

ORDINANCE NO. 22-5415

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 A DEFINITION; AS WELL AS ARTICLE VI, ZONE DISTRICTS, DIVISION 4, OFFICE ZONE DISTRICTS, TABLE VI-401, PRIMARY USES ALLOWED IN THE OFFICE ZONES, TO ENABLE MEDICAL MASSAGE THERAPY AS AN ACCESSORY USE TO A MEDICAL OFFICE, AND DIVISION 5, COMMERCIAL ZONE DISTRICTS, TABLE VI-501-A, PRIMARY USES ALLOWED IN THE COMMERCIAL ZONES, TO ALLOW A MUSEUM AS A PERMITTED INSTITUTIONAL USE, AND DIVISION 7, SPECIAL PURPOSE ZONE DISTRICTS, TABLE VI-701, PRIMARY USES ALLOWED IN THE SPECIAL PURPOSE ZONES, TO ALLOW LEASEHOLD USE IN AN EXISTING BUILDING AS A PERMITTED USE IN THE GOVERNMENTAL (G) ZONE DISTRICT, AND DIVISION 10, DOWNTOWN ZONE DISTRICTS, TABLE VI-1001, PRIMARY USES ALLOWED IN THE DOWNTOWN ZONE DISTRICTS, TO ALLOW MOBILE FOOD TRUCKS AS A PERMITTED USE IN THE DOWNTOWN CORE (DTC) ZONE DISTRICT; AS WELL AS ARTICLE VII, REGULATIONS OF GENERAL APPLICABILITY, DIVISION 6, ADDITIONAL USE AND DEVELOPMENT STANDARDS, SECTION VII-602, SPECIFIC STANDARDS FOR CERTAIN USES, SUBSECTION (ii) MOBILE FOOD TRUCKS, TO SIMPLIFY THE PROCESS FOR ESTABLISHING PERMISSION OF THE PROPERTY OWNER; 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, Sr. Planner, pursuant to instructions from the City Manager, filed Zoning Text Amendment 22-ZTA-06 as a Batch ZTA to encompass a range of issues requiring modification within the Zoning Code (2002 edition); 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 March 9, 2022 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. 22-ZTA-06 contained in this Ordinance No. 22-5415 and as approved herein; and

WHEREAS, the City Commission held a duly noticed public hearing on April 18, 2022 and held a second duly notice public hearing on May 16, 2022 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 following provisions within the Zoning Code (2002 edition) included within Application No. 22-ZTA-06 are hereby amended:

- Item 1

Article II, Definitions and Rules of Construction, Division 2, Definitions, Section II-201, Definitions, to add a definition, and Article VI, Zone Districts, Division 4, Office Zone Districts, Table VI-401, Primary Uses Allowed in the Office Zones, to enable medical massage therapy as an accessory use to a medical office;

- Item 2

Article VI, Zone Districts, Division 5, Commercial Zone Districts, Table VI-501-A, Primary Uses Allowed in the Commercial Zones, to allow a museum as a permitted institutional use;

- Item 3

Article II, Definitions and Rules of Construction, Division 2, Definitions, Section II-201, Definitions, to fix an error and Article VI, Zone Districts, Division 7, Special Purpose Zone Districts, Table VI-701, Primary Uses Allowed in the Special Purpose Zones, to allow leasehold use in an existing building as a permitted use in the Governmental (G) Zone District; and

- Item 4

Article VI, Zone Districts, Division 10, Downtown Zone Districts, Table VI-1001, Primary Uses Allowed in the Downtown Zone Districts, to allow mobile food trucks as a permitted use in the Downtown Core (DTC) Zone District and Article VII, Regulations of General Applicability, Division 6, Additional Use and Development Standards, Section VII-602, Specific standards for certain uses, Subsection (ii), Mobile food trucks, to simplify the process for establishing permission of the property owner.

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 text are shown by ~~strike-through~~ and additions to existing text 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 on the bulletin board 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 18th day of April, 2022.

PASSED on second reading and finally adopted this 16th day of May, 2022.


Erik Arroyo, Mayor

ATTEST:


Shayla Griggs
City Auditor and Clerk


- Yes Mayor Erik Arroyo
- Yes Vice Mayor Kyle Scott Battie
- Yes Commissioner Jen Ahearn-Koch
- Yes Commissioner Liz Alpert
- Yes Commissioner Hagen Brody

1. MEDICAL MASSAGE THERAPY

DIVISION 2. – DEFINITIONS

Sec. II-201. – Definitions.

Medical Massage Therapy: Any method for treating or manipulating the soft tissue and/or external parts of the human body for remedial, therapeutic, educational, or health purposes. The massage practitioner must be a licensed massage therapist (LMT) by the Florida Board of Massage Therapy. The establishment must be licensed by the Florida Board of Massage Therapy.

Article VI – ZONE DISTRICTS

DIVISION 4. – OFFICE ZONE DISTRICTS

Sec. VI-402. – Uses.

Table VI-401. Primary Uses Allowed in the Office Zones

Use Categories	OND	OCD	ORD	SMH	OPB	OPB-1	OP	MCI	BG
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)		C				
Group Living	P(2)	P(2)	P(2)	P				P	
COMMERCIAL CATEGORIES									
Commercial Recreation									
Commercial Parking									
Quick Vehicle Servicing									
Major Event Entertainment									
Auditorium, convention center								P	
Office	P(3,4,6,11)	P(4,11)	P(11)		Only office uses below				

Use Categories	OND	OCD	ORD	SMH	OPB	OPB-1	OP	MCI	BG
blank = Prohibited Use Permitted Use C= Major Conditional Use MC= Minor Conditional Use L = Provisional Use P =									
Alarm system, security operation office	See Office above				P	P	P		
Contractor, tradesman's office	See Office above								
Data and Computer services	See Office above				P	P	P		
Employment Office	See Office above								
Financial Institutions	See Office above				P	P	P		
Medical/Dental Laboratory	See Office above				P	P	P	P	
Newspaper Office w/o printing	See Office above						P		
Office, business or professional	See Office above				P	P	P	P	
Office or clinic, medical or dental	See Office above				P (11)	P (11)	P (11)	P (11)	
Optical and eye care facility	See Office above				P	P	P	P	
Radio and television station w/o transmission towers or dishes	See Office above				P	P	P See "Other Uses" Below		
Travel Agency	See Office above								
Retail Sales and Service	Only retail sales and service uses below								
Barber and Beauty Shop		P (5,6)	P (5,6)						
Bed and Breakfast									
Book, Gift, Florist and Sundry Store		P (5,6)	P (5,6)						

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Use Categories	OND	OCD	ORD	SMH	OPB	OPB-1	OP	MCI	BG
blank = Prohibited Use Permitted Use C= Major Conditional Use MC= Minor Conditional Use L = Provisional Use P =									
Dry Cleaners, Tailor and Dressmaker		P (5,6)	P (5,6)						
Health Club		P (5,6)	P (5,6)						
Pharmacy				MC(9)					
Restaurant and Delicatessen		P (5,6)	P (5,6)						
Self-Storage									
Vehicle Repair									
INDUSTRIAL USE CATEGORIES									
INSTITUTIONAL USE CATEGORIES									
Basic Utilities	P	P	P	P	P	P	P	P	P
Colleges		C(4)	C			P		P	
Community Services		C(4)	C					C	
Short-Term Housing and Mass Shelters			C						
Social Service facility			C					C	
Library		P	P					P	
Day Care	L(3,4,8)	L(4,8)	L(8)		P		P	P	
Medical Centers				P		P		P	
Parks and Open Space	P	P	P	P	P		P	P	P
Private Clubs	C	MC(4)	MC			P		P	
Religious Institutions	C	MC(4)	MC					P	
Schools	C	MC(4)	MC					P	

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Use Categories	OND	OCD	ORD	SMH	OPB	OPB-1	OP	MCI	BG
blank = Prohibited Use Permitted Use C= Major Conditional Use MC= Minor Conditional Use L = Provisional Use P =									
Botanical Gardens									P(10)
OTHER USE CATEGORIES									
Aviation and Surface Passenger Terminals									
Helipad									
Detention Facilities									
Radio and Frequency Transmission Facilities			C(7)				P(7)		
Commercial Wireless Telecommunication Towers	C	C	C		C		C	C	
Rail Lines and Utility Corridors						C			

Notes for table VI-401:

(1) *Household living limitation.*

- a. Housing types are limited to those defined in table VI-402.
- b. Residential uses on a OND or OCD zoning lot must be located above ground floor of any building.
- c. Residential portions on the ground floor of mixed use projects on a ORD zoning lot must be less than 50 percent of the total ground floor area of the project, which may consist of one or more buildings. In addition, nonresidential portions of mixed-use projects must be completed and receive a certificate of occupancy in advance or at the same time as the certificate of occupancy for any residential portion of the project.

(2) *Group living limitation.*

- a. Housing types are limited to those defined in table VI-402.
- b. All group living uses in OND, OCD and ORD zones are regulated as follows:
 - 1. *Less than 20 residents.* Group living uses for less than 20 residents are allowed as a permitted use, subject to section VII-602(aa).
 - 2. *20 or more residents.* Group living uses for 20 or more residents are minor conditional uses. They are also subject to section VII-602(aa).
 - 3. *Exception.* Normally all occupants of a building are counted. However, in this instance, staff persons that do not live on the site are not counted to determine whether the facility meets the 20 resident cutoff, above which a minor conditional use is required.

- (3) *Building design limitation.* The design of all buildings used for nonresidential purposes that does not occupy an existing building originally designed as a residential building shall be designed to be residential in character. The building design may employ sloped roofs, gables, porches, double-hung windows and other elements normally associated with residential buildings.
- (4) *Parking area location limitation.* Parking areas shall not be located any closer to a public street right-of-way than the distance by which the principal building is set back from the street right-of-way. This provision shall not be construed to preclude parking lot access driveways. Parking areas shall not be located on street corners unless one of the following conditions exist.
- a. If a zoning lot fronts on three streets, then parking may be located on only one corner.
 - b. If a zoning lot fronts on four streets, then parking may be located on only two corners.
- (5) *Retail sales and service limitation in the OCD and ORD zones.* Retail sales and service uses must be located within an office building and are limited to ten percent of the total floor area of the building; exclusive of parking area; larger amounts of retail sales and service are prohibited. Uses are limited in size in order to limit their potential impact on the office character of the zone. Ancillary retail sales and service uses are meant to primarily service the office uses in the building.
- (6) *Drive-through facility limitation.* Drive-up windows and drive-through uses are prohibited.
- (7) *Radio and frequency transmission facilities limitation.* Maximum height of any tower shall be limited to 150 feet.
- (8) 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.
- (9) *Pharmacy limitation.* Pharmacy use allowed only when accessory to a medical center and approved under the minor conditional use process. Pharmacy as a primary use is prohibited. See section VII-904(16).
- (10) *Accessory uses consistent with botanical gardens.* Activities consistent with similar cultural institutions include, but are not limited to, event facility, greenhouses, dock facilities, plant/gift shops, offices, snack bars, parking garages, and restaurant are permitted as an accessory use to the botanical garden's primary use. Accessory restaurant uses are limited to ten percent of the total developed floor area on site; exclusive of parking areas; larger amounts of restaurant space is prohibited. Accessory restaurants shall not provide catering or kitchen facilities for off-site events.
- a. Accessory restaurants shall be designed to minimize and mitigate noise impacts on adjacent residential property. Sound from outdoor dining areas shall be directed away from residential uses.

(11) Medical Massage Therapy. Medical Massage Therapy is permitted as an accessory use to a medical office.

2. MUSEUM USE IN CBN

Article VI – ZONE DISTRICTS

DIVISION 5. – COMMERCIAL ZONE DISTRICTS

Sec. VI-502. – Primary uses.

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									

Use Categories	CN	CBN	NT	CT	CP	CSC-N	CSC-C	CSC-R	CG
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								
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

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Use Categories	CN	CBN	NT	CT	CP	CSC-N	CSC-C	CSC-R	CG
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			C	C				C	C
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

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Use Categories	CN	CBN	NT	CT	CP	CSC-N	CSC-C	CSC-R	CG
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
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
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

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Use Categories	CN	CBN	NT	CT	CP	CSC-N	CSC-C	CSC-R	CG
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
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						

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Use Categories	CN	CBN	NT	CT	CP	CSC-N	CSC-C	CSC-R	CG
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								
<u>Library/Museum</u>	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									
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
Use Categories	CN	CBN	NT	CT	CP	CSC-N	CSC-C	CSC-R	CG
Detention Facilities									
Radio and Frequency Transmission Facilities	Only Radio and Frequency Transmission Facility use types below								

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Use Categories	CN	CBN	NT	CT	CP	CSC-N	CSC-C	CSC-R	CG
Commercial wireless telecommunication towers	C	C	C	C	C	C	C	C	C
Rail Lines and Utility Corridors									

Notes for table VI-501A:

- (1) *Storage limitation.* No on-site permanent vehicle storage allowed.
- (2) *Adult use limitation.* See specific restrictions in article IV, division 4 of this Code.
- (3) *Pet grooming limitation.* No boarding, kennel or veterinary services are permitted.
- (4) *Location limitation.* Use must be located above first floor of the building.
- (5) *Community service limitation in CBN.* The following community service uses are prohibited: short-term housing, mass shelters, labor pool, halfway houses, food pantries, and soup kitchens.
- (6) *Pharmacy limitation.* Pharmacy use permitted only when accessory to a drugstore, grocery store or medical office. Pharmacy as a primary use is prohibited.

DIVISION 2. – DEFINITIONS

Sec. II-201. – Definitions.

Museums, *public*: A building, place, or institution, owned and operated by either a governmental entity or a nonprofit organization, open to the public and devoted to the acquisition, conservation, study, exhibition, and educational interpretation of objects having scientific, historical, or artistic value.

Library: A place in which literary and artistic materials, such as books, periodicals, newspapers, computers, pamphlets, prints, records, and tapes, are kept for reading, reference, or lending.

3. Leasehold Uses

Article II – DEFINITIONS AND RULES OF CONSTRUCTION

DIVISION 2. – DEFINITIONS

Sec. II-201. Definitions

Accessory: A use, building or structure, or part of a building or structure which:

- (1) Is subordinate to and serves the primary building or structure or primary use;
- (2) Is subordinate in area, extent, or purpose to the primary building or structure or primary use served;
- (3) Contributes to the comfort, convenience, or necessity of occupants of the primary building or primary use; and
- (4) Is located on the same zoning lot as the primary building or structure or primary use served, with the exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot as the building or use served and such accessory water-related uses to ~~leasehold lease-held~~ uses in "G" zone districts.

See also "primary use."

Article VI – ZONE DISTRICT

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)			
Use Categories	WFR	G	CRT
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
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

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Art or framing gallery			P
Art or craft supplies, retail			P
Automobile rental agencies			
Bakery, retail			P
Bar or tavern			
Barber, Beauty Shop, tanning salon			P
Bed and Breakfast			P
Use Categories	WFR	G	CRT
Boat sales, rental or lease			
Book, stationery store			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			

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Hotel/motel	MC		P
Interior design and decorating shop			P
Jewelry store			P
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
Use Categories	WFR	G	CRT
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			

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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			
Use Categories	WFR	G	CRT
Manufacturing and Production	Only manufacturing and production use types below		
Artist, sculptor, potter, weaver, etc. studios			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
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

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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			
Use Categories	WFR	G	CRT
USES LIMITED TO SPECIAL PURPOSE ZONES (see article II-2 definitions)			
Government Uses		P	
Leasehold Lease Hold Use		C (7)	
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.
- (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.

(7) *Leaseholds.* Leaseholds are permitted by right in existing buildings.

4. MOBILE FOOD TRUCKS

Article VI – ZONE DISTRICTS

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					

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					
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				
Bars, Tavern, Nightclubs			C	C	C
Hotel/Motel and Other Temporary Lodging	MC	P	P	P	P
Mobile food truck			P	<u>P</u>	
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	
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					

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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					
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
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.
- (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) *[Specific locations identified.]* 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) *Historic reuse limitations.*
- 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.
 - d. Public operating hours shall be limited between the hours of 8:00 a.m. and 8:00 p.m.
 - e. Any use not listed shall be prohibited.
- (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 subsection 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.

Article VII – REGULATIONS OF GENERAL APPLICABILITY

DIVISION 6. – ADDITIONAL USE AND DEVELOPMENT STANDARDS

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

(ii) Mobile food trucks.

- (1) *Where these regulations apply.* Permitted locations shall be limited to those zone districts which authorize the use in article VI.
- (2) *Business tax receipt requirements.* A mobile food truck shall comply with all state and local business tax regulations.
- (3) *Vehicle requirements.* A mobile food truck shall not be used for vending a product unless the vehicle has been designed and constructed specifically for such purpose. The mobile food truck shall be licensed in accordance with the rules and regulations of any state and federal agency having jurisdiction over the mobile food truck or products sold therein.
- (4) *Insurance requirements.* A mobile food truck shall obtain at a minimum, the insurance as required by any local, state or federal laws and regulations.
- (5) *Standards.*
 - a. *Sales.* No person shall be allowed within the public right-of-way.
 - b. *Permission.* Written approval of the owner(s) of the stie site shall be obtained and provided to the city. ~~This approval shall identify the site address, owner's name, owner's mailing address, owner's telephone number, owner's acknowledgment of proposed activity and dates activity is to operate.~~
 - c. *Hours of operation.* Mobile food trucks shall be allowed to operate between 6:00 a.m. and 11:00 p.m., Sunday through Thursday, and between 6:00 a.m. and 2:00 a.m., Friday and Saturday.
 - d. *Solid waste collection.* The operator shall provide separate refuse and recycling receptacle(s) for public use and comply with the mandatory recycling policy outlined in the city Code, chapter 16. The area shall be kept neat and orderly at all times. The refuse and recycling materials shall be separated and removed by operator prior to departure of the mobile food truck each day and properly disposed. The operator shall comply with section 37-51, Sarasota City Code, as it relates to disposal of any substances (including, but not limited to, fats, oils, and grease) into the public sewer system.
 - e. *Restroom facility.* Mobile food trucks operating at a site for duration of more than three hours shall provide documentation which confirms that employees have access to a restroom or other sanitary facility at the vending location during the hours of operation.
 - f. *Maximum number of mobile food trucks.* No more than three mobile food trucks shall operate on any property at any one time. The number of mobile food trucks allowed on G zoned city-owned properties may be increase at the discretion of the city manager.
 - g. *Required parking.* One parking space is required if more than two mobile food trucks are located on a single zoning lot.
 - h. *Overnight parking.* Except for production intensive commercial zone districts, overnight parking is prohibited.
 - i. *Access.* A mobile food truck shall not be placed in any location that impedes the ingress or egress of other businesses or building entrances or emergency exits.
 - j. *Noise.* No outdoor amplified music and/or speaker systems from a mobile food truck are permitted.
 - k. *Signage.* No signage other than that exhibited on or inside the mobile food truck shall be permitted.
 - l. *Alcohol sales.* Alcohol sales from mobile food trucks are prohibited, except as allowed by special event permit and/or temporary commercial activity permit.

m. *Private event exclusion.* This section excludes a contractual or other private arrangement between a mobile food truck and an individual or group that wishes to have food catered to a specific location and which is not open to the public.

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