

**ORDINANCE NO. 2008-039**

**AN ORDINANCE OF SARASOTA COUNTY, FLORIDA, (ZONING ORDINANCE AMENDMENT NO. 27) 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 2.6 RELATING TO THE MYAKKA RIVER STANDARDS RELIEF REVIEW COMMITTEE; AMENDING SECTION 4.10 RELATING TO THE MYAKKA RIVER WILD AND SCENIC PROTECTION ZONE (MRPZ); 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 followings 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 2.6 of Ordinance No. 2003-052, as amended, relating to Myakka River Standards Relief Review Committee.**

**Subsection 2.6.1.** is hereby amended as follows:

**2.6.1. Establishment and Composition.**

- a. If compliance with the provisions contained in Section 4.10.5.e.1.i of this ordinance is not attainable, a property owner may request the Myakka River Standards Relief Review Committee review a deviation from the standards with regard to its potential impact on the Myakka River Area, in particular its effects on the rights of property owners, the environment, and the unique visual character of the Myakka River Area. The Committee shall consist of the General Manager of Planning Services ~~Executive Director of the Growth~~

KAREN E. RUSHING  
CLERK OF CIRCUIT COURT  
SARASOTA COUNTY, FLORIDA

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~~Management Business Center~~, the Zoning Administrator, and the Manager of Resource Protection, or their designees. The Myakka River Standards Relief Review Committee shall vote on each application. All approvals of the Myakka River Standards Relief Review Committee require a unanimous vote of the membership. All nonunanimous votes of the membership shall be considered denials.

- b. The Myakka River Standards Relief Review Committee may take one of the following actions:
  1. Approve the application as submitted;
  2. Approve the application with conditions; or
  3. Deny the application.

**Section 3: Amendment to Section 4.10 of Ordinance No. 2003-052, as amended, relating to Special Purpose Overlay Districts.**

Subsection 4.10.5. is hereby amended as follows

**4.10.5. Myakka River Wild and Scenic Protection Zone (MRPZ).**

*COMMENTARY:* This section was prepared based on recommendations from the Myakka River Planning Advisory Council. Three Myakka River setback standards are provided:

- 1) A required minimum setback for properties that can accommodate the construction of principal and accessory structures located more than 150 feet from the Myakka River Area;
- 2) A limited reduction in minimum setback for properties constrained by the depth and area of the Myakka River Area; and
- 3) A performance standard allowing a reduction in minimum setback for properties constrained by private legal instruments filed prior to March 18, 2003.

*COMMENTARY:* This is an overlay district that is in addition to the underlying or base zoning district (for example OUE-1/MRPZ). These base districts apply countywide. The base district use regulations can be found in Article 5 of the Zoning Ordinance. Other general development standards relating to parking, signs, etc. are found in Article 7.

- a. *Intent.* The Myakka River Wild and Scenic Protection Zone and the standards as set forth in this Section are consistent with and intended to implement the following:
  1. Part III, Chapter 258, Florida Statutes;

2. The Myakka River Wild and Scenic River Rule, 62D-15, Florida Administrative Code;
3. The Myakka River Wild and Scenic River Management Plan, Article XXI, Chapter 54, Sarasota County Code; and
4. The Sarasota County Myakka River Protection Plan.

b. *Definition of Myakka River Area and Protection Zone.*

1. *Myakka River Area.* That corridor of land beneath and surrounding the Myakka River from river mile 7.5 to river mile 41.5, contained in part III, F.S. ch. 258, together with a corridor of land including the maximum upland extent of wetland vegetation as determined by the Department of Environmental Protection pursuant to F.S. ch. 403, and Chapter 62-340, Florida Administrative Code.

2. *Myakka River Wild and Scenic Protection Zone.* An upland buffer that extends 220 feet on each side of the Wild and Scenic segment of the Myakka River (from river mile 7.5 to river mile 41.5) measured from the landward edge of the Myakka River Area.

c. *Applicability.*

1. The Myakka River Use Regulations contained in subsection d. shall apply to the portions of all lots or parcels that are determined to be within the Myakka Protection Zone.

2. The Myakka River Development standards contained in subsection e. shall apply to the portions of all lots or parcels that are determined to be within the Myakka River Protection Zone that have a lot area of five or more acres.

3. Any proposed improvement for which a complete building permit application has been submitted to the Development Services Business Center within three months of December 4, 2003, shall be exempt from the provisions of this Section.

4. All activities conducted within the Myakka River Protection Zone shall be consistent with Chapter 54, Article XXXIII (the Myakka River Protection Code), Ordinance No. 2008-002.

*COMMENTARY:* Additional requirements relating to specific development within the 220-foot Myakka River Protection Zone can be found in Chapter 54, Article XVIII (Tree Protection), Chapter 54, Article XII (Earthmoving), and Chapter 74 (Land Development Regulations) of the Sarasota County Code of Ordinances.

d. *Use Regulations.* Permitted, Special Exception, Limited and Accessory Uses are allowed in the Myakka River Protection Zone if and only if the uses in the underlying zoning district are allowed as Permitted, Special Exception, Limited, or Accessory Uses. In the event of a conflict between these regulations and the underlying zoning district use

regulations, the most restrictive of the use regulations shall apply. For example, in the event that a use is a Special Exception in the Myakka River Protection Zone and Permitted in the underlying zoning district, a Special Exception is required.

1. *Permitted Uses.* The following uses are permitted if and only if they are permitted in the underlying zoning districts:

- i. Single-family dwelling unit.
- ii. Family day care home.
- iii. Emergency services, fire, sheriff or medical station.

2. *Limited Uses.* The following uses shall be permitted as limited uses if and only if they are permitted or limited uses in the underlying zoning districts. These uses are also subject to use regulations contained in Section 5.3.

i. Commercial uses in accordance with Section 5.3.

(a) Only those commercial uses legally existing prior to December 8, 2003, shall be allowed to continue.

(b) Expansion of such uses shall be done in accordance with Section 2.6 of this Zoning Ordinance.

ii. Game preserve, wildlife management area, refuge, wild animal sanctuary, water conservation area. (NAICS 71219)

(a) No exotic animals shall occupy or be kept in the Myakka River Protection Zone.

iii. Campground.

(a) No structures shall be located in the Myakka River Protection Zone.

(b) Portions of campgrounds located in the Myakka River Protection Zone shall be limited to primitive camping.

(c) Campgrounds shall only be located on parcels with an existing river front buffer with a minimum opacity of 0.6.

(d) Campgrounds shall not be permitted in underlying RSF and RMF Zone Districts.

iv. Day camp.

(a) No structures shall be located in the Myakka River Protection Zone.

v. Hunting and fishing camps and dude ranch.

(a) Only existing dude ranches on December 8, 2003, shall be permitted in the Myakka River Protection Zone.

(b) Hunting and fishing camps shall be limited to private, noncommercial operations. See special exception uses below for commercial hunting and fishing camps.

vi. All agriculture.

(a) Only existing commercial agricultural operations classified as such by the Sarasota County Property Appraiser shall be permitted in the Myakka River Protection Zone.

vii. Utilities.

(a) Only regional linear utility infrastructure (e.g. road, bridge, water or sewer main, natural gas main, etc.) approved by the Board of County Commissioners shall be permitted in the Myakka River Protection Zone, except in cases where jurisdiction lies with state, federal, or regional agencies.

viii. Guest house in accordance with Section 5.3.

ix. Place of worship in accordance with Section 5.3.

3. *Special Exception Uses.* The following uses shall be special exception uses in the MRPZ regardless of whether they are permitted, limited or special exception uses in the underlying zoning districts.

- i. Membership club and lodge.
- ii. Commercial dock, pier in compliance with Article 20, Chapter 54, Water and Navigation Control Authority, of the Sarasota County Code, as may be amended from time to time.
- iii. Commercial or public outdoor field archery range.
- iv. Riding academy in accordance with Section 5.3.
- v. Public stable.
- vi. Rural retreat center in accordance with Section 5.3.
- vii. New hunting and fishing camps.

4. *Existing Structure Only.*

- i. Townhouse (weak-link, roof-deck and stacked) and multifamily (multiplex and apartment).
- ii. Manufactured home/subdivision.
- iii. Cemetery, columbaria, mausoleum, memorial park (NAICS 71219) in accordance with Section 5.3.
- iv. Recreational vehicle park.

5. *Prohibited Uses.*

- i. Any use or structure not specifically permitted by the underlying district or the MRPZ is prohibited.
- ii. The following uses shall be prohibited in the MRPZ:
  - (a) Monastery, convent.
  - (b) Landfill.
  - (c) Recycling center.
  - (d) Waste treatment plant and tank.
  - (e) Jails, detention facilities or work camps.
  - (f) All light industrial services.
  - (g) All heavy industrial uses.
  - (h) All sales oriented.
  - (i) Outdoor storage yard.
  - (j) Educational Facilities (NAICS 611).
  - (k) Circus ground (NAICS 71119).
  - (l) Winter quarters or training quarters.
  - (m) Library.
  - (n) City, county, state, or federal government office.
  - (o) Aircraft landing strip or helicopter landing facility.
  - (p) Excavation of sand, gravel or minerals, borrow pit (NAICS 21232).
  - (q) Livestock auction.
  - (r) Packing house for fruits and vegetables.
  - (s) Processing of food and related products.
  - (t) Retail or wholesale sales of agriculturally related supplies and equipment.
  - (u) Animal hospital or veterinarian (NAICS 54194).
  - (v) Animal boarding place.

- (w) Wild animal sanctuary.
- (x) Housing for farm or ranch labor, including mobile homes.
- (y) Childcare center, nursery school, preschool (NAICS 62441).
- (z) Hospitals, including temporary housing for relative of patients.
- (aa) Hospice, nursing or convalescent home.
- (bb) Residential assisted living facility without individual units.
- (cc) Orphanage.
- (dd) Alternative or post-incarceration facility, exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents.
- (ee) Group home for the physically disabled, mentally retarded, or emotionally disturbed that with 14 or more residents.
- (ff) Group home for drug and alcohol treatment, treatment center.
- (gg) Golf course/country club.
- (hh) Miniature golf facility.
- (ii) Golf driving range.
- (jj) Aquaculture.

6. *Accessory Uses.* The following uses and structures shall be considered accessory uses and structures in the Myakka River Protection Zone:

- i. Recreational trails, gazebos up to 400 square feet in floor area, boardwalks and passive recreation areas and other uses in compliance with the new Myakka River Protection Zone code and in compliance with Section 5.4, Accessory Uses and Structures.
- ii. Private stable on residentially zoned properties.
- e. *Development Standards.*

1. *Myakka River Area Setback.*

- i. All residential principal and accessory structures shall be located no closer than 150 feet measured from the Myakka River Area, except as provided below:
  - (a) Elevated patios, decks and walkways;
  - (b) Caged or noncaged swimming pools;
  - (c) Gazebos up to 400 square feet in floor area;
  - (d) Water dependent structures such as, boat docks and piers; and Boat docks; and
  - (e) All structures more than 2,200 feet from the bank of the main stem of the Myakka River.
- ii. All nonresidential principal and accessory structures shall be located no closer than 220 feet measured from the Myakka River Area.
- iii. If compliance with the provisions contained in Section 4.10.5.e.1.i., above, is not attainable, eligible applicants may seek relief from those provisions through either Section 2.6 or Section 3.8 of these regulations.
- iv. If compliance with the provisions contained in Section 4.10.5.e.1.ii., above, is not attainable when expanding structures built prior to March 18, 2003, eligible applicants may seek relief from those provisions through Section 2.6 of these regulations.

GRAPHIC LINK: [Protection Setback Standards for Lots Greater Than 5 Acres](#)

2. *Location of Impervious Surfaces.* Driveways, tennis courts and other impervious surfaces (excluding elevated patios, gazebos up to 400 square feet in floor area, decks and walkways, and also excluding swimming pools) shall be located no closer to the Myakka River Area than the principal structure.

f. *Preapplication Conference.* A preapplication conference in accordance with Section 3.1.5 is required for any development or development permit under this Section 4.10.5.

**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. Codification.** Except for Sections 5 through 6, the provisions of this Ordinance shall be codified in the Sarasota County Code of Ordinances. Words underlined represent additions to existing ordinances; words struck through represent deletions. The word "ordinance" may be changed to "article," "section" or another word, and the sections of this ordinance may be renumbered or relettered if necessary. The provisions of this Ordinance may be hereafter referenced to their citation in the Sarasota County Code of Ordinances.

**Section 7. Effective Date.**

This Ordinance shall take effect immediately upon receipt by 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 22<sup>ND</sup> day of APRIL 2008.

BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA

BY: 

Chair

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

BY: 

Deputy Clerk