

ORDINANCE NO. 23-5502

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 ESTABLISH NEW DEFINITIONS FOR RESTAURANT, BAR, BAR OUTDOOR, BOTTLE CLUB, AND NIGHTCLUB, AND DIVISION 3, DESCRIPTION OF USE CATEGORIES, SECTION II-305, COMMERCIAL USE CATEGORIES, AND SECTION II-307, INSTITUTIONAL USE CATEGORIES TO REFLECT THE CHANGE IN DEFINITIONS; ARTICLE VI, ZONE DISTRICTS, DIVISION 5, COMMERCIAL ZONE DISTRICTS, SECTION VI-504, SPECIAL NT, CP AND CT DEVELOPMENT STANDARDS, TO REFLECT THE CHANGE IN DEFINITIONS; AND ARTICLE VII, REGULATIONS OF GENERAL APPLICABILITY, DIVISION 14, MISCELLANEOUS STANDARDS, SECTION VII-1401, REFUSE AND RECYCLING STORAGE AREAS, TO REFLECT THE CHANGE IN DEFINITIONS; 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. 23-5502 amends existing definitions and creates new definitions so as to better address these entertainment-oriented establishments; 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. 23-5502 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, 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, and Division 3, Description of the Use Categories, Section II-305, Commercial Use Categories, and Section II-307, Institutional Use Categories; Article VI, Zone Districts, Division 5, Commercial Zone Districts, Section VI-504, Special NT, CP and CT Development Standards; and Article VII, Regulations of General Applicability, Division 14, Miscellaneous Standards, Section VII-1401, Refuse and Recycling Storage Areas, are all amended to establish new definitions for restaurant, bar, bar outdoor, bottle club and nightclub, and to reflect these changes in definitions. 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 ~~strikethrough~~ 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 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 II - DEFINITIONS AND RULES OF CONSTRUCTION

DIVISION 2. - DEFINITIONS

Sec. II-201. - Definitions.

Accessory nanobrewery/nanodistillery: A duly licensed establishment that produces alcoholic beverages as an accessory use to a restaurant, bar, ~~tavern,~~ or nightclub primarily for on-premises consumption.

Restaurant: A commercial establishment of which the principal business is preparing and serving meals selected from a menu to customers during all operating hours. Meals are prepared within a structure or out of view from the public right-of-way, on or off-site, and may be served and eaten on premises.

~~*Bar (cocktail lounge, saloon):* Any establishment which is devoted primarily to the retailing and on-premises drinking of malt, vinous, or other alcoholic beverages and which is licensed by the state to dispense or sell alcoholic beverages.~~

~~*Bar:* A commercial establishment at which the principal business is the sale of alcoholic beverages for consumption on premises and at which the location of the counter where alcoholic beverages are served is within a building fully enclosed by windows and doors.~~

~~*Bar, outdoor:* Any building, structure or facility whether temporary or permanent, which is built, erected or provided as a location for the purpose of making retail sales of alcoholic or intoxicating beverages, or malt or vinous beverages, as an accessory use to a hotel or motel.~~

~~*Bar, outdoor:* A commercial establishment at which the principal business is the sale of alcoholic beverages for consumption on premises and at which the location of the counter where alcoholic beverages are served is outdoors or located in a building that is not fully encloseable.~~

~~*Bottle club:* A club or association which formally or informally issues memberships, and at which the principal purpose is to offer, serve, dispense, keep, or allow alcoholic beverages purchased, reserved, or otherwise brought to the premises or establishment to be consumed by a patron.~~

~~*Nightclub:* Any restaurant, dining room, bar or similar establishment providing food or refreshments, which holds a 4-COP liquor license from the state department of business regulation, division of alcoholic beverages and tobacco. Provided, however, any restaurant, dining room or similar establishment which holds a 4-COP liquor license with the "S," "SR" or "SRX" designation, shall be deemed an accessory use to the principal use and not a nightclub~~

~~*Nightclub:* A commercial indoor establishment that operates after 11:00 p.m. on any night from Sunday through Thursday and/or operates after 11:59 p.m. Friday, Saturday, and the day prior to a holiday, that includes a bar and live entertainment or amplified entertainment, and that may include a dance area or a restaurant. Windows and doors shall remain continuously closed after 11:00 p.m. other than to allow the ingress and egress of patrons. For purposes of this definition, the term live entertainment shall include, but not be limited to live bands or live musicians and the term amplified entertainment shall include, but not be limited to amplified music generated by live DJs and music that is electronically produced or transmitted. Televised entertainment and background music shall not be considered amplified entertainment. Background music is amplified music intended as unobtrusive accompaniment to some activity, such as dining or consuming alcoholic beverages.~~

Sec. II-305. - Commercial use categories.

(f) *Retail sales and service.*

- (1) *Characteristics.* Retail sales and service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods.
- (2) *Accessory uses.* Accessory uses may include offices, storage or repackaging of goods for on-site sale, and parking.
- (3) *Examples.* Examples include uses from the five subgroups listed below:
 - a. *Sales-oriented:* Stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationary, and videos; food sales, and sales or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles.
 - b. *Personal service-oriented:* Laundromats; photographic studios; photocopy and blueprint services; hair, tanning, and personal care services; business, martial arts, dance or music classes and other vocational, business or trade schools; taxidermists; mortuaries; veterinarians; and animal grooming.
 - c. *Entertainment-oriented:* Restaurants, cafes, delicatessens, ~~taverns~~, brewpubs, ~~and bars~~, and outdoor bars; continuous entertainment activities such as pool halls; indoor firing ranges; theaters, health clubs, gyms, hotels, motels, recreational vehicle parks, and other transient lodging with an average length of stay of less than one week.
 - d. *Repair-oriented:* Repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; recycling drop-off; tailor; locksmith; and furniture upholsterer.
 - e. *Adult use establishments:* Adult bookstore, video store, theatre, modeling studio, photographic studio, physical culture establishment and similar uses.

Sec. II-306. - Industrial use categories.

(b) *Manufacturing and production.*

- (1) *Characteristics.* Manufacturing And Production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.
- (2) *Accessory uses.* Accessory activities may include offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, rail spur or lead lines, docks, repair facilities, truck fleets, and caretaker's quarters. Living quarters, except for caretakers, are subject to the regulations for residential uses in the zone.
- (3) *Examples.* Examples include processing of food and related products; breweries, distilleries, and wineries; weaving or production of textiles or apparel; lumber mills, pulp and paper mills, and other wood products manufacturing; woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; movie production facilities; ship and barge building; concrete batching and asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of machinery, equipment, instruments, including

musical instruments, vehicles, appliances, precision items, and other electrical items; production of artwork and toys; sign making; production of prefabricated structures, including mobile homes; and the production of energy.

Sec. II-307. - Institutional use categories.

(g) *Private clubs.*

- (1) *Characteristics.* Facilities used by a group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and constitution and by laws. Facilities may contain one or more buildings and structures operated only for the benefit of its members and their guests. Occasional special event activities may be open to the public.
- (2) *Accessory uses.* Accessory uses include offices; meeting rooms; indoor restaurant; bar; lounge; cabanas; boat docks; parking; indoor or outdoor recreation such as: swimming pools, tennis courts, fitness center, sauna, and other similar facilities.
- (3) *Examples.* Examples may include fraternal organizations such as lodges or guilds, recreation clubs, country clubs, ~~er-yacht clubs~~, or bottle clubs.
- (4) *Exceptions.*
 - a. Community centers and facilities that have membership provisions and are open to the general public to join at any time and bona-fide nonprofit organizations, including, but not limited to, the Young Men's Christian Association (YMCA), Young Women's Christian Association (YWCA), or similar organizations whose functions as health spas are only incidental to their overall functions and purposes are classified as community services.
 - b. Any organization primarily operated for the purpose of teaching a particular form of martial arts, dance or music class and health clubs or spas are classified as retail sales and service.

Sec. VI-504. - Special NT, CP and CT development standards.

(a) *North Trail (NT) district.*

- (1) Site plan review is required in accordance with article IV, division 5.
- (2) Exterior lighting shall be provided for nighttime illumination of display areas, parking lots, walkways, entrances, and exits. These areas shall be lit, at a minimum, one-half hour after sunset and one-half hour before sunrise during hours of operation. The use of a photoelectric switch is highly recommended.
- (3) Prohibited hours of operation are from 10:00 p.m. to 6:00 a.m., except as otherwise provided in subsection (5)b. Urgent care centers, colleges, universities, restaurants, theaters, hotels, and motels, residential uses, bed and breakfast inns, and existing radio and television stations, transmitters, bars, ~~and taverns outdoor bars, and nightclubs~~ are excluded from this restriction. All other allowable uses shall apply for a major conditional use to extend their hours of operation.

DIVISION 14. - MISCELLANEOUS STANDARDS

Sec. VII-1401. - Refuse and recycling storage areas.

- (a) *Applicability.* Except as otherwise provided in this Code, each zoning lot containing a new multi-family or non-residential use shall provide and maintain one or more refuse containers and recycling containers on the premises. Zoning lots containing an existing multi-family or non-residential use shall be subject to this section when seeking any one of the following:
- (1) Cumulative expansion subsequent to the adoption of this section of at least 50 percent of the improved square footage existing at the time of adoption of this section.
 - (2) Any cumulative substantial remodeling of the existing use subsequent to the adoption of this section.
- (b) The owner of the property shall be responsible for the collection, or contract for the collection, of the refuse and rubbish on a frequency of not less than twice weekly.
- (c) The containers shall be of sufficient number and capacity to accommodate the refuse and recyclable materials generated by the uses on the zoning lot.
- (1) The containers and their enclosures shall comply with all the requirements of the zoning district in which the use is located.
 - (2) The containers shall be appropriately labeled to indicate their appropriate contents.
 - (3) The containers shall be so constructed, and have secure lids, as to prevent the entrance by animals and other vermin.
 - (4) The containers shall be placed in a manner so that their location and use is accessible and convenient for collecting and loading and does not restrict internal site traffic circulation.
 - (5) Containers shall be located in well-lit, well traveled areas.
 - (6) Refuse container storage areas shall not be located within 50 feet of an adjacent residential zoning lot in the following situations:
 - a. The storage area has containers larger than 90-gallon roll out carts; or
 - b. The storage area has containers for any business providing food or beverage service, including but not limited to restaurants, delicatessens, bars, ~~taverns~~, or nightclubs.
- (d) The owner of the use shall assure appropriate hauling and refuse removal services to the site.
- (e) All outdoor storage of refuse, recyclable material, other items or material intended to be discarded or collected, and their storage containers shall be screened from public view.
- (1) Said areas shall be screened from public view on at least three sides by an opaque impact-resistance wall or fence no lower than the height of the dumpster or container within, and on the fourth side by an opaque impact-resistance gate similarly sized, or of other such material and design approved by the director of neighborhood and development services.
 - a. The gate shall be maintained in working order and shall remain closed except during such times as refuse, recyclable materials and other such items are being discarded, placed for collection, or collected.
- (f) The owner of the use shall assure that any parking lot sweeping activity that occurs is limited to the hours of 7:00 a.m. to 8:00 p.m. daily.