

Zoning
Regulations #18
and
Land Use Plan

ZONING REGULATIONS
FOR
SARASOTA COUNTY, FLORIDA

ADOPTED OCTOBER 26, 1960

AND

AMENDED

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Chapter 1

General Provisions

Section 1

Introduction

This section is presented to assist the general public in better understanding the procedures involved in rezoning, special exceptions, temporary use permit, variances, required filing fees, and the county offices to contact for information. It is further noted that this section and the illustrations which appear in the ordinance are not a part of the adopted ordinance, but are presented for the purpose of explanation and clarification.

Rezoning, special exceptions, and temporary use permits are processed by the staff of the Sarasota County Planning Commission. Applications are obtained and filed in Room 140, County Courthouse. A filing fee of \$50.00 should be presented with all applications for rezonings and special exceptions. Temporary use permit forms are also available in the Planning Office, and the filing fee is \$10.00. Checks which accompany an application should be made payable to the Board of County Commissioners.

Rezoning and special exceptions require public hearings before the Planning Commission and the Board of County Commissioners, with the final decision being rendered by the governing body. Temporary use permits are submitted directly to the Planning Commission without a scheduled public hearing. The recommendation is then forwarded to the next regular meeting of the Board of County Commissioners for final action.

Variances are processed by the staff of the Sarasota County Board of Zoning Appeals, Room 150, County Courthouse. Applications are obtained and filed with that office and a \$5.00 filing fee is required. Public hearings are scheduled and a final decision reached by the Appeals Board.

For additional information contact the Department of Regulatory Services.

Zoning Section
Room 150
955-2919

Planning Section
Room 140
955-7505

Section 2 Establishment of Districts: Provision
for Official Zoning Map.

The County is hereby divided into zones, or districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this ordinance.

The Official Zoning Map shall be identified by the signature of the Chairman of the County Commission, shall be attested by the County Clerk, and shall bear the seal of the County under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 2 of the ordinance adopted by Resolution No. _____ of Sarasota County, Florida", together with the date of the adoption of this ordinance.

If, in accordance with the provisions of this ordinance and Chapter 31264, Special Acts of 1955 of the State of Florida, as amended, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map immediately after approval of the change by the County Commission.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedure set forth in this ordinance.

Regardless of the existence of purported copies of the Official Zoning Map which may be from time to time made or published, the Official Zoning Map, which shall be kept with the official records of the County Commission, shall be the final authority as to the current zoning status of lands, buildings and other structures in the County.

Section 3 Rules for Interpretation of District
Boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerline of dedicated streets, highways, alleys or R.O.W's shall be constructed to follow such centerlines.

2. Boundaries indicated as approximate lot lines shall be construed as following streets which exist at the time of the establishment of the district boundary.

3. Boundaries indicated as approximately following city limits shall be construed as following city limits which exist at the time of the establishment of the district boundary.

4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks as they exist at the time of the establishment of the district boundary.

5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line.

6. Boundaries indicated as parallel to or extensions of features indicated in subsection 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

7. Where the street or property layout existing on the ground is at variance with that shown on the Official Zoning Map, or in other circumstances not covered by subsection 1 through 6 above, the Board of Zoning Appeals shall interpret the district boundaries.

Section 4. Application of District Regulations.

Except as hereinafter provided:

1. No building, structure, land or water shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all the regulations herein specified for the district in which it is located.

2. No building or other structure shall hereafter be erected or altered:

- (a) to exceed the height;
- (b) to accommodate or house a greater number of families.
- (c) to occupy a greater percentage of lot area;
- (d) to have narrower or smaller rear yards, front yards, side yards, or other open spaces, than herein required; or in any other manner contrary to the provisions of this ordinance.

3. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

4. No yard or lot existing at the time of passage of this ordinance shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

5. Submerged land, land below the mean high water line, or land normally under water during the dry season, shall not be calculated as part of a lot in determining minimum lot area, and shall not be utilized as all or part of a required yard.

Within each district, the regulations set by this ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.

6. Each rezoning petition or petition for special exception for a parcel or group of parcels of more than five acres in total area shall be accompanied by a certificate of the County Engineer either stating that all requirements of the Sarasota County Comprehensive Road Plan and the Sarasota County Comprehensive Water Management Plan with respect to the property included in such petition have been met, or stating in what particulars such requirements are not met, as the case may be. Compliance with said Comprehensive Plans is not a prerequisite to approval of such petition.

Section 5 Non-Conforming Lots, Non-Conforming Uses of Land, Non-Conforming Uses of Water, Non-Conforming Structures, and Non-Conforming Uses of Structures and Premises.

1. Intent: Within the districts established by this ordinance or amendments that later may be adopted there exist lots, structures and uses of land and structures, and uses of water, and uses of water and structures which were lawful before this ordinance was passed or amended, but which would be prohibited under the terms of this ordinance or future amendments. These lots, structures and/or uses are defined as non-conformities.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any structure erected in accordance with a valid building permit which was issued prior to the effective date of adoption or amendment of this ordinance. This exception shall also apply to any structure for which firm construction contracts have been executed prior to said effective date, provided a copy to such contract has been filed with the Department of Regulatory Services within thirty (30) days after adoption of this ordinance.

2. **Non-Conforming Lots of Record:** In any zoning district, notwithstanding limitations imposed by other provisions of this ordinance, any use permitted in the zoning district may be erected on any single lot which was of record at the effective date of adoption of this ordinance, provided that all other requirements of the zoning district be met. This provision shall apply even though such lot fails to meet the area requirements for the district, provided that yard dimension and other requirements not involving minimum area of lot shall conform to the regulations for the district in which such lot is located. Variance of area of coverage, height, and yard requirements shall be obtained only through action of the Board of Zoning Appeals.

3. **Non-Conforming Non-Structural Uses of Land and/or Water:** Where, at the effective date of adoption of this ordinance, lawful use of land and/or water exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use shall be permitted to continue, so long as it remains otherwise lawful, provided that, if any such non-conforming use of land or water ceases for any reason for a period of more than ninety (90) days, any subsequent use of such land or water shall conform to the regulations specified by this ordinance for the district in which such land or water is located, unless an extension of time is granted by the Board of Zoning Appeals.

4. **Non-Conforming Structures:** Where a lawful structure exists at the effective date of adoption of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on lot area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure shall be permitted to continue so long as it remains otherwise lawful, subject to the following provisions:

- (a) No such structure may be enlarged or altered in a way which increases its non-conformity except by action of the Board of Zoning Appeals.
- (b) Should such structure other than a single family residence be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at time of destruction, it shall not be re-constructed except in conformity with the provisions of this ordinance.
- (c) Should such structure be moved for any reason for any distance whatever other than when caused by governmental action, or act of God, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

5. Non-Conforming Uses of Structures: If a lawful use of a structure, or of a structure and premises in combination, exists at the effective date of adoption of this ordinance, that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located, unless such enlargement, extension, construction, reconstruction, move or alteration is caused by governmental action, act of God, or is allowed by action of the Board of Zoning Appeals.
- (b) Any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the Department of Regulatory Services in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use.
- (c) Any land, water, structure, or structure and land, or structure and water in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such land or water or structure is located, and the non-conforming use may not thereafter be resumed.

- (d) When a non-conforming use of a structure, or structure and premises in combination, is discontinued for eighteen (18) consecutive months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located, unless granted an extension of time by the Board of Zoning Appeals.
- (e) Whenever a non-conforming mobilehome not located in a licensed mobilehome park is removed from the premises for more than one (1) year, the non-conforming use shall not be reinstated unless granted an extension of time by the Board of Zoning Appeals.

6. Repairs and Maintenance: On any building devoted in whole or in part to any non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, provided that the cubical content of the building as it existed at the time of passage or amendment of this ordinance shall not be increased.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any county official charged with protecting the public safety, health and/or welfare, upon such order of such official.

7. Non-conforming Dwellings: Notwithstanding the foregoing provisions, legally existing dwellings in districts which do not permit dwellings may be maintained and/or enlarged, so long as no additional families begin residence therein. R-2 District Standards shall be met.

8. Uses under Special Exception Provisions, not Non-Conforming Uses; any use which is permitted by Special Exception as provided in this ordinance shall not be deemed a non-conforming use.

Section 6 Standards for Special Exceptions:

Since the size and nature of the uses permitted as Special Exceptions may vary widely, a site plan and detailed exposition of the uses proposed shall be submitted with each request for a Special Exception. Prior to granting a Special Exception, the Planning Commission and the Governing Body shall insure that:

- (a) Any nuisance feature involved is suitably separated from nearby homesites.
- (b) Excessive vehicular traffic is not generated on minor residential streets.
- (c) An automobile parking or traffic problem is not created.
- (d) Appropriate drives, walks and buffers are installed.
- (e) The proposed use will make a substantial contribution to the neighborhood environment.

Section 7

Temporary Use Permits:

In the case of real estate development projects in any zoning district, the developer may request a temporary use permit to permit necessary commercial, promotional, storage and fabrication activities which occur during construction of the project and which terminate upon completion of the project. The following activities may be permitted under the terms of such a temporary use permit:

- 1. Real Estate sales offices.
- 2. Construction materials storage, processing and fabrication.
- 3. Offices for persons engaged in the development.
- 4. Equipment storage.
- 5. Temporary signs.
- 6. Temporary housing.
- 7. Model homes.
- 8. Mobile radio equipment and antennae.

Applicants for a temporary use permit shall present plans indicating the area in which the temporary use permit is to apply, the nature of the activities which will occur and the time for which the temporary use permit is requested.

Temporary use permit application shall be submitted to the Planning Commission, who shall make a recommendation to the Board of County Commissioners. The Board of County Commissioners may grant or deny a temporary use permit and in addition, they may attach suitable conditions, stipulations and safeguards. No public hearing is required. Prior to granting a temporary use permit, the Planning Commission and the governing body shall insure that:

- (a) Any nuisance or hazardous feature involved is suitably separated from adjacent uses.
- (b) Excessive vehicular traffic will not be generated on minor residential streets.
- (c) A vehicular parking problem will not be created.

In addition to the above, a temporary use permit may also be granted for such temporary uses as:

Circuses

Carnivals

Fairs

Christmas tree sales lots

Other similar uses of a temporary nature.

Each temporary use permit shall be granted for a specific period of time, at the end of which, if the use permitted as a temporary use has not been discontinued, it shall be deemed a violation of the Zoning Ordinance, and shall be subject to the penalties provided for herein.