

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

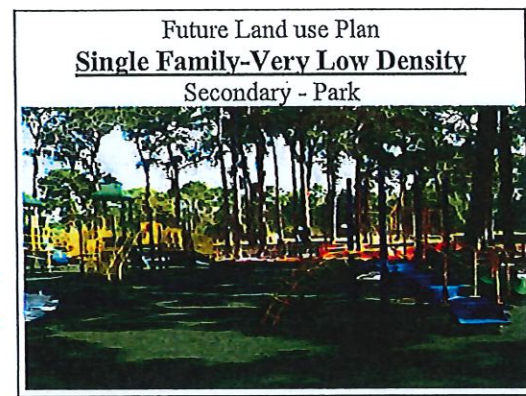
Existing and Planned Primary Uses within this classification are compatible:

- detached single family dwellings on individual lots.



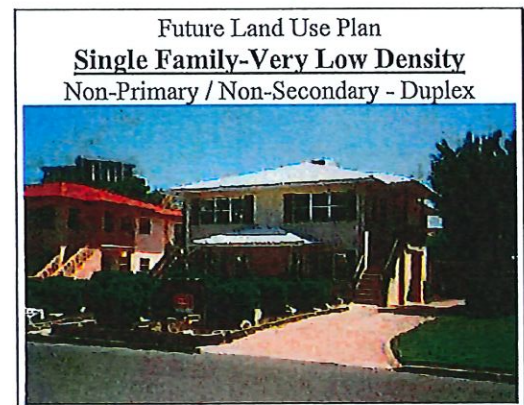
Existing and Planned Secondary Uses within this classification would include compatible:

- 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:

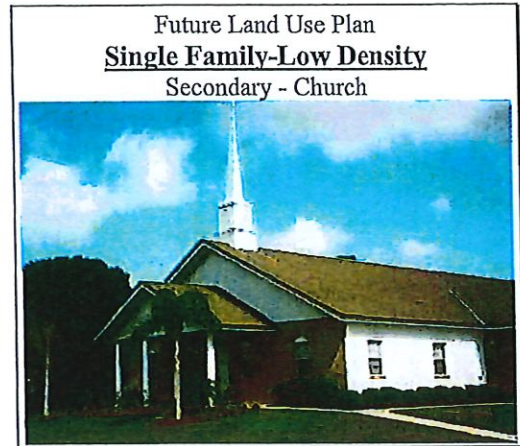
- all uses that are neither primary nor secondary in nature such as duplexes, multiple family dwellings, museums, libraries, and commercial activities.



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.

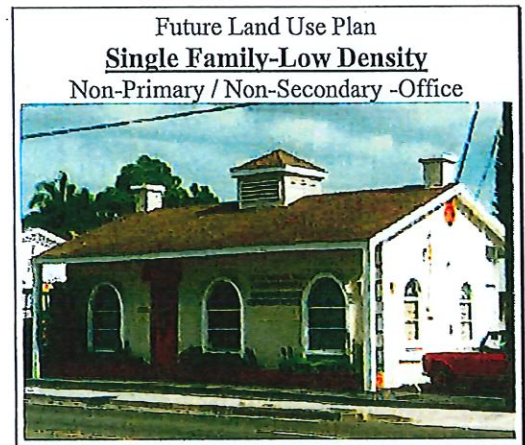
Existing and Planned Secondary Uses within this classification would include compatible:

- 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.



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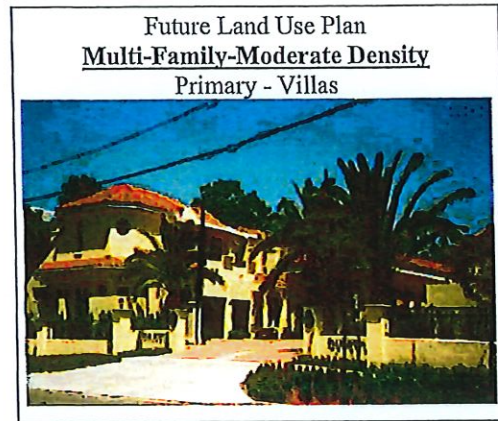
- all uses that are neither primary nor secondary in nature such as duplexes, multiple family dwellings, museums, libraries, and commercial activities.



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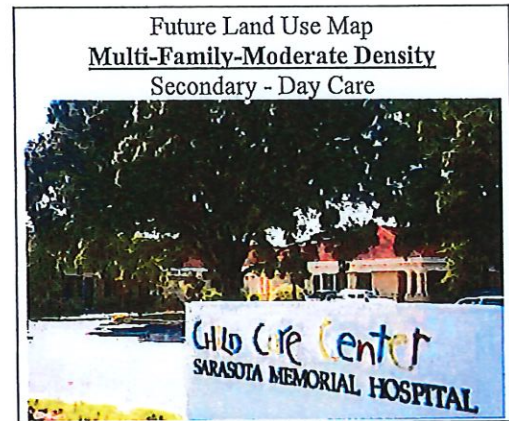
Existing and Planned Primary Uses within this classification are compatible:

- 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.



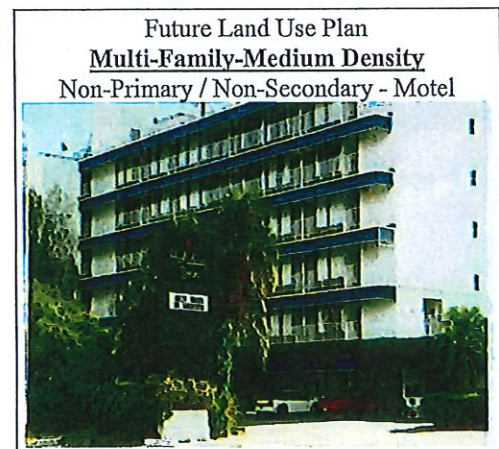
Existing and Planned Secondary Uses within this classification would include compatible:

- 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:

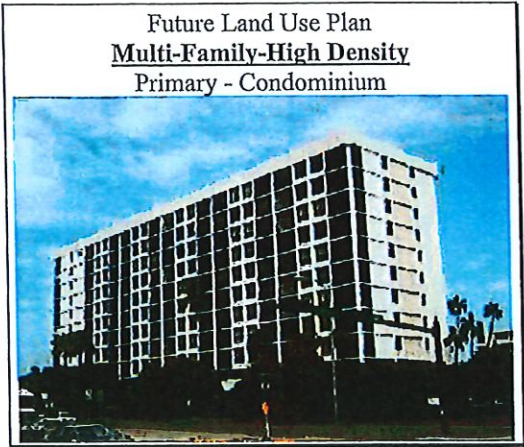
- all other uses that are neither primary or secondary in nature such as multiple family developments that exceed twenty-five (25) units per acre, hotels, motels, time share developments, museums, libraries, and commercial activities.



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.

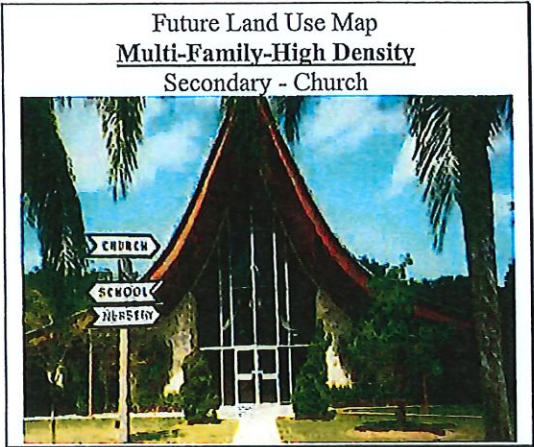
Existing and Planned Primary Uses within this classification are compatible:

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



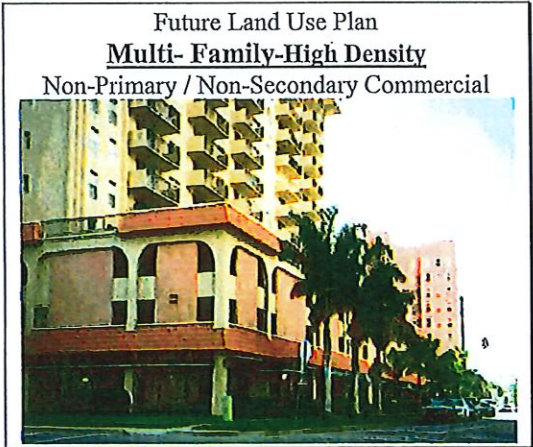
Existing and Planned Secondary Uses within this classification would include compatible:

- 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.



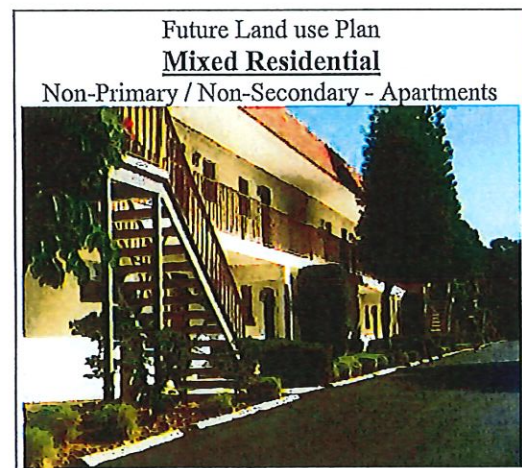
Existing and Planned Secondary Uses within this classification would include compatible:

- 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.



**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