

ORDINANCE NO. 2011-065

AN ORDINANCE OF SARASOTA COUNTY, FLORIDA, (ZONING ORDINANCE AMENDMENT NO. 63) AMENDING SARASOTA COUNTY ORDINANCE NO. 2003-052 (AS AMENDED FROM TIME TO TIME) CODIFIED AS APPENDIX A OF THE SARASOTA COUNTY CODE, RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF SARASOTA COUNTY; PROVIDING FOR FINDINGS; AMENDING SECTION 6.6, RELATING TO RMF DISTRICT DEVELOPMENT INTENSITY AMENDING SECTION 6.10., RELATING TO COMMERCIAL AND INDUSTRIAL DISTRICT STANDARDS; AMENDING SECTION 11, RELATING TO PLANNED DEVELOPMENT DISTRICT STANDARDS; PROVIDING FOR EFFECT ON OTHER ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODING OF AMENDMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA:

Section 1. Findings. The Board of County Commissioners, hereinafter referred to as the “Board” hereby makes the following findings:

A. The Board has held public hearings on the proposed amendments described herein in accordance with the requirements of the Sarasota County Zoning Ordinance and has considered the information received at said public hearings.

B. The Board has received and considered the report of the Sarasota County Planning Commission and has reviewed the proposed amendments provided herein.

C. The Board, sitting as the Sarasota County Land Development Regulation Commission, has reviewed the proposed amendments provided herein and has found that the amendments are consistent with the Sarasota County Comprehensive Plan.

Section 2. Amendment to Section 6.6. of Ordinance No. 2003-052, as amended, relating to RMF District Development Intensity.

Subsection 6.6.4. of Sarasota County Zoning Ordinance No. 2003-052, as amended is hereby amended as follows:

6.6.4. *Height Along the Intracoastal Waterway and the Bays.* In order to preserve the scenic character of the Intracoastal Waterway and the bays, and ensure appropriate massing of buildings along these waterfront areas, the following special restrictions shall apply within 250 feet of the Intracoastal

Waterway and the bays (not including any passes, the Gulf of Mexico, basins, creeks or canals). Nonconforming lots of record zoned RMF shall also comply with Section 8.4.5.

Height Along Intracoastal Waterway

<i>Area</i>	<i>Distance</i>	<i>Restrictions</i>
RMF-1 and RMF-2		
Waterfront Setback	30 feet	
Area A	30 to 80 feet	Height not to exceed 35 feet above FEMA, including in-structure parking. Maximum 1 level of in-structure parking.
Area B	80 to 250 feet	Height not to exceed 35 feet above FEMA, or above the finished floor of the first habitable floor where in-structure parking is provided. Maximum one in-structure parking level.
Area C *	Beyond 250 feet	Height not to exceed 35 feet above FEMA, or above the finished floor of the first habitable floor where in-structure parking is provided. Maximum two in-structure parking levels.
RMF-3		
Waterfront Setback	30 feet	
Area A	30 to 80 feet	Height not to exceed 45 feet above FEMA, including in-structure parking. Maximum one level of in-structure parking.
Area B	80 to 250 feet	Height no to exceed 45 feet above FEMA, or above the finished floor of the first habitable floor where in-structure parking is provided. Maximum one in-structure parking level.
<i>Area</i>	<i>Distance</i>	<i>Restrictions</i>
Area C	Beyond 250 feet	Height not to exceed 45 feet above FEMA, or above the finished floor of the first habitable floor where in-structure parking is provided. Maximum tow in-structure parking levels.
RMF-4		
Waterfront Setback	30 feet	
Area A	30 to 80 feet	Height not to exceed 85 feet above FEMA, or above the finished floor of the first habitable floor where in-structure parking is provided. Maximum one in-structure parking level.
Area B	80 to 250 feet	Height not to exceed 85 feet above FEMA, or above the finished floor of the first habitable floor where in-structure parking is provided. Maximum two in-structure parking levels.
Area C	Beyond 250 feet	Height not to exceed 85 feet above FEMA, or above the finished floor of the first habitable floor where in-structure parking is provided. Maximum two in-structure parking levels.

* An adopted Critical Area Plan may establish a maximum height above that indicated in this table, for mixed-use developments as defined in that plan.

Section 3. Amendment to Section 6.6. of Ordinance No. 2003-052, as amended, relating to RMF District Development Intensity.

Subsection 6.6.5. of Sarasota County Zoning Ordinance No. 2003-052, as amended is hereby amended as follows:

6.6.5. *Nonresidential Development in the RMF Districts.* Unless specified elsewhere in these zoning regulations, the following dimensional standards shall apply to all nonresidential development in the RMF Districts.

Nonresidential Development	RMF-1 RMF-2	RMF-3
<i>Density</i>		
Open Space (minimum)	20%	20%
<i>Lot Dimensions</i> (minimum)		
Lot Area (sq. ft.)	7,500	7,500
Lot Width (feet)	75	75
<i>Yards</i> (minimum feet)		
Street Yard	20 ^{††}	20
Side Yard (single)	8	8
Side Yard (total)	18	18
Rear Yard	10	10
Waterfront Yard*	20/30 [†]	20/30 [†]
<i>Bulk</i> (maximum)		
Height (feet)	35 ^{††}	45
Building Coverage		
Up to 35 feet in height	30%	30%
36 to 45 feet in height	n/a	28%

* See also Chapter 54, Article XXII. Section 54-721 through 54-724, Sarasota County Code, Gulf Beach Setback Line.

[†] Intracoastal Waterway and bays: 30 feet. All other waterfront yards: 20 feet.

^{††} An adopted Critical Area Plan may establish a minimum setback below, and a maximum height above, that indicated in this table, for mixed-use developments as defined in that plan.

Section 4. Amendment to Section 6.10. of Ordinance No. 2003-052, as amended, relating to Commercial and Industrial District Standards.

Subsection 6.10.1. of Sarasota County Zoning Ordinance No. 2003-052, as amended is hereby amended as follows:

6.10.1. *Commercial and Industrial District Development Intensity Table.* The following table summarizes the development standards in the commercial and industrial districts. Additional standards by district follow the table.

Standards	CN	OPI	CG ⁽³⁾	CI	CHI	CM	IR	ILW
<i>Density</i> (maximum DU/acre)								
Residential (Upper Story/Attached Residential and Bed and Breakfast)								
Density by Right	9.0	9.0	9.0	9.0	—	9.0	—	—
Density by Right in adopted Revitalization or Redevelopment Plan	13.0	13.0	13.0	13.0	—	13.0	—	—
Density by Special Exception	—	—	13.0	—	—	—	—	—
Assistant Living Facilities (prohibited in SKOD)	9.0	9.0	9.0	9.0	18.0	13.0	—	—
Transient Accommodations	—	—	—	—	—	—	—	—
Over 25% of units with kitchen	—	—	13.0	—	—	—	—	—
Up to 25% of units with kitchen	—	—	26.0	—	36.0	26.0	—	—
In Nokomis Center Revitalization Plan U.S. 41 Corridor (maximum number of hotel rooms per acre with or without kitchens)	—	—	26.0	—	—	—	—	—
Open Space (minimum)	—	—	*	—	30%	—	—	—
<i>Lot Dimensions</i> (minimum)***								
Lot Area, Nonresidential Uses (sq. ft.)	—	—	—	—	1 acre	—	—	—
Lot Area Outparcels (sq. ft.)	—	—	20,000	—	—	—	—	—
Lot Width, Nonresidential Uses (ft.)	—	—	—	—	400**	—	—	—
<i>Yards</i> (minimum feet) ⁽⁴⁾								
Street Yard	20	25	20	20	50	20	25†	25†
Side Yard††	8	10	8	8	50	8	8	8
Rear Yard	10	10	10	10	50	10	25	25
Side, Rear Yard Abutting Res. District	20	20	20	20	50	20	75	75
Waterfront on intracoastal/bays	30	30	30	30	30	30	30	30
All other Waterfront Yards	20	20	20	20	20	20	20	20
<i>Bulk</i> (maximum) ⁽⁴⁾								
Height by Right (feet)	25§	35	35	35	35	35	65	65
Height by Special Exception (feet)	35	85	85	85	85	—	—	—
(see Section 6.10.3. below)	—	30%	§§	—	35%	—	—	—
Building Coverage								
<i>Additional Standards</i>			6.10.4		6.10.7		6.10.8	6.10.8

* See Section 6.10.4 below.

** Minimum lot width of 200 feet required for all secondary service roads

*** There is no setback requirement from an active railroad right-of-way.

† Street yard of 50 feet required for all arterial streets.

†† Where fire-resistive construction is used, side yard may be reduced to 0 feet if set to the side property line, or not less than 4 feet from the side property line.

§ Upper-story residential uses in the CN District shall have a maximum height of 35 feet.

§§ Multifamily use in the CG District existing as of October 27, 2003, shall be limited to 30 percent of building coverage.

⁽³⁾ An adopted Critical Area Plan may establish a maximum density above that indicated in this table, for mixed-use developments as defined in that plan, up to 25 units per acre.

⁽⁴⁾ An adopted Critical Area Plan may establish a minimum setback below, and a maximum height above, that indicated in this table, for mixed-use developments as defined in that plan.

Section 5. Amendment to Section 6.11. of Ordinance No. 2003-052, as amended, relating to Planned Development District Standards.

Subsection 6.11.2. of Sarasota County Zoning Ordinance No. 2003-052, as amended is hereby amended as follows:

6.11.2. *Planned Unit Development (PUD) Overlay District.*

a. *PUD Overlay District Dimensional Table.* The following table summarizes the development standards in the Planned Unit Development (PUD) Overlay District:

<i>District</i>	<i>Minimum Site Area With Commercial</i>	<i>Commercial (maximum acres of %)</i>	<i>Density (maximum units / acre)</i>	<i>Height (maximum feet)</i>
OUE	5,000	5 acres	0.2	35
RE-1	300	1.0%	0.5	35
RE-2	200	1.5%	1.0	35
RE-3	150	2.0%	2.0	35
RSF-1	120	2.5%	2.5	35
RSF-2	90	3.0%	3.5	45
RSF-3	75	4.0%	4.5	55

RSF-4	60	5.0%	5.5	65
RMF-1	60	5.0%	6.0	65*
RMF-2	45	7.0%	9.0	75*
RMF-3	30	10.0%	13.0**	85*

* Additional building height greater than the zoning district maximum building height shall not be permitted within 80 feet of the Intra-Coastal Waterway or the bay.

** An adopted Critical Area Plan may establish a maximum density above that indicated in this table, for mixed-use developments as defined in that plan, up to 25 units per acre.

Section 6. Effect on Other Ordinances. The provisions of this Ordinance shall prevail in the event of conflict with the provisions of any existing ordinance.

Section 7. Severability. It is declared to be the intent of the Board of County Commissioners that if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

Section 8. Coding of Amendments. In this Ordinance, language added to an existing Ordinance is underscored and language deleted is typed in ~~strike through~~ type.

Section 9. Effective Date. This Ordinance shall take effect immediately upon filing with the Office of the Secretary of the State of Florida.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA this _____ day of _____ 20__.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

By: _____
Chair

ATTEST:

KAREN B. RUSHING, Clerk of
the Circuit Court and
Ex-Officio Clerk of the Board
of County Commissioners of

Sarasota County, Florida

By: _____
Deputy Clerk