

Division 9. Accessory Structure and Uses**Section VII-901. General Requirements**

This Division establishes requirements and restrictions for particular accessory uses and structures. Any accessory use or structure shall be required to obtain the same type of approval under Article IV ("Development Review Procedures") of these regulations as the principal use would have to obtain, unless specified otherwise in this division. Any accessory use or structure may be approved in conjunction with the approval of the principal use. However, no construction of an accessory use or structure shall commence before the principal use is approved and construction on the principal use has commenced in accordance with these regulations.

Section VII-902. Residential Accessory Uses

Accessory uses shall be permitted in all residential districts (i.e., RSF and RMF districts), subject to the following limitations:

- A. RESERVED.
(Ord. No. 02-4379; Sec. 4, 4-21-03)
- B. Amateur radio antennas for private residential use shall be permitted in all residential districts as an accessory use, and shall meet the standards as set forth in Section VII-602 (H) of this Chapter.
- C. Commercial wireless telecommunication antennas mounted on existing buildings shall be permitted in RMF-5, RMF-6, RMF-7 and RMF-R districts as an accessory use, and shall meet the standards as set forth in Section VII-602(H) of this Chapter.
- D. Commercial wireless telecommunication antennas mounted on existing towers and other structures shall be permitted in all residential districts as an accessory use, and shall meet the standards as set forth in Section VII-602(H) of this Chapter.
- E. Direct broadcast satellite service antennas (DBS) and Multi-channel multi-point distribution antennas (MMDS), in accordance with the standards set forth in Section VII-602(H) of this Chapter, shall be permitted in all residential districts as an accessory use.

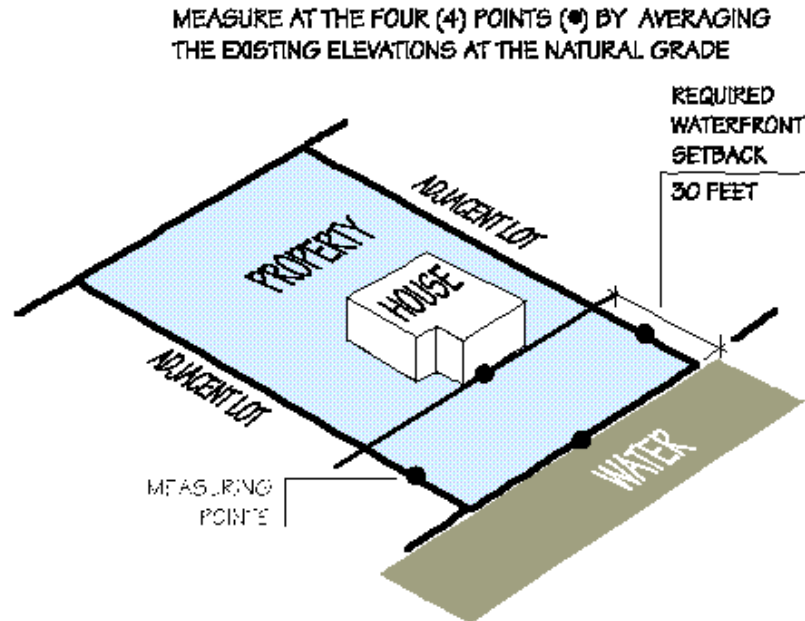
Section VII-903. Residential Accessory Buildings and Structures

Accessory buildings and structures shall be permitted in all residential districts, subject to the following limitations (See also VII-602 CC and VII-602 FF):

- A. In all residential zoning districts (other than for multi-family dwelling projects), accessory buildings, antennas and their supporting structures, and in-ground swimming pools shall be subject to the following requirements:
 - 1. Caged swimming pools shall be allowed only in the rear and side yards. Uncaged swimming pools may be located in all required yards, but only in required front yards if it is screened from the street by a six (6) foot high finished masonry wall.

ARTICLE VII: Regulations of General Applicability

2. Transmission towers for amateur radio antennas and their supporting structures shall be allowed in accordance with Section VII-602 of this Chapter.
 3. The zoning lot coverage for all accessory buildings on a zoning lot shall be included as part of the calculation of "maximum building coverage" for the particular district in which the use is located.
 4. Accessory structures in the rear and side yards, including antennas and their supporting structure which are less than twenty (20) feet in height, shall be set back a minimum of five (5) feet from the rear and side property lines. Accessory structures, except as may otherwise be provided in this Code, shall not be located in any required front yard setback.
 5. Accessory structures, including freestanding antennas and their supporting structure, more than twenty (20) feet in height in the side and rear yard shall be subject to the yard and setback requirements of the zoning district in which they are located.
 6. Accessory buildings shall not exceed the maximum height requirement for the particular district in which it is located.
- B. In all residential zoning districts (for multi-family dwelling projects, other than individual fee-simple townhouse projects), accessory buildings, antennas and their supporting structures, and swimming pools shall be setback at least ten (10) feet from all property lines.
- C. For all fee-simple townhouse projects, accessory buildings on individual fee-simple townhouse zoning lots shall be governed by the following requirements:
1. Neither transmission towers for amateur radio antennas nor commercial wireless telecommunication antennas and towers shall be allowed.
 2. Accessory buildings shall not be allowed in front setbacks, shall not exceed ten (10) feet in height, and shall not cover more than fifty (50) percent of the yard in which they are located.
- D. Accessory structures shall not be located in any required waterfront setback, except that uncaged swimming pools may be located in required waterfront setbacks provided that:
1. The edge of the water of the swimming pool shall be set back a minimum of five (5) feet from the mean high water mark and from adjacent zoning lot lines; and
 2. The uncaged swimming pool and any deck shall not be higher than thirty (30) inches above average natural grade or thirty (30) inches above the cap of the seawall, whichever is less. For purposes of this subsection, average natural grade shall be determined by averaging the grade as depicted below.

ARTICLE VII: Regulations of General Applicability

3. Fences, walls, poles, posts and other customary yard accessories and ornaments are not permitted in any required waterfront setbacks adjacent to the open waters of the Gulf of Mexico.
- E. Fences and walls, except those used in connection with a government use, shall be governed by the standards found in Section VII, Division 11.
 - F. Accessory dwelling units shall be permitted in residential districts in accordance with Section VII-602(CC),
 - G. No accessory building shall be constructed, erected, or otherwise placed on a zoning lot that is not occupied by a principal building.
 - H. Storage containers used primarily for shipping purposes, truck compartments, or trailers shall not be deemed principal or accessory structures or buildings and shall not be permitted.
 - I. Accessory buildings and structures shall not be located so as to restrict access to buildings by emergency equipment.
 - J. Private garages shall be permitted as accessory buildings in all residential districts in accordance with the standards set forth in this subsection:
 1. If attached to the principal structure, all setbacks for the principal structure shall be met.
 2. Private garages shall be used solely by the occupants of the dwellings to which they are accessory and only for noncommercial purposes.

- K. Children's playhouses, patios, gazebos, etc. shall be permitted as accessory buildings and structures in all residential districts.
- L. Where drainfields and septic tanks are allowed, their placement is permitted without regard to setbacks or yard restrictions, provided that all appropriate approvals shall be secured for any drainfield or septic tank.
- M. Noncommercial greenhouses and plant nurseries, tool houses and garden sheds, garden work centers, children's play areas and equipment, private barbecue pits and similar accessory uses shall be permitted as accessory buildings and structures in all residential districts.
- N. Seawalls, groins and other beach protective devices shall be permitted in accordance with Section VII-1304 of this Chapter.
- O. Private docks and community boat docks, on waterfront properties, shall be permitted in accordance with Section VII-1302 of this Chapter.
- P. Non-profit bingo shall be permitted as an accessory use in accordance with Section VII-602(W), unless specifically prohibited.

Section VII-904. Non-Residential Accessory Uses, Buildings and Structures

Accessory uses, buildings and structures shall be permitted in all office, commercial, production intensive commercial, mixed use, and open space recreation and conservation districts in accordance with the provisions of this Section. Such uses and structures shall be located and designed so as to minimize any adverse impact on adjacent properties and streets and alleys.

- A. Amateur radio antennas and their supporting structures shall be allowed only in accordance with Section VII-602(H) of this Chapter.
- B. Commercial wireless telecommunication antennas mounted on existing buildings shall be permitted, except the Conservation Overlay District (COD) and Marine Park (MP) zone district, as an accessory use, and shall meet the standards as set forth in Section VII-602(H) of this Chapter.
- C. Commercial wireless telecommunication antennas mounted on existing towers shall be permitted, except the Conservation Overlay District (COD) and Marine Park (MP) zone districts, as an accessory use, and shall meet the standards as set forth in Section VII-602(H) of this Chapter.
- D. Direct broadcast satellite service (DBS) antennas and Multi-channel multi-point distribution service (MMDS) antennas, in accordance with the standards set forth in Section VII-602(H) of this Chapter, shall be permitted as an accessory use in all non-

ARTICLE VII: Regulations of General Applicability

- residential districts, except the Conservation Overlay District (COD) and Marine Park (MP) zone districts.
- E. One caretaker's or watchman's accessory dwelling unit shall be permitted in accordance with the following requirements:
1. Such accessory dwellings shall be located within the principal building.
 2. Such accessory dwelling unit shall only be used by the owner, owner's relative, or employee of the principal use.
- F. Home occupations shall be permitted as an accessory use to all residential uses and shall meet the standards as set forth in Section VII, Division 6, FF of this Chapter
- G. Fences and walls, except those used in connection with a government use, shall be governed by the standards found in Section VII, Division 11.
- H. Except as may be provided in other Section of this Chapter, no accessory building or structure shall exceed the height of the principal building on the zoning lot.
- I. Where zoning lots within a office, commercial, production intensive commercial, mixed use, or open space recreation and conservation district are adjacent to a residential district, accessory uses and structures located in those yards that are adjacent to the residential district(s) shall not be allowed in a required front yard, and shall be setback a minimum of five (5) feet from such rear and side property lines.
- J. Seawalls, groins and other beach protection devices shall be permitted in accordance with Section VII-1304 of this Chapter.
- K. Drive through facilities may be allowed in the C-CBD zone district as a major conditional use in accordance with Section VII-602(C), and in all other zone districts drive-through facilities shall be permitted as an accessory use in accordance with Section VII-602(C), unless specifically prohibited.
(Ord. No. 03-4473; Sec. 2, 6-16-03)
- L. Outdoor restaurants shall be permitted as an accessory use in accordance with Section VII-602(F), unless specifically prohibited.
- M. Non-profit bingo shall be permitted as an accessory use in accordance with Section VII-602(W), unless specifically prohibited.
- N. RESERVED
(Ord. No. 03-4472; Sec. 5, 6-16-03)
- O. The following accessory uses to a hotel or motel or private club may be allowed as a major conditional use, unless identified as a permitted use in a particular zone district:

ARTICLE VII: Regulations of General Applicability

auditoriums, convention and meeting facilities; restaurants (indoor or outdoor); bars (indoor or outdoor); service oriented uses such as beauty and barber shops, laundry and dry cleaning pick-up stations, and travel agencies; commercial uses such as book, pharmaceutical, sundry, clothing, and gift shops; recreational facilities and non-motorized equipment rentals; private and commercial docks; and other similar accessory uses. No outdoor music shall be permitted in conjunction with such uses.

P. RESERVED.

Q. Specific accessory uses allowed in the SMH zone district.

1. The following uses shall be permitted in the SMH zone district provided they are accessory to the permitted principal hospital facility. These uses shall primarily service the employees and patrons of the hospital facility and affiliated medical offices; however, casual or incidental use by the general public shall not be inconsistent with the intent of this requirement. In addition, a hotel/motel use may only be established by conversion of hospital patient rooms within hospital buildings existing as of March 20, 2000. Occupants of such accessory hotel/motel rooms shall be limited to families or persons attending to or visiting patients of Sarasota Memorial Hospital.

	Location Anywhere in SMH district	Location Anywhere in SMH district with restrictions (1)	Location Only in principal hospital building (2)
Permitted	<ul style="list-style-type: none"> • Adult day care • Child care centers • Auditorium • Meeting facility • Generating plant, electric or gas helipad • Infirmaries & medical care facilities¹ • Medical or dental laboratory¹; • Office or clinic, medical or dental¹ • Optical & eye care facility¹ • Parking lot or garage. <p>¹Notwithstanding VII-904. Q. 1. above, these uses are not required to be accessory to the permitted principal hospital facility.</p>	<ul style="list-style-type: none"> • Medical/diagnostic imaging center¹; • Medical/healthcare supplies store¹ • Physical therapy center¹ • Automatic Teller Machines (ATM's)¹ <p>¹Notwithstanding VII-904. Q. 1. above, these uses are not required to be accessory to the permitted principal hospital facility.</p>	<ul style="list-style-type: none"> • Barber or beauty shop, tanning salon; • Book, stationary store; • Copying, duplicating shop; • Florist, plant or gift shop; • Newspaper, magazine store; • Variety, sundry or candy store; • Hotel/motel.
Minor Conditional Use	<ul style="list-style-type: none"> • Assisted Living; • Colleges & universities; • Wireless telecommunications antenna on buildings; dormitory, educational; 	<ul style="list-style-type: none"> • Delicatessen¹; • Drug store or pharmacy¹; • Restaurant¹; • Health Club¹; 	None

ARTICLE VII: Regulations of General Applicability

	<ul style="list-style-type: none"> • Nursing homes; • Residential treatment facility; • School, vocational, trade or business 		
Major Conditional Use	<ul style="list-style-type: none"> • Alcoholism & drug receiving & treatment center 	None	None

Note (1) The above cited accessory uses shall not have a building entrance directly to Tamiami Trail, Floyd Street, Osprey Avenue, or Hillview Street. A single wall mounted sign, not exceeding 16-square feet in area and not more than 16-feet in height, may be placed on a façade of the building fronting on a street internal to the SMH District. A sign shall not be placed on a façade facing Tamiami Trail, Floyd Street, Osprey Avenue, or Hillview Street.

Note (2) The *principal hospital building* refers to the series of conjoined buildings located south of Waldemere Street, west of Tamiami Trail, and North of Arlington Street, including the Waldemere Garage, Waldemere Tower, East Tower and the Critical Care Tower.

(Ord. No. 03-4429, sec. 13, 1-21-03; Ord. No. 04-4514; Sec. 8, 1-20-04)