

## ORDINANCE NO. 23-5472

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA AMENDING THE ZONING CODE (2002 EDITION), ARTICLE VI, ZONE DISTRICTS, DIVISION 1, GENERAL, SECTION VI-102, ZONE DISTRICT MAP, AND GENERAL REGULATIONS, TO MODIFY REGULATIONS APPLICABLE TO SCREENING OF OUTDOOR MECHANICAL EQUIPMENT IN CERTAIN RESIDENTIAL DISTRICTS; 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, Rebecca Webster, Planning Technician, pursuant to request of the Department of Development Services, filed Zoning Text Amendment 23-ZTA-01 as a Batch ZTA to encompass a range of issues requiring modification within the Zoning Code (2002 edition); and

WHEREAS, this Ordinance No. 23-5472 relates to the portion of Application No. 23-ZTA-01 which would modify regulations applicable to screening of outdoor mechanical equipment in certain residential districts; 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 February 8, 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-01 contained in this Ordinance No. 23-5472; and

WHEREAS, the City Commission held a duly noticed public hearing on March 20, 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-01 are hereby amended:

- Item 7, Outdoor Mechanical Equipment Screening for Residential Single-Family Homes

Article VI, Zone Districts, Division 1, General, Section VI-102, Zone district map, and general regulations, to modify regulations applicable to screening of outdoor mechanical equipment in certain residential districts.

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 ~~strikethrough~~ and additions to existing text are shown by underline.

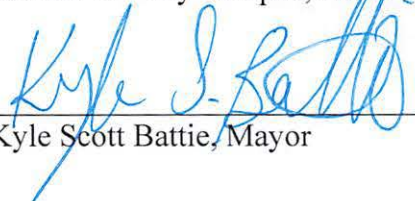
**Section 3.** Severability: It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance be deemed severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance is declared unconstitutional 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 20<sup>th</sup> day of March, 2023.

PASSED on second reading and finally adopted this 17<sup>th</sup> day of April, 2023.

  
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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

## 7. OUTDOOR MECHANICAL EQUIPMENT SCREENING FOR RESIDENTIAL SINGLE-FAMILY HOMES

### Article VI - ZONE DISTRICTS

#### DIVISION 1. – GENERAL

##### Sec. VI-102. - Zone district map, and general regulations.

- (u) *Additional development standards applicable to single-family dwellings in RSF-E, 1, 2, 3, 4, RTD-9, and RMF-1, 2, 3 zone districts.*

Note: Non-profit organizations constructing housing sold to low to moderate income families (under 80 percent of median income in the county) may apply to use housing partnership funds, administered by the office of housing and community development, to offset the costs to comply with these requirements.

- (3) *Outdoor mechanical equipment. ~~plan~~*

Screening wall in the absence of perimeter fencing or mechanical equipment elevated above grade and noise mitigation. Prior to the issuance of a building permit which includes the installation of new exterior mechanical equipment or the relocation of existing mechanical equipment in a side yard in the absence of perimeter fencing or when outdoor mechanical equipment is elevated above grade, the applicant shall submit a mechanical equipment plan documentation demonstrating that a screening wall, or screening fence, has been provided, to the director of ~~neighborhood and~~ development services showing all air conditioning equipment, pool pumps and similar electrical-mechanical equipment, proposed to be placed outside the main structure in a side yard to be screened from adjoining properties with a screening wall, ~~to reduce the sound to adjoining properties~~. This screening wall shall be required regardless of the distance from the side property line to the mechanical equipment. Wall- or window-mounted outdoor mechanical equipment room air conditioners shall be exempt from the screening wall requirement. The screening wall shall be required when outdoor mechanical equipment is elevated above grade or in the absence of perimeter fencing, only for new exterior mechanical equipment or the relocation of existing equipment (i.e., the replacement of existing mechanical equipment shall not require a screening wall). The screening wall shall be located in the side yard between the mechanical equipment and the closest property line. ~~The wall shall include a minimum of one and one-half inches of sound deadening material over the inside surface of the wall (see list of acceptable sound deadening materials on file at the building, zoning and code enforcement department)~~. The screening wall shall be 18 inches higher than the equipment being shielded and at least as wide as the equipment being shielded. See section VII-1201 for allowable encroachment of the wall into the required setback. The site must be built to conform to the submitted mechanical equipment plan documentation.