

ORDINANCE NO. 2011-035

AN ORDINANCE OF SARASOTA COUNTY, FLORIDA, (ZONING ORDINANCE AMENDMENT NO. 57) 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 5.1, RELATING TO USE TABLE; AMENDING SECTION 5.3., RELATING TO LIMITED AND SPECIAL EXCEPTION 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 waived the requirement for a Public Hearing before the Sarasota County Planning Commission to review 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. of Ordinance No. 2003-052, as amended, relating to Use Table.

Subsection 5.1.2. of Sarasota County Zoning Ordinance No. 2003-052, as amended, is hereby amended as follows:

5.1.2. Use Table.

USE CATEGORY	SPECIFIC USE	OPEN USE					RESIDENTIAL				COMMERCIAL AND INDUSTRIAL							Standards			
		OUA	OUC	OUM	OUR	OUE	RE	RSF	RMF	RMH	CN	OPI	CG	PCD	CHI	CI	CM		IR	ILW	GU
KEY: P = Permitted Use; L = Permitted Subject to Limitations in Section 5.3; SE = Special Exception Use; E = Existing; Blank = Use Not Permitted																					
OPEN USES																					
Agriculture [see 5.2.2.a]	All agriculture, except as listed below	L		L	L	L	L													5.3.1.a	
	Animal boarding	L/SE			L/SE	L/SE	L/SE													5.3.1.b	
	Animal shelter	SE			SE	SE												SE	SE	5.3.1.c	
	Aviary	L			L	SE														5.3.1.d	
	Farm/produce stand	L/SE			L/SE	L/SE														5.3.1.f	
	Keeping of ponies or horses	L			L	L	L														5.3.1.g
	Livestock auction, feeding pen, milk processing, packing house, stockyard	L			L																5.3.1.h
	Plant nursery	L			L	L															5.3.1.i
	Plant nursery with landscape supply	L/SE			L/SE	L/SE															5.3.1.j
	Retail or wholesale sales of agriculturally-related supplies and equipment	SE			SE	SE													P		5.3.1.l
Resource Extraction [see 5.2.2.b]	All resource extraction, except as listed below			L																5.3.1.k	
	Borrow pit	L		L	L	L														5.3.1.e	

RESIDENTIAL USES		OUA	OUC	UOM	OUR	OUE	RE	RSF	RMF	RMH	CN	OPI	CG	PCD	CHI	CI	CM	IR	ILW	GU			
Household Living [see 5.2.3.a]	Single-family detached	P	L	L	P	P	P	P	P												5.3.2.i		
	Lot line, traditional, patio, villa or atrium house							L	P												5.3.2.e		
	Two-family house							L	P												5.3.2.e		
	Townhouse (semi-attached, roof-deck, stacked)							L	P					P							5.3.2.e		
	Multifamily (multiplex, apartment)								P					P									
	Manufactured home									P													
	Manufactured home park/subdivision									P													
	Accessory dwelling unit						L	L														5.3.2.a	
	Guest house	L			L	L	L	L															5.3.2.d
	Short term rental								L														5.3.2.g, 5.3.2.h
	Live-work unit											L	L	L	L		L		L	L			5.3.2.e
Upper story/attached residential											L	L	L	P		L	L					5.3.2.j, 5.3.4.aa	
Group Living [see 5.2.3.b]	All group living, except as listed below				SE	SE	L	L	L	SE	L	L	L	L							L	5.3.2.c	
	Boarding house, rooming house, fraternity or sorority				SE	SE	SE	SE	L	SE	L	L	L	L									5.3.2.c
	Community residential home, 6 or fewer residents	L/SE			L	L	L	L	L	L													5.3.2.b
	Community residential home, 7 to 14 residents	SE			SE	SE	SE	SE	SE														5.3.2.b

		OUA	OUC	OUM	OUR	OUE	RE	RSF	RMF	RMH	CN	OPI	CG	PCD	CHI	CI	CM	IR	ILW	GU	
	Group home, 15 or more residents						SE	SE	L												5.3.2.b
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		P			P	SE	5.3.3.g
	Patient family accommodations											L	L	L							L

		OUA	OUC	OUM	OUR	OUE	RE	RSF	RMF	RMH	CN	OPI	CG	PCD	CHI	CI	CM	IR	ILW	GU	
	Pain Management Clinics											SE	SE								5.3.4.cc
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	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 5.3.3.k
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	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		OUA	OUC	OUM	OUR	OUE	RE	RSF	RMF	RMH	CN	OPI	CG	PCD	CHI	CI	CM	IR	ILW	GU		
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
	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, indoor sports academy												P	P		P				SE P		
Office [see 5.2.5.b]	All offices										L/SE	P	P	P	L	P			P	P	P	5.3.4.l, 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
	Circus grounds, winter quarters or training quarters	L/SE			SE	SE																5.3.4.d
	Community recreation					SE	SE	SE	P	SE	P	P	P	P		P					P	

	facility																					
		OUA	OUC	OUM	OUR	OUE	RE	RSF	RMF	FMH	CN	OPI	CG	PCD	CHI	CI	CM	IR	ILW	GU		
	Dog or horse track, jail-alai fronton												SE	SE		SE						
	Entertainment, outdoor												L/SE	L/SE	L	L/SE	L/SE		L/SE			5.3.4.g
	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						
	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,	All commercial parking						SE	SE	SE			P	P	P	P	P			P	P/L		5.2.4.d.

Commercial [see 5.2.5.d]																						
		OUA	OUC	OUM	OUR	OUE	RE	RSF	RMF	FMH	CN	OPI	CG	PCD	CHI	CI	CM	IR	ILW	GU		
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		<u>L/SE</u>		5.3.4.p, 5.3.4.u	
	Animal hospital, veterinary clinic, with or without animal boarding	L/SE			L/SE	L/SE	L/SE				L/SE		L	L		L					5.3.4.a, 5.3.4.t	
	Convenience store with gas pumps, gas station with minimart										L/SE		L	L	L	L			L		5.3.4.f, <u>5.3.4.p</u> 5.3.4.t	
	Convenience store without gas pumps										L/SE		P	P	P	P			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								
		OUA	OUC	OUM	OUR	OUE	RE	RSF	RMF	RMH	CN	OPI	CG	PCD	CHI	CI	CM	IR	ILW	GU	
	Retail sales, over 60,000 square feet gross floor area in a single occupant building												SE	SE		SE			L/SE		5.3.4.p
Self-Service Storage [see 5.2.5.g]	All self-service storage											L	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
	Bed and breakfast	L/SE			SE	SE	SE	SE	SE		L/SE		L		L		SE				5.3.4.c, 5.3.4.t
Vehicle Sales and Service [see 5.2.5.i]	Car wash, full or self-service												P	P	P	P			P		
	Truck stop												SE			SE	P			P	
	Vehicle sales, leasing or rental															P				P	
	Vehicle service, intensive															P				P	
	Vehicle service, general												L	L	L	L				L	5.3.4.u
Water-Oriented [see 5.2.5.j]	Boat livery/marina												P			P	P		SE		
	Boat sales accessory to boat livery or marina												P				P				
	Dock or pier (commercial)												E				P			P	

INDUSTRIAL USES																					
		OUA	OUC	OUM	OUR	OUE	RE	RSF	RMF	FMH	CN	OPI	CG	PCD	CHI	CI	CM	IR	ILW	GU	
Light Industrial Service [see 5.2.6.a]	All light industrial service, except as listed below													P		P		P	P	P	
	Crematorium	L			L	L												SE	SE		5.3.5.e
	Research laboratory without manufacturing facility											P		P				P	P		
Warehouse and Freight Movement [see 5.2.6.b]	All warehouse and freight movement, except as listed below													P				P	P	P	
	Stockpiling of sand and gravel	L/SE			SE	SE												SE	SE		5.3.5.b
Waste-Related Service [see 5.2.6.c]	All waste-related services																	SE	SE	SE	
	Landfill																			SE	
	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																	P	P	P	

building																					
Slaughterhouse	SE			SE														SE	SE		5.3.5.d
	OUA	OUC	OUM	OUR	OUE	RE	RSF	RMF	RMH	CN	OPI	CG	PCD	CHI	CI	CM	IR	ILW	GU		
Warehouse, storage of flammable liquids																	SE	SE	SE		
Wholesale trade of flammable liquids																					

DRAFT

Section 3. Amendment to Section 5.3. of Ordinance No. 2003-052, as amended, relating to Limited and Special Exception Use Standards.

Subsection 5.3.4.. of Sarasota County Zoning Ordinance No. 2003-052, as amended, is hereby amended as follows:

5.3.4 Commercial Use Standards.

p. Retail Sales and Service. Retail sales and service is permitted in accordance with the use table in Section 5.1, subject to the following standards and use limitations:

2. In the Industrial Light Warehousing District.

i. Up to 20,000 square feet of retail sales and service within a single building is permitted. Additional retail space within the same building shall be limited to 50% of any space in excess of 20,000 square feet. Except for the retail uses specifically identified as Permitted, any retail sales and service in excess of 40,000 square feet in a single occupant building must first be approved by the Board as a Special Exception.

Section 4. Effect on Other Ordinances. The provisions of this Ordinance shall prevail in the event of conflict with the provisions of any existing ordinance.

Section 5. 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 6. Coding of Amendments. In this Ordinance, language added to an existing Ordinance is underscored and language deleted is typed in ~~strike through~~ type.

Section 7. 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 _____ 2011.

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

DRAFT