

BACK UP MATERIALS INCLUDED WITH  
AGENDA REQUEST FOR  
PROPOSED ORDINANCE NO. 22-5421

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ORDINANCE NO. 22-5421

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF SARASOTA [THE *SARASOTA CITY PLAN (2030)*], FUTURE LAND USE CHAPTER, TO CLARIFY THAT ACCESSORY DWELLING UNITS ARE TO BE CONSIDERED SECONDARY USES IN THE IDENTIFIED RESIDENTIAL LAND USE CLASSIFICATIONS; 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-01 to amend the Comprehensive Plan of the City of Sarasota [the *Sarasota City Plan (2030)*]; and

WHEREAS, Application No. 22-PA-01 proposes to clarify that accessory dwelling units are to be considered secondary uses in the identified Residential Land Use Classifications; 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-01 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-01 was held by the City Commission on March 7, 2022 at which time the City Commission adopted Resolution No. 22R-3076 authorizing transmittal of Comprehensive Plan Amendment Application No. 22-PA-01 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-01; 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-01 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)*. The Future Land Use Chapter is amended to clarify that accessory dwelling units are to be considered secondary uses in the identified Residential Land Use Classifications. Attached hereto and incorporated by reference herein as Exhibit A is the full text of the portions of the Future Land Use Chapter in which proposed amendments will be made with modifications shown in “black line” format by which deletions from existing text are shown by ~~strike-through~~ and additions to existing text are shown by underline.

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



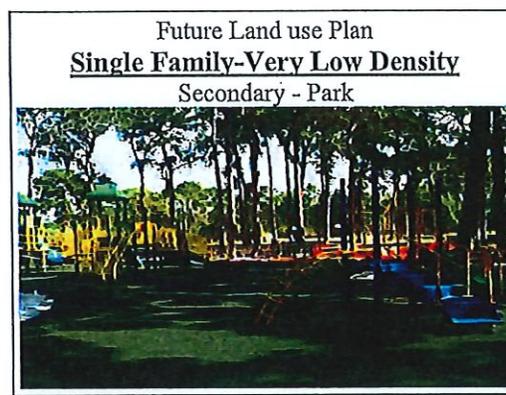
**Existing and Planned Primary Uses** within this classification are compatible:

- detached single family dwellings on individual lots.



**Existing and Planned Secondary Uses** within this classification would include compatible:

- churches, day care, elementary schools, **and** parks, **accessory dwelling units**, and
- in conjunction with residential uses on the same lot or parcel in neighborhoods that “opt in,” ~~accessory dwelling units providing for affordable housing consistent with Section 163.31771, Florida Statutes, and~~ limited office, retail, or artisanal uses with a maximum floor area ratio up to 0.50.



**Existing Non-Primary/Non-Secondary Uses** would include:

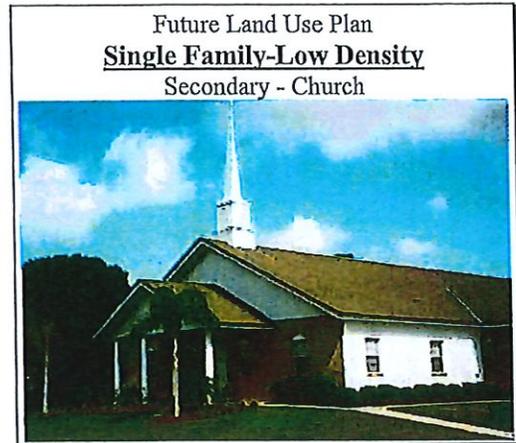
- all uses that are neither primary nor secondary in nature such as duplexes, multiple family dwellings, museums, libraries, and commercial activities.



These uses, among others, should be considered for removal from the zoning districts that implement this land use classification during the update of the Land Development Regulations. Their current existence should not be used to support new uses of a similar nature and new uses of this type are discouraged.

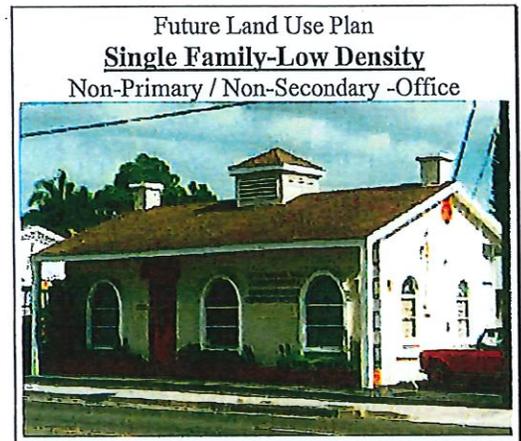
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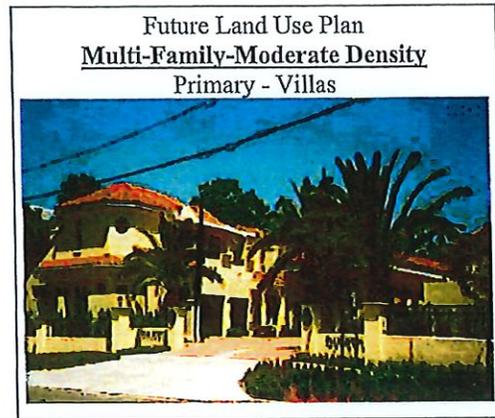
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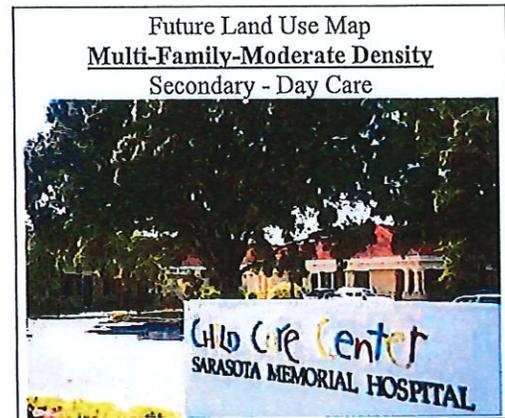
**Existing and Planned Primary Uses** within this classification are compatible:

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- detached single family dwellings on individual lots.



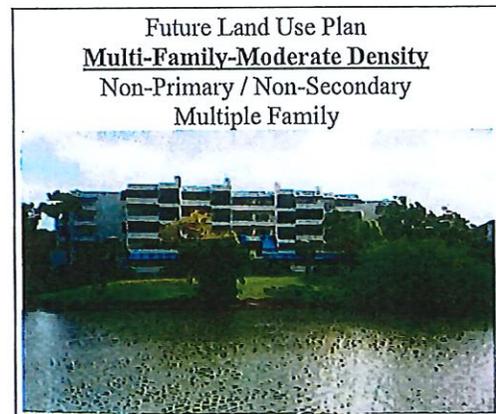
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**Existing Non-Primary/Non-Secondary Uses** would include:

- all other uses that are neither primary or secondary in nature such as multiple family developments that exceed thirteen (13) units per acre, hotels, motels, time share developments, museums, libraries, and commercial activities.



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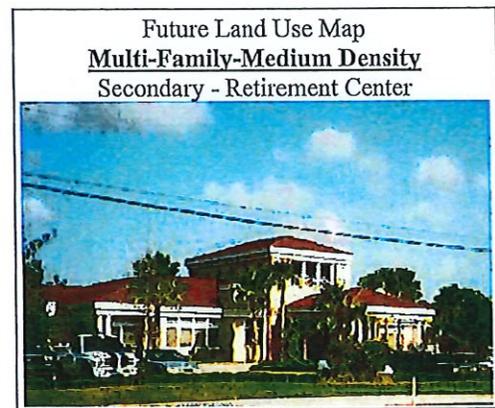
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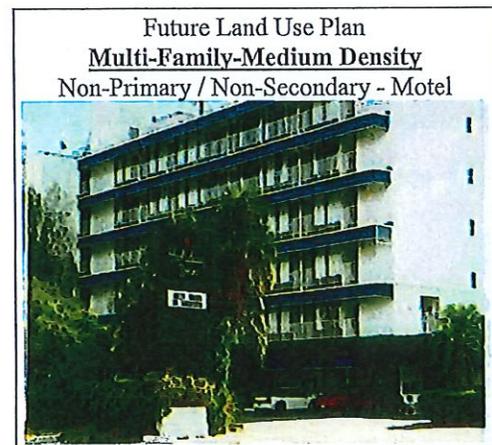
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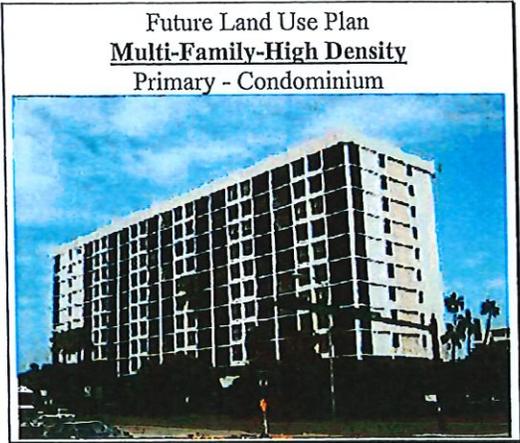
- all other uses that are neither primary or secondary in nature such as multiple family developments that exceed twenty-five (25) units per acre, hotels, motels, time share developments, museums, libraries, and commercial activities.



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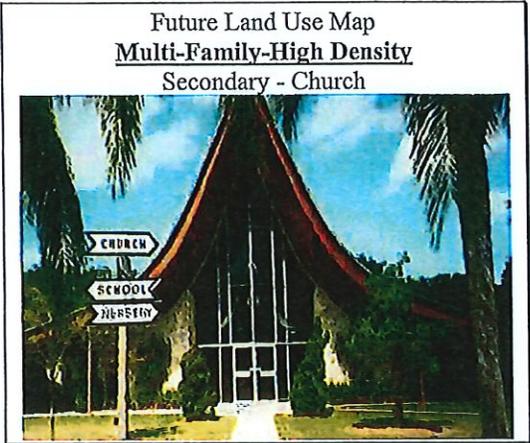
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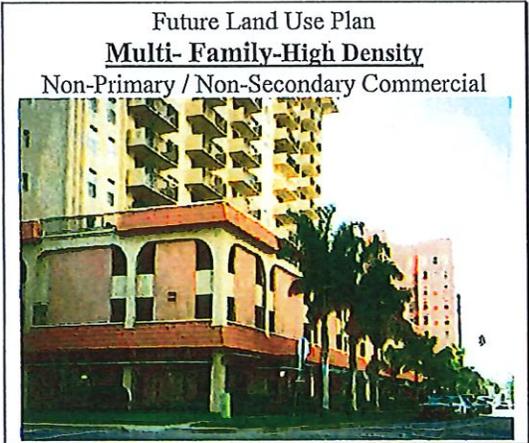
**Existing and Planned Secondary Uses** within this classification would include compatible:

- churches, day care, accessory dwelling units, elementary and secondary schools, parks, and retirement centers.



**Existing Non-Primary/Non-Secondary Uses** would include:

- all other uses that are neither primary or secondary in nature such as hotels, motels, time share developments, museums, libraries, and commercial activities.



These uses, among others, should be considered for removal from the zoning districts that implement this land use classification during the update of the Land Development Regulations. Their current existence should not be used to support new uses of a similar nature and new uses of this type are discouraged.

**Existing and Planned Primary Uses** within this classification would include compatible:

- detached single family dwellings on individual lots.



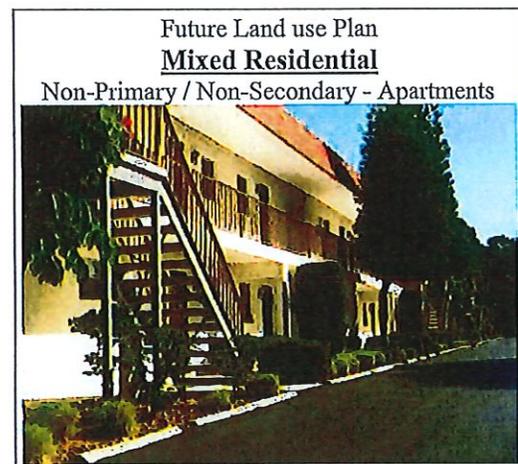
**Existing and Planned Secondary Uses** within this classification would include compatible:

- garage apartments, accessory dwelling units, guest houses, “clustered” single family units, granny flats, “plexes”, and parks.



**Existing Non-Primary/ Non-Secondary Uses** would include:

- all uses that are neither primary or secondary in nature such as commercial uses and apartment buildings.



The Non-Primary/Non-Secondary uses noted within a land use classification description is not intended to represent an exhaustive listing. A comprehensive listing will be identified for each zoning district category that is intended to implement each land use classification as part of the zoning code update exercise that will follow the adoption of this plan.

### “Existing and Planned Primary Uses”

Primary uses and activities are those that are envisioned by and predominate within a particular land use classification in terms of acreage or frequency of occurrence. The nature and type of uses will vary from one land use classification to another.

The Existing and Planned Primary uses noted within a land use classification description is not intended to be an exhaustive listing. A comprehensive listing will be identified for each zoning district category that is intended to implement each land use classification as part of the zoning code update exercise that will follow the adoption of this plan.

### “Floor Area Ratio”

A floor area ratio is a nonresidential land use intensity measure analogous to density. It compares the floor area of a building with the total area of its site. Specifically, the floor area ratio is defined as the total amount of gross floor area of all buildings on a lot in relation to the total square footage of lot area excluding indoor parking. The following are examples.

FAR 0.5 = 1 story building on 50 % of the lot or  
2 story building on 25 % of the lot

FAR 1.0 = 1 story building on 100 % of the lot or  
2 story building on 50 % of the lot or  
4 story building on 25 % of the lot.

### “Opt In”

An evaluative process in which a neighborhood or particular geographic area considers land use issues and formally requests that the City allow for certain optional land use activities within the neighborhood or geographic area. The requested land use activity shall be consistent with the *Sarasota City Plan* and shall be codified in the Zoning Code in order to allow for the land use activity to occur. For example, a particular neighborhood may request that ~~accessory dwelling units~~ limited office, retail, or artisan uses be allowed within a portion of or entirely within the neighborhood. To allow for one or more of this-these land use ~~activity-activities~~ to occur, the City would amend the Zoning Code to indicate that ~~accessory dwelling units~~ such use(s) are-is an allowable land use in the requested area.

## Design and Compatibility Guidelines

Traditionally, the review of requests for “development approval” (see Definitions in the Plan section) has considered a variety of land use factors, but has generally focused upon the compatibility of the proposed use and intensity with nearby developed properties. Once these two compatibility factors have been achieved, the minimum development standards of the appropriate zoning district are then uniformly applied to the development in order to protect the public’s health, safety, and welfare. In order to go beyond these minimum standards, the City has incorporated “Advisory Community Design Guidelines” in the Zoning Code. These guidelines are designed to improve the environment by suggesting methods for (1) reducing or eliminating adverse impacts to neighboring development caused by poor site design and land use transitions, (2) increasing the quality of the streetscape and the pedestrian experience, and (3) improving building frontages and architectural features.

## Overlay Zoning Districts

An overlay zone district is a tool for applying specific, tailor-made zoning regulations to a unique area to address particular circumstances and objectives relating to the area. They are useful because of their ability to apply regulations to a specific area rather than the entire jurisdiction.

Overlay zone districts have historically been applied in a variety of ways throughout the United States depending upon the desire of local jurisdictions. Generally, they have been used to provide more stringent regulations, or to provide additional flexibility for development. In some cases overlay zoning districts have put performance type standards in place of more rigid standards of the local zoning code.

The *Sarasota City Plan* sets forth the long-term vision and policy direction for the City. The *Sarasota City Plan* is relatively general and more difficult to change. The Land Development Regulations (LDR’s), in which overlay zoning districts are viewed as a useful component, are the primary implementing document of the *Sarasota City Plan*. The LDR’s are relatively specific and easier to change. Overlay zoning districts must be consistent with the City’s long-term vision as expressed in the *Sarasota City Plan*.

The City has considerable discretion in how overlay zoning districts are to be used. For example, the LDR’s may propose an overlay zoning district ~~within a particular neighborhood in order to allow for the use of accessory dwelling units. Another example would be an overlay zone district~~ for a portion of the Bayou Oaks neighborhood that allows for limited office, retail, or artisanal uses in conjunction with residential uses on the same lot or parcel. Overlay zoning districts are also a useful tool in implementing neighborhood specific plans.



**Petition 22-PA-01**

**Revising Future Land Use Text Relative to Accessory  
Dwelling Units**

**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-01, Revising Future Land Use Text Relative to Accessory Dwelling Units

This report analyzes a comprehensive plan petition that proposes to revise text in the Future Land Use Plan of the *Sarasota City Plan (2030)*. Specifically, text regarding *Existing and Planned Secondary Uses* in the Single Family – Very Low Density, Single Family – Low Density, Multiple Family – Moderate Density, Multiple Family – Medium Density, Multiple Family – High Density, and Mixed Residential land use classifications and the definition of “opt in” are proposed for revision.

In the summer of 2021, the City Commission approved a zoning text amendment (20-ZTA-03) to allow accessory dwelling units city-wide. During discussion of the zoning text amendment, the City Commission wanted to ensure consistency between the comprehensive plan and zoning code relative to this policy. Therefore, this proposed text to the residential Future Land Use classifications clarifies that accessory dwelling units are to be considered as secondary uses.

This report is organized into four sections. **Section 1** contains the proposed text revisions along with analysis and recommendation and motion for the proposal. Proposed text revisions are 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 Text Revisions, Analysis,**  
**Recommendation, and Motion**

## ***I. Proposed Amendment***

This proposed text amendment to the Future Land Use Plan was submitted by City of Sarasota Planning staff in order to address a City Commission policy to allow accessory dwelling units on a city-wide basis. This revision to the comprehensive plan will list accessory dwelling units as secondary uses within specific residential land use classifications. The Future Land Use classifications provide policy direction for the Zoning Code where details associated with uses are implemented. Secondary uses are defined in the Future Land Use Chapter as:

*Those that occur, in terms of acreage or frequency, in an amount that is second only to the primary uses. These uses are intended to be compatible with the primary uses, but not predominate the development character within a classification.*

*The secondary uses noted within a land use classification description are not intended to be an exhaustive listing. A comprehensive listing will be identified for each zoning district category that is intended to implement each land use classification as part of the zoning code update exercise that will follow the adoption of this plan.*

The process for adopting this proposed text amendment 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 text revisions are located on the following pages. Note that only text located in the Plan section are adopted; text located in the Support Document section are not adopted.

**Existing and Planned Primary Uses** within this classification are compatible:

- detached single family dwellings on individual lots.



**Existing and Planned Secondary Uses** within this classification would include compatible:

- churches, day care, elementary schools, and parks, accessory dwelling units, and
- in conjunction with residential uses on the same lot or parcel in neighborhoods that “opt in,” ~~accessory dwelling units providing for affordable housing consistent with Section 163.31771, Florida Statutes, and~~ limited office, retail, or artisanal uses with a maximum floor area ratio up to 0.50.



**Existing Non-Primary/Non-Secondary Uses** would include:

- all uses that are neither primary nor secondary in nature such as duplexes, multiple family dwellings, museums, libraries, and commercial activities.



These uses, among others, should be considered for removal from the zoning districts that implement this land use classification during the update of the Land Development Regulations. Their current existence should not be used to support new uses of a similar nature and new uses of this type are discouraged.

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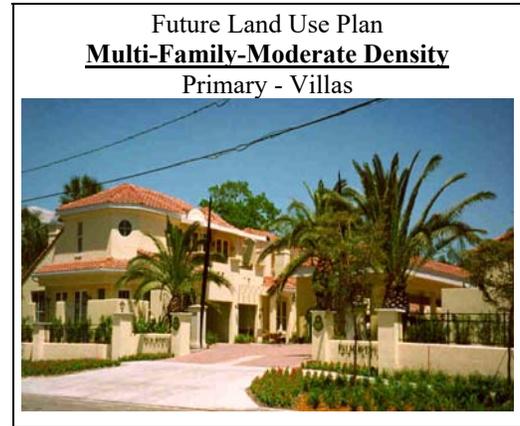
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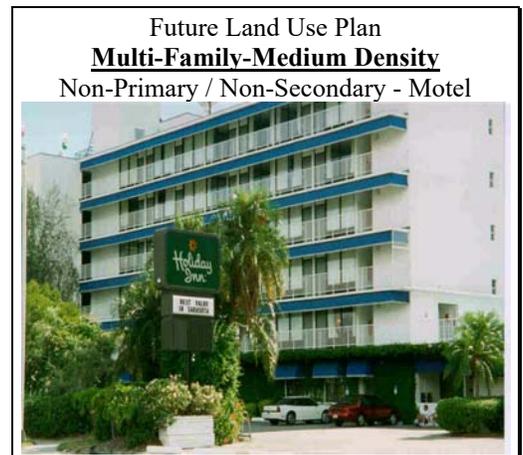
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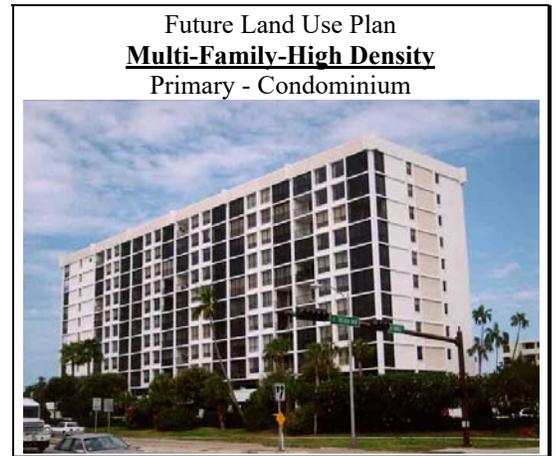
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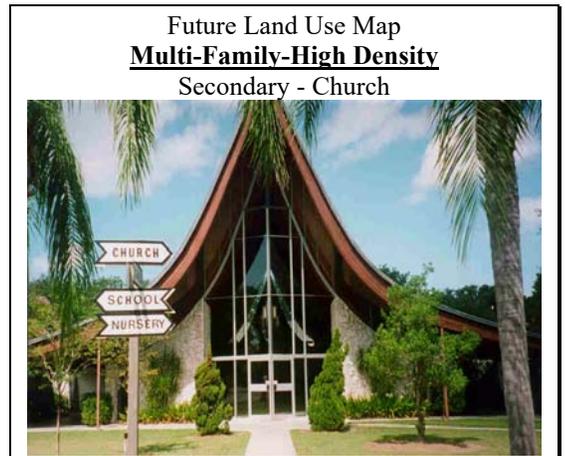
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## ***II. Analysis***

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 text revisions 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 text revisions. Therefore, internal consistency within the comprehensive plan would be maintained if the proposed revisions are adopted.

An accessory use is defined in the Zoning Code as a use, building or structure, or part of a building or structure which:

- Is subordinate to and serves the primary building or structure or primary use;
- Is subordinate in area, extent, or purpose to the primary building or structure or primary use served;
- Contributes to the comfort, convenience, or necessity of occupants of the primary building or primary use; and
- Is located on the same zoning lot as the primary building or structure or primary use served, with the exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot as the building or use served and such accessory water-related uses to lease-hold uses in "G" zone districts.

It is appropriate for accessory dwelling units to be identified as secondary uses in the comprehensive plan as such uses have the following characteristics identified in the Zoning Code:

- are smaller units with lesser building footprint than the primary uses on a property;
- may be no more than 650 square feet of floor area;
- the design, character and treatment of the detached accessory dwelling unit should be as close as reasonably possible to those of the principal dwelling building, and

- are compatible with the desired character and livability of the city's residential neighborhoods.

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 proposed text revisions will not establish a precedent that would be inconsistent with the comprehensive plan. As noted above, accessory dwelling units are consistent with the definition of Secondary Uses located in the Future Land Use Plan and the listing of accessory dwelling units as Existing and Planned Secondary Uses in the single-family residential, multiple-family residential, and mixed-residential land use classifications is appropriate.

### ***III. Recommendation and Motion***

Staff recommends transmittal of the proposed text amendment 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-01**

*(Recommended Motion)*

Move 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,

or

Move to find 22-PA-01 inconsistent with the *Sarasota City Plan (2030)* and recommend the City Commission not transmit or adopt the amendment,

or

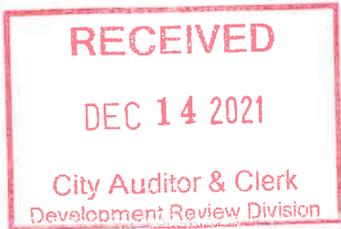
Move to continue the public hearing in order to review additional information.

## **Section 2**

### **Application, Memoranda, Comments, and Correspondence**



**CITY OF SARASOTA**  
**DEVELOPMENT APPLICATION**



**GENERAL INFORMATION**

[PLEASE PRINT OR TYPE]

**APPLICATION [PROJECT] NAME:** Revising Future Land Use Text Relative to Accessory Dwelling Units.

**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]			
<b>THE FOLLOWING MUST BE COMPLETED FOR TRAFFIC CONCURRENCY ANALYSIS AS APPLICABLE:</b>			
Use			
No. of Employees			
No. of Seats			
Hours of Operation			
Build-Out Date			
<b>THE FOLLOWING MUST BE COMPLETED FOR AMENDMENTS TO THE COMPREHENSIVE PLAN:</b>			
Future Land Use Classification	Various residential FLUM classifications		
Attach a legal description of the property and a map outlining/showing the parcel.			
<b>THE FOLLOWING MUST BE COMPLETED BY THE OFFICE OF THE CITY AUDITOR AND CLERK FOR ANNEXATIONS:</b>			
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"/> Historic Designation                 | <input type="checkbox"/> Site Plan / Site Plan Amendment              |
| <input type="checkbox"/> Staff <input type="checkbox"/> Planning Board               | <input type="checkbox"/> Major Conditional Use/Amendment *    | <input type="checkbox"/> Site Plan Extension                          |
| <input type="checkbox"/> Administrative Site Plan                                    | <input type="checkbox"/> Minor Conditional Use/Amendment *    | <input type="checkbox"/> Street / R-O-W Vacation *                    |
| <input type="checkbox"/> Laurel Park Overlay District (LPOD)                         | <input type="checkbox"/> Miscellaneous                        | <input type="checkbox"/> Street Name Change                           |
| <input type="checkbox"/> Amendment to the EDCM/City Code                             | <input type="checkbox"/> Off-Site Parking Agreement           | <input type="checkbox"/> Shared Parking Agreement                     |
| <input type="checkbox"/> Annexation                                                  | <input type="checkbox"/> Pre-Application Conference with      | <input type="checkbox"/> TIF Funding Request                          |
| <input type="checkbox"/> Appeal:                                                     | Development Review Committee                                  | <input type="checkbox"/> Downtown <input type="checkbox"/> Newtown    |
| <input type="checkbox"/> BOA <input type="checkbox"/> PB <input type="checkbox"/> CC | <input type="checkbox"/> Preliminary Plat                     | <input type="checkbox"/> Traffic Concurrence - Initial Review         |
| <input type="checkbox"/> Boundary Adjustment/Lot Split Review                        | <input type="checkbox"/> Proportionate Fair Share Agreement   | <input type="checkbox"/> Traffic Concurrence Study                    |
| <input type="checkbox"/> Brownfield Designation                                      | <input type="checkbox"/> Provisional Use Permit/Market        | <input type="checkbox"/> Urban Central Business District (Expedited)  |
| <input type="checkbox"/> Certificate of Appropriateness                              | <input type="checkbox"/> Provisional Use Permit Extension     | <input type="checkbox"/> Variance                                     |
| <input type="checkbox"/> Community Workshop                                          | <input type="checkbox"/> Regional Activity Center (Expedited) | <input type="checkbox"/> Variance Extension                           |
| <input type="checkbox"/> Laurel Park Overlay District (LPOD)                         | <input type="checkbox"/> Rezone without Site Plan*            | <input type="checkbox"/> Variance - Limited for Historic Structures   |
| <input checked="" type="checkbox"/> Comprehensive Plan Amendment *                   | <input type="checkbox"/> Rezone with Site Plan*               | <input type="checkbox"/> Zoning Code Interpretation Letter:           |
| <input type="checkbox"/> Development Agreement                                       | <input type="checkbox"/> Rezone Ordinance Amendment *         | <input type="checkbox"/> Downtown <input type="checkbox"/> Outside DT |
| <input type="checkbox"/> Development of Regional Impact [DRI]                        | <input type="checkbox"/> R-O-W Encroachment Agreement- Major  | <input type="checkbox"/> Zoning Code Confirmation Letter:             |
| <input type="checkbox"/> Final Plat/Subdivision                                      | <input type="checkbox"/> Sidewalk Café (City Code Sec. 30-22) | <input type="checkbox"/> Downtown <input type="checkbox"/> Outside DT |
| <input type="checkbox"/> "G" Zone Waiver *                                           | <input type="checkbox"/> Sidewalk Café Annual Renewal         | <input type="checkbox"/> Zoning Text Amendment [City Only]            |

- 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

<b>FOR USE BY THE OFFICE OF THE CITY AUDITOR AND CLERK</b>	
RECEIVED BY: <u>[Signature]</u>	APPLICATION NUMBER: <u>22-PA-01</u>
DATE: <u>12/14/21</u>	AMOUNT PAID: <u>[Signature]</u>



**CITY OF SARASOTA**  
**DEVELOPMENT APPLICATION**

**GENERAL INFORMATION**

[Please Print or Type]

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

Name/Title:	Telephone No:
Company Name:	Facsimile No:
Company Address:	E-Mail Address (Optional):
City/State/Zip Code:	

**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	Telephone No: <b>263-6462</b>
Company Name: City of Sarasota	Facsimile No:
Company Address: 1565 First Street	E-Mail Address (Optional): david.smith@sarasotafl.gov
City/State/Zip Code: Sarasota, FL 34236	

**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 #1 above, note "Same". Not required for Pre-Application Conference with DRC.]**

Name/Title: David L. Smith, AICP, Manager of Long-Range Planning	Telephone No: 263-6462
Company Name: City of Sarasota	Facsimile No:
Company Address: 1565 First Street	E-Mail Address (Optional): david.smith@sarasotafl.gov
City/State/Zip Code: Sarasota, FL 34236	

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

**IV. Signed** this 14th day of December, 2021

*David L. Smith*  
Signature of Property Owner, Lessee, Contract Purchaser, or Agent

WITNESSES TO EXECUTION ON BEHALF OF APPLICANT

*Stacey Monroe*  
Witness  
Stacey Monroe  
Print Name

*Rebecca Webster*  
Witness  
Rebecca Webster  
Print Name

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

SUBMISSION REQUIREMENTS FOR GENERAL APPLICATIONS:		IF REQUIRED	YES	N/A
12.	<b>Revisions/Amendments to Previously Approved Applications</b> – 1 original and 2 copies • Submission requirements will be determined by agreement of Staff and the Applicant			
13.	<b>Site Plan - Extension of Time</b> – 1 original and 2 copies • Narrative	Submit 30 days prior to expiration		
14.	<b>Tax Increment Financing (TIF) Funding Assistance Requests</b> – 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.	<b>Zoning Code Confirmation</b> – 1 original and 1 copy • Narrative			
16.	<b>Zoning Code Interpretation</b> – 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? *In the summer of 2021, the City Commission approved a zoning text amendment (20-ZTA-03) to allow accessory dwelling units city-wide. During discussion of the zoning text amendment, the City Commission wanted to ensure consistency between the comprehensive plan and zoning code relative to this policy. Therefore, this proposed text to the residential Future Land Use classifications clarifies that accessory dwelling units are to be considered as secondary uses.*
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~~). *Revisions to residential Future Land Use classifications in the Future Land Use Plan are being proposed. The proposed revisions are presented in underline/strikethrough.*
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,<sup>1</sup> 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,<sup>2</sup> 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.

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<sup>1</sup> 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.

<sup>2</sup> 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 – Revising Future Land Use Text Relative to Accessory Dwelling Units**

In the summer of 2021, the City Commission approved a zoning text amendment (20-ZTA-03) to allow accessory dwelling units city-wide. During discussion of the zoning text amendment, the City Commission wanted to ensure consistency between the comprehensive plan and zoning code relative to this policy. Therefore, this proposed text to the residential Future Land Use classifications clarifies that accessory dwelling units are to be considered as secondary uses.

Please note that the zoning text amendment does not allow for accessory dwellings within the boundary of the Coastal Island Overlay District in accordance with *Action Strategy 4.14, No Increase in Future Land Use Map or Zoning Density* of the Environmental Protection and Coastal Islands Chapter.

**Existing and Planned Primary Uses** within this classification are compatible:

- detached single family dwellings on individual lots.



**Existing and Planned Secondary Uses** within this classification would include compatible:

- churches, day care, elementary schools, and parks, accessory dwelling units, and
- in conjunction with residential uses on the same lot or parcel in neighborhoods that “opt in,” ~~accessory dwelling units providing for affordable housing consistent with Section 163.31771, Florida Statutes, and~~ limited office, retail, or artisanal uses with a maximum floor area ratio up to 0.50.



**Existing Non-Primary/Non-Secondary Uses** would include:

- all uses that are neither primary nor secondary in nature such as duplexes, multiple family dwellings, museums, libraries, and commercial activities.



These uses, among others, should be considered for removal from the zoning districts that implement this land use classification during the update of the Land Development Regulations. Their current existence should not be used to support new uses of a similar nature and new uses of this type are discouraged.

**Existing and Planned Secondary Uses** within this classification would include compatible:

- churches, day care, elementary schools, and parks, accessory dwelling units, and
- in conjunction with residential uses on the same lot or parcel in neighborhoods that “opt in,” ~~accessory dwelling units providing for affordable housing consistent with Section 163.31771, Florida Statutes, and~~ limited office, retail, or artisanal uses with a maximum floor area ratio up to 0.50.



**Existing Non-Primary/Non-Secondary Uses** would include:

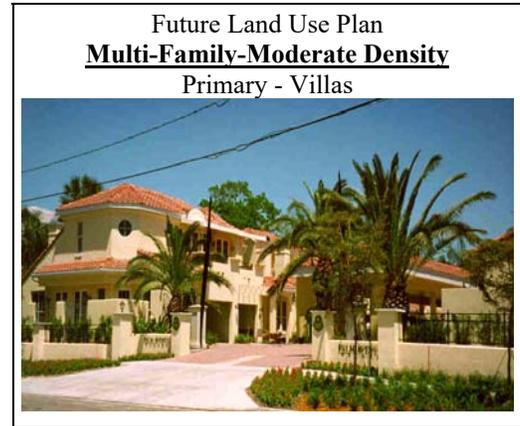
- all uses that are neither primary nor secondary in nature such as duplexes, multiple family dwellings, museums, libraries, and commercial activities.



These uses, among others, should be considered for removal from the zoning districts that implement this land use classification during the update of the Land Development Regulations. Their current existence should not be used to support new uses of a similar nature and new uses of this type are discouraged.

**Existing and Planned Primary Uses** within this classification are compatible:

- structures designed to house more than one family, including but not limited to garden apartments, patio units, villas, “plexes,” row houses, condominiums, townhouses, and
- detached single family dwellings on individual lots.



**Existing and Planned Secondary Uses** within this classification would include compatible:

- churches, day care, elementary and secondary schools, parks, accessory dwelling units, and retirement centers, and
- in conjunction with residential uses on the same lot or parcel in neighborhoods that “opt in,” ~~accessory dwelling units providing for affordable housing consistent with Section 163.31771, Florida Statutes when an accessory use for single family dwelling units, and~~ limited office, retail, or artisanal uses with a maximum floor area ratio up to 0.50.



**Existing Non-Primary/Non-Secondary Uses** would include:

- all other uses that are neither primary or secondary in nature such as multiple family developments that exceed thirteen (13) units per acre, hotels, motels, time share developments, museums, libraries, and commercial activities.



These uses, among others, should be considered for removal from the zoning districts that implement this land use classification during the update of the Land Development Regulations. Their current existence should not be used to support new uses of a similar nature and new uses of this type are discouraged.

**Existing and Planned Primary Uses** within this classification are compatible:

- structures designed to house more than one family, including but not limited to garden apartments, patio units, villas, “plexes,” row houses, condominiums, and townhouses.



**Existing and Planned Secondary Uses** within this classification would include compatible:

- churches, day care, elementary and secondary schools, parks, accessory dwelling units, and retirement centers, and
- in conjunction with residential uses on the same lot or parcel in neighborhoods that “opt in,” accessory dwelling units providing for affordable housing consistent with Section 163.31771, Florida Statutes when an accessory use for single family dwelling units, and limited office, retail, or artisanal uses with a maximum floor area ratio up to 0.50.



**Existing Non-Primary/Non-Secondary Uses** would include:

- all other uses that are neither primary or secondary in nature such as multiple family developments that exceed twenty-five (25) units per acre, hotels, motels, time share developments, museums, libraries, and commercial activities.



These uses, among others, should be considered for removal from the zoning districts that implement this land use classification during the update of the Land Development Regulations. Their current existence should not be used to support new uses of a similar nature and new uses of this type are discouraged.

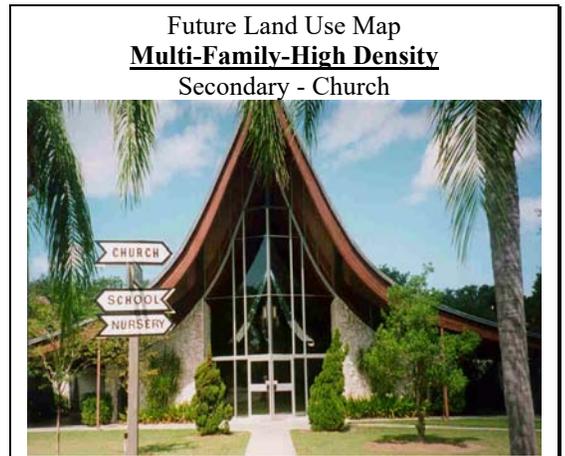
**Existing and Planned Primary Uses** within this classification are compatible:

- structures designed to house more than one family, including but not limited to garden apartments, patio units, villas, “plexes,” row houses, condominiums, and townhouses.



**Existing and Planned Secondary Uses** within this classification would include compatible:

- churches, day care, accessory dwelling units, elementary and secondary schools, parks, and retirement centers.



**Existing Non-Primary/Non-Secondary Uses** would include:

- all other uses that are neither primary or secondary in nature such as hotels, motels, time share developments, museums, libraries, and commercial activities.



These uses, among others, should be considered for removal from the zoning districts that implement this land use classification during the update of the Land Development Regulations. Their current existence should not be used to support new uses of a similar nature and new uses of this type are discouraged.

**Existing and Planned Primary Uses** within this classification would include compatible:

- detached single family dwellings on individual lots.



**Existing and Planned Secondary Uses** within this classification would include compatible:

- garage apartments, accessory dwelling units, guest houses, “clustered” single family units, granny flats, “plexes”; and
- parks.



**Existing Non-Primary/ Non-Secondary Uses** would include:

- all uses that are neither primary or secondary in nature such as commercial uses and apartment buildings.



The Non-Primary/Non-Secondary uses noted within a land use classification description is not intended to represent an exhaustive listing. A comprehensive listing will be identified for each zoning district category that is intended to implement each land use classification as part of the zoning code update exercise that will follow the adoption of this plan.

### “Existing and Planned Primary Uses”

Primary uses and activities are those that are envisioned by and predominate within a particular land use classification in terms of acreage or frequency of occurrence. The nature and type of uses will vary from one land use classification to another.

The Existing and Planned Primary uses noted within a land use classification description is not intended to be an exhaustive listing. A comprehensive listing will be identified for each zoning district category that is intended to implement each land use classification as part of the zoning code update exercise that will follow the adoption of this plan.

### “Floor Area Ratio”

A floor area ratio is a nonresidential land use intensity measure analogous to density. It compares the floor area of a building with the total area of its site. Specifically, the floor area ratio is defined as the total amount of gross floor area of all buildings on a lot in relation to the total square footage of lot area excluding indoor parking. The following are examples.

FAR 0.5 = 1 story building on 50 % of the lot or  
2 story building on 25 % of the lot

FAR 1.0 = 1 story building on 100 % of the lot or  
2 story building on 50 % of the lot or  
4 story building on 25 % of the lot.

### “Opt In”

An evaluative process in which a neighborhood or particular geographic area considers land use issues and formally requests that the City allow for certain optional land use activities within the neighborhood or geographic area. The requested land use activity shall be consistent with the *Sarasota City Plan* and shall be codified in the Zoning Code in order to allow for the land use activity to occur. For example, a particular neighborhood may request that ~~accessory dwelling units~~ limited office, retail, or artisan uses be allowed within a portion of or entirely within the neighborhood. To allow for one or more of this/these land use ~~activity/activities~~ to occur, the City would amend the Zoning Code to indicate that ~~accessory dwelling units~~ such use(s) are/is an allowable land use in the requested area.

## Design and Compatibility Guidelines

Traditionally, the review of requests for “development approval” (see Definitions in the Plan section) has considered a variety of land use factors, but has generally focused upon the compatibility of the proposed use and intensity with nearby developed properties. Once these two compatibility factors have been achieved, the minimum development standards of the appropriate zoning district are then uniformly applied to the development in order to protect the public’s health, safety, and welfare. In order to go beyond these minimum standards, the City has incorporated “Advisory Community Design Guidelines” in the Zoning Code. These guidelines are designed to improve the environment by suggesting methods for (1) reducing or eliminating adverse impacts to neighboring development caused by poor site design and land use transitions, (2) increasing the quality of the streetscape and the pedestrian experience, and (3) improving building frontages and architectural features.

## Overlay Zoning Districts

An overlay zone district is a tool for applying specific, tailor-made zoning regulations to a unique area to address particular circumstances and objectives relating to the area. They are useful because of their ability to apply regulations to a specific area rather than the entire jurisdiction.

Overlay zone districts have historically been applied in a variety of ways throughout the United States depending upon the desire of local jurisdictions. Generally, they have been used to provide more stringent regulations, or to provide additional flexibility for development. In some cases overlay zoning districts have put performance type standards in place of more rigid standards of the local zoning code.

The Sarasota City Plan sets forth the long-term vision and policy direction for the City. The Sarasota City Plan is relatively general and more difficult to change. The Land Development Regulations (LDR’s), in which overlay zoning districts are viewed as a useful component, are the primary implementing document of the Sarasota City Plan. The LDR’s are relatively specific and easier to change. Overlay zoning districts must be consistent with the City’s long-term vision as expressed in the Sarasota City Plan.

The City has considerable discretion in how overlay zoning districts are to be used. For example, the LDR’s may propose an overlay zoning district ~~within a particular neighborhood in order to allow for the use of accessory dwelling units. Another example would be an overlay zone district~~ for a portion of the Bayou Oaks neighborhood that allows for limited office, retail, or artisanal uses in conjunction with residential uses on the same lot or parcel. Overlay zoning districts are also a useful tool in implementing neighborhood specific plans.



**MEMORANDUM**

**Date:** November 16, 2021

**To:** File

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

**Subject:** **DRC Comments - Future Land Use Plan Revisions Relative to ADUs**

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](mailto: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](mailto: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 1<sup>st</sup> Class / 941.954-7056 / danny.robbins@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](mailto: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](mailto: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](mailto: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](mailto:briana.dobbs@sarasotafl.gov)

1565 1<sup>st</sup> Street, Sarasota, FL 34236



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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

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**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 1<sup>st</sup> Street, Sarasota, FL 34236**



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**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

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**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](mailto:stephen.zadrozny@sarasotaf1.gov)

**1565 1<sup>st</sup> St. Sarasota, FL 34236**



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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

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**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 12<sup>th</sup> Street, Sarasota, FL 34236**



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**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

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## David Smith

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**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](mailto: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](mailto: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

Page 54 of 71

**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:** Revising Text in the Future Land Use Chapter Relative to Accessory Dwelling Units (22-PRE-05)

**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

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**From:** Mike Connolly  
**Sent:** Saturday, October 23, 2021 11:22 AM  
**To:** David Smith  
**Subject:** Re: DRC pre-application meeting for city initiated comprehensive plan amendment petitions

David,

I have only one comment regarding the accessory dwelling unit plan amendment. This amendment does not require a super majority vote of the City Commission (so long as staff agrees with my forthcoming analysis). Article IV, Section 2(j)(2), City Charter, requires a super majority vote when the plan amendment will increase the maximum allowable dwelling unit density. Section VI-203(b)(2), Zoning Code, provides that accessory dwelling units shall not be included in calculating maximum density. Consequently, expanding the allowance of accessory dwelling units does not increase dwelling unit density.

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 Grassett <Karen.Grassett@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](mailto: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](mailto: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](mailto: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-01**

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-01 – A REQUEST TO AMEND THE SARASOTA CITY PLAN (2030) BY REVISING THE FUTURE LAND USE CHAPTER RESIDENTIAL FUTURE LAND USE CLASSIFICATIONS TO CLARIFY THAT ACCESSORY DWELLING UNITS ARE TO BE CONSIDERED AS SECONDARY USES, 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

Attorney Connolly recommended time limits for the presentations that will follow and administered the oath to those wishing to testify at the public hearings. The PB members approved the time limits by consensus.

1:36:07 P.M.

**B. Legislative Public Hearings**

- 1. Comprehensive Plan Amendment Application No. 22-PA-01:** A request to amend the Sarasota City Plan (2030) by revising the Future Land Use Chapter Residential Future Land Use classifications to clarify that accessory dwelling units are to be considered as secondary uses.

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

***Staff Presentation:***

Manager Smith appeared and noted the first two public hearings are large-scale Comprehensive Plan Amendments that are to be transmitted to the State for review and comment prior to adoption public hearings before the Planning Board and City Commission; and described the process for adopting large-scale Comprehensive Plan Amendments.

Manager Smith discussed application 22-PA-01 stating the City Commission recently adopted a zoning text amendment to allow accessory dwelling units citywide; said the City Commission directed staff to process a Comprehensive Plan Amendment to make the language in the Comprehensive Plan consistent with the revised Zoning Code text; and stated staff was requesting the Planning Board recommend to the City Commission both transmittal and adoption of application 22-PA-01.

PB Chair Salem questioned why playgrounds, parks and churches were included in the proposed text. Manager Smith stated that was existing language; pointed out parks are currently permitted uses in single family residential districts; noted schools and churches require Conditional Use approval in single family residential districts; and said accessory dwelling units are considered secondary uses in residential districts.

PB Member Ohlrich commended staff on the quality of the packets; and questioned if the action requested today would rectify the unintended consequences of the approval of the zoning text amendment for accessory dwelling units. Manager Smith stated the proposed revisions to the language is to make the Comprehensive Plan consistent with the Zoning Code.

Attorney Connolly stated the unintended consequences that resulted from the adoption of the zoning text amendment was a different issue; pointed out the proposed text revisions to the Comprehensive Plan being considered today would bring the Comprehensive Plan into consistency with the Zoning Code; and stated City Attorney Fournier was preparing an ordinance for consideration by the City Commission that would address the unintended consequences of the recent zoning text amendment.

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.



**NOTICE OF PUBLIC HEARING  
APPLICATION NO. 22-PA-01**

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-3076**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SARASOTA, FLORIDA AUTHORIZING TRANSMITTAL OF PROPOSED COMPREHENSIVE PLAN AMENDMENT APPLICATION NO. 22-PA-01 TO THE STATE REVIEWING AGENCIES FOR REVIEW AND COMMENT; SAID APPLICATION BEING A REQUEST FOR AN AMENDMENT TO THE FUTURE LAND USE CHAPTER OF THE COMPREHENSIVE PLAN OF THE CITY OF SARASOTA [A/K/A THE SARASOTA CITY PLAN (2030)], TO CLARIFY THAT ACCESSORY DWELLING UNITS ARE TO BE CONSIDERED SECONDARY USES IN THE IDENTIFIED RESIDENTIAL LAND USE CLASSIFICATIONS; 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

2:29:58 P.M.

Commissioner Brody spoke to the topic, posed questions which were addressed by the City Attorney, and provided feedback regarding the Sound Ordinance.

2:41:47 P.M.

Mayor Arroyo spoke to the topic and spoke in favor of the Commission directing the City Attorney, City Manager, and SPD to return back before the Commission with suggestions.

City Auditor and Clerk Griggs left and returned to the Dais at 2:44 P.M.

City Auditor and Clerk Griggs left and returned to her seat at 2:45 P.M.

2:51:46 P.M.

City Attorney Fournier stated that the City Attorney's Office will consult with the City Manager and SPD and return with recommendations listed as embodied in the Ordinance for Commission review and discussion.

No action taken.

2:58:25 P.M.

11. **LEGISLATIVE PUBLIC HEARINGS (AGENDA ITEM X)**

2:59:07 P.M.

City Auditor and Clerk Griggs administered the oath to persons wishing to speak during the Public Hearings.

- 1) **PUBLIC HEARING RE: 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; SAID APPLICATION BEING A REQUEST FOR AN AMENDMENT TO THE FUTURE LAND USE CHAPTER OF THE COMPREHENSIVE PLAN OF THE CITY OF SARASOTA [A/K/A THE SARASOTA CITY PLAN (2030)], TO CLARIFY THAT ACCESSORY DWELLING UNITS ARE TO BE CONSIDERED SECONDARY USES IN THE IDENTIFIED RESIDENTIAL LAND USE CLASSIFICATIONS, ETC. (TITLE ONLY) (APPLICATION NO. 22-PA-01, APPLICANT: THE CITY OF SARASOTA) (AGENDA ITEM X-1)**

2:59:25 P.M.

Mayor Arroyo opened the Public Hearing.

Vice Mayor Battie left the Dais at 2:59 P.M. and returned at 3:00 P.M.

2:59:32 P.M.

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

2:59:43 P.M.

City Auditor and Clerk Griggs read proposed Resolution No. 22R-3076 by title only.

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.



**NOTICE OF PUBLIC HEARING  
APPLICATION NO. 22-PA-01**

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 22-5421**

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF SARASOTA [THE SARASOTA CITY PLAN (2030)], FUTURE LAND USE CHAPTER, TO CLARIFY THAT ACCESSORY DWELLING UNITS ARE TO BE CONSIDERED SECONDARY USES IN THE IDENTIFIED RESIDENTIAL LAND USE CLASSIFICATIONS; 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