

ORDINANCE NO. 24-5525

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF SARASOTA [THE *SARASOTA CITY PLAN*], FUTURE LAND USE CHAPTER, TO REVISE THE TEXT OF THE PRODUCTION-INTENSIVE COMMERCIAL FUTURE LAND USE CLASSIFICATION SO AS TO IDENTIFY SOLAR UTILITIES AS AN ADDITIONAL EXISTING AND PLANNED PRIMARY USE WITHIN THE CLASSIFICATION AND TO PROVIDE A DEFINITION OF “SOLAR UTILITY”; REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY OF THE PARTS HEREOF; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on December 1, 2008, the City of Sarasota, by the adoption of Ordinance No. 08-4792 adopted a new Comprehensive Plan known as the *Sarasota City Plan*; and,

WHEREAS, the City of Sarasota, through David L. Smith, AICP, Manager of Long-Range Planning, has filed Application No. 23-PA-01 to amend the Comprehensive Plan of the City of Sarasota [the *Sarasota City Plan*]; and

WHEREAS, Application No. 23-PA-01 proposes modifications to the *Sarasota City Plan* to revise the text of the Production-Intensive Commercial Future Land Use Classification so as to identify solar utilities as an additional existing and planned primary use within the Classification and to provide a definition of “Solar Utility;” and

WHEREAS, the City of Sarasota Planning Board/Local Planning Agency held a transmittal stage public hearing on proposed Comprehensive Plan Amendment Application No. 23-PA-01 on September 13, 2023 and recommended to the City Commission that the Amendment be transmitted to the Reviewing Agencies as defined in Section 163.3184(1)(c), Florida Statutes, and thereafter adopted by the City Commission; and

WHEREAS, a second transmittal stage public hearing on proposed Comprehensive Plan Amendment No. 23-PA-01 was held by the City Commission on November 6, 2023 at which time the City Commission adopted Resolution No. 23R-3205 authorizing transmittal of Comprehensive Plan Amendment Application No. 23-PA-01 to the Reviewing Agencies in accordance with Section 163.3184 (3), Florida Statutes; and

WHEREAS, the Planning Department received an Objections, Recommendations, and Comments Report which requires contemporaneous updates to the *Sarasota City Plan* but does not include substantive comments which require modification to Application No. 23-PA-01; and

WHEREAS, in accordance with Section IV-1404 (b)(2) Zoning Code (2002 edition), the Planning Board did not hold an adoption stage public hearing on proposed Comprehensive Plan Amendment Application No. 23-PA-01 because the Planning Director was able to determine that there were no substantive comments from the Reviewing Agencies; and

WHEREAS, in accordance with Section IV-1405 (b)(2), Zoning Code (2002 edition), the City Commission held an adoption stage public hearing on July 1, 2024 with a second such public hearing on July 15, 2024 to receive public comment on Application No. 23-PA-01 and to consider the recommendations of the Planning Board/Local Planning Agency and the Planning Department staff regarding the proposed amendment; and

WHEREAS, this Ordinance No. 24-5525, pursuant to Article IV, Section 2(j) of the City Charter, requires only a simple majority vote of the City Commission for adoption.

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

Section 1. Adoption of Amendment to Comprehensive Plan. The City Commission hereby approves an amendment to the *Sarasota City Plan*. The Future Land Use Chapter is amended to revise the text of the Production-Intensive Commercial Land Use Classification so as to identify Solar Utilities as an additional existing and planned primary use within the Classification and to provide a definition of “Solar Utility.” Attached hereto and incorporated by reference herein as Exhibit A is the full text of the portions of the Future Land Use Chapter in which proposed amendments will be made with modifications shown in “black line” format by which deletions from existing text are shown by ~~strike-through~~ and additions to existing text are shown by underline.

Section 2: Repeal of Ordinances in Conflict. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed, but only to the extent of such conflict.


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 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 4. Effective Date. The effective date of this Comprehensive Plan Amendment, if the Amendment is not timely challenged, shall be thirty-one (31) days after the State Land Planning Agency notifies the City of Sarasota that the Plan Amendment package is complete. If timely challenged, this Comprehensive Plan Amendment shall become effective on the date the State Land Planning Agency or the Administration Commission enters a final order determining this adopted Comprehensive Plan Amendment to be in compliance. No development orders, development permits, or land uses dependent upon this Comprehensive Plan Amendment may be issued or commenced before it has become effective. If a final order of non-compliance is issued by the Administration Commission, this Comprehensive Plan Amendment may nevertheless be made effective by adoption of a Resolution affirming its effective status, a copy of which Resolution shall be sent to the State Land Planning Agency.

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 1st day of July, 2024.

PASSED on second reading and finally adopted this 15th day of July, 2024.

ATTEST:


Shayla Griggs
City Auditor and Clerk



Liz Alpert, Mayor

Yes Mayor Liz Alpert
Yes Vice Mayor Jen Ahearn-Koch
Yes Commissioner Erik Arroyo
Yes Commissioner Kyle Scott Battie
Yes Commissioner Debbie Trice

Tammy's Files\Ordinances\2024\24-5525-solar utilities comp plan (7/16/24)

PRODUCTION - INTENSIVE COMMERCIAL LAND USE CLASSIFICATION

Purpose and Intent

The purpose and intent of this land use classification is to identify:

- areas of the City that have developed primarily with heavy commercial and industrial related land uses (e.g. - “primary” uses);
- the general uses that are compatible with and support the primary uses (e.g. - “secondary” uses);
- existing uses located within this classification that are not compatible with the primary and secondary uses (e.g. - “non-primary/non-secondary” uses); and
- areas of the City where uses consistent with this classification can occur in the future.

General Characteristics

In-fill development/redevelopment within this classification is encouraged. However, expansion of this classification beyond those areas reflected by the Future Land Use Plan Map is discouraged. This is of particular importance when such expansion would increase the amount of linear (or “strip”) commercial development adjacent to roadways.

Currently, existing developments within this classification are generally “free-standing” in nature. Many vacant parcels and some vacant buildings exist. Chain link fencing and metal buildings are features that characterize the area.

The City’s intent is to encourage new development / redevelopment to be planned, designed and marketed as a park or complex.

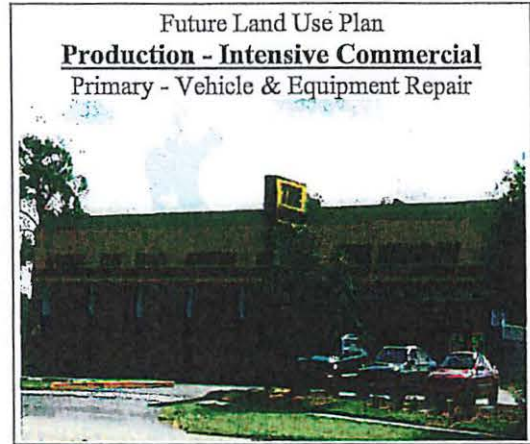
Activities within neighborhoods adjacent to the perimeter of this classification often reflect a markedly different use, intensity and scale (e.g., single family residences) than those planned for this classification. Hence, new development/redevelopment at the perimeter of this classification must be particularly sensitive to these adjacent neighborhoods in order to assure compatibility with them. In general, the more intensive or the larger scale the use, the more it needs a central location within this classification as opposed to being at the perimeter.

Maximum non-residential floor area ratios up to 1.0 may be consistent with the intent of this classification. However, any increase in the floor area ratio exceeding that permitted by existing zoning for an individual lot or parcel must be based, in part, upon a finding that the proposed change is compatible with the existing use, intensity and scale of development in the surrounding area.

The City of Sarasota Zoning Code shall identify implementing zoning districts for this land use classification. A final determination of the zoning district applicable to a specific site shall be based upon particular circumstances applicable to each individual site.

Existing and Planned Primary Uses within this classification would include compatible:

- manufacturing, assembly, warehousing, storage, processing, kennels, distribution, vehicle and equipment repair/sales/rental, solar utilities, and governmental uses.



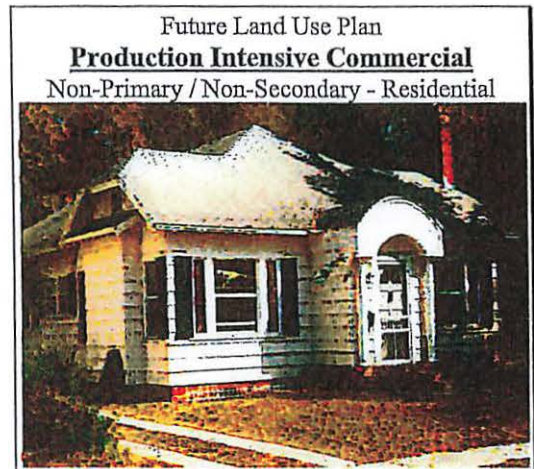
Existing and Planned Secondary Uses would include compatible:

- retail/service/office establishments catering to the primary employer, employees, clients, and customers once the primary use is established.



Existing Non-Primary and Non-Secondary Uses would include:

- all uses that are neither primary or secondary in nature, such as residences.



These uses, among others, should be considered for removal from the zoning districts that implement this land use classification during the update of the Land Development Regulations. Their current existence should not be used to support new uses of a similar nature and new uses of this type are discouraged.

Future Land Use Attachment 4, Definitions

Solar Utility

An electric production facility that utilizes photovoltaic cells to convert sunlight into electricity which may be transmitted to a power grid for consumption away from the production site. A solar utility may be either a ground mounted solar utility or floating solar utility.