for consideration.

We appreciate this opportunity to participate in the review process. If you have any questions or require further assistance, please do not hesitate to contact me at (352) 796-7211, extension 4790, or james.golden@watermatters.org.

Sincerely,



James J. Golden, AICP
Senior Planner

JG
cc: Ray Eubanks, DEO

Section 4

Public Hearing Notices and Minutes



**NOTICE OF PUBLIC HEARING
APPLICATION NO. 22-PA-02**

Notice is hereby given that the **PLANNING BOARD/LOCAL PLANNING AGENCY** of the City of Sarasota, Florida will meet on **Wednesday, January 12, 2022 at 1:30 p.m.** in the Commission Chambers, City Hall, 1565 First Street, Sarasota, Florida. **Starting at 1:30 p.m. or as soon thereafter as possible, the Planning Board/Local Planning Agency will open the scheduled Public Hearings in the order they appear on the agenda.** The following applications will be considered at the above scheduled meeting:

COMPREHENSIVE PLAN AMENDMENT APPLICATION NO. 22-PA-02 – A REQUEST TO AMEND THE SARASOTA CITY PLAN (2030) BY ADDING A PROPERTY RIGHTS CHAPTER AND REVISING APPLICABLE TEXT, AS MORE PARTICULARLY DESCRIBED IN SAID APPLICATION.

Said applications are on file in the **Planning Department** and the **Office of the City Auditor and Clerk** at City Hall. If you wish to obtain a copy, please call (941) 263-6222 between 8:00 a.m. to 5:00 p.m. Monday through Friday.

Interested persons are welcome to attend and may register to speak in respect to the above-proposed applications.

If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990 and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in such public hearing should contact the Office of the City Auditor and Clerk at (941) 263-6222 at least two (2) business days prior to the date of the public hearing as to the nature of the aid and/or service desired. Reasonable auxiliary aids and services will be made available to qualified disabled individuals to the extent that no undue financial or administrative burden results. For the benefit of individuals utilizing hearing aids with a T-coil, the City Commission Chambers and SRQ Media Studio are outfitted with a Hearing Induction Loop for enhanced hearing assistance.

CITY OF SARASOTA

By: Shayla Griggs
City Auditor and Clerk

Legal Date: December 24, 2021

PB Member Ohlrich questioned why the opt-in provision was not being removed from all sections of the Comprehensive Plan; and questioned if staff agreed with Attorney Connolly's memo that stated accessory dwelling units do not increase density. Manager Smith stated the last major update to the Comprehensive Plan included opt-in clauses; and stated staff agreed with Attorney Connolly's opinion that accessory dwelling units do not increase density. Discussion ensued.

PB Vice Chair Clermont questioned if allowing accessory dwelling units citywide overrode the opt-out clauses. Manager Smith stated that was correct.

PB Chair Salem pointed out providing accessory dwelling units was not a requirement; and questioned if accessory dwelling units were included in impervious surface calculations. Manager Smith confirmed accessory dwelling units are not required; and stated accessory dwelling units are included in impervious surface calculations.

1:49:12 P.M.

Citizen Input:

Mr. Ronald Kashden appeared via Zoom and stated he represented the Laurel Park Neighborhood Association; stated the adoption of the zoning text amendment relating to accessory dwelling units diminished the existing rights of the neighborhood; and said the City Attorney was processing a corrective ordinance.

PB Member Blumetti questioned if existing accessory dwelling units are grandfathered in. Discussion ensued. Attorney Connolly noted State statutes require accessory dwelling units to be rented to low-income residents; said City Attorney Fournier was working on an ordinance regarding the grandfathering issue; and pointed out that issue is not a part of today's discussion.

1:56:13 P.M.

PB Vice Chair Clermont made a motion to find 22-PA-01 consistent with the Sarasota City Plan (2030) and recommend the City Commission approve transmittal and adoption as identified in this report. PB Member Blumetti seconded the motion. The motion passed 5-0.

1:56:23 P.M.

2. Comprehensive Plan Amendment Application No. 22-PA-02: A request to amend the Sarasota City Plan (2030) by adding a Property Rights Chapter and revising applicable text.

(David L. Smith, AICP, Manager of Long-Range Planning)

Staff Presentation:

Manager Smith appeared and stated the proposal is to add a Property Rights Chapter to the Comprehensive Plan due to the recent passage of HB 59 by the Legislature; noted the amendment must be adopted prior to adoption of any additional large-scale amendments; and stated the Legislature had provided a model element and that language was used in the proposed language.

PB Member Ohlrich questioned if the language is verbatim; and if not, what were the changes. Manager Smith stated the proposed Goal and Objective language was not in the model; and said the Action Strategies that were in the model are verbatim. Discussion ensued.

PB Vice Chair Clermont questioned the language pertaining to mineral rights and asked if his neighbor could mine their property. Manager Smith stated permitted uses in the zone districts were still applicable. PB Vice Chair Clermont questioned what the point of the proposed Comprehensive Plan Amendment was. Manager Smith stated it is a legislative requirement.

PB Member Halflants questioned if the language constituted a taking. Attorney Connolly stated it does not.

PB Member Blumetti had no questions.

PB Chair Salem stated problems associated with phosphate mining was likely the reason for the verbiage related to mineral rights.

2:04:49 P.M.

PB Member Blumetti made a motion to find 22-PA-02 consistent with the Sarasota City Plan (2030) and recommend the City Commission approve transmittal and adoption as identified in the report. PB Vice Chair Clermont seconded the motion. The motion passed 5-0.

2:05:37 P.M.

3. **Zoning Text Amendment Application No. 22-ZTA-02:** A request for Zoning Text Amendment approval to modify Map VI-1001, Primary/Secondary Street Grid, found in Section VI-1003 of the Zoning Code.
(Briana Dobbs, AICP, Senior Planner)

General Manger Chapdelain and Senior Planner Dobbs appeared. General Manger Chapdelain discussed prior changes to the primary street grid; and stated a map with the proposed changes outlined and a matrix explaining the rationale was provided in the backup. Senior Planner Dobbs discussed the purpose and intent of primary streets and the characteristics of secondary streets. Discussion ensued.

PB Member Blumetti questioned why there were gaps on Ringling Blvd and US 301 north of Boulevard of the Arts. General Manager Chapdelain stated the gap on Ringling Boulevard was due to an access point that was approved as part of a previously approved rezoning; and said the gap on US 301 north of Boulevard of the Arts is to provide for greater development flexibility in that area.

PB Member Halflants questioned if retail is required on primary streets. Senior Planner Dobbs stated retail is not a requirement. PB Member Halflants stated standards should



**NOTICE OF PUBLIC HEARING
APPLICATION NO. 22-PA-02**

Notice is hereby given that the **CITY COMMISSION** of the City of Sarasota, Florida will meet on **Monday, March 7, 2022, at 9:00 a.m.** in the Commission Chambers, City Hall, 1565 First Street, Sarasota, Florida. **Starting at 9:00 a.m. or as soon thereafter as possible, the Commission will open the scheduled Public Hearings in the order they appear on the agenda.** The following Resolution will be considered at the above scheduled meeting:

RESOLUTION 22R-3077

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SARASOTA, FLORIDA AUTHORIZING TRANSMITTAL OF PROPOSED COMPREHENSIVE PLAN AMENDMENT APPLICATION NO. 22-PA-02 TO THE STATE REVIEWING AGENCIES FOR REVIEW AND COMMENT; SAID APPLICATION BEING A REQUEST FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN OF THE CITY OF SARASOTA [A/K/A THE SARASOTA CITY PLAN (2030)], TO, AS REQUIRED BY FLORIDA STATUTE, ADD A NEW PROPERTY RIGHTS CHAPTER TO THE SARASOTA CITY PLAN (2030); PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.

Said application is on file in the **Planning Department** and the **Office of the City Auditor and Clerk** at City Hall. If you wish to obtain a copy, please call (941) 263-6222 between 8:00 a.m. to 5:00 p.m. Monday through Friday.

Interested persons are welcome to attend and may register to speak in respect to the above-proposed ordinance.

If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990 and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in such public hearing should contact the Office of the City Auditor and Clerk at (941) 263-6222 at least two (2) business days prior to the date of the public hearing as to the nature of the aid and/or service desired. Reasonable auxiliary aids and services will be made available to qualified disabled individuals to the extent that no undue financial or administrative burden results. For the benefit of individuals utilizing hearing aids with a T-coil, the City Commission Chambers and SRQ Media Studio are outfitted with a Hearing Induction Loop for enhanced hearing assistance.

CITY OF SARASOTA

By: Shayla Griggs
City Auditor and Clerk

Legal Date: February 18, 2022

3:00:39 P.M.

Mr. Smith provided a brief overview of proposed Resolution No. 22R-3076.

3:01:53 P.M.

Questions posed by Commissioner Ahearn-Koch were addressed by Mr. Smith and the City Manager.

3:06:25 P.M.

Questions posed by Commissioner Brody were addressed by Mr. Smith.

3:06:44 P.M.

No one signed up to speak and Mayor Arroyo closed the Public Hearing.

3:07:07 P.M.

A motion was made by Commissioner Brody, seconded by Commissioner Alpert to adopt proposed Resolution No. 22R-3076, authorizing transmittal of proposed Comprehensive Plan Amendment Application No. 22-PA-01 to the State Reviewing Agencies for Review and Comment, which carried by a 5-0 vote.

3:07:25 P.M.

2) **PUBLIC HEARING RE: PROPOSED RESOLUTION NO. 22R-3077, AUTHORIZING TRANSMITTAL OF PROPOSED COMPREHENSIVE PLAN AMENDMENT APPLICATION NO. 22-PA-02 TO THE STATE REVIEWING AGENCIES FOR REVIEW AND COMMENT; SAID APPLICATION BEING A REQUEST FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN OF THE CITY OF SARASOTA [A/K/A THE SARASOTA CITY PLAN (2030)], TO, AS REQUIRED BY FLORIDA STATUTE, ADD A NEW PROPERTY RIGHTS CHAPTER TO THE SARASOTA CITY PLAN (2030), ETC. (TITLE ONLY) (APPLICATION NO. 22-PA-02, APPLICANT: THE CITY OF SARASOTA) (AGENDA ITEM X-2)**

3:07:25 P.M.

Manager of Long-Range Planning David Smith, Planning Department came before the Commission.

3:07:25 P.M.

Mayor Arroyo opened the Public Hearing.

3:07:51 P.M.

City Auditor and Clerk Griggs read proposed Resolution No. 22R-3077 by title only.

3:09:58 P.M.

Questions posed by Commissioner Ahearn-Koch were addressed by Mr. Smith.

3:11:39 P.M.

No one signed up to speak and Mayor Arroyo closed the Public Hearing.

3:11:59 P.M.

A motion was made by Commissioner Alpert, seconded by Commissioner Brody to adopt proposed Resolution No. 22R-3077, authorizing transmittal of proposed Comprehensive Plan Amendment Application No. 22-PA-02 to the State Reviewing Agencies for Review and Comment, which carried by a 5-0 vote.

3:12:21 P.M.

3) PUBLIC HEARING RE: PROPOSED ORDINANCE NO. 22-5405, AMENDING ORDINANCE NO. 19-5291 WHICH AMENDED ORDINANCE NO. 00-4229 WHICH PROVIDED FOR THE DESIGNATION OF THE STRUCTURES LOCATED AT 4511 BAY SHORE ROAD, HISTORICALLY KNOWN AS THE ETOWAH-HAGAN/JACKSON HOUSE, AS STRUCTURES OF HISTORIC SIGNIFICANCE PURSUANT TO THE HISTORIC PRESERVATION ORDINANCE OF THE CITY OF SARASOTA BY ADJUSTING THE BOUNDARIES OF THE SUBJECT REAL PROPERTY AND BY REINSTATING TO THE SUBJECT REAL PROPERTY THE HISTORICALLY DESIGNATED BOATHOUSE; ALL AS IS MORE PARTICULARLY DESCRIBED HEREIN, ETC. (TITLE ONLY) (AGENDA ITEM X-3)

AND

4) PUBLIC HEARING RE: PROPOSED ORDINANCE NO. 22-5406, AMENDING ORDINANCE NO. 19-5292 WHICH AMENDED ORDINANCE NO. 92-3629 WHICH PROVIDED FOR THE DESIGNATION OF THE STRUCTURES LOCATED AT 4521 BAY SHORE ROAD, HISTORICALLY KNOWN AS THE EARLE HOUSE, AS STRUCTURES OF HISTORIC SIGNIFICANCE PURSUANT TO THE HISTORIC PRESERVATION ORDINANCE OF THE CITY OF SARASOTA BY ADJUSTING THE BOUNDARIES OF THE SUBJECT REAL PROPERTY AND BY DELETING THEREFROM AN HISTORICALLY DESIGNATED BOATHOUSE STRUCTURE; ALL AS IS MORE PARTICULARLY DESCRIBED HEREIN, ETC. (TITLE ONLY) (AGENDA ITEM X-4)

3:12:27 P.M.

Mayor Arroyo opened the Public Hearing.

3:12:27 P.M.

City Auditor and Clerk Griggs read proposed Ordinance No. 22-5405 by title only.

3:13:20 P.M.

City Attorney Fournier stated that Legislative Public Hearings, Agenda Items X, Item No. 3, Public Hearing Re: Proposed Ordinance No. 22-5405 and Item No.4, Public Hearing Re: Proposed Ordinance No. 22-5406 are related and can be combined if the Commission desires.

3:13:31 P.M.

Mayor Arroyo noted Commission consensus to combine Legislative Public Hearings, Agenda Items X, Item No. 3, Public Hearing Re: Proposed Ordinance No. 22-5405 and Item No. 4, Public Hearing Re: Proposed Ordinance No. 22-5406.



**NOTICE OF PUBLIC HEARING
APPLICATION NO. 22-PA-02**

Notice is hereby given that the **CITY COMMISSION** of the City of Sarasota, Florida will meet on **Tuesday, July 5, 2022, at 9:00 a.m.** in the Commission Chambers, City Hall, 1565 First Street, Sarasota, Florida. **Starting at 9:00 a.m. or as soon thereafter as possible, the Commission will open the scheduled Public Hearings in the order they appear on the agenda.** The following Ordinance will be considered at the above scheduled meeting:

ORDINANCE 22-5420

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF SARASOTA [THE SARASOTA CITY PLAN (2030)], TO, AS REQUIRED BY FLORIDA STATUTE, ADD A NEW PROPERTY RIGHTS CHAPTER TO THE SARASOTA CITY PLAN (2030); REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY OF THE PARTS HEREOF; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.

Said application is on file in the **Planning Department** and the **Office of the City Auditor and Clerk** at City Hall. If you wish to obtain a copy, please call (941) 263-6222 between 8:00 a.m. to 5:00 p.m. Monday through Friday.

Interested persons are welcome to attend and may register to speak in respect to the above-proposed ordinance.

If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990 and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in such public hearing should contact the Office of the City Auditor and Clerk at (941) 263-6222 at least two (2) business days prior to the date of the public hearing as to the nature of the aid and/or service desired. Reasonable auxiliary aids and services will be made available to qualified disabled individuals to the extent that no undue financial or administrative burden results. For the benefit of individuals utilizing hearing aids with a T-coil, the City Commission Chambers and SRQ Media Studio are outfitted with a Hearing Induction Loop for enhanced hearing assistance.

CITY OF SARASOTA

By: Shayla Griggs
City Auditor and Clerk

Legal Date: June 17, 2022