

AN ORDINANCE OF THE COUNTY OF SARASOTA, FLORIDA, (AMENDMENT NO. 100) AMENDING SARASOTA COUNTY ORDINANCE NO. 75-38, RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF SARASOTA COUNTY; PROVIDING FINDINGS; PROVIDING FOR THE ESTABLISHMENT OF AND CLARIFICATION TO THE TRANSIENT ACCOMMODATION USE; AMENDING THE RTR DISTRICT, INTENT, PERMITTED PRINCIPAL USES AND STRUCTURES, LIST OF SPECIAL EXCEPTIONS, MAXIMUM RESIDENTIAL DENSITY, AND MINIMUM OFFSTREET PARKING REQUIREMENTS; AMENDING THE CG DISTRICT, INTENT, LIST OF SPECIAL EXCEPTIONS, MAXIMUM RESIDENTIAL DENSITY, MINIMUM OFFSTREET PARKING REQUIREMENTS; AMENDING THE CHI DISTRICT, INTENT, PERMITTED PRINCIPAL USES AND STRUCTURES, MAXIMUM RESIDENTIAL DENSITY, AND MINIMUM OFFSTREET PARKING REQUIREMENTS; AMENDING SECTION 12, CHI DISTRICTS BY REPLACING MOTELS WITH TRANSIENT ACCOMMODATIONS; AMENDING, ADDING, OR DELETING DEFINITIONS OF BOARDING HOUSE, DWELLING UNIT, HOTEL, MOTEL, BOATEL, MOTOR HOTEL, MOTOR LODGE, TOURIST COURT, INTERVAL OCCUPANCY ACCOMMODATION, TIME SHARE ESTATE, TRANSIENT ACCOMMODATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA:

Section I. Findings. The Board of County Commissioners, hereinafter referred to as the "Board", hereby makes the following findings:

A. The Board has received and considered the report of the Sarasota County Planning Commission concerning Amendment Petition No. 100 to the Sarasota County Zoning Regulations, Ordinance No. 75-38.

B. The Board has held a public hearing on the proposed amendment described herein in accordance with the requirements of Sarasota County Ordinance No. 75-38 and has considered the information received at said public hearing.

C. The proposed amendment described herein is consistent with the Sarasota County Comprehensive Plan and said amendment, as granted herein, meets the requirements of Sarasota County Ordinance No. 75-38 and any amendments thereto.

Section II. Amendment of the Schedule of District Regulations, a part of Ordinance No. 75-38. The Schedule of District Regulations of Ordinance No. 75-38 is hereby amended as follows:

A. Amend the Schedule of District Regulations, RTR, Residential, Tourist Resort District, as follows:

1. Amend Item A. INTENT to read:

A. INTENT: This district is intended to provide for tourist and other transient accommodations and facilities. Permitted uses include transient accommodations. (See Section 28.135c) In addition, tourist oriented support facilities such as restaurants and marinas are permissible either as accessory uses or by special exception under appropriate conditions. Due to the characteristics and impacts of transient activities, these districts require a location on a major thoroughfare having sufficient capacity to absorb the additional,

traffic generated by these districts as well as good access to tourist attractions, restaurants, and shopping facilities. It is generally intended to utilize this district to implement the Sarasota County Comprehensive Plan, Apoossee, within those areas of Sarasota County shown as "Designated Urban Areas" on the "Future Land Use" Plan Map. Maximum densities (i.e. dwelling units per acre) shall be determined by the Intensity Level Bands, guided by the Urban Area Residential Checklist and the Urban Area Residential Intensity Matrix contained within the "Future Land Use" Plan Chapter's Guiding Principles of Apoossee.

2. Amend Item B. PERMITTED PRINCIPAL USES AND STRUCTURES to read:

B. PERMITTED PRINCIPAL USES AND STRUCTURES:

1. Transient Accommodations (See Section 28.135c.) Establishments having more than 100 rooms may have a restaurant, night club, and bar and, in addition, shops for the retail sale of flowers, sundries, books, jewelry, gifts, art and similar items, and barber or beauty shops. Such uses must be located inside the main building.
2. Noncommercial piers, docks, wharves, etc., in accordance with the standards established in Section 7.23.

For all Transient Accommodation developments, site and development review is required (See section 15.5)

3. Amend Item E, SPECIAL EXCEPTIONS to read:

E. SPECIAL EXCEPTIONS:

(Permissible after Public Notice and Hearings by the Planning Commission and the Board of County Commissioners, see Section 20, "Special Exceptions".)

1. Restaurants (see Section 28.97).
2. Marinas (see Section 28.75)
3. Emergency services.
4. Buildings over thirty-five (35) feet in height but not in excess of eighty-five (85) feet within Urban Area Intensity Level Bands C, D & E.

4. Amend Item F, MAXIMUM RESIDENTIAL DENSITY to read:

F. MAXIMUM RESIDENTIAL DENSITY:

(Dwelling units per acre, see Section 28.33, "Density, Residential" definition.)

1. Transient accommodations where not more than twenty-five percent (25%) of the units have cooking facilities:

Intensity Level Band (see Future Land Use Plan Map in <u>Apoossee</u>)	Maximum Density (Subject to provisions of <u>Apoossee</u>)
Band B	36
Band C	26
Band D	18
Band E	12

2. Transient accommodations where more than twenty-five percent (25%) of the units have cooking facilities:

Intensity Level Band (see Future Land Use Plan Map in <u>Apoxsee</u>)	Maximum Density (Subject to Provisions of <u>Apoxsee</u>)
Band B	18
Band C	13
Band D	9
Band E	6

5. Amend Item M, MINIMUM OFFSTREET PARKING REQUIREMENTS to read:

M. MINIMUM OFFSTREET PARKING REQUIREMENTS:

(See also, generally, Section 7.15, "Off-street Vehicular Facilities - Parking and Loading".)

1. Transient accommodations: 1 space for each sleeping room, plus 1 additional space for each 10 sleeping rooms. Offstreet parking spaces shall not be used for storage of boats or boat trailers.
2. Restaurants, night clubs, bars: 1 space for each 3 seats in public rooms plus 1 space for each 2 employees.
3. Marinas: 2 spaces for each 3 boat slips or moorings.
4. Commercial or service establishments (unless otherwise listed): 1 space for each 200 sq. ft. of non-storage floor area.
5. For other special exceptions as specified herein and for accessory uses: To be determined by general rule or by findings in the particular case.

- B. Amend the Schedule of District Regulations, CG, as follows:

1. Amend Item A, INTENT to read:

A. INTENT:

This district is intended for general commercial activity. Businesses in this category require larger land area and location convenient to automotive traffic. Pedestrian traffic will be found in this district. The district is not suitable for heavily automotive-oriented uses. It is not the intent of this district that it shall be used to encourage extension of strip commercial areas. Multi-family dwellings and transient accommodations are permitted by special exception. It is generally intended to utilize this district to implement the Sarasota County Comprehensive Plan, Apoxsee, within those areas of Sarasota County shown as "Designated Urban Areas", and more specifically, the "Town, Community and Village Activity Centers" as shown on the "Future Land Use" Plan Map. Whenever transient accommodations are involved, maximum density shall be guided by the Urban Area Residential Checklist and the Urban Area Residential Intensity Matrix contained within the "Future Land Use" Plan Chapter's Guiding Principles of Apoxsee.

2. Amend Item E, SPECIAL EXCEPTIONS, Subsection #8, and deleting #18 to read:

E. SPECIAL EXCEPTIONS:

(Permissible after Public Notice and Hearings by the Planning Commission and the Board of County Commissioners, see Section 20, "Special Exceptions".)

1. Package store for sale of alcoholic beverages, and bar or tavern for on-premises consumption of alcoholic beverages.
2. Automotive service station.
3. Public utility buildings and facilities necessary to

- serve surrounding neighborhoods (not including storage or service yards).
- 4. Multiple family dwellings (but not for one or two family dwellings).
- 5. Motor bus terminals.
- 6. Plant nursery.
- 7. Transient Accommodations (Principal Permitted and Accessory Uses as per "RTR" District, See S-60-a & b.)
- 8. Boat livery.
- 9. Miniature golf-course.
- 10. Sale and display in other than completely enclosed building of any merchandise otherwise allowed as a permitted use in this district.
- 11. Buildings over thirty-five (35) feet in height but not in excess of eighty-five (85) feet, provided an additional ten (10) feet for each story devoted primarily to parking within the structure up to a maximum additional height of twenty (20) feet may be added to the limit.
- 12. U. S. Post Office.
- 13. Emergency Services.
- 14. Night clubs (see Sec. 28.23), but not adult entertainment establishment.
- 15. Fast food restaurant.
- 16. Rehabilitative clinic.

3. Amend Item F, MAXIMUM RESIDENTIAL DENSITY to read:

F. MAXIMUM RESIDENTIAL DENSITY:
(Dwelling units per acre, see Sec. 28.33, "Density, Residential" definition.)

- 1. Multiple Family Dwellings:
Nine (9) units per acre.
- 2. Transient accommodations where not more than twenty-five percent (25%) of the units have cooking facilities:

Intensity Level Band (see Future Land Use Plan Map in <u>Apoxsee</u>)	Maximum Density (Subject to provisions of <u>Apoxsee</u>)
Band B	36
Band C	26
Band D	18
Band E	12

- 3. Transient accommodations where more than twenty-five percent (25%) of the units have cooking facilities:

Intensity Level Band (see Future Land Use Plan Map in <u>Apoxsee</u>)	Maximum Density (Subject to Provisions of <u>Apoxsee</u>)
Band B	18
Band C	13
Band D	9
Band E	6

4. Amend Item L, MINIMUM OFFSTREET PARKING REQUIREMENTS, Subsection 6 to read:

- 6. Transient accommodations: 1 space for each sleeping room plus 1 additional space for each 10 sleeping rooms. Offstreet spaces shall not be used for storage of boats or boat trailers.

C. Amend the Schedule of District Regulations, CHI, as follows:

- 1. Amend Item A, INTENT to read:

A. INTENT:

This district is a specialized district, intended to apply to areas where adequate lot depth is available to provide meaningful development for vehicular related uses for the traveling public. Uses in said district are permitted or permissible as special exceptions, subject to criteria and standards intended to preserve the character of the district and to minimize friction with abutting and nearby uses. One stop complexes of automotive service stations, transient accommodations, restaurants, and similar uses are encouraged. The district has particular though not exclusive, applicability at freeway and interstate highway interchanges. This district is not to be used for strip commercial purposes. It is generally intended to utilize this district to implement the Sarasota County Comprehensive Plan, Apoxsee, within those areas of Sarasota County designated as "Commercial Interchanges" on the "Future Land Use" Plan Map of Apoxsee.

2. Amend Item B, PERMITTED PRINCIPAL USES AND STRUCTURES, Subsection 2 to read:

2. Transient accommodations (Principal Permitted and Accessory Uses as per "RTR" district, see S-60-a & b).

3. Amend Item F, MAXIMUM RESIDENTIAL DENSITY, to read:

F. MAXIMUM RESIDENTIAL DENSITY:

(Dwelling units per acre, see Section 28.33, "Density, Residential" definition.)

1. Transient accommodations where not more than twenty-five percent (25%) of the units have cooking facilities:

Thirty-six (36) units per acre.

2. Transient accommodations where more than twenty-five percent (25%) of the units have cooking facilities:

Eighteen (18) units per acre.

4. Amend Item L, MINIMUM OFFSTREET PARKING REQUIREMENTS, to read:

L. MINIMUM OFFSTREET PARKING REQUIREMENTS:

(See also, generally, Section 7.15, "Off-street Vehicular Facilities - Parking and Loading".)

1. Commercial or service establishments (unless otherwise listed): 1 space for each 200 sq. ft. of non-storage floor area.
2. Transient accommodations: 1 space for each sleeping room, plus 1 additional space for each 10 sleeping rooms. Offstreet parking spaces shall not be used for storage of boats or boat trailers.
3. Restaurants, night clubs, bars: 1 space for each 3 seats in public rooms plus 1 space for each 2 employees.
4. Marinas: 2 spaces for each 3 boat slips or moorings.
5. For other special exceptions as specified herein and for accessory uses: To be determined by general rule or by findings in the particular case.

Section III. Amendment of Ordinance 75-38. The text of Ordinance No. 75-38 is hereby amended as follows:

A. Amend Ordinance 75-38, Section 12.3.b "COMMERCIAL HIGHWAY INTERCHANGE (CHI) DISTRICT" to remove motels and add:

- b. Transient Accommodations (See Section 28.135c. for definition)

B. Amend Ordinance 75-38, Section 28, "Definitions", as follows:

1. Amend Definition 8, Boarding House to read:

8. Boarding House. A boarding house is an establishment with lodging for four (4) or more persons, where meals are regularly prepared and served for compensation and where food is placed upon the table family style, without service or ordering of individual portions from a menu. A boarding house is intended to provide lodging accommodations for monthly periods or longer. Such accommodations are not considered transient (see Sect. 28.135c).

2. Amend Definition 42, Dwelling Unit to read:

42. Dwelling Unit. A dwelling unit is a room or rooms connected together, constituting a separate, independent housekeeping establishment for a family, for owner occupancy or rental or lease, and physically separated from any other rooms or dwelling units which may be in the same structure and containing sleeping and sanitary facilities and one kitchen.

3. Delete Definition 63, Hotel, Motel, Boatel, Motor Hotel, Motor Lodge, Tourist Court as follows:

63. Hotel, Motel, Boatel, Motor Hotel, Motor Lodge, Tourist Court. The terms hotel, motel, boatel, motor hotel, motor lodge, tourist court, are to be considered synonymous, and to mean a building or a group of buildings in which sleep accommodations are offered to the public and intended primarily for rental to transients with daily charge, as distinguished from multiple family dwellings (apartments) and rooming or boarding houses, where rentals are for periods of a week or longer and occupancy is generally by residents rather than transients. Where more than twenty-five (25%) percent of the units in a hotel, motel, motor hotel, boatel, motor lodge or tourist court have cooking facilities, such an operation shall be deemed a multiple family dwelling and shall be subject to these zoning regulations as a multiple family dwelling. For the purpose of calculating residential density, each hotel, motel, etc., unit shall be considered a dwelling unit.

4. Delete Definition 64A, Interval Occupancy Accommodations as follows:

64A. Interval Occupancy Accommodation. An interval occupancy accommodation is a dwelling unit or other accommodation used as a dwelling unit owned or leased or otherwise held under time share estate for a period of thirty (30) days or less per time share estate. The term includes the conversion of existing structures as well as construction of new structures for interval occupancy accommodation. Interval occupancy accommodation shall be considered a residential use. (see also Section 28.130A "Time Share Estate".)

5. Delete Definition 130A, Time Share Estate as follows:

130A. Time Share Estate. A time share estate is an interest in a dwelling unit or other accommodation used as a dwelling unit under which the exclusive right of use, possession, or occupancy of the unit circulates among the various owners or lessees of time share estates in such unit in accordance with a time schedule. (See also Section 28.64A, "Interval Occupancy Accommodation.")

F. Add Definition 135C, Transient Accommodation to read:

135C. Transient Accommodation. A transient accommodation means a dwelling unit or other accommodation used as a dwelling unit or other place of human habitation with sleeping accommodations (hereinafter collectively referred to as "an accommodation") which is rented, leased or sub-leased for less than monthly periods or which is subject to time sharing pursuant to general law for less than monthly time share periods. "Monthly" shall mean either a

calendar month or 30 days. Transient accommodations shall include hotels, motels, boatels and other similar uses. A transient accommodation shall be considered a residential use.

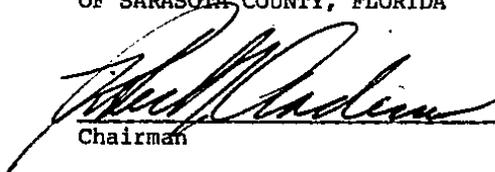
An accommodation is not a transient accommodation if it is rented, leased, or sub-leased for monthly periods or longer but with a beginning or ending period of less than a month. An accommodation is not a transient accommodation if it is being rented or leased for less than monthly periods by the seller of the accommodation prior to his vacating the premises after sale to a purchaser.

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

Section V. Effective Date. This Ordinance shall take effect immediately upon receipt of official acknowledgment from the Office of the Secretary of State of Florida that this Ordinance has been filed with said office.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 15th day of February, A.D., 1983.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA


Chairman

ATTEST:

R. H. HACKNEY, JR., Clerk of
the Circuit Court and
Ex-Officio Clerk of the Board
of County Commissioners of
Sarasota County, Florida.

By: Susan Kay Slidell
Deputy Clerk

STATE OF FLORIDA, COUNTY OF SARASOTA
I HEREBY CERTIFY THAT THE EFFECTIVE DATE OF
THE FOREGOING ORDINANCE IS 2-24-83.
WITNESS MY HAND AND OFFICIAL SEAL THIS
DATE 8-10-83.
R. H. HACKNEY, JR. CLERK OF CIRCUIT COURT AND
EX-OFFICIO CLERK TO THE BOARD OF COUNTY
COMMISSIONERS, SARASOTA COUNTY, FLORIDA.
BY: Christine Hollwell
DEPUTY CLERK