

ORDINANCE NO. 23-5471

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA AMENDING THE ZONING CODE (2002 EDITION), ARTICLE VI, ZONE DISTRICTS, DIVISION 1, GENERAL, SECTION VI-102, ZONE DISTRICT MAP, AND GENERAL REGULATIONS, TO CLARIFY REGULATIONS REGARDING THE DAYLIGHT PLANE AND ROOF OVERHANGS, 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 (2022 edition); and

WHEREAS, this Ordinance No. 23-5471 relates to the portion of Application No. 23-ZTA-01 which would clarify regulations regarding the daylight plane and roof overhangs; 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. 23-5471; 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 6, Daylight Plane for Single-Family Homes

Article VI, Zone Districts, Division 1, General, Section VI-102, Zone district map, and general regulations, to clarify regulations regarding the daylight plane and roof overhangs.

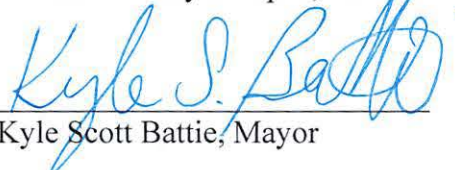
The City Commission hereby adopts the above-described amendments to the text of the Zoning Code (2002 edition) which are more fully set forth in Exhibit A, a copy of which is attached hereto and incorporated by reference herein. Exhibit A contains the portions of the above-referenced Zoning Code sections 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
- Yes Commissioner Debbie Trice

6. DAYLIGHT PLANE FOR SINGLE-FAMILY HOMES

Article VI - ZONE DISTRICTS

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

DIVISION 1. – GENERAL

- (u) *Additional development standards applicable to single-family dwellings in RSF-E, 1, 2, 3, 4, RTD-9, and RMF-1, 2, 3 zone districts.*

Note: Non-profit organizations constructing housing sold to low to moderate income families (under 80 percent of median income in the county) may apply to use housing partnership funds, administered by the office of housing and community development, to offset the costs to comply with these requirements.

- (1) *Maximum height—Single-family dwellings.* All single-family dwellings shall be limited in height to the greater of 35 feet above reference level or in areas where flood elevations are established by law, 35 feet above the recovery elevation of a property. The maximum height of all single-family dwellings shall be measured commencing from either of the greater of the two points described in this section to the highest point of a flat roof, to the deck of a mansard roof or to the average height between the plate and the ridge of gable or hip roofs, not including chimneys, antennas or elevator shaft enclosures.
- (2) *Daylight plane regulations.* All single-family dwellings shall not be of such height or size that they penetrate the daylight plane which is an angle of 45 degrees measured above horizontal from the side yard setback lines, and beginning 25 feet above the greater of the Reference Level or the allowed recovery elevation, said plane projecting upward toward the center of the parcel. The daylight plane requirements above shall not apply to:
 - a. Roof overhangs (portion projecting beyond a vertical wall), chimneys, antenna and elevator shaft enclosures;
 - b. Dormers or other architectural features that do not exceed a combined 30 percent in length of the roof on the side of the structure upon which the dormers or architectural features are located.

