

ORDINANCE NO. 23-5488

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA AMENDING THE ZONING CODE (2002 EDITION), ARTICLE IV, DEVELOPMENT REVIEW PROCEDURES, DIVISION 19, SITE PLANS, ADMINISTRATIVE INTERPRETATIONS AND ADJUSTMENTS FOR DOWNTOWN DISTRICTS, SECTION IV-1903, ADJUSTMENTS, TO ALLOW A PLANNING BOARD ADJUSTMENT TO THE HABITABLE SPACE REQUIREMENT AND THE LOCATION OF PARKING ON LOTS ON PRIMARY STREETS WHICH ARE LESS THAN 135 FEET IN DEPTH; 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, Briana Dobbs, AICP, Sr. Planner, pursuant to instruction of the City Commission so as to implement Comprehensive Plan Amendment No. 22-PA-04, filed Zoning Text Amendment No. 23-ZTA-03 to encompass a range of issues requiring modification within the Zoning Code (2002 edition); and

WHEREAS, this Ordinance No. 23-5488 relates to the portion of Application No. 23-ZTA-03 which would amend Article IV, Development Review Procedures, Division 19, Site Plans, Administrative Interpretations and Adjustments for Downtown Districts, Section IV-1903, Adjustments, to allow a Planning Board adjustment to the habitable space requirement and the location of parking on lots on primary streets which are less than 135 in depth; 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 16, 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-03 contained in this Ordinance No. 23-5488; and

WHEREAS, the City Commission held a duly noticed public hearing on August 7, 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-03 are hereby amended:

- Article IV, Development Review Procedures, Division 19, Site Plans, Administrative Interpretations and Adjustments for Downtown Districts, Section IV-1903, Adjustments, to allow a Planning Board adjustment to the habitable space requirement and the location of parking on lots on primary streets which are less than 135 feet in depth.

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.

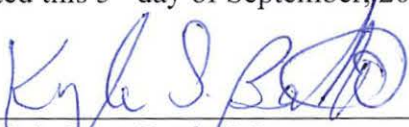
**Section 3.** Severability: It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance be deemed severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance is

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 7<sup>th</sup> day of August, 2023.

PASSED on second reading and finally adopted this 5<sup>th</sup> day of September, 2023.

  
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Kyle Scott Battie, Mayor

ATTEST:

  
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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

## Article IV – DEVELOPMENT REVIEW PROCEDURES

### DIVISION 19. - SITE PLANS, ADMINISTRATIVE INTERPRETATIONS AND ADJUSTMENTS FOR DOWNTOWN ZONE DISTRICTS

#### Sec. IV-1903. Adjustments

- (a) *Purpose and applicability.* The regulations of the downtown zone districts are designed to implement the downtown master plan and the ~~downtown urban general and downtown urban mixed-use~~ Urban Neighborhood, Urban Edge, Downtown Core, and Downtown Bayfront future land use classifications of the Sarasota City Plan. These regulations apply over a wide area, but because of the downtown's diversity, some sites may be difficult to develop in compliance with these regulations. The adjustment review process provides a mechanism by which the regulations of this Code may be modified ~~if~~ the proposed development continues to meet the intended purpose of the downtown zone districts (article VI, division 10). Adjustments may also be used when strict application of the regulations would preclude all reasonable economic use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the Code, while allowing the regulation to continue to ~~providing provide~~ certainty and rapid processing of land use applications.

Each adjustment shall be considered unique and shall not set precedent for others.

- (b) *Regulations which may and may not be adjusted.*

- (1) *Eligible regulations.* Unless listed below, all regulations in this Code may be modified for the downtown zone districts by using the adjustment review process.

- (2) *Ineligible regulations.* No adjustments shall be granted for the following items:

- a. Allowed uses.

Exception: An adjustment to the drive-through limitation may be considered when access from a secondary street or alley is not possible and then only if the facility is to serve a financial institution. In no case shall such an adjustment allow ingress or egress on Main Street.

- b. Maximum residential densities.

Exception: An adjustment to the maximum density may be considered when the zoning lot size is insufficient to permit one dwelling unit.

- c. Maximum building height.

- d. Maximum floor area ratio.

- e. Location of parking on primary street grid.

Exceptions:

- i. An adjustment to allow relief from one or more of the prohibitions against vehicular access, loading areas, and surface or structured parking in the first and second layers may be considered when a zoning lot fronts on two or more primary streets.

- ii. An adjustment to allow structured parking in the second layer may be considered above the first story when a zoning lot has a depth less than 135 feet and zoned DTB, DTC, DTE, or DTNE. The depth shall be measured along a perpendicular line drawn from the front lot line towards the rear lot line.

- iii. If an adjustment to allow structured parking in the second layer is considered, the façade screening shall be similar to the design, character, and treatment of the habitable portions of the building.

- f. Requirements applicable to the two new buildings which may exceed the ten-story height limitation in the DTC zone allowable under subsection VI-1005(g)(3)b.
  - g. Requirements applicable to bonus height for new buildings which may exceed the ten-story height limitation in the DTC zone allowable under subsection VI-1005(g)(3)c.
  - h. Frontage types prohibited under table VI-1004.
  - i. Signs prohibited under subsection VII-110(5).
- (c) *Authority and procedure.*
- (1) *Application requirements.* An application for an adjustment shall be accompanied by documentation that establishes how the applicant meets the criteria of subsection IV-1903(e).
  - (2) *Staff review and report.*
    - a. The planning department shall review the application for the adjustment and may request comments of members of the development review committee (DRC), and shall prepare a written staff analysis of the issues raised by the application.
    - b. In conjunction with final project approval and consistent with the criteria in subsection VI-1903(e), the director of neighborhood and development services is authorized to grant adjustments from the following standards.
      - 1. Dimensional standards. Except for the preservation of trees and except as provided in paragraph 5, below, no adjustment to a dimensional standard shall be granted by the director of neighborhood and development services which would result in a reduction of a code requirement or an increase in a code limitation by more than 25 percent. For example, a 12-foot minimum recess may be reduced to nine feet or a maximum sign area of four square feet may be increased to five square feet.
      - 2. Preservation of trees protected by article VII, division 3.1.
      - 3. Placement of signs.
      - 4. Building design standards for streetwalls, windows, shape of openings, roofs and exterior finish standards, except as provided in paragraph 5, below.
      - 5. Standards for additions and remodeling. As to any proposed addition or remodeling of a building constructed prior to the date that the downtown properties were rezoned pursuant to the Zoning Code (2002 edition), i.e. September 7, 2005, the director of neighborhood and development services may administratively adjust the maximum setback limits and the minimum height requirements of table VI-1003 by any percentage and may administratively adjust the design standards of table VI-1004 for street walls and windows by any percentage in order to allow for incremental or delayed compliance with the Code over time.
      - 6. Location of parking on primary street grid. If a building is proposed for an addition or remodeling and is either listed on the National Register of Historic Places, the Florida Master Site File, or is locally designated as an historic structure under the City of Sarasota Historic Preservation Ordinance, and the building will be preserved and any proposed addition is less than [than] 50 percent of the square footage of the historic building, then the director of neighborhood and development services may administratively adjust code standards to allow for the provision of vehicular access, loading areas and surface or structured parking in the first and second layers in order to allow for incremental or delayed compliance with the Code over time.

All other adjustments require approval from the planning board.

## EXHIBIT A