

ORDINANCE NO. 23-5470

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-303, CLASSIFICATION OF USES, TO CLARIFY HOW BANQUET HALLS ARE CLASSIFIED AND WHERE BANQUET HALLS ARE PERMITTED; AND ARTICLE V, VESTED RIGHTS AND NON-CONFORMITIES, DIVISION 1, VESTED RIGHTS AND NON-CONFORMITIES, SECTION V-105 NONCONFORMING STRUCTURES TO REGULATE EXPANSION OF NONCONFORMING STRUCTURES; 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, Rebecca Webster, Planning Technician, pursuant to request of the Department of Development Services, filed Zoning Text Amendment 23-ZTA-01 as a Batch ZTA to encompass a range of issues requiring modification within the Zoning Code (2002 edition); and

WHEREAS, this Ordinance No. 23-5470 relates to the portion of Application No. 23-ZTA-01 which would clarify how banquet halls are classified and where banquet halls are permitted, as well as regulate expansion of nonconforming structures; 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 February 8, 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-01 contained in this Ordinance No. 23-5470; and

WHEREAS, the City Commission held a duly noticed public hearing on March 20, 2023 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. 23-ZTA-01 are hereby amended:

- Item 4, Banquet Halls

Article II, Definitions and Rules of Construction, Division 2, Definitions, Section II-303, Classification of uses, to clarify how banquet halls are classified and where banquet halls are permitted; and

- Item 5, Nonconforming Structures-Expansion Allowance

Article V, Vested Rights and Non-Conformities, Division 1, Vested Rights and Non-Conformities, Section V-105, Nonconforming structure, to regulate expansion of nonconforming structures.

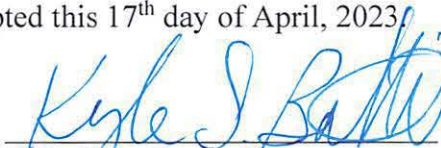
The City Commission hereby adopts the above-described amendments to the text of the Zoning Code (2002 edition) which are more fully set forth in Exhibit A, a copy of which is attached hereto and incorporated by reference herein. Exhibit A contains the portions of the above-referenced Zoning Code sections 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.

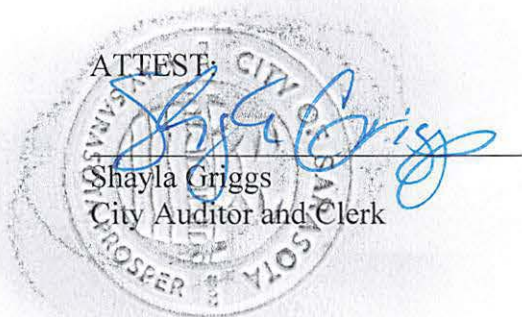
**Section 4.** Effective Date: This Ordinance shall take effect immediately upon second reading.

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 20<sup>th</sup> day of March, 2023.

PASSED on second reading and finally adopted this 17<sup>th</sup> day of April, 2023.

  
\_\_\_\_\_  
Kyle Scott Battie, Mayor

ATTEST  
  
\_\_\_\_\_  
Shayla Griggs  
City Auditor and Clerk



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

## 4. BANQUET HALLS

### ARTICLE II- DEFINITIONS AND RULES OF CONSTRUCTION

#### DIVISION 2 – DEFINITIONS

##### Sec. II-303. – Classification of uses.

(d) *Major event entertainment.*

- (1) *Characteristics.* Activities and structures that draw large numbers of people to specific events or shows characterize major event entertainment uses. Activities are generally of a spectator nature.
- (2) *Accessory uses.* Accessory uses may include restaurants, bars, concessions, parking, and maintenance facilities.
- (3) *Examples.* Examples include stadiums, sports arenas, coliseums, race tracks (auto, horse, dog, etc.), auditoriums, exhibition and meeting areas, and fairgrounds.
- (4) *Exceptions.*
  - a. Exhibition and meeting areas with less than 20,000 square feet of total event area are classified as retail sales and service. Banquet halls with less than 5,000 square feet of total event area are classified as retail sales and service and permitted where restaurant uses are permitted.
  - b. Banquet halls that are part of hotels or restaurants are accessory to those uses, which are included in the retail sales and service category.
  - c. Theaters, including drive-in theaters, are classified as retail sales and service.

(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; 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.

(4) *Exceptions.*

- a. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as wholesale sales.
- b. Sales of landscape materials, including bark chips and compost, is classified as industrial service.
- c. Repair and service of consumer motor vehicles, motorcycles, and light and medium trucks is classified as vehicle repair. Repair and service of industrial vehicles and equipment, and heavy trucks is classified as industrial service.
- d. Sales, rental, or leasing of heavy trucks and equipment is classified as wholesale sales.
- e. Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop that is classified as industrial service.
- f. In certain situations, hotels and motels may be classified as a community service use, such as short-term housing or mass shelter. See community services.
- g. An establishment engaged in the licensed dispensing of prescription pharmaceuticals is classified as a pharmacy use. See pharmacy and medical marijuana dispensary. Institutional pharmacies are excluded from this use category and are considered to be within the institutional use category as ancillary uses that occur within a hospital or medical center. See medical centers.

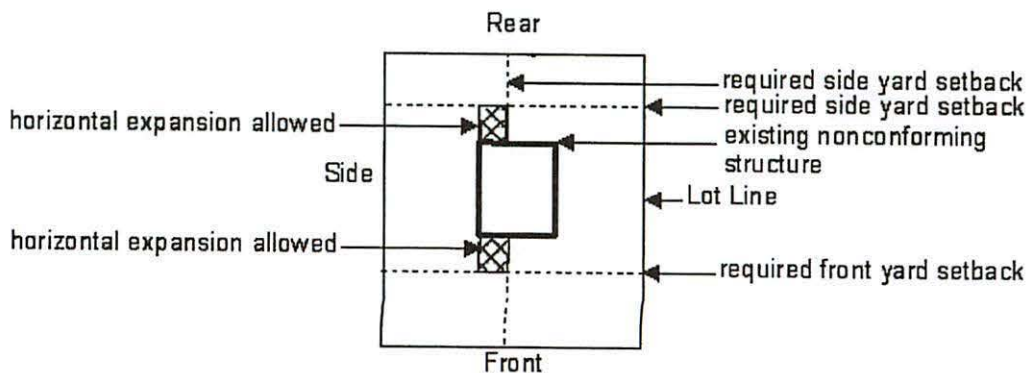
## 5. NON-CONFORMING STRUCTURES – EXPANSION ALLOWANCE

### Article V - VESTED RIGHTS AND NON-CONFORMITIES

#### DIVISION 1. - VESTED RIGHTS AND NON-CONFORMITIES

##### Section V-105. Nonconforming structures.

- (a) A nonconforming structure devoted to a use permitted in the zoning district in which it is located may continue only in accordance with the provisions of this section.
- (b) Normal repair and maintenance may be performed to allow the continuation of nonconforming structures.
- (c) Structures with a nonconforming setback may be expanded, but only horizontally along a line parallel to the existing nonconformity, provided all of the other zoning code requirements are met. This type of expansion is allowed in front, rear and side yards, however, this type of expansion is not allowed in waterfront yards. In residential zone districts, this type of expansion is not allowed where the existing setback is less than three feet. This subparagraph shall apply to one story structures which have a finished floor elevation which is no more than 24 inches above the average elevation of the crown of a dedicated public street abutting a front yard.



- (d) A nonconforming structure shall not be moved unless it thereafter conforms to the standards of the zoning district in which it is located and other pertinent regulations.
- (e) Any nonconforming structure which is destroyed or damaged (either gradually or suddenly) to 75 percent or more of its market value as determined by a state certified property appraiser may be repaired or restored only if the structure conforms to the standards of these regulations for the zoning district in which it is located. A state-certified property appraiser shall determine market value for the year the structure is destroyed or damaged. The director of neighborhood and development services shall determine the extent of damage or destruction by comparing the estimated cost of repairs or restoration with the market value as determined above. In the event that such damage or destruction occurs suddenly and is less than 75 percent of the market value of the entire building or structure as determined by a state-certified property appraiser, no repairs or restoration shall be made unless such restoration is started within one year from the date of the partial destruction and is diligently pursued to completion. In the case of gradual destruction where the damage to the structure does not total more than 75 percent of its market value as determined by a state-certified property appraiser, the repair or restoration must commence

within six months after discovery of gradual destruction and must be diligently pursued to completion. The director of neighborhood and development services may calculate the 75 percent threshold described in this section based upon assessed value instead of market value in the event the applicant does not submit an appraisal performed by a state-certified property appraiser. In such event, assessed value shall be determined by reference to the official property tax assessment rolls for the year the structure, accessory use or accessory structure is destroyed or damaged.

- (1) Notwithstanding the foregoing restrictions as to reconstruction, any structure or structures on a single zoning lot under condominium ownership or cooperative long term leases may be rebuilt after destruction to the prior extent of nonconformity as to height and density of units per acre regardless of the percentage of destruction. In the event of such rebuilding, all setbacks and other applicable district requirements shall be met unless a variance therefor is obtained from the board of adjustment.
  - (2) Notwithstanding the foregoing restrictions as to reconstruction, any single-family structure or accessory structure thereto which exists on a single zoning lot within a zone district which permits single-family residences, may be rebuilt, after destruction in whole or in part, as a single-family structure or accessory structure, so long as all setbacks and other applicable district requirements are met except minimum requirements as to zoning lot width or area. A variance as to setbacks and other applicable district requirements may be sought from the board of adjustment.
  - (3) Notwithstanding the foregoing restrictions as to reconstruction, for any project which was granted a special exception for height in a zone district pursuant to a prior zone code which previously provided for a special exception for height and if such special exception was granted prior to the effective date of these regulations, then such project may be rebuilt after destruction to the prior extent of nonconformity as to height and density of units per acre regardless of the percentage of destruction. In the event of such rebuilding, all setbacks and other applicable district requirements shall be met unless a variance therefor is obtained from the board of adjustment.
  - (4) Notwithstanding the foregoing restrictions as to reconstruction, a structure built in accordance with a development approval issued in conjunction with the Downtown Residential Overlay District (DROD) or the Rosemary Residential Overlay District (RROD) may be rebuilt after destruction to the prior extent of nonconformity as to the number of previously existing dwelling units regardless of the percentage of destruction. The DROD provides for residential density to a maximum of 200 dwelling units per acre and the RROD provides for residential density up to a maximum of 100 dwelling units per acre.
- (f) No conforming ground sign shall be erected on the same premises as an existing nonconforming ground sign until the nonconforming sign has been removed or changed to a conforming sign. However, in commercial retail establishments, the fact that one particular establishment therein has a nonconforming sign shall not prohibit a different establishment therein from erecting a conforming sign on the same premises.
- (g) Structures which have been designated as historically significant pursuant to article IV, division 8 of this Code shall be exempt from the provisions of subsection V-105(e) concerning limitations upon the repair of nonconforming structures. Structures located in a district which has been designated as an historic district pursuant to article IV, division 8 of this Code shall be exempt from the provisions of subsection V-105(e) concerning limitations upon the repair of nonconforming

structures, provided that such structures have been classified as contributing or contributing with alterations.

- (h) The reconstruction or repair of any nonconforming dock abutting a residentially zoned parcel shall be governed by zoning code section VII-1306.