

CITY OF SARASOTA
Sarasota, Florida

Inter-Office Memorandum

October 18, 2022

TO: Shayla Griggs, City Auditor and Clerk
FROM: Michael A. Connolly, Deputy City Attorney
SUBJECT: Ordinance No. 22-5436



The City Commission, during its regularly scheduled meeting of October 17, 2022, passed on second reading and finally adopted Ordinance No. 22-5436. This Ordinance adopts the portion of Application No. 22-PA-04 which would add a new Action Strategy 2.14 calling for the creation of one or more Missing Middle Overlay Districts and providing for an increase in residential density over base density when a portion of the additional residential units are attainable, amending Urban Neighborhood Land Use Classification text to provide for that increase in residential density, and adding Illustration LU-20 identifying the initial Missing Middle Overlay District.

Included herewith is Ordinance No. 22-5436 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. 22-5436

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

ORDINANCE NO. 22-5436

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 2.14 CALLING FOR CREATION OF ONE OR MORE MISSING MIDDLE OVERLAY DISTRICTS AND PROVIDING FOR AN INCREASE IN RESIDENTIAL DENSITY OVER THE BASE DENSITY WHEN A PORTION OF THE ADDITIONAL RESIDENTIAL UNITS ARE ATTAINABLE, AMENDING URBAN NEIGHBORHOOD LAND USE CLASSIFICATION TEXT TO PROVIDE FOR THAT INCREASE IN RESIDENTIAL DENSITY AND ADDING ILLUSTRATION LU-20 IDENTIFYING THE INITIAL MISSING MIDDLE OVERLAY DISTRICT; 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. 22-5436 relates to the portion of Application No. 22-PA-04 which would add a new Action Strategy 2.14 calling for creation of one or more Missing Middle Overlay Districts and providing for an increase in residential density over the base density when a portion of the additional residential units are attainable, amending Urban Neighborhood Land Use Classification text to provide for that increase in residential density, and adding Illustration LU-20 identifying the initial Missing Middle Overlay District; 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 2.14 calling for creation of one or more Missing Middle Overlay Districts and providing for an increase in residential density over the base density when a portion of the additional residential units are attainable, amending Urban Neighborhood Land Use Classification text to provide for that increase in residential density, and adding Illustration LU-20 identifying the initial Missing Middle Overlay District, 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. 22-5436, pursuant to Article IV, Section 2(j)(2) of the City Charter, requires a super 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 2.14 calling for creation of one or more Missing Middle Overlay Districts and providing for an increase in residential density over the base density when a portion of the additional residential units are attainable, amending Urban Neighborhood Land Use Classification text to provide for that increase in residential density, and adding Illustration LU-20 identifying the initial Missing Middle Overlay District. 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. 22-5436 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. Furthermore, a subsequent ordinance which would reclassify real property to a Future Land Use Classification which would facilitate creation of a Missing Middle Overlay District will be required. 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 and the ordinance reclassifying specific parcels of real property to a Future Land Use Classification which will facilitate creation of a Missing Middle Overlay District has also 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.

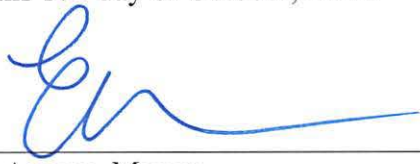
Section 4: Severability. It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses and phrases of this ordinance shall be deemed severable, and if any phrase, clause, sentence, paragraph or section of this ordinance is declared unconstitutional 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 19th day of September, 2022

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



Erik Arroyo, Mayor


ATTEST:


Shayla Griggs
City Auditor and Clerk

- Yes Mayor Erik Arroyo
- Yes Vice Mayor Kyle Scott Battie
- Yes 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:
Creation of this overlay district is necessary in order to allow for attainable housing at a density greater than 12 du/ac.

2.14 **“Missing Middle” Overlay District (MMOD):** The City shall adopt a zoning overlay district within the Park East neighborhood, and other locations as may be applicable, to encourage development of “missing middle” housing providing for diverse housing opportunities compatible in scale and form with detached single-family homes. An increase in residential density over the base density may be approved when a portion of the additional residential units are attainable as defined in the Housing Chapter. “Missing middle” housing types may consist of duplexes, triplexes, courtyard buildings, cottage court homes, townhomes, or multi-dwelling structures. The zoning overlay district regulations will create a walkable neighborhood for households of varying age, size, and income. See Illustration LU-20, “Missing Middle” Overlay District.

URBAN NEIGHBORHOOD LAND USE CLASSIFICATION

Purpose and Intent

The purpose and intent of the Urban Neighborhood land use classification is to identify:

- neighborhoods within the City's Downtown Master Plan 2020 Study Area applicable to this classification;
- areas outside of the Downtown Master Plan 2020 Study Area applicable to this classification;
- associated uses within which the planning concepts of "New Urbanism" will be applied to create functional, mixed-use urbanized neighborhoods comprised primarily of residential homes; and
- uses that are not compatible with the concepts of "New Urbanism" as applied to these areas.

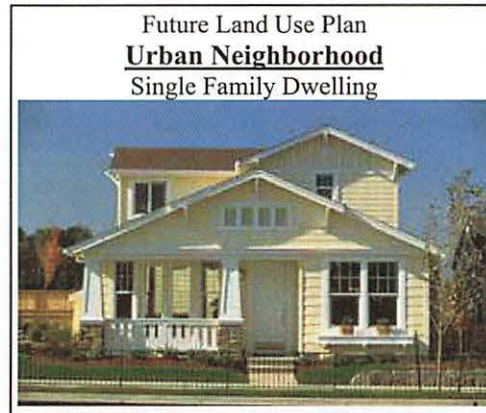
General Characteristics

The Urban Neighborhood land use classification is founded upon the concepts of "New Urbanism" whereby diverse, walkable neighborhoods are created. The principles of "New Urbanism" emphasize

- the Neighborhood which is comprised of homes, stores, workplaces, schools, and recreational areas; and
- the Block, Street, or Building where urban design provides for streets that are safe, comfortable, and interesting places to live, walk and meet.

Areas within the Urban Neighborhood classification are planned to be compact, pedestrian-friendly, and primarily residential. The dominant uses are residential dwellings including single-family houses and multiple-family structures. Although primarily residential in nature, Urban Neighborhood provides for mixed-use development with non-residential uses allowed on a limited basis. Buildings within this classification may accommodate single- or multiple-family uses.

The Urban Neighborhood classification provides for a variety of land uses. New development or redevelopment must be particularly sensitive to adjacent and nearby uses in order to assure compatibility with them. Development in close proximity to residential homes should be similar in scale to the existing homes, and contribute to and serve the residential components of the neighborhoods. This classification is consistent with and provides for implementation of the Downtown Master Plan that was adopted on January 22, 2001.



This land use classification primarily designates the residential part of a neighborhood, while also allowing for a mixture of land uses. The percentage distribution of the mix of land uses within this classification allows for up to 100% residential development of the total land area; however, it also allows for up to 5% non-residential development within each individual contiguous neighborhood. Residential dwellings may be single-family or multiple-family and developed up to a maximum-base density of twelve (12) dwelling units per acre however, additional density may be approved when attainable housing units are provided for a portion of those residential units exceeding the base residential density within the “Missing Middle” Overlay District. Implementing land development regulations shall identify maximum residential density when attainable housing units are provided and the total density shall not be greater than three times the maximum base density for the “Missing Middle” Overlay District. In addition to a primary residential structure, an accessory dwelling unit is permitted on each single-family lot. Limited, low-intensity office; artisanal (low-intensity production); and lodging uses may be permitted. Retail stores are confined to certain designated lots, typically at corners. Non-residential uses have a maximum floor area ratio of 1.0, which is an average throughout this land use classification. Building height shall be limited to a maximum of three (3) stories.

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 Uses within this classification would include compatible:

- single-family, cottage court, and multiple-family dwellings;
- accessory dwelling units;
- limited offices and lodging facilities within residential structures;
- retail stores confined to certain designated lots, typically corners;
- artisanal uses;
- recreational uses;
- open spaces; and
- selected civic uses.

Existing Non-Compatible Uses would include:

- all uses that are not planned for future development, such as more intensive commercial (e.g., vehicle/ equipment sales and repair), manufacturing, and wholesaling uses.

Note:
Revisions to allow for attainable housing incentive and Missing Middle housing types in the Park East neighborhood west of the railroad right-of-way.

LIST OF ILLUSTRATIONS

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ATTACHMENT 2

Future Land Use Map Series

The Future Land Use Map Series reflects the following illustrations which may be consolidated or reformatted by resolution of the City Commission to promote clarity and ease of use by the public:

- LU-6 Future Land Use Plan Map (enclosed);
- LU-8 Urban Service Area Map;
- LU-2A Public Airport Facilities, Existing and Planned, Map;
- LU-2B Public Educational Facilities, Existing and Planned, Map;
- LU-2C Governmental Facilities Existing and Planned, Map;
- LU-2D Public Medical Facilities, Existing and Planned, Map;
- LU-2E Public Parks, Recreation and Open Space Facilities, Existing and Planned, Map;
- LU-2F Public Works Facilities, Existing and Planned, Map;
- LU-2G Public Residential Facilities, Existing and Planned, Map;
- LU-11 Urban Infill and Redevelopment Areas, Map;
- ~~LU-13 Residential Frontage Requirement,~~
- LU-14 Regional Activity Center, Map; and
- LU-20 ~~“Missing Middle” Overlay District, Map~~Reserved; and
- LU-21 Rosemary Residential Overlay District, Map.

Note: Removal and addition of maps described on related pages.

the following illustrations by reference from the Environmental Protection and Coastal Islands Plan:

- EP-2 Major Wetlands, Map;
- EP-3 Soil Associations, Map;
- EP-4 Floodplains, Map;
- EP-5 Natural Habitats, Map;
- EP-6 Threatened and Endangered Species (table);
- EP-7 Important Seagrasses, Green Algae and Endangered Plants (table);
- EP-10 Shoreline Conditions, Map;
- EP-11 Hurricane Storm Categories, Map; and

the following illustrations by reference from the Utilities Plan:

- U-1 Utilities - Potable Water Facilities, Map.

Due to the developed nature of the City, the planned Cultural, Natural Resources, and Public Facilities illustrations are the same as the existing illustrations. As new information is gathered in the future, these illustrations will be modified accordingly.

Illustration LU-20 "Missing Middle" Overlay District



Note: New map displaying location of overlay district consistent with Action Strategy 2.14.

