



From: Karin Murphy, AICP, CNU-A, Director of Urban Design Studio (UDS)

Re: Form-based Code Article 1 Rules of Administration Overview

Date: May 25, 2016

Overview

Article 1 of the Form-based Code (FBC) contains the Rules of Administration. This component includes code applicability or “When the Regulations Apply”, as well as the necessary permits and procedures for implementation and the development application process.

Currently, development permits and procedures are fragmented and spread throughout a variety of documents including the Zoning Code, Engineering & Design Criteria Manual, and the City’s Development Application Forms. Navigating the City permitting processes is difficult and time consuming. As part of the creation of Article 1, UDS assembled all of these permits and processes and worked with the Staff to determine what permits and procedures should be modified, eliminated or brought into the new FBC. We then created an alphabetized master matrix of these permits with the review/approval authority identified. Next each permit and process was assigned a new section number in the matrix to reference the accompanying text outlining application requirements as well as criteria for review and approval. The goal of this Article is to make the new code user friendly and easy to administer.

ARTICLE 1 PERMITS & PROCEDURES
SECTION REFERENCE, PERMIT/PROCEDURE & PROPOSED CHANGE
<p>1.15.1 – 1.15.5 Adjustments:</p> <p>The adjustment process provides flexibility for unusual situations and allows for alternative ways to meet the purposes of the code, while allowing the regulation to continue providing certainty in the built environment and consistent processing of land use applications.</p> <p>This process is currently in place for the downtown and walk to town neighborhoods identified in the Downtown Master Plan and DTE, DTNE, DTC and DTB zone districts (transect zones).</p> <p>In other districts the processes for modifications are handled by G Zone Waivers, Variances, and some administrative or Planning Board approval processes.</p>

- The adjustment process has been modified to be applicable city-wide with thresholds for administrative, and Planning Board review as well as items that can and cannot be adjusted.

G Zones are government owned parcels and their standards are assigned the most restrictive adjacent land use for development standards. This coarse grain approach often results in an excessive amount of G Zone Waiver Requests because the assigned metrics are often unrealistic for these sites.

- In the new FBC G Zones are eliminated by assigning them appropriate Transect Zones and metrics. Variations from the standard metrics would be processed through the uniform adjustment procedure with thresholds for public hearing review.

As part of the FBC work the existing downtown zone districts and projects have been reviewed and audited with the community and staff to determine recommended modifications. The recommended changes include:

- A change to the habitable space requirements for constrained lots in certain locations.
- A change to the prohibition for adjustment to the residential densities has been included to reflect existing or proposed density incentive programs.
- An expansion of the Civic Use definition and adjustment criteria to include not-for-profit cultural, recreation, education and transit buildings to promote exemplary architecture and signature buildings.
- An expansion of allowed adjustments for tree preservation.

1.15.6 Adult Use Permits:

No substantive changes to the regulations or procedures are proposed for this permit or review/approval procedure. However, the permit and procedures are included in Article 1 and the many standards and ordinance language will be moved to Appendix B in the Ordinance summary section of the new code.

1.15.7 Annexation/Pre Annexation Agreement:

Updated City Map & process for assigning City Transect Zone Districts to Sarasota County Zone Districts proposed for annexation.

1.15.9 Building Permit/ C.O/ Public Art:

No substantive changes, combined and revised the three processes into one section for permit and processes. Updated map and other items relevant to public art will be in Article 2.

1.15.10 Certificate of Appropriateness:

No changes to approvals or process. Revised to group permits, procedures and approval criteria in an easier to understand format.

1.15.11- Community Workshop:

Revised and updated language to be consistent with adopted policies, and expanded items that require workshops.

1.15.13 Conditional Uses:

Rewritten to consolidate and distinguish use categories into Permitted, Provisional, Minor & Major categories. Changes to the provisional use narratives and permitting process.

1.15.14 Density Bonus Agreement:

Reserved for Article 2 existing & proposed density programs and housing incentives.

1.15.15 - Development Agreement:

Revised for consistency with the multi-phased nature of long term projects and site plan processing.

1.15.16 FBC Interpretation Letter:

Existing process expanded to include areas outside downtown districts.

1.15.17 FBC/Transect Confirmation Letter:

Existing process expanded to include areas outside downtown districts.

1.15.18 Historic Designation:

No changes to approvals or process. Revised to group permits, procedures and approval criteria in an easier to understand format.

1.15.19 Land Use Atlas Amendment:

Revised rezone process to Transect nomenclature.

1.15.20 LOS/ Concurrency:

Will be revised to reflect changes proposed for the Mobility Fee Districts.

1.15.22 Off-Site/Shared Parking Agreement:

Will be revised to reflect changes from ongoing Parking Master Plan.

1.15.23 Proportionate Fair Share Agreement:

Will be revised to reflect changes proposed for the Mobility Fee Districts.

1.15.24 ROW Use Agreements:

Revised to group Minor & Major Encroachments under one section.

1.15.25 ROW/ Street Vacation:

Revised to eliminate public hearing requirement for certain utility easement vacations.

1.15.26 Sidewalk Café Permit:

Permit requirements are currently in the City Code. Permit requirements are now included in FBC along with other permits.

1.15.27 Sign Master Plan:

New process that allows owners with multiple tenants or uses to process a cohesive sign plan for projects such as large commercial centers, campuses or airports.

1.15.28 Site Plan:

Revised to cover site plans citywide with thresholds and procedures for administrative, planning board and city commission review and approval.

1.15.29 Subdivision:

Revised to group and distinguish different levels of lot division including lot split, and minor and major subdivision procedures and review.

1.15.30 Urban Village:

Reserved for new 7 acre parcel designation, general development plan standards and requirements for Article 2 Urban Village sites.

ARTICLE 1 GENERAL PROVISIONS

1.1 TITLE

This Ordinance is the compilation of the land development regulations (LDRs) for the City of Sarasota, Florida and shall be entitled, "The City of Sarasota Form-based Code Land Use and Development Regulations" and may be referred to as the FBC (FBC 2016 edition).

1.2 AUTHORITY

This Ordinance enacting the City's FBC regulations adopted pursuant to the authority of Article VIII of the Florida Constitution and "Local Government Comprehensive Planning and Land Development Regulation Act", Section 163.3203, Florida Statutes.

1.3 PURPOSE

It is the purpose of the FBC regulations to:

- A. Establish standards and regulations for the review and approval of all proposed development of property within the City in order to ensure the adequate provision of services to the citizens, and to preserve the character and safety of neighborhoods while providing a range of housing opportunities. The regulations are intended to encourage cultural and economic development, and to facilitate neighborhood revitalization.
- B. Offer protection for the natural resources of the City, including clean Bay and Gulf waters, clean air and abundant open spaces, to promote the artistic and cultural heritage of the City and to promote compatibility within the built environment and interface with the public realm.
- C. Provide a development review process that is comprehensive, consistent, and efficient in the implementation of the Sarasota City Plan ("Comprehensive Plan") and other goals, policies and standards of the City. This process shall be efficient, in terms of time and expense, effective, in terms of addressing the natural resources and public facility implications of proposed development, and equitable, in terms of consistency with established regulations and procedures. It shall be based upon the respect for the rights of property owners, and consideration of the interests of the citizens of the City.
- D. Act as an instrument for implementing the public goals and objectives of the adopted Sarasota City Plan, and is declared to be consistent with the adopted Comprehensive Plan. Except as noted herein, this Code supplants the application of conflicting provisions in the Zoning Code 2002 of the Code of Ordinances, City of Sarasota, Florida.
- E. Implement the Sarasota City Plan in a manner that protects the health, safety, and general welfare of the citizens of the City of Sarasota. This Code is based on the principles of New Urbanism and the Sarasota City Plan's Guiding Principles as follows:
 - 1. Increase the City's economy through diversification of jobs and business opportunities.
 - 2. Make Sarasota a community that is attractive to people at all stages of their lives.
 - 3. Invest in places to achieve lasting value and distinctive character.
 - 4. Maximize the benefits of major public infrastructure investments (existing and planned).
 - 5. Use Sarasota's natural assets to create a distinctive identity and quality of life desired by

- the community.
6. Diversify mobility options within the City.
 7. Create centers with a mix of activities at key locations.
 8. Balance growth through efficient development patterns tied to multimodal transportation systems.
 9. Position Sarasota for an appropriate scale of investment and reinvestment supported by market trends.

1.4 INTENT

It is the intent of the City that the FBC is consistent with the following goals:

A. Connectivity Goals

1. That green corridors and flood plains to be used to define and connect neighborhoods both within the City and the region.
2. That the City includes a framework of pedestrian and bicycle trails and routes locally that connects to a regional system, as well as transit-ready development that will provide viable alternatives to the automobile.

B. Community Goals

1. Neighborhoods and mixed-use centers governed by this Code that are compact and pedestrian-oriented.
2. Residential and commercial neighborhoods and mixed-use centers as the preferred pattern of development and that sub-districts specializing in single-use be the exception.
3. That the activities of daily living should be able to occur within walking distance of most dwellings, providing independence and accessibility to those who do not drive.
4. Interconnected networks of thoroughfares designed to disperse traffic, improve accessibility for emergency services and reduce the length of automobile, bicycle and pedestrian trips and their negative impacts on neighborhoods.
5. That within each Pedestrian Shed, a range of housing types be provided to foster a mix of residential unit types throughout each neighborhood that provide for life-cycle housing and contribute to long term sustainability and reinvestment.
6. Civic, institutional, and commercial activity that is integrated into the fabric of the existing community, neighborhoods and mixed-use centers.
7. Schools connected to neighborhoods with sidewalks and trails that enable children to walk or bicycle to them.
8. A range of open space including parks, squares, and playgrounds distributed within neighborhoods and mixed use centers.
9. That protected trees and tree clusters as defined in the Code are preserved and canopy restoration is achieved.

C. Goals for Streets, Blocks and Buildings

1. An infrastructure of quality buildings and public spaces constructed to invite reinvestment over time, and to accommodate flexibility of use (retrofit-ability) in response to evolving markets.
2. Buildings, streetscaping and landscaping that contribute to the physical definition of

thoroughfares as civic places.

3. Development that adequately accommodates automobiles while respecting the pedestrian and the spatial form of public space.
4. The design of streets and buildings that reinforce safe environments and preserve accessibility.
5. Civic buildings and public gathering places provided at appropriate locations to reinforce community identity and encourage their use.
6. Civic buildings designed to be distinctive and appropriate to a role more important than other buildings, and that they help provide focus and community gathering opportunities within the fabric of the city.
7. Landscape design that reflects local climate, topography and the preservation of protected trees and tree clusters, and architecture that reflects local climate, topography, history and best management practice.
8. Affordable and workforce housing that is distributed throughout the City to match job opportunities and to avoid concentrations of poverty.

D. FBC Regulations

The City of Sarasota FBC Transect Zones and metrics are established to be consistent with the Sarasota City Plan with the intent to:

1. Enrich the community by providing meaningful choices in living arrangements across both the natural and built environments.
2. Recognize through the LDR that transect zone descriptions and metrics found throughout this code constitute the intent of the code and the City with regard to the general character of each of these environments.

E. Goals for Other Designations and Districts

It is the intent of the City to plan for and implement a broad spectrum of compatible land uses calibrated to the City's unique conditions. Therefore, the FBC includes:

1. Designations, districts and policies created and included within this code in addition to the Transect Zones for properties where unique market and site conditions warrant special development standards to enable development and promote compatibility.
2. Requirements that such Special Districts and designations blend with and transition to existing and planned development in a manner that helps maintain the intended community character and identity of Sarasota and its neighborhoods.

1.5 ACRONYMS

The following acronyms are used throughout the FBC for purposes of efficiency:

BOA	Board of Adjustment
CAC	City Auditor and Clerk
CC	City Commission
DOE	Department of Economic Opportunity
DRC	Development Review Committee
EDCM	Engineering Design Criteria Manual
FBC	Form-based Code

FLU	Future Land Use
HPB	Historic Preservation Board
LDR	Land Development Regulation
LOS	Level of Service
LPOD	Laurel Park Overlay District
NDS	Neighborhood and Development Services
PAC	Public Art Committee
PB	Planning Board/ Local Planning Agency
PH	Public Hearing
PW	Public Works
ROW	Right of Way
ZTA	Zoning Text Amendments

1.6 FINDINGS OF FACT

The Local Government Comprehensive Planning and Land Development Regulation Act, Section 163.3202, Florida Statutes, requires the City to enact LDR that are consistent with and implement the City's Comprehensive Plan. Consistency has been demonstrated through the following:

- A. These regulations contain detailed provisions that are consistent with and necessary to implement the Sarasota City Plan.
- B. This Ordinance provides consistent and responsible oversight for the location, design and construction of development within the City, and is necessary in order to protect the public health, safety, and welfare, and to maintain and enhance the City's quality of life. This Code was adopted to promote the health, safety and general welfare of the City of Sarasota and its citizens, including protection of the environment, conservation of land, energy and natural resources, providing an environment that features multiple mobility modes, more efficient use of public funds, health benefits of a pedestrian environment, historic preservation, education and recreation, reduction in sprawl development, and a more durable and resilient built environment.
- C. The required public participation, public notice, and public hearings necessary pursuant to Chapters 163 and 166, Florida Statutes, in order to enact these FBC Regulations have been held with the Planning Commission, as the Local Planning Agency and the CC, each having reviewed the FBC Regulations and finding them consistent with the Sarasota City Plan at the required public hearings.

1.7 APPLICABILITY

These regulations shall govern the development and use of land and structures, including but not limited to, all zoning lots, parcels, lots of record, subdivision and resubdivisions of land and planned developments within the corporate limits of the City.

Except as otherwise provided by these regulations, no building, structure, or land shall be used or occupied, and no building, structure, or land shall be developed unless in conformity with all of the provisions of these regulations for the transect zone in which it is located and all other

applicable regulations.

- A. Provisions of this Code are activated by “shall” when required, “should” when recommended and “may” when optional.
- B. The provisions of this Code, when in conflict, shall take precedence over those of other codes, ordinances, regulations and standards except the Sarasota City Plan and Local Health and Safety Codes.
- C. Capitalized terms used throughout this Code may be defined in **Article 8 Definitions of Terms**. Article 8 contains regulatory language that is integral to this Code. Those terms not defined in Article 8 shall be accorded their commonly accepted meanings. In the event of conflicts between these definitions and those of the 2002 Zoning Code, those of this Code shall take precedence.
- D. The provisions of these FBC Regulations shall apply to all development within the City within the FBC Transect Zones and other Districts and Designations. No development shall be undertaken without prior approval and the issuance of the appropriate development order or permit pursuant to the applicable provisions of these FBC Regulations, except as provided herein.
- E. Diagrams and illustrations that accompany regulations in this code should be considered guidelines, with the exception of Transect Zones in Article 3, which are legally binding.
- F. Where in conflict, numerical metrics shall take precedence over graphic metrics.
- G. Compliance is intended to occur over time as redevelopment and new development occur. These regulations are intended for new development, expansion and remodeling. Existing structures and uses are allowed to continue and normal repair and maintenance is encouraged. Exceptions from restrictions that would otherwise limit the ability to rebuild after sudden or gradual destruction are allowed for condominiums and valid development approvals. The City recognizes that some sites may be difficult to develop in compliance with the FBC regulations and provides for an adjustment procedure within certain parameters.

1.8 WHEN THESE REGULATIONS APPLY

A. New Development

These regulations apply to all new development. (As currently defined in Article 8– as Articles are completed we will continuously review and modify for consistency)

B. Expansion

Any expansion of existing buildings shall comply with the FBC. These regulations shall apply only to the new expanded portion of the building.

C. Exterior Remodel

Any exterior remodeling of existing buildings shall comply with those regulations found in

Tables (**Reserved for new table numbers**) that are applicable to the scope of a particular project. These regulations shall not apply to exterior portions of a building not being remodeled.

D. Interior Remodel

These regulations shall not apply to interior remodeling of existing buildings.

[For example, remodeling a storefront may require compliance with standards, such as; window area, window shape and exterior finish materials and an addition would need to comply with standards, such as; setbacks, height limits and parking.]

1.9 WHEN THESE REGULATIONS DO NOT APPLY

- A.** The provisions of these regulations shall not affect a development order or Building Permit that has been previously approved and has not expired at the time of the adoption these FBC Regulations, and on which development activity has commenced, or will commence and proceed, in accordance with the time limits, conditions, or terms set forth as part of that original development approval. Such excepted development order or permit must meet only the requirements of those regulations in effect when the development order or permit was approved. However, if the development order or permit expires or is otherwise invalidated, any further development on the site involved shall occur only in conformance with the requirements of the applicable regulations in effect at that time.
- B.** The provisions of these regulations shall not affect development for which a Building Permit has been issued on or before the effective date of these regulations, provided that such Building Permit was lawfully issued and remains in full force and effect, and provided that such development activity as authorized, has been commenced or will commence within six months of code adoption. This exception shall apply to that development activity as long as such activity continues without interruption and is completed. However, if the Building Permit expires, any further development on that site shall occur only in conformance with the applicable regulations in effect at the time of commencement of such activity.
- C. Existing Buildings and Uses**
- Existing buildings and uses that do not conform to the provisions of these regulations may continue as they are. However, if a prohibited use ceases for 24 consecutive months, the use shall not be reestablished. The NDS may grant one extension for an additional 12 months, provided the property owner applies for the extension at least 60 days prior to the end of the original 24-month period. The application shall demonstrate that restoration of the use has been diligently pursued and that practical difficulties will preclude a timely restoration of the use within the original 24-month period. Subsequent uses shall conform to the district regulations. Any final decision of the NDS Director may be appealed to the PB in accordance with the Review Procedures outlined in Appendix C.

D. Repair and Maintenance

Normal repair and maintenance may be performed on existing buildings. For example:

1. Repair of a broken window would not require compliance with the building design standards for window area and shape or
2. Repair of a leaking roof would not require compliance with the roof design standards.

E. Existing or Approved Condominiums

Any existing or approved 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, stories and density of units per acre regardless of the percentage of destruction. In the event of such rebuilding, all other applicable district requirements shall be met unless an Adjustment is obtained in accord with 1.15.1 of this code.

F. Valid Development Approvals:

1. A project for which an application for site plan approval has been filed prior to **(Reserved for date provided by City Attorney)** may be reviewed, approved and constructed under the prior regulations.
2. A project for which a site plan has been approved under the prior regulations may be constructed as approved provided a building permit is issued prior to expiration of such approval.
3. The structures and uses in projects described in sub-sections above shall not be deemed nonconforming but shall be deemed to be lawfully existing in conformity with these regulations and shall be allowed to continue as lawfully existing uses or structures.
4. In order to utilize this section all other development standards of the base zones or any overlay district, other than those standards specified above, shall be met in each of the respective base or overlay zones. However, adjustments from these development standards may be requested in accordance with Section 1.15. In the event this section is used, it shall be noted on the site plan. In addition, a statement that this section has been applied to the development project shall be recorded in the public records before the first building permit is issued. The statement shall be approved as to form by the City Attorney.

1.10 ABROGATION

These FBC Regulations are not intended to abrogate, repeal or interfere with any existing easements, covenants or deed restrictions duly recorded in the Public Records of Sarasota County applying to, or which lie within, the City. Furthermore, these FBC Regulations are not intended to repeal any lawful approval given prior to the effective date of these FBC Regulations by official City action as it relates to any Development Project, Conditional Use, Variance, or Subdivision.

1.11 ENFORCEMENT

- A.** Any person, corporation, partnership or other legal entity under Florida Law, whether owner, lessee, principal, agent, employee or otherwise who violates or permits any

violation of any provision of these FBC Regulations, fails to comply with any of the provisions or requirements hereof, including any conditions, stipulations, or safeguards attached to any permit, approval for land use and development, Variance, Conditional Use, or other such final authorization or approval hereunder, or who erects, constructs or reconstructs any building or structure, or uses any land in violation of these FBC Regulations, shall be in violation of these FBC Regulations and upon conviction, shall be subject to the consequences as provided for by law.

- B. Each person who commits, participates in, assists in, or maintains any such violation may individually be found guilty of a separate offense and for each day after the first 15 days that a violation continues to exist. Each date shall constitute an additional and separate offense.
- C. Nothing contained herein shall prohibit, exclude or prevent the City from utilizing or undertaking any other enforcement mechanism or procedure that may be available to municipalities, for the enforcement of ordinances as provided for by law, including the filing of civil litigation and the obtaining of injunctive relief.

1.12 SCHEDULE OF FEES AND CHARGES

- A. The City has established a schedule of fees and charges for matters pertaining to development review. For the review and processing of the applications described in these regulations, a fee shall be deposited by the applicant with the CAC at the time of filing the initial application.
- B. The fee schedule, policies and processes have been adopted by resolution of the CC and a copy is maintained in the CAC. Fees for additional reviews reflected in the fee schedule shall be received by the CAC prior to any review or processing of the application by City staff.
- C. If a determination is made by the City Manager that an independent consultant opinion is required for review of any application, the applicant is responsible for payment of all costs incurred. The applicant shall pay the estimated costs provided by the independent consultant prior to the independent consultant beginning work. The applicant shall pay all final costs no later than 15 business days after the date the CAC mails the bill for the costs.
- D. No building permit shall be issued for any project until all fees and costs for any Development applications are paid to the CAC.
- E. Any failure to pay all fees and costs for any development application is a violation of the FBC and the City may take any legal steps to collect the amounts due, including utilizing the code compliance process.

1.13 APPLICATION SUBMISSION REQUIREMENTS

All applications for development approval shall be submitted with a "City of Sarasota Development Approval Application Packet" and filed with the CAC with the appropriate fee, and may be required to submit additional information the City deems necessary to review the proposed development. A physical and/or digital massing model of a proposed project may be

required by the NDS Director to evaluate the effect of a proposed project on the surrounding area and to assist with a better understanding of the project’s characteristics.

A. Multiple Applications

Applications for development approvals may be filed and reviewed simultaneously, at the option of the applicant, provided that any application for development approval that also requires a variance or adjustment shall not be processed for final approval until the variance or adjustment has been granted.

B. Completeness Determination

When a privately initiated application for development approval is submitted, the CAC shall:

1. Determine whether the application is complete.
2. If the application is complete, the application shall be forwarded to the case planner, if otherwise required by these regulations.
3. If the application is not complete, it shall be returned to the applicant. The City shall take no further action on the application until the deficiencies are corrected.

C. Notice of Filing

Upon determination that the application is complete, a Notice of Filing is required to be mailed to property owners within 500 ft. of the site for the following types of applications:			
Site plans (except those administratively approved outside the downtown).	Conditional Uses & Provisional Use Permits	Site specific quasi-judicial Land Use Atlas Amendments (Rezoning)	Land Use Atlas Ordinance Amendments
Final subdivision plats with site plan.	Development Agreements	Historic Designations	Site Specific Zoning Text Amendments
Adult Use Permits	Off-Site Parking Agreements	Street Vacations	Site Specific Comprehensive Plan Amendments
Any Amendment to one of the application types in this matrix.			

D. Determination of Sufficient Application/Remedy of Insufficiencies

After an application is determined complete, each department that is a member of the DRC shall review the application for sufficiency and shall provide comments to the DRC. The DRC shall determine if the application is sufficient, and shall notify the applicant of additional information that is required to be submitted.

E. Additional Information

If an applicant submits additional data or information at any time after a determination of completeness has been made, the revised application will be subject to the same stages of review as the initial application.

F. Staff Letter

NDS Department shall collect the comments of the other departments and shall prepare a comment letter.

1.14 RESERVED

1.15 REQUIRED PERMITS AND APPROVALS

ADMIN= ADMINISTRATION; DRC=DEVELOPMENT REVIEW COMMITTEE; HPB= HISTORIC PRESERVATION BOARD; PB= PLANNING BOARD; CC= CITY COMMISSION; PH= PUBLIC HEARING; C.O= CERTIFICATE OF OCCUPANCY; BP= BUILDING PERMIT						
SECTION REFERENCE	TYPE OF REQUEST	APPROVALS REQUIRED				
		ADMIN	DRC	HPB	PB	CC
1.15.0	Pre-application Conference	X				
1.15.1	Adjustments (General)					
1.15.2	Adjustment NDS Director	X				
1.15.3	Adjustment Appeal - NDS				PH	
1.15.4	Adjustment Planning Board		X		PH	
1.15.5	Adjustment Appeal - PB					PH
1.15.6	Adult Use Permit	X				
1.15.7	Annexation/Pre Annexation Agreement	X			PH	PH
1.15.8	Boundary Adjustment Plat Consolidation	X				
1.15.9	Building Permit/ C.O/ Public Art***	X				
1.15.10	Certificate of Appropriateness	X		PH		
1.15.11	Community Workshop	X				
1.15.12	Comprehensive Plan Amendment**		X		PH	PH
1.15.13	Conditional Use (Provisional ¹ , Minor ^{2*} , Major ^{3*})		X ¹²³		PH ²³	PH ³
1.15.14	Density Bonus Agreement (Pay ¹ , Provide ²)	X ¹			PH ²	PH ²
1.15.15	Development Agreement		X		PH	PH
1.15.16	FBC Interpretation Letter	X				
1.15.17	FBC/Transect Confirmation Letter	X				
1.15.18	Historic Designation			PH		PH
1.15.19	Land Use Atlas Amendment*		X		PH	PH
1.15.20	LOS/ Concurrency	X				
1.15.21	LPOD*	X			PH ^{BP}	
1.15.22	Off-Site/Shared Parking Agreement	X			PH	
1.15.23	Proportionate Fair Share Agreement		X		PH	PH
1.15.24	ROW Use Agreements (Minor ¹ , Major ²)	X ¹			PH ²	PH ²
1.15.25	ROW/ Street Vacation*		X		PH	PH
1.15.26	Sidewalk Café Permit	X				
1.15.27	Sign Master Plan	X	X			
1.15.28	Site Plan (Admin ¹ , Minor ² , Major ³)	X ¹	X ¹²³		PH ²³	PH ³
1.15.29	Subdivision (Lot split ¹ , Minor ² , Major ³)	X ¹	X ¹²³		PH ²³	PH ³
1.15.30	Urban Village		X		PH	
1.15.31	Variance	Public Hearing- Board of Adjustment				
1.15.32	Zoning Text Amendments		X		PH	PH

*Community workshop required (See 1.15.11); ** May require community workshop (See 1.15.11);
***Option to provide art must be reviewed by PAC (See 1.15.9); ^{BP} LPOD building permit appeal (See 1.15.9(H))

Pre-application Conference

A. Purpose of Conference

The purpose of the conference shall be to discuss the proposals, views and concerns of the applicant, and whether any additional information will be required. The pre-application conference shall be informal.

B. Request for Conference

Applicants for any development approval listed from 1.15.1 to 1.15.32 may file with the CAC a request for an informal conference with a representative of the NDS Department or the DRC prior to filing an application for development approval.

C. Letter of Understanding

After a pre-application conference, the NDS Director shall transmit a letter of understanding to the applicant and City Manager describing the substance of the conference.

1.15.1 ADJUSTMENTS

A. General to All Adjustments

The FBC regulations are designed to implement the range of land use classifications of the Sarasota City Plan. These regulations apply over a wide area, but because of the City's diversity, some sites may be difficult to develop in strict compliance with these regulations. The adjustment review process provides a mechanism by which the regulations of this division may be modified if the proposed development continues to meet the intended purpose of the Sarasota City Plan and FBC. The Adjustment process provides flexibility for unusual situations and allows for alternative ways to meet the purposes of the code, while allowing the regulation to continue providing certainty in the built environment and consistent processing of land use applications.

B. Applicability

Each adjustment shall be considered unique and shall not set a precedent for other adjustments.

C. Eligible Regulations

Unless listed below, all regulations in the Transect Zone Districts may be modified using the adjustment review process.

D. Ineligible Regulations

No adjustments shall be granted for the following items:

1. Allowed uses within a Transect Zone.
 - a. Exception: an adjustment to the drive through use limitation may be considered when access from a secondary street or alley is not possible and then only if the facility is to serve a financial institution. In no case shall such an adjustment allow ingress or egress on Main Street or (reserved for additional streets consistent with Article 2 & 6 maps & designations).

2. Maximum residential densities.
 - a. Exception: Properties approved for the City's Density Bonus Programs identified in Article 2.
3. Maximum building height.
 - a. Exception: Building Height exemptions identified in T6-10 Transect Zone Standards.
4. Maximum Floor Area Ratio
5. Location of Parking on primary street grid.
 - a. Exceptions:
 - i. An adjustment to allow surface or structured parking in the first and second layers may be considered when a zoning lot fronts on three or more primary streets. The extent and impact of the adjustment shall be that minimum degree which is reasonably necessary to meet the special circumstances.
 - ii. In the T6-18, T6-10, T5.2 -0, T5.1-0, T5R Transect Zones identified on the map series in Article 4 (**reserved for Article 4 Table number**) for development sites with a depth less than 130 feet, an adjustment to allow structured parking or garages in the second layer may be considered for the second story if the building is 3-4 stories tall. If the building is 7-14 stories tall, the adjustment may be considered for the second, third and fourth stories. If the building is 15-18 stories, the adjustment may be considered for stories 2-5. The adjustment for this location of parking is only allowed on the frontage with the lot depth less than 130 ft. as measured along a perpendicular line from the front lot line towards the rear lot line. (**Reserved for Article 5 Exhibit Number**).
6. Frontage types prohibited under Article IV.
7. Signs prohibited under the sign provisions of Articles 2 & 5.

E. Application Requirements

An application for an adjustment shall be accompanied by documentation that establishes how the applicant meets the Adjustment Approval Criteria.

F. Approval Criteria Civic Buildings and Uses

Buildings designed specifically for a civic function such as a not-for-profit organization dedicated to arts, culture, education, recreation, government, and transit will be approved, approved with changes, or approved with conditions if the review body finds that the applicant has shown that approval criteria "a" through "e" below have been met. Adjustment requests will be denied if the applicant has not demonstrated to the satisfaction of the review body that the criteria have been met.

- a. The design of the development project is exemplary civic architecture.
- b. The adjustment will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- c. The City's goal is to encourage innovative design and to continue the dialogue between generations in the built environment. Therefore, an application for an exemplary architecture adjustment for a civic building shall be reviewed based on a series of factors which include compatibility, consistency, scale, height, materials, building relationship to its neighbors and street features.

- d. The design of the building shall be examined in detail with a focus on the contribution that the new project would make to the City of Sarasota. Another example of an exemplary building is one that demonstrates a bold distinction between old and new or interprets the character of the district in a new updated way.
- e. An analysis of the above criteria is provided in a signed and sealed narrative by the project Architect.

RESERVED: For Uniquely Governmental such as utility infrastructure, fire stations etc.

G. Non-Civic Buildings and Uses

Adjustment requests for uses that are not civic such as apartments, condominiums, hotels, motels, retail, service shops, or office buildings will be approved, approved with changes, or approved with conditions if the review body finds that the applicant has shown consistency with the approval criteria below. In making findings of fact the review body shall hold buildings fronting the Primary Street Grid to a higher standard in support of pedestrian activity than buildings that front onto the Secondary Street Grid. Adjustment requests will be denied if the applicant has not demonstrated to the satisfaction of the review body that the criteria have been met.

1. Granting the adjustment will equally or better meet the purpose of the regulation to be adjusted.
2. The proposal will not significantly detract from the livability or appearance of the transect zone district and the proposal will be consistent with the desired character of the transect zones and neighborhood context.
3. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone.
4. City-designated historic resources (if applicable) are preserved.
5. Any impacts resulting from the adjustment are mitigated to the maximum extent practical.
6. Granting the adjustment is the minimum necessary to allow the use of the site.
7. Preservation of Trees. It is the intent of this section to permit the applicant to receive an adjustment equal to the decrease in the buildable area caused by the modification required to the structure to preserve protected trees identified in Article 7. An application for an adjustment shall demonstrate all of the following three (3) requirements are met.
 - a. The adjustment is for the purpose of preserving a tree or trees protected by the provisions in Article 7.
 - b. The applicant cannot design and locate the proposed structure or infrastructure improvements to preserve the trees and also comply with all provisions of the FBC.
 - c. Considering the shape and dimensions of the real property, the location of existing structures and infrastructure improvements, and the size, age, health and species of trees sought to be protected, it is not feasible to transplant the trees to an onsite location.

H. Staff Review and Report

The NDS Director shall review the application for the adjustment and may request comments of members of the DRC, and shall prepare a written staff analysis of the issues raised by the application.

1. Should a violation of an approved design occur during construction, the NDS Director has the authority to require the developer to stop, remove, and/or alter the violation or to require the developer to secure an amendment to the approved adjustment in accord with subsection 1.15.
2. An adjustment shall expire upon the expiration of the site plan into which the adjustment has been incorporated.
3. An adjustment may be amended, only by following the procedures of the original approval.

1.15.2 ADJUSTMENT NDS DIRECTOR

In conjunction with final project approval and consistent with the criteria in section 1.10.1 the NDS Director is authorized to grant administrative adjustments from the following standards:

A. Dimensional Standards

1. A reduction of a code requirement or an increase in a code limitation of less than or equal to twenty-five percent (25%). For example, a 12-foot minimum recess may be reduced to 9 feet or a maximum sign area of 4 square feet may be increased to 5 square feet.
2. An adjustment for the Preservation of Trees protected by the provisions of Article 7 above the 25% threshold if:
 - a. The Applicant cannot design and locate the proposed structure or infrastructure improvements to preserve the trees and also comply with the provisions of the FBC or;
 - b. It is not feasible to transplant the trees on site as provided for in Article 7.
3. Building Design Standards for street walls, windows, shape of openings, roofs and exterior finish standards.
4. An adjustment of less than 50% of an existing buildings floor area once every five years to allow for incremental compliance over time for the following:
 - a. Minimum setback
 - b. Maximum setback
5. The requirement to construct a two story building on a retail frontage street.

B. All other adjustments require approval from the Planning Board.**1.15.3 ADJUSTMENT APPEAL NDS**

If a requested adjustment is not granted by the NDS Director then the request for adjustment may be appealed to the PB for consideration at a PH by filing a letter requesting an appeal with the NDS Director within 15 business days from the date of a letter prepared by the NDS Director notifying the petitioner of the decision.

1.15.4 ADJUSTMENT PLANNING BOARD

If a request for adjustment exceeds the authority of the NDS Director (defined in 1.15.2 (A) above), then the request shall be referred to the PB for initial consideration at a PH.

A. Public Hearing

The PB shall conduct a *de novo* PH that shall be advertised and conducted in accord with Notice Requirement found in Appendix C. The PB shall review the proposed adjustment, shall consider the written staff analysis and the testimony at the PH, and shall grant, grant with conditions, or deny the application. The request for an adjustment shall not subject the entire application for development approval to a PH unless otherwise required by this Code, but only that portion necessary to rule on the issue under consideration.

B. Planning Board Findings

The PB shall make findings as to whether the criteria of these regulations have been satisfied by the Applicant.

C. Planning Board Action

Action taken by the PB to grant an adjustment or to grant an adjustment with conditions or safeguards shall be documented in the form of a resolution containing a legal description of the real property to which the adjustment applies, the terms of the adjustment and any additional conditions or safeguards imposed.

D. Planning Board Approval Conditions

In granting any adjustment, the approving body shall prescribe appropriate conditions and safeguards in conformity with these regulations. Violation of such conditions and safeguards, when made a part of the terms under which the adjustment is granted, shall be deemed a violation of these regulations.

1.15.5 ADJUSTMENT APPEAL OF PLANNING BOARD DECISION

A. Notice of Appeal

An appeal of a decision of the PB may be made to the CC. A notice of appeal in the form of a letter shall be filed with the CAC within ten (10) business days of the PB's decision (which is not required to be in written form).

B. Public Hearing

The CC shall hold a *de novo* PH to consider the appeal and may affirm, affirm with conditions or reverse the decision of the PB.

C. City Commission Appeal

An appeal of a decision of the City Commission (CC) may be made to the Circuit Court for Sarasota County, Florida, by filing a Petition for Writ of Certiorari as provided under the Florida Rules of Appellate Procedure. A decision of the CC regarding an adjustment shall be deemed to have been rendered on the date that the CC adopts a resolution setting forth its findings and decision.

1.15.6 ADULT USE PERMITS

The regulations of Adult Uses, as defined and set forth herein, are enacted pursuant to Chapter 166, Florida Statutes, the Municipal Home Rule Powers Act, and in the interest of the health, peace, safety, and general welfare of the citizens of the City of Sarasota. The provisions of this Division have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. It is neither the intent nor the effect of this Division to restrict or deny access by adults to sexually oriented materials or expression protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. (Reserved for references in Article 3 Use Categories, Article 8 Definitions and Appendix B Ordinance Summaries).

A. Prohibitions and Locations Regarding Adult Uses

1. No Adult Use shall be permitted at any location within six hundred (600) feet from the nearest property line of any real property zoned T3-R, T3.1, T3.2, T4-R, T4.1.0, T4.2.0, T5R. or any real property upon which is located any Church/Synagogue, School, Child Care Center or Family Day Care Center. The distance requirements of this subsection shall be measured in a straight line in any direction from each front door of the Adult Use to the nearest point of the residentially zoned property or the nearest point of the parcel of property upon which any Church/Synagogue, School, or Child Care Center and Family Day Care Center is located.
2. No Adult Use shall be permitted at any location within six hundred (600) feet of any other Adult Use regardless of whether the other Adult Use is located within the corporate boundaries of the City of Sarasota or in an adjacent jurisdiction. The distance requirements of this subsection shall be measured in a straight line in any direction from each front door of an Adult Use to each front door of any other Adult Use.

B. Adult Use Permits Required

No Adult Use Establishment or Adult Business shall be permitted to commence business or otherwise operate without having first been granted an Adult Use permit pursuant to this Division.

C. Issuance

The NDS Department is responsible for granting, denying, revoking, renewing, suspending and canceling all Adult Use permits. The NDS Department shall ascertain whether a proposed Adult Use Establishment for which a permit application is pending complies with all location requirements of Section 1.10.5.1, all other requirements of this Division and all applicable zoning regulations.

D. Application

Any Person desiring to operate an Adult Use shall file with the NDS Department three copies of a sworn permit application on the City's standard application form and shall pay the non-refundable permit fee, as set forth in the adopted fee ordinance. Filing deadlines, and variance contingencies may be found in Appendix B Adult Use Ordinance Summary. In addition to compliance with the criteria provided in Appendix B (Adult Use Ordinance

Summary) the Applicant shall provide the survey identified below:

1. **Required Survey Exhibit.** A certificate and straight-line drawing prepared by a Florida registered land surveyor depicting the property lines of the Adult Use; structures containing any established existing Adult Uses regulated by this Division within six hundred (600) feet of the property to be certified; and the property lines of any established Church/Synagogue, School, Child Care Facility or residential zoning district within six hundred (600) feet of the property to be certified. For purposes of this section, a use shall be considered existing or established if it is in existence at the time an application is submitted.
2. **Review of Application.** Upon receipt of an application for an Adult Use permit properly filed with the NDS Department and upon payment of the non-refundable application fee, the NDS Department shall immediately stamp the application as received. At the conclusion of its review, the NDS Director shall indicate on a photocopy of the application its approval or disapproval of the Adult Use permit, and shall date it, sign it, and, in the event of disapproval, shall state the reasons therefore.
3. **Insufficient Application.** In the event the NDS Director determines or learns at any time that the applicant has not properly or totally completed the application for a proposed Adult Use permit, the NDS Director shall promptly notify the applicant in writing of such fact and shall allow the applicant ten (10) working days to properly complete the application. The time period for granting or denying the Adult Use permit shall be extended by the same number of days granted the applicant to properly complete the application.
4. **Approval/Denial**
The NDS Director shall disapprove an application for an Adult Use permit if it finds that the proposed Adult Use Establishment will be in violation of any provision of any statute, code, ordinance or regulation in effect within the City.

E. Permit Compliance

By applying for a permit under this Division, the applicant shall be deemed to have consented to the provisions of this Division and to the exercise by the NDS Department of its responsibilities under this Division, including the inspection of an Adult Use for the purpose of insuring compliance with the law at any time it is occupied or open for business.

F. Expiration of Permit

Each Adult Use permit shall expire one (1) year from the date of issuance and may be renewed only by the Adult Use Permittee making application for renewal in the manner provided for in Section 1.10.5, all of its subsections and additional regulations in Appendix B Adult Use Ordinance Summary. An application for renewal shall be made at least 30 days before the expiration date of the permit. If made less than 30 days before expiration, the renewal application shall be processed, but the expiration of the existing permit shall not be stayed. Upon expiration, the Adult Use shall cease operating until a renewal permit is granted in the regular course of business. If a renewal permit is denied, the applicant shall be granted a permit when the grounds for denial have been eliminated.

G. Suspension of Permit

In the event the NDS Department learns or finds upon sufficient cause that a permitted Adult Use is operating in violation of any code, ordinance, law or regulation, or zoning provision, whether state or local, the NDS Department shall promptly notify the Adult Use Permittee of the violation. Notice shall be given in writing, by hand delivery, or certified mail. The Adult Use Permittee shall have a fourteen (14) day period including weekends and holidays, from the date of mailing the certified notice or date of hand delivery, in which to correct the violation. If the Adult Use Permittee fails to correct the violation before the expiration of the fourteen (14) day period, the Department shall forthwith suspend the Adult Use permit, and shall notify the Adult Use Permittee of the suspension. The Adult Use shall not operate as an Adult Use during suspension of its permit. The suspension shall remain in effect until the Department finds that the violation has been corrected. Within 24 hours of receipt of notice that the violation(s) requiring the suspension have been corrected, the NDS Department shall provide written notice to the Adult Use Permittee that the suspension is lifted.

H. Appeal

Any Person aggrieved by a decision of the NDS Department and relating to an Adult Use permit may appeal to the Circuit Court for Sarasota County, Florida, by filing a Petition for Writ of Certiorari as provided under the Florida Rules of Appellate Procedure.

I. Nonconforming Adult Uses

Old Nonconforming timeframes that appear to have lapsed need new nonconforming language.

J. Enforcement

1. Any Person who fails or refuses to obey or comply with or violates any of the provisions of this Division shall be guilty of a municipal code violation in accordance with Section 1-11, Sarasota City Code. Each violation or non-compliance shall be considered a separate and distinct offense. Further, each day of continued violation or non-compliance shall be considered as a separate offense.
2. Nothing herein contained shall prevent or restrict the City from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any violation or situation of non-compliance. Such other lawful actions shall include, but shall not be limited to, an equitable action for injunctive relief or an action at law for damages.
3. Nothing in this Section shall be construed to prohibit the City from prosecuting any violation of this ordinance in a proceeding before the Special Magistrate, who shall have jurisdiction with respect to the regulations contained in this Division. All remedies and penalties provided for in this section shall be cumulative and independently available.

1.15.7 ANNEXATION/PRE ANNEXATION AGREEMENT

Prior to accepting a petition for annexation by the CC, the CAC or their designee shall render a decision as to whether the real property proposed to be annexed is with the Urban Service Boundary. If the property is outside the Boundary the petition will not be processed.

A. Urban Service Boundary

If the real property proposed to be annexed is within the Urban Service Boundary, then the CAC shall proceed with the processing of the petition. Processing of the application does not guarantee the City will annex the real property.

B. Pre-Annexation Agreement

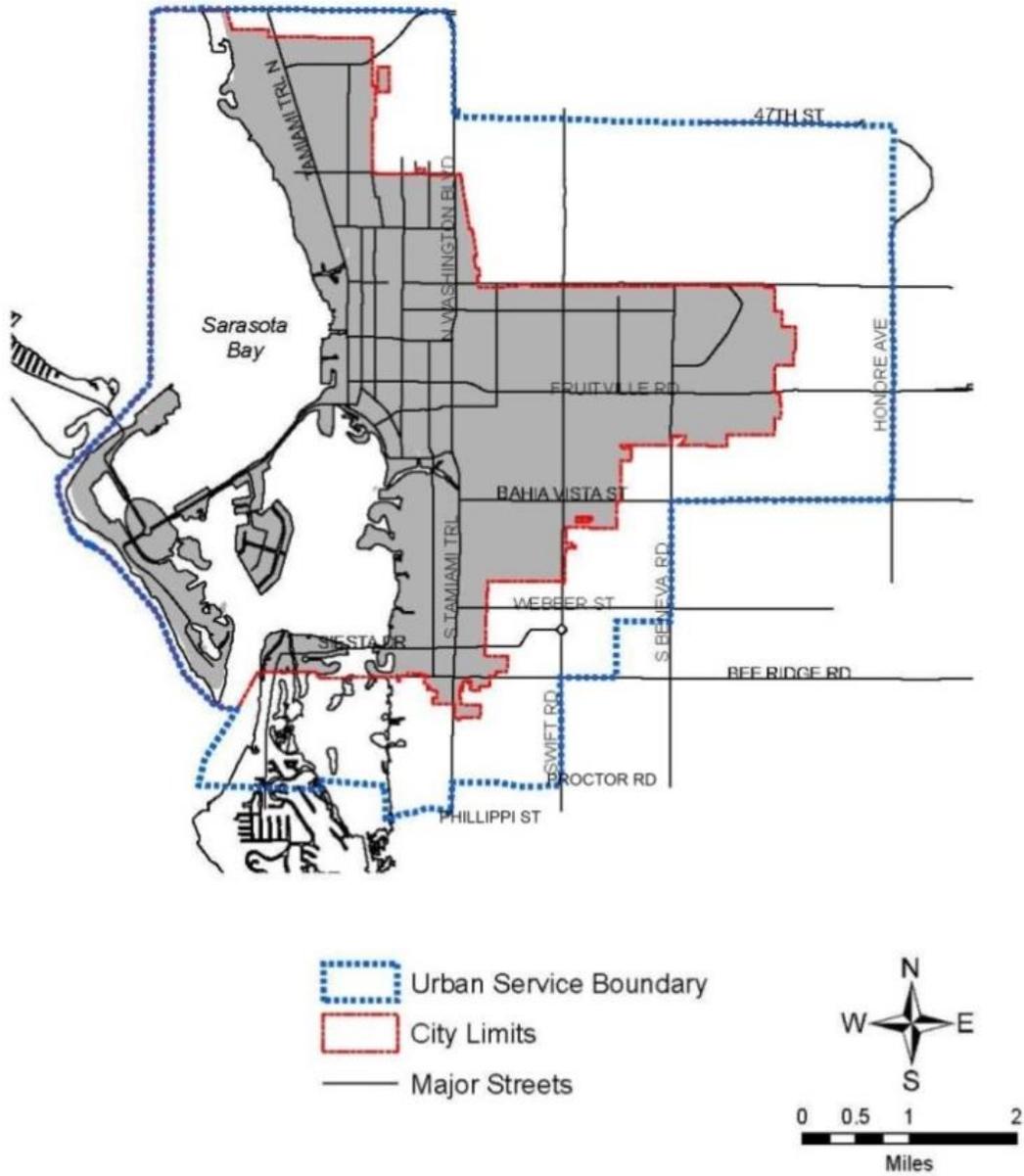
The City and the owner of a property within the Urban Service Boundary may enter into a pre-annexation agreement. The pre-annexation agreement shall include at a minimum the following items:

1. The FLU classification(s) in the *Sarasota City Plan* for the subject property.
The implementing zone(s) for the FLU classification(s) identified in the *Sarasota City Plan* applicable to the subject property.
2. A time frame measured from the date the pre-annexation agreement is executed within which it is contemplated that the subject property will be annexed.
3. A time frame measured from the date of annexation for the City to amend the FLU Map(s) of the *Sarasota City Plan* in order to include the annexed property.
4. A time frame measured from the effective date of the amendment to the FLU Map for the City to change the transect zone of the annexed property to a City transect zone district consistent with the annexed property's FLU Classification(s).
5. The obligation of the property owner(s) to provide all information required by the NDS Department in order to process the amendments to the Sarasota City Plan and the official Regulating Plan (Transect Zone Map).
6. The obligation of the property owners (if any) for fees associated with amending the Sarasota City Plan and the official Regulating Plan.
7. The acknowledgement by the property owner(s) of the FLU classification(s) and transect zone district(s) identified within the pre-annexation analysis and that these will govern the development of the subject property after the subject property is annexed.

C. Application Procedure

The petition for annexation shall comply with the statutory requirements and procedures for annexation set forth in Chapter 171, Florida Statutes, as amended, or any applicable ordinances or regulations of the City pertaining to the use or development of real property to include a favorable determination as to LOS.

Exhibit 2.15.7: Urban Service Boundary



D. Annexation Analysis

The City will prepare an annexation analysis with a recommendation as to whether or not to

approve the annexation at the time an annexation is initiated within the City's Urban Service Boundary. This analysis shall include, but not be limited to:

1. A map or maps of the municipality and adjacent properties showing the present and proposed municipal boundaries, the utility locations identified in Chapter 171, Florida Statutes, as amended and the general land use pattern in the area to be annexed.
2. A statement certifying the character and suitability of the area to be annexed.
3. A listing of the costs and benefits to the City and to the affected property owners.
4. An exhibit depicting the total area to be annexed. The area must be contiguous to the City's boundaries at the time the annexation proceeding is begun and reasonably compact, and no part of the area shall be included within the boundary of another incorporated municipality.
5. Part or all of the area to be annexed must be developed for urban purposes. An area developed for urban purposes is defined as any area which meets any one of the following standards:
 - a. The proposed annexation area has a total resident population equal to at least two persons for each acre of land included within its boundaries.
 - b. The area has a total resident population equal to at least one person for each acre of land included within its boundaries and is subdivided into lots and tracts so that at least 60 percent of the total number of lots and tracts are 1 acre or less in size.
 - c. The subject property(s) are developed so that at least 60 percent of the total number of lots and tracts in the area at the time of annexation are used for urban purposes, and it is subdivided into lots and tracts so that at least 60 percent of the total acreage, not counting the acreage used at the time of annexation for nonresidential urban purposes, consists of lots and tracts 5 acres or less in size.
6. In addition to the area developed for urban purposes, the request may include in the area to be annexed any area which does not meet the requirements of urban purposes if such area either:
 - a. Lies between the municipal boundary and an area developed for urban purposes, so that the area developed for urban purposes is either not adjacent to the City of Sarasota boundary or cannot be served by the City without extending services or water or sewer lines through such sparsely developed area.
 - b. Is adjacent, on at least 60 percent of its external boundary, to any combination of the municipal boundary and the boundary of an area or areas developed for urban purposes as defined in subsection 5.
7. Equivalency Analysis. City staff shall recommend the appropriate City Transect Zone designation for the proposed annexation property prior to the execution of the Municipal Services Agreement and the designation shall be included in the body of the agreement.

1.15.8 BOUNDARY ADJUSTMENT PLAT CONSOLIDATION

A Boundary Adjustment or Consolidation Plat is required when a landowner consolidates a group of parcels or performs a lot split to a parcel. The landowner shall submit a signed and sealed boundary survey of the parcels and fees to CAC and then sent to the NDS Director for approval. Upon approval the NDS Director shall provide a copy to the CAC and the Sarasota County Property Appraiser's office for recording.

1.15.9 BUILDING PERMIT/ CERTIFICATE OF OCCUPANCY

A. Applicability

Development permitted as of right by the applicable Transect Zone that is developed in conformity with the metrics and regulations of the FBC and all other applicable regulations of the City and other agencies.

B. General Requirement

No building or structure shall be constructed, erected, enlarged, structurally altered, converted, or relocated and no use converted to another classification of use unless Transect Zoning Approval/Building Permit, if applicable, has first been issued by the NDS Department.

C. Process

1. Plans submitted to Permitting. An application for a building permit shall include a site plan sheet, construction plans drawn to scale, and evidence of approval of any other development approval required by these regulations.
2. Fees paid based upon appropriate City of Sarasota Adopted Fee Schedule.
3. Plans Routed by Permitting to designated staff and departments.
4. Completeness Review and Comments.
5. Electronic Sign-Off/ Physical Sign-Off
6. Issuance of Permit.

D. Basis and Issuance of Permit/ Approval

1. A Building Permit/ Transect Zone Approval shall only be issued after the NDS Director determines that the proposed development is in compliance with all applicable requirements. No building, structure, or use may commence, be constructed, reconstructed, enlarged, or altered in any way, and no permits, licenses, or other approvals, therefore, may be issued by the City until the developer or owner have obtained approval from the NDS Director. The NDS Director's approval shall be evidenced by signature on plats, plans, or permit or license applications or by other appropriate means.
2. The NDS Director shall indicate approval when the proposed use or structure complies with all applicable requirements of this Code and all fees have been paid.

E. Denial of Permit

The Building Official shall deny the application for a building permit if the proposed construction of the building or structure does not meet the applicable provisions required by these regulations or the NDS Director has not approved the permit for zoning.

F. Zoning Approval or Building Permit Issued in Error

A zoning approval or building permit issued in error shall not confer any rights or privileges on the applicant to proceed with construction.

G. Conspicuous Posting

All zoning approvals and building permits issued by the NDS Department shall be conspicuously posted by the applicant on the property for which it was obtained in the manner prescribed by the department.

H. Appeal

Any person aggrieved by a decision of the NDS Director may file an appeal with the Circuit Court of Sarasota County except those within the LPOD. Building Permit appeals within the LPOD are filed with the City for decision at a Public Hearing before the Planning Board.

I. Changes to Transect Zoning Approvals/Building Permits

1. After either a zoning approval or a building permit has been issued, no changes or deviations from the terms of the approval, permit or the application and accompanying plans and specifications shall be made without the specific written approval of such changes or deviations by the NDS Department.
2. An amendment to a building permit that requires the payment of an additional fee(s), either because of an increase in the size of the building(s), a change in the scope of the work, or an increase in the estimated cost of the proposed work, shall not be approved until the applicant has paid the additional fee(s) and the amendment has been properly reviewed and approved for conformance with the City's regulations.

J. Expiration or Revocation of Building Permits

The NDS Department has the authority to revoke and require the return of any zoning approval or building permit by notifying the permit holder, in writing, stating the reason(s) for such revocation. The department may revoke permits for any of the following reasons:

1. Any material departure from the approved application, plans, or specifications.
2. Refusal or failure to comply with the requirements of these regulations or any other applicable City regulations.
3. False statements or misrepresentations made in securing such permit.

K. Certificate of Occupancy

No building or structure shall be occupied or used until a certificate of occupancy is issued by the Building Official after a determination that the building has been constructed in accordance with the provisions of any conditional use approval, plat approval or building permit.

1. Issuance

A certificate of occupancy shall be issued for any of the following, after compliance with all provisions of these regulations has been determined:

- a. Occupancy and use of a building hereafter erected, reconstructed, enlarged or moved.
- b. Change in use of an existing building.
- c. Occupancy and use of vacant land.
- d. Change in the use of land to a use of a different classification.

2. Application Process

An application for a certificate of occupancy shall be filed with the Building Official.

3. Building Official Review

The Building Official shall inspect the property that is the subject of an application for a certificate of occupancy to determine whether the use of the property and the structures comply in all respects with the provisions of these regulations, including the provisions of any conditional use. If the use and structure does not comply with these regulations or others provision of the Florida Building Codes, the Building Official shall deny the application, in writing, setting forth the provisions of these regulations or the Florida Building Codes with which the use or structure does not comply.

L. Public Art

Developments required to fulfill public art requirements as shown in (Article 2) shall meet the following:

1. Prior to the issuance of a building permit, the property owner or developer shall make the contribution as stated in (reserved for Article 2 reference).
2. If the public art has not been created, produced or rendered, then at the same time as the application for a permit is submitted to the NDS Director, the property owner or developer shall submit to the PAC:
 - a. A description, in writing, of the process by which the artist(s) were or will be selected
 - b. A proposed schedule for the creation, completion and installation of the approved art at the development site
 - c. The location where the public art is to be installed
 - d. Deposit with the city finance department in the form of cash or cashier's check the amount of 115 percent of the value of the public art, as identified in (reserved for Article 2 reference)
 - e. The application for a building permit, which shall certify that such submittal to the PAC and the required deposit has been made
3. Either prior to or subsequent to the issuance of the building permit, the PAC will review all documentation submitted by the property owner or developer, including photographic examples of existing work of the proposed artist and such other documentary material as may be requested by the PAC. The PAC shall approve, approve with conditions or disapprove the installation to the public art according to the standards set forth in (Reserved for Article 2 map reference), and shall advise the NDS Director.
 - a. Upon installation, the NDS Director will certify that the artwork is properly installed according to the plans and specifications previously submitted and approved.
 - b. The NDS Director will not issue the certificate of occupancy until the public art is properly installed, or an extension of time for the installation has been granted by the PAC, or the funds deposited with the finance department have been forfeited to the city, as provided for in this section.
4. If the public art has been created, produced or rendered, then at the same time as the application for a building permit is submitted to NDS Director the property owner or developer shall:

- a. Submit graphic, photographic or architectural renderings.
 - b. Provide a description of the proposed public art which is to be installed at the development site or other public place.
 - c. Provide an exhibit depicting the location where the public art is to be installed.
 - d. Submit an independent appraisal of the value of the art work, to the PAC or other evidence of value.
 - e. The application for a building permit shall certify that such submittal to the PAC has been made. The cost of the appraisal shall be the sole responsibility of the property owner or the developer.
 - f. Prior to the issuance of a building permit, the PAC will review all documentation submitted by the property owner or developer. The PAC shall approve, approve with conditions or disapprove the installation of the public art according consistent with the standards set forth in section VII-706 and shall so advise the NDS Director, in writing. No building permit shall be issued prior to the approval of the public art by the PAC.
5. Upon installation, the NDS Director will certify that the art work is properly installed according to the plans and specifications previously submitted and approved. A certificate of occupancy shall not be issued until the public art is properly installed or an extension of the time up to one year for the installation has been granted by the PAC. Any such extension shall be conditioned upon the property owner or developer depositing with the city finance department, in the form of cash or cashier's check, the amount of 115 percent of the value of the public art.
- a. Funds of the property owner or developer deposited with the finance department, as provided for in subsection (2) or (3), shall be released when the Director of Building, Zoning and Code Compliance certifies to the Finance Director that the public art has been installed as required.
 - b. If the public art has not been installed as required, and any extensions for such installation, if any, have elapsed, the NDS Director shall petition the CC for authorization to forfeit all monies deposited with the finance department. Such deposit shall be ordered forfeited by the CC, if it determines, after notice to the property owner or developer, that the public art was not installed as required by the City.
 - c. All decisions of the PAC made pursuant to this section shall be appealable to the CC within 30 days of the oral rendering of such decision.
6. Standards for approval or disapproval of public art
- a. The PAC shall be governed by the following mandatory and non-mandatory criteria in the exercise of their discretion to approve, approve with conditions or disapprove the proposed installation of required public art. The PAC must find that each element of the mandatory criteria has been satisfied. In addition, the PAC shall determine whether or not the proposed installation of the public art, on balance, comports generally with the elements of the non-mandatory criteria.
 - b. Mandatory criteria.
 - i. Whether the proposed public art conforms to the definition of public art as set forth in Article 8.
 - ii. Whether the proposed public art meets or exceeds the adopted value

- requirements.
- iii. Whether the proposed public art is compatible with the neighborhood and not injurious to the neighborhood or otherwise detrimental to the public welfare;
- iv. Whether the proposed public art presents a safety hazard to the public.
- v. Whether signs or other encroachments are or should be set back a certain distance from the proposed public art.
- c. Non-mandatory criteria.
 - i. Whether the proposed public art is of exceptional quality and enduring value.
 - ii. Whether the proposed public art serves to further the city's goal of promoting cultural diversity.
 - iii. Whether the proposed public art serves to further the city's goal of promoting a broad range of artistic styles and media from traditional to contemporary works of art in order to maintain an overall balance within the city.
 - iv. Whether the proposed public art is supportive of the city's vision and goals.
 - v. Whether the proposed public art is appropriate to the site.
 - vi. Whether the proposed public art should be installed at the proposed location on a site or at a different location.
 - vii. Whether the proposed public art requires extraordinary maintenance, such as any special servicing due to periodic adjustment, repainting, or repair or replacement of moving parts.

1.15.10 CERTIFICATE OF APPROPRIATENESS (CHANGES TO STRUCTURES WITH HISTORIC DESIGNATION)

A. Building Permits

1. After a structure or site has been historically designated, the NDS Director shall refer all completed applications for building permits that affect the exterior of the structure or the site to the Historic Preservation Board (HPB) for review and approval or denial. Applications for building permits for interior renovations shall be referred to the HPB only if specified by the individual designation ordinance found in the Appendix B Ordinance Summary.
New Construction/Modifications to Structures within an Historic District
2. After designation of an historic district, the NDS Director shall refer all completed applications for building permits for new construction and for permits to modify structures classified as contributing or as contributing with alterations to the HPB for review and approval or denial.
3. Archaeological Designated Sites/Districts
After a site or district has been archaeologically designated, the NDS Director shall refer all completed applications for building permits for construction, development or excavation within the site or district to the HPB for review and approval or denial.
4. Historically Nominated Structures
After the HPB has recommended historic designation of a structure or site (nominated) and prior to the CC voting on the designation, the NDS Director shall refer all completed applications for building permits that modify the structure to the HPB for review and

approval or denial.

5. Minor Work Exemption

Minor work may be approved by the NDS Director subject to appeal to the HPB. Minor work includes, but is not limited to: fences, driveways, patios, and decks, replacement of windows and doors of the same dimensions, and roof replacements that do not change the structure of the roof.

6. Public Hearing Process

Except for applications for building permits for minor work the HPB shall conduct a PH on the application. Notice of Hearing shall be provided by posting a copy of the notice on the bulletin board at City Hall for at least three (3) workdays prior to the hearing. The HPB shall grant, grant with conditions, or deny the certificate of appropriateness for a building permit, subject to appeal procedures below.

7. Public Hearing Process Exemption

An owner of a structure or site shall be exempt from the requirements of this section, if; The owner has appeared before the City of Sarasota HPB for plan review and written comment which shall be transmitted to the Sarasota County HPB, and thereafter, the owner has received a determination of eligibility for an ad valorem exemption by the Sarasota County HPB, pursuant to Sarasota County Ordinance 97-134, as amended, for the value of the improvements for which work is to be performed under a building permit.

8. HPB Building Permit Issuance Criteria

When approving a certificate of appropriateness for the issuance of a building permit, the HPB shall consider the criteria listed in the U.S. Secretary of the Interior's Standards for Rehabilitation at 36 Code of Federal Regulations, part 68 which are hereby adopted by reference as though fully set forth herein. Copies of these standards shall be kept on file in the NDS Department.

B. Demolition Permits for Historic Structures or Sites

1. After a structure or site has been historically designated, the NDS Director shall refer all completed applications for demolition permits affecting the designated structure site to the HPB for review and decision.

2. Demolition Permits for Structures within a Historic District

After designation of an historic district, the NDS Director shall refer all completed applications for demolition permits affecting contributing structures or structures which are contributing with alterations in the district to the HPB for review and decision.

3. Demolition Permits for Structures Archaeologically Designated

After a site or district has been archaeologically designated, the NDS Director shall refer all completed applications for demolition of structures on the site or within the district to the HPB for review and decision.

4. Demolition Public Hearings

The HPB shall conduct PH on the application for demolition in accordance with the adopted notice requirements on file with the CAC. The HPB shall grant, grant with conditions, or deny the certificate of appropriateness for a demolition permit.

5. Approval/Denial

The HPB may grant or deny certificates of appropriateness for demolition permits with

or without conditions or may grant a certificate of appropriateness conditioned upon a stay of demolition for up to one (1) year.

6. HPB Certificate of Appropriateness Issuance Criteria

When approving a certificate of appropriateness for the issuance of a demolition permit the HPB shall consider the following criteria:

- a. The historic or architectural significance of the building or structure.
- b. The importance of the building or structure to the ambiance of a district, if applicable.
- c. The feasibility of reproducing such a building or structure because of its design, materials, details or unique location.
- d. Whether the building or structure is one of the last remaining examples of its kind in the neighborhood or in the city.
- e. The future utilization of the site.
- f. Whether the applicant has demonstrated that reasonable measures can be taken to save or relocate the building or structure.
- g. Whether the building or structure is capable of earning a reasonable economic return on its value and whether the perpetuation of the building or structure, considering its physical condition its location and the anticipated expense of rehabilitation would be economically feasible.

C. Permits for Moving Historic Structures or Structures within Historic Sites

1. After a structure or site has been designated as historically significant, the NDS Director shall refer all completed applications for moving permits affecting the structure or site to the HPB for review and decision.
2. Permits for Moving Structures within Historic or Archaeological Districts
After a historic or archaeological district has been designated, the NDS Director shall refer all completed applications for permits to move any structures in to, out of, or within the boundaries of the district to the HPB for review and decision.
3. Permits for Moving Structures within Archaeological Sites
After an archaeological site has been designated, the NDS Director shall refer all completed applications for a moving permit for moving of structures on to or off of the site to the HPB for review and decision.
4. HPB Permits for Moving Structures Public Hearing Process
The HPB shall conduct a PH on the application in accordance with the adopted notice and hearing requirements on file in the CAC. The HPB shall grant, grant with conditions, or deny the certificate of appropriateness for a moving permit, subject to appeal to the CC consistent with 1.15.10 (G)(12).
5. Permits for Moving Structures within Archaeological Sites
Approval of the BOA shall not be required for moving any structure that is required to have a certificate of appropriateness prior to moving in accordance with this Section.
6. Criteria for Certificate of Appropriateness Issuance for Moving Permits
 - a. When considering a certificate of appropriateness for a moving permit the HPB shall consider the historic character and aesthetic interest the building or structure contributes to its present setting.

D. Historical Signs

1. After a sign has been historically designated, the NDS Director shall refer all completed applications for sign permits, to the HPB for review and approval or denial.
2. The HPB shall conduct a PH on the application in accordance with the requirements of Notice & Public Hearing in Appendix C. The HPB shall grant, grant with conditions, or deny the certificate of appropriateness for a sign permit, subject to appeal under Section 1.15.10. (G)(12) Appeal to the CC.

E. HPB Certificate of Appropriateness Issuance Criteria for Signs

1. Whether the work described in the sign permit can be performed without materially altering the historic style, design, scale, height, type of material or dimensions of the historic sign
2. Whether the work described in the sign permit is necessary to maintain the structural integrity of the historic sign.

F. Removal of Designation

1. Structures, sites, signs and districts shall remain designated as historically or archaeologically significant unless such designation is removed by the CC, or in the case of signs, by resolution of the HPB.
2. Applications for removal of historic or archeological designation may be filed with the CAC on a form approved by the NDS Director. If a property owner withdraws the request for removal at any time prior to the CC adopting on second reading the ordinance removing the designation, then the removal process shall terminate. The process for reviewing applications for removal of designation shall include:
 - a. Analysis of the application by the NDS Department regarding criteria listed in 1.15.10.(F)(3)
 - b. The HPB shall conduct a PH to review the proposed designation, and shall consider the analysis of the staff and the testimony at the public hearing, and make a recommendation upon the proposal to remove designation. The HPB's recommendation shall be forwarded to the CC.
 - c. The CC shall review the proposal to remove designation, the written staff analysis and the recommendation the HPB, and shall approve or deny the removal of designation, after a public hearing. Action taken by the CC to remove designation shall be documented in the form of an ordinance.
3. Historic or archaeological designation removal criteria.

Historic Designation may be removed from a structure, site or sign provided that:

 - a. The subject property or sign no longer meets the applicable criteria for designation.
 - b. Additional information indicates that the subject property or sign does not meet the applicable criteria for designation.
 - c. An error in professional judgment was made in the staff recommendation for designation of the subject property or sign.
 - d. A procedural error occurred in the original designation process.
 - a. It has been determined by the CC that the property owner has violated a term or condition of a certificate of appropriateness, or of a conditional use approval pertaining to the designated property or sign.

G. Relief from certain Building Code & Other Regulations

Historically designated structures and structures which are located in a designated historical district and which have been classified as contributing or contributing with alterations shall qualify for the exemption accorded to special historic buildings under the relevant sections of the Florida Building Code 5th Edition (2014), as may be amended, provided that the building meets all other requirements to the satisfaction of the NDS Director. This exemption shall be applied only to structures described in this section.

1. Major conditional use approval for uses of historic structures.
 - a. Except in single-family residential transect zone districts (T3-R, T3.1-O, T3.2-O, T4-R) owners of locally designated historic structures and owners of structures classified as contributing or contributing with alterations in a locally designated historic district may petition the PB for a major conditional use for any type of use which would serve to perpetuate the viable contemporary utilization of the historic structure, regardless of whether such use is permitted by a conditional use permit in the transect zone district in which the historic structure is located. The procedure for issuance of the conditional use approval shall be the same as that set forth in 1.15.15 of these regulations.
 - b. The proposed use(s) shall be limited to only the locally designated historic structure in existence at the time the conditional use approval is granted. No new additions to the historic structure will be allowed as part of the conditional use approval.
 - c. The property owner shall be required to prove to the satisfaction of the CC and PB that it will adequately provide for each of the criteria enumerated in section 1.15.15(H) to the extent applicable.
 - d. The applicant shall demonstrate that the proposed conditional use will be a reasonable compatible reuse of the historic structure and will not adversely impact the historic building.
 - e. The burden of proof is on the applicant to show that the evidence is satisfactory and no guarantee is made for approval of the conditional use.
2. Relief Contingent upon designation

Nothing herein shall be construed to prevent a property owner from filing a petition under 1.15.10. (G)(1) of this article at the same time as a petition for designation and having both matters proceed simultaneously. The NDS Director and BOA and PB shall be authorized to act upon the petition filed under 1.15.10.(G)(1) prior to final designation of the subject structure, district or site; provided that approval of any such petition shall be made contingent upon the final designation of the structure, district or site, as historically or archaeologically significant by ordinance of the CC.
3. Demolition by Neglect
 - a. In the event the HPB determines that a historically designated structure, historically designated sign, or a structure within a designated district which is contributing, or contributing with alterations, is in the course of being demolished by neglect, the HPB shall notify the owner of record of such preliminary findings, stating the findings of fact for the decision, and shall give the owner of record 30 days from the date of such notice in which to commence work rectifying the evidence of neglect cited by the HPB. Such notice shall be accomplished by certified mailing to the last

- known address of the owner of record or, in the event that this procedure is unsuccessful, then by attaching such notice to the structure for a seven-day period.
- b. Upon the failure of the owner of record to commence work within 30 days of such notice, the HPB shall notify the owner of record in the manner provided above to appear at the next meeting of the board. The board shall present the findings of fact for the notice and the owner of record shall have the right to present any rebuttal to the notice. If after the evidence is presented/entered into the record the HPB determines that the structure or sign is being demolished by neglect, such condition shall constitute a violation of the FBC.
4. Ordinary maintenance.
Nothing in this division shall be construed to prevent the ordinary maintenance or repair of any exterior feature of any historic structure or historic sign which does not involve a change in material, design or outer appearance.
 5. Danger to life, health or property.
Nothing in this division shall prevent the alteration, construction, reconstruction, repair or demolition of a designated structure or designated sign on an emergency basis when the NDS Director services certifies in writing that such work is necessary for the purpose of correcting conditions determined to be dangerous to life, health or property.
 6. Revocation of certificates of appropriateness.
 - a. In any cases where work has commenced which requires a certificate of appropriateness under the terms of this division, and where no such certificate has been obtained, a stop work order shall be issued by the NDS Director. The stop work order shall be issued to the property owner, the occupant, or any person, company or corporation commencing work or preparation for work in violation of this division. The stop work order shall remain in full force and effect until a certificate of appropriateness has been obtained.
 - b. The HPB may revoke or suspend a certificate of appropriateness upon a determination that a project for which a certificate has been previously granted has violated one or more conditions of its approval. Such determination shall be made at a regular or special meeting of the HPB. In the event that the project has been completed, the HPB may recommend to the CC that the historic designation of the structure or sign should be revoked by ordinance.
 7. Nationally registered historic resources.
The NDS department shall review all development proposals that include nationally individually registered historic resources within 120 days. This review shall include an evaluation of the effect of the project on the historic resources and shall result in recommended measures to avoid, minimize, or mitigate the project's adverse effects. Mitigation for significant national historic resources may require the applicant for a demolition permit to undertake all reasonable measures to save the building on site or by relocating the building.
 8. Non-designated Florida master site file structures.
Structures listed on the Florida master site file which are to be used for residential purposes only may be exempt from vested rights and non-conformity provisions of

these regulations; provided, that the proposed repair or rehabilitation is approved by the HPB. The NDS Director shall review and approve all applications for building permits before forwarding same to the HPB for review, pursuant to this section.

9. Demolition Stay – Florida master site file structures

Upon the filing of an application to demolish a structure that is on the Florida master site file, the NDS department shall conduct a historic review to determine if the structure is a contributing building to a historic district, eligible for local or national designation or if there are any viable alternatives to the demolition of the structure. The staff of the NDS department shall be permitted access to the premises and to the subject structure during this review period at reasonable times and by appointment with the owner or designated agent for this review process. This access provision shall also apply for purposes of showing the structure to individuals who may be interested in restoring and/or relocating the structure.

a. Noncontributing or ineligible structures for either local or national designation.

The NDS Director may authorize demolition of any Florida master site file noncontributing structure or building that is not eligible for either local or national designation once the historic review has been completed.

b. Structures contributing to a historic district or structures individually eligible for local or national designation.

i. Structures that are on the Florida master site file, which are eligible for consideration by the National Register of Historic Places, historic designation by the City of Sarasota, or as a contributing building to a historic district shall not be issued a demolition permit until the NDS staff has issued the historic review, which shall include an evaluation prescribing what measures are required to avoid, minimize, or mitigate the adverse effect on the historic resource.

ii. Staff shall issue the decision for the mitigation of the historic resource within 120 days of the application for a demolition permit. Mitigation for significant historic resources, including structures potentially eligible for local or national designation, may require the applicant undertake all reasonable measures to save the resource on site or relocate the building.

iii. A structure that is on the Florida master site file which is eligible for either local or national designation, or as a contributing structure to a historic district may be demolished if the HPB finds the measures required to avoid, minimize, or mitigate the adverse effect to the historic resource has been met in accordance with this provision and upon the majority vote of the HPB.

10. Archaeological resources

a. The NDS department shall maintain a file of all known archaeological sites that may be affected by earth-moving activities, excavation, or development. The file shall include maps and a list of property addresses.

b. Prior to issuing a permit that requires excavation, or other ground-disturbing activities in areas identified as potential archaeological sites, the NDS department shall immediately notify the secretary of the HPB. Permits shall not be issued until a review is completed. This review shall include an evaluation of the effect of the project on archaeological resources and shall result in recommended measures to avoid, minimize or mitigate adverse effects.

- c. The secretary of the HPB shall be responsible for determining if access to such information is in accordance with F.S. 267.135 (location of archaeological sites) as amended and whether disclosure of such information will create a substantial risk of harm, theft, or destruction at such sites.
 - d. All development activities remain subject to later review upon discovery of fortuitous finds, including historical or artefactual materials and those resources that have yet to be identified.
11. Fortuitous finds and unmarked human burials
- The following requirements apply to all building construction or alteration, demolition, excavation, or other land alteration activities:
- a. If evidence of the existence of historic or archaeological resources is discovered at a development site or during development activities, all work shall cease in the area affected as determined by the NDS department. The developer, owner, contractor, or agent thereof, shall notify the NDS department within one (1) business day of the discovery of the resource. The NDS department shall assess the significance of the find and recommend what action, if any, is required to mitigate any adverse effects to the resource.
 - b. If any human skeletal remains or associated burial artifacts are discovered at a development site or during development activities, all work in the area must cease, for it is unlawful to disturb, vandalize, or damage a human burial. The permittee must immediately notify the Sarasota Police Department and the NDS department. The NDS department shall notify the Florida Department of State, Division of Historical Resources in accordance with F.S. 872.05, as amended.
12. Appeals of decision.
- a. NDS department Appeal.
An appeal of a written decision of the NDS department may be made to the HPB. A notice of appeal in the form of a letter shall be filed with the CAC office within ten days of the NDS department's decision. The HPB shall hold a de novo public hearing to consider the appeal and may affirm, affirm with conditions or reverse the decision of the NDS department. The notice and procedures for the conduct of public hearing is set out in Appendix C.
 - b. HPB Appeal.
An appeal of a written decision of the HPB may be made to the CC. A notice of appeal in the form of a letter shall be filed with the CAC office within ten days of the HPB. The CC shall hold a de novo public hearing to consider the appeal, and may affirm, affirm with conditions or reverse the decision of the HPB. The notice and procedures for the conduct of public hearing is set out in Appendix C.
 - c. City commission.
An appeal of a written decision of the CC may be made to the circuit court for Sarasota County, Florida, by filing a petition for writ of certiorari as provided under Florida Rules of Appellate Procedure. A decision of the CC to approve or deny a decision of the HPB shall be deemed to have been rendered on the date that the CC adopts a resolution setting forth its findings and decision.

1.15.11 COMMUNITY WORKSHOPS

The purpose of the workshop is to inform the neighboring property owners, residents, and business owners of the nature of any proposed development or land use request, explain the site plan, if any and solicit comments.

A. Community Workshop is Required for the Following:

1. Amendments to the FLU Map Illustration of the Sarasota City Plan
2. Land Use Atlas Amendments (with or without site plans)
3. Major and minor Conditional uses
4. Street and ROW Vacations
5. Amendments to the Text of the Sarasota City Plan that Affects a Specific and Limited Area of the City (determined by the NDS Director)
6. Building Permit or Administrative Site Plan which Meets or Exceeds the Thresholds of 1.15.28 located on a parcel of land that is located entirely or partially within the LPOD in accordance with the procedures located within the LPOD (1.15.21).
7. Daycare facility with more than 10 children in the T4.1-O, T4.2-O, T5R, T5.1-O
8. Utilization of Golden Gate Point Alternative Standards.

B. Application Process

The application to schedule a Community Workshop with form and fees is filed with the CAC.

C. Notice of Workshop

1. Notice of the Workshop must be provided 14 Days in advance of meeting.
2. Notice shall be provided to all property owners within 500 ft. of subject property and to affected Neighborhood Association(s).

D. Additional Community Workshop

An additional workshop shall be required if:

1. There is any increase to the height, density or intensity of an application request following the Community Workshop.
2. An amendment is requested that requires action by the PB or CC.
3. An application for the development approval is not filed within 12 months following the previous Community Workshop.

E. Exceptions for the Additional Community Workshop

An exception may be granted by the NDS Department after consultation with affected neighborhood associations. If there is no registered neighborhood association in the affected area, an exception will not apply.

1.15.12 COMPREHENSIVE PLAN AMENDMENT

A. Comprehensive Plan Amendment

The CC is hereby authorized to amend the Sarasota City Plan consistent with all requirements of Chapter 163 (Part II), Florida Statutes, as it exists now or as it may subsequently be amended shall be applicable to any amendments to the Sarasota City Plan

reviewed and processed pursuant to this article. In case of a conflict between this article and said Chapter of the Florida Statute, the Florida Statute shall prevail.

1. Application Process

Applications for comprehensive plan amendments shall be filed in a form prescribed by the NDS Department along with the fees and charges for Comprehensive Plan Amendments prescribed by section 1.8 of these regulations. An application for a comprehensive plan amendment shall include all information deemed necessary by the NDS Director and the City's adopted procedures.

2. Staff Review and Report

The NDS Department shall review the amendment. Based upon this review, the Department shall prepare a written report which identifies goals, action strategies and objectives of the Sarasota City Plan affected by the amendment, analyzes the issues raised by the application, and present recommendations concerning the application.

3. PB Review and Recommendation for Small Scale Amendments Chapter 163, Florida Statutes

The PB, sitting as the Local Planning Agency, shall hold a PH for the purpose of reviewing the proposed plan amendment, the staff report and recommendation, testimony and evidence placed into the record. The PB shall recommend to the CC approval, approval with modifications or denial of the proposed amendment.

4. PB Review and Recommendation for Transmittal Public Hearing

The PB, sitting as the Local Planning Agency, shall hold a PH for the purpose of reviewing the proposed plan amendment, considering the staff report, the and testimony and evidence entered into the record. The PB shall recommend to the CC whether the proposed amendment should be transmitted to the appropriate State, regional, and local agencies for review and comment.

5. PB Review and Recommendation for Adoption Public Hearing

Subsequent to receiving comments concerning the proposed amendment from the State Department of Economic Opportunity (DEO), the PB will hold a second PH if the NDS Director determines that the DEO comments are of a substantive nature, as opposed to formatting and technical issues. The PB shall make a recommendation to the CC concerning the approval, approval with modifications or denial of the proposed amendment.

6. Administrative Amendments and Emergency Amendments

Administrative Amendments and Emergency Amendments shall be reviewed by the PB under the procedures above, based upon whether such amendments are processed as a small scale development activity as defined in Section 163.3187(1)(c), Florida Statutes, or as "Other Amendment" procedures contingent upon the type of amendment determined by NDS Staff.

7. City Commission Review Small Scale Development Activities as described in Section 163.3187(1) (c), Florida Statutes.

The CC shall hold a PH for the purpose of reviewing the proposed Plan amendment, considering the reports from both the PB and the staff, and receiving testimony and evidence entered into the record. The CC may approve, approve with conditions, or deny the proposed amendment or remand the proposal back to the PB for further study. Any approval will be by adoption of an ordinance.

8. City Commission “Other Amendments” as described in Section 163.3187(1) (c), Florida Statutes.
 - a. Transmittal Public Hearing

The CC shall hold a PH for the purpose of reviewing the proposed plan amendment, considering the reports from the PB and the staff, and receiving testimony and evidence entered into the record. The CC may approve, approve with conditions or deny the proposal for the purpose of transmitting same to the appropriate State, regional and local agencies for review and comment.
 - b. Adoption Public Hearing

Subsequent to receiving comments concerning the proposed amendment from the DOE, the CC shall hold a second PH for the purpose of considering these comments, any additional reports from the PB and the staff, and receiving testimony and evidence. In acting on the proposed amendment, the CC may approve, approve with modifications, or deny the amendment. Any approval will be by adoption of an ordinance. If the CC desires substantial modifications to the amendment, may remand the amendment back to the PB for additional study.
9. Administrative Amendments and Emergency Amendments

Administrative Amendments and Emergency Amendments shall be reviewed by the CC under the procedures in either insert new reference above, based upon whether such amendments are processed as a small scale development activity as defined in Section 163.3187(1)(c), Florida Statutes.
10. Guidelines for Review

In reviewing an application to amend the *Sarasota City Plan*, the PB and the CC shall consider whether the proposed amendment will:

 - a. Be consistent with the relevant components of the *Sarasota City Plan*, and whether such components of the *Sarasota City Plan* should be amended to ensure internal consistency.
 - b. Establish a precedent, the cumulative effect of which would be inconsistent with the *Sarasota City Plan*.
11. Super Majority Vote

The affirmative vote of 4 City Commissioners shall be required to adopt the following amendments:

 - a. Small Scale and Large Scale amendments to the adopted FLU Plan Map (Illustration LU-6 of the FLU Map Series) that change the FLU classification of any parcel(s) of real property depicted on the map.
 - b. Amendments to increase the maximum allowable dwelling unit density within any of the FLU classifications listed in the “Summary of Classifications Table in the FLU Plan.
 - c. Amendments that would increase the maximum allowable floor area ratio within any of the FLU classifications.
 - d. Amendments that add any new implementing zone districts for any FLU classification.
12. Exemptions to the Super Majority Vote

- a. Amendments to assign a FLU classification to a parcel of real property newly annexed into the City which has not previously been classified on the FLU Map of the City.
13. Effect of Decision
The adoption of a Sarasota City Plan amendment does not authorize the actual commencement of construction; it authorizes the applicant to process an application for final development approval.
14. Changes to Land Use Amendments
Any changes to Sarasota City Plan amendments shall be processed and reviewed in the same manner as the original amendment.

1.15.13 CONDITIONAL USES (PROVISIONAL, MINOR & MAJOR)

A. Four Use Classifications

The uses permitted in a Transect Zone are classified in four ways in the Zoning Code:

1. Permitted uses
2. Provisional uses
3. Minor conditional uses
4. Major conditional uses

B. Permitted Uses

Permitted uses, which are specified in the Function of Use Chart in Article 3 of the FBC, do not require special permission. They simply require a building permit and in some cases, a site plan.

C. Provisional Use Permit

1. Purpose and Intent
 - a. Because new uses arise and uses evolve and change the City has established a provisional use process. This allows for innovation and model programs and test projects to establish if the use will be compatible to other uses in a transect zone.
 - b. The intent is to promote creativity and use adaptation while ensuring that the use complies with certain restrictions regarding location, operation, or other factors. The proposed special use must serve a special need or be required at the specific location for the public convenience. The provisional use permit review process provides for these opportunities to allow such uses when there are minimal impacts. It allows for the imposition of mitigation measures that address identified concerns, denial of those uses that cannot be resolved, and discontinuation of such uses when relevant circumstances change.
2. Review Procedures
 - a. The provisional use permit review procedure is an administrative process of review by the NDS Director in consultation with the City Manager, or their designee, with the opportunity to appeal the decision to the CC.
3. Application
 - a. Submission
The applicant must submit a provisional use permit application to the CA and

- accompanied by the correct fee in accordance with the adopted fee ordinance. The application package must contain all the information required for the specific land use type being requested.
- b. Notice of a Request
Upon receipt of a complete provisional use permit application the CAC shall mail a notice of the request to all property owners within 500 feet of the zoning lot, and to all neighborhood associations whose neighborhood boundaries lie within 500 feet of the applicant's zoning lot.
4. DRC Review & Administrative Approval
 - a. The Application shall be routed through the DRC process for sign-off or a request for additional information may be requested prior to sign-off.
 - b. Upon determining that the provisional use permit application is complete the NDS Director shall make a decision to approve, approve with conditions, or deny the request within 45 calendar days of the date. The City may allow for an extension of this time limit, not to exceed one additional 45-day period, if he determines additional study and information is necessary.
 5. Administrative Decision
 - a. In making the decision the NDS Director may consult with the owner, applicant, other citizens, city departments, other public, or private organizations, to solicit information relevant to the request. The decision is based on the NDS Director's findings with regard to the considerations identified for the specific land use type requested. The NDS Director's findings shall be based on an evaluation of the facts, the submitted application material, the applicable code regulations, and Transect Zones.
 - b. The written decision of the NDS Director, or their designee, shall include any conditions, time limits, or other restrictions that may apply to the provisional use permit action.
 - c. Notice of Decision (pending appeal)
The NDS Director will file the notice of decision (pending appeal) by the next working day after the decision is made. The CAC will mail a notice of the decision to all property owners within 500 feet of the zoning lot, neighborhood association(s) whose neighborhood boundaries lie within 500 feet of the applicant's zoning lot to any person who submitted written comments, and to the CAC.
 - d. Ability to Appeal
The City NDS Director's decision is final unless appealed. The decision may be appealed by the applicant, the owner, and those entitled to notice. The appeal must be submitted to the CAC's office within 14 calendar days of the day the notice of decision is mailed. The review body for the appeal shall be the CC.
 - e. No Appeal
If no one appeals the decision, the decision takes effect on the day after the last day to appeal.
 - f. Appeal procedures
When an appeal is filed, appeals must comply with the following:
 - i. Content of the appeal. The appeal must be submitted to the CAC's office on forms provided by the CAC. All information requested on the form must be

- ii. Notification of appeal hearing. The CAC will file a copy of the appeal, within three business days of its receipt, with the applicant, unless the applicant is also the appellant. Within seven calendar days of the receipt of the appeal, the CAC will send a notice of the appeal hearing to the applicant and all persons and recognized organizations that received the notice of the decision.
 - iii. Scheduling of hearing. The NDS Director will schedule a PH with the CC to take place no less than 21 calendar days from the mailing of the notice of appeal.
 - iv. Submit report to CC. The NDS Director will forward the decision report and a copy of the appeal to the CC and make the report and copy of the appeal available to the public at least seven calendar days prior to the date of the hearing.
 - v. Appeal decision. The CC may adopt the decision report of the NDS Director, modify it, or reject it based on information presented at the hearing and in the record.
 - vi. Notice of final decision. The CC's final decision will be mailed to the applicant, owner, and to any recognized organizations or persons who responded in writing to the appeal notice, testified at the hearing, or requested notice of the decision. In the case of multiple signatures on a letter or petition, the person who submitted the letter or petition or the first signature on the petition will receive the final decision notice.
 - vii. Effective date of final decision. The CC's decision takes effect on the day the final decision notice is mailed.
 - viii. Appeal decision final. The CC's appeal decision is final and may not be appealed to another review body within the city.
6. Revocation of the Provisional Use Permit
- a. The NDS Director may revoke any provisional use permit issued pursuant to this section for the failure of the permittee to adhere to any standard or requirement of the permit, this section, or for the violation of any standards or requirements of the Sarasota City Code, including the zoning code. If the revocation is due to either the City's, or other governmental need for the public property, the revocation shall be immediate upon notice to the permittee. If the revocation is due to a reason other than the city's, or other governmental entity's need for the public property, the City Manager shall adhere to the following revocation process:
 - i. The permittee shall be given written notice of a violation and the action necessary to correct the violation. Notice shall be hand delivered or mailed to the permittee by U.S. registered mail, return receipt requested.
 - ii. The notice shall specify a time within which the permittee shall correct the violation. In the event the permittee shall fail to correct the violation, within the time specified, the provisional use permit shall be deemed revoked and of no further force and effect. Upon revocation, the permittee shall immediately cease the operation of the use. If applicable, within five calendar days the permittee shall remove all furniture and other objects placed within the permit area. Should permittee fail to do so, the city shall collect on the performance guarantee and use the funds to remove all furniture and objects from the

- permit area.
- iii. Within five days of the date of the revocation of a permit, the permittee may appeal the revocation. An appeal shall be deemed perfected when the permittee has submitted, in writing, a statement that an appeal is being taken and the grounds or reasons therefore, with the CAC. The CC at its next available regular meeting shall schedule the appeal for consideration.
 - iv. At a revocation appeal hearing before the CC, the permittee shall be given a reasonable opportunity to be heard in order to show cause why the revocation of the provisional use permit should not be allowed to stand. After hearing from the permittee and such other persons or sources as the CC shall deem appropriate, the CC shall render its decision on the appeal. The action of the CC shall be final.

D. General to All Conditional Uses

1. Certain uses are conditional uses instead of being allowed by right, although they may have beneficial effects and serve important public interests. They are subject to the conditional use regulations because they may, but do not necessarily, have significant adverse effects on the environment, public services, the desired character of an area, or may create major nuisances. A review of these uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The conditional use review provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose mitigation measures to address identified concerns, or to deny the use if the concerns cannot be resolved/
2. Authority

The PB may, in accordance with the procedures, standards and limitations of this Section and subject to such rights of appeal as are provided, approve applications for Minor Conditional Uses. The CC may, in accordance with the procedures, standards and limitations of this Section, approve applications for Major Conditional Uses.

 - a. The PB or the CC, whichever is appropriate may approve a conditional use that modifies the setback requirements, height requirements, landscaping requirements, parking requirements, or buffering requirements by no more than ten (10%) percent, provided that the Board or CC expressly finds that the modification will enhance the ability of the proposed conditional use to meet the general standards for all conditional uses.
 - b. Additionally, the City Manager may approve technical deviations from the regulations contained in the EDCM, based upon a detailed study prepared by the applicant which demonstrates why the technical deviations will result in preferable environmental or design impacts.
3. Authorized Conditional Uses
 - a. Only those uses authorized in each transect or zoning district in the Function and Use Table in Article 3 may be approved as conditional uses.
 - b. The designation of a use in a zoning district as a conditional use does not constitute an authorization or an assurance that such use will be approved; rather, each proposed conditional use shall be evaluated by the DRC, the PB, and the CC for compliance with the standards and conditions set forth in this Section and for each

transect or district.

- c. Wherever a use existing on the effective date of these regulations is terminated or demolished, subsequent use of the property upon which the use was located, by a use which these regulations classifies as a conditional use, shall be permitted only in conjunction with an approved conditional use.
4. Application Requirements
 - a. In addition to the general application requirements set forth in the City's administrative regulations, an application for a Major or Minor Conditional Use shall be accompanied by a Site Plan Application as provided by 1.15.28.
 - b. Additional information requested that is necessary to demonstrate that the proposed development meets the criteria in Section H, Standards for Review for All Conditional Uses, below.
 - c. All applications for conditional uses shall be submitted to the CAC.
 - d. Any site plan application filed in conjunction with a conditional use request shall be processed concurrently with the conditional use application, pursuant to Section 1.15.28 of Article 1.

E. Staff Review and Report

1. Minor and Major Conditional Uses. The NDS Department shall review the application for the conditional use approval and the comments of all members of the DRC, and shall prepare a written staff analysis of the issues raised by the application.
2. Technical Deviations. Prior to the final consideration of a conditional use application, the City Manager may issue written technical deviations from the EDCM. Such deviations must be based upon review of a detailed study prepared by a Professional Engineer that demonstrates why the technical deviations will result in preferable environmental or design impacts.

F. Planning Board Review

1. Minor Conditional Uses
 - a. The PB shall hold a PH and grant, grant with conditions, or deny the application for a Minor Conditional Use, subject to appeal under Section 1.15.13 G to the CC.
 - b. Action taken by the PB to grant a conditional use or to grant a conditional use with conditions shall be documented in the form of a resolution containing a legal description of the real property to which the conditional use applies, together with the terms of the conditional use and any additional conditions imposed. Such resolution shall be recorded in the Public Records of Sarasota County by the CAC.
 - c. If the PB shall deny a Minor Conditional Use, it shall state in its record its reasons for doing so. Such reasons shall take into account the factors stated in H. Standards for Review, below, or any that may be applicable to the action of denial or particular regulations relating to the specific Minor Conditional Use requested, if any.
2. Major Conditional Uses
 - a. The PB shall hold a PH on an application for a Major Conditional Use and recommend to the CC the approval, approval with conditions or denial of the application for a Major Conditional Use.

- b. Action taken by the PB to recommend the approval of a Major Conditional Use or to recommend approval of a Major Conditional Use with conditions shall be documented in the form of a resolution containing a legal description of the real property to which the Major Conditional Use applies, together with the terms of the Major Conditional Use and any additional conditions imposed. Such resolution shall be recorded in the Public Records of Sarasota County by the CAC.
- c. If the PB recommends to the CC the denial of a Major Conditional Use, it shall state in its record its reasons for doing so.

G. City Commission Review

1. Minor Conditional Uses – Appeals

If an appeal by an aggrieved person of a decision of the PB relating to a Minor Conditional Use is filed with CAC within ten days of the Board's decision, the CC shall consider the record before the PB and the argument of aggrieved persons, and may grant, grant with conditions or deny the application.

2. Major Conditional Uses

Upon receipt of the recommendation of the PB, and the written staff analysis, the CC at its option, may either affirm the PB's recommendation without a PH or may hold a PH to consider the application for a Major Conditional Use and grant, grant with conditions or deny the application.

H. Standards for Review for All Conditional Uses

When considering an application for approval of a conditional use, the NDS Department, the PB and the CC, shall review such an application with consideration for the following factors:

1. Whether the conditional use is consistent with the area's FLU designation and the goals, objectives, action strategies and standards of the *Sarasota City Plan*, any adopted special area plan and these regulations.
2. The character of the existing area, including existing structures and structures under construction, existing public facilities and public facilities under construction, and private, commercial and/or service facilities available within the existing area.
3. Whether, if applicable, the overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of non-residential uses in the residential area. Consideration includes the application itself and in combination with other non-residential uses in the area and is to be based on the number, size, and location of the non-residential uses and the intensity and scale of the proposed and existing non-residential uses in the area.
4. Whether the application will preserve any City, State or Federally designated historic, scenic, archaeological, or cultural resources.
5. Whether the application will be compatible with adjacent residential development, if any, based on characteristics such as size, building style and scale; or whether such incompatibilities are mitigated through such means as screening, landscaping, setbacks, and other design features.
6. Whether the application will not have significant adverse impacts on the livability and usability of nearby land due to: noise, dust, fumes, smoke, glare from lights, late-night operations, odors, truck and other delivery trips, the amount, location, and nature of

any outside displays, storage, or activities, potential for increased litter, and privacy and safety issues.

7. Whether the transportation system is capable of safely supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and LOS, access to arterials, transit availability, on-street parking impacts, if any, zoning lot access requirements, neighborhood impacts, and pedestrian safety.
8. Whether the off-street parking area required and the amount of space needed for the loading and unloading of trucks, if applicable, has been provided and will function properly and safely.
9. Whether generally, the public health, safety and welfare will be preserved, and any reasonable conditions necessary for such preservation have been made.
10. Whether the applicant has demonstrated the financial and technical capacity to complete any improvements and mitigation necessitated by the development as proposed and has made adequate legal provision to guarantee the provision such improvements and mitigation.
11. Whether the proposed use complies with all additional standards imposed on it by the particular provision of these regulations authorizing such use and by all other applicable requirements of the regulations of the City of Sarasota, including, but not limited to, Section 1.15.28, Site Plan Standards for Review.

I. Effect of Decision

1. Approval of a conditional use shall be deemed to authorize only the particular use for which it is issued. Approval of a site plan shall authorize the applicant to apply for the issuance of a building permit.
2. Development of the conditional use shall not be carried out until the applicant has secured all other permits and approvals required by these regulations, the City, or regional, state and federal agencies.

J. Conditions

Due to circumstances that may not be addressed in the Standards for Review, the CC (and staff or the PB) may require or recommend conditions to a Provisional, Minor, or Major Conditional use and the PB may attach such conditions to a Minor Conditional Use to carry out the purposes of the *Sarasota City Plan*. The intent is to prevent or minimize adverse effects upon other property in the neighborhood, including, but not limited to: limitations on size, bulk and location; requirements for landscaping and lighting; provision of adequate ingress and egress and off-site but project-related improvements; and other conditions such as the duration of the permit, hours of operation, and mitigation of environmental impacts.

K. Changes to Conditional Uses

1. Approval of Minor Revisions
The NDS Director is authorized to allow minor revisions to an approved conditional use after receipt of comments from the DRC and to authorize the issuance of a building permit for construction in accordance with the revised conditional use. A minor revision is one that:
 - a. Does not substantially alter the location of any points of access to the site.

- b. Does not change the use of the property.
 - c. Does not increase the density or intensity of the development to occur on the property.
 - d. Does not result in a reduction or change of previously approved open space, setback, building location, or landscaping by more than ten percent (10%).
 - e. Is consistent with the general intent and purpose of these regulations and does not have any effect on the initial determination of consistency of the site plan with the Sarasota City Plan, and will not affect or alter any finding or conclusion of compatibility.
 - f. Does not result in a material modification or the cancellation of any condition placed upon the site plan as originally approved.
 - g. Does not substantially change the internal or external traffic pattern.
 - h. Does not add additional property to the site.
 - i. Does not increase the impervious area of the site by more than ten percent (10%).
 - j. Does not increase the height of the building(s) including approved roof-top appurtenances allowed.
2. Other Revisions

Any other adjustments or changes not specified in the subsection above shall be granted only in accordance with procedures for original approval of a conditional use, as set forth in this Section. The application shall also address the necessity for the amendment and shall demonstrate the amendment is warranted under the circumstances.

L. Expiration

1. Major and Minor Conditional Use approval shall automatically expire two (2) years after the date of the action granting such approval if the use has not commenced. The original approving authority may grant one extension not to exceed 2 years. The application for extension shall address the necessity for the extension and shall demonstrate that the extension is warranted under the circumstances. Said extension shall be requested and granted prior to the expiration of the original period of validity. Permitted time frames do not change with successive owners.
2. If an approved conditional use (minor and major) ceases for any reason for a period of at least six (6) months, a new conditional use application shall be submitted for consideration, by the appropriate approving authority, prior to the reestablishment of the use.

M. Revocation of Approval

1. Grounds for revocation may include, but are not limited to, the following:
 - a. A change in intensity (character) beyond what was initially intended which affects the public health, safety and welfare since adoption of the conditional use; or
 - b. Any violations of this Code, including any conditions attached to the conditional use, by the owner/operator of the use.
2. If construction of a conditional use has not been completed in accordance with the conditions of the approval, or if the use is not conducted consistent with any condition of approval, the City Manager may terminate the approval.

3. Notice of such termination shall be sent by certified mail to the owner of the property and any lessee of the property as indicated in the records of the City (i.e., transmission tower owners) and shall become effective ten (10) days after the date of such notice, unless an appeal is filed with the CAC. Within sixty (60) days of receipt of an appeal, the original decision making body shall hold a PH to consider the appeal.
4. At the conclusion of the PH, the termination may be upheld, reversed or modified.
5. In making such a decision, the PB or the CC shall consider whether there are substantial and legitimate reasons why construction of the conditional use was either not timely or in compliance with the original approval, whether there are substantial and legitimate reasons why the use was not conducted consistent with the conditions of approval and whether the termination of such approval will advance the goals and objectives of the Comprehensive Plan and the standards applicable to the original approval.
6. It shall be the petitioner's burden of proof at the PH to show that the conditional use has been constructed and operated within the provisions of the original approval.

N. Required affidavit

1. Any applicant for a conditional use shall submit an affidavit with the application stating they understand and agree that the conditional use may be terminated at any time if they fail to construct or operate the conditional use within the provisions of the original approval, regardless of the amount of the investment they have committed to the conditional use.
2. The affidavit shall also state that the applicant shall notify any future purchasers, or anyone having any legal interest in the conditional use, of these termination provisions.
3. No future (subsequent) purchaser, owner, or operator of the conditional use shall utilize the conditional use until they have provided the NDS Director the required updated affidavit. The affidavit shall be recorded in the public records of Sarasota County along with the resolution approving the conditional use. The execution of such affidavit by an applicant for a conditional use does not waive the applicant's rights of appeal as provided.

1.15.14 Density Bonus –Reserved

1.15.15 Development Agreement

The intent of this division is to provide procedures, by which the City may enter into development agreements to encourage a stronger commitment to comprehensive and capital facilities planning, ensure the provision of adequate public facilities for development, encourage the efficient use of resources, and reduce the economic cost of development.

A. Process and Application Requirements

In addition to the general application requirements set forth in administrative regulations, an application for approval of a development agreement shall be accompanied by:

1. The requested duration of the development agreement, which shall not exceed ten (10) years.
2. A site plan meeting the requirements of 1.15.28.

3. A description of all existing and proposed public facilities and services that will service the development. Staff Review and Report.
4. The NDS Department shall review the application for a development agreement and the comments of all members of the DRC, and shall prepare a written staff analysis of the issues raised by the application.

B. Planning Board Review

The PB shall review the proposed development agreement, the written staff analysis, and the testimony at the PH, and the Board shall make a finding as to whether the proposed development agreement and the development authorized by said agreement is consistent with the Sarasota City Plan and shall issue a recommendation to the CC for approval or denial of the development agreement.

C. City Commission Review

The CC shall review the proposed development agreement, the written staff analysis, the recommendation of the PB, the testimony at the PH, if the hearing is conducted quasi-judicially. The CC may approve, approve with modifications, continue deliberations, or deny approval of the proposed development agreement.

D. Standards for Review

In reaching a decision as to whether or not the development agreement should be approved, approved with changes, approved with conditions, or disapproved, the CC shall determine whether the development agreement meets the purpose and intent of this division of the regulations and whether the approval of such agreement is consistent with and furthers the goals, objectives and action strategies of the adopted *Sarasota City Plan*.

E. Contents of Development Agreement/Recording

(Note: will meet and discuss with the City Attorney)

The approved development agreement shall contain, at a minimum, the following information:

1. A legal description of the land subject to the development agreement.
2. The names of all persons having legal or equitable ownership of the land.
3. The duration of the development agreement, which shall not exceed ten (10) years.
4. The development uses proposed for the land, including population densities, building intensities and building height.
5. A description of the public facilities and services that will service the development, including who shall provide such public facilities and services; the date any new public facilities and services, if needed, will be constructed; who shall bear the expense of construction of any new public facilities and services; and a schedule to assure that the public facilities and services are available concurrent with the impacts of the development. The development agreement shall provide for a cashier's check, a payment and performance bond or letter of credit in the amount of one hundred fifteen (115) percent of the estimated cost of the public facilities and services, to be deposited with the City to secure construction of any new public facilities and services required to be constructed by the development agreement.

6. A description of any reservation or dedication of land for public purposes.
7. A description of all local development approvals approved or needed to be approved for the development.
8. A finding that the development approval as proposed is consistent with the Sarasota City Plan and LDR of the City. Additionally, a finding that the requirements for LOS as set forth in 1.15.20 of these regulations have been satisfied.
9. A description of any conditions, terms, restrictions or other requirements determined to be necessary by the CC for the public health, safety or welfare of the citizens of the City of Sarasota. Such conditions, terms, restrictions or other requirements may be supplemental to requirements in existing codes or ordinances of the City.
10. A statement indicating that the failure of the development agreement to address a particular permit, condition, term or restriction shall not relieve the developer of the necessity of complying with the law governing said permitting requirements, conditions, terms or restrictions.
11. The development agreement may provide, in the discretion of the CC, that the entire development or any phase thereof be commenced or be completed within a specific period of time. The development agreement may provide for liquidated damages, the denial of future development approvals, the termination of the development agreement, or the withholding of certificates of occupancy for the failure of the developer to comply with any such deadline.
12. A statement that the burdens of the development agreement shall be binding upon, and the benefits of the development agreement shall inure to, all successors in interest to the parties to the development agreement.
13. All development agreements shall specifically state that subsequently adopted ordinances and codes of the City which are of general application not governing the development of land shall be applicable to the lands subject to the development agreement, and that such modifications are specifically anticipated in the development agreement.

F. Recording

No later than fourteen (14) business days after the execution of a development agreement by all parties thereto, the City shall record the development agreement with the Clerk of the Circuit Court in Sarasota County. The applicant for a development agreement shall bear the expense of recording the development agreement. Additionally, the City shall submit a recorded copy of the development agreement to the State of Florida Department of Community Affairs no later than fourteen (14) business days after the development agreement is recorded.

G. Effect of Decision

1. The codes and ordinances of the City governing the development of land subject to a development agreement, in existence at the time of the execution of a development agreement, shall govern the development of the land for the duration of the development agreement. Upon the expiration or termination of a development agreement, all codes and ordinances of the City in existence upon the date of expiration or termination shall become applicable to the development regardless of the terms of

the development agreement.

2. The City may apply codes and ordinances adopted subsequent to the execution of a development agreement to the subject property and development only if the CC, upon holding a PH, has determined that such subsequent codes and ordinances are:
 - a. Not in conflict with the laws and policies governing the development agreement and do not prevent development of the land uses, intensities or densities in the development agreement.
 - b. Are essential to the public health, safety or welfare, and expressly state that they shall apply to a development that is subject to a development agreement.
 - c. Are specifically anticipated and provided for in the development agreement.
 - d. The City demonstrates that substantial changes have occurred in pertinent conditions existing at the time of approval of the development agreement.
 - e. The development agreement is based on substantially inaccurate information supplied by the developer.
 - f. This Section does not abrogate any rights that may vest pursuant to common law.

H. Changes to Development Agreements

A development agreement may be amended by mutual consent of the City and the developer, provided the notice and PH requirements of these regulations are followed. A party to a development agreement may request one (1) extension of the duration of the development agreement, not to exceed one (1) year from the date of expiration of the initial term of the development agreement, by submitting an application to the office of the CAC at least sixty (60) days prior to the expiration of the initial term of the agreement. The application shall address the necessity for the extension and shall demonstrate that the extension is warranted under the circumstances. The CAC shall schedule the requested extension as a proposed amendment to the development agreement for PH before the PB and CC, as set forth in these regulations.

I. Expiration or Revocation of Approval

The City Manager shall review all lands within the City subject to a development agreement at least once every 12 calendar months to determine if there has been demonstrated good-faith compliance with the terms of the development agreement. The City Manager shall make an annual report to the CC as to the results of this review. In the event the CC finds, on the basis of substantial competent evidence, that there has been a failure to comply with the terms of the development agreement, the development agreement may be revoked or modified by the CC upon giving at least 15 business days written notice to the parties named in the development agreement. Such termination of a development agreement shall occur only after compliance with the PH and notice requirements.

J. Enforcement

Any aggrieved or adversely affected person, as defined in Section 163.3215(2), Florida Statutes, or the State of Florida Department of Community Affairs, may file an action for injunctive relief in the circuit court for Sarasota County to enforce the terms of a development agreement, or to challenge compliance of the agreement with Sections 163.3220- 163.3243, Florida Statutes.

1.15.16 FORM-BASED CODE INTERPRETATION LETTER

Upon written request, the NDS Director is hereby authorized to interpret all regulations in this Code that are applicable to properties within the Transect Zone Districts.

A. Application & Process

1. A request for an administrative interpretation shall be filed with the CAC and forwarded to the NDS Director with any processing fees.
2. The request shall specifically identify the particular provision or regulation for which an interpretation is requested and shall further identify the real property and the proposed development or redevelopment to which the interpretation will be applied. The NDS Director shall issue a written opinion on the request and shall forward same to the person who requested the interpretation with a copy to the CAC. The CAC shall give written notice of the interpretation to property owners within 500 feet of the property identified in the request for interpretation and to those persons registered in the CAC to receive notice of applications for development approval.

B. Appeal of Decision

The PB is hereby authorized to hear and decide appeals filed by an aggrieved person where it is alleged that there is error in any interpretation of a regulation applicable to properties within the Transect Zone Districts made by the NDS Director.

1. A notice of appeal authorized under the provisions of this Section and fees shall be filed on forms prepared by the NDS Department in the CAC consistent with the adopted timeframes and regulations for notices.
2. The PB hearing on the appeal from the administrative interpretation shall be a de novo hearing and shall be advertised and conducted in accord with statutory and adopted regulations and ordinances.
3. The NDS Director shall transmit copies of the complete file on the request for interpretation to the PB prior to the hearing.
4. Prior to conducting the hearing, the PB shall make a determination as to whether the entity or person who filed the notice of appeal is an "aggrieved person" as defined in this FBC and the PB may receive evidence on this issue. In the event the PB determines that the appealing party is not an "aggrieved person," the Board shall not conduct the hearing on the request for an administrative interpretation.
5. When an appeal is filed, all proceedings in furtherance of the action appealed from shall be stayed, unless the NDS Director certifies to the PB that by reason of facts stated in the appeal, a stay would cause imminent peril to life or property. In such a case, proceedings shall not be stayed other than by a restraining order granted by the PB or by a court of record on application, on notice to the NDS Director, and on due cause shown.

C. Planning Board Action

The PB shall grant the appeal, grant the appeal subject to specified conditions, or deny the appeal, and to that end, shall have all the powers of the NDS Director.

D. Notice of Decision

The NDS Director, as Secretary to the PB, shall provide written notification to the aggrieved person initiating the appeal of the decision of the PB.

E. Appeal of Decision

An appeal of a decision of the PB may be made to the CC.

1. A notice of appeal in the form of a letter and fees shall be filed with the CAC within ten (10) days of the PB's decision (which is not required to be in written form).
2. The CC shall hold a de novo PH to consider the appeal and may affirm, affirm with conditions or reverse the decision of the PB.
3. An appeal of a decision of the CC may be made to the Circuit Court for Sarasota County, Florida, by filing a Petition for Writ of Certiorari as provided under the Florida Rules of Appellate Procedure.
4. A decision of the CC regarding an administrative appeal shall be deemed to have been rendered on the date that the CC adopts a resolution setting forth its findings as decision.

1.15.17 FORM-BASED CODE TRANSECT CONFIRMATION LETTER**A. Purpose of a Transect Confirmation Letter**

A Transect Confirmation letter is a written recitation of selected FBC standards that are applicable to properties within the City of Sarasota. It is requested for a variety of reasons. It is often requested by a potential purchaser or lending institution to verify that a particular use, density, or building height is permitted on the subject property.

B. "Buildable Lot of Record" Confirmation

The Confirmation letter can also be requested to verify that a particular lot is considered a "buildable lot of record" if it is non-conforming to the minimum lot width and/or minimum lot area of its current transect zone or other regulations.

C. Limitations

A Transect Confirmation letter is not a formal interpretation of any FBC standard in accordance with 1.15.18 (A) and therefore, neighborhood notices are not sent out.

D. Application and Process

1. The request is filed with the CAC and forwarded to the NDS Director upon receipt with the processing fee in the City's adopted fee ordinance.
2. The request shall include the specific type of information needed and shall identify the real property or proposed development that is the subject of the confirmation letter. Staff will then review the request and prepare the letter noting what the code allows and any additional applicable information.

1.15.18 HISTORIC DESIGNATION

A. Proposal By Property Owner

When designation is proposed by the property owner, an application for designation shall be filed in the CAC on the City's Development Application forms approved by the NDS Department.

B. Application Withdrawal By Property Owner

The property owner may withdraw the request even after the HPB has recommended the designation, shall thereby terminating the process. Any subsequent request by the property owner to historically designate the same property shall proceed in accordance with this section as if no prior request had been submitted.

C. Proposal By Historic Preservation Board

1. When designation is proposed by a majority vote of the members of the HPB, notice of the proposed designation shall be sent by certified mail to the owner of record of the property proposed for designation and to each owner of record of property in a proposed district.
2. The notice shall describe the property proposed for designation and shall announce a PH of the HPB to consider such designation to be held within 30 days after the mailing of such notice

D. Objections

Upon notification, any owner or owners of property who object to the proposed designation shall return a notarized statement to the HPB certifying that the party is the sole or partial owner of the property and that they object to the proposed designation. A blank statement of objection shall be mailed to each property owner together with the notice of proposed designation as provided above. The property owner shall be advised that in order to object to the proposed designation the notarized statement of objection must be completed and returned within 15 days after receipt.

E. Application Materials

In addition to the general application requirements set forth in administrative regulations, an application for a historic designation shall be accompanied by information necessary to demonstrate that the proposed designation is consistent with the criteria of designation standards of review below.

F. Staff Review and Report

1. Historic structures and sites, signs and archaeological sites.
The NDS Department shall review the application for the designation and shall prepare a written staff analysis of the issues raised by the application. The analysis shall contain the following:
 - a. A statement of the historic or archaeological significance of the structure, site or sign proposed for designation
 - b. Photographic documentation of the structure, site or sign.

2. Historic districts and archaeological districts.

The NDS Department shall review the application for the designation and shall prepare a written staff analysis of the issues raised by the application. The analysis shall contain the following:

- a. An explanation of the historical, cultural, architectural or archaeological significance of the district and a statement of the historic significance of the structures within the district.
- b. The proposed boundaries for the district and an explanation of a choice of boundaries for the district.
- c. A map showing the boundaries of the district.
- d. A description of typical architectural styles and types of structures in the district.
- e. An identification of all structures within the district and the proposed classification of such structures as contributing, contributing with alterations, or noncontributing with an explanation of the criteria utilized for the proposed classification.
- f. Photographic documentation of structures within the district indicating examples of contributing, contributing with alterations or noncontributing structures within the district and buildings outside the boundaries of the district.

G. Objections to a Historic Designation

1. The HPB shall not act upon a proposed designation of an individual property if the property owner has returned a statement of objection.
2. The HPB shall not act upon a proposed district designation if a statement of objection has been received from:
 - a. The owner or owners of a majority of the separate zoning lots in the proposed district; or
 - b. The owner or owners of a majority of the land area in the proposed district.

H. Historic Preservation Board Public Hearing and Recommendation

1. The HPB shall conduct a PH to review the proposed designation, and shall consider the analysis of the staff and the testimony at the PH, and make a recommendation upon the proposed designation. The recommendation shall set forth the HPB findings in regard to whether the proposed designation will satisfy the standards set forth in the standards for review. The HPB recommendation to designate a historic district shall further classify all structures within the proposed district as contributing, contributing with alterations or noncontributing. The HPB may by resolution designate a historic sign.
2. If the HPB votes to recommend in favor of the proposed designation, such action shall be forwarded to the CC. If the HPB votes against the proposed designation, the decision of the HPB in this regard shall be final, and the structure, site or sign shall not be designated by the CC. The HPB shall take final action to either recommend in favor of the proposed designation or to deny the proposed designation within 1 year after the application for designation is filed, or the application shall be deemed withdrawn.

I. Designation Standards for Review

The criteria to be applied by the HPB and the CC in the designation of a structure, district, site or sign as historically or archaeologically significant, shall be as follows:

1. Historic Structures or Sites

A structure or site is of historic significance if it possesses integrity of location, design, setting, materials, workmanship and association, and if it:

- a. Exemplifies or reflects the broad cultural, political, economic or social history of the city, the county, the state, or the United States of America.
- b. Is associated with events which have made a significant contribution to the broad patterns of our local, state or national history.
- c. Is associated with the life of a person who has played a significant role in our local, state or national history.
- d. Embodies the distinctive visible characteristics of an architectural style or period, or a method of construction.
- e. Represents the work of a designer or builder whose work has been generally acknowledged.
- f. Is a reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan and when no other building or association has survived.

2. Historic Districts

A district is of historic significance when it possesses integrity of location, design, setting, materials, workmanship and association, and if it:

- a. Represents a significant entity whose components may lack individual distinction.
- b. Represents a geographically defined area which contains structures, sites, objects, and spaces linked historically through location, design, setting, materials, workmanship, feeling and association.
- c. Represents a geographically defined entity whose individual structural components collectively convey a sense of time and place in history (which may relate to one or more periods in history).

3. Archaeological Sites and Districts

A site or district is of archaeological significance if it meets one of the following criteria:

- a. Has yielded or is likely to yield significant information relating to prehistory or history.
- b. Contains any subsurface remains of historical or archaeological importance or any unusual ground formations of archaeological significance.

4. Historic Signs

Any sign, regardless of its age, which satisfies one or more of the following criteria:

- a. The sign is significant to the history of the city, including, but not limited to, the character of the city as a seaside community, tourist attraction, or cultural center.
- b. The sign is unique, notably aesthetic, or creative so as to make a significant contribution as a work of art.
- c. The sign merits recognition as an important example of technology, craftsmanship, materials or design of the period in which it was constructed and may no longer be economically feasible to produce or manufacture the sign today.
- d. The sign is incorporated into the architecture of a building, so as to be essential to the integrity of the building.

J. City Commission Review of Historic Designation

1. The CC shall, in accordance with the provisions of Appendix C review the proposed designation of the structure, site, district or sign, the written staff analysis and the recommendation of the HPB, and shall approve, approve with conditions or deny the designation, after a PH.
2. Action taken by the CC to approve a historic designation shall be documented in the form of an ordinance.
3. The ordinance providing for the designation of a structure or sign as historically significant shall pertain to the structure or sign and may apply to the site upon which the structure or sign is located.
4. The designation ordinance may contain conditions to ensure the preservation of the setting in which the structure or sign exists, if the setting was a significant consideration in the designation of the structure or sign. The designation ordinance shall be recorded in the chain of title in the public records of the county.

1.15.19 LAND USE ATLAS AMENDMENT/APPLICATIONS FOR REZONING**A. Land Use Atlas Amendment Initiation**

Land Use Atlas Amendments may be initiated by:

1. The subject property owner
2. A non-owner with the written permission of the property owner
3. The CC
4. The PB
5. The City Manager

B. Application and Process

All applications for land use atlas amendments shall be submitted to the CAC.

C. Additional Information Requested by Staff

In addition to the application requirements set forth in the City's administrative regulations, if any, a privately initiated application for a site specific quasi-judicial land use atlas amendment shall be accompanied by information necessary to demonstrate that the proposed land use atlas amendment is consistent with the criteria of Section 5 below.

1. Additional Information Requested by the PB or CC
The PB or CC may direct the staff to provide additional information in support of the application upon a finding that the information submitted initially is not sufficient.
2. Required site plan
At the option of the DRC, PB or CC, an applicant for a privately initiated Land Use Atlas Amendment may also be required to submit a site plan in order to demonstrate consistency with the Sarasota City Plan or tree protection regulations.
3. Concurrent Review
At the request of an applicant for land use atlas amendment, an application for site plan approval pursuant to division 5 of this article may be processed concurrently with the land use atlas amendment application.
4. Voluntary Proffers

An application may be accompanied by an offer to the city to impose special conditions (proffers) upon the development of the property that is the subject matter of the Land Use Atlas Amendment application.

5. Standards for Review

- a. In reviewing all applications for land use atlas amendments, the PB and CC shall consider whether the proposed land use atlas amendment is consistent with and furthers the goals, objectives and action strategies of the Sarasota City Plan, and shall consider whether the proposed change will further the purposes of these regulations and other city ordinances, regulations and actions designed to implement the Sarasota City Plan.
- b. For Land Use Atlas Amendments classified as legislative the PB and CC shall consider whether the land use atlas amendment serves the public interest and is rationally related to the achievement of a valid municipal objective.
- c. For Land Use Atlas Amendments classified as quasi-judicial the PB and CC shall consider the following:
 - i. Whether the proposed change would be contrary to the FLU plan and would have an adverse effect on the Sarasota City Plan; in a non-use proffered land use atlas amendment, the PB and CC shall review the request considering the most intense use permitted in the requested zone district.
 - ii. Compatibility with the existing land use pattern.
 - iii. Possible creation of an isolated district unrelated to adjacent and nearby districts.
 - iv. The population density pattern and possible increase or overtaxing of the land on public utilities.
 - v. Any increase and possible overloading of the city's sewage collection, treatment and disposal facilities.
 - vi. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.
 - vii. Whether changed or changing conditions make the passage of the proposed amendment necessary.
 - viii. Whether the proposed change will create a drainage problem.
 - ix. Whether the proposed change will seriously reduce the flow of light and air to adjacent areas.
 - x. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.
 - xi. Whether the proposed change will constitute a grant of special privileges to an individual owner as contrasted with the public welfare.
 - xii. Whether the change suggested is out of scale with the needs of the neighborhood or the city.
 - xiii. Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.

6. Staff Review and Recommendations

The NDS Department shall review the application for the land use atlas amendment and the comments of all members of the DRC, and shall prepare a written staff analysis of the issues raised by the application, which analysis shall set forth a recommended

zoning district classification, if any, and setting forth the goals, objectives, and action strategies of the comprehensive plan affected by the proposed land use atlas amendment.

7. PB Review

The PB shall conduct a PH to review the proposed land use atlas amendment and shall consider the written staff report and the testimony at the PH, and make a recommendation upon the proposed land use atlas amendment, which shall set forth its findings in regard to whether the proposed land use atlas amendment is consistent with the Sarasota City Plan. The Board may include in its recommendation any modifications or conditions to the land use atlas amendment and the reasons therefore.

8. City Commission Review

The CC shall, in accordance with the provisions of Appendix C, review the proposed land use atlas amendment, the written staff report and the recommendation of the PB, and shall approve, approve with conditions or deny the land use atlas amendment and site plan, if any, after a PH. Action taken by the CC to approve a land use atlas amendment shall be documented in the form of an ordinance which changes the subject property transect zone and which shall state with specificity any conditions offered by the applicant and accepted by the CC pursuant to section 1.15.21(B) above.

9. Effect of Decision

- a. The ordinance which changes the transect zone of the subject property shall state with specificity any conditions (proffers) offered by the applicant and accepted by the CC.
- b. No building permit pertaining to the changed transect zone property shall be issued for construction which does not conform to any site plan finally approved by the CC as part of the land use atlas amendment.
- c. In the event that any conditions require the execution of an appropriate legal document by the applicant, then the applicant shall be required to execute same prior to issuance of a building permit. When appropriate, fully executed documents may be attached to the ordinance as exhibits.
- c. Where the conditions offered by the applicant include the construction of public improvements, the City Manager shall require security in the form of a deposit in cash or cashier's check in the amount of 115 percent of the estimated cost of such improvements, or shall require an irrevocable letter of credit or a performance and payment bond.
- d. Required bonds shall be executed prior to commencement of construction in a form reviewed and approved by the City Attorney prior to the issuance of any building permit.

10. Changes to Land Use Atlas Amendment & Land Use Atlas Amendment with Proffered Site Plans

- a. A modification to any ordinance that changes the transect zone of a real property shall require a PH before the PB and a separate PH before the CC in accordance with the City's approved notice and PH requirements.
- b. Revisions to site plans proffered as part of a Land Use Atlas Amendment application other than revisions determined to be minor pursuant to 1.15.28.I, shall require the submission of an amended site plan to the PB and CC.

- c. A separate analysis of consistency of the revised site plan with the Sarasota City Plan shall be performed by the NDS Department and a separate finding of consistency shall be required by the PB of the revised site plan with the Sarasota City Plan.
 - d. Approval of the revised site plan shall be evidenced by adoption of an ordinance amending the initial Land Use Atlas Amendment ordinance to reflect approval of the amended site plan, along with any additional conditions.
 - e. In the event a site plan, proffered as part of a Land Use Atlas Amendment application, expires pursuant to 1.15.28.J, then any new site plan shall be submitted to the PB and CC and adoption of an ordinance amending the initial Land Use Atlas Amendment ordinance to reflect approval of a new site plan shall be required.
11. Expiration of Approval
- An ordinance Land Use Atlas Amendment property shall have no expiration date, unless otherwise specified in the approval.

1.15.20 LEVEL OF SERVICE – RESERVED FOR LEVEL OF SERVICE STANDARDS

1.15.21 LAUREL PARK OVERLAY DISTRICT NOTICE OF FILING / ISSUANCE LPOD

A. Intent and Purpose

The Laurel Park overlay district (LPOD) is intended to enhance communication between a developer or landowner and residents within the Laurel Park neighborhood when a building permit or administrative site plan is proposed within the overlay district that meets or exceeds the thresholds of 1.15.28 Site Plan (B)(3). This section applies to all applications for administrative site plan approval which may be processed in advance of a building permit or in conjunction with a building permit which meet or exceed the thresholds set out in 1.15.28 Site Plan (B)(3). However, if two community workshops have been held on an administrative site plan application as required by subsections C and E of regulations below; then no additional community workshops are required if a subsequent application for a building permit is filed to allow construction in accordance with a previously approved and currently valid site plan.

B. Establishment of the Boundaries

The application of the LPOD is for those geographical areas identified on ([Reserved Article 2 Map Page](#)). However, the geographical areas that are subject to the requirements of this section may change over time as properties are assembled or partially transferred. The requirements of this section apply to all parcels that are located within or intersect the LPOD at the time of building permit or administrative site plan application.

C. First Community Workshop Requirement

Prior to submitting an application for a building permit or administrative site plan that meets or exceeds the thresholds of 1.15.28 Site Plan (B)(3) on a parcel of land that is located entirely or partially within the LPOD, a community workshop shall be held. The purpose of this workshop will be to inform attendees about the development proposal and to generate discussion/feedback about the proposed development, including uses, building dimensions (height, bulk, etc.), and number of dwelling units or size of nonresidential uses, traffic

patterns, location of trash receptacles, and other pertinent information. After the community workshop, the developer may submit a building permit or administrative site plan application. The developer may, but is not required to incorporate comments or issues raised during the community workshop into the development plan(s). The time period between the community workshop and submittal of a building permit or administrative site plan application shall not exceed 365 calendar days.

Notice shall be mailed by the city at least 14 days prior to the date of the community workshop to each owner of record of any land within 500 feet of a parcel of land that is located entirely or partially within the LPOD for which a building permit or administrative site plan approval is sought and to the Laurel Park neighborhood association and to affected neighborhood associations or persons who have registered with the NDS Department to receive notice of LPOD applications. The notice of community workshop shall include at a minimum the following: the applicant's name and telephone number; the street address of the site with an identification map; a clear, factual explanation of what the applicant is proposing; and the date, time, and location of the community workshop. This notice requirement does not mean that all persons receiving the notice must attend the community workshop.

D. Notice of Filing for a Building Permit or Administrative Site Plan

Within five working days of building permit or administrative site plan application submittal which meets or exceeds the thresholds of subsection 1.15.28 Site Plan (B)(3) regarding a parcel of land located entirely or partially within the LPOD, the city shall send a notice of filing to owners of record of properties located within 500 feet of the subject property, to the Laurel Park neighborhood association, to affected neighborhood associations or persons who have registered with the NDS Department to receive notice, and to those who attended the community workshop. The notice of filing will be published on the city's website.

E. Second community workshop requirement

A second community workshop shall be held between 30 and 45 calendar days after the initial submittal of a building permit or administrative site plan application which meets or exceeds the thresholds of 1.15.28 Site Plan (B)(3) regarding a parcel of land located entirely or partially within the LPOD. The purpose of this workshop will be to inform attendees about the building permit or administrative site plan application that was submitted and to report the course of action, if any, in which the building permit or administrative site plan addressed issues or comments that were made at the first community workshop. NDS staff will present an analysis of how the building permit or administrative site plan application meets applicable city codes. The second community workshop shall be held prior to issuance of a building permit or administrative site plan decision. Notice of the second community workshop shall follow the same procedures identified in Section C of these regulations above.

F. Notice of issuance for a building permit or administrative site plan

Within five working days of a building permit issuance or administrative site plan approval which meets or exceeds the thresholds of subsection 1.15.28 Site Plan (B)(3) regarding a parcel of land located entirely or partially within the LPOD, the city shall send a notice of

issuance to owners of properties located within 500 feet of the subject property, to the Laurel Park neighborhood association, to affected neighborhood associations or persons who have registered with the NDS Department to receive notice of LPOD applications, and to those who attended either of the community workshops. The notice of issuance will be published on the city's website for a site plan that has been appealed.

G. Appeal of an administrative decision.

1. The following persons may appeal an administrative decision to approve or deny a building permit or a site plan that meets or exceeds the thresholds of subsection 1.15.28 Site Plan (B)(3) regarding a parcel of land located entirely or partially within the LPOD to the PB by filing a notice of appeal with the CAC within 20 working days of the decision:
 - a. The applicant, or an owner, resident or other occupant of real property located within 500 feet of the subject property; the owner's, resident's, or occupant's designated representative; or a neighborhood association having one or more of such owners, residents or occupants as members and which represents an area within 500 feet of the subject property.
2. The PB shall hold a de novo public hearing to consider the appeal and shall grant, grant with conditions, or deny the application for a building permit or site plan approval. The PB shall use and be guided by the criteria located in 1.15.28. G, standards for review, in evaluating a site plan that has been appealed.
3. In lieu of an appeal to the PB, an appeal of a technical matter regulated by the state building code shall be made to the Board of rules and appeals in accordance with chapter 11 of the Code of the City of Sarasota. Technical matter refers to laws and rules which pertain to and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and enforcement of such laws and rules as described in F.S. § 553.73, Florida Building Code. Subsection 11-10(a) of the Code of the City of Sarasota limits filing an appeal of a decision of the building official to a property owner or duly authorized agent of the property owner.

H. Appeal of Planning Board Decision

A person described in subsection 1.15.21 G above, may appeal a PB decision to approve or deny a building permit or a site plan which meets or exceeds the thresholds of subsection 1.15.28 Site Plan (B)(3) regarding a parcel of land located entirely or partially within the LPOD to the CC by filing a notice of appeal with the CAC within 20 working days of the decision. The CC shall hold a de novo public hearing to consider the appeal and shall grant, grant with conditions, or deny the application for a building permit or site plan approval. The CC shall use and be guided by the criteria located in 1.15.28.G standards for review, in evaluating a site plan that has been appealed.

I. Failure to Notify Not Cause for Invalidation

Failure to notify an owner of record of any land located within 500 feet of a parcel of land that is located entirely or partially within the LPOD for which a building permit or administrative site plan approval which meets or exceeds the thresholds of subsection

1.15.28 Site Plan (B)(3) is sought, the Laurel Park neighborhood association, or affected neighborhood associations or persons who have registered with the NDS Department to receive notice of LPOD applications, and those who attended either of the community workshops as provided in subsection 1.15.21 C-F above, shall not invalidate:

- a. A building permit or administrative site plan application, or
- b. A building permit issuance or administrative site plan approval.

1.15.22 PARKING AGREEMENTS

Note: General standards applicable to all parking. Will include additional language after completing Articles 3, 4 & 5 with uses, required number of spaces, and metrics.

A. Alternative Parking Ratios

1. The NDS Director after consultation with the City Engineer shall be authorized to approve alternative ratios for providing required off-street parking spaces in accordance with this section for the T4.1, T4.2, T5.1, T5.2, T6-10 and T6-18 Transect Zones and other non-residential districts or transects.
2. Where the applicant believes the required parking ratios of this section are too high, data submitted by the applicant may be used to determine a different or lesser ratio for specific proposed use. Such data may include site studies from similar uses, generally accepted engineering or industry specific practices (for example, ITE parking rates or ICSC parking rates), or independent engineering calculations based on the nature of the proposed use.
3. The NDS Director, in coordination with the City Engineer, shall evaluate such submittals to determine an acceptable ratio for the proposed use.
4. An attested copy of an approved alternative parking ratio must be recorded in the official records for Sarasota County on forms approved by the City Attorney. An alternative parking ratio may be amended by following the same procedure required for the original approval.
5. The applicant shall provide proof of recordation prior to approval of the certificate of occupancy.
6. An alternative parking plan may be amended by following the same procedure required for the original approval. The applicant shall provide proof of recordation prior to approval of the certificate occupancy.
7. Violations of an approved alternative parking plan constitute a violation of these zoning regulations and will be subject to the enforcement and penalty of article VIII, Enforcement proceedings and penalties.

B. Alternative Bicycle Parking Provision

1. Alternatively, the NDS Director may approve use of the following on-site bicycle parking if the applicant demonstrates the preferred options in Article 5 are not feasible:
2. A location that is visible from employee work areas.
3. Within view or within 100 feet of an attendant or security guard during hours of operation.
4. An area that is monitored by a security camera.

C. Valet Parking Alternative Parking Plan and Permit**RESERVED**

Valet parking may be used as a means of satisfying otherwise applicable off-street parking requirements where all of the following standards have been met.

1. Adequate assurance of the continued operation of the valet parking is provided, such as a contractual agreement for valet services.
2. An equivalent number of valet spaces are available to replace the required parking spaces. Such valet spaces do not require individual striping, and may take into account the tandem or mass parking of vehicles.
3. All valet parking storage areas shall meet location and access requirements of this section and the parking lot landscaping requirements of Article 5.
4. The valet parking spaces shall comply with EDCM drainage and construction standards.
5. All valet parking staging areas on private property shall be designed not to cause customers who do not use the valet service to park off-premises or cause queuing in the ROW.
6. All valet parking staging areas in the ROW are required to obtain a valet parking permit in accord with section 33-120 of the city Code.

D. Vacant Zoning Lot Parking Permit

1. The NDS Director may, where the provisions of this section have been met by the applicant, grant a permit to allow the use of a vacant zoning lot as a vehicular storage area.
2. Such area shall comply with all landscaping provisions of Articles 5, and 7 of the FBC. Such areas shall be permitted only in T4.2, T5.2, T6-10, and T6-18 Transects and other commercial and industrial zones. A vehicular storage area may be maintained and continued without dependence upon an existing use or structure, as required for off-street parking facilities.

E. Administrative Waiver to Allow Parking of Vehicles Outside a Delineated Driveway in DTN (meant for Gillespie/Park East will transfer into equivalent language).

The NDS Director shall be authorized to approve an administrative waiver to allow parking of vehicles on a lot outside of a delineated driveway when one of the following conditions exist:

1. On street parking is not allowed on the street(s) fronting the property; or
2. One or more individuals permanently residing on the property are physically handicapped and special circumstances relating to the configuration of the property, the terrain, landscaping or location of a structure on the property make parking in a driveway impractical; or
3. On street parking is not reasonably available within 500 feet of the front property line measured along street frontages.
4. The NDS Director shall grant the waiver if parking is not allowed on the street(s) fronting the property and if the vehicle displays a handicapped placard or license plate.
5. All other requests for an administrative waiver must be submitted in writing and must fully explain the justification for the waiver requested. If a waiver is approved, the NDS Director shall issue a placard or sticker to be displayed on the front dashboard of the

vehicle which shall contain the address of the property for which the waiver has been granted. The NDS Director shall maintain a list of the names and addresses of all persons to whom administrative waivers have been granted and shall provide same to the Chief of Police. The decision of the NDS Director to approve or to deny a request for a waiver shall be final and shall not be subject to appeal.

F. Shared Parking Agreements

The NDS Director after consultation with the City Engineer, shall be authorized to approve shared parking as an alternative for the provision of off-street parking spaces in accordance with this section for the T4.1, T4.2, T5.1, T5.2, T6-10 and T6-18 Transect Zones and other non-residential districts or transects.

1. Analysis

Those wishing to use shared parking as a means of satisfying off-street parking requirements must submit a shared parking analysis to the NDS Director that clearly demonstrates the feasibility of shared parking. The analysis must be provided in a form acceptable to the NDS Director. It must address at a minimum:

- a. The size and type of the proposed development.
- b. The composition of tenants.
- c. The anticipated rate of parking turnover.
- d. The anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.
- e. The applicant shall demonstrate to the satisfaction of the NDS Director that the type of use(s) indicates that the periods of usage will not overlap or be concurrent and that a reduction in the total number of required off-street parking spaces is justified.

2. Requirements for Shared Parking Agreements

- a. Shared parking may not be used to satisfy the off-street parking standards for residential uses. Required parking spaces reserved for persons with disabilities may not be located off-site.
- b. Shared parking spaces must be located on the same or adjacent zoning lot of the primary entrance of all uses served.
- c. Shared parking areas for uses located in a nonresidential district shall not be located in any residential district or in the T3R, T3.1, or T3.2 transect zones
- d. A shared parking plan shall be enforced through written agreement among all owners of record.

3. Contents of the Application and Agreement

The applicant shall submit documentation supporting the request for shared parking spaces that shall, at a minimum, include:

- a. The uses proposed to share parking and the number of parking spaces required for those uses by this article;
- b. The location and number of parking spaces that are being shared including a legal description of the property upon which the uses are located and upon which the shared parking spaces are located;
- c. An analysis showing that peak parking times of uses occur at different times and that parking area(s) will have a sufficient number of parking spaces to meet the minimum anticipated demands of all uses sharing the joint parking area(s); and

- d. If the shared parking spaces are located off-site then the applicant shall also demonstrate that a safe pedestrian route exists, or will be provided, for the safety of pedestrians traveling between the premises and the offsite parking facilities.
 - e. The approval by the NDS Director of the shared parking application shall be documented as a shared parking agreement between the city and the applicant(s) in a form acceptable to the City Attorney and which:
 - i. Provides access to the shared parking spaces for all uses identified;
 - ii. Requires the processing of an amendment to the parking agreement for any substitution of uses not identified;
 - iii. Requires the owner(s) to bear the expense of recording the parking agreement and agree that the parking agreement shall bind their heirs, successors and assigns; and
 - f. Recordation of the agreement must take place before issuance of a certificate of occupancy for any use to be served by the shared parking area. A shared parking agreement may be revoked only if all required off-street parking spaces will be provided on-site in accordance with the off-street parking schedules in this section.
 - g. Requires the termination of the parking agreement in the event of a violation of any of the following: a provision of this Code, any condition of a related development approval, or of any term or condition contained in the agreement, upon provision of reasonable notice to the property owner.
 - h. The written agreement shall be voided by the city if other off-street facilities are provided in accord with these zoning regulations. The NDS Director is hereby authorized to administratively approve and execute on behalf of the city shared parking agreements which are in compliance with this section.
4. Change in Use
- When the uses subject to a shared parking agreement change, the NDS Director shall have the authority to require a revised shared parking analysis. A new shared parking agreement is required when the revised shared parking analysis indicates additional parking is required.

G. Off-site Parking

The NDS Director after consultation with the City Engineer, shall be authorized to approve off-site parking as an alternative for the provision of off-street parking spaces in accordance with this section for the T4.1, T4.2, T5.1, T5.2, T6-10 and T6-18 Transect Zones and other non- residential districts or transects.

1. Prior to the NDS Director's sign-off on the agreement the City Engineer shall determine that a safe pedestrian route exists, or will be provided, for the safety of pedestrians traveling between the premises and the offsite parking facilities.
 2. Off-street parking spaces on a separate lot from the lot on which the principal use is located may be approved if the off-site parking demonstrates practical difficulties providing complies with the all of following standards:
 3. Ineligible activities
- Off-site parking may not be used to satisfy the off-street parking standards for convenience stores or other convenience-oriented uses. Required parking spaces reserved for persons with disabilities may not be located off-site.

4. Location
 - a. No off-site parking space may be located more than 600 feet from the primary entrance of the use served (measured along the shortest legal pedestrian route).
 - b. Off-site parking spaces may not be separated from the use served by an arterial street ROW (as designated in the comprehensive plan), unless a grade-separated pedestrian walkway is provided, or other traffic control or remote parking shuttle bus service is provided.
 - c. Off-site parking areas shall not be located in any T3R, T3.1, T3.2, T4R, T5R transect zone, or other residential district.
5. Agreement for Off-site Parking
 - a. In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement between the record owners and the City is required.
 - b. The owner of the off-site parking area shall enter into a written agreement with the city, with enforcement running to the city, providing that the land comprising the parking area shall never be disposed of except in conjunction with the sale of the building which the parking area serves so long as the facilities are required; and that the owner agrees to bear the expense of recording the agreement and such agreement shall bind his or her heirs, successors, and assigns.
 - c. An attested copy of the agreement between the owners of record must be submitted to the City Attorney for recordation in form established by the City Attorney.
 - d. Recordation of the agreement must take place prior to issuance of a building permit or certificate of occupancy for any use to be served by the off-site parking area. An off-site parking agreement may be revoked only if all required off-street parking spaces will be provided, in accordance with the off-street parking schedules in this section.
 - e. The NDS Director is hereby authorized to administratively approve and execute on behalf of the city off-site parking agreements which are in compliance with this section.
 - f. Signage. All off-site parking spaces shall be clearly marked for exclusive use of the use to be served.

H. Mechanized Parking Systems Approval for T5R, T6-10, T6-18 Transect Zones

Various mechanized parking systems, identified in Article 5 of this code may be approved by the NDS Director provided the applicant has demonstrated the viability and safety of the system. Mechanized parking systems shall not be subject to the minimum parking length and width dimensions in Article 5 but must comply with all other provisions of the FBC. All staging areas shall be designed not to cause residents or customers who do not use the parking lift to park off-premises or cause queuing in the ROW. Residential and nonresidential development may utilize mechanized parking for all required parking.

I. Payment in-lieu-of Fee option in T5.2, T6.10 and T6.18 Transect Zones

In-lieu-of option. If there is available excess parking capacity in a public garage that meets the off-site parking requirements, as determined by the City Manager, within a one-quarter

mile radius of a proposed project as measured in a straight line from the boundaries of the development site, a developer may request to pay into the city in-lieu-of parking trust fund a sum of money for each nonresidential parking space required by the T5.2, T6.10 or T6.18 transect zone district that is not provided by the development project on-site or off-site. This in-lieu-of option does not exempt the developer or users of the subject development from paying the established rate(s) for use of any public garage.

J. Computation of Cost to Provide Parking Space

1. The initial fee shall be set by ordinance for an amount per parking space with the rate adjusted annually beginning on October 1, 2011, and every October 1 thereafter that reflects the changes in the Consumer Price Index (CPI) or any other cost changes as determined by the CC.
 - a. Payment in-lieu-of parking funds. Payment in-lieu-of parking funds will be deposited into the City of Sarasota Payment In-Lieu-of Parking Trust Fund created pursuant to Ordinance 11-4959, as may be amended from time to time.
 - b. Time of payment. Payments made pursuant to this section shall be made prior to the issuance of a building permit for any portion or phase of a development project.

1.15.23 PROPORTIONATE FAIR SHARE AGREEMENT

A. General Requirements

1. An applicant may choose to satisfy the transportation LOS requirements of the City by making a proportionate fair-share contribution, pursuant to the following requirements:
 - a. The proposed development is consistent with the comprehensive plan and applicable LRDs.
 - b. The five-year schedule of capital improvements in the City CIP or the long-term schedule of capital improvements for an adopted long-term CMS includes a transportation improvement(s) that, upon completion, will satisfy the requirements of the City transportation CMS. The provisions of Section E (2) may apply if a project or projects needed to satisfy LOS are not presently contained within the local government CIP or an adopted long-term schedule of capital improvements.
2. The City may choose to allow an applicant to satisfy transportation LOS through the Proportionate Fair-Share Program by contributing to an improvement that, upon completion, will satisfy the requirements of the City transportation CMS, but is not contained in the five-year schedule of capital improvements in the CIP or a long-term schedule of capital improvements for an adopted long-term CMS, where the following apply:
 - a. The City adopts, by resolution or ordinance, a commitment to add the improvement to the five-year schedule of capital improvements in the CIP or long-term schedule of capital improvements for an adopted long-term CMS no later than the next regularly scheduled update. To qualify for consideration under this section, the proposed improvement must be reviewed by the appropriate City body], and determined to be financially feasible pursuant to §163.3180(16) (b) 1, F.S., consistent with the comprehensive plan, and in compliance with the provisions of this ordinance. Financial feasibility for this section means that additional

contributions, payments or funding sources are reasonably anticipated during a period not to exceed 10 years to fully mitigate impacts on the transportation facilities.

- b. If the funds allocated for the five-year schedule of capital improvements in the City CIP are insufficient to fully fund construction of a transportation improvement required by the CMS, the City may still enter into a binding proportionate fair-share agreement with the applicant authorizing construction of that amount of development on which the proportionate fair-share is calculated if the proportionate fair-share amount in such agreement is sufficient to pay for one or more improvements which will, in the opinion of the governmental entity or entities maintaining the transportation facilities, significantly benefit the impacted transportation system.

The improvement or improvements funded by the proportionate fair-share component must be adopted into the five-year capital improvements schedule 5 of the comprehensive plan or the long-term schedule of capital improvements for an adopted long-term LOS management system at the next annual capital improvements element update

- c. Any improvement project proposed to meet the developer's fair-share obligation must meet design standards of the City for locally maintained roadways and those of the FDOT for the state highway system.

B. Applicability

The Proportionate Fair-Share Program shall apply to all developments in the City of Sarasota that have been notified of a lack of capacity to satisfy transportation LOS on a transportation facility in the City, including transportation facilities maintained by FDOT or another jurisdiction that are relied upon for LOS determinations, pursuant to the requirements of Section E. The Proportionate Fair-Share Program does not apply to developments of regional impact (DRIs) using proportionate fair-share under §163.3180(12), F.S., or to developments exempted from LOS as provided in [reference appropriate sections in LOS ordinance, policies in comprehensive plan, and/or Chapter 163.3180, F.S., regarding exceptions and de minimis impacts].

C. Application Process

1. Upon notification of a lack of capacity to satisfy transportation LOS, the applicant shall also be notified in writing of the opportunity to satisfy transportation LOS through the Proportionate Fair-Share Program pursuant to the requirements of Section E.
2. Prior to submitting an application for a proportionate fair-share agreement, a preapplication meeting shall be held to discuss eligibility, application submittal requirements, potential mitigation options, and related issues. If the impacted facility is on the SIS, then the FDOT will be notified and invited to participate in the pre-application meeting.
3. Eligible applicants shall submit an application to the City that includes an application fee and the following:
 - a. Name, address and phone number of owner(s), developer and agent;
 - b. Property location, including parcel identification numbers;

- c. Legal description and survey of property;
 - d. Project description, including type, intensity and amount of development;
 - e. Phasing schedule, if applicable;
 - f. Description of requested proportionate fair-share mitigation method(s); and
 - g. Copy of LOS application.
4. The City shall review the application and certify that the application is sufficient and complete within [10 business days]. If an application is determined to be insufficient, incomplete or inconsistent with the general requirements of the Proportionate Fair-Share Program as indicated in Section E, then the applicant will be notified in writing of the reasons for such deficiencies within [10 business days] of submittal of the application. If such deficiencies are not remedied by the applicant within [30 days] of receipt of the written notification, then the application will be deemed abandoned. The CC may, in its discretion, grant an extension of time not to exceed [60 days] to cure such deficiencies, provided that the applicant has shown good cause for the extension and has taken reasonable steps to effect a cure.
 5. Pursuant to §163.3180(16) (e), F.S., proposed proportionate fair-share mitigation for development impacts to facilities on the SIS requires the LOS of the FDOT. The applicant shall submit evidence of an agreement between the applicant and the FDOT for inclusion in the proportionate fair-share agreement.
 6. When an application is deemed sufficient, complete, and eligible, the applicant shall be advised in writing and a proposed proportionate fair-share obligation and 8 binding agreement will be prepared by the City or the applicant with direction from the City and delivered to the appropriate parties for review, including a copy to the FDOT for any proposed proportionate fair-share mitigation on a SIS facility, no later than [60 days] from the date at which the applicant received the notification of a sufficient application and no fewer than [14 days] prior to the CC meeting when the agreement will be considered.
 7. The City shall notify the applicant regarding the date of the CC meeting when the agreement will be considered for final approval. No proportionate fair-share agreement will be effective until approved by the CC, or pursuant to staff approval for agreements below a certain dollar amount.

1.15.24 ROW Use Agreements & Encroachments

A. Purpose

The City owns many miles of ROW and strives to manage this asset efficiently and fairly. Therefore property owners must obtain approval to encroach on the public ROW for private uses such as landscaping, structures, tables and seating. The encroachment review process ensures the health and safety of the public and protects against damage to the streetscape, trees and vegetation, sidewalks and other public amenities. The City classifies encroachments minor or major.

B. Minor Encroachments

1. Minor encroachments are temporary items for private use on public ROW. Examples include outdoor dining tables, awnings and street vending carts. Requests for minor encroachments are reviewed and approved City staff.
2. Application & Process
 - a. The application for a Minor Encroachment Agreement shall be submitted to the NDS Department with the following:
 - i. Completed Application
 - ii. Boundary Survey
 - iii. Two sets of detailed engineered drawings. The drawing shall be scaled and consist of a plan view, cross sections and depict above ground obstacles in the ROW including: trees, mailboxes, signs, utility pool, water meter, sewer cleanout etc., and survey markers including all property corners.
 - iv. Application Fees
3. Execution of Agreement
 - a. An encroachment agreement to allow a minor encroachment shall be executed by the City Manager upon the recommendation of the City Engineer and the PW Director.

C. Major Encroachments

1. Major encroachments shall include all structures as defined in this zoning code (including portions of structures such as footers or arcades), except fences, flagpoles and signs which shall be considered minor encroachments. An encroachment agreement to allow a major encroachment shall be approved by the CC and executed by the mayor. Every encroachment agreement approved and executed shall contain provisions to the effect that:
 - a. The owner of the encroachment shall be solely responsible for the maintenance and repair of the encroachment.
 - b. The owner of the encroachment shall indemnify and hold the city harmless from any and all claims, liabilities, losses or damages on account of or in any way arising from the existence of the encroachment.
 - c. The ability to access public utilities, whether above or below ground, shall be ensured.
 - d. The owner of the encroachment shall be required to coordinate and to pay the cost of any utility relocation made necessary by the encroachment.
2. Application & Process
 - a. The application for a Major Encroachment Agreement shall be submitted through the CAC's Office and then sent to NDS.
3. Optional Provisions

Upon determination and discretion of the City Engineer the following may be required to be included in an encroachment agreement:

 - a. The owner of the encroachment may be required to obtain and maintain a policy (or policies) of liability insurance for injuries to persons or damage to property caused by or resulting from the presence of the encroachment with coverage limits

- acceptable to city and to name city as an additional insured in such policy or policies.
- b. The owner of the encroachment may be required to post a bond or obtain a letter of credit to the benefit of city as security to cover the cost of removing the encroachment from the public ROW.
 - c. In the event that the city shall determine that the public ROW occupied by the encroachment is needed for any purpose whatsoever, then the city shall have the sole and absolute right to terminate the encroachment agreement upon reasonable advance written notice to the other contracting party as specified in the agreement; and if the encroachment is not removed by the owner within the notice of termination period, then the city shall have the right to remove the encroachment and to invoice the owner for the cost of same.
 - d. In the event the encroachment or any portion thereof is voluntarily removed, then the encroachment may not be replaced unless a new encroachment agreement is approved and executed in accordance with this section.
 - e. If applicable, in the event that the building of which the encroachment is a part is voluntarily demolished then the encroachment may not be replaced unless a new encroachment agreement is approved and executed in accordance with this section.
 - f. In the event the encroachment or any portion thereof is involuntarily removed or destroyed by fire, storm or other calamity, then the encroachment may not be replaced unless a new encroachment agreement is approved and executed in accordance with this section.
 - g. In the case of non-structural supporting encroachments, a provision reserving the right to remove same in the event of an emergency without notice to the owner.
 - h. A provision which limits the duration or term of the agreement other than as provided above.
 - i. In addition to the matters enumerated above, an encroachment agreement may contain such other terms and conditions as may be recommended by the City Engineer or PW Director through the City Manager or by the City Attorney and in the case of a major encroachment, which are approved by the CC.

1.15.25 ROW/ Street Vacation

A. Purpose and Applicability

The purpose of this article is to establish a uniform procedure for the vacation of streets, ROW, easements, and other nonfee interests of the city and to provide the methods and procedures for processing the applications.

B. Application Requirements

All requests for vacation of streets, ROW and other nonfee interests shall be made in writing upon an application form furnished by the CAC and shall require the following information:

1. The name and address of the applicant;
2. A general description of the street, ROW, or other nonfee interest of the city which the applicant seeks to have vacated and the location of same. Where possible, a legal description by metes and bounds shall be provided, which shall be accompanied by a

map or drawing which also shows the general area involved and the location of the specific property interest to be abandoned;

3. The reason for the request for a vacation;
4. The names and addresses of the owners and occupants of real property abutting the street, ROW, or other nonfee interest of the city which the applicant seeks to have abandoned;
5. The name and address of all public or private utility companies that may be involved or concerned with the vacation; and
6. Such other relevant information as the city may require, including, but not limited to, evidence that a community workshop has been properly noticed and conducted pursuant to division 2 of this article.

C. Staff Review and Report

The NDS Department shall review the vacation application and the comments of all members of the DRC, and shall prepare a written staff analysis of the issues raised by the application.

D. Planning Board Review

The PB shall hold a PH and shall recommend approval with or without conditions or denial to the CC. Such conditions may include conditions precedent to the effective date of the street vacation.

E. City Commission Review

The CC shall consider the aforesaid reports and recommendations on applications for vacation, and shall, after PH, approve, approve with conditions or deny the application. Such conditions may include conditions precedent to the effective date of the street vacation.

F. Standards for Review

When considering an application for approval of a vacation, the DRC, the PB and the CC shall consider:

1. The benefit to the general public of the existing street, ROW, easement or nonfee interest;
2. The rearrangement of streets, ROW, easements or nonfee interests which will be required to secure a regular and harmonious system for traffic circulation if the vacation is granted;
3. Whether the street, ROW, easement or nonfee interest has been improved, and the extent to which it is currently, or in the future will be, utilized by the general public;
4. Whether the vacation is proposed in conjunction with an application for development approval for adjacent property; and
5. Whether the proposed vacation is in the public interest.

G. Changes to Vacations

A vacation ordinance may be amended by adoption of a subsequent ordinance upon submission of a written application, provided the notice and PH requirements of Appendix C

of these regulations are followed. The application shall address the necessity for the amendment and demonstrate compliance with the standards for review in 1.15.29(F) ROW Street Vacation, and shall demonstrate the amendment is warranted under the circumstances.

H. Expiration or Revocation of Approval

A vacation shall have no expiration date, unless otherwise specified in the approval.

I. Arcades Prohibited

No application for the vacation of all or a portion of a public street or ROW shall be considered or approved if the purpose of such application is to allow the construction of an arcade (as said term is defined in this Zoning Code) on the vacated public street or ROW.

1.15.26 Sidewalk Café Permits

A. Purpose

A sidewalk café permit allows an establishment to utilize the applicable city ROW for the operation of a sidewalk café. The sidewalk café permit is issued pursuant to an administrative review process conducted by the City Engineer. No person shall operate a sidewalk café within the public ROW without first obtaining a sidewalk café permit from the City Engineer.

B. Application Process

An application for a sidewalk café permit shall be submitted to the CAC on a form provided by the City Engineer. The application shall be accompanied by the correct fee as specified in the resolution establishing a fee schedule for processing of petitions for development approval, a copy of which shall be available in the offices of the CAD and the City Engineer. The specific provisions of the application and renewal processes and requirements are listed in §32-22 of the City of Sarasota Code of Ordinances.

1.15.27 Sign Master Plan

A. Purpose

The Sign Master Plan (SMP) is a voluntary process by which a property owner may request special approval for signage on their property. The SMP is typically requested when unusual or unique signage is proposed or when large commercial centers, campuses or airports desire additional ground signage.

B. Requirements

To qualify for a SMP a site must:

- a. Substantially improve sign comprehension and increase compatibility by theme, visual quality, and overall character of the surrounding area compared to current sign regulations in Article 5.
- b. Only encompass signs on private property of the zoning lot in question, and shall not approve any signs in the ROW of public property.

- c. Stay in scale with the development and the relationship between building setback and sign location.
- d. Remove or bring existing signs into conformance with the standards of the approved SMP.
- e. A SMP must not:
 1. Present a hazard to vehicular or pedestrian traffic on public or private property.
 2. Obstruct views at points of ingress and egress of adjoining properties.
 3. Obstruct or impede the visibility of existing lawful signs on adjacent property.
 4. Add to street clutter or otherwise detract from the planned unit nature of the development and the purposes of architectural and urban design elements.
 5. Include prohibited signs and sign elements as stated in Article 5.

C. Submittal Requirements

1. SMP requests must be submitted to the CAC's Office and sent to the NDS Director for review consideration.
2. All land owners included in the SMP must submit:
 - a. A letter signed by all the property owners in the SMP area agreeing to the terms of the plan and stating that they and their successors will abide by the plan.
 - b. Full sign details including but not limited to: SMP area boundaries, location of all proposed and existing signage, intended traffic circulation, need for way-finding, hierarchy of signs, relationship between site and adjacent uses, materials and colors of signs, illumination methods and a table showing the square footage and heights of all signs.
 - c. The application fee established by the City fee Ordinance.
3. The NDS Director may approve, approve with conditions, or deny the SMP within sixty (60) days of the date of the application. Once approved, the applicant must record the SMP in the Sarasota County Clerk of Courts. The department shall not issue permits unless applicant provides proof of recordation.

1.15.28 Site Plan

A. Purpose and Applicability

1. The purpose of site plan review is to ensure that development is carried out in compliance with these regulations. In addition, a site plan describing and portraying both existing and proposed conditions of the zoning lot(s) and development is required in order that the approving authority can make an informed decision.
2. Site plan approval is required prior to the issuance of a building permit for any buildings other than single-family and two-family dwellings.

B. Site Plan Requirements

1. A Site Plan Sheet containing the information required in the NDS Building Permit Submittal Checklist including but not limited to Zoning Data Block information shall be submitted with the Building Permit application materials.
2. The NDS Director may make a determination that requires that the applicant for a building permit submits an Administrative Site Plan if additional materials or needed for

- staff review prior to building permit review.
3. NDS Department is authorized to review and approve or deny the following site plan applications:
 - a. New commercial developments that cumulatively result in:
 - i. Less than 30,000 square feet of gross floor area if adjacent transect zones are equal to or sequential transect zone (s). For example if the subject property is a T5 Transect Zone District and the adjacent Transect is T4 the site plan would be sequential. If the subject parcel is T5 and the adjacent Transect Zone is T3 then it is non-sequential and requires review and approval by the PB.
 - ii. Less than 5,000 square feet of gross floor area if an allowed use whether or not the property is adjacent to a non-sequential transect zone.
 - b. Additions to commercial developments that cumulatively result in:
 - i. Less than 5,000 square feet of gross floor area if adjacent to an equivalent or sequential transect zone and the addition does not result in the building being larger than 10,000 square feet of gross floor area.
 - ii. Less than 5,000 square feet of gross floor area if the addition does not result in the building being larger than 5,000 square feet of gross floor area.
 - c. Notwithstanding the provisions of 1.15.28 above, one addition to a commercial development totaling 25% or less of total square footage may be administratively approved once each five calendar years.
 4. All other applications for site plan approval, including proffered land use atlas amendments, conditional use, non-sequential site plans and urban village, shall be reviewed and approved or denied by the PB.
 - a. If the application requires a conditional use approval, the site plan shall be reviewed and approved or denied in accordance concurrent with the conditional use application. The approval or denial shall be based on the criteria set forth in section 1.15.13. Conditional Uses.
 - b. For all site plans proffered as part of a land use atlas amendment, the site plan shall be reviewed and approved or denied concurrent with the land use atlas amendment application. The approval or denial shall be based on the criteria set forth in both the land use atlas amendment and site plan standards for review.

C. Application Requirements

1. An application for site plan approval shall be accompanied by the information and documentation required by administrative regulations on file with the CAC and consistent with the adopted NDS application forms.
2. Prior to the final consideration of a site plan application, the City Manager may issue written technical deviations from the EDCM. Such deviations must be based upon review of a detailed study prepared by a professional engineer which demonstrates why the technical deviations will result in preferable environmental or design impacts.

D. Staff Review and Report

1. Administrative Site Plans
The NDS Department shall review the proposed site plan. As part of their review, the NDS Department may seek review comments and recommendations from the DRC, as

appropriate. The NDS Department shall determine if the proposed site plan satisfies the site plan approval criteria and shall grant, grant with conditions, or deny the application for site plan approval, subject to appeal under to the PB.

2. Planning Board Site Plans (Proffered Land Use Atlas Amendments, Conditional Use, Non-Sequential Site plans and Urban village)

After an application is determined sufficient, the DRC shall review the application for development approval, the comments of all members of the DRC and may provide comments as to whether and to what extent the site plan application complies. The NDS Department shall review the application for site plan approval and the comments of all members of the DRC, and shall prepare a written staff analysis of the issues raised by the application.

E. Planning Board Review

1. If an appeal by an aggrieved person of a decision of the NDS Director relating to a site plan is filed with the CAC within ten days of the Department's decision, the PB shall hold a PH to consider the appeal and grant, grant with conditions or deny the application. The decision of the Board is final.
2. Other Site Plans -Site Plans except those identified in section 3 below.
The PB shall hold a PH to review the site plan application and the written staff analysis and shall determine whether the proposed development meets the site plan approval standards and grant, grant with conditions or deny the application for site plan approval, subject to appeal to the CC.
3. Site plans submitted in relation to land use atlas amendment, Major Conditional Use application or Urban Village. The PB shall hold a PH on the application for site plan approval submitted and recommend to the CC the approval, approval with conditions or denial of the site plan application.

F. City Commission Reviewed Site Plans

1. If an appeal by an aggrieved person of a decision of the PB relating to a site plan described in this subparagraph is filed with the CAC within ten days of the Board's decision, the CAC shall schedule the appeal before the CC by placing the item on their agenda. The request to hear the appeal must be approved by a super majority vote. If the appeal is allowed, the CAC will schedule the hearing and the commission shall consider the appeal and grant, grant with conditions or deny the site plan request.
2. Site plans proffered as part of a land use atlas amendment application, site plans submitted with a Major Conditional Use Application, site plans associated with appeals of Minor Conditional Uses or site plans for proposed development located in a governmentally owned property.
3. The CC shall, in accordance with the provisions of adopted hearing and notice requirements on file with the CAC, review the proposed site plan, the written staff analysis and the recommendation of the PB, and shall approve, approve with conditions or deny all applications for site plan approval described in this subparagraph after a PH.

G. Standards for Review

The NDS Department, PB and CC shall use and be guided by the following criteria in the

exercise of their discretion when evaluating a site plan submission:

1. Whether the proposed development, design and layout are in keeping with the intent and specific standards and criteria prescribed in pertinent sections of the LDRs;
2. Whether, on balance, the proposed development, design and layout are compatible with the Sarasota City Plan, as amended;
3. Whether the required information has been furnished in sufficiently complete and understandable form to allow an accurate description of the proposed use(s) and structure(s) in terms of density, location, area, height, bulk, placement, setbacks, architectural design, performance characteristics, parking, and traffic circulation;
4. Whether there are ways in which the configuration of the development (e.g. location of use(s); intensity; density; scale; building size, mass, bulk, height and orientation; lot coverage; lot size/configuration; architecture; screening; buffers; setbacks; signage; lighting; traffic circulation patterns; loading area locations; operating hours; noise; odor; and other factors of compatibility) can be changed which would mitigate or improve the effect of the development on adjoining and nearby properties and on the community.
5. Whether the proposed development, design and layout has made adequate provisions for vehicular and pedestrian access, safety, and traffic circulation (both internal and external to the project), in addition to the requirements pertaining to 1.15.20 LOS certificates;
6. Whether the proposed development, design and layout has made adequate provision for parking and loading and unloading areas; and
7. Whether the proposed development, design and layout has preserved the natural features and characteristics of the land; including but not limited to the regard given to existing large trees, natural groves, watercourses, and similar natural features that would add attractiveness to the property and environs if they were preserved, natural drainage systems, natural buffering, and the use of other techniques for the preservation and enhancement of the physical environment.
8. The CC shall have sole discretion in determining whether the development standards proposed in association with any site plan for an attainable housing project located on governmentally owned property or density bonus are consistent with the Sarasota City Plan, will be beneficial to and compatible with surrounding uses, and shall make such findings as a part of any site plan approval. However, attainable housing projects and density bonus housing types may not be located in existing parks.

H. Effect of Decision

Approval of a site plan shall authorize the applicant to apply for the issuance of a building permit.

I. Changes to Site Plans

1. Minor revisions to site plan

The NDS Director is authorized to allow minor revisions to an approved site plan requiring PB or CC approval after receipt of comments from the DRC and to authorize the issuance of a building permit for construction in accordance with the revised site plan. A minor revision is one which:

- a. Does not substantially alter the location of any points of access to the site;

- b. Does not change the use of the property;
 - c. Does not increase the density or intensity of the development to occur on the property;
 - d. Does not result in a reduction or change of previously approved open space, setback, building location, or landscaping by more than ten percent;
 - e. Is consistent with the general intent and purpose of these regulations and does not have any effect whatsoever on the initial determination of consistency of the site plan with the Sarasota City Plan, and will not affect or alter any finding or conclusion of compatibility;
 - f. Does not result in a material modification or the cancellation of any condition placed upon the site plan as originally approved;
 - g. Does not substantially change the internal or external traffic pattern;
 - h. Does not add additional property to the site;
 - i. Does not increase the impervious area of the site by more than ten percent; or
 - j. Does not increase the height of the building(s) including rooftop appurtenances.
 - k. In addition to criteria (a. through e.), does not increase the floor area by more than 500 square feet for any individual dwelling unit, inclusive of any accessory structure, in any attainable housing project located in a governmentally owned property.
2. Major revisions to site plans
If the requested modification to an approved site plan is determined by the NDS Director to be a major revision, the request shall be processed in the same manner as the original approval.

J. Expiration of Approval

1. Expiration. Site plan approval shall expire two years after the date of the action granting such approval if a building permit for construction on the site has not yet been issued. When an approved site plan incorporates approved conditional uses, such conditional uses will also expire upon the expiration of the site plan.
2. Extension. Upon application submitted to the CAC at least 30 calendar days prior to the expiration of the site plan approval, and after receiving the recommendation of the NDS Director, the City Manager may grant a one-time extension of the site plan approval for up to two additional years. No additional extensions are permitted. The application for the extension of the site plan shall demonstrate compliance with approval criteria a-c below.
 - a. The application contains evidence satisfactory to the City Manager that the applicant has made reasonable efforts to develop the documents needed to make an application for a building permit and has taken reasonable steps to secure any other development approvals that may be needed from other permitting authorities to allow for the submission of a building permit application; or
 - b. The application contains evidence satisfactory to the City Manager establishing that the applicant has, since the date of the site plan approval, made significant and substantial expenditures or incurred significant and substantial obligations in reliance on the approval and in furthering and proceeding with the development, or
 - c. The delay in proceeding with the commencement of the development resulted from "force majeure" or "Act of God" and not acts or omissions of the applicant.

The burden of proof is on the applicant to show that the evidence is satisfactory and no guarantee is made for approval of the extension.

3. Appeal. The denial by the City Manager of an application to extend the site plan approval may be appealed to the CC by filing the appeal with the CAC no later than ten calendar days after the City Manager's written decision. The application shall include the grounds for the appeal.
4. Exception. This section shall not apply to a site plan approval which is subject to or governed by an enforceable development agreement pursuant to state statute and section 1.15.15 of this FBC code.

1.15.29 Subdivision

A. Purpose

The purpose of this section is to establish procedures and standards for subdividing land, and reviewing and approving subdivision plats.

B. General Requirements

Three types of subdivision approvals are regulated in this section: minor subdivision, major subdivision, and lot split.

1. Minor subdivision shall mean any residential subdivision of land creating 3 to 10 lots or parcels of land and does not include any type of non-residential subdivision. Minor subdivisions shall meet the following requirements:
 - a. The parent parcel must front on an existing public street or private street;
 - b. The division must not result in the establishment of a new street;
 - c. The division must not require extension of any public facility mains within the ROW;
 - d. The division must not require any new general public improvements involving the review or approval of construction drawings, as determined by NDS, excluding individual lot service connections;
 - e. The proposal must comply with the provisions of the Comprehensive Plan, FBC, Building Code or other officially adopted plans, policies or regulations.
2. Major subdivision shall mean any subdivision of land creating 11 or more residential lots or parcels of land; or any non-residential subdivision; or any time the division of land results in the establishment of a new street, whether public or private.
3. Lot split shall mean any subdivision, dividing or splitting of unplatted land for no more than two lots, all of which are buildable per the current zoning of the proposed parcel(s) and consistent with the FBC and Comprehensive Plan and which meets the following 3 requirements:
 - a. The division does not involve the establishment of a new street;
 - b. The division does not involve the extension of any public facility mains within the ROW and creation of any new general public improvements involving the review or approval of construction drawings, as determined by the NDS Director in consultation with the PW Director;
 - c. The division complies with the provisions of the Comprehensive Plan, FBC, and Building Code.

- i. Each new lot shall be a legal conforming lot of sufficient size to meet zoning requirements.
 - ii. The parent parcel shall front on an existing public street or private street. Creation of a new public or private street shall require a Major Subdivision.
- 4. The general processing of the subdivision plat application consists of:

Stage	Minor Subdivision	Major Subdivision	Lot Split
Pre-Application Conference	Required	Required	Not Required
Preliminary Plat	Not Required	Required	Not Required
Construction Plans	Not Required	Required	Not Required
Final Plat	Required	Required	Not Required
Review Body	PB	PB/CC	NDS

C. Application Submission and Determination of Completeness

- 1. All applications for approval of a plat for a subdivision shall be submitted to the NDS Director in accordance with the provisions of the Approved Development Application Checklist. No application shall be deemed to be complete and therefore officially filed, unless and until, all information and materials required by these Regulations have been submitted.
- 2. Preliminary Plat, Construction Plans, Final Plat and Lot Split applications and permits shall be subject to determination of completeness by the NDS Director.

1.15.30 Urban Village (Reserved Article 2)

1.15.31 Variance (TBD)

1.15.32 Zoning Text Amendments

A. Purpose and Applicability

The CC may amend these regulations if it in the public interest and serves as a public purpose. Zoning Text Amendments (ZTAs) may be initiated by the CC, any Board of the City, City Manager, City Attorney, or the NDS Department. All applications for ZTAs shall be submitted to the CAC. The CC shall have the authority to waive any one or all of the following requirements for a ZTA when, in the judgment of a majority of the commissioners:

- 1. Filing of a formal application for a ZTA;
- 2. Submission of the proposed amendment to the DRC for comments; and

3. The preparation of a written staff analysis of the application setting forth the goals and objectives of the Sarasota City Plan affected by the proposed amendments.

B. Staff Review and Recommendations

The NDS Department shall review the ZTA application and all DRC member comments and prepare a written staff analysis of the issues raised by the application, setting forth the goals and objectives of the Sarasota City Plan affected by the proposed amendment.

C. Planning Board Review

The PB shall conduct a PH to review the proposed ZTAs and shall consider the written staff analysis and the testimony at the PH to make a recommendation upon the proposed amendment in regard to whether the ZTA will satisfy the standards set forth in section 1.15.32(E), if the amendment is consistent with Sarasota City Plan. The Board may include its recommendation and reason for any modifications or conditions to the amendment.

D. City Commission Review

The CC shall, in accordance with the provisions of 1.15.32, review the proposed amendment, the written staff analysis and the recommendation of the PB, and shall approve, approve with conditions or deny the amendment after a PH(s).

E. Standards for Review

In reviewing an application for a text amendment, the PB and CC shall consider whether the proposed amendment:

1. Is consistent with and furthers the goals, objectives and action strategies of the comprehensive plan;
2. Furthers the purposes of these regulations and other city ordinances, regulations and actions designed to implement the Sarasota City Plan; and
3. Would be in the public interest and serve a valid public purpose.