

ORDINANCE NO. 2022-028

AN ORDINANCE OF SARASOTA COUNTY, FLORIDA, (UNIFIED DEVELOPMENT ORDINANCE AMENDMENT NO. 42) AMENDING SARASOTA COUNTY ORDINANCE NO. 2018-047 (AS AMENDED FROM TIME TO TIME) CODIFIED AS CHAPTER 124 OF THE SARASOTA COUNTY CODE, RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF SARASOTA COUNTY; PROVIDING FOR FINDINGS; AMENDING ARTICLE 6, SECTION 124-73 RELATING TO ACCESSORY USES AND STANDARDS, AMENDING ARTICLE 17, SECTION 124-305 RELATING TO DEFINED TERMS, 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.

D. The Board has waived the 5:01 p.m. requirement associated with the second public hearing on this item.

Section 2. Amendment to Section 124-73 of the Sarasota County Code, relating to Accessory Uses and Structures

Subsection 124-73(c)(5). of the Sarasota County Code is hereby amended as follows:

(5) Home-Based Business. A business that operates from a residential property is permitted. A business is considered a home-based business if it operates, in whole or in part, from a residential property and meets the standards of this section.

a. General Standards.

1. Employees of the business who work at the residential dwelling must also reside in the residential dwelling, except that up to a total of two employees or independent contractors who do not reside at the residential dwelling may work at the business. The business may have additional remote employees that do not work at the residential dwelling.
2. Parking for the residential dwelling is limited per the standards of Section 124-120(c). In addition to the standards of Section 124-120(c), vehicles and trailers used in connection with the business must be parked in legal parking spaces that are not located within the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the residence.
3. Parking or storage of heavy equipment at the home-based business shall not be visible from the street or neighboring property. For the purpose of this subsection, "heavy equipment" means commercial, industrial, or agricultural vehicles, equipment, or machinery.
4. External modifications made to a residential dwelling to accommodate a home-based business must conform to the residential character and architectural aesthetics of the neighborhood. Accessory structures must conform to the standards of 124-73(c).
5. The home-based business may not conduct retail transactions at a structure other than the residential dwelling; however, incidental business uses and activities may be conducted at the residential property.
6. The activities of the home-based business shall be secondary to the property's use as a residential dwelling.
7. All business activities and uses shall comply with the standards of the Code of Ordinances of Sarasota County and with the standards of permitted principal and limited uses and structures for the zoning district in which the home-based business exists.
8. All business activities shall comply with any relevant local, state, and federal regulations with respect to the use, storage, or disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids.
9. Transient accommodations are not permitted as a home-based business except as expressly provided elsewhere in this UDC.
10. Signs shall be in conformance with Article 11 of the UDC.

~~**Home Occupations and Home-Based Businesses.** The following regulations shall apply to the conduct of home occupations and home-based businesses in any district:~~

a. ~~*General Standards.*~~

1. ~~The use of the dwelling unit for the home occupation or home-based business shall be clearly incidental and subordinate to its use for residential purposes by~~

its occupants, and shall under no circumstances change the residential character thereof.

- ~~2. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation or home-based business, except as expressly permitted in subsection c., below.~~
- ~~3. No storage or warehousing of business material, supplies or equipment is allowed in any accessory structure, garage or outside of the dwelling unit.~~
- ~~4. No home occupation or home-based business shall be permitted in an open porch area, garage or any accessory structure not suited or intended for occupancy as living quarters.~~
- ~~5. No equipment or process shall be used in such home occupation or home-based business which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises.~~
- ~~6. No display of products shall be visible from the street.~~
- ~~7. A home occupation or home-based business shall be subject to all applicable County occupational license and other business taxes.~~

~~b. *Home Occupation as an Accessory Use.* The intent of a home occupation is to allow very limited activities in a residential dwelling, provided such activities do not impact or detract from the residential character of the area. No evidence of the home occupation shall be visible. A home occupation shall be deemed an accessory use and no further approval shall be required, provided the use meets the standards of this section and the general standards in subsection (5)a. above. Where private deed restrictions are more restrictive than the standards of this section, such restrictions shall apply.~~

- ~~1. No persons other than members of the family residing on the premises shall be engaged in such occupation, except that employees are permitted in association with the standards as specified in certain zoning districts of the Article 6.~~
- ~~2. Customers and employees shall be prohibited from coming to the residence to conduct business, except that employees are permitted in association with the standards as specified in certain zoning districts of the Article 6.~~
- ~~3. Storage space and the operation of the business inside the dwelling unit must not exceed 25 percent of the first floor area of the residence.~~
- ~~4. No sign shall be permitted.~~

~~c. *Home-Based Business as a Special Exception.* A limited business operation may be conducted as a home-based business, provided that such home-based business receives approval as a Special Exception in accordance with Section 124-43 and the use meets the following standards.~~

- ~~1. A home-based business shall only be established in a residential structure with frontage on an arterial street with four or more lanes. Appropriate driveway access shall be determined as part of the Special Exception approval.~~

2. ~~At least one resident of the premises shall be employed in the home-based business. Not more than two persons who are not residents of the household shall be employed.~~
 3. ~~Any need for parking generated by the conduct of the home-based business shall be met off the street and other than in a required street yard.~~
 4. ~~Any activities involving outside visitors or clients, and any deliveries by commercial vehicle, shall be limited to the hours between 8:00 a.m. and 8:00 p.m.~~
 5. ~~Barber shops, beauty parlors, hair and nail salons, and similar uses shall be limited to a maximum two chairs.~~
 6. ~~Instruction in music, dancing and similar subjects shall be limited to a maximum of four students at a time.~~
 7. ~~Only articles made on the premises may be sold, except that (1) consumable products that are incidental to a service that is the principal use in the home-based business, or (2) flags or flag accessories may be sold on the premises.~~
- d. ~~*Prohibited Characteristics.* No home occupation or home-based business shall be permitted that does any of the following:~~
1. ~~Requires external alterations inconsistent with the residential use of the building with the exception of such alterations required by the Florida Accessibility Code (FAC) and Americans with Disabilities Act (ADA).~~
 2. ~~Results in the off-street or on-street parking of more than three vehicles at any one time not owned by members of the occupant family.~~
 3. ~~Is a nuisance, or creates a hazard to persons or property.~~
- e. ~~*Prohibited Uses.* The following uses are prohibited as home occupations or home-based businesses:~~
1. ~~Vehicle or body and fender repair.~~
 2. ~~Outdoor repair.~~
 3. ~~Greenhouse, commercial nursery or truck farming.~~
 4. ~~Food handling, processing or packing, other than services that utilize standard home kitchen equipment.~~
 5. ~~Medical lab or dental lab.~~
 6. ~~Child care center, preschool, nursery school or child care arrangement which provides child care for more than ten children. (See also Day Care Facility in Article 17.)~~
 7. ~~Restaurants or any other sales or dispensing of freshly-prepared food or drinks.~~

Section 3. Amendment to Article 17 of the Sarasota County Code, relating to Definitions.

Subsection 124-305. – Defined terms. of the Sarasota County Code is hereby amended as follows:

Home Occupation. A business, profession, occupation or trade conducted for gain or support within a residential dwelling.

Home Based Business. ~~A business, profession, occupation or trade conducted for gain or support within a residential dwelling or its accessory buildings that requires employees, customers, clients or patrons to visit the home. Any use of a residential property, in whole or in part, for an occupation subordinate to the residential dwelling unit and which is clearly incidental to the use of the structure for residential purposes.~~

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: _____
Chairman

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

By: _____
Deputy Clerk