

ORDINANCE NO. 23-5485

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA AMENDING THE ZONING CODE (2002 EDITION), ARTICLE III, DECISION MAKING AND ADMINISTRATIVE BODIES, DIVISION 4, HISTORIC PRESERVATION BOARD, SECTION III-402, MEMBERSHIP, TERMS, TRANSITION, VACANCIES, REMOVAL, TO REDUCE SAID BOARD FROM SEVEN MEMBERS TO FIVE MEMBERS AND TO MODIFY THE QUALIFICATIONS OF BOARD MEMBERS; SECTION III-403, MEETINGS, QUORUM, AND REQUIRED VOTE TO REDUCE THE QUORUM FROM FOUR MEMBERS TO THREE MEMBERS; AND DIVISION 5, PUBLIC ART COMMITTEE, SECTION III-502, MEMBERSHIP, TERMS, TRANSITION, VACANCIES, REMOVAL, TO REDUCE SAID BOARD FROM SIX MEMBERS TO FIVE MEMBERS WITH THE STAR PROGRAM MEMBER AS A VOTING MEMBER, AND PROVIDING FOR RESOLUTION OF TIE VOTES BY THE CITY COMMISSION, AND TO MODIFY THE QUALIFICATIONS OF BOARD MEMBERS; SECTION III-503, MEETINGS, QUORUM AND REQUIRED VOTE TO REDUCE THE QUORUM FROM FOUR MEMBERS TO THREE MEMBERS; 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, Dr. Clifford E. Smith, Jr., RPA, Sr. Planner, pursuant to City Commission authorization, filed Zoning Text Amendment 23-ZTA-02 to reduce required Board membership and modify qualifications of Board members for the Historic Preservation Board and the Public Art Committee within the Zoning Code (2002 edition); 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 May 10, 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 Zoning Text Amendment Application No. 23-ZTA-02 and as approved herein; and

WHEREAS, the City Commission held a duly noticed public hearing on July 17, 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 Zoning Code (2002 edition), Article III, Decision Making and Administrative Bodies, Division 4, Historic Preservation Board, Section III-402, Membership; terms; transition; vacancies; removal, is hereby amended to reduce said Board from seven members to five members and to modify the qualifications of Board members. Section III-403, Meetings, quorum and required vote, is hereby amended to reduce the quorum from four members to three members. Division 5, Public Art Committee, Section III-502, Membership; terms; transition; vacancies; removal, is hereby amended to reduce said Board from six members to five members with the STAR Program member as a voting member, and providing for resolution of tie votes by the City Commission, and to modify the qualifications of Board members. Section III-503, Meetings, quorum and required vote, is hereby amended to reduce the quorum from four members to three members. 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 17<sup>th</sup> day of July, 2023.

PASSED on second reading and finally adopted this 21st day of August, 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

ITEM 1

DIVISION 4. - HISTORIC PRESERVATION BOARD

Sec. III-401. - Powers and duties.

The historic preservation board shall have the following powers and duties:

- (1) To recommend the designation of historically significant structures and sites and archaeologically significant sites.
  - (2) To recommend the designation of historic and archaeological districts.
  - (3) To grant, suspend or revoke certificates of appropriateness, except as provided for in section IV-808(a)(7) for historically designated structures, historic districts, historic signs, archeological sites and archeological districts.
  - (4) To review and to act upon applications for moving permits for all structures that are:
    - a. Designated as historically significant;
    - b. Located outside the boundaries of a designated historic district when the proposed move would relocate the structure within the boundaries of a designated historic district; or
    - c. Located within the boundaries of a designated historic district whether the proposed move would relocate the structure within the district or outside the district.
  - (5) To maintain the Florida master site file of historic places for the city.
  - (6) To propose and recommend to the city commission amendments to the historic preservation regulations.
  - (7) To designate historically significant signs.
  - (8) To take testimony under oath.
  - (9) To promote public awareness of historic and archaeological preservation and its community benefits.
- (Ord. No. 02-4357, 4-29-02; Ord. No. 04-4515, § 7, 1-20-04; Ord. No. 09-4838, § 2(att. 1), 2-17-09; Ord. No. 10-4927, § 2(att. 1), 2-22-11)

To Reduce the Membership of the  
Historic Preservation Board

Sec. III-402. - Membership; terms; transition; vacancies; removal.

- (a) *Creation.* The historic preservation board shall consist of ~~seven~~five members to be appointed by the city commission, each for a term of three years; provided that members serving on the board as of the date of adoption of these regulations shall serve until their terms shall expire; provided, further, that members shall serve until their successors are appointed and qualified.
- (b) *Qualifications of members.* Members of the historic preservation board shall not be city employees and shall not hold an elected public office in city government. At least ~~five~~three of the ~~seven~~five members of the board shall be residents of the city or shall own property located within the city. Members of the historic preservation board shall have demonstrated an interest in historic preservation and shall, to the extent it is practical to do so, be chosen as follows:

To Revise the  
Membership  
Requirements

- (1) ~~Two~~One licensed architects from the local chapter of the American Institute of Architects, or one such ~~architect and one~~ licensed architect from the local chapter of the American Institute of Landscape Architects or the local chapter of the American Society of Landscape Architects.
- (2) One member who is a general or specialty contractor holding a current certificate of registration in accordance with Ordinance No. 82-2612 (Section 11-31 et seq., City of Sarasota Code of Ordinances), or one member who is a registered professional engineer in the state.



**To Revise the  
Membership  
Requirements**

(3) One member from the local finance or business community.

~~(4) One member from The Florida Bar.~~

~~(5)~~(4) One member who is a practicing professional historian or archaeologist or who holds a degree in history, art history, or archaeology.

~~(6)~~(5) One member from the community at large.

- (c) *Removal of members.* Members of the board may be removed from office by the affirmative vote of three members of the city commission.
- (d) *Vacancies.* Vacancies in board membership shall be filled by appointment by the city commission for the unexpired portion of the term of the member affected.
- (e) *Compensation of members.* Members of the historic preservation board shall receive no salaries or fees for service on the board, but may receive reimbursement for reasonable and necessary expenses incurred in the performance of their duties of office.
- (f) *Conflicts of interest.* If any member of the historic preservation board shall find that his private or personal interests are involved in the matter coming before the board, he shall disqualify himself from all participation in that case. No member of the historic preservation board shall appear before the historic preservation board as agent or attorney for any person or entity appearing before the historic preservation board.

(Ord. No. 02-4357, 4-29-02; Ord. No. 09-4838, § 2(att. 1), 2-17-09)

**Sec. III-403. - Meetings, quorum and required vote.**

- (a) All meetings of the historic preservation board shall be held at the call of the chairman and at such other times as the historic preservation board may determine, on a day to be determined by the board. Meetings that are not regularly scheduled shall not be held without at least 24 hours' notice to each member.
- (b) A quorum for the transaction of business shall consist of ~~four~~three members.
- (c) The affirmative vote of a majority of the board members present and voting is required to take official action. For purposes of these regulations, a tie vote shall be deemed a denial of the measure voted upon.

**To Reduce the  
Required  
Quorum**

(Ord. No. 02-4357, 4-29-02)

**Sec. III-404. - Officers and staff.**

- (a) The historic preservation board shall elect its chairman and vice-chairman from members who have had prior service on the board. The chairman and vice-chairman shall be elected for a one-year term and may not serve consecutive terms in the same chairmanship position. The chairman shall be responsible for monitoring activities of the board and shall be available to attend scheduled meeting of the city commission to report on the activities and the concerns of the board.
- (b) The historic preservation board shall be provided with such professional assistance as may be deemed necessary to enable the board to perform the functions assigned to it under these land development regulations. The city manager shall provide a secretary for the board.

(Ord. No. 02-4357, 4-29-02; Ord. No. 08-4819, § 2(Att. 1), 7-21-08)

**Sec. III-405. - Rules and records.**

- (a) The historic preservation board shall adopt rules of procedure necessary to its governance and the conduct of its affairs, in keeping with the applicable provisions of the city Charter, state law and these land development regulations. Such rules of procedure shall be in written form and shall be available to persons appearing before the board and to the public.

(b) The board shall keep minutes of its proceedings, showing the vote of each member, including the chairman or vice-chairman, or, if such member is absent or fails to vote, indicating such fact.

(Ord. No. 02-4357, 4-29-02)

**EXHIBIT A**

## DIVISION 5. PUBLIC ART COMMITTEE

### Sec. III-501. Powers and duties.

The public art committee shall have the following powers and duties:

- (1) To review and approve or disapprove proposals to provide public art or public works of art and make recommendations to the city commission.
- (2) To review and approve or disapprove proposals for the off-site location of public art in public places.
- (3) To provide comments and recommendations to the board of county commissioners as to proposed public art for public structures owned by the county located on governmental (G) zoned property in the community redevelopment area depicted on the community redevelopment plan adopted on September 22, 1986.
- (4) To advise the city commission regarding the acquisition, placement and display of works of art and specifically advise the city commission regarding the display of works of art to be placed on properties belonging to the city, after being requested to do so by the city commission on a case-by-case basis.
- (5) To confer with persons or organizations who have offered to donate or loan works of art to the city which may be placed on public property in an endeavor to increase the aesthetic appeal of such public sites and the city in general, after being requested to do so by the city commission on a case-by-case basis.
- (6) To make recommendations to the city commission regarding the expenditure of all monies from the public art fund.
- (7) To advise the city commission regarding all proposed city sponsored visual displays ~~and public amenities such as benches, outdoor lighting, trash receptacles, newspaper dispensers, banners and holiday decorations~~, after being requested to review a particular project by the city commission.

(Ord. No. 02-4357, 4-29-02)

### Sec. III-502. Membership; terms; transition; vacancies; removal.

- (a) *Creation.* The public art committee shall consist of ~~six~~ five members appointed by the city commission, each for a term of three years; plus one student youth representative from the Sarasota County STAR program, serving a term of one year, as provided in subsection (g) below and section 2-260.1, Sarasota City Code, provided that members serving on the committee as of the date of adoption of these regulations shall serve until their terms shall expire; provided, further, that members shall serve until their successors are appointed and qualified.
- (b) *Qualifications of members.* Members of the public art committee shall not be city employees and shall not hold an elected public office in city government. At least three committee members shall be residents of the city or shall own real property in the city. At least ~~two~~ one committee members shall be an art experts. At least one committee member shall also be a member of a local arts organization. One member of the committee shall be an architect or planner. One member of the committee shall be artist; "artist", for the purposes of this division 5, shall mean a person who practices or has practiced and is skilled in the field of public art or public works of art as such terms are defined in this Zoning Code. One member of the committee shall be a student youth representative. All members of the public art committee shall be persons with knowledge of and appreciation for the visual arts.



- 
- (c) *Removal of members.* Members of the public art committee may be removed from office by the affirmative vote of three members of the city commission.
  - (d) *Vacancies.* Vacancies in the public art committee membership shall be filled by appointment by the city commission for the unexpired term of the member affected.
  - (e) *Compensation of members.* Members of the public art committee shall receive no salaries or fees for service on the committee, but may receive reimbursement for reasonable and necessary expenses incurred in the performance of their duties of office.
  - (f) *Conflicts of interest.* If any member of the public art committee shall find that his private or personal interests are involved in the matter coming before the committee, he shall disqualify himself from all participation in that matter. No member of the public art committee shall have his or her work of art considered or approved by the public art committee during their term of service on the committee or for one year thereafter.
  - (g) *Student youth representative.* The student youth representative on the committee shall be from the Sarasota County STAR program and appointed as provided in section 2-260.1, Sarasota City Code and shall serve for one or more terms as is provided for in section 2-260.1.

(Ord. No. 02-4357, 4-29-02; Ord. No. 04-4514, § 2, 1-20-04; Ord. No. 19-5272, § 2(Exh. A), 5-6-19)

### **Sec. III-503. Meetings, quorum and required vote.**

- (a) Meetings shall be at the call of the chairman, provided the committee shall convene no less often than quarterly. Special meetings shall not be held without at least 24 hours' notice to each member.
- (b) A quorum for the transaction of business shall consist of ~~four~~ three of the five non-STAR student members.
- (c) The affirmative vote of a majority of the committee members present and voting is required to take official action. For purposes of these regulations, a tie vote on any matter ~~appealable to the city commission~~ shall be deemed no action and the matter shall be submitted to the city commission for a final ~~decision in the same manner as if an appeal had been taken. In all other matters a tie vote shall be deemed a denial of the measure voted upon, however, such denial shall be reported to the city commission by the public art committee.~~

(Ord. No. 02-4357, 4-29-02; Ord. No. 19-5272, § 2(Exh. A), 5-6-19)

### **Sec. III-504. Officers and staff.**

- (a) The committee shall elect from among its members a chairman and a vice-chairman who shall serve for terms of one year.
- (b) The public art committee shall be provided with such professional assistance as may be deemed necessary to enable the board to perform the functions assigned to it under these land development regulations. The city manager shall provide a secretary for the board.

(Ord. No. 02-4357, 4-29-02)

### **Sec. III-505. Rules and records.**

- (a) The public art committee shall adopt rules of procedure to govern the conduct of its meetings which are consistent with the provisions of this article necessary to its governance and the conduct of its affairs, in keeping with the applicable provisions of the city Charter, state law and these land development regulations. Such rules of procedure shall be in written form and shall be available to persons appearing before the committee and to the public.



---

(b) The board shall keep minutes of its proceedings, showing the vote of each member, including the chairman or vice-chairman, or, if such member is absent or fails to vote, indicating such fact.

(Ord. No. 02-4357, 4-29-02)