

SARASOTA COUNTY GOVERNMENT

Planning and Development Services

TO: Sarasota County Commission

THROUGH: Thomas A. Harmer, County Administrator

FROM: Matthew R. Osterhoudt, Interim Director, Planning and Development Services
Donna Thompson, Zoning Administrator

DATE: January 11, 2017

SUBJECT: **Zoning Ordinance Amendment No. 118 – Single-Family Residential Uses in the ILW District**

RECOMMENDED MOTION(S) OR ACTION(S):

- A. (Not a public hearing.) To waive the requirement for the 5:01 p.m. public hearing relating to Ordinance No. 2016-081, Zoning Ordinance Amendment No. 118;
- B. (First public hearing) To adopt Ordinance No. 2016-081, approving Zoning Ordinance Amendment No. 118 to allow single-family residential uses in the ILW district. (Planning Commission recommended approval.) (Second public hearing scheduled on February 28, 2017.)

BACKGROUND:

Article 3.13 of the Zoning Ordinance states that a zoning ordinance amendment may be proposed by the Board of County Commissioners; the Planning Commission with authorization from the Board of County Commissioners; by the Board of Zoning Appeals with authorization from the Board of County Commissioners; any business center or other agency of the County with authorization from the Board of County Commissioners; and any resident or landowner in the County.

For this zoning ordinance amendment Bill Merrill, Agent, for JW4 Capital, LLC, proposed an amendment to Article 5, Use Regulations, to allow single-family residential uses in the Industrial, Light Manufacturing and Warehousing (ILW) district with limitations, similar to those that apply to multi-family structures in ILW.

A public hearing before the Planning Commission was held on October 20, 2016, and the Commission discussed the following topics/issues:

- Number of live-work projects in Sarasota County;
- Removal of a commercial property from the books; and
- Home/lot sizes.

Staff and the applicant clarified that while live-work is allowed in the ILW district, this amendment would allow for the provision of the live-work units as a single-family home, and would allow the owner/occupants to work from home without the necessity of a special exception approval that is required for a home based business. With the standards that have been suggested with the amendment, the number of properties that would be allowed to take advantage of the amendment are limited. While the ILW district allows for live-work, if the “work” component ceases, the separate “live” component is

not permitted. The intent of this amendment is to not only allow small start-up businesses to operate out of the home (similar to a home based business which require a Special Exception approval), but if the business were to grow/expand and lease office space elsewhere, the resident would not have to relocate. In addition, the applicant clarified that, as proposed, there is the requirement for development to be in accordance with the cluster subdivision regulations that would require a homeowner's association to control the future development. The Planning Commission recommended approval by a 7-0 vote, with the addition of Condition No. 9 under Section 5.3.2.k., as follows: "The owner shall record a notice, in a form approved by the County Attorney, with each lot or unit notifying subsequent owners that the property is zoned ILW and may be used as allowed in that district".

RELEVANT PRIOR BOARD ACTION:

N/A

OUTREACH:

Pursuant to Florida State Statute and the Zoning Ordinance, the Notices of Public Hearing were advertised in the newspaper on October 4, 2016, for the Planning Commission and on December 27, 2016, for Board public hearing.

PROCUREMENT ACTION:

N/A

ANALYSIS/NEXT STEPS:

Currently, Section 5.1., Use Table, allows household living in the ILW district in the form of either Multi-family structures or live-work units. Both of these housing types contain limitations as cited in 5.3.2. as follows:

- f. *Live-Work Unit.* A live-work unit is permitted in accordance with the use table in Section 5.1, subject to the following standards:
 - 1. The unit shall be in a building either:
 - i. Constructed after October 27, 2003; or
 - ii. Originally constructed for commercial, institutional, public, community facility or manufacturing purposes.
 - 2. Every unit shall have one or more windows in the residential portion of the space.
 - 3. The unit shall meet all of the applicable fire code requirements for residential occupancy in portions of the building intended for residential use, as determined by the Fire Marshal and Building Official.
 - 4. The unit shall meet all of the applicable fire code requirements for the appropriate form of nonresidential occupancy in portions of the building intended for nonresidential use, as determined by the Fire Marshal and Building Official.

- k. *Multi-family in the ILW District.* Limited amounts of residential development are allowed in the ILW districts designated on the Future Land Use Map as Major Employment Centers (MEC) to facilitate access between home and place of work where:
1. The ILW zoning is existing as of January 1, 2013; and
 2. The property is to be used for Multi-family use and is part of and consistent with an existing Corridor Plan; and
 3. The Multi-family use to be developed is part of a unified development plan that consists of, at a minimum, 100,000 square feet of existing Office use; and
 4. The Multi-family use is located on and/or accessed from a major arterial road via an existing signalized intersection; and
 5. The Multi-family use is located within 5,000 feet of an existing full interchange with Interstate 75; measured from the center point of the interchange; and
 6. The Multi-family use allowed hereunder shall be developed in a manner consistent with the Development Area Standards set forth in the Planned Commercial Development (PCD) District Dimensional Table in Section 6.11.3.c.1., in lieu of the Commercial and Industrial District Development Intensity Table Standards for ILW zoned property set forth in Section 6.10.1; and
 7. If any Multi-family structure to be developed hereunder is located within 300 feet of the boundary of an adjacent RSF district, and at the time of the initial site and development plan submittal for the Multi-family use there exists no intervening nonresidential use between the Multi-family structure and the RSF district boundary, then a minimum buffer width of 50 feet with a buffer opacity of 0.7 shall be required between the Multi-family structure and the RSF district boundary and a master landscape plan incorporating this buffer shall be submitted prior to, or concurrent with, the initial site and development plan submittal. Such buffer areas shall be developed and maintained in accordance with Section 7.3, Landscaping and Buffering.

The Multi-family standards outlined above were introduced into the Zoning Code with a privately initiated text amendment in 2013 with the adoption of ordinance No. 2013-039. The proposed changes to the ordinance are as follows:

- k. *Residential in the ILW District.* Limited amounts of residential development are allowed in the ILW districts designated on the Future Land Use Map as Major Employment Centers (MEC) to facilitate access between home and place of work where:

Single-family residential uses are allowed where:

1. The ILW zoning is existing as of January 1, 2013; and
2. The single-family use to be developed is part of a unified development plan that consists of, at a minimum, 35 acres; and
3. The property to be used for single-family use is located on and/or accessed from an arterial road or collector road; and
4. The property to be used for single-family use is within 2,000 feet of parcels that include, in aggregate, at least 200,000 square feet of existing office or industrial use; and

5. The property to be used for single-family use is within 4,000 feet of an Intermodal Transit Hub; and
6. The property to be used for single-family use is located within 5,000 feet of an existing full interchange with Interstate 75, measured from the center point of the interchange; and
7. The single-family use shall be required to provide at least one (1) visitor parking space for every seven (7) single-family dwelling units; and
8. The single-family use allowed hereunder shall be developed in a manner consistent with the Cluster Subdivision development standards for the RSF-4 zoning district set forth in Section 6.7.2.c in lieu of the Commercial and Industrial District Standards for ILW zoned property set forth in Section 6.10.

Multi-family residential uses are allowed where:

1. The ILW zoning is existing as of January 1, 2013; and
2. The property is to be used for Multi-family use and is part of and consistent with an existing Corridor Plan; and
3. The Multi-family use to be developed is part of a unified development plan that consists of, at a minimum, 100,000 square feet of existing Office use; and
4. The Multi-family use is located on and/or accessed from a major arterial road via an existing signalized intersection; and
5. The Multi-family use is located within 5,000 feet of an existing full interchange with Interstate 75; measured from the center point of the interchange; and
6. The Multi-family use allowed hereunder shall be developed in a manner consistent with the Development Area Standards set forth in the Planned Commercial Development (PCD) District Dimensional Table in Section 6.11.3.c.1., in lieu of the Commercial and Industrial District Development Intensity Table Standards for ILW zoned property set forth in Section 6.10.1; and
7. If any Multi-family structure to be developed hereunder is located within 300 feet of the boundary of an adjacent RSF district, and at the time of the initial site and development plan submittal for the Multi-family use there exists no intervening nonresidential use between the Multi-family structure and the RSF district boundary, then a minimum buffer width of 50 feet with a buffer opacity of 0.7 shall be required between the Multi-family structure and the RSF district boundary and a master landscape plan incorporating this buffer shall be submitted prior to, or concurrent with, the initial site and development plan submittal. Such buffer areas shall be developed and maintained in accordance with Section 7.3, Landscaping and Buffering.

While the ILW district allows for live-work units and multi-family units, the applicant asserts that residential uses in this district should not be limited. Allowing limited amounts of single-family residential units in ILW is consistent with the Comprehensive Plan as it allows and facilitates (1) access between home and place of work, and (2) owner/occupants who work from home. These types of uses may be either a home occupation or home-based business. By allowing the single-family units to be located in the ILW district on a limited basis will also eliminate or shorten trip lengths by having the place of work nearby, even within walking distance to the home.

Staff has concerns with a significant broadening of the intent of the ILW District. The ILW district is one of most intensive zone districts with its primary intended uses including industrial, light manufacturing, processing, storage and warehousing, wholesaling, and distribution uses. Adding a lower intensity, residential use to this zone district would continue to stretch the limits of this zone district to allow for nearly all types of uses allowed within the county.

State statute requires that the Board shall hold two advertised public hearings on the proposed ordinance when amendments to the Zoning Regulations result in a change in the actual list of permitted, conditional, or prohibited uses within a zoning category. At least one of these hearings shall be held after 5 p.m. on a weekday, unless the Board, by a majority plus one vote, elects to conduct that hearing another time of the day. As a result of the Planning Commission public hearing being held in the evening, staff is recommending waiving the requirement for a 5:01 p.m. hearing.

FUNDING:

N/A

STAFF RECOMMENDATION(S):

The proposed amendment would allow freestanding single-family live-work structures within the ILW zone district. The Planning Commission recommended approval, as amended, by a 7-0 vote. The County received no public testimony at the Planning Commission hearing in opposition to the proposed zoning amendment, nor has the County received any written opposition. While staff is not recommending denial of the proposed amendment, we do have concerns about site specific recommendations, broadening the intent of the ILW District, and not furthering the intent of Major Employment Center development as outlined in the Consistency Review. Staff recommends waiver of the 5:01 p.m. hearing as a result of the Planning Commission public hearing being held in the evening.

ATTACHMENTS:

1. Ordinance No. 2016-081
2. Planning Commission Minutes dated October 20, 2016
3. Applicant's Supporting Documentation
4. Consistency Review Memorandum
5. Ordinance Impact Statement
6. Public Hearing Notice