

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. 22-5439



The City Commission, during its regularly scheduled meeting of October 17, 2022, passed on second reading and finally adopted Ordinance No. 22-5439. This Ordinance adopts the portion of Application No. 22-PA-04 which would amend the Urban Edge, Downtown Core, and Downtown Bayfront Land Use Classifications text to provide for an increase in residential density over the base density when a portion of the additional residential units are attainable, and clarifying application of the current availability of bonus height which allows an eleventh story in certain identified situations in the Downtown Core Zone District.

Included herewith is Ordinance No. 22-5439 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. 22-5439

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

ORDINANCE NO. 22-5439

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, URBAN EDGE, DOWNTOWN CORE, AND DOWNTOWN BAYFRONT LAND USE CLASSIFICATIONS TEXT TO PROVIDE FOR AN INCREASE IN RESIDENTIAL DENSITY OVER THE BASE DENSITY WHEN A PORTION OF THE ADDITIONAL RESIDENTIAL UNITS ARE ATTAINABLE, AND CLARIFYING APPLICATION OF THE CURRENT AVAILABILITY OF BONUS HEIGHT WHICH ALLOWS AN ELEVENTH STORY IN CERTAIN IDENTIFIED SITUATIONS IN THE DOWNTOWN CORE; 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. 22-5439 relates to the portion of Application No. 22-PA-04 which would amend the Urban Edge, Downtown Core, and Downtown Bayfront Land Use Classifications text to provide for an increase in residential density over the base density when a portion of the additional residential units are attainable, and clarifying application of the current availability of bonus height which allows an eleventh story in certain identified situations in the Downtown Core; 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 amend the Urban Edge, Downtown Core, and Downtown Bayfront Land Use Classifications text to provide for an increase in residential density over the base density when a portion of the additional residential units are attainable, and clarifying application of the current availability of bonus height which allows an eleventh story in certain identified situations in the Downtown Core, 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. 22-5439, 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 Urban Edge, Downtown Core, and Downtown Bayfront Land Use Classifications text is amended to provide for an increase in residential density over the base density when a portion of the additional residential units are attainable units, and the text of the Downtown Core Future Land Use Classification text is amended to clarify application of the current availability of bonus height which allows an eleventh story in certain identified situations. 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. 22-5439 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 19th day of September, 2022

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

ATTEST:

Shayla Griggs
City Auditor and Clerk


Erik Arroyo, Mayor

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

URBAN EDGE LAND USE CLASSIFICATION

Purpose and Intent

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

- areas 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 areas comprised of a variety of land uses; and
- uses that are not compatible with the concepts of “New Urbanism” as applied to these areas.

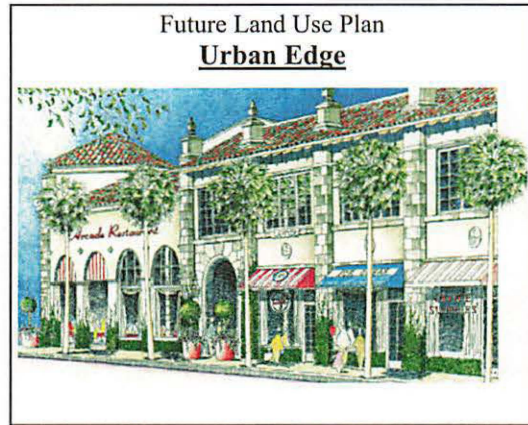
General Characteristics

The Urban Edge 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.

This is a fully mixed-use area that provides for residential and non-residential uses in order to create a functional, sustainable urbanized community. This classification is consistent with and provides for implementation of the Downtown Master Plan 2020 that was adopted on January 22, 2001. It is also applicable to other areas of the City that are suitable for urban mixed-use development at the residential density and non-residential intensity allowed by the classification.

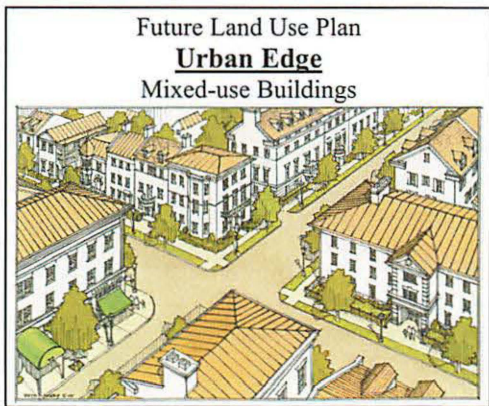
It is appropriate that the principles of “New Urbanism” be implemented within the Edge classification because of the diversity found in an urban environment. Residential dwellings may be single-family or multiple-family and may include multi-use flexhouse structures that provide for live-work opportunities. Non-residential uses are varied and may include retail stores, entertainment facilities, restaurants, offices, civic, and artisanal (low-intensity production) uses. Buildings may accommodate single or multiple uses.



Note:
Revision
to allow
for
attainable
housing
incentive.

~~Maximum-Base~~ residential densities up to twenty-five (25) units per acre may be consistent with the intent of this classification. ~~Additional residential density may be approved when attainable housing units are provided for a portion of those residential units exceeding the base residential density. Implementing land development regulations shall identify maximum residential density when attainable housing units are provided and the total density shall not be greater than four (4) times the maximum base density of this land use classification.~~

~~Within the Rosemary Residential Overlay District, except that base residential densities maximum residential density~~ up to forty (40) units per acre ~~may be consistent with the intent of this classification, or Additional residential density up to a maximum total of~~ one-hundred (100) units per acre when providing 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; may be allowed in accordance with the Rosemary Residential Overlay District (see Action Strategy 2.12 and Illustration LU-21).



~~Any increase in density exceeding that permitted by existing zoning for an individual lot or parcel must be based, in part, upon a finding that the proposed change is compatible with the existing uses, density, intensity and scale of development in the surrounding area.~~

Maximum non-residential floor area ratios up to 2.0 may be consistent with the intent of this classification. The maximum floor area ratio is an average for non-residential uses throughout this land use classification

and does not limit the development of non-residential uses on a specific site so long as the area wide maximum floor area ratio is not exceeded. Any increase in the floor area ratio exceeding that permitted by existing zoning for an individual lot or parcel must be based, in part, upon a finding that the proposed change is compatible with the existing use, intensity and scale of development in the surrounding area.

A goal of this land use classification is to achieve a percentage mix distribution of fifty-percent (50%) residential land uses and fifty-percent (50%) non-residential land uses. The percentage mix is applicable on an area wide basis rather than on a site-specific basis. As development proposals are approved in the future, some will positively contribute toward achieving this percentage mix goal while others will not.

Maximum height of buildings is five (5) stories; however, maximum building height up to seven (7) stories may be achieved for projects satisfying certain development standards within the Rosemary Residential Overlay District. Because the Urban Edge classification provides for a variety of building intensities, densities, uses, and heights, new development or redevelopment must be particularly sensitive to adjacent and nearby uses in order to assure both functional and aesthetic compatibility. Uses or structures within this classification having a greater intensity of height or scale are particularly disfavored on the periphery of single-family residential neighborhoods.

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 dwellings;
- accessory dwelling units;
- live-work structures;
- multiple-family dwellings such as condominiums, apartments, and rowhouses;
- lodging facilities;
- offices;
- retail stores and service establishments;
- entertainment and cultural facilities;
- artisanal uses;
- civic uses, including churches and social service agencies;
- recreational uses; and
- open spaces.

Existing Non-Compatible Uses would include:

- all uses that are not planned for future development, such as industrial manufacturing and wholesaling uses.

(Revised by Ordinance No. 20-5312 on January 6, 2020)



DOWNTOWN CORE LAND USE CLASSIFICATION

Purpose and Intent

The purpose and intent of the Downtown Core land use classification is to identify:

- areas within the City’s 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 areas comprised of a variety of land uses; and
- uses that are not compatible with the concepts of “New Urbanism” as applied to these areas.

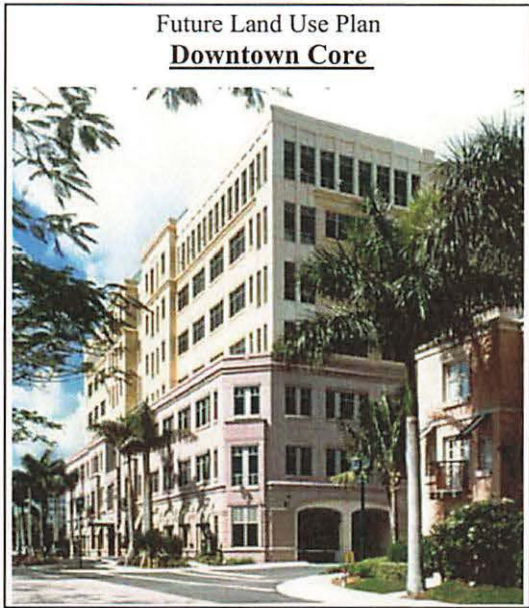
General Characteristics

The Downtown Core 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.

This is a fully mixed-use area in the City’s downtown center that provides for residential and non-residential uses in order to create a functional, sustainable urbanized community. This classification is consistent with and provides for implementation of the Downtown Master Plan 2020 that was adopted on January 22, 2001.

It is appropriate that the principles of “New Urbanism” be implemented within the Downtown Core classification because of the diversity found in an urban downtown. Residential dwellings may be single-family or multiple-family and may include multi-use flexhouse structures that provide for live-work opportunities. Non-residential uses are varied and may include retail stores, entertainment facilities, restaurants, offices, civic, and artisanal (low-intensity production) uses. Buildings may accommodate single or multiple uses.



~~Maximum-Base residential densities up to fifty (50) units per acre may be consistent with the intent of this classification. Additional residential density may be approved when attainable housing units are provided for a portion of those residential units exceeding the base residential density. Implementing land development regulations shall identify maximum residential density when attainable housing units are provided and the total density shall not be greater than four (4) times the maximum base density of this land use classification. Any increase in density exceeding that permitted by existing zoning for an individual lot or parcel must be based, in part, upon a finding that the proposed change is compatible with the existing uses, density, intensity and scale of development in the surrounding area.~~

Note:
Revision to allow for attainable housing incentive.

Maximum non-residential floor area ratios up to 5.0 may be consistent with the intent of this classification. The maximum floor area ratio is an average for non-residential uses throughout this land use classification and does not limit the development of uses on a specific site so long as the area wide maximum floor area ratio is not exceeded. Any increase in the floor area ratio exceeding that permitted by existing zoning for an individual lot or parcel must be based, in part, upon a finding that the proposed change is compatible with the existing use, intensity and scale of development in the surrounding area.

A goal of this land use classification is to achieve a percentage mix distribution of twenty-five percent (25%) residential land uses and seventy-five percent (75%) non-residential land uses. The percentage mix is applicable on an area wide basis rather than on a site-specific basis. As development proposals are approved in the future, some will positively contribute toward achieving this percentage mix goal while others will not.

Note: City Attorney's Office requested this text to be added ensuring consistency with Section VI-1005(g)(3)c of the Zoning Code.

Maximum height of buildings is 10 stories, except that buildings which provide additional public parking as specified in the city's land development regulations shall be eligible to receive an

additional story above 10 stories. Because the Downtown Core classification provides for a variety of building intensities, densities, uses, and heights, new development or redevelopment must be particularly sensitive to adjacent and nearby uses in order to assure both functional and aesthetic compatibility. Uses or structures within this classification having a greater intensity of height or scale are particularly disfavored on the periphery of single-family residential neighborhoods.

Two buildings up to 180 feet in height may be approved by the City within that portion of the Core land use classification bounded on the north by Fruitville Road, on the south by Ringling Boulevard, on the west by Pineapple Avenue, and on the east by Washington Boulevard. The buildings must incorporate principles of “New Urbanism.” Buildings which receive an 11th story of bonus height pursuant to Section VI-1005(g)(3)c, Zoning Code are not to be considered one of the two buildings authorized up to 180 feet in height by this provision.

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.

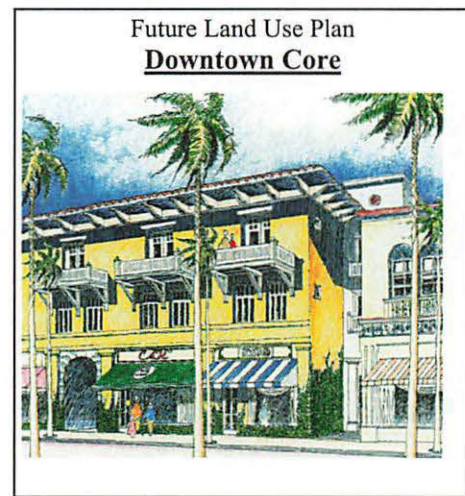
Existing and Planned Uses within this classification would include compatible:

- single-family dwellings;
- accessory dwelling units;
- live-work structures;
- multiple-family dwellings such as condominiums, apartments, and rowhouses;
- lodging facilities;
- offices;
- retail stores and service establishments;
- entertainment and cultural facilities;
- artisanal uses;
- civic uses, including churches and social service agencies;
- recreational uses; and
- open spaces.

Existing Non-Compatible Uses would include:

- all uses that are not planned for future development, such as industrial manufacturing and wholesaling uses.

Note:
Discussed during transmittal hearing. City Attorney's Office requested this text to be added ensuring consistency with the Zoning Code.



DOWNTOWN BAYFRONT LAND USE CLASSIFICATION

Purpose and Intent

The purpose and intent of the Downtown Bayfront land use classification is to identify:

- areas within the City’s 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 areas comprised of a variety of land uses; and
- uses that are not compatible with the concepts of “New Urbanism” as applied to these areas.

General Characteristics

The Downtown Bayfront 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.

This is a fully mixed-use area located in the City’s downtown bayfront area that provides for residential and non-residential uses in order to create a functional, sustainable urbanized community. This classification is consistent with and provides for implementation of the Downtown Master Plan 2020 that was adopted on January 22, 2001.

It is appropriate that the principles of “New Urbanism” be implemented within the Downtown Bayfront classification because of the diversity found in an urban downtown. Residential dwellings may be single-family or multiple-family and may include multi-use flexhouse structures that provide for live-work opportunities. Non-residential uses are varied and may include retail stores, entertainment facilities, restaurants, offices, civic, and artisanal (low-intensity production) uses. Buildings may accommodate single or multiple uses.

Future Land Use Plan
Downtown Bayfront



Future Land Use Plan
Downtown Bayfront



The Downtown Bayfront classification provides for a mix of land uses to include both residential and non-residential uses. However, the majority of uses are expected to be residential. Retail shops and offices should be limited to the lower floors of buildings and oriented to the pedestrian.

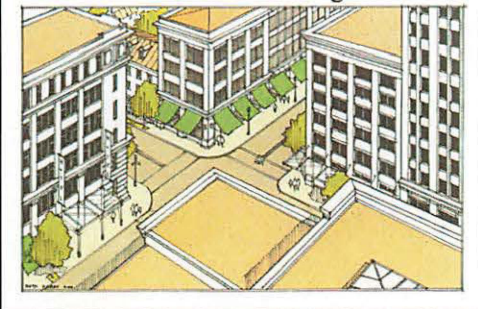
~~Maximum-Base residential densities up to fifty (50) units per acre may be consistent with the intent of this classification. Additional residential density may be approved when attainable housing units are provided for a portion of those residential units exceeding the base residential density. Implementing land development regulations shall identify maximum residential density when attainable housing units are provided and the total density shall not be greater than four (4) times the maximum base density of this land use classification. Any increase in density exceeding that permitted by existing zoning for an individual lot or parcel must be based, in part, upon a finding that the proposed change is compatible with the existing uses, density, intensity and scale of development in the surrounding area.~~

Note:
Revision to
allow for
attainable
housing
incentive.

Maximum non-residential floor area ratios up to 8.0 may be consistent with the intent of this classification. The maximum floor area ratio is an average for non-residential uses throughout

this land use classification and does not limit the development of non-residential uses on a specific site so long as the area wide maximum floor area ratio is not exceeded. Any increase in the floor area ratio exceeding that permitted by existing zoning for an individual lot or parcel must be based, in part, upon a finding that the proposed change is compatible with the existing use, intensity and scale of development in the surrounding area.

Future Land Use Plan
Downtown Bayfront
Mixed-Use Buildings



A goal of this land use classification is to achieve a percentage mix distribution of seventy-five percent (75%) residential land uses and twenty-five percent

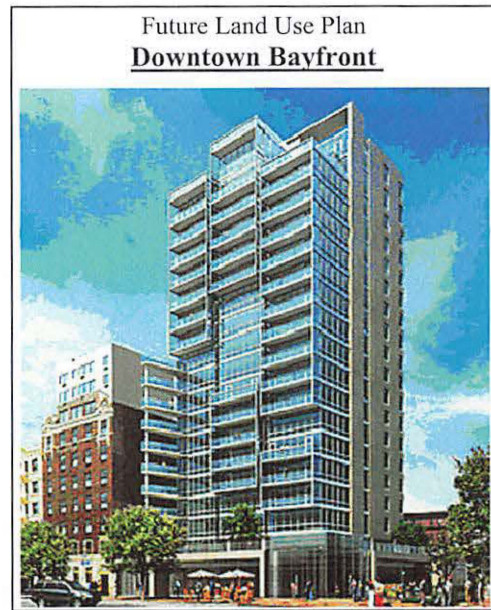
(25%) non-residential land uses. The percentage mix is applicable on an area wide basis rather than on a site-specific basis. As development proposals are approved in the future, some will positively contribute toward achieving this percentage mix goal while others will not.

Maximum height of buildings is 18 stories. Because the Downtown Bayfront classification provides for a variety of building intensities, densities, uses, and heights, new development or redevelopment must be particularly sensitive to adjacent and nearby uses in order to assure both functional and aesthetic compatibility. Uses or structures within this classification having a greater intensity of height or scale are particularly disfavored on the periphery of single-family residential neighborhoods.

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 dwellings;
- accessory dwelling units;
- live-work structures;
- multiple-family dwellings such as condominiums, apartments, and rowhouses;
- lodging facilities;
- offices;
- retail stores and service establishments;
- entertainment and cultural facilities;
- artisanal uses;
- civic uses, including churches and social service agencies;
- recreational uses; and
- open spaces.



Existing Non-Compatible Uses would include:

- all uses that are not planned for future development, such as industrial manufacturing and wholesaling uses.