

ORDINANCE NO. 2014-060

AN ORDINANCE OF SARASOTA COUNTY, FLORIDA, (ZONING ORDINANCE AMENDMENT NO. 89) AMENDING SARASOTA COUNTY ORDINANCE NO. 2003-052 (AS AMENDED FROM TIME TO TIME) CODIFIED AS APPENDIX A OF THE SARASOTA COUNTY CODE, RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF SARASOTA COUNTY; PROVIDING FOR FINDINGS; AMENDING SECTION 4.10.4, RELATING TO SIESTA KEY OVERLAY DISTRICTS; AMENDING SECTION 5.5, RELATING TO TEMPORARY USES; PROVIDING FOR EFFECT ON OTHER ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODING OF AMENDMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA:

**Section 1. Findings.** The Board of County Commissioners, hereinafter referred to as the “Board” hereby makes the following findings:

A. The Board has held public hearings on the proposed amendments described herein in accordance with the requirements of the Sarasota County Zoning Ordinance and has considered the information received at said public hearings.

B. The Board has received and considered the report of the Sarasota County Planning Commission and has reviewed the proposed amendments provided herein.

C. The Board, sitting as the Sarasota County Land Development Regulation Commission, has reviewed the proposed amendments provided herein and has found that the amendments are consistent with the Sarasota County Comprehensive Plan.

**Section 2. Amendment to Section 4.10. of Ordinance No. 2003-052, as amended, relating to the Special Purpose Overlay District .**

**Subsection 4.10.4** of Sarasota County Zoning Ordinance No. 2003-052, as amended is hereby amended as follows:

**4.10.4. Siesta Key Overlay District (SKOD)**

u. Outdoor Display. Pursuant to Section 5.5.4.13.,Outdoor Display shall be an allowable Temporary Use within the Siesta Key Overly District, subject to the provisions of Sections 3.4 and 3.5.

**Section 3. Amendment to Section 5.5. of Ordinance No. 2003-052, as amended, relating to Temporary Uses.**

**Subsection 5.5.4.** of Sarasota County Zoning Ordinance No. 2003-052, as amended is hereby amended as follows:

13. Outdoor Display. Outdoor display is allowed only on properties zoned Commercial General/Siesta Key Overlay District (CG/SKOD) with the approval of a temporary use permit (TUP) subject to the following standards:

i. An application for a TUP must be submitted to the Zoning Administrator and shall demonstrate compliance with the standards herein.

a) The applicant shall pay a permit fee of \$25.00.

b) An applicant seeking approval for the display of general retail merchandise shall submit an application for a Temporary Use Permit along with a Sidewalk Layout Plan illustrating:

1) All display area is located on the commercial property, not in the public right-of-way;

2) A four foot (4') wide pedestrian clear zone from the parking area to the retail store's main entrance door;

3) A five foot (5') wide pedestrian clear zone along sidewalks paralleling the storefront;

4) A two foot (2') wide setback from parking areas and/or streets;

5) ADA accessibility requirements are met;

6) The linear length of the display shall not exceed 33% of the linear tenant storefront dimension;

7) The maximum height of the display is seven feet (7') above the sidewalk;

8) Display merchandise shall not hang from any exterior portion of the building (i.e., awnings, windows, doors, etc.); and

9) The display area shall be limited to two (2) of the following items:

(a) A table with a maximum measurement of 72"x36"x30" high;

(b) A mannequin no larger than 24" in diameter by 72" high;

(c) A clothing rack no larger than 72"x24"x72" high; or

(d) A mobile cart no larger than 60"x30"x36" high.

c) No signage larger than one square foot shall be permitted on any display racks.

d) No items shall be allowed for display except for those items placed on designated display mechanisms (i.e., table, rack, mannequin).

e) An applicant seeking approval for the display of items for rent (i.e., bicycles, scooters, surfboards, etc.) shall submit an application for a Temporary Use Permit along with a Sidewalk Layout Plan illustrating:

- 1) All display area is located on the commercial property, not in the public right-of-way;
- 2) The display area for merchandise shall be no greater than 240 square feet by 12 feet high;
- 3) If the display area is to be located within a parking area, parking calculations shall be submitted demonstrating that the commercial building or center/plaza has sufficient parking to meet current Sarasota County Zoning Requirements;
- 4) A four foot (4') wide pedestrian clear zone from the parking area to the retail store's main entrance door shall be maintained;
- 5) ADA accessibility requirements shall be met.

f) The TUP shall be valid for a period of no more than one year.

g) Two violations of any conditions set out in this section shall constitute a violation of the temporary use permit and cause said temporary use permit to be revoked. Once revoked, a temporary use permit shall not be issued for outdoor display for a period of one year.

h) In the event a parcel contains both a retail establishment and a rental establishment, the following standards shall apply:

1. The Outdoor Display permit shall allow one (1) display item as listed above and 120 square feet of rental display area; or
2. A permit shall be limited to either the Retail Display Permit or the Rental Display Permit.

i) The provision of this Section 5.5.4.13 shall sunset on [two years from adoption], unless reviewed and saved from repeal, through reenactment by the Board of County Commissioners.

j. The Zoning Administrator shall revoke the TUP permit upon a finding of two or more violations of any condition of the TUP approval. The permittee may appeal a revocation to the Board of Zoning Appeals through the process provided in Section 3.11. Upon revocation, the property may not apply for another TUP under this subsection for one (1) year.

**Section 4. Effect on Other Ordinances.** The provisions of this Ordinance shall prevail in the event of conflict with the provisions of any existing ordinance.

**Section 5. Severability.** It is declared to be the intent of the Board of County Commissioners that if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

**Section 6. Coding of Amendments.** In this Ordinance, language added to an existing Ordinance is underscored and language deleted is typed in ~~strike through~~ type.

**Section 7. Effective Date.** This Ordinance shall take effect immediately upon filing with the Office of the Secretary of the State of Florida.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA

By: \_\_\_\_\_  
Chair

ATTEST:  
KAREN B. RUSHING, Clerk of  
the Circuit Court and  
Ex-Officio Clerk of the Board  
of County Commissioners of  
Sarasota County, Florida

By: \_\_\_\_\_  
Deputy Clerk