

An Ordinance of the County of Sarasota, Florida, authorizing Sarasota County, and municipalities lying within Sarasota County, individually or jointly to control their development through planning, zoning, subdivision regulation, the reservation of mapped street locations for future public acquisition and the regulation of building in the land reserved for such mapped streets; providing for the establishment, government and maintenance of planning and zoning commissions and their staffs, and boards of zoning appeals and their staffs, enabling the planning and zoning commissions and boards of zoning appeals to establish and collect reasonable fees for permits, inspections and public hearings in connection with their operation; authorizing adoption and amendment of zoning ordinance; providing for creation of special districts or zones subject to flooding, pertaining to procedure for establishing district boundaries; providing for control of the moving of buildings and structures by the governing body of a zoning district within said County; relating to the approval or disapproval of plats, penalties for transferring lots in unrecorded subdivisions, reversion of subdivided land to acreage, erection of buildings adjacent to unapproved streets, the participation of other agencies in the operation of such subdivision regulations; relating to temporary use permits, granting special exceptions by the governing body; providing for the preparation, approval and adoption of a comprehensive plan, defining the legal status of the comprehensive plan; clarifying scope of unincorporated area; authorizing the board of county commissioners to establish special districts and regulations for planned unit developments and condominiums and providing for approval of plats for condominiums and planned unit developments, authorizing and empowering the board of county commissioners to modify subdivision regulations for planned unit developments or condominiums, providing that this ordinance is a conservation and control ordinance and governs conflicting provisions of other special and general acts; providing that the planning commission and the governing body may approve a request to amend or supplement a district subject to certain conditions, restrictions, stipulations and safeguards, and providing that same shall be deemed contractual and enforced by appropriate relief; providing for penalties for violation of the provisions of this ordinance and the regulations adopted pursuant thereto; providing an effective date.

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

Section 1. Scope of ordinance. All municipalities lying within the county of Sarasota, and the county of Sarasota, may plan, zone, regulate subdivisions, reserve land for streets for future public acquisition, regulate building on the landre

Filed 10th day of Oct, 1972
ROBERT W. ZINN - CLERK
Board County Commissioners
Sarasota County, Fla
By Jo Ann Kuder
Deputy Clerk

Position Repealed
by Ord 76-51
+ 75-38

reserved for such streets, and establish and maintain the boards and commissions described herein for carrying out the purposes of this ordinance. The powers delegated by this ordinance may be employed by cities, towns or the county individually, or, by mutual agreement, in such combinations as common interests dictate.

Section 2. Statement of intent. It is the intent of this ordinance to enable municipalities lying within the county of Sarasota, and the county of Sarasota, to plan, zone, regulate, subdivisions, reserve streets for future public acquisition, and regulate building on the land reserved for such streets, in order to preserve and enhance their present advantages, overcome present handicaps, and prevent or minimize such future problems as may be foreseen. The provisions of this ordinance are designed to promote, protect, and improve the public health, safety, morals, order, comfort, convenience, appearance prosperity, and general welfare. Any governing body may exercise any of the powers set forth in this ordinance. Whenever a governing body shall elect to exercise any of the powers granted in this ordinance, such powers may be exercised in the manner hereinafter prescribed or in any other manner permitted by law.

Section 3. Definitions. As used in this ordinance, unless the context clearly indicates otherwise:

"Area" means the complete area qualifying under the provisions of this ordinance, whether this be all the lands lying within the limits of a municipality, lands in and adjacent to municipalities, all unincorporated areas as may qualify under the provisions of this ordinance, or areas comprising combinations of the lands in municipalities and Sarasota county.

"Condominium" means that form of ownership and development under which units of improvements are subject to ownership by one or more owners, and there is appurtenant to each unit as part thereof an undivided share in all the common elements.

"Due public notice" as used in the phrase "public hearing or hearings with due public notice," involves the following requirements: at least fifteen (15) days notice of the time and place of such hearings shall be published one (1) time in a newspaper of general circulation in the area, and if there is no newspaper generally circulated within the area, then notices shall be publicly displayed in at least three (3) conspicuous places within the area, including the city or town hall or the county courthouse if located in such area. The notices shall state the time and place of the hearing, or the times and places of the hearings, the nature of the matter to be discussed, that written comments filed with an appropriate designated official will be heard, and may state that the hearings will be continued from time to time as may be found necessary.

"Governing body" means the municipal commission or council, county commission, or any other chief local governing unit, however designated, for the political jurisdiction affected.

"Nonconforming use" means any use which is not a permitted use in the zoning district in which it is located, and which was lawfully in existence at the time the district was created.

(e) To determine whether specific proposed developments conform to the principles and requirements of the comprehensive plan for the growth and improvement of the area.

(f) To keep the governing body and the general public informed and advised as to these matters.

(g) To conduct such public hearings as required under the provisions of this ordinance, and such other public hearings as are useful to gather information for the drafting, establishment and maintenance of the comprehensive plan, or are required or permitted by ordinance. The official meetings for the planning and zoning commission must be publicly conducted at a known place in the county seat.

(h) To receive, hear, and investigate petitions for special exceptions to the zoning ordinance, to determine if the facts and conditions required by the zoning ordinance for the granting of such special exceptions are present, and, to recommend to the governing body that such special exceptions be granted or denied.

(i) To perform any other duties which may be lawfully assigned to it.

(j) In addition, the planning commission may make cause to be made, or obtain special studies on the location, condition and adequacy of specific facilities of the area. These may include, but are not limited to, studies on housing, commercial and industrial facilities, parks, playgrounds and other recreational facilities, public and private utilities, and traffic, transportation and parking.

(k) All public officials serving the governing body or bodies of the area under the jurisdiction of the planning commission shall, upon request, furnish to the commission, its employees or agents within a reasonable time such available records as it may require in its work. The commission, its employees or agents, in the performance of official functions, may enter upon lands and make examinations or surveys and maintain necessary monuments thereon, and shall have such other powers as are required for the performance of official functions in carrying out the purposes of this ordinance.

Section 7. The comprehensive plan: Preparation, approval and recommendation by the planning commission, adoption by governing body.

(a) Preparation of comprehensive plan: When basic information for the area has been brought together, the planning commission shall prepare a comprehensive general plan for the physical development of the area, based on existing and anticipated needs, showing existing and proposed improvements in the area, and stating the principles according to which future development should be controlled. The comprehensive plan may also include a long range financial program for public improvements. The plan shall be prepared with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the area which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, appearance, prosperity and the general welfare, as well as efficiency and economy in the process of development.

(b) Approval of comprehensive plan by the planning commission: The planning commission shall approve the comprehensive plan, either in whole or in part, as substantial portions, corresponding generally with functional or geographic classifications, are completed. A public hearing or hearings, with due public notice, shall be held before approval of the comprehensive plan or portions thereof.

(1) The approval of the plan or portions thereof shall be by resolution carried by the affirmative vote of not less than three-fifths (3/5) of the full membership of the planning commission. The resolution shall refer expressly to the maps, descriptive material, and other matters intended by the planning commission to form the whole or part of the plan; the action taken shall be recorded on the approved plan or parts thereof by the identifying signature of the chairman of the commission, together with the date of such action, and a copy of the plan or parts thereof shall be certified to the governing body.

(c) Adoption of comprehensive plan by governing body: The governing body may by appropriate official action formally adopt the comprehensive plan either as a whole or as substantial portions, corresponding generally with functional or geographic classifications, are completed.

Section 8. Legal status of comprehensive plan: When a comprehensive plan for an area, or portions of such plan corresponding generally with functional or geographic classifications of the area, has been adopted by the governing body, no street, park or other public way, ground, place or space, public building or structure or public utility whether publicly or privately owned, shall be constructed, altered or authorized in the area unless the location and extent thereof have been approved by the governing body subsequent to a report and recommendation thereon by the planning commission in which the planning commission states its approval or disapproval, including the reasons therefor. Within thirty (30) days after the request for such report has been received by the planning commission, or within such other time limit as shall be agreed upon, such report shall be made or failure of the planning commission to act shall be deemed a report of its approval. The planning commission's report may be overruled only by a majority vote of the entire membership of the governing body.

Section 9. Reviews and amendments of comprehensive plan.

(a) So often as is desirable, but at least once each year, the comprehensive plan or the completed parts thereof shall be reviewed by the planning commission to determine whether changes in the amount, kind or direction of development of the area or other reasons make it beneficial to make additions or amendments.

(b) If the governing body desires an amendment or addition to the comprehensive plan it may, on its own motion, direct the planning commission to prepare such amendment, and the planning commission shall do so within a reasonable time as established by the governing body. The planning commission in returning the amendment to the governing body may submit a written statement, together with such supporting data as the commission may deem necessary, supporting or objecting in whole or in part, to the proposed amendment.

(c) The procedure for adding to or amending the comprehensive plan shall be the same as the procedure for its original adoption and approval.

Section 10. Zoning; purposes, districts, what may be regulated.

(a) Purposes and districts: For the purposes of guiding and accomplishing coordinated, adjusted and harmonious development in accordance with existing and future needs, and in order to protect, promote and improve public health, safety, morals, order, comfort, convenience, appearance, prosperity and general welfare, the governing body or bodies of an area or areas described under Section 4. of this ordinance, in accordance with the conditions and procedures specified in this ordinance, may enact or amend a zoning ordinance. In such ordinance the governing body shall divide the entire area into districts of such number, shape and size as may be deemed best suited to carry out the purposes of this ordinance.

(1) Special districts or zones may be established in those areas deemed subject to seasonal or periodic flooding or where necessary for flowage of water during the time of floods and such regulations may be applied therein as will minimize danger to life and property.

(2) Special districts or regulations may be established to provide for planned unit developments, condominiums, and other forms of group housing, with appropriate regulations and standards of development.

(b) What may be regulated: Within the established zoning districts such governing body or bodies may regulate and determine:

(1) Height, number of stories, size, location, erection, construction, reconstruction, alteration, removal and use of structures and other objects.

(2) Use of land and water for trade, industry, residence, agriculture, recreation, forestry, resource conservation, and other lawful purposes.

(3) Size of yards, courts and other open spaces.

(4) Percentage of lot that may be occupied.

(5) Density and distribution of population.

(6) Expansion of non-conforming uses, structures, signs and mobile homes, and may regulate and prohibit the re-establishment of non-conforming uses, structures, signs and mobile homes which have been discontinued or abandoned, and may provide for the removal of non-conforming signs after a reasonable amortization period.

(7) The moving of buildings and structures from one location to another.

(8) Signs and outdoor advertising whether on public rights-of-way or on public or private property.

(9) Earth-moving, including soil removal, borrow creation, mining of all kinds, and filling of low areas.

(c) Regulations and district boundaries shall be designed to help accomplish the objectives and purposes set forth in the first (1st) paragraph of this section. The regulations shall apply uniformly to each class or kind of use throughout the districts in which that use is permitted.

Section 11. Procedure for establishing district boundaries; adoption of regulations and restrictions.

(a) Tentative report by planning commission: Tentative recommendations as to the boundaries of districts and the regulations and restrictions to be enforced therein may be prepared by the planning commission on its own initiative, or at the request of the governing body. Such district boundaries and regulations shall be in accordance with the comprehensive plan. The commission may hold public preliminary hearings and conferences at such times and places and upon such notice as it may determine to be necessary to inform itself in the preparation of the tentative report. The tentative report, which shall include the proposed zoning ordinance with maps and other explanatory material, shall be made to the governing body by the planning commission.

(b) Action on tentative report by the governing body: Within thirty (30) days, or such reasonable time as shall be agreed upon by the governing body or bodies involved, the governing body or bodies of the area shall consider the tentative report of the planning commission and shall return it, with any suggestions and recommendations, to the planning commission so that the commission may prepare a final report.

(c) Final report and action: The final report on zoning regulations shall be made to the governing body after the planning commission has considered the suggestions and recommendations of that body, and after a public hearing with due public notice. After the final report has been submitted by the planning commission, the governing body shall afford all interested persons an opportunity to be heard with reference to it at a public hearing or hearings, with due public notice, and shall act upon the proposed zoning regulations. No ordinance under the authority of this ordinance shall be passed until after the final report of the planning commission has been received by the governing body or bodies.

Section 12. Supplementing and amending the zoning ordinance.

(a) The governing body may from time to time amend or supplement the regulations and districts fixed by any zoning ordinance adopted pursuant to this ordinance. Proposed changes may be suggested by the governing body, by the planning commission, or by petition of the owners of fifty percent (50%) or more of the area involved in the proposed change. In the latter case, the petitioner or petitioners may be required to assume the cost of public notice and other costs incidental to the hearings.

The planning commission, regardless of the source of the proposal for change, may hold a public hearing or hearings thereon, and shall submit its recommendation on the proposed change to the governing body for official action. The official meetings for the planning and zoning commission must be publicly conducted at a known place in the county seat. The governing body shall hold a public hearing or hearings thereon, with due public notice, and shall act on the recommendation.

(b) In the case of changes or amendments to districts by petition of owners or their authorized agents, the public hearing before the planning commission shall be held not later than seventy (70) days from the date of filing of the petition, provided that the established fee, survey and plot plan, if required, accompany said petition.

In the case of all proposed changes or amendments considered by the planning commission, the planning commission shall reports its recommendations to the governing body within eight (8) days, or lacking a quorum, within fifteen (15) days, after the public hearing before the planning commission, and the public hearing before the governing body shall be held not less than fifteen (15) nor more than forty-five (45) days after such report by the planning commission.

In the case of all proposed changes or amendments, if the recommendation of the planning commission is adverse to the proposal, such change or amendment shall not be adopted except by an affirmative vote of a majority of the governing body in attendance.

(c) The planning commission may recommend that a petition to amend or supplement a district be approved subject to stipulations limiting the use of the property. The governing body after receiving the recommendation from the planning commission on a request to amend or supplement a district may grant or deny such amendment or supplement and may make the granting conditional upon such restrictions, stipulations and safeguards as it may deem necessary to insure compliance with the intent and purposes of the comprehensive plan.

Restrictions, stipulations and safeguards attached to an amendment or supplement may include but are not limited to those necessary to protect adjacent or nearby land owners from any deleterious effects from the full impact of any permitted uses, limitations more restrictive than those generally applying to the district regarding density, height, connection to central water and sewer systems and stipulations requiring that development take place in accordance with a specific site plan. The governing body may also stipulate that the development take place within a given period of time after which time public hearings will be initiated and the district returned to the original designation or such other district as determined appropriate by the governing body in accordance with the comprehensive plan. In cases where stipulations, restrictions or safeguards are attached all representations of the owner or his agents at public hearings shall be deemed contractual and may be enforced by suit for injunction or other appropriate relief. All conditions, restrictions, stipulations and safeguards which are a condition to the granting of the change in zoning district shall be deemed contractual and may be enforced by suit for injunction or other appropriate relief. All costs, including reasonable attorney's fees shall be awarded to the governmental unit if it prevails in such suit.

Section 12.1. Continuity of zoning. In the event any unincorporated territory within Sarasota County shall hereafter become incorporated, to insure that there shall be no lapse of zoning, then, any and all zoning regulations which may be in effect in such territory and administered by the county shall remain in full force and effect and shall continue to be administered and enforced by the county under this zoning law until such time as municipal zoning within such territory shall be adopted and take effect.

Section 12.2. Special exceptions. In certain districts there may be uses which would not be appropriate generally or without restriction throughout the district, but which if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such district or districts as special exceptions, if specific provisions for such special exceptions are made in the zoning ordinance.

The planning commission shall consider requests for special exceptions and shall make recommendations thereon to the governing body. The planning commission may hold a public meeting thereon. Such meetings for the planning and zoning commission must be publicly conducted at a known place in the county seat. The governing body, after receiving a report and recommendation from the planning commission on a request for a special exception, shall hold a public hearing with due public notice. The governing body may grant or deny the request for a special exception, and may make the grant of a special exception conditional upon such restrictions, stipulations, and safeguards as it may deem necessary to insure compliance with the intent and purpose of the zoning ordinance. In cases where stipulations, restrictions or safeguards are attached to the granting of a special exception, all stipulations and representations of the owner at the public hearing or hearings before either the governing body or planning commission shall be deemed contractual, and may be enforced by suit for injunction or other appropriate relief. Costs of such suit shall be awarded to the governmental unit if it prevails in such suit.

Section 12.3. Temporary use. In certain districts there may be uses of a temporary nature which would not be appropriate on an indefinite basis generally or without restriction throughout the district, but which if controlled as to number, area, location, length of time, noise or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such district or districts as temporary uses, if specific provisions for such temporary uses are made in the zoning ordinance.

The planning commission shall hear applications for temporary use permits and make recommendations thereon to the governing body. The governing body may authorize the issuing of a temporary use permit after public hearing with due public notice. Such meetings must be publicly conducted at a known place in the county seat.

The granting of the temporary use permit may be made conditional upon such restrictions, stipulations and safeguards as the governing body may deem necessary to insure compliance with the intent and purpose of the zoning ordinance. In cases where