

ORDINANCE NO. 23-5477

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA AMENDING THE ZONING CODE (2002 EDITION), ARTICLE VII, REGULATIONS OF GENERAL APPLICABILITY, DIVISION 14, MISCELLANEOUS STANDARDS, SECTION VII-1401, REFUSE AND RECYCLING STORAGE AREAS, TO REGULATE PICK UP OF REFUSE AND RECYCLING; 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. 23-5477 relates to the portion of Application No. 23-ZTA-01 which would regulate pick up of refuse and recycling; 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. 23-5477; 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 14, Refuse and Recycling Storage Areas

Article VII, Regulations of General Applicability, Division 14, Miscellaneous Standards, Section VII-1401, Refuse and recycling storage areas, to regulate pick up of refuse and recycling.

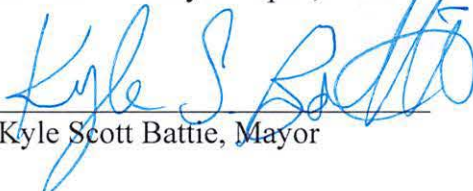
The City Commission hereby adopts the above-described amendments to the text of the Zoning Code (2002 edition) which are more fully set forth in Exhibit A, a copy of which is attached hereto and incorporated by reference herein. Exhibit A contains the portions of the above-referenced Zoning Code sections in which the proposed amendments would be codified with modifications shown in “black line” format by which deletions from existing texts are shown by ~~strikerthrough~~ 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 20th day of March, 2023.

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



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

14. REFUSE AND RECYCLING STORAGE AREAS

Article VII - REGULATIONS OF GENERAL APPLICABILITY

DIVISION 14. – MISCELLANEOUS STANDARDS

Sec. VII-1401. – Refuse and recycling storage areas.

- (a) *Applicability.* Except as otherwise provided in this Code, each zoning lot containing a new multi-family or non-residential use shall provide and maintain one or more refuse containers and recycling containers on the premises. Zoning lots containing an existing multi-family or non-residential use shall be subject to this section when seeking any one of the following:
- (1) Cumulative expansion subsequent to the adoption of this section of at least 50 percent of the improved square footage existing at the time of adoption of this section.
 - (2) Any cumulative substantial remodeling of the existing use subsequent to the adoption of this section.
- (b) The owner of the property shall be responsible for the collection, or contract for the collection, of the refuse and rubbish on a frequency of not less than twice weekly.
- (c) The containers shall be of sufficient number and capacity to accommodate the refuse and recyclable materials generated by the uses on the zoning lot.
- (1) The containers and their enclosures shall comply with all the requirements of the zoning district in which the use is located.
 - (2) The containers shall be appropriately labeled to indicate their appropriate contents.
 - (3) The containers shall be so constructed, and have secure lids, as to prevent the entrance by animals and other vermin.
 - (4) The containers shall be placed in a manner so that their location and use is accessible and convenient for collecting and loading and does not restrict internal site traffic circulation.
 - (5) Containers shall be located in well-lit, well-traveled areas.
 - (6) Refuse container storage areas shall not be located within 50 feet of an adjacent residential zoning lot in the following situations:
 - a. The storage area has containers larger than 90-gallon roll out carts; or
 - b. The storage area has containers for any business providing food or beverage service, including but not limited to restaurants, delicatessens, bars, taverns, or nightclubs.
 - (7) Solid waste from commercial and business establishments and from residential developments that cumulatively result in eight dwelling units or more, shall be placed on the premises or abutting alley for removal at one time. The maximum number of refuse and recycling containers placed on alleys is not regulated. Applicants may request an exception for removal of solid waste outside the premises or abutting alley due to hardships including but not limited to a constrained lot, shape and dimensions of real property, existing structures or infrastructure, or grand tree preservation. Applicants requesting an exception must submit their request in writing to the city manager, or designee, and explain the basis for the request.

- (d) The owner of the use shall assure appropriate hauling and refuse removal services to the site.
- (e) All outdoor storage of refuse, recyclable material, other items or material intended to be discarded or collected, and their storage containers shall be screened from public view.
 - (1) Said areas shall be screened from public view on at least three sides by an opaque impact-resistance wall or fence no lower than the height of the dumpster or container within, and on the fourth side by an opaque impact-resistance gate similarly sized, or of other such material and design approved by the director of neighborhood and development services.
 - a. The gate shall be maintained in working order and shall remain closed except during such times as refuse, recyclable materials and other such items are being discarded, placed for collection, or collected.
- (f) The owner of the use shall assure that any parking lot sweeping activity that occurs is limited to the hours of 7:00 a.m. to 8:00 p.m. daily.