

CITY OF SARASOTA
Sarasota, Florida

Inter-Office Memorandum

November 7, 2022

TO: Shayla Griggs, City Auditor and Clerk
FROM: Michael A. Connolly, Deputy City Attorney
SUBJECT: Ordinance No. 22-5442



The City Commission, during its regularly scheduled meeting of November 7, 2022, passed on second reading and finally adopted Ordinance No. 22-5442. This Ordinance grants the portion of Application No. 22-PA-04 which reclassifies the Future Land Use Classification of 1174 and 1186 Hampton Road. Included herewith please find Ordinance No. 22-5442 for execution by the Mayor and attestation by you as the City Auditor and Clerk.

It is my understanding that David Smith intends to transmit all of the 22-PA-04 Ordinances to the State of Florida Department of Economic Opportunity on Wednesday. Consequently, please have this Ordinance executed as promptly as possible and provide a certified copy to David for transmittal to the State.

Feel free to contact me if you need any additional information or assistance with regard to this matter.

MAC/twa

Enc: Ordinance No. 22-5442

Cc: Steve Cover, Director, Planning (w/o enc)
David Smith, Long Range Planner (w/o enc)
Briana Dobbs, Sr. Planner (w/o enc)
Rebecca Webster, Planning Tech (w/o enc)

ORDINANCE NO. 22-5442

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 CHANGE THE FUTURE LAND USE CLASSIFICATION OF THOSE TWO (2) CERTAIN PARCELS OF REAL PROPERTY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF HAMPTON ROAD AND NORTH TAMIAMI TRAIL WITH STREET ADDRESSES OF 1174 AND 1186 HAMPTON ROAD FROM THE COMMUNITY COMMERCIAL FUTURE LAND USE CLASSIFICATION TO THE MULTIPLE FAMILY-MODERATE DENSITY FUTURE LAND USE CLASSIFICATION; 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. 22-5442 relates to the portion of Application No. 22-PA-04 which would change the Future Land Use Classification of those two (2) certain parcels of real property located at the southwest corner of the intersection of Hampton Road and North Tamiami Trail with street addresses of 1174 and 1186 Hampton Road from the Community Commercial Future Land Use Classification to the Multiple Family-Moderate Density Future Land Use Classification; 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 October 17, 2022 to receive public comment on the portion of the proposed amendment Application No. 22-PA-04 which would change the Future Land Use Classification of those two (2) certain parcels of real property located at the southwest corner of the intersection of Hampton Road and North Tamiami Trail with street addresses of 1174 and 1186 Hampton Road from the Community Commercial Future Land Use Classification to the Multiple Family-Moderate Density Future Land Use Classification, 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. 22-5442, pursuant to Article IV, Section 2(j)(1) 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, “Future Land Use Map, (2030)” (also known as Illustration LU-6) is amended to change the future land use map classification of the following described two (2) parcels of real property from the Community Commercial Future Land Use Classification to the Multiple Family-Moderate Density Future Land Use Classification:

Parcel ID numbers 2007010001 and 2007010003 located at 1186 and 1174 Hampton Road, respectively.

The implementing zones for the Multiple Family-Moderate Density Future Land Use Classification are Residential Multiple Family 1 (RMF-1), Residential Multiple Family 2 (RMF-2), Residential Multiple Family 3 (RMF-3), and Governmental (G). The property owner is not entitled to a rezoning to the Zone District which would provide the maximum development density or intensity within the Multiple Family-Moderate Density Future Land Use Classification. See Snyder v. Brevard County, 627 So.2d 469 (Fla. 1993), as well as Future Land Use Chapter Action Strategy 3.9 of the *Sarasota City Plan (2030)*.

Section 2. 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 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 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 4. 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

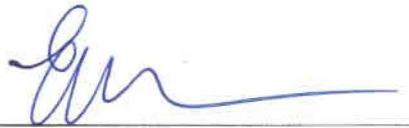
non-compliance is issued by the Administration Commission, this Comprehensive Plan Amendment may nevertheless be made effective by adoption of a Resolution affirming its effective status, a copy of which Resolution shall be sent to the State Land Planning Agency.

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 17th day of October, 2022

PASSED on second reading and finally adopted this 7th day of November, 2022.

ATTEST

Shayla Griggs
City Auditor and Clerk


Erik Arroyo, Mayor

- Yes Mayor Erik Arroyo
- Yes Vice Mayor Kyle Scott Battie
- Yes Commissioner Jen Ahearn-Koch
- Yes Commissioner Liz Alpert
- Yes Commissioner Hagen Brody