

ORDINANCE NO. 09-4856

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA, AMENDING THE ZONING CODE OF THE CITY OF SARASOTA BY ADDING A NEW SECTION VII-1604, ADOPTING A ZONE DISTRICT EQUIVALENCY TABLE TO BE APPLIED TO DETERMINE THE NEW CITY ZONING FOR CERTAIN ANNEXED PROPERTIES BASED ON THE FORMER COUNTY ZONING; PROVIDING FOR THE SEVERABILITY OF THE PARTS HEREOF; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Sarasota is a party to more than 150 "Municipal Services and Pre-Annexation Agreements" between the City and the owners of various properties located outside the current city limits; and,

WHEREAS, pursuant to these Municipal Services and Pre-Annexation Agreements, the City provides water and/or sewer service to the properties described in each agreement; and,

WHEREAS, the Municipal Services and Pre-Annexation Agreements generally provide that the City will ultimately initiate the annexation of the property subject to the agreement, at its expense, and that the property owner will execute the required consent for a "voluntary annexation;" and,

WHEREAS, the Municipal Services and Pre-Annexation Agreements generally further provide that upon annexation, the City will initiate and process, at its expense, an application to amend its comprehensive plan to add the subject property to the future land use map and to give the property a City future land use classification; and an application to rezone the property from its former County zone to a new City zone; and,

WHEREAS, the City's obligations in this regard are qualified such that the applications are filed at City expense only if the new City zone district for the property will be of equal or lesser intensity than the former County zone district; and,

WHEREAS, in order for the City to meet its obligations under the agreements as recited above, the City will incur significant expenses for the legal advertising and processing costs associated with the annexation and subsequent future land use re-classification and re-zoning of the annexed properties; and,

WHEREAS, when properties to be annexed are in residential use prior to annexation and will remain in residential use subsequent to annexation and when there is no new development or future land use change proposed for the annexed property, the City intends to establish and apply zoning equivalency table to

determine the City future land use classification and zoning of such properties; and,

WHEREAS, application of the equivalency table adopted hereby will enable certain specified City future land use classifications and zoning to be assigned to annexed properties based on the former County zoning without the need for filing and processing formal comprehensive plan amendment and rezoning applications.

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF SARASOTA, FLORIDA:

Section 1. The Zoning Code of the City of Sarasota (2002 edition); Article VII, Regulations of General Applicability; Division 16, Annexation; is hereby amended by the addition of a new section VII-1604 to be entitled "Zoning Equivalency Table," which shall provide as follows: (New text is shown in underline format.)

Section VII-1604. Zoning Equivalency Table.

(1) The following Zone District Equivalency Table shall apply to determine the new City zoning for those annexed properties which are the subject of a petition for annexation described in paragraph (3) below. Upon annexation, a property within the Sarasota County zone district shown in the left column of the table shall be assigned the corresponding City zone district shown in the right column.

ZONE DISTRICT EQUIVALENCY TABLE

FORMER COUNTY ZONE DISTRICT		NEW EQUIVALENT CITY ZONE DISTRICT
RSF-1	→	RSF-E
RSF-2	→	RSF-1
RSF-3	→	RSF-2
RSF-4	→	RSF-3
RMF-1	→	RMF-1
RMF-2	→	RMF-2
RMF-3	→	RMF-3

OPI (only if there is a residential dwelling space/unit also)	→	OND
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(2) If the new equivalent City zone district in accordance with the table above is RSF-E, RSF-1 or RSF-2, then the property shall be classified as "Single Family (Very Low Density)" on the City future land use map. If the new equivalent City zone district in accordance with the table above is RSF-3, then the property shall be classified as "Single Family (Low Density)" on the City future land use map. If the new equivalent City zone district in accordance with the table above is RMF-1, RMF-2 or RMF-3, then the property shall be classified as "Multiply Family (Moderate Density)" on the City future land use map. If the new equivalent City zone district in accordance with the table above is OND, then the property shall be classified as "Neighborhood Office" on the City future land use map.

(3) The Zone District Equivalency Table adopted by this section shall be used to determine the new City future land use classification and zoning for property upon annexation into the City, if, prior to annexation, the property was located in one of the County zone districts listed in the Zone District Equivalency table; and;

(a) the property was the subject of a City initiated voluntary annexation in accordance with a Municipal Services and Pre-Annexation Agreement; or

(b) the property was the subject of a City initiated voluntary annexation in which the property owner consented to the

annexation without a Municipal Services and a Pre-Annexation Agreement.

(4) The table in subsection (1) above shall not be applied to properties annexed in accordance with:

(a) an involuntary annexation;

(b) Notwithstanding paragraph (3) above, a City initiated voluntary annexation when the owner of the property to be annexed has signed a pre-annexation agreement allowing the owner to apply for a different City zone district than would result from the application of the equivalency table.

(c) A privately initiated voluntary annexation.

(5) An ordinance annexing property into the City shall indicate whether or not the table found in this section shall apply to determine the new City future land use classification and zone district for the annexed property. In the event the table contained in this section is applied, the Future Land Use Map shall be updated to reflect the addition of the annexed property with its City future land use classification at the first City initiated amendment to the Future Land Use Map following the effective date of the annexation and the Official Zoning Atlas shall be a updated to reflect the City zoning of the annexed property as soon as practical following the effective date of the amendment to the Future Land Use Map.

Section 2. Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. Should any section, sentence, clause, part or provision of this Ordinance be declared invalid or unenforceable

by a court of competent jurisdiction, the same shall not affect the validity of this Ordinance as a whole, or any part thereof other than the part declared to be invalid.

Section 4. This Ordinance shall take effect immediately upon second reading and shall apply to determine the City future land use classification of properties annexed into the City on or after December 31, 2008 which meet the criteria found in section(3).

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 16th of November 2009.

PASSED on second reading and finally adopted this 7th day of December, 2009.

Richard Clapp

Richard Clapp, Mayor

ATTEST:


Billy E. Johnson

City Auditor and Clerk

- Yes Mayor Clapp
- Yes Vice Mayor Kirschner
- Yes Commissioner Atkins
- Yes Commissioner Atwell
- Yes Commissioner Turner