

## ORDINANCE NO. 23-5473

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA AMENDING THE ZONING CODE (2002 EDITION), ARTICLE VI, ZONE DISTRICTS, DIVISION 10, DOWNTOWN ZONE DISTRICTS, SECTION VI-1005, DEVELOPMENT STANDARDS, TABLE VI-1003, DEVELOPMENT STANDARDS IN THE DOWNTOWN ZONE DISTRICTS AS WELL AS ARTICLE VII, REGULATIONS OF GENERAL APPLICABILITY, DIVISION 9, ACCESSORY STRUCTURE AND USES, SECTION VII-903, RESIDENTIAL ACCESSORY BUILDINGS AND STRUCTURES, TO REGULATE ACCESSORY STRUCTURE SWIMMING POOLS; 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. 23-5473 relates to the portion of Application No. 23-ZTA-01 which would regulate accessory structure swimming pools; 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. 23-5473; 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 8, Accessory Structures (Swimming Pools)  
Article VI, Zone Districts, Division 10, Downtown Zone Districts, Section VI-1005, Development standards, Table VI-1003, Development Standards in the Downtown Zone Districts, as well as Article VII, Regulations of General Applicability, Division 9, Accessory Structure and Uses, Section VII-903, Residential accessory buildings and structures, to regulate accessory structure swimming pools.

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.

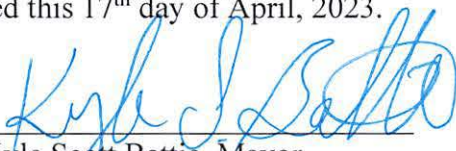
**Section 3.** Severability: It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance be


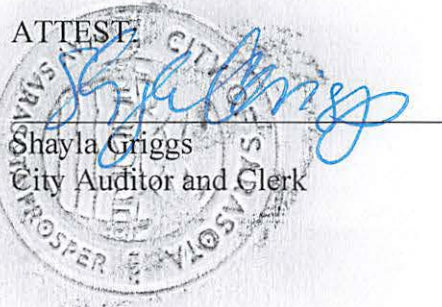
deemed severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance is declared unconstitutional or otherwise invalid by the valid judgment of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, 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 20<sup>th</sup> day of March, 2023.

PASSED on second reading and finally adopted this 17<sup>th</sup> 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

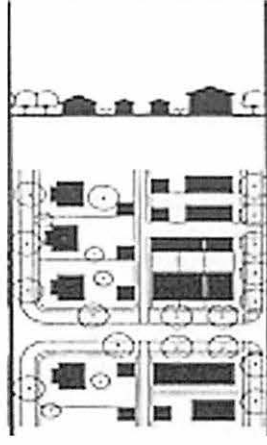
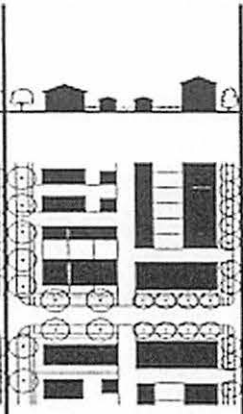
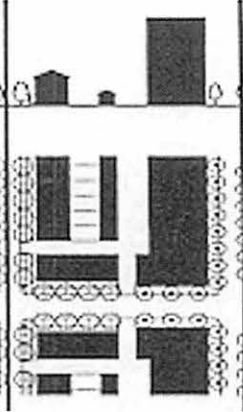
## 8. ACCESSORY STRUCTURES (SWIMMING POOLS)

### Article VI – ZONE DISTRICTS

#### DIVISION 10. – DOWNTOWN ZONE DISTRICTS

#### Sec. VI-1005. – Development Standards.

Table VI-1003. Development Standards in the Downtown Zone Districts

Development Standards	DTN (Neighborhood)	DTNE (Neighborhood Edge) DTE (Edge)	DTC (Core) DTB (Bayfront)
			
Density See VI-1005(b)			
-Maximum	12 units/acre	18 units/acre (DTNE) 25 units/acre (DTE) 100 units/acre (RROD - see section VI-912)	50 units/acre
Floor area ratio See VI-1005(c)			
-Maximum	0.5	Not applicable	Not applicable
Zoning lot size See VI-1005(d)			
-Minimum	3,600 sq. ft.	2,500 sq. ft. (DTNE) 1,800 sq. ft. (DTE)	1,800 sq. ft.

Development Standards	DTN (Neighborhood)	DTNE (Neighborhood Edge) DTE (Edge)	DTC (Core) DTB (Bayfront)
Building coverage See VI-1005(e)			
-Maximum	75%	85% (DTNE) 100% (DTE)	100%
Building setback see VI-1005(f)			
-Minimum front	10 ft.	5 ft. (DTNE) 0 ft. (DTE)	0 ft.
-Maximum front	20 ft.	15 ft. (DTNE) 10 ft. (DTE)	5 ft.
-Minimum side	0 ft./10 ft. combined	0 ft. 10 ft. (where DTNE abuts DTN or RSF)	0 ft.
-Minimum rear	15 ft. primary building 3 ft. accessory building 4 ft. all accessory buildings, <u>pools</u> , and fences abutting alleys	10 ft. (DTNE) 0 ft. (DTE)	0 ft.

Development Standards	DTN (Neighborhood)	DTNE (Neighborhood Edge) DTE (Edge)	DTC (Core) DTB (Bayfront)
-Exceptions	<p>On secondary streets (map VI-1001), buildings are exempt from the maximum setback limitation.</p> <p>On primary streets (map VI-1001), the maximum front yard setback only applies to portions of a building meeting the minimum facade requirement.</p> <p>The minimum side yard setback for structures on the south side of 4th Street is zero.</p> <p>Porches may encroach up to 50% of the depth of the setback.</p> <p>All other encroachments shall be allowed consistent with section VII-1201.</p> <p>Compliance with EDCM, part 5, section D.8.b. Visibility at intersections.</p>	<p>On secondary streets (map VI-1001), buildings are exempt from the maximum setback limitation.</p> <p>On primary streets (map VI-1001), the maximum front yard setback only applies to portions of a building meeting the minimum facade and height requirement.</p> <p>On primary street intersections (map VI-1001), the maximum setback for chamfered corners shall be 20 feet from the lot corner to the center of the building facade that faces the lot corner.</p> <p>Encroachments shall be allowed consistent with section VII-1201.</p> <p>Compliance with EDCM, part 5, section D.8.b. Visibility at intersections.</p>	<p>On secondary streets (map VI-1001), buildings are exempt from the maximum setback limitation.</p> <p>On primary streets (map VI-1001), the maximum front yard setback only applies to portions of a building meeting the minimum facade and height requirement.</p> <p>On primary street intersections (map VI-1001), the maximum setback for chamfered comers shall be 20 feet from the lot corner to the center of the building facade that faces the lot corner.</p> <p>Encroachments shall be allowed consistent with section VII-1201.</p> <p>Compliance with EDCM, part 5, section D.8.b. Visibility at intersections.</p>

Development Standards	DTN (Neighborhood)	DTNE (Neighborhood Edge) DTE (Edge)	DTC (Core) DTB (Bayfront)
Building height See VI-1005(g)			
-Maximum	3 stories—Primary building 2 stories—Accessory building	3 stories (DTNE) 5 stories (DTE) 7 stories (RROD - see section VI-912, only provided with urban open space or transfer of development rights)	10 stories (DTC) 18 stories (DTB)
-Minimum	Not applicable	2 stories on primary streets (map VI-1001)	2 stories on primary streets (map VI-1001)
-Special requirements	None	<p>On primary streets (map VI-1001), buildings that have residential uses facing the primary street on the first floor shall raise the first finished floor at least two feet above the sidewalk grade for a minimum depth of 20 feet.</p> <p>DTE zoning lots adjacent to a single-family, RMF-1, 2, 3, or DTN zone district. On the portion of a site within 100 feet of a site zoned RSM-9 or DTN, the maximum building height is one story above the maximum height of the adjacent RSM-9 or DTN zone district. On the portion of a site within 100 feet of a site zoned RSF-1, 2, 3, 4, or RMF-1, 2, 3, the maximum building height is four stories.</p>	<p>On primary streets (map VI-1001), buildings that have residential uses facing the primary street on the first floor shall raise the first finished floor at least two feet above the sidewalk grade for a minimum depth of 20 feet.</p> <p>On primary streets (map VI-1001), stories at the sidewalk level shall be no less than 12 feet in height from the finished floor to finished ceiling.</p>

Development Standards	DTN (Neighborhood)	DTNE (Neighborhood Edge) DTE (Edge)	DTC (Core) DTB (Bayfront)
-Exceptions	<p>Basements that emerge less than four feet from finished grade or attics not exceeding four feet at the kneewall shall not constitute an additional story.</p> <p>A single tower on a building, defined as habitable portions of a building above the roof level with a footprint less than 240 square feet, shall not be subject to height limits.</p> <p>Extensions above the maximum height of structures detailed under <i>Height Limitations</i> in section VI-102(p) are allowed.</p>	<p>Basements that emerge less than four feet from finished grade or attics not exceeding 4 feet at the kneewall shall not constitute an additional story.</p> <p>A single tower on a building, defined as habitable portions of a building above the roof level with a footprint less than 240 square feet, shall not be subject to height limits.</p> <p>Extensions above the maximum height of structures detailed under <i>Height Limitations</i> in section VI-102(p) are allowed.</p> <p>See also: VI-1005(g)(4), additional exceptions for height in the DTE, DTNE, DTC, and DTB</p>	<p>Basements that emerge less than four feet from finished grade or attics not exceeding four feet at the kneewall shall not constitute an additional story.</p> <p>A single towers on a building, defined as habitable portions of a building above the roof level with a footprint less than 240 square feet, shall not be subject to height limits.</p> <p>Extensions above the maximum height of structures detailed under <i>Height Limitations</i> in section VI-102(p) are allowed.</p> <p>See also: VI-1005(g)(3) Additional exceptions for height in the DTC.</p> <ul style="list-style-type: none"> <li>a. Existing buildings over ten stories.</li> <li>b. New buildings over ten stories.</li> <li>c. Bonus height.</li> </ul> <p>VI-1005(g)(4), (5), additional exceptions for height in the DTE, DTNE, DTC, and DTB</p>



Development Standards	DTN (Neighborhood)	DTNE (Neighborhood Edge) DTE (Edge)	DTC (Core) DTB (Bayfront)
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. Specific uses or development types may also be subject to article VII, regulations of general applicability.		

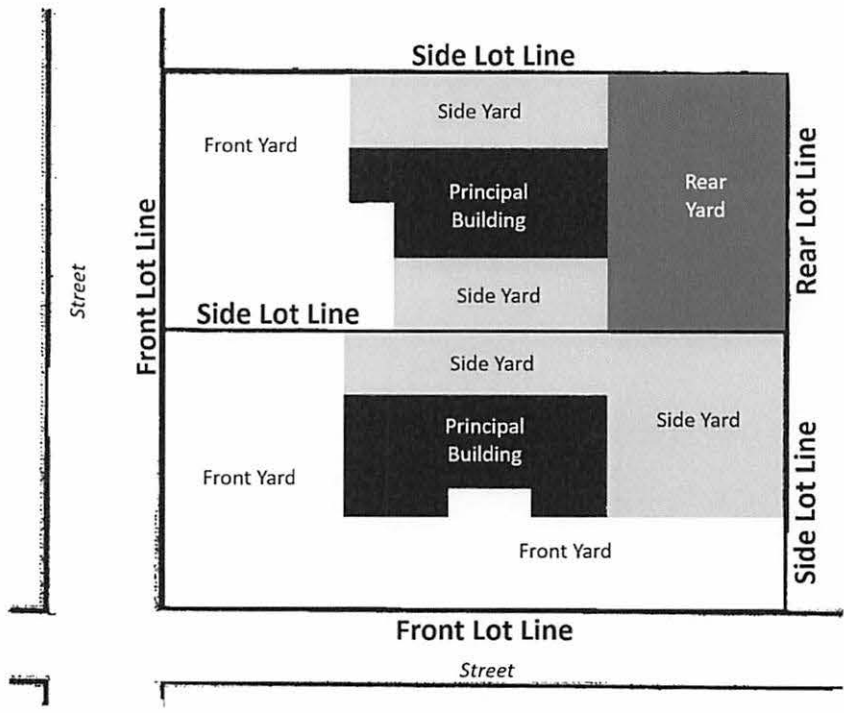
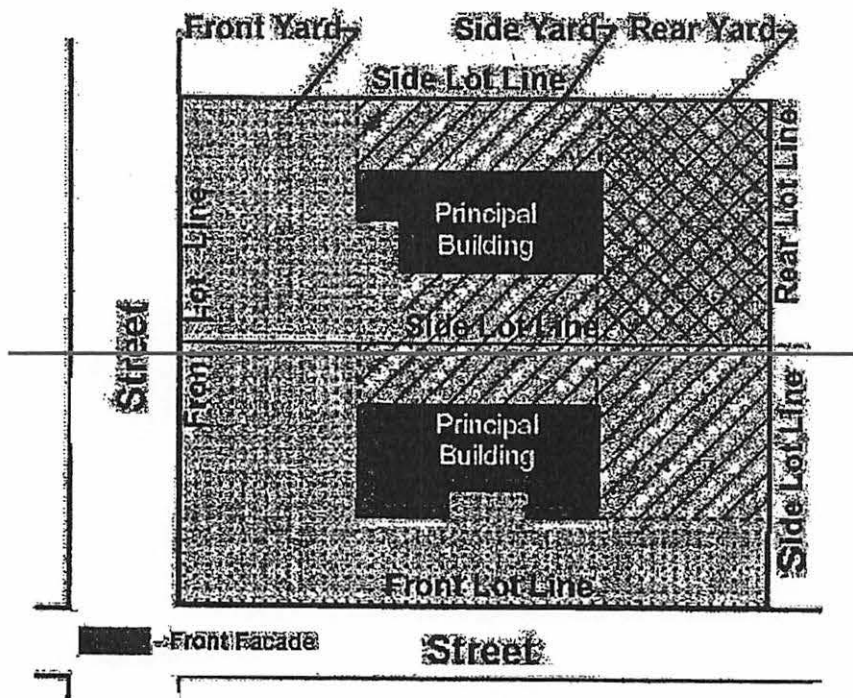
**Article VII - REGULATIONS OF GENERAL APPLICABILITY**

**DIVISION 9. - ACCESSORY STRUCTURE AND USES**

**Sec. VII-903. - Residential accessory buildings and structures.**

Accessory buildings and structures shall be permitted in all residential districts, subject to the following limitations (See also VII-602(cc) and VII-602(ff)):

- (1) In all residential zoning districts (other than for multi-family dwelling projects), accessory buildings, antennas and their supporting structures, and in-ground swimming pools shall be subject to the following requirements:
  - a. Swimming pools without cages may be located in all yards, but only in front yards if it is screened from the street by a six-foot-high finished solid wall (e.g., masonry or foam core) or solid fence. Swimming pools are not permitted in the front yard for DTN, RSM-9, and RTD-9 zone districts.
  - b. Swimming pools with cages must be located behind the front facade of the primary building in the side or rear.

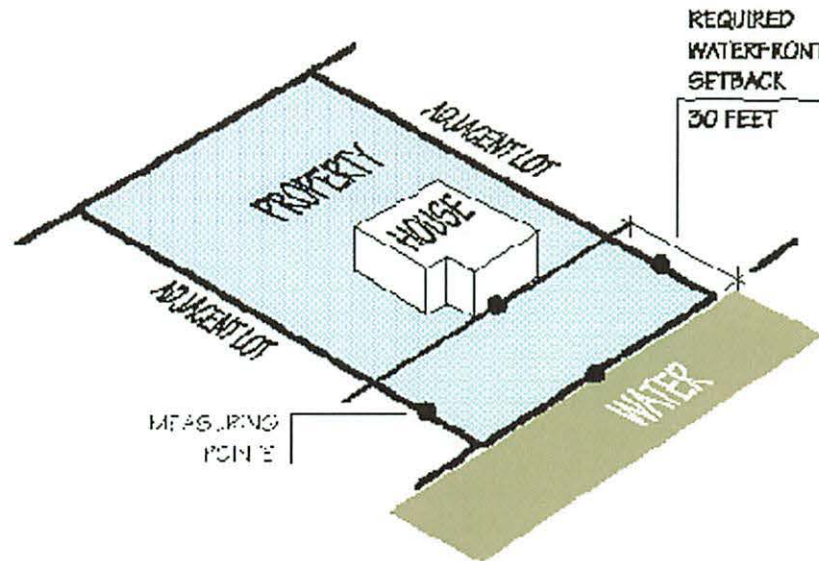


- c. Transmission towers for amateur radio antennas and their supporting structures shall be allowed in accordance with section VII-602 of this chapter.

- d. The zoning lot coverage for all accessory buildings on a zoning lot shall be included as part of the calculation of "maximum building coverage" for the particular district in which the use is located.
  - e. Accessory structures in the rear and side yards, including antennas and their supporting structure which are less than 20 feet in height, shall be set back a minimum of five feet from the rear and side property lines. Accessory structures, except as may otherwise be provided in this Code, shall not be located in any required front yard setback.
  - f. Accessory structures, including freestanding antennas and their supporting structure, more than 20 feet in height in the side and rear yard shall be subject to the yard and setback requirements of the zoning district in which they are located.
  - g. Accessory buildings shall not exceed the maximum height requirement for the particular district in which it is located.
- (2) In all residential zoning districts (for multi-family dwelling projects, other than individual fee-simple townhouse projects), accessory buildings, antennas and their supporting structures, and swimming pools shall be set back at least ten feet from all property lines.
- (3) For all fee-simple townhouse projects, accessory buildings on individual fee-simple townhouse zoning lots shall be governed by the following requirements:
- a. Neither transmission towers for amateur radio antennas nor commercial wireless telecommunication antennas and towers shall be allowed.
  - b. Accessory buildings shall not be allowed in front setbacks, shall not exceed ten feet in height, and shall not cover more than 50 percent of the yard in which they are located.
- (4) Accessory structures shall not be located in any required waterfront setback, except that uncaged swimming pools may be located in required waterfront setbacks provided that:
- a. The edge of the water of the swimming pool shall be set back a minimum of five feet from the mean high water mark and from adjacent zoning lot lines; and
  - b. The uncaged swimming pool and any deck shall not be higher than 30 inches above average natural grade or 30 inches above the cap of the seawall, whichever is less. For purposes of this subsection, average natural grade shall be determined by averaging the

grade as depicted below.

MEASURE AT THE FOUR (4) POINTS (\*) BY AVERAGING  
THE EXISTING ELEVATIONS AT THE NATURAL GRADE



Average Natural Grade

- c. Fences, walls, poles, posts and other customary yard accessories and ornaments are not permitted in any required waterfront setbacks adjacent to the open waters of the Gulf of Mexico.
- (5) Fences and walls, except those used in connection with a government use, shall be governed by the standards found in article VII, division 11.
- (6) Accessory dwelling units shall be permitted in residential districts in accordance with section VII-602(cc).
- (7) No accessory building shall be constructed, erected, or otherwise placed on a zoning lot that is not occupied by a principal building.
- (8) Storage containers used primarily for shipping purposes, truck compartments, or trailers shall not be deemed principal or accessory structures or buildings and shall not be permitted.
- (9) Accessory buildings and structures shall not be located so as to restrict access to buildings by emergency equipment.
- (10) Private garages shall be permitted as accessory buildings in all residential districts in accordance with the standards set forth in this subsection:
  - a. If attached to the principal structure, all setbacks for the principal structure shall be met.
  - b. Private garages shall be used solely by the occupants of the dwellings to which they are accessory and only for noncommercial purposes.
- (11) Children's playhouses, patios, gazebos, etc. shall be permitted as accessory buildings and structures in all residential districts.

- (12) Where drainfields and septic tanks are allowed, their placement is permitted without regard to setbacks or yard restrictions, provided that all appropriate approvals shall be secured for any drainfield or septic tank.
- (13) Noncommercial greenhouses and plant nurseries, tool houses and garden sheds, garden work centers, children's play areas and equipment, private barbecue pits and similar accessory uses shall be permitted as accessory buildings and structures in all residential districts.
- (14) Seawalls, groins and other beach protective devices shall be permitted in accordance with section VII-1304 of this Code.
- (15) Private docks and community boat docks, on waterfront properties, shall be permitted in accordance with section VII-1302 of this Code.
- (16) Non-profit bingo shall be permitted as an accessory use in accordance with section VII-602(w), unless specifically prohibited.