

ORDINANCE NO. 2009-034

AN ORDINANCE OF SARASOTA COUNTY, FLORIDA, (ZONING ORDINANCE AMENDMENT NO. 41) 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; 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 a public hearing on the proposed amendment 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 Sarasota County Planning Commission public hearing.
- C. The Board, sitting as the Sarasota County Land Development Regulation Commission, has reviewed the proposed amendments provided herein and has found that the amendment is consistent with the Sarasota County Comprehensive Plan.

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

**Subsection 6.6.3.** amended as follows:

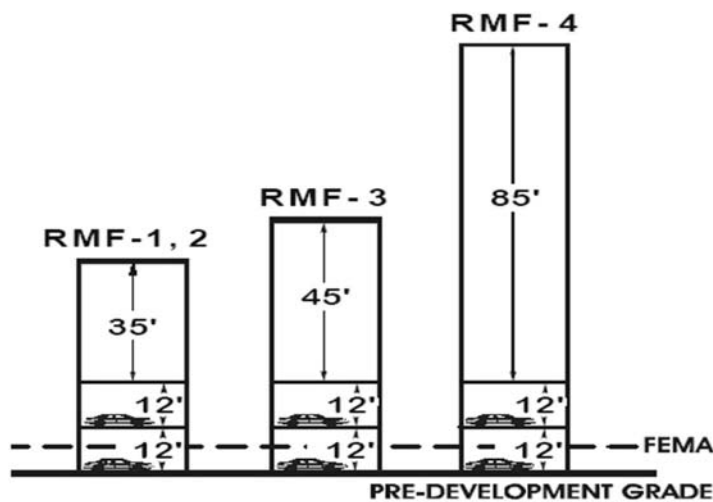
6.6.3. Additional Height for In-Structure Parking.

To reduce the impervious area typically associated with required surface parking, an increase in the maximum building height in the RMF District is allowed if in-structure parking is provided, as follows:

- a. A maximum of two levels of in-structure parking shall be permitted to count toward additional building height in excess of the maximum building height requirement for the district. However, within 250 feet of the ~~Intra-Coastal~~ Intracoastal Waterway of ~~the or the bays-Bay~~, only one level of in-structure parking shall be permitted, except

in the RMF-4 District that is permitted a maximum of two levels of in-structure parking when located 80 or more feet landward of the ~~Interoceanal~~ Intracoastal Waterway ~~or the or the bays Bay~~.

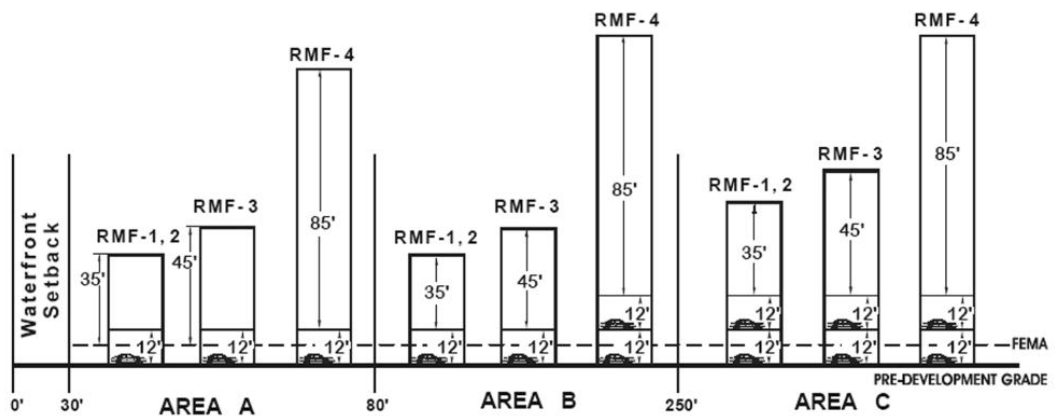
- b. The maximum height of two permitted levels of in-structure parking shall not exceed 24 feet measured from predevelopment existing grade to the ceiling of the second level of in-structure parking.
- c. Each parking story shall not exceed 12 feet in height, measured from predevelopment existing grade to the ceiling of the parking level and with a clear height of ten feet six inches from the parking level floor to the lowest structural member above the parking level floor.
- d. When in-structure parking is used, the maximum height of the building shall be measured from the finished floor of the first habitable story. Nonconforming lots of record zoned RMF shall also comply with Section 8.4.5.
- e. For any lands rezoned to the RMF District after October 27, 2003, this paragraph shall be applied only where a development concept plan submitted with the rezoning petition indicates that in-structure parking is proposed and specifies the number of parking levels proposed.
- f. Any in-structure parking requirement contained in a Critical Area Planning Study that is more restrictive than the above standards shall apply (for example, the Osprey Revitalization Plan).
- g. The following graphic illustrates the requirements contained in subsections b., c. and d., above.



**Subsection 6.6.4.** amended as follows:

6.6.4.1.1. Height Along the ~~Intra-Coastal~~ Intracoastal Waterway and ~~Sarasota the B~~ Sarasota the Bays.

In order to preserve the scenic character of the ~~Intra-Coastal~~ Intracoastal Waterway and ~~Sarasota the B~~ Sarasota the Bays, and ensure appropriate massing of buildings along these waterfront areas, the following special restrictions shall apply within 250 feet of the ~~Intra-Coastal~~ Intracoastal Waterway and the ~~Sarasota B~~ Sarasota 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

Area	Distance	Restrictions
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 not 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.
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 two 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.

The Board of County Commissioners may allow additional height, as measured above in Section 6.6.4 not in excess of 85 feet, in only the RMF-3 District in Area A and Area B by Special Exception in accordance with the procedure in Section 3.16. Setbacks for structures shall be addressed as part of the Special Exception. In addition to the criteria for granting a Special Exception in Section 3.16, the applicant shall demonstrate, and the Board of County Commissioners must find that as applied to the applicant and the property, the 250 foot waterfront setback, buffer, and height regulations in these zoning regulations constitute a compensable inordinate burden, as that term is defined in the Bert J. Harris, Jr., Private Property Rights Protection Act (F.S. ch. 70), or result in a compensable taking under the Florida Constitution or the United States Constitution, and the special exception is necessary to prevent the County from inordinately burdening or taking the property.

**Section 3. Effect on Other Ordinances.** The provisions of this Ordinance shall prevail in the event of conflict with the provisions of any existing ordinance.

**Section 4. 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 5. Coding of Amendments.** In this Ordinance, language added to an existing Ordinance is underscored and language deleted is typed in ~~strike through~~ type.

**Section 6. 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 \_\_\_\_\_ 2009.

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