

ORDINANCE NO. 23-5476

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA AMENDING THE ZONING CODE (2002 EDITION), ARTICLE VI, ZONE DISTRICTS, DIVISION 2, SINGLE FAMILY ZONE DISTRICTS; SECTION VI-203, RESIDENTIAL USE DEVELOPMENT STANDARDS, TABLE VI-203, RESIDENTIAL DEVELOPMENT STANDARDS IN THE SINGLE FAMILY ZONES, AS WELL AS ARTICLE VII, REGULATIONS OF GENERAL APPLICABILITY, DIVISION 12, ENCROACHMENTS, SECTION VII-1202, GENERALLY, TO AMEND ENCROACHMENT REGULATIONS FOR COVERED FRONT PORCHES AND BALCONIES; 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. 23-5476 relates to the portion of Application No. 23-ZTA-01 which would amend encroachment regulations for covered front porches and balconies; 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. 23-5476; 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 13, Encroachments

Article VI, Zone Districts, Division 2, Single Family Zone Districts, Section VI-203, Residential use development standards, Table VI-203, Residential Development Standards in the Single Family Zones, as well as Article VII, Regulations of General Applicability, Division 12, Encroachments, Section VII-1202, Generally, to amend encroachment regulations for covered front porches and balconies.

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.

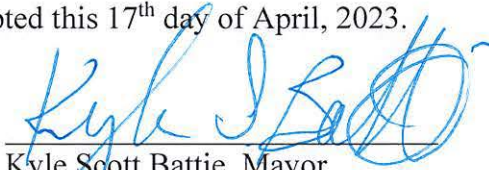
Section 3. Severability: It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance be

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

13. ENCROACHMENTS

Article VI – ZONE DISTRICTS

DIVISION 2. – SINGLE FAMILY ZONE DISTRICTS

Sec. VI-203. – Residential use development standards.

Table VI-203. Residential Development Standards in the Single-Family Zones

Standard	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RSM-9		RTD-9
						Detached	Attached	
Maximum density See section VI-203(b)	2.0 DU per acre	2.9 DU per acre	4.3 DU per acre	5.8 DU per acre	8.7 DU per acre	9.0 DU per acre	9.0 DU per acre	9.0 DU per acre
Minimum zoning lot size: See section VI-203(c) Min. lot area Min. lot width	21,780 sq. ft. 100 ft.	15,000 sq. ft. 100 ft.	10,000 sq. ft. 80 ft.	7,500 sq. ft. 70 ft.	5,000 sq. ft. 50 ft.	4,840 sq. ft. 50 ft.	2,420 sq. ft.(1) 25 ft.	4,840 sq. ft. 50 ft.
Maximum height See section VI-203(d) Feet Stories	35 ft. none	35 ft. none	35 ft. none	35 ft. none	35 ft. none	30 ft. 2	30 ft. 2	35 ft. none
Building setbacks: See section VI-203(e) Min. front Max. front Min. side Min. rear	30 ft. none 8 ft. 20 combined 15 ft.(6)	30 ft. (7) none 8 ft. 20 combined 15 ft.(6)	20 ft. (7) none 8 ft. 20 combined 15 ft.(6)	20 ft. (7) none 6 ft. 15 combined 15 ft.(6)	20 ft. (7) none 6 ft. 15 combined 15 ft.(6)	5 ft. 20 ft. 5 ft. (4) 5 ft. (4)	5 ft. 20 ft. 15 ft. (2, 4) 5 ft. (4)	20 ft. (5) (7) none 0 ft./10 ft/ combined 15 ft. (4)
Maximum building coverage See section VI-203(f)	30%	30%	35%	35%	35%	35%	50%(3)	75%
Maximum impervious coverage	60%	70%	75%	75%	75%	75%	none	75%

See section VI-203(g)								
Standard	RSF-E	RSF-1	RSF-2	RSF-3	RSF-4	RSM-9		RTD-9
						Detached	Attached	
Design standards apply See section VI-203(h) or (i)	No	No	No	No	No	Yes VI-203(h)	Yes VI-203(h)	Yes VI-203(i)
Use limitations: See footnotes for table VI-201	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Other regulations	The regulations in this division state the allowed uses and development standards for the base zones. Sites with overlay zones are subject to additional regulations. The official zoning maps indicate which sites are subject to these additional regulations. General standards that may be applicable are found in division 1 of this article (e.g., see the additional development standards applicable to single-family dwellings in section VI-102(u)). Specific uses or development types may also be subject to article VII, regulations of general applicability.							

Notes for table VI-203:

- (1) Average zoning lot size for attached unit developments shall be at least 4,840 square feet per dwelling unit.
- (2) Applies only to the end perimeter of attached unit developments on an interior lot. On corner lots, either the rear setback or the non-street side setback can be reduced to zero. However, the remaining non-street setback must comply with the requirements for a standard rear setback. See illustration below.
- (3) Applies to the entire attached unit development. The maximum building coverage for an individual zoning lot in an attached unit development is 60 percent.
- (4) Minimum side and rear yard for accessory buildings shall be three feet.
- (5) Front setback exception. The director of development services is authorized to decrease the maximum front setback to allow the preservation of existing trees. Compliance with EDCM, Part 5, Sec. D.8.b. Visibility at intersections is required.
- (6) Minimum rear yard setback for accessory dwelling shall be ten feet.
- (7) Covered front porches at a residential entrance may extend up to ten feet into the front setback plus up to an additional two feet for eaves.

Article VII - REGULATIONS OF GENERAL APPLICABILITY

DIVISION 12. - ENCROACHMENTS

Sec. VII-1201. – Generally.

- (a) *Encroachments into required setbacks.* Every part of every required setback shall be open and unobstructed from the ground to the sky except as otherwise permitted by these regulations. Except for setbacks adjacent to the Gulf of Mexico, the following encroachments are permitted in all setbacks.
- (1) Sills and belt courses may project no more than 12 inches into a required setback.
 - (2) Movable awnings may project no more than three feet into a required setback, provided that, where the setback is less than five feet in width, the projection shall not exceed half the width of the setback. In nonresidential districts, with requirements for pedestrian standards, awnings, canopies, marquees and similar features may fully extend into a required front setback.
 - (3) Chimneys, bay windows or pilasters may project no more than two feet into a required setback. In nonresidential districts, with requirements for pedestrian standards, bay windows, open colonnades and entry features may extend into the required front setback up to four feet.
 - (4) Fire escapes and, stairways ~~and balconies~~ which are unroofed and unenclosed may project no more than five feet into a required rear setback or no more than three feet into a required side setback of a multifamily dwelling, hotel or motel. Balconies that are unroofed and unenclosed may project no more than six feet into a required front setback, no more than five feet into a required rear setback, or no more than three feet into a required side setback of a multifamily dwelling, hotel, or motel. In nonresidential districts with requirements for pedestrian standards, uncovered stairways and wheelchair ramps that lead to the front door of a building may fully extend into the required front setback.
 - (5) Hoods, canopies, roof overhangs or marquees may project no more than three feet into a required setback, but shall not come closer than one foot to the zoning lot line.
 - (6) Cornices, eaves or gutters may project no more than three feet into a required setback, provided that, where the required setback is less than six feet in width, such projection shall not exceed half the width of the setback.
 - (7) Window, wall-hung air-conditioning unit and air-conditioning units installed at grade may project no more than three feet into any required setback in residential districts. The screening wall for outdoor mechanical equipment, including, but not limited to, air-conditioning equipment and pool pumps required by subsection VI-102(u)(3) for single-family dwellings may project no more than 36 inches into any required sideyard setback.
 - (8) Fences, walls, poles, posts and other customary yard accessories and ornaments are permitted in all yards except waterfront yards adjacent to the open waters of the Gulf of Mexico, subject to height limitations and requirements limiting the obstruction of visibility.
 - (9) Structures up to 30 inches above the general ground level of the graded lot are permitted in all yards with the exception of waterfront yards adjacent to the Gulf of Mexico where no structures are permitted except as provided in subsection VII-1301 of the zoning code.

- (10) Pedestrian amenities located within the Bay Park as identified in section VII-1301(j) are permitted encroachments within the 30-foot waterfront setback.