

ORDINANCE NO. 2016-081

AN ORDINANCE OF SARASOTA COUNTY, FLORIDA, (ZONING ORDINANCE AMENDMENT NO. 118) 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 5.3.4., RELATING TO COMMERCIAL USE 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 5.1 of Ordinance No. 2003-052, as amended, relating to the Use Table.

Subsection 5.1. of Sarasota County Zoning Ordinance No. 2003-052, as amended is hereby amended as follows:

5.1.1. *Use Table Key.*

a. *Types of Use.*

1. *Uses Permitted By Right (P).* A "P" indicates that a use is allowed by right in the respective district. Such uses are subject to all other applicable requirements of these regulations. Additional dimensional standards may allow a more intense use through the special exception process where expressly provided for in Article 6, District Development Standards.
2. *Uses Permitted With Limitations—Limited Uses (L).* An "L" indicates a use that will be permitted subject to the use limitations in Section 5.3. Such uses are also subject to all other applicable requirements of these regulations. Additional dimensional standards may allow a more intense use through the special exception process where expressly provided for in Article 6, District Development Standards.
3. *Special Exceptions (SE).* An "SE" indicates a use that is allowed only where approved as a special exception by the Board of County Commissioners in accordance with the procedures of Section 3.16. Special exception uses are subject to all other applicable requirements of these regulations, including the additional standards contained in Section 5.3, except where expressly modified by the Board as part of the special exception approval.
4. *Existing Building or Site Only (E).* An "E" indicates a permitted use that is allowed only within a building or on a site where the use existed on October 27, 2003. Expansions of the use are allowed only in conformance with the development standards contained in these zoning regulations.

b. *Uses Not Allowed.* A blank cell in the use table indicates that a use is not allowed in the respective district.

c. *Use Categories.* Characteristics of the various use categories are located in Section 5.2.

d. *Standards.* The "Standards" column on the use table is a cross-reference to any limited or special exception use standard in Section 5.3. All uses are also required to comply with the appropriate dimensional standards in Article 6.

| RESIDENTIAL USES | | | | | | | | | | | | | | | | | | | | |
|--------------------------------|---|---|---|---|----|----|---|---|---|----|---|---|---|---|--|---|---|---|---|--------------------------------|
| Household Living [see 5.2.3.a] | Single-family detached | P | L | L | P | P | P | P | P | | | | | | | | | | L | 5.3.2.i 5.3.2.k |
| | Lot line, traditional, patio, villa or atrium house | | | | | | | L | P | | | | | | | | | | | 5.3.2.e 5.3.2.k |
| | Two-family house | | | | | | | L | P | | | | | | | | | | | 5.3.2.e 5.3.2.k |
| | Townhouse (semi-attached, roof-deck, stacked) | | | | | | | L | P | | | | | P | | | | | | 5.3.2.e 5.3.2.k |
| | Multifamily (multiplex, apartment) | | | | | | | | P | | L | L | L | P | | L | | | L | 5.3.2.k. 5.3.2.l. |
| | Manufactured home | | | | | | | | | P | | | | | | | | | | 5.3.2.k |
| | Manufactured home park/subdivision | | | | | | | | | P | | | | | | | | | | 5.3.2.k |
| | Accessory dwelling unit | | | | | | L | L | | | | | | | | | | | | 5.3.2.a 5.3.2.k |
| | Guest house | L | | | L | L | L | L | | | | | | | | | | | | 5.3.2.d 5.3.2.k |
| | Short term rental | | | | | | | | L | | | | | | | | | | | 5.3.2.g 5.3.2.h 5.3.2.k |
| | Live-work unit | | | | | | | | | | L | L | L | L | | L | | L | L | 5.3.2.e 5.3.2.k |
| | Upper story residential | | | | | | | | | | L | L | L | P | | L | L | | | 5.3.2.j 5.3.2.k 5.3.4.aa |
| Group Living | All group living | | | | SE | SE | L | L | L | SE | L | L | L | L | | | | | L | 5.3.2.c |

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| | | | | | | | | | | | | | | | | | | | | 5.3.2.h 5.3.2.i | |
| PUBLIC AND CIVIC USES | | | | | | | | | | | | | | | | | | | | | |
| Community Service [see 5.2.4.a] | All community service | | | | SE | SE | SE | SE | SE | SE | P | P | P | P | | P | | | | P | 5.3.3.c |
| | Rural retreat center | SE | | | SE | SE | | | | | | | | | | | | | | | 5.3.3.k |
| Day Care [see 5.2.4.b] | Family day care home | P | | | P | P | P | P | P | P | P | P | P | P | | P | | | SE | | |
| | Large family child care home | P | | | P | P | P | P | P | P | P | | P | P | | P | | | SE | | |
| | Day care facility | L/SE | | | SE | SE | SE | SE | L | SE | L | L | L | L | | L | | SE | SE | L | 5.3.3.e |
| | Adult day care home (up to 6) | P | | | P | P | P | P | P | P | P | P | P | P | | P | | | | | |
| | Adult day care facility (7 or more) | SE | | | SE | SE | SE | SE | L | SE | P | P | P | P | | P | | | | | 5.3.3.d |
| Educational Facilities [see 5.2.4.c] | College or university | | | | | | | | | | SE | P | P | P | | P | | P | | P | |
| | Day facility | | | | SE | SE | SE | | | | P | P | P | P | | P | | | P | P | 5.3.3.d |
| | Elementary, middle or high school | | | | SE | SE | SE | SE | SE | | | P | | P | | | | | | P | |
| | Vocational, trade or business school | | | | | | | | | | P | P | P | P | | P | | P | P | P | |
| Government Facilities [see 5.2.4.d] | All government facilities, except as listed below | | | | | | | | | | | | | | | | | | | P | |
| | Jail, prison or work camp | | | | | | | | | | | | | | | | | | | SE | |
| Medical Facilities [see 5.2.4.e] | All medical facilities, except as listed below | | | | | | | | | | L | P | P | P | L | P | | | P | SE | 5.3.3.g |
| | Patient family accommodations | | | | | | | | | | | L | L | L | | | | | | L | 5.3.3.j |
| | Pain Management Clinics | | | | | | | | | | | SE | SE | | | | | | | | 5.3.4.cc |

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| Parks and Open Areas [see 5.2.4.f] | All parks and open areas, except as listed below | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | | |
| | Cemetery, columbaria, mausoleum, memorial park | L/SE | | | L/SE | L/SE | SE | SE | SE | | | | | | | | | | P | 5.3.3.b | |
| | Wild animal sanctuary | SE | | | SE | SE | | | | | | | | | | | | | | 5.3.3.n | |
| Passenger Terminals [see 5.2.4.g] | All passenger terminals, except as listed below | | | | | | | | | | | P | P | P | | P | | P | P | P | |
| | Airport, heliport | | | | L | | | | | | | L | L | L | | L | | L | L | L | 5.3.3.a |
| Places of Worship [see 5.2.4.h] | All places of worship | SE | | | SE | SE | SE | SE | SE | SE | L | P | P | P | | P | | | | 5.3.3.j | |
| Social Service Institutions [see 5.2.4.i] | All social service institutions, except as listed below | | | | | | | | | | | SE | SE | SE | | SE | | | | SE | 5.3.3.l |
| | Neighborhood resource center | | | | | | | | SE | | L | L | P | P | | P | | | P | P | 5.3.3.h |
| Utilities [see 5.2.4.j] | Major utilities | L | | | L | L | L | L | L | L | L/SE | L/SE | L/SE | L/SE | L | L/SE | L | L | L | L | 5.3.3.f |
| | Minor utilities | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | | |
| | Electric or gas generation plant | | | | | | | | | | | | | | | | | SE | SE | SE | |
| | Stormwater facility in different zoning district than principal use | | | | | L/SE | L/SE | L/SE | L/SE | L/SE | P | P | P | P | P | P | P | P | P | P | 5.3.3.m |
| | Transmission tower | See Chapter 188, Article II, Sarasota County Code | | | | | | | | | | | | | | | | | | | |
| COMMERCIAL USES | | | | | | | | | | | | | | | | | | | | | |
| Adult Entertainment Uses [see 5.2.5.k] | Adult entertainment establishments | | | | | | | | | | | | SE | | | | | | | 5.3.4.z | |
| | Adult movie theaters and motels | | | | | | | | | | | | SE | | | | | | | 5.3.4.z | |
| | Adult bookstores and video stores | | | | | | | | | | | | L | | | | | | | 5.3.4.z | |

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| | Semi-nude model studios | | | | | | | | | | | | L | | | | | | | | 5.3.4.z |
| | Other adult retail stores | | | | | | | | | | | | L | | | | | | | | 5.3.4.z |
| Indoor Recreation [see 5.2.5.a] | All indoor recreation, except as listed below | | | | | | | | | | L/SE | | P | P | | P | | | | | 5.3.4.u |
| | Bar | | | | | | | | | | L/SE | | P/L | P/L | P/L | P/L | | | P/L | | 5.3.4.c, 5.3.4.u |
| | Clubs and lodges | | | | SE | SE | SE | E | E | SE | P | P | P | P | | P | | | | | |
| | Entertainment, indoor | | | | | | | | | | L/SE | | L/SE | L/SE | L | L | L/SE | | L/SE | | 5.3.4.e, 5.3.4.u |
| | Extreme sports facility | | | | | | | | | | | | P | P | | P | | | P | | |
| | Firing, or archery range, indoor | | | | | | | | | | | | P | P | | P | | | P | | |
| | Gymnastics facility, martial arts facility, fitness gym, dance studio, indoor sports academy | | | | | | | | | | | | P | P | | P | | | P | | |
| | | | | | | | | | | | | | | | | | | | | | |
| Office [see 5.2.5.b] | All offices | | | | | | | | | | L/SE | P | P | P | L | P | | P | P | P | 5.3.4.i, 5.3.4.u |
| Outdoor Recreation [see 5.2.5.c] | All outdoor recreation, except as listed below | SE | | | SE | SE | | | | | | | SE | SE | | SE | | | | L | 5.3.4.m |
| | Community recreation facility | | | | | SE | SE | SE | P | SE | P | P | P | P | | P | | | | P | |
| | Dog or horse track, jai-alai fronton | | | | | | | | | | | | SE | SE | | SE | | | | | |
| | Entertainment, outdoor | | | | | | | | | | L/SE | | L/SE | L/SE | L | L/SE | L/SE | | L/SE | | 5.3.4.g 5.3.4.u. |
| | Extreme sports facility | L/SE | | | SE | SE | | | | | | | | | | P | | | SE | P | 5.3.4.h |
| | Firing or archery range, outdoor | SE | | | SE | | | | | | | | | | | SE | | | SE | L | 5.3.4.i |
| | Flea market, outdoor | | | | | | | | | | | | SE | | | SE | | | | | |

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| | Golf course, executive and par-three golf courses, clubhouse, yacht club, tennis club, country club | L/SE | | | SE | SE | SE | SE | SE | SE | | | | | | | | | | | 5.3.4.j |
| | Hunting/fishing camp or dude ranch | L/SE | | | SE | SE | SE | | | | | | | | | | | | | | 5.3.4.k |
| | Recreational vehicle park/campground | | | | SE | SE | SE | | | SE | | | | | | | | | | | 5.3.4.n |
| | Riding academy or public stable | L/SE | | | L/SE | L/SE | L/SE | | | | | | | | | | | | | | 5.3.4.q |
| | Sports academy | L/SE | | | SE | SE | | | | | | | | | | | | | | | 5.3.4.s |
| | Wilderness camping | L | | | | | | | | | | | | | | | | | | | 5.3.4.w |
| | Commercial hunting and trapping | L/SE | | | | | | | | | | | | | | | | | | | 5.3.4.e |
| | Polo club | L/SE | | | SE | SE | | | | | | | SE | SE | | SE | | | | | 5.3.4.m |
| | Special events in conjunction with an approved outdoor recreation use | SE | | | SE | SE | SE | SE | SE | | SE | SE | SE | SE | | SE | | | | | 5.3.4.y |
| Parking, Commercial [see 5.2.5.d] | All commercial parking | | | | | | SE | SE | SE | | | P | P | P | P | P | | | P | P/L | 5.2.4.d. |
| Restaurants [see 5.2.5.e] | All restaurants, except as listed below | | | | | | | | SE | | L/SE | | L | L | L | L | L | | L | | 5.3.4.o, 5.3.4.u |
| | Drive-thru (drive in) | | | | | | | | | | | | P | P | P | P | | | P | | |
| Retail Sales and Service [see 5.2.5.f] | All retail sales and service, except as listed below | | | | | | | | | | L/SE | | P | P | L | P | P | | L/SE | | 5.3.4.p, 5.3.4.u |
| | Animal hospital, veterinary clinic, with or without animal boarding; Pet Resort | L/SE | | | L/SE | L/SE | L/SE | | | | L/SE | | L/SE | L | | L | | | | | 5.3.4.a, 5.3.4.t |

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|--|--|--|--|--|--|--|--|--|--|--|------|------|----|----|----|---|----|--|----|----|---------------------------------|
| | Convenience store with gas pumps, gas station with minimart | | | | | | | | | | L/SE | | L | L | L | L | | | L | | 5.3.4.f, 5.3.4.p 5.3.4.t |
| | Convenience store without gas pumps | | | | | | | | | | L/SE | | P | P | P | P | | | L | | 5.3.4.p 5.3.4.t |
| | Drive-thru retail sales or service | | | | | | | | | | L | | P | P | L | P | | | | | 5.3.4.p |
| | Garden center/completely enclosed | | | | | | | | | | L/SE | | P | SE | | P | | | SE | | 5.3.4.p |
| | Garden center/outside merchandise | | | | | | | | | | SE | | SE | SE | | P | | | SE | | 5.3.4.p |
| | Package store | | | | | | | | | | | | P | P | | P | | | | | |
| | Vehicle parts and accessories | | | | | | | | | | L/SE | | P | P | L | P | | | P | | 5.3.4.p, 5.3.4.t |
| | Retail sales of lumber and building supplies up to 60,000 square feet gross floor area | | | | | | | | | | | | P | P | | P | | | P | | |
| | Pawn shops | | | | | | | | | | | | P | | | P | | | | | |
| | Retail sales, over 60,000 square feet gross floor area in a single occupant building | | | | | | | | | | | | | SE | SE | | SE | | | SE | |
| | Medical Marijuana Dispensary | | | | | | | | | | | SE | SE | | | | | | | | 5.2.5.f, 5.3.4.ee |
| Self-Service Storage [see 5.2.5.g] | All self-service storage | | | | | | | | | | | L/SE | P | P | | P | | | P | | 5.3.4.r |
| Transient Accommodations [see 5.2.5.h] | All transient accommodations, except as listed below | | | | | | | | | | L/SE | | SE | L | L | L | SE | | | L | 5.3.4.p, 5.3.4.t, 5.3.4.u |

[illegible]

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|-----------------------------------|---|----|--|--|----|----|--|--|--|--|--|--|---|---|--|----|--|----|----|----|---------|
| 5.2.6.c] | Recycling equipment and facilities | SE | | | SE | SE | | | | | | | | | | | | SE | SE | SE | 5.3.5.b |
| | Composting facility | SE | | | | | | | | | | | | | | | | | | | 5.3.5.c |
| Wholesale Trade [see 5.2.6.d] | All wholesale trade | | | | | | | | | | | | P | P | | P | | P | P | | |
| Heavy Industrial [see 5.2.6.e] | All heavy industrial, except as listed below | | | | | | | | | | | | | | | | | SE | SE | | |
| | Asphalt processing or manufacture, concrete batch plant | SE | | | SE | SE | | | | | | | | | | | | L | L | L | 5.3.5.a |
| | Heavy industrial within a completely enclosed building | | | | | | | | | | | | | | | | | P | P | P | |
| | Slaughterhouse | SE | | | SE | | | | | | | | | | | | | SE | SE | | 5.3.5.d |
| | Warehouse, storage of flammable liquids | | | | | | | | | | | | | | | | | SE | SE | SE | |
| | Wholesale trade of flammable liquids | | | | | | | | | | | | | | | SE | | SE | SE | | |

Section 4. Amendment to Section 5.3.2. of Ordinance No. 2003-052, as amended, relating to Residential Use Standards.

Subsection 5.3.2.k. of Sarasota County Zoning Ordinance No. 2003-052, as amended is hereby amended as follows:

- k. ~~*Multifamily 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.

Multifamily 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 Multifamily use and is part of and consistent with an existing Corridor Plan; and
3. The Multifamily 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 Multifamily use is located on and/or accessed from a major arterial road via an existing signalized intersection; and
5. The Multifamily 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 Multifamily 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 Multifamily 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 Multifamily use there exists no intervening nonresidential use between the Multifamily 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 Multifamily 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.

Section 5. Effect on Other Ordinances. The provisions of this Ordinance shall prevail in the event of conflict with the provisions of any existing ordinance.

Section 6. 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 7. Coding of Amendments. In this Ordinance, language added to an existing Ordinance is underscored and language deleted is typed in ~~strike-through~~ type.

Section 8. 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: _____
Chairman

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