FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

December 9, 2021

BOARD RECORDS
FILED FOR THE RECORD
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KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FL

Honorable Karen E. Rushing
Clerk of the Circuit Court
Board Records Department
Sarasota County
1660 Ringling Boulevard, Suite 210
Sarasota, Florida 34236

Attn: Blanca Montoya

Dear Ms. Rushing:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Sarasota County Ordinance No. 2021-075, which was filed in this office on December 9, 2021.

Sincerely,

Anya Owens
Program Administrator

AO/lb

ORDINANCE NO. 2021-075

AN ORDINANCE OF SARASOTA COUNTY, FLORIDA, (UNIFIED DEVELOPMENT CODE AMENDMENT NO. 39) AMENDING SARASOTA COUNTY ORDINANCE NO. 2018-047 (AS AMENDED FROM TIME TO TIME) CODIFIED AS CHAPTER 124 OF THE SARASOTA COUNTY CODE, RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF SARASOTA COUNTY; PROVIDING FOR FINDINGS; AMENDING 124-129 RELATING TO OPTIONAL COMMERCIAL REDEVELOPMENT REGULATIONS; 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 Article 8 of the Sarasota County Code, relating to Supplemental Development Regulations.

Subsection 124-129 of the Sarasota County Code is hereby amended as follows:

Sec. 124-129. Optional Commercial Redevelopment Regulations.

(a) ***Purpose and Intent.***

(1) In the County there are older commercial properties, particularly narrow strip commercial properties on arterial roadways impacted by road widening and many

commercial properties that were developed prior to the establishment of off-street parking, landscape buffering, stormwater management and other land development standards. The rehabilitation and redevelopment of such properties is a vital component to maintaining a thriving urban area with adequate services for residents. Often redevelopment efforts have been constrained by current regulations regarding the development of land. This section provides an optional set of flexible regulations to facilitate the redevelopment of older commercial properties.

(2) Improvements to older commercial properties required by this section will increase the quality and aesthetics of development in the county, provide an economic stimulus to the immediate area, increase property values, provide employment opportunities and strengthen the County's economic base.

(3) Successful implementation of this section will require recognition and balance of private and public purposes. The developer is asked to correct or improve existing traffic circulation and access problems, to make sure the site is safe, well landscaped, and well drained and to improve the appearance of structures on the site. County staff is asked to adopt an outcome-based perspective in the implementation of this section and assist the developer in finding ways to achieve those outcomes.

(4) The redevelopment of older commercial properties presents greater challenges than the development of an undeveloped site. Fixed development standards typically designed for undeveloped sites are difficult to meet in a redevelopment project and further complicate the commercial redevelopment effort. This section establishes a series of performance standards that can be met in multiple ways and balanced against one another to achieve a positive community outcome. The standards prescribe a series of desired outcomes. The performance standards allow the developer to design a project around opportunities and constraints of the individual site as opposed to adhering to specific standards that may not encourage a quality redevelopment project.

(5) This section provides standards to address the incompatibility of abutting commercial and residential uses by improving the management of stormwater, improving pedestrian and vehicular access and circulation, and improving the safety and appearance of older commercial properties.

(b) ***Applicability.***

(1) The provisions of this Section 124-129 are available as an optional set of development standards for developed commercial properties currently zoned CN, OPI, CG, CI or CM that were approved for development prior to October 3, 1989. The provisions of this section shall not be applied to properties zoned CN/SKOD, OPI/SKOD, CG/SKOD, CI/SKOD or CM/SKOD.

(2) In the case of Regional Commercial Centers developed as unified developments with multiple owners that meet the applicability provisions set forth in subsection (1), above, the redevelopment regulations set forth in this Section shall only apply to the property and improvements of the owner or owners proposing the redevelopment plan.

(3) All commercial redevelopment plans, including Site Development Plans, Construction Plans and Building Permit applications, pursuant to this Section shall be submitted to

the Planning and Development Services Department for distribution to Development Review Coordination for review of compliance with the regulations in this Section.

(4) A meeting with neighbors is required for a redevelopment plan. The Applicant shall send certified letters to the owners of the abutting properties and to the owners of the property directly across any street or right-of-way advising them of the neighborhood meeting date, time, location and purpose of the meeting. The Planning and Development Services Department shall provide the names and addresses to the Applicant based on the latest available ad valorem tax records maintained by the County. The Applicant shall send the letter to the property owners at least ten calendar days in advance of the meeting. The meeting shall be held on the proposed redevelopment site. The meeting shall occur no earlier than 6:00 pm on weekdays and between 9:00 am and 5:00 pm on weekends. A County staff member shall attend the meeting. No posting or advertising of the meeting is required. The neighborhood meeting shall take place prior to submission of the redevelopment plan.

(5) The provisions contained in subsection (l) below, Stormwater Management, shall only apply to proposed redevelopment of commercial properties with a lot or parcel area of ~~ten~~ twenty acres or less and an existing impervious coverage in excess of 50 percent of the lot or parcel area.

(c) ***Permitted, Limited and Special Exception Uses.***

(1) Permitted and limited uses in the applicable zoning district.

(2) Special Exception uses in the applicable zoning district.

(d) ***Permitted Accessory Uses and Structures.*** In addition to the requirements of Section 124-73, for lots with an average lot depth of 500 feet or greater, the following accessory uses or structures shall not be located in the minimum required side or rear yard when those yards abut a residential zoning district or a residential Future Land Use Map designation.

(1) Solid waste storage and collection areas.

(2) Air conditioning compressors and any other mechanical equipment that generates noise that is incompatible with an abutting residential use.

(3) All delivery and loading and unloading areas and activities.

(4) Drive-through lanes and windows.

(e) ***Maximum Residential Density.*** Upper-Story Residential dwelling units are permitted at a maximum residential density of 13 dwelling units per acre. Upper-story Residential dwelling units no greater than 750 square feet of habitable space, located within the Urban Service Area Boundary (not applicable on Barrier Islands), and not used as Transient Accommodation, shall be counted as one-half unit (0.5) for density purposes only.

(f) ***Maximum Building Coverage.*** Unrestricted, subject to compliance with all requirements contained in this Section.

(g) ***Minimum Yard Requirements.***

(1) ***Street Yards.***

a. Provision of a street buffer pursuant to subsection (k), below.

b. The building shall be designed to comply with the Florida Department of Transportation (FDOT) clear sight area standard at all abutting street intersections and all intersections of driveways and streets.

c. Five-foot setback for buildings of one story and not exceeding 20 feet in height with provision of the following:

1. Trees, shrubs and other ornamental plants provided in front of 20 percent of the length of the front building wall.

d. Ten foot setback for buildings of two stories and not exceeding 35 feet in height.

e. Fifteen-foot setback for buildings of three or more stories and exceeding 35 feet in height.

(2) ***Side and Rear Yards.*** None, except as below:

a. When abutting a nonresidential zoning district, there shall be no required minimum side or rear yards as long as the project complies with the standards in the Building Code and the Life Safety Code and is approved by the Fire Marshal and Building Official.

b. When abutting a residential zoning district the minimum required side and rear yards shall be as is required in the applicable zoning district. No reduction of the minimum required side yard shall be allowed for fire resistive construction.

~~c. When an exterior building wall of an upper story residential dwelling unit is within 50 feet of a residential zoning district, all windows in the wall shall be clerestory windows or windows designed to not allow outside objects to be seen (translucent).~~

(3) ***Railroad Right-of-Way Setback.*** There shall be a minimum setback from an active railroad right-of-way. No setback is required along railroad spurs located on private property.

(h) ***Maximum Building Height.***

(1) Except for the following provisions, the maximum building height of the applicable zoning district shall apply.

(2) For structures including upper story residential that abut a residential zoning district, the following shall apply:

a. For any part of the structure located within 50 feet of any residential property line, the maximum building height of the applicable zoning district shall apply.

b. For any part of the structure with two stories of upper story residential located more than 50 feet from any residential zoning district, the maximum building height shall be ~~45~~ 50 feet.

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c. The provisions of a. and b. above shall not apply if the property of the subject redevelopment plan and the property of the abutting residential zoning district are under common ownership.

(i) ***Site and Building Improvements.***

(1) A commercial redevelopment project provides the opportunity for various site improvements including building improvements, improved pedestrian access and landscaping improvements to be made to a commercial property. To ensure that the appearance of a commercial site and building is noticeably improved, this subsection requires a commercial redevelopment project to provide a minimum combination of site or building improvements. Compliance with this section is required and does not constitute the full extent of improvements that may be required as part of approval of the redevelopment plan.

Improvement Type	Minimum Credits Required	Maximum Credits Applied
Total of 8 Credits Required		
Facade Improvements • Create or enhance a prominent building entrance • Create or enhance exterior building walls that are visibly articulated when viewed from the street right-of-way • Create new building surfaces (paint shall not be considered a new building surface) • Enlarge existing windows or add windows to the front building facade • Increase the height of the front building facade and improve its articulation • Install awnings, canopy, porch, arcade or other structure to shade pedestrians	3	4
Roof • Create or enhance an articulated roof line with a minimum vertical change of 2 feet that faces a street right-of-way • Apply new roofing materials that will be visible from the street right-of-way	0	1
Site Design • Unified site and architectural design • Public art, foundation • Add accent landscaping between the building and street right-of-way • Provide or improve off-site sidewalks along abutting street frontages where such improvements are not required by the UDC Regulations • Covered walkways in the parking lot • Entry drive and cross-walk decoration (pavers, stamped	0	4

concrete) • Other hardscape improvements such as seating areas.		
Other • Building or site improvement considered equivalent in nature, scope and impact to the public to those improvements listed above, as determined by the Administrator	0	1

(2) A commercial redevelopment project consisting of a multitenant building with more than 60,000 square feet of proposed floor area may provide the improvements identified in the redevelopment plan by phase. The phasing plan for the improvements to the entire property shall not exceed three years from the date of the first plan approval.

(j) ***Off-Street Parking and Loading, Access and Circulation.***

(1) Application of this subsection shall require maintenance of public safety and the identification of opportunities for any improvements in access, circulation, and pedestrian accessibility and shall constitute the requirement of an approved Alternative Parking Plan. When the provisions of this subsection conflict with other applicable provisions contained in these UDC regulations, the provisions of this subsection shall prevail. On-site and off-site parking and loading facilities, access and safety-related improvements shall be required to comply with the following performance standards:

a. Safe circulation for vehicles, including delivery vehicles and solid waste pick-up vehicles, bicyclists and pedestrians shall be provided.

b. The minimum number of off-street parking spaces as required by Section 124-120 of this UDC shall be provided. Except for new restaurant or entertainment uses and the conversion of a residential use to a nonresidential use, when an existing parking facility is nonconforming with regard to the minimum required number of parking spaces, new parking spaces shall only be required for the net increase in building floor area.

c. The proposed facility shall provide safe ingress into and egress out of the property. When determined to be necessary and practicable, this shall be achieved through the restriction of turn movements at street access driveways, modification of turning radii at street access driveways, establishment of one-way street access driveways, the narrowing or relocation of existing or proposed street access driveways, or the abandonment of street access driveways.

d. The applicant shall attempt to establish vehicular and pedestrian cross access and shared parking facilities with abutting commercial properties. Where such facilities are practicable, the owner or the owner's agent shall provide a letter demonstrating an attempt has been made to establish cross access and shared parking facilities.

e. Where applicable, the applicant shall improve the accessibility and convenience of existing or planned transit facilities that abut the subject property or provide

new transit stop improvements. Such improvements shall include benches, shelters or other transit related improvements. For commercial centers over 60,000 square feet that are located on an arterial roadway, the applicant shall report on the feasibility of accommodating on-site transit service. If deemed feasible, the appropriate transit authority official shall evaluate the mobility benefits of on-site transit service. If mobility benefits will be obtained, the owner or the owner's authorized agent shall enter into an agreement with the transit authority authorizing the provision of on-site transit service.

(2) Subject to compliance with subsection (1), above, a commercial redevelopment project may utilize any of the following alternative approaches for the design and layout parking and loading facilities.

a. Employee parking areas may:

1. Use tandem parking of vehicles; and

2. Design the parking spaces with a minimum width of 8.5 feet.

b. Up to 25 percent of customer parking areas may contain parking spaces with a minimum width of 8.5 feet. The remaining percentage of parking spaces shall be nine feet in width per Section 124-120(m). Customer parking spaces of less than nine feet in width shall be signed for compact cars.

c. When determined to be safe, parking areas located adjacent to a non-thru local public street can be designed for vehicles to back out into the street. Along local thru streets, parking areas designed for vehicles to back out into the street may be permitted provided that the local street has low levels of existing and projected traffic volume and that no adverse impacts on the adjoining residential neighborhood are created. Existing parking areas that use a backing out movement onto a local street shall be presumed safe if there is no history or report of traffic accidents associated with the parking area. The backing out parking facility shall be subject to the issuance of a Right-of-Way Use Permit, pursuant to Section 124-48. As part of the Right-of-Way Use Permit application, the applicant shall submit a legal instrument, acceptable to the Office of the County Attorney, which holds the County harmless from any loss of parking spaces resulting from County action in the public right-of-way. As a condition for the issuance of the Right-of-Way Use Permit, the applicant may be required to make necessary improvements within the right-of-way to accommodate a safe and controlled backing out movement.

d. Modification from the parking aisle standards contained in Section 124-120(m)(3)b. may be allowed upon demonstration that safe vehicular circulation and movement can be provided.

e. Modification from the standards for parking area landscape islands contained in Section 124-120(m)(7) and parking area medians between tiers of parking contained in Section 124-120(m)(8) may be allowed provided that the required landscaping associated with the islands and medians that is the subject of the modification is located elsewhere on site consistent with the priority listing in

subsection (k)(3)b.3, below. The preferred dimension of any planting area shall be ten feet, however, in no case shall any dimension of planting area be less than five feet. Landscaped islands at the end of rows of parking shall be required to control vehicular circulation in the parking lot. Wheel stops, curbing or other approved barrier shall be provided for each parking space.

f. The elimination or reduction of loading spaces may be allowed provided that the applicant can demonstrate that loading and unloading activities can be conducted safely without a formally designated loading space.

g. Flexible enforcement of other off-street parking standards not identified above may be allowed provided that all applicable safety-related issues have been satisfactorily addressed.

h. On-street parking spaces located immediately abutting the subject parcel, entirely within the extension of the side lot lines into the roadway, and not within any required clear sight triangle, may be counted toward meeting off-street parking requirements.

(k) ***Landscaping and Buffering.***

(1) Flexibility in the application of landscape buffer standards can facilitate the redevelopment of older commercial properties. When standards in this subsection are in conflict with standards contained in Section 124-120 or 124-122 of this UDC, the standards contained in this subsection shall prevail. Improvements to landscaping on the site are highly valued as part of the redevelopment plan.

(2) General Standards.

a. The applicant shall, to the extent practicable, provide the full amount of buffer plantings for the applicable buffers required by Section 124-122 of this UDC.

b. Reductions not exceeding 50 percent of the required minimum width of a property boundary buffer and street buffer are allowed only when required circulation, parking and stormwater facilities or an existing building is retained and physically constrains the buffer area.

(3) Project Boundary Buffer.

a. No project boundary buffer shall be required where the project boundary abuts a nonresidential zoning district.

b. Where the project boundary abuts a residential zoning district or an existing one-story or two-story transient accommodation, the project boundary buffer shall comply with the following:

1. A minimum six-foot high wall, consistent with Section 124-122(l), of this UDC shall be located within the required buffer. The height of the wall shall be measured from the elevation of the finished floor of the commercial building. Except as provided in paragraphs 2. and 3., below, a planting area on outside of the wall shall be provided to accommodate the installation,

maintenance and long term viability of the project boundary buffer landscaping.

2. Stormwater facilities may be located within the landscape buffer area.

3. To the greatest extent practicable, the full amount of required project boundary landscape material shall be provided in the buffer area abutting the residential district. Required landscape material may be relocated to the following areas on the site that are listed in order of priority:

    i. The area between the landscape buffer and the commercial building.

    ii. Within the required street buffer.

    iii. Along the perimeter of the parking facility, or

    iv. In the interior of the parking facility.

(4) Street Buffer. Street buffers shall be provided in compliance with the standards contained in Section 124-122 of this UDC, except when an existing parking area is to be retained and the existing street buffer is less than five feet in width. In this case, to the greatest extent practicable, the street buffer shall be sufficiently wide to accommodate the planting and long-term viability of a hedgerow. To the greatest extent practical, a hedgerow shall be provided between the street right-of-way and an adjacent parking area. Pursuant to subsection (g)(1), above, an alternative street buffer shall be required when a building is located five or less feet from the street right-of-way.

(l) ***Stormwater Management.*** This subsection allows the use of various techniques to meet existing stormwater management standards. The various types of stormwater improvements cited in this subsection and others not cited are presumed to comply with the stormwater management standards contained in the UDC. Where there exists a conflict with this subsection and any other provision of the UDC, the provisions of this subsection shall prevail.

a. When adding less than 5,000 square feet of impervious area, a stormwater management plan for attenuation, water quality treatment and floodplain compensation is not required.

b. When adding 5,000 square feet or more of impervious area, a stormwater management plan for attenuation, water quality treatment and floodplain compensation is required per the UDC, providing for the following:

(1) When the commercial redevelopment project is subject to Site Development Plan review, stormwater treatment shall be provided for the Directly Connected Impervious Area in compliance with applicable standards contained in this UDC.

(2) Innovative stormwater management designs and techniques including but not limited to porous pavement, infiltration trenches, treatment inlet boxes, cisterns, underground vaults, etc. and stormwater treatment mitigation may be considered for addressing

stormwater treatment. All stormwater management designs and techniques shall be certified by a Florida registered professional engineer.

(3) Up to three inches of flooding in the deepest portion of parking areas may be allowed and included as one means of meeting stormwater attenuation or floodplain compensation volume requirements.

(4) To minimize the amount of site fill and the associated impacts of such fill to existing native vegetation and trees, historical wet season water table levels may be controlled at lower elevations subject to the physical limitations of the receiving drainage system and compliance with the criteria for such set forth by the Southwest Florida Water Management District (SWFWMD).

(5) Stormwater attenuation requirements may be waived for sites located between the city limits of the City of Sarasota and the City of Venice and within one mile of the east coast of bays or the Intracoastal Waterway to the extent that the post development site cannot cause an adverse increase in flood stages off site. This consideration is granted provided the site provides stormwater treatment for 150 percent of the site and adequate downstream capacity exists for the proposed discharge rate when considered within the context of the total watershed discharge and its timing, subject to the requirements of the Florida Department of Transportation (FDOT), if applicable.

(m) ***Outdoor Lighting.*** The subject property shall comply with all applicable outdoor lighting standards contained in Section 124-126 of this UDC for lighting added as part of the redevelopment plan. Existing lighting shall be evaluated for compliance with the illumination levels in Section 124-126(c)(6). Outdoor lighting on the site shall be designed with sensitivity to adjacent neighborhoods in order to minimize the visual impacts on abutting residential properties.

(n) ***Open Space.*** Aside from required landscape buffers and stormwater improvement facilities, there shall be no minimum open space requirement. This requirement shall supersede the open space requirements of the applicable existing zoning district.

(o) ***Solid Waste Facilities and Screening of Roof-Top Equipment.*** Where practicable, solid waste storage facilities on the commercial redevelopment site shall be shared by all tenants at a single consolidated location that is conveniently accessible for a solid waste disposal truck. In addition, a site redevelopment plan shall comply with 124-123, Buffering and Screening of Service Function Areas.

(p) ***Appeal Procedures.*** Appeals shall follow the Administrative Appeals process of Section 124-47.

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 7th day of December 2021.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

By: _____
~~Chairman~~

ATTEST:
KAREN E. RUSHING, Clerk of
the Circuit Court and
Ex-Officio Clerk of the Board
of County Commissioners of
Sarasota County, Florida

By: _____
Deputy Clerk

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