

**CITY OF SARASOTA**  
Sarasota, Florida

**Inter-Office Memorandum**

**November 4, 2022**

TO: Shayla Griggs, City Auditor and Clerk  
FROM: Michael A. Connolly, Deputy City Attorney  
SUBJECT: Ordinance No. 22-5437



The City Commission, during its regularly scheduled meeting of October 17, 2022, passed on second reading and finally adopted Ordinance No. 22-5437. This Ordinance adopts the portion of Plan Amendment Application No. 22-PA-04 which would add a new Action Strategy 2.15 providing that the City shall utilize administrative review for site plan applications where certain thresholds are met for construction of attainable housing units.

Included herewith is Ordinance No. 22-5437 for execution by the Mayor and attestation by you as the City Auditor and Clerk. Kindly provide me with a photocopy of the fully executed Ordinance so that my file will be complete.

Thank you for your attention to this matter.

MAC/twa

Enc: 10/18/22 draft of Ordinance No. 22-5437

Cc: Steve Cover, Director, Planning (w/o enc)  
Ryan Chapdelain, GM, NDS (w/o enc)  
David Smith, LR Planner (w/o enc)

ORDINANCE NO. 22-5437

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF SARASOTA [THE *SARASOTA CITY PLAN (2030)*], FUTURE LAND USE CHAPTER, TO ADD A NEW ACTION STRATEGY 2.15 PROVIDING THAT THE CITY MAY UTILIZE ADMINISTRATIVE REVIEW FOR SITE PLAN APPLICATIONS WHERE CONSTRUCTION OF ATTAINABLE HOUSING UNITS WILL OCCUR; 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 (2030)*; and,

WHEREAS, the City of Sarasota, through David L. Smith, AICP, Manager of Long-Range Planning, has filed Application No. 22-PA-04 to amend the Comprehensive Plan of the City of Sarasota [the *Sarasota City Plan (2030)*]; and

WHEREAS, Application No. 22-PA-04 proposes numerous modifications to the *Sarasota City Plan (2030)* and this Ordinance No. 22-5437 relates to the portion of Application No. 22-PA-04 which would add a new Action Strategy 2.15 providing that the City shall utilize administrative review for site plan applications where certain thresholds are met for construction of attainable housing units; and

WHEREAS, the City of Sarasota Planning Board/Local Planning Agency held a transmittal stage public hearing on proposed Comprehensive Plan Amendment Application No. 22-PA-04 on April 13, 2022 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. 22-PA-04 was held by the City Commission on May 16, 2022 at which time the City Commission adopted Resolution No. 22R-3095 authorizing transmittal of Comprehensive Plan Amendment Application No. 22-PA-04 to the Reviewing Agencies in accordance with Section 163.3184 (3), Florida Statutes; and

WHEREAS, the Planning Department has not received substantive comments from the Reviewing Agencies which required modification to Application No. 22-PA-04; 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. 22-PA-04 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 September 19, 2022 to receive public comment on the portion of the proposed amendment Application No. 22-PA-04 which would add a new Action Strategy 2.15 providing that the City shall utilize administrative review for site plan applications where certain thresholds are met for construction of attainable housing units and to consider the recommendations of the Planning Board/Local Planning Agency and the Planning Department staff regarding this portion of the proposed amendment; and

WHEREAS, this Ordinance No. 22-5437, 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 (2030)*. The Future Land Use Chapter is amended to add a new Action Strategy 2.15 providing that the City shall utilize administrative review for site plan applications where certain thresholds are met for construction of attainable housing units. 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: Not Self-Executing. The amendments to the *Sarasota City Plan (2030)* set forth in this Ordinance No. 22-5437 do not change the Future Land Use Classification of any real property and are not self-executing. Rather, an implementing Zoning Text Amendment(s) is required before the provisions set forth herein can be applied to a development application. No development orders, development permits, or land uses dependent upon this Comprehensive Plan Amendment may be issued or commenced before the implementing Zoning Text Amendment(s) has become effective.

Section 3: 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 4: 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 5. 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 19<sup>th</sup> day of September, 2022

PASSED on second reading and finally adopted this 17<sup>th</sup> day of October, 2022.



Erik Arroyo, Mayor

ATTEST

  
Shayla Griggs  
City Auditor and Clerk

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

- 2.10 **Downtown Neighborhoods:** Recognizing that there are distinctive areas within the downtown (e.g. - Burns Court/Herald Square and Rosemary District) where new development must be particularly sensitive to its surroundings, consider creating new zoning districts or using overlay districts to establish standards and/or incentives to enhance compatibility and the preservation of historic resources.
- 2.11 **Bayou Oaks Zoning Overlay District:** The City shall adopt a zoning overlay district within the Bayou Oaks neighborhood that provides for implementation of the live-work concept as described in the Bayou Oaks Neighborhood Action Strategy. The boundary of the overlay shall be US 41, Bradenton Road, Myrtle Street, and Patterson Drive.
- 2.12 **Rosemary Residential Overlay District (RROD):** The City shall continue with the RROD within the Rosemary Neighborhood to encourage development of new high-density residential units and enhance economic vitality. The maximum residential base density shall be forty (40) units per acre allowed in accordance with the Rosemary Residential Overlay District and the Urban Edge Future Land Use Classification. Up to one-hundred (100) dwelling units per acre may be achieved for residential development that incorporates dwelling units designated for households with an income at or below 120 percent of the Area Median Income (AMI) in the North Port-Sarasota-Bradenton Metropolitan Statistical Area (MSA) for a minimum period of thirty (30) years. The boundary of the overlay shall be Coconut Avenue, 10th Street, Orange Avenue, and Fruitville Road as depicted in Illustration LU-21. *(Revised by Ordinance No. 20-5312 on January 6, 2020)*

Note:  
 Administrative review for attainable housing would incentivize this type of development and is consistent with the Local Affordable Housing Incentive Strategy Recommendations and the Blueprint for Workforce Housing plan.

- 2.15 **Administrative Review Process for Attainable Housing:** The City shall utilize an administrative review process for site plan applications when the construction of attainable housing units will occur on the development site and when the site plan application qualifies for bonus density units.