

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, Planning and Development Services
DATE: February 15, 2017
SUBJECT: **Zoning Ordinance Amendment No. 121 – Electronic Message Center signs (EMCs) in the CN Zone District**

RECOMMENDED MOTION(S) OR ACTION(S):

- A. (Public hearing) To adopt Ordinance No. 2017-001, approving Zoning Ordinance Amendment No. 121, relating to Electronic Message Center signs in the CN district;
- B. (Not a public hearing) Land Development Regulation Commission to find Ordinance No. 2017-001 to be consistent with the Comprehensive Plan. (Must be done prior to the adoption of A.)

BACKGROUND:

On March 19, 2016, G. Matthew Brockway, agent for Matthew C. Peterson, proposed an amendment to Article 7.4 of the Zoning Ordinance to allow Electronic Message Center Signs (EMCs) within the CN (Commercial Neighborhood) zone district. The Zoning Ordinance, Article 3.13, states that a zoning amendment may be proposed by the Board of County Commissioners, or the Planning Commission, the Board of Zoning Appeals, any business center or other agency of the County with authorization from the Board of County Commissioners, or any resident or landowner in the County.

A public hearing before the Planning Commission was held on December 15, 2016, and discussed the following topics/issues:

- Similarities between the OPI (Office, Professional and Institutional) zone district and the CN zone district;
- Definitions of arterial, collector, and local roadways;
- Dwell times for electronic message center signs; and
- A request to strike language contained in the draft requiring that the EMC be turned off during certain nighttime hours.

During the public hearing, staff provided clarification as to the permitted uses in the OPI and CN district, as well as noted that the uses allowed in OPI are more intense than those allowed in CN, and the code allows EMCs within the OPI district. In addition, staff provided examples of what are considered arterial, collector, and local roadways within the County, and explained that the eight second dwell time contained in the code was a nationwide standard for these types of signs. Staff requested the Planning

Commission consider not including language requiring the EMCs to be turned off during certain nighttime hours in the CN district, as this is not a requirement in any other district where these type signs are currently allowed. In addition, staff clarified that EMCs are currently permitted within residential districts where approved non-residential uses are allowed (i.e., places of worship and/or schools). The Planning Commission recommended approval of the proposed amendment by a 6-1 vote.

RELEVANT PRIOR BOARD ACTION:

1. February 12, 2013 - The County Commission (Board) adopted Ordinance No. 2012-051, allowing EMCs (4-1 vote, Commissioner Patterson voted no.)
2. November 5, 2014 - The Board adopted Ordinance No. 2014-041, amending the Sign Regulations (5-0 vote).

OUTREACH:

Pursuant to Florida State Statute and the Zoning Ordinance, the Notices of Public Hearing were advertised in the newspaper on November 29, 2016, for the Planning Commission and on January 31, 2017, for Board public hearing.

PROCUREMENT ACTION:

N/A

ANALYSIS/NEXT STEPS:

On February 12, 2013, the County Commission (Board) adopted Ordinance No. 2012-051 that permitted EMCs along arterial and collector roadways within the CG (Commercial General), CI (Commercial Intensive), CHI (Commercial Highway Interchange), OPI and ILW (Industrial, Light Manufacturing and Warehousing) zone districts, and on properties containing a lawful nonresidential use in the Open Use and Residential Districts. Currently, these are the only zone districts where the Zoning Ordinance allows EMCs. Ordinance No. 2012-051 also contained development standards limiting the EMCs portion of ground signs to be no larger than 50% of the allowable signage and illumination standards. On November 5, 2014, the Board amended the Sign Regulations with the adoption of Ordinance No. 2014-041 to restrict the height of EMCs to eight feet, as measured from grade.

As the Zoning Ordinance does not permit EMCs within the CN zone district, Mr. Brockway's application suggests the OPI and CN districts are functionally similar and the Board should consider them equally for use of EMCs. The application asserts that both districts contain common and overlapping use (i.e., offices and similar uses, mixed-uses and residential uses). Given these same uses, and that permitted uses within the CN district that may be more intense than those uses allowed in OPI (i.e., retail sales, restaurants, and convenience stores with gas pumps), staff suggests that it is appropriate to allow EMCs in a CN zone district. In addition, OPI zoned properties are interspersed with or located adjacent to CN zoned properties.

Staff has performed a preliminary consistency review and has found the proposed amendment consistent with the Comprehensive Plan. Staff has also provided an analysis of those properties zoned CN, which are located along an arterial or collector roadway, and those are illustrated as shown on Attachment 1. As outlined herein, staff's review also found the uses permitted in CN and OPI are similar in nature,

with the CN allowing some uses that are more intensive than the OPI district. In addition, there is a possibility that during the initial review and approval of EMCs in the Zoning Ordinance, the allowance of these types of signs within the CN district may have been overlooked.

FUNDING:

N/A

STAFF RECOMMENDATION(S):

Based on the consistency review performed, staff recommends approval of the proposed amendment.

ATTACHMENTS:

1. Ordinance No. 2017-001
2. Attachment 1 – Map of CN Zoned Properties
3. Planning Commission Minutes dated December 15, 2016
4. Board Minutes dated February 12, 2013
5. Board Minutes dated November 5, 2014
6. Applicant’s Supporting Documentation
7. Consistency Review Memorandum
8. Ordinance Impact Statement
9. Public Hearing Notice