

ORDINANCE NO. 25-5552

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA AMENDING THE ZONING CODE (2002 EDITION), ARTICLE II, DEFINITIONS AND RULES OF CONSTRUCTION, TO ADD COMMUNITY GARDENS WITHIN THE DEFINITION OF A PARK, AND TO MODIFY THE DEFINITION OF FOOD PANTRY, AS WELL AS TO CLARIFY THE CHARACTERISTICS AND ACCESSORY USES TO A RELIGIOUS INSTITUTION; AND ARTICLE VII, REGULATIONS OF GENERAL APPLICABILITY, SO AS TO RAISE THE ELEVATION OF A SEAWALL IN ORDER TO REDUCE FLOODING RISKS ASSOCIATED WITH SEA LEVEL RISE; 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, CNU-A, Chief Planner, pursuant to request of the City Commission, filed Zoning Text Amendment 24-ZTA-06 to add community gardens within the definition of a park, and to modify the definition of food pantry, as well as to clarify the characteristics and accessory uses to a religious institution, and to raise the elevation of a seawall in order to reduce flooding risks associated with sea level rise; 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, with said public hearing duly noticed for October 9, 2024 but continued to October 23, 2024 because Hurricane Milton made landfall in Sarasota County on October 9, 2024, 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. 24-ZTA-06; and

WHEREAS, the City Commission held a duly noticed public hearing on December 2, 2024 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. 24-ZTA-06 are hereby amended:

- Article II, Definitions and Rules of Construction, Division 2, Definitions, Section II-201, Definitions, to add community gardens within the definition of a park, and to modify the definition of food pantry.
- Article II, Definitions and Rules of Construction, Division 3, Description of the Use Categories, Section II-307, Institutional use categories, to clarify the characteristics and accessory uses to a religious institution.
- Article VII, Regulations of General Applicability, Division 13, Waterfront Property and Docks, Section VII-1304, Seawall, groins and beach protective devices, so as to raise the elevation of a seawall in order to reduce flooding risks associated with sea level rise.

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 2nd day of December, 2024.

PASSED on second reading and finally adopted this 18th day of February, 2025.


Liz Alpert, Mayor

ATTEST:


Shayla Griggs
City Auditor and Clerk

<u>Yes</u>	Mayor Liz Alpert
<u>Yes</u>	Vice Mayor Debbie Trice
<u>Yes</u>	Commissioner Jen Ahearn-Koch
<u>Yes</u>	Commissioner Kyle Scott Battie
<u>Yes</u>	Commissioner Kathy Kelley Ohlrich

1. COMMUNITY GARDENS WITHIN THE DOWNTOWN ZONE DISTRICTS

ARTICLE II – DEFINITIONS AND RULES OF CONSTRUCTION

Sec. II-201. Definitions.

Park and opens space types (for downtown zone districts):

- (1) *Park*: An open space available as a natural preserve and for unstructured recreation or community gardens. A *park* may be located at a neighborhood edge, independent of surrounding building frontages. *Parks* may be lineal, following the trajectories of natural corridors, and may include civic boardwalk and pier.

EXHIBIT A

2. ACCESSORY USES FOR RELIGIOUS INSTITUTIONS

ARTICLE II – DEFINITIONS AND RULES OF CONSTRUCTION

Sec. II-201. - Definitions.

Food pantry: A non-profit organization or establishment which maintains ~~a store of~~ unprepared food, or other provisions for distribution at no cost, or very low cost, to people in need, ~~i.e. low income, unemployed or homeless individuals or families, or those facing emergency or distress.~~

Sec. II-307. - Institutional use categories.

(h) *Religious institutions.*

- (1) *Characteristics.* Religious institutions are intended to primarily provide ~~meeting~~ areas for religious activities.
- (2) *Accessory uses.* Accessory uses include religious education ~~Sunday school~~ facilities, food pantries, parking, caretaker's housing, ~~and~~ group living facilities such as convents, events hosted by the religious institution, and community meetings.
- (3) *Examples.* Examples include churches, temples, synagogues, and mosques.

EXHIBIT A

3. PERMITTED HEIGHT OF SEAWALLS AND BULK HEADS

Sec. VII-1304. Seawall, groins and beach protective devices.

- (a) All seawalls, groins, and beach protection devices must be properly designed to prevent erosion of the property on which they are erected and to not adversely affect adjacent and nearby properties. In no event shall the top of such protective devices exceed an elevation of 7.27 ft-NAVD88. In the event the city engineer has reason to believe that the proposed elevation would create adverse impacts on adjacent or nearby properties, the city engineer shall be authorized to limit the maximum elevation of the structure to an elevation that is less than the maximum authorized by this subsection. Applicants shall be required to provide professionally certified construction plans to demonstrate that the proposed elevation of the seawall or bulkhead will not create adverse impacts on neighboring properties. If adverse impacts on adjacent and nearby properties, as determined by the city engineer, occur subsequent to approval of the structure, then it is the responsibility of the property owner who installed the structure to rectify in accordance with written notification from the city engineer. Property owners are encouraged to consider approaches and materials that enhance the biological value of traditional (flat surface) seawalls and flood barriers with the incorporation of living shoreline features, use of hybrid green-grey materials, and the use of biological forms, where practicable. Seawalls, groins, bulkheads, and beach protective devices constructed on public or private property shall be designed to conform to the standards specified in the Engineering Design Criteria Manual (EDCM).
- (b) Where properties are located on the waters of the Gulf of Mexico or the waters of passes, seawalls, groins and other beach protection devices or coastal armoring shall be erected in accordance with F.S. § 161.085 and only ~~by special permit of~~ upon approval of the city commission, upon it being proved by the permittee at a public hearing held for such purpose. At the public hearing, the applicant shall demonstrate that: (1) such beach protection works are necessary to prevent such erosion; (2) are properly designed to prevent erosion of the property on which they are to be erected; and (3) will not adversely affect adjacent and nearby properties.
- (c) On all other water frontage, Where properties are located on any shoreline other than as described in subsection (b) above, the city engineer shall review the application for a permit and supporting materials and make a written determination as to whether the application satisfies the three criteria specified in subsection (b) above. Seawalls and bulkheads permitted in accordance with this subsection may be erected only landward of mean highwater lines. In no event shall such seawalls or bulkheads exceed an elevation of plus five feet above the mean low water mark.
- (d) Existing Seawalls, groins, and beach protective devices that are seaward of the mean highwater line may be maintained or replaced to the same extent that existed on November 2, 2009 may be repaired or replaced to the same extent that existed on that date. at the time of this amendment. Existing Seawalls may be repaired with panels seaward of the seawall if it is determined by the director of neighborhoods and development services that such panel is the appropriate method of repair.

EXHIBIT A