

ORDINANCE NO. 2016-044

AN ORDINANCE OF SARASOTA COUNTY, FLORIDA, (ZONING ORDINANCE AMENDMENT NO. 114) AMENDING SARASOTA COUNTY ORDINANCE NO. 2003-052 (AS AMENDED FROM TIME TO TIME) CODIFIED AS APPENDIX A OF THE SARASOTA COUNTY CODE, RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF SARASOTA COUNTY; PROVIDING FOR FINDINGS; AMENDING SECTION 5., RELATING TO USE REGULATIONS; PROVIDING FOR EFFECT ON OTHER ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODING OF AMENDMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. Findings. The Board of County Commissioners, hereinafter referred to as the “Board” hereby makes the following findings:

A. The Board has held public hearings on the proposed amendments described herein in accordance with the requirements of the Sarasota County Zoning Ordinance and has considered the information received at said public hearings.

B. The Board has received and considered the report of the Sarasota County Planning Commission and has reviewed the proposed amendments provided herein.

C. The Board, sitting as the Sarasota County Land Development Regulation Commission, has reviewed the proposed amendments provided herein and has found that the amendments are consistent with the Sarasota County Comprehensive Plan.

Section 2. Amendment to Section 5 of Ordinance No. 2003-052, as amended, relating to Use Regulations.

Subsection 5.1. of Sarasota County Zoning Ordinance No. 2003-052, as amended is hereby amended as follows:

5.1. - Use Table.

5.1.1. Use Table Key.

a. Types of Use.

1. Uses Permitted By Right (P). A "P" indicates that a use is allowed by right in the respective district. Such uses are subject to all other applicable requirements of these regulations. Additional dimensional standards may allow a more intense use through the special exception process where expressly provided for in Article 6, District Development Standards.
 2. Uses Permitted With Limitations—Limited Uses (L). An "L" indicates a use that will be permitted subject to the use limitations in Section 5.3. Such uses are also subject to all other applicable requirements of these regulations. Additional dimensional standards may allow a more intense use through the special exception process where expressly provided for in Article 6, District Development Standards.
 3. Special Exceptions (SE). An "SE" indicates a use that is allowed only where approved as a special exception by the Board of County Commissioners in accordance with the procedures of Section 3.16. Special exception uses are subject to all other applicable requirements of these regulations, including the additional standards contained in Section 5.3, except where expressly modified by the Board as part of the special exception approval.
 4. Existing Building or Site Only (E). An "E" indicates a permitted use that is allowed only within a building or on a site where the use existed on October 27, 2003. Expansions of the use are allowed only in conformance with the development standards contained in these zoning regulations.
- b. Uses Not Allowed. A blank cell in the use table indicates that a use is not allowed in the respective district.
 - c. Use Categories. Characteristics of the various use categories are located in Section 5.2.
 - d. Standards. The "Standards" column on the use table is a cross-reference to any limited or special exception use standard in Section 5.3. All uses are also required to comply with the appropriate dimensional standards in Article 6.

5.1.2. Use Table.

		OPEN USE					RESIDENTIAL				COMMERCIAL AND INDUSTRIAL											
USE CATEGOR Y	SPECIFIC USE	OU A	OU C	OU M	OU R	OU E	RE	RS F	RM F	RM H	CN	OP I	CG	PC D	C HI	CI	C M	I R	IL W	G U	Standa rds	
KEY: P = Permitted Use; L = Permitted Subject to Limitations in Section 5.3; SE = Special Exception Use; E = Existing; Blank =																						

	Retail or wholesale sales of agricultural supplies and equipment	SE			SE	SE												P		5.3.1.1
	Cannabis Farm	SE			SE	SE														5.3.1.a.7
Resource Extraction [see 5.2.2.b]	All resource extraction, except as listed below			L																5.3.1.k
	Borrow pit	L		L	L	L														5.3.1.e
RESIDENTIAL USES																				
Household Living [see 5.2.3.a]	Single-family detached	P	L	L	P	P	P	P	P											5.3.2.i
	Lot line, traditional, patio, villa or atrium house							L	P											5.3.2.e
	Two-family house							L	P											5.3.2.e
	Townhouse (semi-attached, roof-deck,							L	P					P						5.3.2.e

	stacked)																			
	Multifamily (multiplex, apartment)								P					P					L	5.3.2.k
	Manufacture d home									P										
	Manufacture d home park/subdivi sion									P										
	Accessory dwelling unit						L	L												5.3.2.a
	Guest house	L			L	L	L	L												5.3.2.d
	Short term rental								L											5.3.2.g 5.3.2.h
	Live-work unit										L	L	L	L		L		L	L	5.3.2.e
	Upper story/attache d residential										L	L	L	P		L	L			5.3.2.j, 5.3.4.a a
Group Living [see 5.2.3.b]	All group living, except as listed below				SE	SE	L	L	L	SE	L	L	L	L					L	5.3.2.c
	Boarding house, rooming house,				SE	SE	SE	SE	L	SE	L	L	L	L						5.3.2.c

	fraternity or sorority																			
	Community residential home, 6 or fewer residents	L/S E			L	L	L	L	L	L										5.3.2.b
	Community residential home, 7 to 14 residents	SE			SE	SE	SE	SE	SE											5.3.2.b
	Group home, 15 or more residents						SE	SE	L											5.3.2.b
PUBLIC AND CIVIC USES																				
Community Service [see 5.2.4.a]	All community service				SE	SE	SE	SE	SE	SE	P	P	P	P		P			P	5.3.3.c
	Rural retreat center	SE			SE	SE														5.3.3.k
Day Care [see 5.2.4.b]	Family day care home	P			P	P	P	P	P	P	P	P	P	P		P		SE		
	Large family child care home	P			P	P	P	P	P	P	P		P	P		P		SE		
	Day care facility	L/S E			SE	SE	SE	SE	L	SE	L	L	L	L		L		S E	SE	L 5.3.3.e
	Adult day care home	P			P	P	P	P	P	P	P	P	P	P		P				

	(up to 6)																				
	Adult day care facility (7 or more)	SE			SE	SE	SE	SE	L	SE	P	P	P	P		P					5.3.3.d
Educational Facilities [see 5.2.4.c]	College or university										SE	P	P	P		P		P		P	
	Day facility				SE	SE	SE				P	P	P	P		P			P	P	5.3.3.d
	Elementary, middle or high school				SE	SE	SE	SE	SE			P		P						P	
	Vocational, trade or business school										P	P	P	P		P		P	P	P	
Government Facilities [see 5.2.4.d]	All government facilities, except as listed below																			P	
	Jail, prison or work camp																			S E	
Medical Facilities [see 5.2.4.e]	All medical facilities, except as listed below										L	P	P	P		P			P	S E	5.3.3.g
	Patient family accommodat											L	L	L						L	5.3.3.j

	ions																				
	Pain Management Clinics											SE	SE								5.3.4.c c
Parks and Open Areas [see 5.2.4.f]	All parks and open areas, except as listed below	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Cemetery, columbaria, mausoleum, memorial park	L/S E			L/S E	L/S E	SE	SE	SE											P	5.3.3.b
	Wild animal sanctuary	SE			SE	SE															5.3.3.n
Passenger Terminals [see 5.2.4.g]	All passenger terminals, except as listed below											P	P	P		P		P	P	P	
	Airport, heliport				L							L	L	L		L		L	L	L	5.3.3.a
Places of Worship [see 5.2.4.h]	All places of worship	SE			SE	SE	SE	SE	SE	SE	L	P	P	P		P					5.3.3.j
Social Service Institutions	All social service institutions,											SE	SE	SE		SE				S E	5.3.3.l

	motels																			
	Adult bookstores and video stores												L							5.3.4.z
	Semi-nude model studios												L							5.3.4.z
	Other adult retail stores												L							5.3.4.z
Indoor Recreation [see 5.2.5.a]	All indoor recreation, except as listed below										L/S E		P	P		P				5.3.4.u
	Bar										L/S E		P/L	P/L	P/ L	P/L			P/L	5.3.4.c, 5.3.4.u
	Clubs and lodges				SE	SE	SE	E	E	SE	P	P	P	P		P				
	Entertainment, indoor										L/S E		L/S E	L/S E	L	L	L/S E	L/S E		5.3.4.e, 5.3.4.u
	Extreme sports facility												P	P		P			P	
	Firing, or archery range, indoor												P	P		P			P	
	Gymnastics facility, martial arts												P	P		P			P	

	executive and par-three golf courses, clubhouse, yacht club, tennis club, country club	E																		
	Hunting/fishing camp or dude ranch	L/SE			SE	SE	SE													5.3.4.k
	Recreational vehicle park/campground				SE	SE	SE			SE										5.3.4.n
	Riding academy or public stable	L/SE			L/SE	L/SE	L/SE													5.3.4.q
	Sports academy	L/SE			SE	SE														5.3.4.s
	Wilderness camping	L																		5.3.4.w
	Commercial hunting and trapping	L/SE																		5.3.4.e
	Polo club	L/SE			SE	SE							SE	SE		SE				5.3.4.m
	Special events in conjunction	SE			SE	SE	SE	SE	SE		SE	SE	SE	SE		SE				5.3.4.y

	with an approved outdoor recreation use																				
Parking, Commercial [see 5.2.5.d]	All commercial parking						SE	SE	SE			P	P	P	P	P			P	P/L	5.2.4.d
Restaurants [see 5.2.5.e]	All restaurants, except as listed below								SE		L/S E		L	L	L	L	L		L		5.3.4.o , 5.3.4.u
	Drive-thru (drive in)												P	P	P	P			P		
Retail Sales and Service [see 5.2.5.f]	All retail sales and service, except as listed below										L/S E		P	P	L	P	P		L/S E		5.3.4.p , 5.3.4.u
	Animal hospital, veterinary clinic, with or without animal boarding; Pet Resort	L/S E				L/S E	L/S E	L/S E			L/S E		L/S E	L		L					5.3.4.a, 5.3.4.t
	Convenience store with gas pumps,										L/S E		L	L	L	L			L		5.3.4.f, 5.3.4.p 5.3.4.t

	gas station with minimart																			
	Convenience store without gas pumps									L/S E		P	P	P	P			L		5.3.4.p 5.3.4.t
	Drive-thru retail sales or service									L		P	P	L	P					5.3.4.p
	Garden center/completely enclosed									L/S E		P	SE		P			SE		5.3.4.p
	Garden center/outside merchandise									SE		SE	SE		P			SE		5.3.4.p
	Package store											P	P		P					
	Vehicle parts and accessories									L/S E		P	P	L	P			P		5.3.4.p , 5.3.4.t
	Retail sales of lumber and building supplies up to 60,000 square feet gross floor area											P	P		P			P		

	Pawn shops											P			P					
	Retail sales, over 60,000 square feet gross floor area in a single occupant building												SE	SE		SE			S E	
	Medical Marijuana Dispensary										SE	SE							5.2.5.f, 5.3.4.e e	
Self-Service Storage [see 5.2.5.g]	All self-service storage										L	P	P		P			P		5.3.4.r
Transient Accommodations [see 5.2.5.h]	All transient accommodations, except as listed below									L/S E		SE	L	L	L	SE			L	5.3.4.p , 5.3.4.t, 5.3.4.u
	Bed and breakfast	L/S E			SE	SE	SE	SE	SE	L/S E		L		L		SE				5.3.4.c, 5.3.4.t
Vehicle Sales and Service [see 5.2.5.i]	Car wash, full or self-service											P	P	P	P			P		
	Truck stop											SE		SE	P			P		
	Vehicle sales, leasing or rental														P			P		

	Vehicle service, intensive														P			P		
	Vehicle service, general											L	L	L	L			L		5.3.4.u
Water-Oriented [see 5.2.5.]	Boat livery/marina											P			P	P		SE		
	Boat sales accessory to boat livery or marina											P				P				
	Dock or pier (commercial)											E				P			P	
INDUSTRIAL USES																				
Light Industrial Service [see 5.2.6.a]	All light industrial service, except as listed below												P		P		P	P	P	
	Crematorium	L			L	L											SE	SE		5.3.5.e
	Research laboratory without manufacturing facility											P		P			P	P		

	Medical Marijuana Research and/or Processing																S E	SE		5.3.5.f.
Warehouse and Freight Movement [see 5.2.6.b]	All warehouse and freight movement, except as listed below												P				P	P	P	
	Stockpiling of sand and gravel	L/S E			SE	SE											S E	SE		5.3.5.b
Waste-Related Service [see 5.2.6.c]	All waste-related services																S E	SE	S E	
	Landfill																		S E	
	Recycling equipment and facilities	SE			SE	SE											S E	SE	S E	5.3.5.b
	Composting facility	SE																		5.3.5.c
Wholesale Trade [see 5.2.6.d]	All wholesale trade											P	P		P		P	P		
Heavy Industrial	All heavy industrial,																S E	SE		

[see 5.2.6.e]	except as listed below																			
	Asphalt processing or manufacture, concrete batch plant	SE			SE	SE											L	L	L	5.3.5.a
	Heavy industrial within a completely enclosed building																P	P	P	
	Slaughterhouse	SE			SE												SE	SE		5.3.5.d
	Warehouse, storage of flammable liquids																SE	SE	SE	
	Wholesale trade of flammable liquids														SE		SE	SE		

Subsection 5.3.1 of Sarasota County Zoning Ordinance No. 2003-052, as amended is hereby amended as follows:

5.3.1. Open Use Standards.

- a. Agricultural Uses. Agricultural uses are permitted in accordance with the Use Table in Section 5.1, subject to the following standards:

1. All uses and structures shall meet the principal structure setback for the district, except as follows:
 - i. Structures for keeping and raising of livestock and poultry shall be separated from property lines and residentially-zoned properties according to the following table:

Separation Distance Required	OUR	OUE
From residentially-zoned property	500 feet	100 feet
From nonresidential property line	100 feet	50 feet

2. An agricultural use that was permitted by right under the OUE-2 District in the zoning ordinance in effect prior to October 27, 2003, may be established or continued on those parcels converted from OUE-2 to RE-1, subject to the following separation standards:
 - i. 100 feet from any residentially-zoned property; and
 - ii. 50 feet from any nonresidential property line.
3. In addition to subsection 2., above, on those parcels converted from OUE-2 to RE-1, any permitted, limited or special exception use in the agricultural use category allowed in the OUE District in accordance with the use table in Section 5.1 may be permitted by special exception.
4. Swine, poultry, emu, rhea and ostriches shall not be permitted to run within 100 feet of any residentially zoned property.
5. When property adjacent to an existing OUE zoned district is rezoned on or after March 21, 1995, from OUE to residential, the existing OUE zone shall not be subject to the 100-foot setbacks provided herein but shall be subject to all other setbacks of the OUE District.
6. In addition to the provisions in Section 7.1.3 the parking, storage or servicing of vehicles in excess of 6,000 pounds empty vehicle weight is permitted in the OUA, OUE and OUR Districts, subject to the following standards:

- i. This provision applies only to those vehicles that are not used exclusively for agricultural purposes on the premises, such as a dump truck, payload, backhoe, tractor, semi-tractor, semi-trailer and the like.
 - ii. Implements attached to vehicles, such as farm implements including discs, tillers and the like, are allowed and shall not be considered in the calculation of the maximum number of vehicles.
 - iii. The parcel shall be located within an area designated as "Rural" or "Semi-Rural" on the Future Land Use Plan Map of the Sarasota County Comprehensive Plan.
 - iv. The parcel shall include a residence which shall be occupied by the owner of the legal entity operating the vehicles parked, stored, and serviced on the parcel.
 - v. The minimum required land area shall be five acres.
 - vi. The maximum number of vehicles shall not exceed four vehicles regardless of parcel size. Any greater number of vehicles regardless of parcel size is allowed only by special exception.
 - vii. No vehicle shall be stored within 50 feet of any property line.
 - viii. A landscape buffer in compliance with the following standards shall be provided to screen the vehicles from any right-of-way or abutting property:
 - (a) The landscape buffer shall have a minimum width of 20 feet.
 - (b) The required buffer shall be located around the vehicle parking/storage area.
 - (c) The landscape buffer shall consist of three canopy trees per 100 linear feet of the buffer and a continuous hedge capable of reaching a height of eight feet within one year.
 - (d) Existing native habitat or plant material that meets the requirements of these regulations may be counted as contributing to the total buffer requirements.
 - ix. Hours of operation shall be limited to the hours between 7:00 a.m. and 7:00 p.m.
7. All Cannabis Farms shall adhere to the following minimum standards for planting, growing, harvesting, or drying of marijuana plants or any parts thereof:
- i. Outside Cultivation Prohibited. Outside cultivation of Cannabis shall be prohibited. Areas of cultivation shall only be within a closed structure or greenhouse.

- ii. Gas Products. Gas products (including, without limitation, CO₂, butane, propane, and natural gas), or generators shall not be used within a closed structure or greenhouse used for the cultivation of Cannabis.
- iii. Access. Areas of cultivation must be restricted to authorized personnel, 18 years of age or older. Such area of cultivations shall be secured and locked at all times when not occupied by authorized personnel of the Cannabis Farm.
- iv. Alarm System. Areas of cultivation shall be equipped with an alarm system that complies with the provisions of Chapter 50, Emergency Services, Sarasota County Code.
- v. Separation Distance. Cannabis Farms shall be kept a minimum of 500 feet from any pre-existing school, house of worship, day care facility, public park, or public beach. All distance requirements shall be measured by drawing a straight line from the nearest property line of the pre-existing protected use to the nearest property line of the proposed Cannabis Farm.
- vi. Medical Marijuana Treatment Centers. Medical Marijuana Treatment Centers are not a permitted combination of uses under the Zoning Regulations. Instead, the individual uses are allowed separately as a Cannabis Farm, Medical Marijuana Dispensary, and Medical Marijuana Research and/or Processing.

8. For properties zoned OUE (nonconforming in size, less than 1 acre), the keeping of chickens is allowed as an accessory use in accordance with the Use Table in Section 5.1 if the following standards are met:

- i. No more than four (4) chickens may be kept, with roosters prohibited;
- ii. No person shall slaughter any chickens;
- iii. The chickens shall be provided with a movable covered enclosure (i.e. "hen house/coop") and must be kept in the covered enclosure or a fenced enclosure at all times. Chickens must be secured within the movable henhouse/coop during non-daylight hours;
- iv. The space per bird in the henhouse/coop shall not be less than four (4) square feet per bird;
- v. No covered enclosure or fenced enclosure shall be located in the front yard or side yard, and shall be in accordance with the separation distance requirements contained in 5.3.1.a.1.i., above. Odors from chickens, chicken manure, or other chicken related substances shall not be detectable at the property boundaries;
- vi. All enclosures for the keeping of chickens shall be so constructed and maintained as to prevent rodents or other pests from being harbored underneath, within, or within the walls of the enclosure. The

henhouse/coop must be impermeable to rodents, wild birds, and predators, including dogs and cats. Enclosures shall be kept in neat condition, including provision of clean, dry bedding materials and regular removal of waste materials. All manure not used for composting or fertilizing shall be removed promptly;

vii. All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rodents or other pests shall be kept in secure containers or otherwise protected so as to prevent rodents and other pests from gaining access to or coming into contact with them;

viii. The sale of eggs or any other chicken products generated is prohibited.

ix. Nothing in this subsection shall affect any homeowner association declarations or restrictions.

x. Chickens that are no longer wanted by their owners shall not be taken to Animal Control, nor shall they be released. Unwanted chickens may be taken to Health & Human Services Mosquito Control Division for utilization in the Sentinel Chicken Program

xi. The provisions of this Section 5.3.1 a.9. shall sunset on January 1, 2019, unless reviewed and saved from repeal, through reenactment by the Board of County Commissioners. In the event that this ordinance sunsets, the keeping of any previously allowed chickens shall be considered a nonconforming use for five years thereafter.

Section 5.3.2 of Sarasota County Zoning Ordinance No. 2003-052, as amended is hereby amended as follows:

5.3.2. Residential Use Standards.

a. Accessory Dwelling Unit.

COMMENTARY: An accessory dwelling unit is also known as a "granny flat" or "mother-in-law apartment." An accessory dwelling unit is permitted in accordance with the use table in Section 5.1, subject to the following standards:

1. An accessory dwelling unit may be established only in a subdivision created after October 27, 2003. No accessory dwelling units shall be permitted on Barrier Islands.
2. Only one accessory dwelling unit shall be permitted per lot or parcel.
3. The property owner shall occupy either the principal dwelling or the accessory dwelling unit. Restrictions on the rental of a dwelling that apply within the district shall also apply to the accessory dwelling unit.
4. The total floor area of the accessory dwelling unit shall not exceed 500 square feet.

5. A subdivision with accessory dwelling units shall not exceed the maximum district density requirements, counting all principal dwelling units and any accessory dwelling units. The accessory dwelling unit shall be equal to one-half dwelling unit for density purposes.
6. The principal dwelling and accessory dwelling unit together shall not exceed the maximum district building coverage.
7. The accessory dwelling unit may be part of or attached to the principal structure, and or may be a separate structure. All principal structure setbacks and yard requirements shall be met.
8. The accessory dwelling unit shall not exceed the maximum district height.
9. One additional parking space on the same premises shall be required for the accessory dwelling unit. Tandem parking and shell or grass surfacing are permitted for such parking space.
10. The subdivision permitting accessory units shall include a recorded plat note stating the number (if any) of accessory dwelling units permitted in the subdivision. The number of accessory dwelling units permitted shall equal the allowed dwelling units per acre multiplied by the total acreage, minus the number of subdivided lots.

COMMENTARY: For example, $3.5 \text{ units/acre} \times 10 \text{ acres} = 35 \text{ units} - 30 \text{ lots} = \text{maximum } 10 \text{ accessory units}.$

- b. Community Residential Home. Community residential homes are permitted in the same manner as other residential uses in accordance with the use table in Section 5.1, subject to the following standards:

1. Community Residential Home, Licensing Entity Notification.

- i. As specified in F.S. § 419.001, a licensing entity, shall notify the County at the time of home occupancy that the home is licensed by the licensing entity.

2. Community Residential Home, Operating as Functional Equivalent of Family.

- i. Community Residential Homes operating as the functional equivalent of a family shall be treated as a family under these Zoning Regulations.

3. Community Residential Homes in General.

- i. Nothing in this section shall be deemed to affect the authority of any community residential home established prior to October 1, 1989, to continue to operate.
- ii. Nothing in this section shall permit persons to occupy a community residential home who could constitute a direct threat to the health and safety of other persons.
- iii. All other State and County regulations in regard to such establishment shall be met.

- c. Group Living. Group living is permitted in accordance with the use table in Section 5.1, subject to the following standards:
1. Each separate room or group of rooms designed or intended for use as a residence by an individual or family and having kitchen facilities shall be equal to one dwelling unit.
 2. Each separate bedroom or bedroom and associated rooms containing two beds, designed or intended for use as a residence and not having kitchen facilities but having access to a common dining area, shall be equal to one-half dwelling unit.
 3. Each separate bedroom or bedroom and associated rooms containing only one bed, designed or intended for use as a residence by an individual or couple and not having kitchen facilities but having access to a common dining area, shall be equal to one-quarter dwelling unit.
 4. Where beds are provided for residents in the nature of a hospital or nursing home ward rooms, as opposed to residential dwelling units with three or more beds, each bed shall be equal to one-quarter dwelling unit.
 5. In the OUR and OUE Districts, the maximum density for a group living facility shall be six persons per acre. In all other districts, the maximum district density shall apply.
 6. All other State and County regulations in regard to such establishments shall be met.
 7. Group living in the GU District shall be permitted where directly associated with an adjacent hospital or similar medical facility.
- d. Guest House. A guest house is permitted in accordance with the use table in Section 5.1, subject to the following standards:
1. A guest house is a dwelling unit in a building separate from and in addition to the principal dwelling unit on a lot. A guest house, including the combined area of all enclosed air-conditioned areas, enclosed non air-conditioned areas and unenclosed areas such as porches, decks, carports and pool enclosures in total, shall not exceed 50 percent of the enclosed living area of the principal dwelling unit or 1,200 square feet, whichever is less. In addition, the guest house shall be used, only for intermittent or temporary occupancy.
 2. No such living quarters shall be rented, leased, or otherwise be made available for compensation of any kind and shall be used only for the housing of guests.
 3. If the guest house is occupied by the property owner, the main residence shall not be rented, leased or made available for compensation.
 4. A guest house shall meet all of the principal structure setback and yard requirements.
 5. In the OUA and OUR Districts, there may be one guest house for each permitted single-family dwelling.

6. In the OUE District, there may be one guest house for each permitted single-family dwelling, provided the total lot area shall be not less than five acres.
7. In the RE and RSF Districts, there may be one guest house for each permitted single-family dwelling, provided that the total lot area shall be equal to twice the minimum lot size for single-family dwellings on the lot or parcel.
- e. Alternative Housing Types in RSF Districts. In the RSF Districts alternative housing types, including lot line, traditional, patio, villa or atrium house; two-family house; and townhouse, including semi-attached, and roof-deck townhouse, shall only be permitted in a cluster subdivision designed in accordance with Section 6.5, RSF District Development Intensity. All such housing types are also allowed in a Planned Unit Development (PUD).
- f. Live-Work Unit. A live-work unit is permitted in accordance with the use table in Section 5.1, subject to the following standards:
 1. The unit shall be in a building either:
 - i. Constructed after October 27, 2003; or
 - ii. Originally constructed for commercial, institutional, public, community facility or manufacturing purposes.
 2. Every unit shall have one or more windows in the residential portion of the space.
 3. The unit shall meet all of the applicable fire code requirements for residential occupancy in portions of the building intended for residential use, as determined by the Fire Marshal and Building Official.
 4. The unit shall meet all of the applicable fire code requirements for the appropriate form of nonresidential occupancy in portions of the building intended for nonresidential use, as determined by the Fire Marshal and Building Official.
- g. Short-Term Rental in the RMF District on the Barrier Islands. In the RMF Districts, short-term rental of single-family, two-family, townhouse or multifamily dwellings is permitted only on the Barrier Islands in accordance with the use table in Section 5.1, subject to the following standards:
 1. Such dwelling units may be rented for periods of less than 30 days.
 2. The owner or managing agent of real property that is offered for rent or lease shall maintain records, including the names and addresses of the lessees, that are adequate to establish the period for which a unit is rented and the number of family members or unrelated individuals occupying the premises during each rental period.
 3. All of the additional requirements of the Siesta Key Overlay District (SKOD), Section 4.10.4, shall apply.

h. Recognition of Certain Existing Short Term Rental Rooms in the RMF Districts on the Barrier Islands.

1. The Board of County Commissioners will recognize and allow as lawful under these zoning regulations certain short-term room rental units in the RMF Zone Districts on the barrier islands that were in existence prior to September 30, 2003. For purposes of this section, a short-term room rental unit is a room or group of rooms in a structure zoned RMF on the barrier islands rented or leased as a distinct unit for periods of less than 30 days. To qualify for recognition, the applicant must demonstrate with clear documentation such as photographs, receipts, ledger entries, tax records, and accounting records, that the short-term room rental unit:
 - i. Was in existence and use as a short-term rental room unit on September 30, 2003;
 - ii. Was lawful when it came into existence as a short-term room rental unit, with or without access to a common area in the structure shared by the room rental units;
 - iii. Was lawfully permitted and constructed. If not constructed pursuant to proper building permits, then a building permit and certificate of occupancy must be issued before the room rental unit may qualify under this criteria;
 - iv. Has cooking or refrigerating amenities and appliances in the room rental unit, that were lawful for the room rental unit at the time they were installed; and
 - v. Has been rented, leased, or occupied for compensation as a short term room rental unit for more than a total of 30 days between October 1, 2002, and September 30, 2003.

An applicant shall apply for recognition under this program no later than 90 calendar days after October 27, 2003. Thereafter, the County shall not accept an application for relief under this program. An application must be processed by the County within 90 calendar days of receipt of an application and the application may be approved, approved with modifications or denied. Thereafter no additional short-term room rental units shall be allowed.

2. If the applicant establishes compliance with the foregoing criteria, then a certificate of compliance with this section will be issued and the short-term rental room unit will be recognized as lawful for purposes of these zoning regulations.
3. A short-term rental room unit shall remain lawful, provided:
 - i. The room rental unit is not divided to create additional registered room units;

- ii. Appliances and amenities for the preparation or refrigeration of food in the room unit do not include any significant cooking appliance other than a refrigerator, microwave oven or a cooking surface that does not contain more than the number of burner surfaces at the time of the certification. The certification of room rental units shall document the cooking appliances in each room rental unit. After certification no additional cooking appliances or expansions of cooking appliances shall be allowed in room rental units.
 - iii. The room rental unit complies with these zoning regulations and any other County regulations.
- 4. Certified short-term rental room units may be reconstructed in the case of the destruction of the short-term room rental units caused by a catastrophe, provided that the cumulative square-footage of the structure in which the short-term room rental units were located is equal to or less than the square-footage of the prior structure and the total number of reconstructed short-term room rental units does not exceed the number of certified short-term room rental units.
- 5. A short-term rental room unit certificate shall be issued only if the owner consents to inspections by Sarasota County Code Enforcement officers during normal County business hours to confirm compliance with subsection 3., above. Both the certification inspection and subsequent inspections for continued compliance shall be on reasonable times and days, upon reasonable notice to the owner or the owner's agent, consistent with the intent to assure compliance. If reasonable requests for inspection are made and the owner or agent refuses access to the unit on three consecutive requests for access on three different days during a period of ten calendar days, the short-term rental room unit shall lose its recognized status and shall be unlawful. Thereafter, the room rental unit shall not qualify for a certificate under this section.
- 6. The number of certificates issued for a property shall cap and limit the number of short-term rental room units allowed on the property under these zoning regulations.
- i. Single-Family Detached Dwelling. A single-family detached dwelling is permitted in the OUC and OUM Districts in accordance with the use table in Section 5.1, subject to the following standards:
 - 1. In the OUC District such building shall be for the residence of the owner, operator or resident caretaker of agricultural or conservation activity.
 - 2. In the OUM District, such building shall be for the residence of the owner, operator or caretaker of the mining operation.
- j. Upper-Story/Attached Residential in the CM District. Upper-story/attached residential dwelling units are permitted in accordance with the use table in Section 5.1, subject to the following standards:

1. Such units shall only be permitted in conjunction with a marina;
 2. The marina shall remain accessible to the general public. All existing public vehicular, pedestrian and boat access to the marina shall be retained. All wet slips shall be available to the general public for lease or for transient use in association with the nonresidential uses on the property. No fees shall be charged for transient slips;
 3. The residential use on the property shall be an accessory use in scale and intensity to the principal use of commercial/public and shall not exceed 30 percent of the total square footage of uses of the property, not including parking spaces. For purposes of this section, total square footage is the cumulative square footage of all residential use on the property (i.e. a two-story building with 5,000 square feet on each floor equals a total of 10,000 square feet);
 4. Commercial and public use and activity must be the principal use and activity on the property. Public use and activity areas include, but are not limited to, boardwalks and piers accessible to the general public, public recreation areas such as picnic areas or gazebos, and no-cost transient boat slips; and
 5. Commercial and public use and activity space must be the predominant assignment of space on the property. This shall constitute a minimum of 70 percent of the total square footage of the uses on the property, not including parking spaces. For purposes of this section, total square footage is the cumulative square footage of all commercial and public uses on the property (i.e. a two-story building with 5,000 square feet on each floor equals a total of 10,000 square feet). Additionally, the square footage of any public use areas (i.e. boardwalks, piers, docks, wet slip areas, recreation areas, etc.) shall be included in the total square footage calculation, including use areas that extend over and into the water. Other submerged lands shall not be included in the total square footage calculation. These submerged lands, include, but are not limited to, boat travel lanes, navigable waterways, or other areas extending beyond the boat slip and walkway areas.
- k. Multifamily in the ILW District. Limited amounts of residential development are allowed in the ILW districts designated on the Future Land Use Map as Major Employment Centers (MEC) to facilitate access between home and place of work where:
1. The ILW zoning is existing as of January 1, 2013; and
 2. The property is to be used for Multifamily use and is part of and consistent with an existing Corridor Plan; and
 3. The Multifamily use to be developed is part of a unified development plan that consists of, at a minimum, 100,000 square feet of existing Office use; and
 4. The Multifamily use is located on and/or accessed from a major arterial road via an existing signalized intersection; and

5. The Multifamily use is located within 5,000 feet of an existing full interchange with Interstate 75; measured from the center point of the interchange; and
 6. The Multifamily use allowed hereunder shall be developed in a manner consistent with the Development Area Standards set forth in the Planned Commercial Development (PCD) District Dimensional Table in Section 6.11.3.c.1., in lieu of the Commercial and Industrial District Development Intensity Table Standards for ILW zoned property set forth in Section 6.10.1; and
 7. If any Multifamily structure to be developed hereunder is located within 300 feet of the boundary of an adjacent RSF district, and at the time of the initial site and development plan submittal for the Multifamily use there exists no intervening nonresidential use between the Multifamily structure and the RSF district boundary, then a minimum buffer width of 50 feet with a buffer opacity of 0.7 shall be required between the Multifamily structure and the RSF district boundary and a master landscape plan incorporating this buffer shall be submitted prior to, or concurrent with, the initial site and development plan submittal. Such buffer areas shall be developed and maintained in accordance with Section 7.3, Landscaping and Buffering.
- l. Multi-family in the OPI, CN, CG and CI districts. Multi-family shall be allowed in the OPI, CN, CG and CI districts as part of mixed use development in those areas where an adopted Critical Area Plan expressly permits mixed use development. Multi-family development shall comply with the development standards of the applicable zoning district and any conditions of development approval of the Critical Area Plan.
 - m. Minimum Living Standards to Prevent Overcrowding. The following standards shall apply to all residential uses, including household or group living:
 1. For homes with five or more boarding rooms or sleeping areas, at least one communal living room will be provided.
 2. Each boarding room or sleeping area will have a gross floor area of at least 80 square feet.
 3. Where more than two persons occupy a boarding room or sleeping area, the required floor area shall be increased at the rate of 60 square feet for each occupant in excess of two.
 - n. An agricultural use may be established on parcels zoned RE-1, consisting of 2 acres or more, subject to the following separation standards:
 - i. 100 feet from any residentially-zoned property; and
 - ii. 50 feet from any nonresidential property line.

Agricultural uses within the RSF, RE-2, RE-3, and RC districts are limited to the keeping of chickens. The keeping of chickens is allowed as an accessory use is allowed in accordance with the Use Table in Section 5.1 if the following standards are met:

- i. No more than four (4) chickens may be kept, with roosters prohibited;
- ii. No person shall slaughter any chickens;
- iii. The chickens shall be provided with a movable covered enclosure (i.e. "hen house/coop") and must be kept in the covered enclosure or a fenced enclosure at all times. Chickens must be secured within the movable henhouse/coop during non-daylight hours;
- iv. The space per bird in the henhouse/coop shall not be less than four (4) square feet per bird;
- v. No covered enclosure or fenced enclosure shall be located in the front yard or side yard, nor shall the henhouse/coop be closer than ten (10) feet to any property line of an adjacent property, nor within twenty-five (25) feet of any adjacent residential structure. Odors from chickens, chicken manure, or other chicken related substances shall not be detectable at the property boundaries;
- vi. All enclosures for the keeping of chickens shall be so constructed and maintained as to prevent rodents or other pests from being harbored underneath, within, or within the walls of the enclosure. The henhouse/coop must be impermeable to rodents, wild birds, and predators, including dogs and cats. Enclosures shall be kept in neat condition, including provision of clean, dry bedding materials and regular removal of waste materials. All manure not used for composting or fertilizing shall be removed promptly;
- vii. All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rodents or other pests shall be kept in secure containers or otherwise protected so as to prevent rodents and other pests from gaining access to or coming into contact with them;
- viii. The sale of eggs or any other chicken products generated is prohibited.
- ix. Nothing in this subsection shall affect any homeowner association declarations or restrictions.
- x. Chickens that are no longer wanted by their owners shall not be taken to Animal Control, nor shall they be released. Unwanted chickens may be taken to Health & Human Services Mosquito Control Division for utilization in the Sentinel Chicken Program.

- xi. The provisions of this Section 5.3.2.n. shall sunset on January 1, 2019, approved, unless reviewed and saved from repeal, through reenactment by the Board of County Commissioners. In the event that this ordinance sunsets, the keeping of any previously allowed chickens shall be considered a nonconforming use for five years thereafter.

Section 5. Effect on Other Ordinances. The provisions of this Ordinance shall prevail in the event of conflict with the provisions of any existing ordinance.

Section 6. Severability. It is declared to be the intent of the Board of County Commissioners that if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

Section 7. Coding of Amendments. In this Ordinance, language added to an existing Ordinance is underscored and language deleted is typed in ~~strike-through~~ type.

Section 8. Effective Date. This Ordinance shall take effect immediately upon filing with the Office of the Secretary of the State of Florida.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA this ____ day of _____ 20__.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

By: _____
Chairman

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

By: _____
Deputy Clerk