

ORDINANCE NO. 23-5503

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA AMENDING THE ZONING CODE (2002 EDITION), ARTICLE VI, ZONE DISTRICTS, DIVISION 5, COMMERCIAL ZONE DISTRICTS, DIVISION 6, PRODUCTION INTENSIVE COMMERCIAL ZONE DISTRICTS, DIVISION 7, SPECIAL PURPOSE ZONE DISTRICTS, DIVISION 9, SPECIAL PUBLIC INTEREST OVERLAY DISTRICTS, AND DIVISION 10, DOWNTOWN ZONE DISTRICTS, TO UPDATE THE PRIMARY USE TABLES THEREIN; ARTICLE VII, REGULATIONS OF GENERAL APPLICABILITY, DIVISION 6, ADDITIONAL USE AND DEVELOPMENT STANDARDS, SECTION VII-602, SPECIFIC STANDARDS FOR CERTAIN USES, SUBSECTIONS (f) AND (r) TO MODIFY THE STANDARDS REGARDING OUTDOOR SEATING AREAS AND SALE OF ALCOHOLIC BEVERAGES, AND DIVISION 9, ACCESSORY USES AND STRUCTURES, SECTION VII-904, NON-RESIDENTIAL ACCESSORY USES, BUILDINGS AND STRUCTURES, TO AMEND THE APPROVAL PROCEDURES APPLICABLE TO ACCESSORY BARS; PROVIDING FOR SEVERABILITY OF THE PARTS HEREOF; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 02-4357, which adopted a new Zoning Code for the City of Sarasota [hereinafter the Zoning Code (2002 edition)] was adopted by the City Commission on April 29, 2002; and

WHEREAS, Briana Dobbs, AICP, Sr. Planner, pursuant to City Commission authorization, filed Zoning Text Amendment 23-ZTA-04 to create clear regulations for entertainment-oriented establishments (restaurants, bars, outdoor bars, nightclubs) based upon the intensity of the establishment, including elements such as live, amplified music and operating hours; and

WHEREAS, the portion of Application No. 23-ZTA-04 addressed by this Ordinance No. 23-5503 updates the primary use tables; applies additional standards for outdoor seating and other outdoor areas of establishments; updates the separation requirements applicable to bars, outdoor bars, nightclubs and alcoholic beverage stores; expands the downtown exemption area applicable to same; and modifies the permitting process for accessory bars; and

WHEREAS, the Planning Board, acting in its capacity as the Local Planning Agency for the City of Sarasota, held a duly noticed public hearing on September 21, 2023 in accordance with Article IV, Division 12, of the Zoning Code (2002 edition) to review the proposed Zoning Text Amendments contained herein and made its recommendation to the City Commission as to

which of such amendments satisfy the standards for review set forth in Section IV-1206, Zoning Code (2002 edition); and

WHEREAS, the City Commission hereby finds that based upon the foregoing recitals, it is in the best interest of the citizens of the City of Sarasota to amend the Zoning Code (2002 edition) as requested by the portion of Zoning Text Amendment Application No. 23-ZTA-04 addressed in this Ordinance No. 23-5503 and as approved herein; and

WHEREAS, the City Commission held a duly noticed public hearing on November 6, 2023, which was continued to January 16, 2024, and held a second duly noticed public hearing on February 20, 2024 to receive public comment, has considered the recommendations of the Planning Board and Planning staff and has found and determined that the adoption of the proposed amendments to the Zoning Code (2002 edition) as set forth herein would promote the public health, safety and welfare and the redevelopment of the City and would thus serve a valid public purpose.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF SARASOTA, FLORIDA:

Section 1. Findings of Fact: The City Commission hereby finds that the recitations contained in the preamble to this Ordinance as set forth above are true and correct and adopts said recitations as findings of fact.

Section 2. Adoption of Text Amendments: The Zoning Code (2002 edition), Article VI, Zone Districts, Division 5, Commercial Zone Districts, Division 6, Production Intensive Commercial Zone Districts, Division 7, Special Purpose Zone Districts, Division 9, Special Public Interest Overlay Districts, and Division 10, Downtown Zone Districts; Article VII, Regulations of General Applicability, Division 6, Additional Use and Development Standards, Section VII-602, Specific Standards for Certain Uses, Subsections (f) and (r), and Division 9, Accessory Uses and Structures, Section VII-904, Non-Residential Accessory Uses, Buildings and Structures, are all amended to update the primary use tables, apply additional standards for outdoor seating and outdoor areas of establishments, update the separation requirements applicable to bars, outdoor bars, nightclubs and alcoholic beverage stores, expand the downtown

exemption area applicable to same, and modify the permitting process for accessory bars. The City Commission hereby adopts the above-described amendments to the text of the Zoning Code (2002 edition) which are more fully set forth in Exhibit A, a copy of which is attached hereto and incorporated by reference herein. Exhibit A contains the portions of the above-referenced Zoning Code sections in which the proposed amendments would be codified with modifications shown in “black line” format by which deletions from existing texts are shown by ~~strike through~~ and additions to existing text are shown by underline.

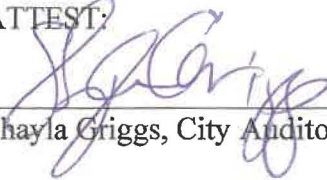
Section 3. Severability: It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance be deemed severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance is declared unconstitutional or otherwise invalid by the valid judgment of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance.

Section 4. Effective Date: This Ordinance shall take effect immediately upon second reading insofar as it may apply to any new business establishment which is not operating as of the effective date of this Ordinance. With regard to all other business establishments, this Ordinance shall not be applied until after October 1, 2026. After October 1, 2026, the City Commission shall adopt a transition plan for bringing those establishments which are in existence as of the effective date of this Ordinance that would be required to obtain any further development approvals (e.g. minor or major conditional use) by the terms hereof into compliance.

PASSED on first reading by title only, after posting for public viewing at City Hall for at least three (3) days prior to first reading, as authorized by Article IV, Section 2, Charter of the City of Sarasota, Florida this 16th day of January, 2024.

PASSED on second reading and finally adopted this 20th day of February, 2024.


Liz Alpert, Mayor

ATTEST:

Shayla Griggs, City Auditor and Clerk

- Yes Mayor Liz Alpert
- No Vice Mayor Jen Ahearn-Koch
- Yes Commissioner Erik Arroyo
- Yes Commissioner Kyle Scott Battie
- Yes Commissioner Debbie Trice

Article VI – ZONE DISTRICTS

Division 5. – COMMERCIAL ZONE DISTRICTS

Sec. VI-502. - Primary uses.

Table VI-501. Primary Uses Allowed in the Commercial Zones

Use Categories	CND (2,3,4)	CSD (2,3)	CRD (2,3)	CGD	CSC
blank = Prohibited Use C= Major Conditional Use MC= Minor Conditional Use L = Provisional Use P = Permitted Use					
RESIDENTIAL USE CATEGORIES					
Household Living	P(1)	P(1)	P(1)	P(1)	
Group Living			P (1)	P(1)	
COMMERCIAL CATEGORIES					
Commercial Recreation				C	C
Commercial Parking	L	L	L	L	
Quick Vehicle Servicing				C	
Major Event Entertainment				C	
Office	P	P	P	P	P
Retail Sales and Service	Only retail sales and service as noted below				
Sales-oriented	P	P	P	P	P
Exceptions to sales-oriented noted below					
Alcoholic Beverage Store	C	C	C	C	P
Convenience Store	C	C	C	C	C
Motor vehicle/boat sales agency				C	
Motor vehicle/boat showroom				P	P
Pharmacy			P(5)	P(5)	
Personal service-oriented	P	P	P	P	P
Entertainment-oriented	P	P	P	P	P
Exceptions to entertainment-oriented noted below					
Bars, Tavern, Nightclubs	MCC	MCC	MCC	MCC	MCC
Bar, outdoor	C	C	C	C	C
Nightclub	C	C	C	C	C
Hotel/Motel and Other Temporary Lodging		P	P	P	
Repair-oriented	P	P	P	P	P
Adult Use Establishments (see article IV, division 4)					C
Self-Storage					
Use Categories	CND (2,3,4)	CSD (2,3)	CRD (2,3)	CGD	CSC
Vehicle Repair				C	
INDUSTRIAL USE CATEGORIES					

EXHIBIT A

Artist, sculptor, potter, weaver, etc. studios	L	L	L	L	L
INSTITUTIONAL USE CATEGORIES					
Basic Utilities	P	P	P	P	P
Colleges		C	C	C	C
Community Services		C	C	C	C
	Exceptions to community services noted below				
Short-Term Housing and Mass Shelters				C	
Libraries/Museums	P	P	P	P	P
Day Care	P	P	P	P	P
Medical Centers					
Parks and Open Space	P	P	P	P	P
Private Clubs	MC	MC	MC	MC	MC
Religious Institutions	P	P	P	P	P
Schools	P	P	P	P	P
OTHER USE CATEGORIES					
Aviation and Surface Passenger Terminals	C	C	C	C	C
Detention Facilities					
Radio and Frequency Transmission Facilities					
Commercial Wireless Telecommunication Towers	C	C	C	C	C
Rail Lines and Utility Corridors					

EXHIBIT A

Table VI-501-A. Primary Uses Allowed in the Commercial Zones

Use Categories	CN	CBN	NT	CT	CP	CSC-N	CSC-C	CSC-R	CG
blank = Prohibited Use C= Major Conditional Use MC= Minor Conditional Use L = Provisional Use									
P = Permitted Use									
RESIDENTIAL USE CATEGORIES									
Household Living	Only household living use types below								
Single		P							
Two		P							
Townhouse		P	P						
Multiple		P	P						
Mixed use development		P	P	P(4)					
Group Living	Only group living use types below								
Assisted living facility		P	P						
Community residential home		P	P						
Dormitory, educational	P	P	P						P
Group home facility		P	P						
Nursing home		P	P						
COMMERCIAL CATEGORIES									
Commercial Recreation	Only commercial recreation use types below								
Recreational facilities (indoor)	C		C		C	C	C	MC	MC
Recreational facilities (outdoor)									
Commercial Parking	P	P	P		P	P	P	P	P
Quick Vehicle Servicing	Only quick vehicle service use types below								
Automatic fueling station									
Car wash (non self-service)	C		C				MC	MC	MC
Car wash (self-service)	MC	MC	MC			MC	MC	MC	MC
Motor vehicle fuel station	MC	MC	MC			MC	P	P	P
Motor vehicle service station			MC				P	P	P
Major Event Entertainment	Only major event entertainment use types below								
Auditorium, convention center	P	P	P			P	P	P	P
Pari-mutual facility									
Office	Only office use types below								

EXHIBIT A

Use Categories	CN	CBN	NT	CT	CP	CSC-N	CSC-C	CSC-R	CG
Alarm system, security operation office	P	P	P		P	P	P	P	P
Contractor, tradesman's shop/office									
Data and computer services		P			P		P	P	P
Employment Office	P	P	P		P	P	P	P	P
Financial Institutions	P	P	P	MC(4)	P	P	P	P	P
Medical/dental laboratory		P			P				
Newspaper office w/o printing	P	P	P		P	P	P	P	P
Office, business or professional	P	P	P	P(4)	P	P	P	P	P
Office or clinic, medical or dental	P	P	P	P(4)	P	P	P	P	P
Optical and eye care facility	P	P	P				P	P	
Travel agency	P	P	P	P(4)	P	P	P	P	P
Radio and television station w/o transmission towers or dishes	P	P	P		P	P	P	P	P
Retail Sales and Service	Only retail sales and service use types below								
Adult bookstore/video store (2)							P	P	P
Adult theater (2)							C	C	C
Alcoholic beverage store	C	C	C	C		C	C	C	C
Antique store	P	P	P	P	P	P	P	P	P
Apparel/clothing store	P	P	P	P	P	P	P	P	P
Appliance and household equipment sales, lease or service	P	P	P		P	P	P	P	P
Art or framing gallery	P	P	P	P	P	P	P	P	P
Art or craft supplies, retail	P	P	P	P	P	P	P	P	P
Automobile rental agencies	P(1)	P(1)	P(1)			P(1)	P(1)	P(1)	P(1)
Bakery, retail	P	P	P	P	P	P	P	P	P
Bar or tavern	MC	MC	MCC	MCC				MCC	MCC

EXHIBIT A

Use Categories	CN	CBN	NT	CT	CP	CSC-N	CSC-C	CSC-R	CG
<u>Bar, outdoor</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>				<u>C</u>	<u>C</u>
Brewpub	P	P	P	P	P	P	P	P	P
Barber, beauty shop, tanning salon	P	P	P	P	P	P	P	P	P
Bed and Breakfast	P	P	P		P				P
Boat sales, rental or lease			MC						
Book, stationery store	P	P	P	P	P	P	P	P	P
Carpet or floor retail sales		P	P		P		P	P	P
Convenience store	C	C	C			C	C		C
Copying, duplicating shop	P	P	P			P	P	P	P
Crematory	P	P	P						P
Dance and music studio	P	P	P	P(4)	P			P	P
Delicatessen	P	P	P		P	P	P	P	P
Department store					P		P	P	
Drugstore	P	P	P	P	P	P	P	P	P
Dry cleaners or laundromat, retail	P	P	P	P	P	P	P	P	P
Florist, plant or gift shop	P	P	P	P	P	P	P	P	P
Food or grocery store	P	P	P	P	P	P	P	P	P
Fortune tellers, astrologists, psychics, palmists, etc.									
Funeral homes	P	P	P						P
Furniture sales	P	P	P	P	P	P	P	P	P
Garden center or plant nursery (w/o outside bulk material storage)	P	P							P
Hardware store	P	P	P			P	P	P	P
Health club or spa, exercise, exercise instruction or dance facility	P	P	P	P(4)	P	P	P	P	P
Home electronic sales, lease or service	P	P	P		P	P	P	P	P
Home improvement center								P	
Hotel/motel		P	P		P				P

EXHIBIT A

Use Categories	CN	CBN	NT	CT	CP	CSC-N	CSC-C	CSC-R	CG
Interior design and decorating shop	P	P	P		P	P	P	P	P
Jewelry store	P	P	P	P	P	P	P	P	P
Lawn mower sales and service		P							
Locksmith	P	P	P		P	P	P	P	P
Mobile food truck		P	P						
Motor vehicle parts, retail		P	P				P	P	P
Motor vehicle sales agency									C
Motor vehicle sales lot (used)									
Motor vehicle showroom		P(1)	P						P
Music store	P	P	P		P	P	P	P	P
Newspaper, magazine or tobacco store	P	P	P	P	P	P	P	P	P
Nightclub	C		C	C				C	C
Office equipment sales, lease and service		P	P		P		P	P	P
Pawn shop									
Pet grooming services (3)	P	P	P			P	P	P	P
Pet store (w/o kennels)	P	P	P		P	P	P	P	P
Pharmacy	P(6)	P(6)	P(6)	P(6)	P(6)		P(6)	P	P
Photographic studios	P	P	P	P	P	P	P	P	P
Photographic stores, retail	P	P	P	P	P	P	P	P	P
Physical culture establishment (2)									C
Restaurant	P	P	P	P	P	P	P	P	P
Restaurant, fast food	P	P	P	P	P	P	P	P	P
School, vocational, trade or business		P	P						P
Shoe repair	P	P	P		P	P	P	P	P
Shoe store, sales (retail)	P	P	P	P	P	P	P	P	P
Sporting goods, retail (not boats)	P	P	P	P	P	P	P	P	P
Tailor or dressmaker	P	P	P		P	P	P	P	P
Theater, commercial		P	P				P	P	P

EXHIBIT A

Use Categories	CN	CBN	NT	CT	CP	CSC-N	CSC-C	CSC-R	CG
Theater, non-profit community	P	P	P		P	P	P	P	P
Thrift shop	P	P	P			P	P	P	P
Variety retail	P	P	P	P	P	P	P	P	P
Variety, sundry or candy store	P	P	P	P	P	P	P	P	P
Veterinary clinic	P	P	P		P	P	P	P	P
Video, movie store (non-adult)	P	P	P	P	P	P	P	P	P
Self-Storage									
Vehicle Repair									
INDUSTRIAL USE CATEGORIES									
Industrial Service	Only industrial service use types below								
Printing shop	P	P	P		P	P	P	P	P
Taxi or limousine dispatching service		P(1)	P						P
Taxi or limousine operations facility									P
Tool and equipment rental		P							P
Manufacturing and Production	Only manufacturing and production use types below								
Artist, sculptor, potter, weaver, etc. studios		P	P						
Warehouse and Freight Movement									
Waste-Related									
Wholesale Sales	Only wholesale sale use types below								
Wholesale facility (w/o manufacturing onsite)									
INSTITUTIONAL USE CATEGORIES									
Basic Utilities	P	P	P	P	P	P	P	P	P
Colleges	P	P	P						P
Community Services	Only community service use types below								
Library	P	P	P		P	P	P	P	P
All other community services		C(5)							
Day Care	Only day care use types below								
Adult day care	P	P		P	P	P	P	P	P
Child care	P	P	P		P	P	P	P	P
Family day care		P	P						
Medical Centers									

EXHIBIT A

Use Categories	CN	CBN	NT	CT	CP	CSC-N	CSC-C	CSC-R	CG
Parks and Open Space	Only park use types below								
Cemeteries, columbaria and mausoleums	P	P	P			P	P	P	P
Park	P	P	P	P	P	P	P	P	P
Private Clubs	P	P	P		P	P	P	P	P
Yacht club									
Religious Institutions	P	P	P		P	P	P	P	P
Schools	P	P			P	P	P	P	
OTHER USE CATEGORIES									
Aviation and Surface Passenger Terminals	Only Aviation and Surface Passenger Terminal use types below								
Bus and transportation terminals		C(1)							P
Detention Facilities									
Radio and Frequency Transmission Facilities	Only Radio and Frequency Transmission Facility use types below								
Commercial wireless telecommunication towers	C	C	C	C	C	C	C	C	C
Rail Lines and Utility Corridors									

EXHIBIT A

Division 6. – PRODUCTION INTENSIVE COMMERCIAL ZONE DISTRICTS

Sec. VI-602. - Primary uses.

Table VI-601. Primary Uses Allowed, Production Intensive Commercial

Use Categories	ICD	IGD	IHD
blank = Prohibited Use C= Major Conditional Use MC= Minor Conditional Use L = Provisional Use P = Permitted Use			
RESIDENTIAL USE CATEGORIES			
Household Living			
Group Living			
COMMERCIAL CATEGORIES			
Commercial Recreation	C		
Commercial Parking	P		
Quick Vehicle Servicing	P	P	P
Major Event Entertainment	C		
Office	P	P	P
Retail Sales and Service	Only retail sales and service as noted below		
Sales-oriented	P	P	P
Exceptions to sales-oriented noted below			
Convenience store	C	C	C
Personal service-oriented	P	P	P
Pharmacy	P		
Entertainment-oriented	P	P	P
Exceptions to entertainment-oriented noted below			
Bars, Tavern, Nightclubs	MCC	MCC	MCC
Bar, outdoor	C	C	C
Nightclub	C	C	C
Hotel/Motel and Other Temporary Lodging	P		
Mobile food truck	P	P	P
Repair-oriented	P	P	P
Adult Use Establishments (see article IV, division 4)	C	C	C
Self-Storage	P	P	P
Vehicle Repair	P	P	P
INDUSTRIAL USE CATEGORIES			
Industrial Service		P	P
Boat sales, storage and repair	P	P	P
Contractor storage yard	P	P	P
Microbrewery, winery, craft distillery	P	P	P
Printing shop	P	P	P
Tool and equipment rental	P	P	P
Upholstery and furniture repair shop	P	P	P
Manufacturing and Production		L	P
Artist, sculptor, potter, weaver, etc. studios	P	P	P
Warehouse and Freight Movement		P	P
Waste Related			C
Wholesale Sales	P	P	P

Use Categories	ICD	IGD	IHD
INSTITUTIONAL USE CATEGORIES			
Basic Utilities	P	P	P
Colleges	C		
Community Services	MC	MC	MC
Short-Term Housing and Mass Shelters	C		
Day Care	P	P	P
Medical Centers			
Parks and Open Space	P	P	P
Private Clubs	MC		
Religious Institutions	P	P	P
Schools	P	P	P
OTHER USE CATEGORIES			
Aviation and Surface Passenger Terminals	C	C	C
Detention Facilities		C	C
Radio and Frequency Transmission Facilities	C	C	C
Commercial Wireless Telecommunication Towers	C	C	C
Rail Lines and Utility Corridors		C	C

Table VI-601A. Primary Uses Allowed, Production Intensive Commercial

Use Categories	CI	ILW	I
blank = Prohibited Use C= Major Conditional Use MC= Minor Conditional Use L = Provisional Use P = Permitted Use			
RESIDENTIAL USE CATEGORIES			
Household Living			
Group Living	Only group living use types below		
Dormitory, educational	P		
COMMERCIAL CATEGORIES			
Commercial Recreation	Only commercial recreation use types below		
Recreational facilities (indoor)	P	P	P
Recreational facilities (outdoor)	C	P	P
Commercial Parking	P	P	
Quick Vehicle Servicing	Only quick vehicle service use types below		
Automatic fueling station		P	P
Car wash (non-self-service)	MC	P	P
Car wash (self-service)	P	P	P
Motor vehicle fuel station	P	P	P
Motor vehicle service station	P	P	P
Major Event Entertainment	Only major event entertainment use types below		
Auditorium, convention center	P	P	P
Pari-mutual facility	C		
Office	Only office use types below		
Alarm system, security operation office	P	P	
Contractor, tradesman's shop/office	P(1)	P	P

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Use Categories	CI	ILW	I
Data and Computer services	P	P	
Employment Office	P	P	P
Financial Institutions	P	P	P
Medical/Dental Laboratory	P	P	P
Newspaper Office w/o printing plant	P	P	
Office, business or professional	P	P	P
Office or clinic, medical or dental	P	P	P
Optical and eye care facility		P	
Travel agency	P	P	
Radio and television station w/o transmission towers or dishes	P	P	P
Retail Sales and Service	Only retail sales and service use types below		
Sales-oriented		P	
	Exception to sales-oriented noted below		
Adult bookstore/video store (3)	P	P	P
Adult theater (3)	C	C	C
Alcoholic beverage store	MC		
Antique Store	P	P	
Apparel/clothing store	P	P	
Appliance and household equipment sales, lease or service	P	P	
Art or framing gallery	P	P	
Art or craft supplies, retail	P	P	
Automobile rental agencies	P	P	P
Bakery, retail	P	P	
Bar or tavern	MC	MC	MC
Bar, outdoor	C	C	C
Barber, Beauty Shop, tanning salon	P	P	
Bed and Breakfast			
Boat sales, rental or lease	P	P	
Book, stationery store	P	P	
Brewpub	P	P	P
Carpet or floor retail sales	P	P	
Convenience store	C	C	C
Copying, duplicating shop	P	P	
Crematory	P	P	P
Dance and music studio	P	P	
Delicatessen	P	P	
Department store			
Drugstore	P	P	
Dry cleaners or laundromat, retail	P	P	
Florist, plant or gift shop	P	P	
Food or grocery store	P	P	

EXHIBIT A

Use Categories	CI	ILW	I
Fortune tellers, astrologists, psychics, palmists, etc.	P	P	
Funeral homes	P	P	P
Furniture sales	P	P	
Garden center or plant nursery w/o outside bulk material storage)	P	P	P
Hardware store	P	P	P
Health club or spa, exercise, exercise instruction or dance facility	P	P	P
Home electronic sales, lease or service	P	P	
Home improvement center	P	P	P
Hotel/motel			
Interior design and decorating shop	P	P	
Jewelry store	P	P	
Lawn mower sales and service	P	P	P
Locksmith	P	P	P
Mobile food truck		P	
Motor vehicle parts, retail	P	P	P
Motor vehicle sales agency	P	P	P
Motor vehicle sales lot (used)	P	P	P
Motor vehicle showroom	P	P	P
Music store	P	P	
Newspaper, magazine or tobacco store	P	P	
Nightclub	C	C	C
Office equipment sales, lease and service	P	P	
Pawn Shop	P		
Pet grooming services (2)	P	P	
Pet store (w/o kennels)	P	P	
Pharmacy	P(6)	P(6)	
Photographic studios	P	P	
Photographic stores, retail	P	P	
Physical culture establishment (3)	C	C	C
Restaurant	P	P	P
Restaurant, fast food	P	P	P
School, vocational, trade or business	P	P	P
Shoe repair	P	P	
Shoe store, sales (retail)	P	P	
Sporting goods, retail (not boats)	P	P	
Tailor or Dressmaker	P	P	
Theater, commercial	P	P	
Theater, non-profit community	P	P	P
Thrift shop	P	P	
Variety retail	P	P	
Variety, sundry or candy store	P	P	

EXHIBIT A

Use Categories	CI	ILW	I
Veterinary clinic	P	P	
Video, movie store (non-adult)	P	P	
Self-Storage	P	P	P
Vehicle Repair	P	P	P
INDUSTRIAL USE CATEGORIES			
Industrial Service	Only industrial service use types below		
Boat sales, storage and repair	P	P	P
Contractor storage yard	P(5)	P	P
Contractor, Tradesman's shop/office (unlimited)		P(5)	P
Furniture repair, dipping and stripping, upholstery	P	P	P
Heavy machinery and equipment sales		P	P
Kennel, boarding		P	P
Laundry and dry cleaning facility		P	P
Microbrewery, winery, craft distillery			
Motor vehicle towing/storage		MC	P
Motor vehicle wrecking yard			C
Outdoor storage yard		P (4)	P
Printing shop	P	P	P
Recycling materials separation facility		MC	P
Recycling center		MC	P
Research and development (HAZMAT)		C	C
Research and development (non-HAZMAT)		P	P
Taxi or limousine dispatching service	P	P	P
Taxi or limousine operations facility	P	P	P
Tool and equipment rental	P	P	P
Truck stop		P	P
Upholstery and furniture repair shop	P	P	
Manufacturing and Production	Only manufacturing and production use types below		
Artist, sculptor, potter, weaver, etc. studios	P	P	P
Assembly (HAZMAT)		C	C
Assembly (non-HAZMAT)		P	P
Boat building and repair yard		P	P
Carpentry or cabinet shop	P	P	P
Generating Plant, electric or gas		C	C
Manufacturing, paper products and stationery (excluding paper)		MC	P
Manufacturing, candy and confections		P	P
Manufacturing, clothing dry goods and apparel (not tanning or curing of raw hides or skins)		P	P
Manufacturing, cosmetics and perfume		C	C

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Use Categories	CI	ILW	I
Manufacturing, electronic equipment, appliances and components		P	P
Manufacturing, fabricating, heating, plumbing and air conditioning equipment			P
Manufacturing, fabricated metal			P
Manufacturing, furniture and fixtures		MC	P
Manufacturing, motor vehicle parts			P
Manufacturing, musical instruments and toys		P	P
Manufacturing, optical and glass products		MC	P
Manufacturing, pharmaceuticals		P	P
Manufacturing, pottery, ceramics		MC	P
Manufacturing, processing, compounding, foods (not slaughterhouse)	MC		P
Marble tile, processing, polishing or cutting		P	P
Masonry and stone working		P	P
Molding, casting or shaping of plastic products		MC	P
Newspaper Office w/ printing plant		P	P
Testing/experimental laboratories (non-HAZMAT)		P	P
Testing/experimental laboratories (HAZMAT)		C	C
Welding, blacksmith or machine shop		P	P
Warehouse and Freight Movement	Only warehouse and freight movement use types below		
Coal, wood and lumber yards		P	P
Cold storage facility		P	P
Motor vehicle storage lot	P	P	P
Moving and storage operations		P	P
Package express delivery services	P	P	P
Warehouse and distribution (HAZMAT)		C	C
Warehouse and distribution (non-HAZMAT)	P	P	P
Waste-Related			
Trash and refuse removal service		C	C
Wholesale Sales	Only wholesale sale use types below		
Wholesale facility		P	P
Wholesale facility (w/o manufacturing onsite)	P	P	P
Garden center or plant nursery w/ outside bulk material storage)	P	P	P
INSTITUTIONAL USE CATEGORIES			
Basic Utilities	P	P	P
Colleges	P		
Community Services	Only community service use types below		
Library	P	P	

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Social Service facility	C		
Day Care	Only day care use types below		
Adult day care	P	P	
Use Categories	CI	ILW	I
Child care	P	P	
Family day care			
Medical Centers			
Parks and Open Space	Only park use types below		
Cemeteries, columbaria and mausoleums	P	P	P
Park	P	P	P
Private Clubs	P	P	P
Religious Institutions	P	P	P
Schools	P		
OTHER USE CATEGORIES			
Aviation and Surface Passenger Terminals	Only terminal use types below		
Bus and transportation terminals	P	P	P
Detention Facilities			
Radio and Frequency Transmission Facilities		P	P
Commercial Wireless Telecommunication Towers	C	P	P
Rail Lines and Utility Corridors	Only as specified below		
Railroad ROW, tracks, sidings, yards, areas for rail car storage and switching facilities		P	P

Notes for Table VI-601A:

- (1) *Manufacturing limitation.* No manufacturing of concrete or asphalt on site.
- (2) *Pet grooming limitation.* No boarding, kennel or veterinary services are permitted.
- (3) *Adult use limitation.* See specific restrictions found in article IV, division 4 of this Code.
- (4) *Outdoor storage limitation.* No wrecking yards, including motor vehicle or junk yards, or yards in whole or in part used for scrap or salvage operations, or processing, storage, display or sale of scrap, salvage or used building materials, motor vehicle or motor vehicle parts.
- (5) *Contractor storage yard limitation.* No storage, display or sale of scrap, salvage, second hand building materials, inoperative motor vehicles or used motor vehicle parts allowed.
- (6) *Pharmacy limitation.* Pharmacy use permitted only when accessory to a drugstore or grocery store. Pharmacy as a primary use is prohibited.

EXHIBIT A

Division 7. – SPECIAL PURPOSE ZONE DISTRICTS

Sec. VI-702. - Primary uses.

Table VI-701. Primary Uses Allowed in the Special Purpose Zones

Use Categories	WFR	G	CRT
blank = Prohibited Use C= Major Conditional Use MC= Minor Conditional Use L = Provisional Use P = Permitted Use			
RESIDENTIAL USE CATEGORIES			
Household Living	P(3)	C(3)	P(3)
Group Living	P(4)	C(4)	P(4)
COMMERCIAL CATEGORIES			
Commercial Recreation	Only commercial recreation use types below		
Recreational facilities (indoor)		C	
Recreational facilities (outdoor)		C	
Commercial Parking			P
Quick Vehicle Servicing	Only quick vehicle service use types below		
Automatic fueling station			
Car wash (non-self-service)			
Car wash (self-service)			
Motor vehicle fuel station			
Motor vehicle service station			
Major Event Entertainment	Only major event entertainment use types below		
Auditorium, convention center			
Pari-mutuel facility			
Office	Only office use types below		
Alarm system, security operation office			P
Contractor, tradesman's shop/office			
Data and Computer services			P
Employment Office			
Financial Institutions			P
Medical/Dental Laboratory			
Newspaper Office w/o printing			
Office, business or professional			P
Office or clinic, medical or dental			P
Optical and eye care facility			
Travel agency			P
Radio and television station w/o transmission towers or dishes			P

Use Categories	WFR	G	CRT
Retail Sales and Service	Only retail sales and service use types below		
Adult bookstore/video store (1)			
Adult theater (1)			
Alcoholic beverage store			
Antique Store			P
Apparel/clothing store			P
Appliance and household equipment sales, lease or service			P
Art or framing gallery			P
Art or craft supplies, retail			P
Automobile rental agencies			
Bakery, retail			P
Bar or tavern			
Bar, outdoor			
Barber, Beauty Shop, tanning salon			P
Bed and Breakfast			P
Boat sales, rental or lease			
Book, stationery store			P
Brewpub			P
Carpet or floor retail sales			P
Convenience store			C
Copying, duplicating shop			P
Crematory			
Dance and music studio			C
Delicatessen			P
Department store			
Drugstore			P
Dry cleaners or laundromat, retail			P
Florist, plant or gift shop			P
Food or grocery store			P
Fortune tellers, astrologists, psychics, palmists, etc.			
Funeral homes			
Furniture sales			P
Garden center or plant nursery w/o outside bulk material storage)			
Hardware store			P
Health club or spa, exercise, exercise instruction or dance facility			
Home electronic sales, lease or service			P
Home improvement center			
Hotel/motel	MC		P
Interior design and decorating shop			P
Jewelry store			P

EXHIBIT A

Use Categories	WFR	G	CRT
Lawn mower sales and service			
Locksmith			P
Mobile food truck		P(6)	
Motor vehicle parts, retail			
Motor vehicle sales agency			
Motor vehicle sales lot (used)			
Motor vehicle showroom			
Music store			P
Newspaper, magazine or tobacco store			P
Nightclub			
Office equipment sales, lease and service			P
Pawn Shop			
Pet grooming services (2)			P
Pet store (w/o kennels)			P
Pharmacy			P(5)
Photographic studios			P
Photographic stores, retail			P
Physical culture establishment (1)			
Restaurant			P
Restaurant, fast food			
School, vocational, trade or business			P
Shoe repair			P
Shoe store, sales (retail)			P
Sporting goods, retail (not boats)			P
Tailor or Dressmaker			P
Theater, commercial			
Theater, non-profit community			P
Thrift shop			P
Variety retail			P
Variety, sundry or candy store			P
Veterinary clinic			
Video, movie store (non-adult)			P
Self-Storage			
Vehicle Repair			
INDUSTRIAL USE CATEGORIES			
Industrial Service	Only industrial service use types below		
Printing shop			P
Taxi or limousine dispatching service			
Taxi or limousine operations facility			
Tool and equipment rental			
Manufacturing and Production	Only manufacturing and production use types below		
Artist, sculptor, potter, weaver, etc. studios			P

EXHIBIT A

Use Categories	WFR	G	CRT
Warehouse and Freight Movement			
Waste-Related			
Wholesale Sales	Only wholesale sale use types below		
Wholesale facility (w/o manufacturing onsite)			
INSTITUTIONAL USE CATEGORIES			
Basic Utilities	P	P	P
Colleges			
Community Services	Only community service use types below		
Library		P	P
Day Care	Only day care use types below		
Adult day care			P
Child care			P
Family day care			P
Medical Centers			
Parks and Open Space	Only park use types below		
Cemeteries, columbaria and mausoleums		C	P
Park	P	P	P
Private Clubs			P
Private Recreation Club	C		
Yacht club			
Religious Institutions			P
Schools		P	P
OTHER USE CATEGORIES			
Aviation and Surface Passenger Terminals	Only Aviation and Surface Passenger Terminal use types below		
Bus and transportation terminals			
Detention Facilities			
Radio and Frequency Transmission Facilities	Only Radio and Frequency Transmission Facility use types below		
Commercial Wireless Telecommunication Towers	C	C	C
Rail Lines and Utility Corridors			
USES LIMITED TO SPECIAL PURPOSE ZONES (see article II-2 definitions)			
Government Uses		P	
Lease Hold Use		C	
Live/Work			C

Notes for table VI-701:

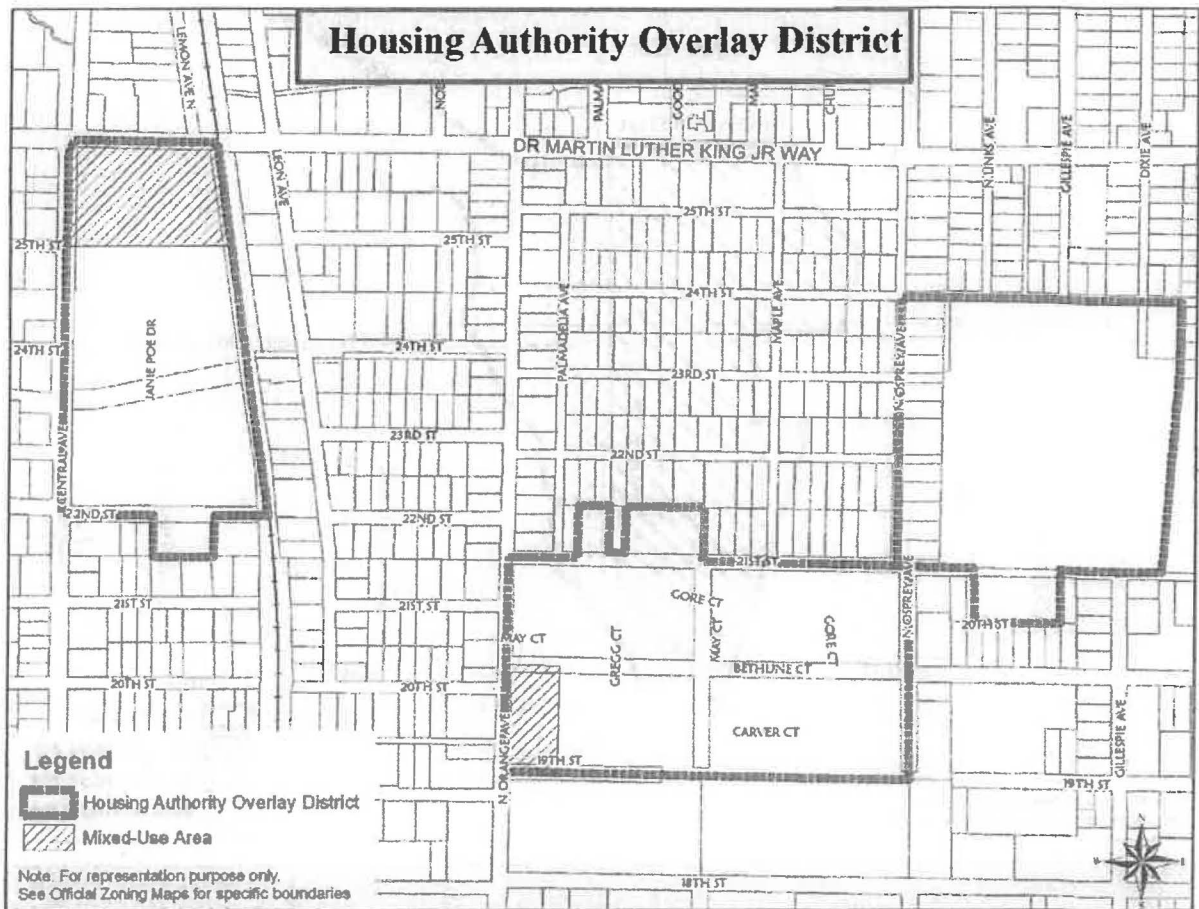
- (1) *Adult use limitation.* See specific restrictions in article IV, division 4 of this Code.
- (2) *Pet grooming limitation.* No boarding, kennel or veterinary services are permitted.
- (3) *Household living limitation.* Housing types are limited to those defined in table VI-702.
- (4) *Group living limitation.* Housing types are limited to those defined in table VI-702.

EXHIBIT A

- (5) *Pharmacy limitation.* Pharmacy use permitted only when accessory to a drugstore or grocery store. Pharmacy as a primary use is prohibited.
- (6) *Mobile food truck.* The number of mobile food trucks allowed on G-zoned city-owned properties may be increased at the discretion of the city manager.

Division 9. – SPECIAL PUBLIC INTEREST OVERLAY DISTRICTS

Sec. VI-909. - Housing authority overlay district.



- (a) *Intent and purpose.* The housing authority overlay district (HAOD) is intended to provide a means by which the housing authority may continue to function and grow in a sensitive and planned manner that preserves the integrity and long-term viability of the surrounding neighborhood.
- (b) *Establishment of the boundaries.* The application of the HAOD shall be restricted to those geographical areas that are designated on the Official Zone District Map of the City of Sarasota.
- (c) *Development standards.*
 - (1) *Applicability.* When the HAOD applies to a particular property, the underlying zoning district categories are neither abandoned nor repealed. The existing regulations remain in effect. All development shall be subject to the development standards set forth in the underlying zoning district. However, where the provisions of this section are in conflict with the underlying zoning designation, the provisions of this section shall apply.

EXHIBIT A

(2) Primary uses.

ALLOWED USES (See note 1 below)	
Use Categories See article II, division 3 description of the use categories	blank = Prohibited Use C = Major Conditional Use MC = Minor Conditional Use L = Provisional Use P = Permitted Use
RESIDENTIAL CATEGORIES	As noted below
Household Living	P
Group Living	
COMMERCIAL CATEGORIES(1)	As noted below
Commercial Recreation	
Commercial Parking	P
Quick Vehicle Servicing	
Major Event Entertainment	
Office	P
Retail Sales and Service	Only retail sales and service as noted below
Sales-oriented	P
	Exceptions to sales-oriented noted below
Alcoholic Beverage Store	
Convenience Store	
Motor vehicle/boat sales agency	
Motor vehicle/boat showroom	
Pharmacy	P(3)
Personal service-oriented	P
Entertainment-oriented	MC
	Exceptions to entertainment-oriented noted below
Bars, Taverns, Nightclubs	
Bar, outdoors	
Hotel/Motel & Other Temporary Lodging	
Nightclubs	
Repair-oriented	P
Restaurants, cafes, delicatessens	P
Adult Use Establishments (see Article 4, Division 4)	
Self-Storage	
Vehicle Repair	
INDUSTRIAL CATEGORIES	None permitted
INSTITUTIONAL CATEGORIES	As noted below
Basic Utilities	P
Colleges	
Community Services	C
Day Care	L(2)
Medical Centers	
Parks & Open Space	P
Private Clubs	C
Religious Institutions	C
Schools	MC
OTHER CATEGORIES	As noted below
Aviation and Surface Passenger Terminals	C
Detention Facilities	

EXHIBIT A

Radio and Frequency Transmission Facilities	
Commercial Wireless Telecommunication Towers	C
Rail Lines and Utility Corridors	

Notes for Use Table:

- (1) Use limitations. Commercial uses are limited to the areas designated as Urban Edge (mixed use) on the future land use map in the Sarasota City Plan. Each individual business is limited to 5,000 square feet of total floor area. Commercial uses are limited in size in order to limit their potential impacts on residential uses and to promote a relatively local market area. Drive-up windows and drive-through uses are prohibited. A commercial use is required on the ground floor of any portion of a building facing the road frontage along Dr. Martin Luther King Jr. Way.
- (2) All applicants for a day care facility, that provide child care for more than ten children, shall hold a community workshop as set forth in section IV-201(b) prior to submitting an application for a provisional use permit.
- (3) *Pharmacy limitation.* Pharmacy use permitted only when accessory to a drugstore or grocery store. Pharmacy as a primary use is prohibited.

Division 10. – DOWNTOWN ZONE DISTRICTS

Sec. VI-1004. - Primary uses.

Table VI-1001. Primary Uses Allowed in the Downtown Zone Districts

Use Categories See article II, division 3, description of the use categories	DTN (4, 5)	DTNE (5)	DTE (5)	DTC	DTB
blank = Prohibited Use C= Major Conditional Use MC= Minor Conditional Use L = Provisional Use P= Permitted Use					
RESIDENTIAL USE CATEGORIES See II-304					
Household Living (1)	P	P	P	P	P
Group Living (2)	P	P	P	P	P
COMMERCIAL CATEGORIES (3) See II-305					
Commercial Recreation			MC	MC	MC
Commercial Parking		MC	P	P	P
Quick Vehicle Servicing			MC	MC	
Major Event Entertainment			C	C	C
Office (6)	MC/H	P	P	P	P
Retail Sales and Service	Only retail sales and service as noted below				
Sales-oriented (6)	MC/H	P	P	P	P
Exceptions to sales-oriented noted below					
Alcoholic Beverage Store			MC	MC	MC
Convenience Store	MC	MC	MC	MC	MC
Motor vehicle/boat sales agency			MC	MC	MC
Motor vehicle/boat showroom			MC	MC	MC
Pawn Shops					
Pharmacy			P(8)	P(9)	
Personal service-oriented (6)	MC/H	P	P	P	P
Entertainment-oriented		P	P	P	P
Exceptions to entertainment-oriented noted below					
<u>Bars, Tavern, Nightclubs</u>			<u>MCC</u>	<u>MCC</u>	<u>MCC</u>
<u>Bar, outdoor</u>			<u>C</u>	<u>C</u>	<u>C</u>
<u>Nightclub</u>			<u>C</u>	<u>C</u>	<u>C</u>
Hotel/Motel and Other Temporary Lodging	MC	P	P	P	P
Mobile food truck			P		
Bed and Breakfast	L/H				
Repair-oriented	MC	P	P	P	P
Adult Use Establishments (see Article 4, Division 4)					
Self-Storage					
Vehicle Repair			MC	MC	

Use Categories See article II, division 3, description of the use categories	DTN (4, 5)	DTNE (5)	DTE (5)	DTC	DTB
INDUSTRIAL USE CATEGORIES See II-306	Only Industrial service use types below				
Manufacturing and Production	Only manufacturing and production use types below				
Artisan Studios (6) e.g. artist, sculptor, potter, or weaver	MC/H	P	P	P	P
INSTITUTIONAL USE CATEGORIES See II-307					
Basic Utilities	P	P	P	P	P
Colleges		C	C	C	C
Community Services	C	C	C	C	C
Exceptions to community services noted below					
Short-Term Housing and Mass Shelters					
Labor pool, halfway houses, food pantries, soup kitchens					
Day Care (6, 7)	L/H	P	P	P	P
Medical Centers					
Parks and Open Space (see II-201 Definitions)	Only park and open space types below.				
Park	P(10)	P(10)	P(10)	P(10)	P(10)
Green	P				
Square	P	P	P	P	P
Plaza		P	P	P	P
Playground	P	P	P	P	P
Private Clubs	MC	MC	MC	MC	MC
Religious Institutions	MC	P	P	P	P
Schools	MC	P	P	P	P
OTHER USE CATEGORIES See II-308					
Aviation and Surface Passenger Terminals		C	C	C	C
Detention Facilities				C	
Radio and Frequency Transmission Facilities					
Commercial Wireless Telecommunication Towers	MC	MC	MC	MC	MC
Rail Lines and Utility Corridors					

Notes for table VI-1001:

- (1) *Household living limitation.* Housing types are limited to those defined in table VI-1002.
- (2) *Group living limitation.* Housing types are limited to those defined in table VI-1002.

EXHIBIT A

- (3) *Drive-through limitation.* Drive-up windows and drive-through uses are prohibited on any zoning lot where ingress or egress of the drive-up or drive-through use occurs on a primary street (map VI-101). See [subsection] IV-1903B.2.a. concerning adjustments to drive-through facilities.
- (4) *Commercial use limitation.* Commercial uses are subject to conditional use approval (as depicted in table VI-101) and subject to the following limitations, among others, that may be necessary to protect the residential character of the downtown neighborhood zone district:
 - a. The area available for office use is limited to the first story of the primary building and permitted on any floor of an accessory building.
 - b. The area available for retail stores use is limited to the first story on one corner of each block.
 - c. The area available for artisan use is limited to 600 square feet within the first story of a primary or accessory building.
- (5) Map VI-1003 identifies locations where a residential use is required along the road frontage. A residential use may consist of various residential structure types, including single-family and multiple-family dwellings or residential liner buildings.
- (6) *Reserved.*
- (7) *Additional requirements.* All applicants for a day care facility that provide child care for more than ten children, shall hold a community workshop as set forth in section IV-201(b) prior to submitting an application for a provisional use permit.
- (8) *Pharmacy limitation.* Pharmacy use permitted only when accessory to a drugstore or grocery store. Pharmacy as a primary use is prohibited.
- (9) *Distance separation.* New pharmacy uses shall be located at least 1,000 feet from existing pharmacies.
- (10) *Parks.* Publicly accessible parks are exempt from frontage regulations.

EXHIBIT A

Article VII – REGULATIONS OF GENERAL APPLICABILITY

DIVISION 6. - ADDITIONAL USE AND DEVELOPMENT STANDARDS

Sec. VII-601. - Purpose.

The purpose of this division is to provide regulations governing the size, location, and operation of certain uses and development types that have the potential to adversely affect adjoining uses.

- (a) Quick vehicle servicing/motor vehicle service uses.
- (b) Motor vehicle sales agency/lots (new or used).
- (c) Accessory drive-through facilities.
- (d) Stadiums and auditoriums.
- (e) Automobile wrecking yards and recycling facilities.
- (f) ~~Accessory outdoor seating and other outdoor areas of establishments, restaurants.~~

Sec. VII-602. – Specific standards for certain uses.

(f) ~~Outdoor seating and other outdoor areas of establishments, restaurants. The following standards shall apply to primary and accessory uses including but not limited to restaurants, bars, outdoor bars, accessory outdoor bars, nightclubs, brewpubs, microbreweries, craft distilleries, and wineries.~~ The standards for outdoor seating and other outdoor areas ~~of restaurants~~, as established in these regulations, have city-wide applicability and are designed to facilitate outdoor seating and other outdoor areas of ~~establishments, restaurants in commercial areas~~, to promote and protect public health, safety, and general welfare and to provide for the creation of a more urban pedestrian environment. Outdoor seating and other outdoor areas ~~of restaurants~~ shall provide the same amenities and facilities as interior ~~establishments, restaurants~~ including, but not limited to, public restrooms that are accessible to customers and shade structures. Outdoor seating and other outdoor areas ~~of establishments, restaurants~~ shall be constructed and operated in the following manner:

- (1) If the outdoor area of ~~an establishment, restaurant~~ used for dining, drinking and circulation is on a side of the building adjacent to residentially zoned property, then the outdoor portion of the ~~establishment, restaurant~~, regardless of floor level, shall be separated by an intervening building or six and one-half foot high masonry wall without windows along all side(s) of the outdoor ~~establishment, restaurant~~ that are adjacent to the residentially zoned property. No variance from this requirement may be granted. Notwithstanding the foregoing, the approving authority may allow the materials comprising the buffer wall to be other than masonry, and may approve the use of a window so long as it remains fixed or remains fully closed within the buffer wall. In such instances, the approving authority shall make a finding that such change in materials will protect the adjacent residentially zoned property(s) from potentially adverse impacts of the outdoor ~~dining~~ activity.
- (2) If the outdoor area ~~of a restaurant~~ used for dining, drinking and circulation is located on a side(s) of a building adjacent to non-residentially zoned property or a public right-of-way, it shall be separated on that side(s) of the building from the non-residentially zoned property and/or public right-of-way by either a building or a two foot high enclosure. The enclosure may consist of plants, planters, fences, or walls.

- (3) The exterior of the wall(s) required in subsections (1) and (2) above shall be finished in a manner considered appropriate to the materials used.
- (4) All patrons of the ~~restaurant-establishment~~ shall vacate the outdoor portions ~~of the restaurant~~ no later than 11:00 p.m. on Sunday through Thursday, inclusive, except the day prior to a holiday, and 11:59 p.m. on Friday, Saturday and the day prior to a holiday. Provided, however, if the outdoor portions of the establishment ~~restaurant~~ are located within 120 feet of residentially zoned property, as measured in a straight line from the nearest property boundary of the residentially zoned property, the patrons shall vacate the outdoor portions ~~of the restaurant~~ no later than 11:00 p.m., seven days per week. Notwithstanding the foregoing, stricter hours of operation may be established by the approving authority. In such instances, the approving authority shall make a finding that said more stringent restriction is necessary to mitigate potential impacts from the outdoor portions of the establishment ~~restaurant~~ to the residentially zoned property.
- (5) No amplified music or amplified entertainment shall be permitted.
- (6) Outdoor seating and other outdoor areas ~~of restaurants~~, on parcels with frontages on primary streets and part of an expansion or remodeling of existing development, are exempt from Table VI-1004 standards. For new development, outdoor seating and other outdoor areas ~~of restaurants~~ can be used to satisfy the façade requirement in Table VI-1004 and are exempt from other standards of Table VI-1004.

Article VII – REGULATIONS OF GENERAL APPLICABILITY

DIVISION 6. - ADDITIONAL USE AND DEVELOPMENT STANDARDS

Sec. VII-601. - Purpose.

Sec. VII-602. – Specific standards for certain uses.

(r) *Sale of alcoholic beverages.*

- (1) Wherever bars ~~and taverns~~, outdoor bars, accessory outdoor bars, nightclubs and alcoholic beverage stores for the sale of alcoholic beverages are allowed by conditional use under the terms of these regulations the planning board shall be authorized to consider the following criteria, where applicable, in addition to the criteria applicable to conditional uses generally:
 - a. The adverse effects, if any, that the hours of operation of the proposed establishment will have upon neighboring properties, with particular attention to the effects of noise, parking and glare from exterior lighting or headlights on nearby residential properties.
 - b. The amount and degree of law enforcement activities which could reasonably be anticipated to be generated by the proposed establishment, both outside and inside, with particular emphasis upon noise, vehicular use by patrons and vandalism.
 - c. Whether the proposed conditional use makes adequate provision for the elimination of the potential for adverse impact upon adjacent residential areas from hazardous or illegal overflow parking.
 - d. Whether the proposed conditional use makes adequate provision for the elimination of noise in the form of recorded or live music and for the elimination of common parking lot noises, which could disturb the peace and quiet of the surrounding neighborhood, by means of soundproofing, architectural design, buffers, air conditioning or any other available means.
- (2) Any conditional use for a bar ~~or tavern~~, outdoor bar, accessory outdoor bar, nightclub or alcoholic beverage store shall be revoked or suspended automatically for either of the following reasons:
 - a. Revocation or suspension of the state beverage license of the conditional use permittee by the division of alcoholic beverages and tobacco or the state department of business regulation.
 - b. A finding by the state beverage commission that a rule or regulation of the division of alcoholic beverages and tobacco or department of business regulation has been violated by the conditional use permittee.

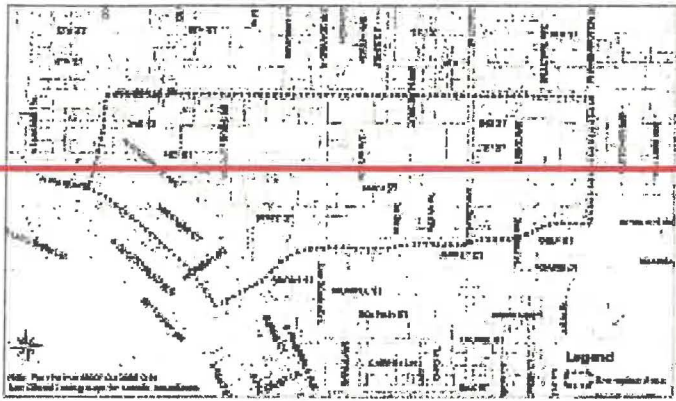
After an automatic revocation of a conditional use approval as provided in this paragraph, a new conditional use approval shall be required to commence operation of a bar, outdoor bar, accessory outdoor bar, tavern, nightclub or alcoholic beverage store at the same location as the previous business establishment.

- (3) No bar, ~~tavern~~, outdoor bar, nightclub, or alcoholic beverage store shall be permitted at any location within 500 feet from the nearest school or church/synagogue/sanctuary, a property residentially zoned, or another bar, ~~tavern~~, outdoor bar, nightclub, or alcoholic beverage store. However, when a bar, ~~tavern~~, or nightclub (alcoholic beverage store excluded) is located above the ground floor, ten feet shall be subtracted from the 500-foot requirement for each story the facility is located above the ground floor. (For example: the separation requirement for a facility located on the third floor of a building is 480 feet.) Such minimum separation distance shall be measured in a straight line, in any direction, from the nearest point of any tenant space containing the bar, ~~tavern~~, outdoor bar, nightclub, or alcoholic beverage store to the nearest property line of a zoning lot containing a school, nearest perimeter door of a church/synagogue/sanctuary, or perimeter of a residentially zoned property. In the case of another ~~bar, bar, outdoor bar, tavern~~, nightclub or alcoholic beverage store, the measurement shall be taken in a

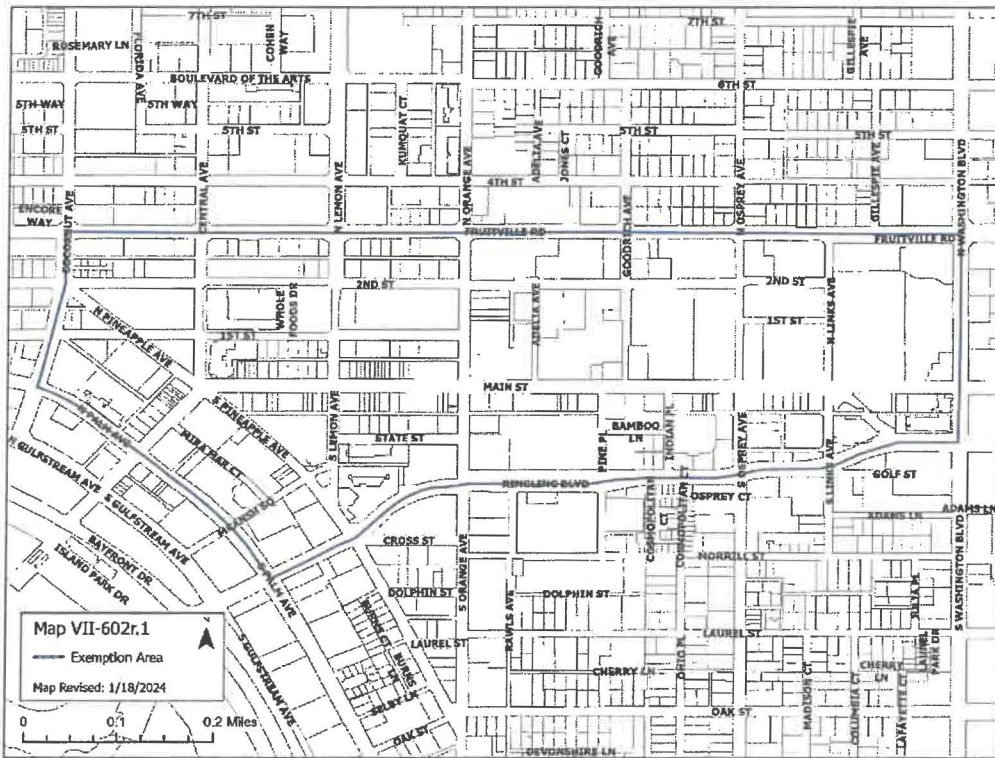
- straight line, in any direction, from the nearest point of any tenant space to the nearest point of the other tenant space.
- a. Whenever a license to sell alcoholic beverages has been lawfully procured from the division of alcoholic beverages and tobacco and thereafter a school, church/synagogue or residentially zoned property is established within a distance from the licensed premises which would otherwise be prohibited; the establishment of the school, church/synagogue or residentially zoned property shall not render the licensed premises in violation of the minimum separation distance standard of these regulations.
 - b. Bars ~~and taverns~~, outdoor bars, and nightclubs may be located on the same premises as alcoholic beverage stores. Consequently, the 500-foot separation requirement shall not apply to the proximity between an alcoholic beverage store and a bar, outdoor bar, or nightclub.
 - c. As used in this section, the term school shall mean a state-accredited public or private school for children from the preschool or kindergarten level through senior high school, but shall not be deemed to include any other types of schools.
- (4) All business establishments which are in existence as of February 6, 1984 which do not meet the minimum distance requirements of this section shall nevertheless be permitted to continue in operation. Failure to meet such minimum distance requirements shall be deemed a nonconforming characteristic of use in accordance with article V.
- (5) Exemptions.
- a. The distance restrictions set forth above shall not be applicable to establishments which hold an alcoholic beverage license for the sale of alcoholic beverages in connection with a restaurant from the Florida Department of Business and Professional Regulation. 4-COP-SRX liquor license.
 - b. The distance restrictions set forth above shall not be applicable to bars, ~~taverns~~, outdoor bars, or nightclubs which are accessory to any hotel, motel, or bowling alley.
 - c. Indications in the regulations pertaining to specific districts that the sale of alcoholic beverages is permitted in such zone district shall not in any way be deemed to limit, qualify or repeal any other existing city ordinance or regulation of the state relating to the licensing, dispensing or sale of such beverages or the location of alcoholic beverage establishments.
 - d. The distance restrictions set forth above shall not require bars, outdoor bars, ~~taverns~~ or nightclubs to be separated from one another in the area designated on Map VII-602r.1. bounded on the east by North Washington Boulevard, on the north by Fruitville Road, on the west by Cocoanut Avenue and Palm Avenue and the south by Ringling Boulevard. See map below. The distance requirement set forth above shall not require alcoholic beverage stores to be separated from bars, outdoor bars, or nightclubs. However; bars, outdoor bars, ~~taverns and~~ nightclubs, and alcoholic beverage stores within the exemption area, are required to meet the separation requirements from schools, churches/synagogues or properties residentially zoned. This exemption does not apply to alcoholic beverage stores.

EXHIBIT A

Exemption Area
Bars, Taverns and Nightclubs



Map VII-602r.1 Exemption Area



ARTICLE II – DEFINITIONS AND RULES OF CONSTRUCTION

DIVISION 3. – DESCRIPTION OF THE USE CATEGORIES

Sec. II-303. Classification of uses.

(a) *Considerations.*

- (1) Uses are assigned to the category whose description most closely describes the nature of the primary use. The characteristics subsection of each use category describes the characteristics of each use category. Developments may have more than one primary use. Developments may also have one or more accessory uses. Developments with more than one primary use are addressed in subsection (b) below. Accessory uses are addressed in subsection (c) below.
 - (2) The following items are considered to determine what use category the use is in, and whether the activities constitute primary uses or accessory uses:
 - a. The description of the activity(ies) in relationship to the characteristics of each use category;
 - b. The relative amount of site or floor space and equipment devoted to the activity;
 - c. Relative amounts of sales from each activity;
 - d. The customer type for each activity;
 - e. The relative number of employees in each activity;
 - f. Hours of operation;
 - g. Building and site arrangement;
 - h. Vehicles used with the activity;
 - i. The relative number of vehicle trips generated by the activity;
 - j. Signs;
 - k. How the use advertises itself; and
 - l. Whether the activity would be likely to be found independent of the other activities on the site.
- (b) *Developments with multiple primary uses.* When all the primary uses of a development fall within one use category, then the development is assigned to that use category. For example, a development that contains a retail bakery and a cafe would be classified in the retail sales and service category because all of the primary uses are in that category. When the primary uses of a development fall within different use categories, each primary use is classified in the applicable category and is subject to the regulations for that category.
- (c) *Accessory uses.* Accessory uses are allowed by right in conjunction with the primary use unless stated otherwise in the regulations. Also, unless otherwise stated, they are subject to the same regulations as the primary use. Common accessory uses are listed as examples with each use categories.
- (d) *Use of examples.* The examples subsection of each use category provides a list of examples of uses that are included in the use category. The names of uses on the lists are generic. They are based on the common meaning of the terms and not on what a specific use may call itself. For example, a use whose business name is "wholesale liquidation" but that sells mostly to general public, would be included in the retail sales and service category rather than the wholesale sales category. This is because the actual activity on the site matches the description of the retail sales and service category.

Article VII – REGULATIONS AND GENERAL APPLICABILITY

Division 9. – ACCESSORY USES AND STRUCTURES

Sec. VII-904. Non-residential accessory uses, buildings and structures.

~~(12) Outdoor restaurants shall be permitted as an accessory use in accordance with section VII 602(f), unless specifically prohibited. Reserved.~~

(15) The following accessory uses to a hotel or motel or private club may be allowed as a major conditional use, unless identified as a permitted use in a particular zone district: auditoriums, convention and meeting facilities; restaurants ~~(indoor or outdoor); bars (indoor or outdoor);~~ service oriented uses such as beauty and barber shops, laundry and dry cleaning pick-up stations, and travel agencies; commercial uses such as book, drug store, sundry, clothing, and gift shops; recreational facilities and non-motorized equipment rentals; private and commercial docks; and other similar accessory uses. No outdoor music shall be permitted in conjunction with such uses.

a. Accessory bars (indoor) to hotels, motels, or private clubs are permitted by-right. Accessory outdoor bars to hotels, motels, or private clubs may be allowed as a minor conditional use.

(17) Accessory bars (indoor) to restaurants are permitted by-right. Accessory outdoor bars to an establishment may be allowed as a minor conditional use.