

ORDINANCE NO. 23-5469

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA AMENDING THE ZONING CODE (2002 EDITION), ARTICLE II, DEFINITIONS AND RULES OF CONSTRUCTION, DIVISION 2, DEFINITIONS, SECTION II-201, DEFINITIONS, TO ADD A DEFINITION OF ACCESSORY KITCHEN; AND ARTICLE VI, ZONE DISTRICTS, DIVISION 10, DOWNTOWN ZONE DISTRICTS, SECTION VI-1005, DEVELOPMENT STANDARDS, TO REGULATE INTERSTITIAL SPACE AS WELL AS DIVISION 1, GENERAL, SECTION VI-102, ZONE DISTRICT MAP, AND GENERAL REGULATIONS TO REGULATE ACCESSORY KITCHENS; PROVIDING FOR SEVERABILITY OF THE PARTS HEREOF; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 02-4357, which adopted a new Zoning Code for the City of Sarasota [hereinafter the Zoning Code (2002 edition)] was adopted by the City Commission on April 29, 2002; and

WHEREAS, Rebecca Webster, Planning Technician, pursuant to request of the Department of Development Services, filed Zoning Text Amendment 23-ZTA-01 as a Batch ZTA to encompass a range of issues requiring modification within the Zoning Code (2002 edition); and

WHEREAS, this Ordinance No. 23-5469 relates to the portion of Application No. 23-ZTA-01 which would add a definition of Accessory Kitchen, regulate interstitial space and accessory kitchens; and

WHEREAS, the Planning Board, acting in its capacity as the Local Planning Agency for the City of Sarasota, held a duly noticed public hearing on February 8, 2023 in accordance with Article IV, Division 12, of the Zoning Code (2002 edition) to review the proposed Zoning Text Amendments contained herein and made its recommendation to the City Commission as to which of such amendments satisfy the standards for review set forth in Section IV-1206, Zoning Code (2002 edition); and

WHEREAS, the City Commission hereby finds that based upon the foregoing recitals, it is in the best interest of the citizens of the City of Sarasota to amend the Zoning Code (2002 edition) as requested by the portion of Zoning Text Amendment Application No. 23-ZTA-01 contained in this Ordinance No. 23-5469; and

WHEREAS, the City Commission held a duly noticed public hearing on March 20, 2023 to receive public comment, has considered the recommendations of the Planning Board and

Planning staff and has found and determined that the adoption of the proposed amendments to the Zoning Code (2002 edition) as set forth herein would promote the public health, safety and welfare and the redevelopment of the City and would thus serve a valid public purpose.

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

Section 1. Findings of Fact: The City Commission hereby finds that the recitations contained in the preamble to this Ordinance as set forth above are true and correct and adopts said recitations as findings of fact.

Section 2. Adoption of Text Amendments: The following provisions within the Zoning Code (2002 edition) included within Application No. 23-ZTA-01 are hereby amended:

- Item 2, Interstitial Space

Article VI, Zone Districts, Division 10, Downtown Zone Districts, Section VI-1005, Development standards to regulate interstitial space; and

- Item 3, Accessory Kitchens

Article II, Definitions and Rules of Construction, Division 2, Definitions, Section II-201, Definitions, to add the definition of Accessory Kitchen and Article VI, Zone Districts, Division 1, General, Section VI-102, Zone district map, and general regulations, to regulate accessory kitchens.

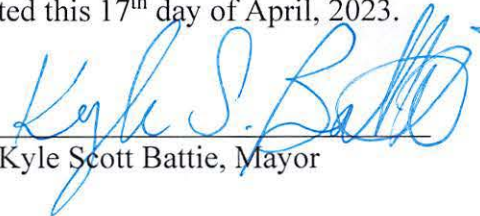
The City Commission hereby adopts the above-described amendments to the text of the Zoning Code (2002 edition) which are more fully set forth in Exhibit A, a copy of which is attached hereto and incorporated by reference herein. Exhibit A contains the portions of the above-referenced Zoning Code sections in which the proposed amendments would be codified with modifications shown in “black line” format by which deletions from existing texts are shown by ~~striketrough~~ and additions to existing text are shown by underline.

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 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: This Ordinance shall take effect immediately upon second reading.

PASSED on first reading by title only, after posting for public viewing 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 20th day of March, 2023.

PASSED on second reading and finally adopted this 17th day of April, 2023.



Kyle Scott Battie, Mayor

ATTEST:



Shayla Griggs
City Auditor and Clerk

Yes Mayor Kyle Scott Battie
Yes Vice Mayor Liz Alpert
Yes Commissioner Jen Ahearn-Koch
Yes Commissioner Erik Arroyo
No Commissioner Debbie Trice

2. INTERSTITIAL SPACE

ARTICLE II- DEFINITIONS AND RULES OF CONSTRUCTION

DIVISION 2 – DEFINITIONS

Sec. II-201. – Definitions

Story: A floor level within a building of no more than 14 feet in height from finished floor to finished ceiling. The first story shall be the ground or entry-level floor, which includes open areas and parking garages under a building. However, basements that emerge less than four feet from grade or attics, with or without dormer windows, not exceeding four feet at the knee wall shall not constitute a story. See illustration.

ARTICLE VI – ZONE DISTRICTS

DIVISION 10. - DOWNTOWN ZONE DISTRICTS

Sec. VI-1005. - Development standards.

g) *Building height.*

- (1) *Purpose.* The height limits are intended to control the overall scale of buildings.

The purpose of using stories as the measurement of height (rather than feet) in the downtown zone districts is to provide an incentive for the creation of buildings with improved exterior and interior proportions resulting from greater floor-to-ceiling heights. Experience has shown that the use of feet as a measurement of maximum height provides an incentive to minimize floor-to-ceiling heights in order to maximize the number of stories, often resulting in ill-proportioned buildings. It is recognized that the use of stories as the unit of measurement will result in a range of actual building heights due to the variety of other factors impacting decisions regarding the number of stories and the floor-to-ceiling height of each of the stories for any particular development.

The purpose of limiting the dimension of each story to 14 feet between finished floor and finished ceiling is to preclude the possibility of inserting additional stories within an allowable story. ~~(The uninhabited space between stories is not regulated).~~ Interstitial space shall only be permitted for the use of mechanical, electrical, plumbing, or similar equipment and materials. Any increase, other than the minimum height required to accommodate equipment, must be approved by the Director of Development Services or designee with written justification provided for review.

It is expressly not the purpose or intent of this method of measurement to provide a rationale for supporting rezonings or other arguments for the increase in building height by calculating a total theoretical height based on allowable stories multiplied by the maximum floor-to-ceiling height.

- (2) The height standards for all structures are stated in table VI-1003.

3. ACCESSORY KITCHENS

ARTICLE II- DEFINITIONS AND RULES OF CONSTRUCTION

DIVISION 2 – DEFINITIONS

Sec. II-201. – Definitions.

Accessory Kitchen: A secondary residential kitchen associated with a dwelling unit that may feature storage, sinks, refrigeration, ovens, and other similar amenities. Also known as “Butler’s Pantry.”

Residential structure types:

- (7) *Dwelling unit:* Any building or portion thereof designed, occupied or intended for occupancy as a complete, independent living facility for the exclusive use of one family, including permanent full provisions for sleeping, eating, cooking and sanitation. A dwelling unit shall have no more than one primary kitchen and shall provide complete internal access to all rooms in the unit. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly incidental and accessory, such as an outdoor grill or accessory kitchen.

ARTICLE VI- ZONE DISTRICTS

DIVISION 1 – GENERAL

Sec. VI-102. – Zone district map, and general regulations.

- (t) *Measurements.* This section explains how certain measurements are made in the zoning code.
- (2) *Determining density.* Density shall be determined in the following ways.
- a. Dwelling units equipped with kitchen facilities shall be equal to one dwelling unit. Accessory kitchens do not count toward determining density. Any applicant seeking a dwelling unit with an accessory kitchen must sign an affidavit stating the property owner will not divide the structure into additional dwelling units. The affidavit must be recorded in the Official Records of Sarasota County as a condition precedent to issuance of the building permit.
- b. Dwelling units not equipped with kitchen facilities shall be equal to one-half of a dwelling unit.