

ORDINANCE NO. 08-4801

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA, AMENDING THE SARASOTA CITY CODE, CHAPTER 17, HEALTH AND SANITATION, BY ADDING THERETO A NEW ARTICLE III VACANT LAND; SETTING FORTH REGULATIONS APPLICABLE TO VACANT LAND IN THE CITY OF SARASOTA, FLORIDA; PROVIDING FOR THE SEVERABILITY OF THE PARTS HEREOF; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission finds that vacant land without vegetation or adequate cover results in a public nuisance because of dust and erosion; and

WHEREAS, the City Commission finds that it is in furtherance of the public health, safety and welfare to regulate vacant land so as to reduce or eliminate the public nuisance.

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

Section 1: The Sarasota City Code, Chapter 17, Health and Sanitation is hereby amended by the addition thereto of a new Article III, Vacant Land setting forth the regulations applicable to vacant land. Said Article III shall provide as follows:

**ARTICLE III VACANT LAND**

**Sec. 17-31. Findings.**

The City Commission finds that every lot or parcel of land which, in whole or in part, has been made vacant by the removal of structures or vegetation previously located upon the land, or both, causes the lot or portion thereof without structures or vegetation to result in dust or erosion which is hereby determined to be detrimental to the health, safety and welfare of the citizens of the City of Sarasota, a public nuisance and is hereby prohibited.

**Sec. 17-32. Vacant land.**

As used in this Article, the term Vacant Land shall mean every lot or parcel of land, or any part thereof which is not improved by structures, vegetation or a combination of both. The regulations set forth in this Article shall apply to Vacant Land at such time as 6 months have expired from the date of completion of demolition or removal of the structures, vegetation or combination thereof previously located upon said land if there has been no commencement of new construction upon said land. The Building Official, in his reasonable discretion, shall determine the applicable date of completion of

demolition or removal of structures, vegetation or any combination thereof previously located upon the land. Commencement of new construction shall mean the issuance by the City of the first building permit for vertical construction, including, but not limited to, pilings, foundation or utility work, upon the land and the actual start of such construction. The Building Official, in his sole discretion, shall determine if construction has actually started upon the land.

**Sec. 17-33. Application of this article.**

This Article applies to land that becomes vacant after the effective date of Ordinance No. 08-4801 and also to land which was vacant on the effective date of Ordinance No. 08-4801. As to land which was vacant on the effective date of Ordinance No. 08-4801, the Building Official shall provide a minimum of 60 days written notice by certified mail, return receipt requested, to the owner of said Vacant Land of the applicability of this Article to said Vacant Land. Such notice shall be provided to the owner of record at the address listed by the property appraiser for Sarasota County.

**Sec. 17-34. Obligations of owner of Vacant Land.**

The owner of Vacant Land shall:

- A. Remove from the Vacant Land all debris resulting from dumping or demolition.
- B. Fill and grade the Vacant Land to allow proper water run off and prohibit standing water to occur anywhere on the Vacant Land and direct all run off to proscribed stormwater run off areas so as to minimize adverse affects upon adjacent or neighboring property. The Building Official, in his reasonable discretion, shall determine if the Vacant Land is appropriately graded.
- C. Hydroseed the entire lot of Vacant Land, sod the entire lot of Vacant Land or place other materials that may be approved by the City Engineer and the Building Official upon the entire lot of Vacant Land.
- D. Maintain the Vacant Land as so improved to the satisfaction of the Building Official of the City.
- E. If the owner of the Vacant Land establishes to the reasonable satisfaction of the Building Official that the owner will reuse driveways, parking areas and curb stops currently located upon the Vacant Land within a reasonable period of time, the Building Official will allow such improvements to remain during the period of time the property is Vacant Land. Otherwise, the Building Official shall require removal of driveways, parking areas, curb stops and other similar improvements during the period of time the property is Vacant Land.

**Sec. 17-35. Optional activities upon Vacant Land.**

The owner of nonresidentially zoned Vacant Land is hereby encouraged by the City to place public art for display upon said Vacant Land. The owner of Vacant Land is also encouraged by the City to place landscaping upon Vacant Land.

**Sec. 17-36. Enforcement.**

The regulations set forth in this Article shall be enforced by the Building Official of the City. In the event of noncompliance by the owner of Vacant Land, the Building Official shall pursue compliance through the Code Compliance System set forth in Chapter 2, Article V, Division 5, Sarasota City Code.

**Sec. 17-37. Appeal.**

The owner of a parcel of Vacant Land may appeal any decision of the Building Official regarding said Vacant Land to the Board of Rules and Appeals. Said Board has jurisdiction of such an appeal pursuant to Section 11-9 (2), Sarasota City Code. The procedures for such an appeal are set forth in Section 11-10, Sarasota City Code.

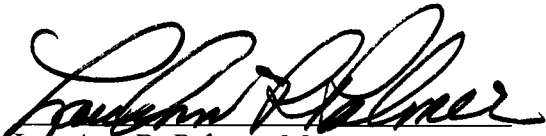
Section 2: It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses and phrases of this ordinance shall be deemed severable, and if any phrase, clause, sentence, paragraph or section of this ordinance is declared unconstitutional or otherwise 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 3. Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

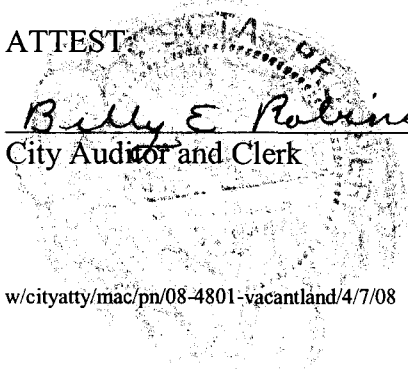
Section 4: This Ordinance shall take effect immediately upon second reading.

PASSED on first reading by title only, after posting on the bulletin board at City Hall for at least three (3) days prior to first reading, as authorized by Article IV, Section 2, Charter of the City of Sarasota, Florida this 3rd day of March, 2008.

PASSED on second reading and finally adopted this 7th day of April, 2008.

  
Lou Ann R. Palmer, Mayor

ATTEST:

  
Billy E. Robinson  
City Auditor and Clerk

w/cityatty/mac/pn/08-4801-vacantland/4/7/08