

October 2, 2023

Mr. Matt Osterhoudt
Director, Planning and Development Services Department
Sarasota County
1660 Ringling Blvd.
Sarasota, FL 34236

RE: *Request for Out-of-Cycle, Privately-Initiated Comprehensive Plan and Unified Development Code Amendments and Pre-Application Conference with the DRC*

Dear Mr. Osterhoudt:

I am writing on behalf of 7978 CCB 14 LLC, 5221 Ocean Blvd LLC, SBP 5239 LLC, and SKH 1, LLC (“Applicant”) to request a pre-application conference to discuss privately-initiated text amendments to the Sarasota County Comprehensive Plan (the “Comprehensive Plan”) and the Unified Development Code (“UDC”) outside of Sarasota County’s annual cycles of Comprehensive Plan and UDC amendments, pursuant to UDC Sections 94-84(a)(1) and 124-38(c)(2). Additionally, on behalf of 7978 CCB 14 LLC, 5221 Ocean Blvd LLC, and SBP 5239 LLC, I am requesting a pre-application conference to discuss a proposed Special Exception request to provide transient accommodations within the Commercial General/ Siesta Key Overlay District (CG/SKOD) at a maximum height of 85 feet.

Privately-Initiated Comprehensive Plan Amendment

Section 94-84(a)(1) of the Code states as follows, in pertinent part:

By letter to the Planning Director, any Petitioner may request that the Board allow any privately initiated Plan amendment to be submitted at any time. The Planning Director will report to the Board on any such request with a recommendation as to whether the request can be reasonably accommodated at the time requested or whether the amendment more appropriately should be processed as part of the annual cycle.

The Applicant proposes amendments to certain Objectives, Policies, and Definitions of the Comprehensive Plan relating to future development of lands having the “Barrier Island” future land use designation. The proposed amendments would provide for appropriate redevelopment activities within the Siesta Key Overlay District and are consistent with best planning practices and implemented by similarly situated jurisdictions. The proposed text amendments are attached within this document for staff’s review and consideration, please see Exhibit “A”.

The purpose of the proposed text amendments is to permit the redevelopment of properties within commercial zone districts on lands having the “Barrier Island” future land use designation to promote transient accommodation, i.e. hotel, uses. Sarasota County is home to Siesta Key, a nationally and internationally recognized destination, drawing around 350,000 visitors every year. This puts an immense demand on public infrastructure and utilities, and encouraging sensible development of transient accommodations in areas like Siesta Key would concentrate tourists within walking distance of their destinations, reducing the number of cars coming into and off of the Key each day and encouraging a walkable community. The Economic Development Element of the Comprehensive Plan expressly acknowledges and underscores the importance of tourism to Sarasota County’s economy, and Goal 7 charges Sarasota County with maintaining its international legacy of tourism as an economic development strength. The proposed text amendments would further Sarasota County’s efforts and progress in that regard.

Additionally, the proposed amendment would allow for the redevelopment and replacement of older, nonconforming structures located on properties in commercial zoning districts within the Siesta Key Overlay District. Older structures are particularly vulnerable to damage or destruction by even minor hurricanes and would be replaced with new structures designed and constructed in full compliance with all current regulations, including the Florida Building Code, FEMA Regulations, FDEP regulations, Sarasota County Unified Development Code, and other regulations.

We respectfully request that you forward this request for an out-of-cycle, privately-initiated Comprehensive Plan amendment to the Board of County Commissioners at your earliest possible convenience with your approval and a recommendation that the proposed amendment be processed and proceed immediately.

Privately-Initiated UDC Text Amendment

In relevant part, Section 124-38(c)(2) of the provides as follows:

The County shall conduct at least an annual cycle of amendments to the UDC each year, but no more than two cycles each year. The timeframe for the amendment cycle shall be established by the Administrator. Requests for changes initiated by the County shall not be subject to the annual cycle limitation. When amendments initiated by any resident or landowner in the County are not time sensitive and can be factored into the annual cycle, those amendments should be considered as part of the annual cycle. However, the Administrator will consider amendments initiated by any resident or landowner in the County on a case-by-case basis to determine whether the amendment proceeds as part of the annual cycle or on its own. When making a determination, the Administrator will consider factors such as timing constraints, context of the amendment, and whether the amendment can be reasonably accommodated from a workload perspective.

The Applicant also intends to propose a text amendment to the UDC to provide that Transient Accommodations are considered a non-residential use throughout Sarasota County and are treated as such. The proposed text amendment affects various provisions of the UDC, and the text of the proposed amendment is attached as Exhibit "B".

From a land use, planning, zoning, and economic perspective, hotels are a commercial use critical to tourism and Sarasota County's economy. To that end Transient Accommodations are only permitted (either as Permitted Uses or by Special Exception) in certain commercial zoning districts under the UDC. This Text Amendment proposes modifications to the classification of Transient Accommodations from the current "residential density" approach to a simpler, more straightforward classification.

The proposed UDC text amendments will eliminate residential density and residential density calculations for Transient Accommodations, and instead rely on existing height, bulk, setback and other commercial development standards and requirements, none of which are being changed. An end result of this proposed text amendment will be a more predictable and logical use of land. Transient Accommodations would no longer be required to occupy oversized parcels in order to generate an economically-feasible number of units based on a residential density calculation being applied to a commercial use in a commercial zoning district. Where a Special Exception is currently required for Transient Accommodations, the Board of County Commissioners will continue to have the right to review, approve, and appropriately condition Transient Accommodations through the existing Special Exception process.

We respectfully request that you forward this request for an out-of-cycle, privately-initiated UDC text amendment to the Administrator at your earliest possible convenience with your approval and a recommendation that the proposed amendment be processed and proceed immediately.

Summary and Request

In summation of the above, the Applicant is requesting a pre-application conference to discuss privately-initiated Comprehensive Plan text amendments, privately-initiated text amendments to the UDC to provide that Transient Accommodations are considered a non-residential use throughout Sarasota County, and a Special Exception request to allow transient accommodations in the CG/SKOD zone district and a maximum height of a transient accommodation use of 85 feet. We respectfully request that you:

1. Forward this request for an out-of-cycle, privately-initiated Comprehensive Plan amendment the Board of County Commissioners with your approval and a recommendation that the proposed amendment be processed and proceed immediately; and
2. Forward this request for an out-of-cycle, privately-initiated UDC text amendment to the Administrator with your approval and a recommendation that the proposed amendment be processed and proceed immediately.
3. Schedule a Pre-Application conference with the DRC to discuss these the requests alongside the Special Exception requests at your earliest possible convenience.

Your thoughts and guidance are essential to shaping this idea into a meaningful and impactful initiative. If you have any questions, I can be reached by phone at 941.379.7600 or directly by email at Philip.DiMaria@kimley-horn.com.

Sincerely,



Philip DiMaria, AICP, CNU-A
Agent

EXHIBIT A

PROPOSED COMPREHENSIVE PLAN AMENDMENTS
(Additions shown as underlined; deletions shown as ~~strike through~~)

FLU Policy 2.9.1

Barrier Islands are designated on the Future Land Use Map to recognize existing land use patterns and to provide a basis for hurricane evacuation planning and disaster mitigation efforts. The intensity and density of future development on the Barrier Islands of Sarasota shall not exceed that allowed by zoning ordinances and regulations existing as of March 13, 1989, except that: (i) with respect to lands zoned RMF as of that date and consistently so thereafter, a non-conforming duplex whose density exceeds the density restrictions of the zoning regulations and restrictions may be rebuilt within the footprint of the structure, or a non-conforming multi-family structure may be demolished and a duplex rebuilt in its place within the prior footprint of the multi-family structure without violating this policy; and (ii) notwithstanding the provisions of this Policy 2.9.1 or any other provisions of the goals, objectives and policies of this Comprehensive Plan that might suggest otherwise, with respect to lands zoned CG/SKOD or CI/SKOD, such lands may be redeveloped to contain transient accommodations irrespective of density restrictions as of that date or currently, and which may exceed intensity restrictions and other requirements of the zoning ordinances and regulations existing as of that date, without violating or being inconsistent with this policy or any other goal, objective or policy of the Comprehensive Plan.

FLU Policy 2.9.2

Barrier Island residential density shall be in accordance with FLU Policies 2.9.1, and 1.2.3, ~~and shall not exceed the maximum gross density zoning requirements existing as of March 13, 1989.~~

FLU Policy 2.9.4

Lands zoned CG/SKOD or CI/SKOD may be redeveloped to contain transient accommodations in accordance with FLU Policy 2.9.1 and ECON Policy 7.1.4, provided:

1. No more than fifteen percent (15%) of the total, combined acreage of the CG/SKOD and CI/SKOD zoning districts shall be developed as transient accommodations; and
2. In no event shall new transient accommodations be located on the beaches of Siesta Key.

FLU Policy 1.2.6

Discourage the intensification of residential land uses within Hurricane Evacuation Zones A and B (Map 1-8, Environment Chapter), consistent with Future Land Use Policy 2.9.1, and Coastal Objective 1.2 and Policies 1.2.1 - 1.2.5.

COASTAL OBJECTIVE 1.2

ENCOURAGE APPROPRIATE DENSITIES IN THE CHHA

To encourage low-density residential land uses in the Coastal High-Hazard Area (CHHA) in order to direct population concentrations away from this area.

COASTAL Policy 1.2.1

Land Development Regulations and limits on urban infrastructure improvements ~~may~~ shall both be used to limit development on coastal barrier islands and other high-hazard coastal areas to prevent a concentration of residential population or excessive expenditure of public and private funds.

COASTAL Policy 1.2.2

Proposed future land use ~~map~~ plan amendments in Evacuation Zones A and B hurricane vulnerability zone (storm surge areas) may be considered if such increases in density and intensity do not adversely impact hurricane evacuation times and are consistent with Future Land Use Policy

PROPOSED COMPREHENSIVE PLAN AMENDMENTS
(Additions shown as underlined; deletions shown as ~~strike through~~)

2.9.1 and Appendix A, Article 4, Section 4.6, Residential District Intent Statement, Code of Ordinances of Sarasota County, Florida.

COASTAL Policy 1.2.3

~~Encourage hotel/motel development in the storm evacuation zones category C, D and E rather than evacuation zones A and B.~~

COASTAL OBJECTIVE 1.3

SAFE AND TIMELY EVACUATION

To protect the public safety during emergency evacuation by reducing or maintaining emergency evacuation clearance time for residents; maintaining an adequate emergency evacuation roadway system; ~~and ensuring adequate shelter space; and/or providing~~ appropriate mitigation. Appropriate mitigation shall include, without limitation, payment of money, contribution of land, construction of hurricane shelters and transportation facilities (including without limitation contributions for hurricane hardening of existing and proposed schools designated as hurricane shelters), implementing operational standards for early evacuation, meeting or exceeding current hurricane construction standards, and providing vehicular shelter for EMS, fire, law enforcement, utility and other emergency vehicles and personnel during hurricane events and hurricane recovery events. Required mitigation may not exceed the amount required for a developer to accommodate impacts reasonably attributable to development. A local government and a developer shall enter into a binding agreement to memorialize the mitigation plan, as necessary.

COASTAL Policy 1.3.1

~~Encourage~~ Strive toward community preparedness for each storm category using Best Management Practices, safe and timely evacuation for residents, and appropriate sheltering, ~~or appropriate mitigation~~ that shall be contained and become part of the county's Comprehensive Emergency Management Plan (CEMP).

ECON Policy 7.1.4

Tourism is one of the primary and most significant contributors to Sarasota County's economy. Siesta Key is a premier national and international tourist destination largely due to Siesta Key Beach. However, few transient accommodations exist on Siesta Key. Transient accommodations shall be allowed by special exception in the CG/SKOD and CI/SKOD zoning districts as a favored land use to expand available tourist accommodations, enhance the tourism experience, and maintain the competitiveness and legacy of Sarasota's tourism on Siesta Key; provided, however, that no more than fifteen percent (15%) of the total, combined acreage of the CG/SKOD and CI/SKOD zoning districts shall be developed as transient accommodations. Notwithstanding any provisions of the goals, objectives and policies of this Comprehensive Plan that might suggest otherwise, in no event shall new transient accommodations be located on the beaches of Siesta Key.

Definitions:

RESIDENTIAL USES: Three levels of residential use areas continue to be portrayed on the 2003 Future Land Use Map: Urban, Semi-Rural and Rural. Within the Urban Area, there are four levels of residential densities: Low Density Residential, Moderate Density Residential, Medium Density Residential and High Density Residential. Medium and high density residential development are also permitted by policy in Commercial Centers and Corridors, Planned Commerce Developments within Major Employment Centers and within designated Town and Village Centers within the Urban Area. Up to 25 dwelling units per acre are also permitted within Commercial Centers (excluding Neighborhood Commercial Centers), provided alternative housing types, including variety in form and price range are

PROPOSED COMPREHENSIVE PLAN AMENDMENTS
(Additions shown as underlined; deletions shown as ~~strike through~~)

included. In contrast to these urban densities, the maximum density in the Semi-Rural Area was set at one dwelling unit per two acres. In the Rural Area the maximum density was one dwelling unit per five acres. Where the affordable housing provisions set forth in Policy 3.1.7, and illustrated on Figure 9-4 can be met, densities within the Semi-Rural and Rural areas can range between 2 and 5 dwelling units per acre. Transient accommodations shall not be considered to be nor interpreted as residential uses and shall not be subject to or limited by maximum densities described within this Comprehensive Plan or any implementing regulations (except as may be expressly required in the BRR/PD District or the Nokomis Center Revitalization Plan U.S. 41 Corridor).

Definitions:

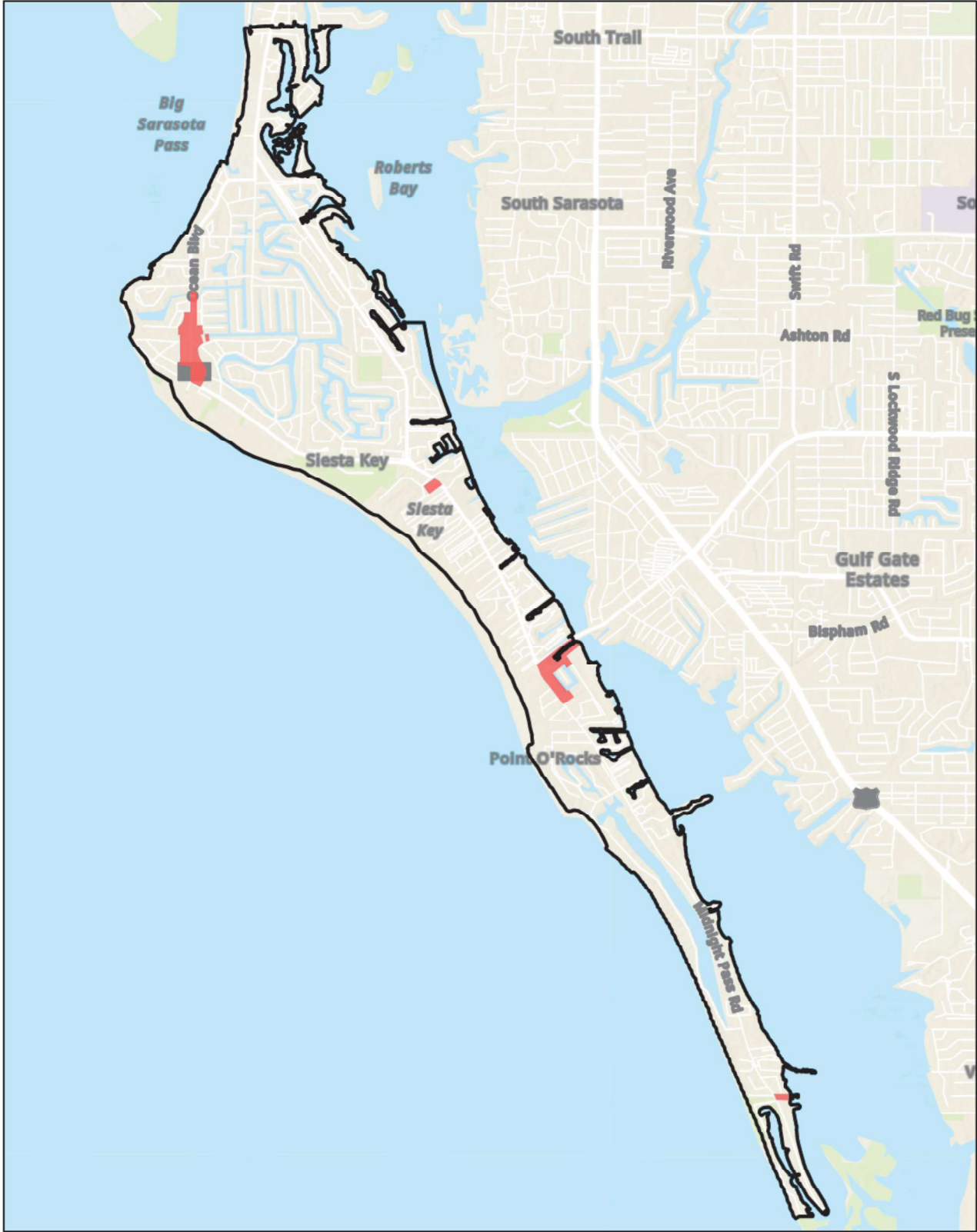
TRANSIENT ACCOMMODATIONS: Transient accommodations shall include hotels, motels, inns, extended-stay facilities, bed and breakfasts, boatels or other similar uses. Transient accommodations are considered non-residential, commercial uses for all purposes. Transient accommodations shall not be considered to be nor interpreted as residential uses and shall not be subject to or limited by maximum densities described within this Comprehensive Plan or any implementing regulations. Transient accommodations include rooms which include sleeping accommodations and other optional amenities, and which are rented, leased or sub leased for less than monthly periods or which are 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, whichever is less. Transient Accommodations are allowed only in those zoning districts which list such uses as a permitted use or a special exception use.

(a) An accommodation is not a transient accommodation if it is rented, leased, or sub leased for monthly periods or longer.

(b) 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.

(c) An accommodation is not considered a transient accommodation if it is a dwelling unit, zoned RMF or RMF/SKOD, located on the Barrier Islands, and rented for periods of less than 30 days or a calendar month, whichever is less.

(d) Transient Accommodations within the BRR/PD District shall be measured and calculated pursuant to the requirements of that District. Because of the unique character and nature of the BRR/PD District or the Nokomis Center Revitalization Plan U.S. 41 Corridor, a transient accommodation located in the BRR/PD District or the Nokomis Center Revitalization Plan U.S. 41 Corridor shall be considered a residential use for density purposes only.



Siesta Key CPTA
SARASOTA COUNTY, FL

CG/SKOD AND CI/SKOD AREA

June 2022

0 0.25 0.5
Miles

Kimley»Horn



EXHIBIT B

PROPOSED TEXT AMENDMENT TO THE UNIFIED DEVELOPMENT CODE

Note: Text additions are identified by underlines, and text deletions are identified by ~~strikethroughs~~:

UDC Sec. 124 – 76(c)(1) – “CN” Commercial, Neighborhood.

f. *Development Standards.* Unless specified elsewhere in this UDC, the following dimensional standards shall apply to all development in the CN District:

Commercial, Neighborhood	Standards CN
<i>Density (maximum DU/acre)</i>	
Residential (Upper Story Residential and Bed and Breakfast) Density by Right	9.0
Density by Right in adopted Revitalization or Redevelopment Plan	13.0
Density by Special Exception	n/a
Residential (Upper Story and Multifamily) in an adopted Critical Area Plan, for mixed use development as defined in that plan	25
Assistant Living Facilities (prohibited in SKOD)	9.0
<i>Transient Accommodations</i>	
Over 25% of units with kitchen	n/a
Up to 25% of units with kitchen	n/a
<u>Transient Accommodations in the Nokomis Center Revitalization Plan U.S. 41 Corridor (maximum number of hotel rooms per acre with or without kitchens)</u>	n/a
Open Space (minimum)	
<i>Lot Dimensions (minimum) ¹</i>	
Lot Area, Nonresidential Uses (sq. ft.)	n/a
Lot Area, Outparcels (sq. ft.)	n/a
Lot Width, Nonresidential Uses (ft.)	n/a
<i>Yards (minimum feet) ²</i>	
Street Yard	20
Side Yard ³	8
Rear Yard	10
Side, Rear Yard Abutting Res. District	20
Waterfront on Intracoastal/ bays	30
All other Waterfront Yards	20
<i>Bulk (maximum) ²</i>	
Height by Right (feet)	25 ⁵
Height by Special Exception (feet)	35
Building Coverage	n/a

Floor Area Ratio (FAR)	1.2 ⁴
<i>Table Notes:</i>	
<p>¹ There is no setback requirement from an active railroad right-of-way.</p> <p>² An adopted Critical Area Plan may establish a minimum setback below, and a maximum height above, that indicated in this table. However, no Critical Area Plan provision that increases the maximum allowable height to above 85 feet is effective unless the ordinance adopting the Critical Area Plan or Plan amendment which incorporates that increase is approved by a super majority of the County Commission. This provision also shall not apply on the barrier islands or in the CM district.</p> <p>³ Where fire-resistive construction is used, side yard may be reduced to 0 feet if set to the side property line, or not less than 4 feet from the side property line.</p> <p>⁴ Maximum FAR applies when development is located within Community or Regional Commercial Centers as designated in the Comprehensive Plan. FAR may be exceeded by 25% when conditions of Future Land Use Policy 3.2.5 of the Comprehensive Plan are met.</p> <p>⁵ Upper-story residential uses in the CN District shall have a maximum height of 35 feet.</p>	

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[UDC AMENDMENT TEXT CONTINUED ON FOLLOWING PAGE]

UDC Sec. 124 – 76(c)(2) – “OPI” Office, Professional and Institutional.

e. *Development Standards.* Unless specified elsewhere in this UDC, the following dimensional standards shall apply to all development in the OPI Districts:

Office, Professional and Institutional	Standards OPI
<i>Density (maximum DU/acre)</i>	
Residential (Upper Story Residential) Density by Right	9.0
Density by Right in adopted Revitalization or Redevelopment Plan	13.0
Density by Special Exception	n/a
Residential (Upper Story and Multifamily) in an adopted Critical Area Plan, for mixed use development as defined in that plan	25
Assistant Living Facilities (prohibited in SKOD)	9.0
<i>Transient Accommodations</i>	
–Over 25% of units with kitchen	n/a
–Up to 25% of units with kitchen	n/a
Transient Accommodations in In Nokomis Center Revitalization Plan U.S. 41 Corridor (maximum number of hotel rooms per acre with or without kitchens)	n/a
Open Space (minimum)	n/a
<i>Lot Dimensions (minimum) ¹</i>	
Lot Area, Nonresidential Uses (sq. ft.)	n/a
Lot Area, Outparcels (sq. ft.)	n/a
Lot Width, Nonresidential Uses (ft.)	n/a
<i>Yards (minimum feet) ²</i>	
Street Yard	25
Side Yard ³	10
Rear Yard	10
Side, Rear Yard Abutting Res. District	20
Waterfront on Intracoastal/bays	30
All other Waterfront Yards	20
<i>Bulk (maximum) ²</i>	
Height by Right (feet)	35
Height by Special Exception (feet) (see subsection f., below)	85
Building Coverage	30%
Floor Area Ratio (FAR)	1.2 ⁴
<i>Table Notes:</i>	

- ¹ There is no setback requirement from an active railroad right-of-way.
- ² An adopted Critical Area Plan may establish a minimum setback below, and a maximum height above, that indicated in this table. However, no Critical Area Plan provision that increases the maximum allowable height to above 85 feet is effective unless the ordinance adopting the Critical Area Plan or Plan amendment which incorporates that increase is approved by a super majority of the County Commission. This provision also shall not apply on the barrier islands or in the CM district.
- ³ Where fire-resistive construction is used, side yard may be reduced to 0 feet if set to the side property line, or not less than 4 feet from the side property line.
- ⁴ Maximum FAR applies when development is located within Community or Regional Commercial Centers as designated in the Comprehensive Plan. FAR may be exceeded by 25% when conditions of Future Land Use Policy 3.2.5 of the Comprehensive Plan are met.

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[JDC AMENDMENT TEXT CONTINUED ON FOLLOWING PAGE]

UDC Sec. 124 – 76(c)(3) – “CG” Commercial, General.

f. *Development Standards.* Unless specified elsewhere in this UDC, the following dimensional standards shall apply to all development in the CG Districts:

Commercial, General	Standards CG
<i>Density (maximum DU/acre)</i>	
Residential (Upper Story Residential and Bed and Breakfast) Density by Right	9.0
Density by Right in adopted Revitalization or Redevelopment Plan	13.0
Density by Special Exception	13.0
Free standing multi-family and attached residential by Special Exception	13.0
Residential (Upper Story and Multifamily) in an adopted Critical Area Plan, for mixed use development as defined in that plan	25
Assistant Living Facilities (prohibited in SKOD)	9.0
<i>Transient Accommodations</i>	
–Over 25% of units with kitchen	13.0
–Up to 25% of units with kitchen	26.0
Transient Accommodations in in Nokomis Center Revitalization Plan U.S. 41 Corridor (maximum number of hotel rooms per acre with or without kitchens)	26.0
Open Space (minimum)	See below ⁶
<i>Lot Dimensions (minimum) ¹</i>	
Lot Area, Nonresidential Uses (sq. ft.)	n/a
Lot Area, Outparcels (sq. ft.)	20,000
Lot Width, Nonresidential Uses (ft.)	n/a
<i>Yards (minimum feet) ²</i>	
Street Yard	20
Side Yard ³	8
Rear Yard	10
Side, Rear Yard Abutting Res. District	20
Waterfront on Intracoastal/ bays	30
All other Waterfront Yards	20
<i>Bulk (maximum) ²</i>	
Height by Right (feet)	35
Height by Special Exception (feet) (see subsection g., below)	85
Building Coverage	See below ⁵
Floor Area Ratio (FAR)	1.2 ⁴

Table Notes:

¹ There is no setback requirement from an active railroad right-of-way.

² An adopted Critical Area Plan may establish a minimum setback below, and a maximum height above, that indicated in this table. However, no Critical Area Plan provision that increases the maximum allowable height to above 85 feet is effective unless the ordinance adopting the Critical Area Plan or Plan amendment which incorporates that increase is approved by a super majority of the County Commission. This provision also shall not apply on the barrier islands or in the CM district.

³ Where fire-resistive construction is used, side yard may be reduced to 0 feet if set to the side property line, or not less than 4 feet from the side property line.

⁴ Maximum FAR applies when development is located within Community or Regional Commercial Centers as designated in the Comprehensive Plan. FAR may be exceeded by 25% when conditions of Future Land Use Policy 3.2.5 of the Comprehensive Plan are met.

⁵ Multifamily use in the CG District existing as of October 27, 2003, shall be limited to 30 percent of building coverage.

⁶ See subsection g., below.

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[UDC AMENDMENT TEXT CONTINUED ON FOLLOWING PAGE]

UDC Sec. 124 – 76(c)(4) – “CI” Commercial, Intensive.

e. *Development Standards.* Unless specified elsewhere in this UDC, the following dimensional standards shall apply to all development in the CI District:

Commercial, Intensive	Standards CI
<i>Density</i> (maximum DU/acre)	
Residential (Upper Story Residential and Bed and Breakfast)	
Density by Right	9.0
Density by Right in adopted Revitalization or Redevelopment Plan	13.0
Density by Special Exception	n/a
Residential (Upper Story and Multifamily) in an adopted Critical Area Plan, for mixed use development as defined in that plan	25
Assisted Living Facilities (prohibited in SKOD)	9.0
<i>Transient Accommodations</i>	
Over 25% of units with kitchen	n/a
Up to 25% of units with kitchen	n/a
Transient Accommodations in In Nokomis Center Revitalization Plan U.S. 41 Corridor (maximum number of hotel rooms per acre with or without kitchens)	n/a
Open Space (minimum)	n/a
<i>Lot Dimensions</i> (minimum) ¹	
Lot Area, Nonresidential Uses (sq. ft.)	n/a
Lot Area, Outparcels (sq. ft.)	n/a
Lot Width, Nonresidential Uses (ft.)	n/a
<i>Yards</i> (minimum feet) ²	
Street Yard	20
Side Yard ³	8
Rear Yard	10
Side, Rear Yard Abutting Res. District	20
Waterfront on Intracoastal/bays	30
All other Waterfront Yards	20
<i>Bulk</i> (maximum) ²	
Height by Right (feet)	35
Height by Special Exception (feet) (see subsection f., below)	85
Building Coverage	n/a
Floor Area Ratio (FAR)	1.2 ⁴
<i>Table Notes:</i>	

- ¹ There is no setback requirement from an active railroad right-of-way.
- ² An adopted Critical Area Plan may establish a minimum setback below, and a maximum height above, that indicated in this table. However, no Critical Area Plan provision that increases the maximum allowable height to above 85 feet is effective unless the ordinance adopting the Critical Area Plan or Plan amendment which incorporates that increase is approved by a super majority of the County Commission. This provision also shall not apply on the barrier islands or in the CM district.
- ³ Where fire-resistive construction is used, side yard may be reduced to 0 feet if set to the side property line, or not less than 4 feet from the side property line.
- ⁴ Maximum FAR applies when development is located within Community or Regional Commercial Centers as designated in the Comprehensive Plan. FAR may be exceeded by 25% when conditions of Future Land Use Policy 3.2.5 of the Comprehensive Plan are met.

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[JDC AMENDMENT TEXT CONTINUED ON FOLLOWING PAGE]

UDC Sec. 124 – 76(c)(4) – “CI” Commercial, Intensive.

d. *Special Exceptions:* Uses allowed only where approved as a Special Exception by the Board in accordance with the procedures of Section 124-43. Special exception uses are subject to all other applicable requirements of this UDC, including any additional standards listed below, except where expressly modified by the Board as part of the Special Exception approval:

* * *

12. All transient accommodations, including hotels, motels, inns, and extended stay facilities (NAICS 721110), not including bed and breakfast (Defined in Section 124-305), subject to the following standards:

i. Establishments having more than 100 rooms may have a restaurant, 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.

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[UDC AMENDMENT TEXT CONTINUED ON FOLLOWING PAGE]

UDC Sec. 124 – 76(c)(5) – “CHI” Commercial, Highway Interchange.

e. *Development Standards.* Unless specified elsewhere in this UDC, the following dimensional standards shall apply to all development in the CHI Districts:

Commercial, Highway Interchange	Standards CHI
<i>Density</i> (maximum DU/acre)	
Residential (Upper Story Residential and Bed and Breakfast) Density by Right	n/a
Density by Right in adopted Revitalization or Redevelopment Plan	n/a
Density by Special Exception	n/a
Residential (Upper Story and Multifamily) in an adopted Critical Area Plan, for mixed use development as defined in that plan	n/a
Assisted Living Facilities (prohibited in SKOD)	n/a
<i>Transient Accommodations</i>	
Over 25% of units with kitchen	18.0
Up to 25% of units with kitchen	36.0
Transient Accommodations in In Nokomis Center Revitalization Plan U.S. 41 Corridor (maximum number of hotel rooms per acre with or without kitchens)	n/a
Open Space (minimum)	30%
<i>Lot Dimensions</i> (minimum) ¹	
Lot Area, Nonresidential Uses (sq. ft.)	1 acre
Lot Area, Outparcels (sq. ft.)	n/a
Lot Width, Nonresidential Uses (ft.)	400 ⁴
<i>Yards</i> (minimum feet) ²	
Street Yard	50
Side Yard ³	50
Rear Yard	50
Side, Rear Yard Abutting Res. District	50
Waterfront on Intracoastal/bays	30
All other Waterfront Yards	20
<i>Bulk</i> (maximum) ²	
Height by Right (feet)	35
Height by Special Exception (feet) (see subsection f., below)	85
Building Coverage	35%
Floor Area Ratio (FAR)	n/a
<i>Table Notes:</i>	

- ¹ There is no setback requirement from an active railroad right-of-way.
- ² An adopted Critical Area Plan may establish a minimum setback below, and a maximum height above, that indicated in this table. However, no Critical Area Plan provision that increases the maximum allowable height to above 85 feet is effective unless the ordinance adopting the Critical Area Plan or Plan amendment which incorporates that increase is approved by a super majority of the County Commission. This provision also shall not apply on the barrier islands or in the CM district.
- ³ Where fire-resistive construction is used, side yard may be reduced to 0 feet if set to the side property line, or not less than 4 feet from the side property line.
- ⁴ Minimum lot width of 200 feet required for all secondary service roads.

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[UDC AMENDMENT TEXT CONTINUED ON FOLLOWING PAGE]

UDC Sec. 124 – 76(c)(6) – “CM” Commercial, Marine.

e. *Development Standards.* Unless specified elsewhere in this UDC, the following dimensional standards shall apply to all development in the CM Districts:

Commercial, Marine	Standards CM
<i>Density (maximum DU/acre)</i>	
Residential (Upper Story Residential and Bed and Breakfast)	
Density by Right	9.0
Density by Right in adopted Revitalization or Redevelopment Plan	13.0
Density by Special Exception	n/a
Residential (Upper Story and Multifamily) in an adopted Critical Area Plan, for mixed use development as defined in that plan	n/a
Assisted Living Facilities (prohibited in SKOD)	n/a
<i>Transient Accommodations</i>	
Over 25% of units with kitchen	13.0
Up to 25% of units with kitchen	36.0
Transient Accommodations in In Nokomis Center Revitalization Plan U.S. 41 Corridor (maximum number of hotel rooms per acre with or without kitchens)	n/a
Open Space (minimum)	n/a
<i>Lot Dimensions (minimum) ¹</i>	
Lot Area, Nonresidential Uses (sq. ft.)	n/a
Lot Area, Outparcels (sq. ft.)	n/a
Lot Width, Nonresidential Uses (ft.)	n/a
<i>Yards (minimum feet) ²</i>	
Street Yard	20
Side Yard ³	8
Rear Yard	10
Side, Rear Yard Abutting Res. District	20
Waterfront on Intracoastal/bays	30
All other Waterfront Yards	20
<i>Bulk (maximum) ²</i>	
Height by Right (feet)	35
Height by Special Exception (feet)	n/a
Building Coverage	n/a
Floor Area Ratio (FAR)	1.2 ⁴ 1.0 ⁵
<i>Table Notes:</i>	

- ¹ There is no setback requirement from an active railroad right-of-way.
- ² An adopted Critical Area Plan may establish a minimum setback below, and a maximum height above, that indicated in this table. However, no Critical Area Plan provision that increases the maximum allowable height to above 85 feet is effective unless the ordinance adopting the Critical Area Plan or Plan amendment which incorporates that increase is approved by a super majority of the County Commission. This provision also shall not apply on the barrier islands or in the CM district.
- ³ Where fire-resistive construction is used, side yard may be reduced to 0 feet if set to the side property line, or not less than 4 feet from the side property line.
- ⁴ Maximum FAR applies when development is located within Community or Regional Commercial Centers as designated in the Comprehensive Plan. FAR may be exceeded by 25% when conditions of Future Land Use Policy 3.2.5 of the Comprehensive Plan are met.
- ⁵ Maximum FAR applies when development is located within Major Employment Centers as designated in the Comprehensive Plan. FAR may be exceeded by 50% when conditions of Future Land Use Policy 3.4.9 of the Comprehensive Plan are met.

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[UDC AMENDMENT TEXT CONTINUED ON FOLLOWING PAGE]

UDC Sec. 124 – 76(d)(1) – “IR” Industrial, Research.

e. *Development Standards.* Unless specified elsewhere in this UDC, the following dimensional standards shall apply to all development in the IR Districts:

Industrial, Research	Standards IR
<i>Density</i> (maximum DU/acre)	
Residential (Upper Story Residential and Bed and Breakfast)	
Density by Right	n/a
Density by Right in adopted Revitalization or Redevelopment Plan	n/a
Density by Special Exception	n/a
Residential (Upper Story and Multifamily) in an adopted Critical Area Plan, for mixed use development as defined in that plan	n/a
Assisted Living Facilities (prohibited in SKOD)	n/a
<i>Transient Accommodations</i>	
Over 25% of units with kitchen	n/a
Up to 25% of units with kitchen	n/a
Transient Accommodations in In Nokomis Center Revitalization Plan U.S. 41 Corridor (maximum number of hotel rooms per acre with or without kitchens)	n/a
Open Space (minimum)	n/a
<i>Lot Dimensions</i> (minimum) ¹	
Lot Area, Nonresidential Uses (sq. ft.)	n/a
Lot Area, Outparcels (sq. ft.)	n/a
Lot Width, Nonresidential Uses (ft.)	n/a
<i>Yards</i> (minimum feet) ²	
Street Yard	25 ⁵
Side Yard ³	8
Rear Yard	25
Side, Rear Yard Abutting Res. District	75
Waterfront on Intracoastal/bays	30
All other Waterfront Yards	20
<i>Bulk</i> (maximum) ²	
Height by Right (feet)	65
Height by Special Exception (feet)	n/a
Building Coverage	n/a
Floor Area Ratio (FAR)	1.0 ⁴
<i>Table Notes:</i>	

- ¹ There is no setback requirement from an active railroad right-of-way.
- ² An adopted Critical Area Plan may establish a minimum setback below, and a maximum height above, that indicated in this table. However, no Critical Area Plan provision that increases the maximum allowable height to above 85 feet is effective unless the ordinance adopting the Critical Area Plan or Plan amendment which incorporates that increase is approved by a super majority of the County Commission. This provision also shall not apply on the barrier islands or in the CM district.
- ³ Where fire-resistive construction is used, side yard may be reduced to 0 feet if set to the side property line, or not less than 4 feet from the side property line.
- ⁴ Maximum FAR applies when development is located within Major Employment Centers as designated in the Comprehensive Plan. FAR may be exceeded by 50% when conditions of Future Land Use Policy 3.4.9 of the Comprehensive Plan are met.
- ⁵ Street yard of 50 feet required for all arterial streets.

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[UDC AMENDMENT TEXT CONTINUED ON FOLLOWING PAGE]

UDC Sec. 124 – 76(d)(2) – “ILW” Industrial, Light Manufacturing and Warehousing.

e. *Development Standards.* Unless specified elsewhere in this UDC, the following dimensional standards shall apply to all development in the ILW Districts:

Industrial, Light Manufacturing and Warehousing	Standards ILW
<i>Density (maximum DU/acre)</i>	
Residential (Upper Story Residential and Bed and Breakfast) Density by Right	n/a
Density by Right in adopted Revitalization or Redevelopment Plan	n/a
Density by Special Exception	n/a
Residential (Upper Story and Multifamily) in an adopted Critical Area Plan, for mixed use development as defined in that plan	n/a
Assisted Living Facilities (prohibited in SKOD)	n/a
<i>Transient Accommodations</i>	
–Over 25% of units with kitchen	n/a
–Up to 25% of units with kitchen	n/a
<i>Transient Accommodations in In Nokomis Center Revitalization Plan U.S. 41 Corridor (maximum number of hotel rooms per acre with or without kitchens)</i>	n/a
Open Space (minimum)	n/a
<i>Lot Dimensions (minimum) ¹</i>	
Lot Area, Nonresidential Uses (sq. ft.)	n/a
Lot Area, Outparcels (sq. ft.)	n/a
Lot Width, Nonresidential Uses (ft.)	n/a
<i>Yards (minimum feet) ²</i>	
Street Yard	25 ⁵
Side Yard ³	8
Rear Yard	25
Side, Rear Yard Abutting Res. District	75
Waterfront on Intracoastal/bays	30
All other Waterfront Yards	20
<i>Bulk (maximum) ²</i>	
Height by Right (feet)	65
Height by Special Exception (feet)	n/a
Building Coverage	n/a
Floor Area Ratio (FAR)	1.0 ⁴
<i>Table Notes:</i>	

- ¹ There is no setback requirement from an active railroad right-of-way.
- ² An adopted Critical Area Plan may establish a minimum setback below, and a maximum height above, that indicated in this table. However, no Critical Area Plan provision that increases the maximum allowable height to above 85 feet is effective unless the ordinance adopting the Critical Area Plan or Plan amendment which incorporates that increase is approved by a super majority of the County Commission. This provision also shall not apply on the barrier islands or in the CM district.
- ³ Where fire-resistive construction is used, side yard may be reduced to 0 feet if set to the side property line, or not less than 4 feet from the side property line.
- ⁴ Maximum FAR applies when development is located within Major Employment Centers as designated in the Comprehensive Plan. FAR may be exceeded by 50% when conditions of Future Land Use Policy 3.4.9 of the Comprehensive Plan are met.
- ⁵ Street yard of 50 feet required for all arterial streets.

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[UDC AMENDMENT TEXT CONTINUED ON FOLLOWING PAGE]

UDC Sec. 124 – 101(b)(4) – Planned Commerce Development District (PCD).

g. Development Standards.

1. The following table summarizes the development standards in the Planned Commerce Development (PCD) District:

PLANNED COMMERCE DEVELOPMENT	Standards PCD
<i>Density</i> (maximum DU/acre)	
Residential	13.0
<i>Transient Accommodations</i>	
Over 25% of units with cooking facilities	18.0
Up to 25% of units with cooking facilities	36.0
<i>Lot Dimensions</i> (minimum)	
Lot Area per unit, Residential Uses (sq. ft.)	2,420
Building Separation (feet)	12
Lot Area, All Other Uses (acres)	1
Lot Width, All Other Uses (feet)	150
<i>Yards</i> (minimum feet) ⁵	
Street Yard ⁴	50
Side Yard	20
Rear Yard	35
Side, Rear Yard Abutting Residential District	35
Waterfront Yard	20/30 ¹
All other Waterfront Yards	20
<i>Bulk</i> (maximum)	
<i>Height</i> (feet)	
Lot under 2 acres	35
Lot of 2—5 acres	50
Lot over 5 acres	65 ²
Building Coverage, Residential	n/a
Building Coverage, Nonresidential	40%
Floor Area Ratio (FAR)	1.0 ³
<i>Table Notes:</i>	
¹ Intracoastal Waterway and bays: 30 feet. All other waterfront yards: 20 feet.	
² Additional height may be permitted by special exception.	
³ Maximum FAR applies when development is located within Major Employment Centers as designated in the Comprehensive Plan. FAR may be exceeded by 50 percent when conditions of	

Future Land Use Policy 2.6.6 of the Comprehensive Plan are met.

⁴ Street yards may contain parking areas.

⁵ Rear and side yards may contain parking areas, loading areas, and refuse collection and storage areas.

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[UDC AMENDMENT TEXT CONTINUED ON FOLLOWING PAGE]

UDC Sec. 124-154. - Patient family accommodations.

(a) Patient family accommodations (Defined in Section 124-305), subject to the following standards:

(1) The facility shall be located in conjunction with a hospital or similar medical establishment.

(2) The facility shall have a maximum density of 13 dwelling units per acre.

(3) A transient patient family accommodation shall be considered a residential use and, for purposes of determining allowable density in such facilities, the following shall apply:

a. Each separate room or group of rooms intended for use as an accommodation by an individual or family and having kitchen facilities shall be equal to one dwelling unit.

b. Each separate room or group of rooms intended for use as an accommodation by an individual or family and not having kitchen facilities shall be equal to one-quarter dwelling unit.

(b) Reserved.

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[UDC AMENDMENT TEXT CONTINUED ON FOLLOWING PAGE]

UDC Sec. 124 – 305. – Defined Terms.

Dwelling. Any building, or part thereof, occupied in whole or in part, as the residence or living quarters of one or more persons, permanently or temporarily, continuously or transiently, with cooking and sanitary facilities. Transient accommodations shall not be considered to be nor interpreted as dwellings.

Dwelling Unit. 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. Transient accommodations shall not be considered to be nor interpreted as dwelling units.

Residential Use. The use of land, buildings or structures for uses which include but are not limited to community residential facilities, dwelling units, fraternity and sorority houses, life care treatment facilities, private pleasure craft used as a residence, professional residential facilities and temporary living facilities. Transient accommodations shall not be considered to be nor interpreted as residential uses and shall not be subject to or limited by maximum densities except as may be expressly required in the BRR/PD District or the Nokomis Center Revitalization Plan U.S. 41 Corridor.

Transient Accommodations. ~~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, inn, extended stay facility, bed and breakfasts, boatels or other similar uses. A transient accommodation shall be considered a non-residential use for all purposes. However, a transient accommodation located in the BRR/PD District or the Nokomis Center Revitalization Plan U.S. 41 Corridor shall be considered a residential use for density purposes. Each transient unit not having a kitchen shall be equal to ½ dwelling unit. Each transient unit having kitchen facilities shall be equal to one dwelling unit.~~

(a) — An accommodation is not a transient accommodation if it is rented, leased, or sub-leased for monthly periods or longer.

(b) — 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.

(c) — An accommodation is not considered a transient accommodation if it is a dwelling unit, zoned RMF or RMF/SKOD, located on the Barrier Islands, and rented for periods of less than 30 days or a calendar month, whichever is less.

(d) — Transient Accommodations are allowed only in those zoning districts which list such uses as a permitted use or a special exception use.

(e) — Transient Accommodations within the BRR/PD District shall be measured and calculated pursuant to Section 124-101(b)(6).

Transient Accommodations. Transient accommodations shall include hotels, motels, inns, extended stay facilities, bed and breakfasts, boatels or other similar uses. Transient accommodations are considered non-residential, commercial uses for all purposes. Transient accommodations shall

not be considered to be nor interpreted as residential uses and shall not be subject to or limited by maximum densities described within this Comprehensive Plan or any implementing regulations. Transient accommodations include rooms which include sleeping accommodations and other optional amenities, and which are rented, leased or sub leased for less than monthly periods or which are 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, whichever is less. Transient Accommodations are allowed only in those zoning districts which list such uses as a permitted use or a special exception use.

(a) An accommodation is not a transient accommodation if it is rented, leased, or sub leased for monthly periods or longer.

(b) 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.

(c) An accommodation is not considered a transient accommodation if it is a dwelling unit, zoned RMF or RMF/SKOD, located on the Barrier Islands, and rented for periods of less than 30 days or a calendar month, whichever is less.

(e) Transient Accommodations within the BRR/PD District shall be measured and calculated pursuant to Section 124-101(b)(6). Because of the unique character and nature of the BRR/PD District or the Nokomis Center Revitalization Plan U.S. 41 Corridor, a transient accommodation located in the BRR/PD District or the Nokomis Center Revitalization Plan U.S. 41 Corridor shall be considered a residential use for density purposes only.

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SITE DATA

AREA:	+/- 1.4 ACRES
EXISTING USE:	COMMERCIAL STRIP STORES
PROPOSED USES:	HOTEL (TRANSIENT ACCOMODATION), RETAIL, RESTAURANT
EXISTING ZONING:	CG/SKOD
PROPOSED ZONING:	CG/SKOD (NO CHANGE)*
FLU:	BARRIER ISLAND
NUMBER OF ROOMS:	210 ROOMS
NONRESIDENTIAL SF:	+/- 187,600 SF
REQUIRED PARKING:	299 SPACES
PROPOSED PARKING:	141 SPACES (ALTERNATIVE PARKING PLAN PROPOSED)
OPEN SPACE:	N/A
EXISTING IMPERVIOUS:	+/- 28,684 SF
TO BE REMOVED	+/- 28,684 SF (100%)
PROPOSED IMPERVIOUS:	+/- 61,196 SF
BUILDING HEIGHT:	85 FT*

CG/SKOD W/ SPECIAL EXCEPTIONS

1. ALL ACREAGES/SQUARE FOOTAGES SHOWN ARE APPROXIMATE
2. PARCEL ID NO: 0080170047, 0080170048, 0080170034, 0080170036, AND 0080170030
3. EXISTING STRUCTURES CURRENTLY ON-SITE, TO BE DEMOLISHED
4. UNDERGROUND STORMWATER VAULT SYSTEM WILL BE LOCATED ON-SITE AND SIZED IN ACCORDANCE WITH LOCAL AND STATE REGULATIONS
5. NO GRAND TREES OR PROTECTED ENVIRONMENTAL HABITAT ON-SITE

*SPECIAL EXCEPTION REQUIRED FOR TRANSIENT ACCOMODATION USE AND HEIGHT UP TO 85' PER LDC SEC. 124-76(c)3.e.f

NOTES

1. ONE FOOT NON-INGRESS/EGRESS EASEMENT PROVIDED ALONG OCEAN BOULEVARD
2. TWO FOOT SETBACK AND SIDEWALK EXPANSION PROVIDED ALONG OCEAN BOULEVARD PER SECTION 124-102.b.4.j.1,3