

CITY OF SARASOTA

Sarasota, Florida

Inter-Office Memorandum

July 16, 2024

TO: Shayla Griggs, City Auditor and Clerk
FROM: Michael A. Connolly, Deputy City Attorney
SUBJECT: Ordinance No. 24-5523



The City Commission, during its special meeting of July 15, 2024, passed on second reading and finally adopted Ordinance No. 24-5523. This Ordinance grants Application No. 24-ZTA-03. This is a Zoning Text Amendment to add solar utility as a permitted use in the Industrial General (IGD) and Industrial Heavy (IHD) Zone Districts, as well as to add certain definitions and development standards.

Included herewith is Ordinance No. 24-5523 for execution by the Mayor and attestation by you as the City Auditor and Clerk. Kindly provide me with a photocopy of the fully executed Ordinance so that my file will be complete.

Thank you for your attention to this matter.

MAC/twa

Enc: Ordinance No. 24-5523

Cc: Steve Cover, Director, Planning (w/o enc)
Ryan Chapdelain, GM, Planning (w/o enc)
David Smith, Mgr., Long-Range Planning (w/o enc)

ORDINANCE NO. 24-5523

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA AMENDING THE ZONING CODE (2002 EDITION), ARTICLE II, DEFINITIONS AND RULES OF CONSTRUCTION, DIVISION 2, DEFINITIONS, SECTION II-201, DEFINITIONS, TO ADD DEFINITIONS FOR SOLAR UTILITY, GLARE AND GLINT; ARTICLE VI, ZONE DISTRICTS, DIVISION 6, PRODUCTION INTENSIVE COMMERCIAL ZONE DISTRICTS, TABLE VI-601, TO ADD SOLAR UTILITY AS A PERMITTED USE IN THE INDUSTRIAL GENERAL (IGD) AND INDUSTRIAL HEAVY (IHD) ZONE DISTRICTS; AND ARTICLE VII, REGULATIONS OF GENERAL APPLICABILITY, DIVISION 2, OFF-STREET PARKING, SECTION VII-204, NUMBER OF PARKING SPACES REQUIRED BICYCLE STANDARDS, AND ALTERNATIVE PARKING RATIOS, AND DIVISION 3, TRANSITIONAL BUFFERS, LANDSCAPING AND VEGETATION, SECTION VII-303 BUFFER REQUIREMENTS AND INSTALLATION STANDARDS, AND DIVISION 6, ADDITIONAL USE AND DEVELOPMENT STANDARDS, SECTION VII-602, SPECIFIC STANDARDS FOR CERTAIN USES, ALL TO ADD DEVELOPMENT STANDARDS SPECIFIC TO DEVELOPMENT OF A SOLAR UTILITY; 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, David Smith, Manager, Long-Range Planning, pursuant to City Commission authorization, filed Zoning Text Amendment 24-ZTA-03 to add solar utility as a permitted use in the Industrial General (IGD) and Industrial Heavy (IHD) Zone Districts, to add definitions of a solar utility, glint and glare, and to add development standards specific to development of a solar utility; 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 April 10, 2024 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 Zoning Text Amendment Application No. 24-ZTA-03 and as approved herein; and

WHEREAS, the City Commission held a duly noticed public hearing on July 1, 2024, and held a second duly noticed public hearing on July 15, 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 II, Definitions and Rules of Construction, Division 2, Definitions, Section II-201, Definitions; Article VI, Zone Districts, Division 6, Production Intensive Commercial Zone Districts, Table VI-601; and Article VII, Regulations of General Applicability, Division 2, Off-Street Parking, Section VII-204, Number of parking spaces required bicycle standards, and alternative parking ratios, and Division 3, Transitional Buffers, Landscaping and Vegetation, Section VII-303, Buffer requirements and installation standards, and Division 6, Additional Use and Development Standards, Section VII-602, Specific standards for certain uses, are all amended to update the primary use tables to add solar utility as a permitted use in the Industrial General (IGD) and Industrial Heavy (IHD) Zone Districts, to add definitions of solar utility and glint and glare, and to add development standards specific to development of a solar utility. 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 ~~striketrough~~ 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.

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 1st day of July, 2024.

PASSED on second reading and finally adopted this 15th day of July, 2024.



ATTEST:

Shayla Griggs, City Auditor and Clerk


Liz Alpert, Mayor

Yes Mayor Liz Alpert
Yes Vice Mayor Jen Ahearn-Koch
Yes Commissioner Erik Arroyo
Yes Commissioner Kyle Scott Battie
Yes Commissioner Debbie Trice

tammy's files/ordinances/2024/24-5523- Solar utility zta (7/16/24)

Sec. II-201. Definitions.

For the purposes of these regulations, the following words and terms have the meanings specified herein:

Glare: A continuous source of bright light, such as when sunlight is reflected from a surface.

Glint: A momentary flash of bright light, such as when sunlight is reflected from a surface.

Add new definitions for solar utility and durations of bright light that may be reflected from a solar array

Solar utility: An electric production facility that utilizes photovoltaic cells to convert sunlight into electricity which may be transmitted to a power grid for consumption away from the production site. A solar utility may be either a ground mounted solar utility or floating solar utility. Facilities at a solar utility generally consist of solar panels that convert sunlight into electricity using photovoltaic cells, an inverter that converts direct current (DC) electricity to alternating current (AC) electricity, as well as other mechanical or electrical components such as controllers, meters, transformers, battery systems, electrical cables, fire suppression equipment, and structures for administration, maintenance, or storage. Additionally, a floating solar utility may include floats with anchoring systems and floating walkways.

DIVISION 6. PRODUCTION INTENSIVE COMMERCIAL ZONE DISTRICTS

Sec. VI-601. Intent and purpose.

- (a) *Intent and purpose.* The intent and purpose of the Production Intensive Commercial (PIC) districts is to preserve land for manufacturing, warehousing, and intensive commercial developments and provide for areas that have a mix of uses with a strong industrial orientation. The zones differ in the mix of allowed uses, the allowed intensity of development and the development standards. The regulations promote areas, that consist of uses and developments, which will support the economic viability of the specific zoning district and of the city. The regulations protect the health, safety and welfare of the public, addresses area character, and address environmental concerns. In addition, the regulations provide clarity to property owners, developers, and neighbors about the limits of what is allowed.
- (b) List of the production intensive commercial districts. The full names, short names and map symbols of the production intensive commercial districts are listed below. When this Code refers to the Production intensive commercial zones it is referring to the zones listed here.

Full Name	Short Name/Map Symbol
Intensive Commercial District	ICD
Industrial General District	IGD
Industrial Heavy District	IHD
The following zone districts are not implementing districts and may not be used in future petitions for rezoning. See section VI-101.	
Commercial Intensive	CI
Industrial Light Warehousing	ILW
Industrial	I

(c) *Characteristics of the zones.*

- (1) *ICD.* The Intensive Commercial district (ICD) is intended to provide areas where a wide range of employment opportunities without potential conflicts from interspersed residential uses. The emphasis is on intensive commercial and industrially related uses. Other commercial uses are allowed to support a wide range services and employment opportunities. The development standards are intended to allow new development, which is similar in character to existing development while promoting viable and attractive intensive commercial areas.



ICD

- (2) *IGD*. The Industrial General district (IGD) is intended to provide areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. The development standards are intended to allow new development, which is similar in character to existing development while promoting viable and attractive industrial areas.



IGD

- (3) *IHD*. The Industrial Heavy district (IHD) is intended to provide areas where all kinds of industries may locate, including those not desirable in other zones due to their objectionable impact or appearance. The development standards are the minimum necessary to assure safe, functional, efficient, and environmentally sound development.



IHD

The following zone districts are not implementing districts and may not be used in future petitions for rezoning. See section VI-101.

- (4) *CI*. The intent and purpose of the CI district is to permit and facilitate the proper development of high intensity commercial development. Uses in this district require highly visible and highly accessible locations with direct access to streets carrying large volumes of traffic that serve regional needs. It is further intended that substantial buffering and other design techniques shall be used to mitigate negative impacts on nearby or adjacent uses. This is not an implementing district and there shall be no further rezonings to the CI zone district. The standards contained in this district shall only be applied only to those zoning lots which are currently zoned CI.

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- (5) *ILW*. The intent and purpose of the ILW district is to permit light manufacturing, processing, storage and warehousing, wholesaling and distribution and to facilitate the proper development and use. This is not an implementing district and there shall be no further rezonings to the ILW zone district. The standards contained in this district shall only be applied only to those zoning lots which are currently zoned ILW.
- (6) *I*. The intent and purpose of the I district is to permit heavy industrial uses which have the potential of producing extensive adverse impacts on surrounding land uses or resources and to facilitate the proper development and use. Such uses include those that produce noise, odors or increased hazards of fire, or are generally incompatible with lower-intensity land uses. It is generally required that industrial processes will take place within enclosed buildings. This is not an implementing district and there shall be no further rezonings to the I zone district. The standards contained in this district shall only be applied only to those zoning lots which are currently zoned I.

(Ord. No. 02-4357, 4-29-02)

Sec. VI-602. Primary uses.

- (a) *Definitions*. Certain specific uses are defined in article II, division 2. The use categories are described in article II, division 3.
- (b) *Permitted uses*. Uses permitted in the production intensive commercial zones are listed in tables VI-601 and VI-601A with a "P." These uses are allowed if they comply with the development standards and other regulations of this Code.
- (c) *Conditional uses*. Uses allowed in the production intensive commercial zones, if approved through the conditional use review process, are listed in tables VI-601 and VI-601A with either a "C" if the use is a major conditional use, or an "MC" if the use is a minor conditional use. These uses are allowed provided they comply with the conditional use approval criteria, the development standards, and any other regulations of this Code.
- (d) *Provisional uses*. Uses allowed, if approved through the provisional use review process, are listed in tables VI-601 and VI-601A with an "L". Provisional uses are similar to those regulated by a conditional use permit that, by their nature, may, but do not necessarily have significant adverse effects on the environment, overburden public land and services, change the desired character of an area, create major nuisances, or most importantly present the possibility of a change in circumstances during their life.
- (e) *Use limitations*. Uses allowed that are subject to limitations are identified with bracketed numbers in tables VI-601 and VI-601A. The limitations that correspond to the bracketed numbers are stated at the end of tables VI-601 and VI-601A. These uses are allowed if they comply with the use limitations, development standards and other regulations of this Code.
- (f) *Accessory uses*. Common accessory uses are listed as examples with each use category. Accessory uses are allowed by right, in conjunction with the primary use, unless stated otherwise in these regulations. Also, unless otherwise stated, they are subject to the same regulations as the primary use. See article VII, division 9 for specific accessory use standards.
- (g) *Prohibited uses*. Uses listed in tables VI-601 and VI-601A without any symbol (i.e., blank space) are prohibited as primary uses, however, some may be permissible as accessory uses as prescribed in article VII, division 9 of this Code. Existing uses in categories listed as prohibited may be subject to the regulations of article V, vested rights and non-conformities.

(Supp. No. 38)

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	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
Solar utility		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

Adds solar utility as a permitted use in IGD and IHD

Sec. VII-204. Number of parking spaces required bicycle standards, and alternative parking ratios.

Subject to the provisions of section VII-206, the following parking requirements are established for all zone districts:

- (1) *Bicycle standards.* In order to enhance the multi-modal transportation opportunities, the following standards for bicycle parking shall be met:
- a. Developments outside the enterprise zone boundary having an off-street parking requirement of 20 spaces or more shall provide bicycle parking spaces equal to ten percent of the total automobile parking spaces required.
 - b. Developments within the enterprise zone boundary having an off-street parking requirement of 20 spaces or more shall provide bicycle parking spaces equal to five percent of the total automobile parking spaces required.
 - c. All public parking facilities of 20 spaces or more shall provide bicycle parking spaces equal to ten percent of the total automobile parking space provided.
 - d. All bicycle parking must be provided at the ground level.
 - e. If the bicycle parking is placed in the public right-of-way, it shall not obstruct pedestrian walkways and shall be required to obtain a right-of-way use permit, encroachment or maintenance agreement.

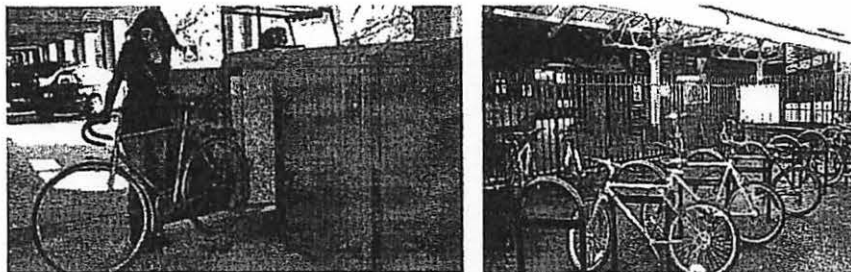


- f. Bicycle racks shall be the "inverted U" type (or equivalent approved by the city engineer). Each "inverted U" type rack will count as two bicycle parking spaces. See the Engineering Design Criteria Manual, Parts 4 and 5, Street Design, Section K, Bicycle Network, for regulations as to the required bicycle racks.
- g. Half of the bicycle parking spaces shall be long-term and half shall be short-term. Development with an off-street parking requirement of less than 100 spaces or public parking facilities containing less than 100 spaces may provide only short-term parking spaces.
 1. Short-term bicycle parking shall be bicycle racks that provide shoppers, customers, messengers and other visitors who generally park for two hours or less a convenient and readily accessible place to park bicycles. It should be located within 100 feet of the main building entrance. Where there is more than one building on a site, or where a building has more than one main entrance, the parking must be distributed to serve all buildings or main entrances.
 2. Long-term bicycle parking provides employees, students, residents, commuters and others who stay at a site for several hours (or longer) a secure place to store their bicycles. It should be located within 500 feet of the main building entrance.

The following preferred options are suitable:

Bicycle racks in a locked room or area enclosed by a fence with a locked gate.

Bicycle lockers.



Alternatively, the director of neighborhood and development services may approve use of the following options if the applicant demonstrates the preferred options are not feasible:

- h. See appendix D, Advisory community design guidelines. These nonmandatory guidelines should be consulted prior to designing any bicycle parking.

(2) *Automobile standards.* Parking requirements may be adjusted in accordance with section VII-211(a).

Use	Off-Street Parking Requirements
Adult book and video stores, adult modeling studios, adult photographic studios, physical culture establishments	1 space/250 square feet of floor area
Adult theaters	1 space/three seats
Alcoholic beverage stores	1 space/250 square feet of floor area
Automotive-related uses: includes automatic fueling stations, car wash facilities, automotive service stations, garages	1 space/1 bay, if any, plus 1 space/each pump island, if any, plus 1 space/200 square feet of floor area
Barber/beauty shop	1 space/customer chair plus 1 space/250 square feet of floor area
Bars and nightclubs, outdoor bars	1 space/100 square feet of floor area
Bed and breakfast inns	1 space/guest unit plus 2 spaces/D.U.
Boarding kennels	1 space/350 square feet of floor area
Botanical gardens	1 space/250 plus 1 space/1,000 square feet of outdoor area
Brewpub	1 space/150 square feet
Cemeteries, mausoleums and columbaria	1 space/250 square feet of office area
Colleges and universities	10 spaces/classroom plus spaces for any accessory use such as auditoriums or educational dormitories
Commercial marinas	1 space/500 square feet of storage/repair area plus pleasure craft: one space for each 3 slips; and charter boats: one space for every three seats
Day care centers; includes adult and child day care	1 space/300 square feet plus 3 spaces for off street loading and unloading.
Dental offices and clinics	1 space/175 square feet of gross leaseable floor area
Educational dormitories	.5 space/bed
Emergency shelter home	.25/bed plus 1/250 square feet office floor area

Financial institutions	1 space/250 square feet of floor area plus 1 space/automatic teller machine
Funeral homes and crematories	1 space/5 seats in a chapel with fixed seating or 1 space/60 square feet of floor area in chapels without fixed seating
Game rooms	1/250 [square feet] floor area
Golf courses	6 spaces per hole of golf, plus 1 space/250 square feet of floor area
Government uses	All uses not listed shall be provided as follows: 1 space for each 300 square feet for area used by the public; 1 space for each 600 square feet for areas not used by the public
Hospitals	1.5 spaces/each bed
Church/synagogue	1 space/5 seats in a chapel with fixed seating or 1 space/60 square feet of floor area in chapels without fixed seating.
Industrial (light and heavy)	1 space/500 square feet of floor area
Libraries	1 space/300 square feet of floor area
Manufactured housing parks	1 space/manufactured home lot; plus 1 space/300 square feet of offices, laundry, recreation structure and similar facilities
Medical offices and clinics (all districts)	1 space/200 square feet of floor area up to 3,000 square feet of gross leaseable floor area, plus 1 space/250 square feet from 3,001 square feet to 5,000 square feet, plus 1 space/300 square feet from 5,001 square feet to 10,000 square feet, plus 1 space/350 square feet from 10,001 square feet to 20,000 square feet, plus 1 space/400 square feet over 20,000 square feet of gross leaseable floor area
Nursing homes	.25 space/bed
Offices (other than medical or dental offices or clinics)	1 space/200 square feet of floor area up to 3,000 square feet of gross leaseable floor area, plus 1 space/300 square feet from 3,001 square feet to 10,000 square feet, plus 1 space/325 square feet over 10,000 square feet of gross leaseable floor area
Offices, RMF-R zone (other than medical and clinics)	1 space/350 square feet of floor area
Hotels/motels	1/guest unit plus additional 1/10 guest units; plus spaces for accessory uses
Pari-mutuel facilities	1 space/4 seats plus 1 space/300 square feet of floor area
Parks	1 space/10 acres plus 1 space/300 square feet of floor area, if any
Private clubs, private recreation clubs	1 space/200 square feet of floor area
Recreational facilities	1/250 square feet of floor area plus 1/1,000 of outdoor recreation area

(Supp. No. 38)

Exhibit A

Add minimum off-street parking requirement for a solar utility.

Recycling facilities, junkyards and automobile wrecking yards	1 space/300 square feet of office area plus 1 space/1,500 square feet of yard area
Residential dwelling units	2 spaces/D.U.
Residential dwelling units: Age restricted (senior) housing developments for persons over 55 years of age.	1.5 spaces/D.U.
Residential dwelling units: For each multi-family dwelling unit designated as affordable to households, for a minimum of 30 years, with an income at or below 120 percent of the Area Median Income (AMI)	.5 space/D.U.
Restaurants, fast food	1 space/300 square feet
Restaurants	1 space/150 square feet
Retail establishments	1 space/250 square feet of floor area
Schools, high schools	6 spaces/classroom plus spaces as needed for any accessory use such as auditoriums
Schools, elementary, middle and junior high	2 spaces/classroom plus spaces as needed for any accessory use such as auditoriums
Self-storage	1 space/10,000 square feet plus 5 spaces
<u>Solar Utility</u>	<u>1 space plus 1 space/500 square feet of floor area (excludes photovoltaic panel array area)</u>
Special cabarets	1 space/three seats or 1 space/35 square feet floor area, whichever is greater
Shopping center	1 space/250 square feet of gross leasable floor area
Shopping mall	1 space/300 square feet of gross leasable floor area
Special care homes: Includes assisted living facilities, community residential homes, group home facilities, residential treatment facilities	.5 space/bed
Stadiums, auditoriums and meeting rooms	1 space/4 fixed seats plus 1 space/100 square feet of floor space capable of being used for temporary seating
Storage and warehouse facilities	1 space/300 square feet of office area plus 1 space/1,500 square feet of floor area
Tasting rooms	1 space/250 square feet of floor area
Theaters	1 space/4 seats
Trade or service establishments	1 space/350 square feet of floor area
Transmission tower	1 space
Truck stops	1 space/300 square feet of floor area plus 1 big rig space/200 square feet of floor area
Vehicle sales	1 space/250 square feet of floor area used for showroom, parts department and offices plus 1 space/2,000 square feet of outdoor display area
Wholesale facilities	1 space/500 square feet floor area
Yacht and country club	1 space/250 plus 1 space/1,000 square feet of outdoor recreation area

(3) *Alternative parking ratio outside of the downtown zone districts.*

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- a. **General requirements.** All alternative parking plans in subparagraph b. below are subject to the following general requirements and supersede the requirements of VII-210 (offsite parking facilities) and VII-211 (shared parking facilities).
1. Approval.
 - A. **Alternative parking ratios for site plans outside of the downtown zone districts.** The director of development services, after consultation with the city engineer, shall be authorized to approve alternative plans for providing required off-street parking spaces in accordance with this section when submitted in conjunction with a site plan.
 - B. **Alternative parking ratios for administrative site plans and building permits outside of the downtown zone districts.** The planning board shall be authorized to approve alternative plans for providing required off-street parking spaces in accordance with this section when submitted in conjunction with an administrative site plan or building permit.
 2. An attested copy of an approved alternative parking plan must be recorded in the official records of Sarasota County on forms approved by the city attorney. An alternative parking plan may be amended by following the same procedure required for the original approval. The applicant shall provide proofs of recordation prior to approval of the certificate occupancy.
 3. Violations of an approved alternative parking plan constitute a violation of these zoning regulations and will be subject to the enforcement and penalty of article VIII, enforcement proceedings and penalties.
- b. **Parking ratios.** Where the applicant feels the required parking ratios of this section are too high, or where the proposed use is not listed in the table, data submitted by the applicant may be used to determine the appropriate ratio for the specific proposed use. Such data may include site studies from similar uses, generally accepted engineering standards (for example, ITE parking rates), or independent engineering calculations based on the nature of the proposed use. The director of development services, in coordination with the city engineer, shall evaluate such submittals to determine an acceptable ratio for the proposed use for site plans. The planning board shall evaluate such submittals to determine an acceptable ratio for the proposed use for administrative site plans and building permits.

(Ord. No. 02-4357, 4-29-02; Ord. No. 03-4429, § 11, 1-21-03; Ord. No. 04-4538, § 11, 6-7-04; Ord. No. 04-4547, § 10, 6-7-04; Ord. No. 07-4770, § 2, 12-17-07; Ord. No. 08-4799, § 2, 4-28-08; Ord. No. 13-5041, § 2(att. 1), 3-4-13; Ord. No. 20-5309, § 2(Exh. A), 11-2-20; Ord. No. 22-5427, § 2(Exh. A), 9-6-22; Ord. No. 23-5474, § 2(Exh. A), 4-17-23)

Sec. VII-303. Buffer requirements and installation standards.

(a) *General.*

- (1) Vegetated buffers shall be required to separate land uses of different intensities from each other to eliminate or minimize potential negative effects such as dirt, noise, litter, glare of lights, signs, parking areas, or to provide spacing to reduce the adverse impacts of noise, odor, or danger from fires or explosions. Buffers will also provide open space and natural barriers around the perimeter of a proposed land use in order to separate and screen the proposed use from adjacent development and vacant land.
- (2) The amount of land and the type and amount of planting specified for each buffer required by the division are designed to ameliorate nuisances between adjacent land uses. The plant units required for each of the buffers have been formulated to ensure they, in fact, function as transitional buffers.
- (3) The width, amount of vegetation, and other features of a buffer will vary depending on the nature of the abutting development and vacant land.
- (4) A buffer may be used for passive recreation, when appropriate upon approval of the approving authority. In such instances, the buffer may contain pedestrian and bicycle trails and siting areas, provided that:
 - a. Minimal plant material is eliminated;
 - b. The total width of the buffer is maintained; and
 - c. All other regulations of this Code are met.
- (5) Minimal, generally perpendicular, utility crossings may be included in a buffer provided that:
 - a. Canopy trees are neither displaced nor prevented from being planted; and
 - b. Comparable performance standards are maintained.

In instances where utility easements are permitted in buffers, landscaping (buffer plantings) in those utility easements will not be allowed unless agreed to by the agency controlling the easement.
- (6) Concrete curbs or other barrier at least six inches high shall be provided between vehicular use areas and landscaped buffer areas to protect the landscaping.
- (7) Use of buffers. A buffer may be used for utility or drainage easements, provided that the requirements of such use and the buffer requirements are compatible.
- (8) Maintenance of buffer integrity. Buffers shall remain part of the zoning lot for which they are required.
- (9) No development within the required buffer. The required buffer shall not contain any development, impervious surfaces, or site features that do not function to meet the standards of this section.
 - a. No grading, development, or land-disturbing activities shall occur within the buffer unless approved as part of a development plan.
 1. Stormwater detention or treatment areas and easements shall be shown on the approved landscape plan and such areas shall not occupy more than 50 percent horizontally, of the width of the buffer.
 2. Utility easements required to be located within a buffer may occupy more than 50 percent horizontally, of the width of the buffer, provided that a landscape plan agreed to by the agency controlling the easement is approved by the director of neighborhood and development services.

- (10) The arrangement of required plants and trees shall be distributed in a relatively uniform manner and as depicted on the approved landscape plan.
- (11) Existing trees and vegetation within a required buffer which meet these requirements may be counted toward the total buffer plant material requirements. If existing trees and plants do not fully meet the standards for the type of buffer required, additional vegetation shall be planted.
- (b) *Location of buffers.* The buffers required by these regulations shall be located along the perimeter of a zoning lot where required, except at approved entrances or exits to the property or in required sight triangles. Buffers shall extend to the zoning lot line or right-of-way line, except where easements, covenants, or natural features may require the buffer to be set back from the property line.
- (c) *Determination of required buffer.* The type and width of buffer required between a proposed land use and an abutting land use is based on the degree of compatibility between the uses. To determine the type of buffer required between two abutting zoning lots refer to table VII-301 below.

Table VII-301. Buffer Type Required by Impact Category and Land Use

Proposed Use	Adjacent Site—Existing or Future Land Use (whichever is most restrictive)			
	Residential	Office	Commercial	Production Intensive Commercial
Impact category 1, multi-family residences, group housing, nursing homes, and dorms	A	A	B	C
Impact category 2, all permitted uses in office zones; conditional uses in residential zones	A	None required	A	B
Impact category 3, all permitted uses in commercial and special purpose zones; conditional uses in office zones	B	A	None required	None required
Impact category 4, all permitted uses in production intensive commercial zones; conditional uses in commercial and special purpose zones	C	B	A	None required

- (d) *Interpretation and exceptions.*
- (1) Letters (A, B, and C) indicated in table VII-301 above refer to buffer types required.
 - (2) For purposes of determining buffer requirements, if any, the director of neighborhood and development services is authorized to make all interpretations relating to proposed land uses and specific impact categories on the site proposed for development, and existing or future land uses on adjacent sites.
 - (3) Buffers shall not be required for single-family dwellings, duplexes, or on zoning lots in the CT or CBN zone districts.
 - (4) Buffers may be waived or reduced on zoning lots where the adjacent land use is more intensive and/or existing buffers are already in place. Such waivers shall be approved by the director of neighborhood and development services as part of an administrative site plan or by the planning board or city commission, as applicable, for all other site plan applications (reference zoning code section IV-501).
 - (5) Buffers shall not be required for accessory uses internal to residential developments for use by its residents.

(6) Type B buffers shall be required for accessory uses when they abut other properties in a residential zone district.

(7) In order to screen photovoltaic panels, a Solar Utility shall be required to install an opaque fence not less than six (6) feet in height at the perimeter of its zoning lot that is adjacent to an existing or future land use that is residential, office, or commercial and at the perimeter of a zoning lot that is adjacent to a street. In a situation where a tree is required to be planted in a buffer area and where it can be demonstrated that the tree will block or interfere with sunlight being captured by a photovoltaic panel used to generate electricity, the city may approve an enhanced or modified buffer.

(e) *Buffer illustrations and specifications.* The buffer illustrations in exhibits 1 through 3 hereof graphically indicate the specifications of each buffer. Buffer requirements are stated in terms of the buffer width and number and type of plant units required per 100 linear feet, or fraction thereof, of buffer. The requirements of a buffer may be satisfied by any of the options illustrated within a buffer category type. The plant unit multiplier is a factor by which the basic number of plant units required for a given buffer is determined in accordance with the selected width of that buffer. To determine the total number of plant units required, the length of each side of the property requiring a given type of buffer shall be divided by 100 and multiplied by the number of plant units shown in any of the options illustrated. Any buffer area that overlaps another buffer area shall be subtracted from the total to avoid double counting. If the calculations required by this subsection yield a fractional number, that number shall be rounded up to the next highest whole number.

- (1) Each illustration (exhibits 1 through 3 hereof) depicts the total buffer required between two uses.
- (2) Whenever a wall, fence, or berm is required within a buffer, these are shown as "structure required" in the buffer illustrations, where their respective specifications are also shown. (See exhibits 4 and 5 hereof).
- (3) All buffers shall be provided with a ground cover of vegetation or other organic material. Buffers shall be maintained free from junk and debris. Dead or diseased vegetation shall be removed and replaced with healthy vegetation. The responsibility to maintain and replace plant materials shall be that of the landowner on whose property the plant material needing maintenance or replacement is located.
- (4) The density and type of buffer planting shall be arranged to achieve maximum reasonable protection to adjoining less intense uses.
- (5) Where the buffer type selected requires a berm, the berm should be graded to appear smooth, rounded and natural. Its slopes shall not exceed 3:1 grade.
- (6) Use of fences, walls, berms, and hedges when not required in a specific buffer type. Any combination of additional fences, walls, or berms may be used to supplement required trees, shrubs in required buffers. All chain-link fencing shall have all components vinyl coated (i.e., either green, black or brown vinyl). Chain link fences shall be accompanied by planting of a vine or shrub for each ten-foot section of fence so that the foliage will grow to create a fence that will be at least 60 percent opaque.
- (7) *Fences and walls, location and finished side.* Whenever a fence or wall is placed in a required buffer, the fence or wall shall be placed on, or near, the property line (as illustrated in the various buffer types) with the finished side of such fence or wall facing off the property on which the buffer is located.

(Ord. No. 02-4357, 4-29-02; Ord. No. 03-4472, § 9, 6-16-03; Ord. No. 04-4538, § 12, 6-7-04; Ord. No. 07-4770, § 2, 12-17-07; Ord. No. 09-4838, § 2(att. 1), 2-17-09; Ord. No. 13-5041, § 2(att. 1), 3-4-13)

Add buffer standard for a solar utility to require installation of an opaque perimeter fence. Also provides for an enhanced or modified buffer when a new required buffer tree would interfere with sunlight reaching a photovoltaic panel.

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 restaurants.
 - (g) Child care and family day care facilities.
 - (h) Commercial wireless telecommunication towers and antennas.
 - (i) Reserved.
 - (j) Outdoor commercial recreation facilities.
 - (k) Reserved.
 - (l) Religious institutions.
 - (m) Cottage court housing development.
 - (n) Motor vehicle fuel pumps.
 - (o) Pharmacies. Pharmacies where permitted shall meet the following standards:
 - (1) New pharmacies in the Downtown Core (DTC) zone district shall be placed at least 1,000 feet apart from existing pharmacies.
 - (2) Medical marijuana dispensaries shall be located at least 500 feet from elementary, middle and secondary schools.
 - (p) Motor vehicle showroom.
 - (q) Motor vehicle storage lot.
 - (r) Sale of alcoholic beverages.
 - (s) Bed and breakfast inns.
 - (t) Schools, kindergarten, elementary, secondary, vocational and trade (public or private).
 - (u) Car washes, self-service and non-self-service.
 - (v) Reserved.
 - (w) Non-profit bingo.
 - (x) Open air market/bazaar.
 - (y) Attached single-family.
 - (z) Alcoholism and drug receiving and treatment center.
 - (aa) Group living.
 - (bb) Convenience store.
-

- (cc) Accessory dwelling units.
- (dd) Manufactured home parks.
- (ee) Temporary uses and activities.
- (ff) Accessory home occupations.
- (gg) Flag lots.
- (hh) Short-term housing and mass shelters.
- (ii) Mobile food truck.
- (jj) Brewpub.
- (kk) Tasting room.
- (ll) Accessory nanobrewery/nanodistillery.

Add solar utility to identify specific standards

(mm) Solar utility.

(Ord. No. 02-4357, 4-29-02; Ord. No. 03-4472, § 5, 6-16-03; Ord. No. 06-4682, § 2, 7-26-06; Ord. No. 10-4912, § 2(att. 1), 6-7-10; Ord. No. 18-5234, § 2(Exh. A), 2-5-18; Ord. No. 20-5309, § 2(Exh. A), 11-2-20; Ord. no. 21-5364, § 2(Exh. A), 5-18-21; Ord. No. 22-5427, § 2(Exh. A), 9-6-22)

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

Adding specific requirements applicable to a solar utility

(mm) Solar Utility

- (1) A solar utility is an electric production facility that converts sunlight into electricity which may be transmitted to a power grid for off-site consumption. A limited amount of electricity produced onsite may be used to power onsite facilities associated with the solar utility.
- (2) A professionally prepared glint and glare assessment shall be submitted for review in order to determine ocular impacts of sunlight reflections from photovoltaic panels that may result from the proposed solar utility.
- (3) Photovoltaic panels shall not be highly reflective and shall be oriented in a manner that does not cast sunlight reflection as glint or glare onto neighboring properties, especially windows, or create a safety concern for vehicles on a street or aircraft operations associated with the Sarasota Bradenton International Airport. In such cases, the use of screening, a non-reflective surface as an alternative finish, or other mitigation may be required.
- (4) The Sarasota Bradenton International Airport shall review a proposed solar utility that is to be located within three (3) miles of an airport runway to determine if the proposal is consistent with Federal Aviation Administration (FAA) requirements and will not interfere with aircraft operations. The glint and glare assessment shall be provided to the Airport for this review and results must show that the proposed solar array does not pose glint or glare problems for: (1) aircraft approaching or departing the airport and (2) Air Traffic Control Tower (ATCT) staff.
- (5) A solar utility shall comply with city sound regulations. Mechanical equipment, such as an inverter or a transformer, may require soundproofing or noise attenuation, being located inside a fully enclosed structure, or being located at the center of a site.

Require glint and glare assessment to determine potential impacts to neighbors and aircraft operations

Airport to review the glint and glare assessment for proposed solar utilities that are to be located within 3 miles of a runway

(6) Prior to issuance of a building permit for a solar utility, the developer of a solar utility shall obtain, when applicable, solar easements from nearby property owners that protect access to sunlight on the solar utility zoning lot. Solar easements may prohibit neighboring property owners from building any structure or allowing trees to grow in a way that prevents sunlight from reaching a solar energy system.

(7) Prior to issuance of a building permit for a solar utility, the developer shall submit a decommissioning plan to describe actions an owner must take once a solar utility stops producing electricity. The decommissioning plan shall designate responsible parties and describe when and how the parties will remove and recycle or reuse system components and restore the zoning lot to an appropriate condition for future use. The decommissioning process shall begin no later than 180 calendar days after the solar utility stops producing electricity.

Requires a solar utility developer to obtain solar easements when applicable and to submit a decommissioning plan prior to building permit issuance.

(Ord. No. 02-4357, 4-29-02; Ord. No. 03-4429, § 12, 1-21-03; Ord. No. 03-4472, §§ 5, 10, 11, 6-16-03; Ord. No. 04-4514, § 7, 1-20-04; Ord. No. 04-4515, § 11, 1-20-04; Ord. No. 04-4531, § 3, 6-7-04; Ord. No. 04-4538, § 13, 6-7-04; Ord. No. 04-4573, § 12, 6-20-05; Ord. No. 05-4649, § 3, 2-21-06; Ord. No. 06-4682, § 2, 7-26-06; Ord. No. 07-4720 § 2, 5-21-07; Ord. No. 07-4770, § 2, 12-17-07; Ord. No. 08-4799, § 2, 4-28-08; Ord. No. 09-4838, § 2(att. 1), 2-17-09; Ord. No. 09-4890, § 2(att. 1), 10-19-09; Ord. No. 10-4912, § 2(att. 1), 6-7-10; Ord. No. 10-4915, § 2(att. 1), 6-7-10; Ord. No. 10-4927, § 2(att. 1), 2-22-11; Ord. No. 13-5041, § 2(att. 1), 3-4-13; Ord. No. 13-5049, § 2(Att. 1), 4-15-13; Ord. No. 20-5309, § 2(Exh. A), 11-2-20; Ord. No. 21-5346, § 3(Exh. A), 12-7-20; Ord. No. 21-5364, § 2(Exh. A), 5-18-21; Ord. No. 20-5337, § 2(Exh. A), 8-17-21; Ord. No. 22-5404, § 3(Exh. A), 3-7-22; Ord. No. 22-5414, § 2(Exh. A), 5-16-22; Ord. No. 22-5415, § 2(Exh. A), 4-16-22; Ord. No. 22-5427, § 2(Exh. A), 9-6-22)