

ORDINANCE NO. 22-5414

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA AMENDING THE ZONING CODE (2002 EDITION), ARTICLE II, DEFINITIONS AND RULES OF CONSTRUCTION, DIVISION 2, DEFINITIONS, SECTION II-201, DEFINITIONS, TO ADD AND MODIFY CERTAIN DEFINITIONS; AS WELL AS ARTICLE IV, DEVELOPMENT REVIEW PROCEDURES, DIVISION 5, SITE PLAN, SECTION IV-508, CHANGES TO SITE PLANS, AND DIVISION 9, CONDITIONAL USES, SECTION IV-909, CHANGES TO CONDITIONAL USES, TO MODIFY ADMINISTRATIVELY APPROVED MINOR MODIFICATIONS, AND DIVISION 19, SITE PLANS, ADMINISTRATIVE INTERPRETATIONS AND ADJUSTMENTS FOR DOWNTOWN ZONE DISTRICTS, SECTION IV-1901, SITE PLANS, TO PROVIDE FOR CHANGES TO ADMINISTRATIVE SITE PLANS; AS WELL AS ARTICLE VI, ZONE DISTRICTS, DIVISION 1, GENERAL, SECTION VI-102, ZONE DISTRICT MAP, AND GENERAL REGULATIONS, TO REMOVE LANGUAGE WHICH ALLOWS A ZONING LOT TO BE ACCESSED THROUGH A PRIVATE DRIVEWAY EASEMENT, AND DIVISION 2, SINGLE-FAMILY ZONE DISTRICTS, SECTION VI-203, RESIDENTIAL USE DEVELOPMENT STANDARDS, TO MODIFY CERTAIN FRONT FAÇADE MEASUREMENTS, AND DIVISION 9, SPECIAL PUBLIC INTEREST OVERLAY DISTRICTS, SECTION VI-910, NORTH TRAIL OVERLAY DISTRICT, TO ADD A 42ND STREET PARCEL TO THE DISTRICT, TO AMEND SOME DISTRICT REGULATIONS, AND TO DELETE THE DISTRICT SUNSET DATE, AND DIVISION 10, DOWNTOWN ZONE DISTRICTS, TABLE VI-1001, PRIMARY USES ALLOWED IN THE DOWNTOWN ZONE DISTRICTS, SO AS TO EXCLUDE PRIMARY STREET STANDARDS FOR PUBLICLY ACCESSIBLE PLAZAS, SQUARES AND PLAYGROUND USES; AS WELL AS ARTICLE VII REGULATIONS OF GENERAL APPLICABILITY, DIVISION 2, OFF-STREET PARKING AND LOADING, SECTION VII-209, DIMENSIONAL STANDARDS, TO AMEND THE MINIMUM PARKING DIMENSIONS, AND DIVISION 6, ADDITIONAL USE AND DEVELOPMENT STANDARDS, SECTION VII-602, SPECIFIC STANDARDS FOR CERTAIN USES, SUBSECTION (f), ACCESSORY OUTDOOR RESTAURANTS, TO FACILITATE OUTDOOR SEATING AREAS FOR RESTAURANTS; PROVIDING FOR SEVERABILITY OF THE PARTS HEREOF; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 02-4357, which adopted a new Zoning Code for the City of Sarasota [hereinafter the Zoning Code (2002 edition)] was adopted by the City Commission on April 29, 2002; and

WHEREAS, Briana Dobbs, Sr. Planner, pursuant to instructions from the City Manager, filed Zoning Text Amendment 22-ZTA-06 as a Batch ZTA to encompass a range of issues requiring modification within the Zoning Code (2002 edition); and

WHEREAS, the Planning Board, acting in its capacity as the Local Planning Agency for the City of Sarasota, held a duly noticed public hearing on March 9, 2022 in accordance with Article IV, Division 12, of the Zoning Code (2002 edition) to review the proposed Zoning Text Amendments contained herein and made its recommendation to the City Commission as to which of such amendments satisfy the standards for review set forth in Section IV-1206, Zoning Code (2002 edition); and

WHEREAS, the City Commission hereby finds that based upon the foregoing recitals, it is in the best interest of the citizens of the City of Sarasota to amend the Zoning Code (2002 edition) as requested by the portion of Zoning Text Amendment Application No. 22-ZTA-06 contained in this Ordinance No. 22-5414; and

WHEREAS, the City Commission held a duly noticed public hearing on April 18, 2022 to receive public comment, has considered the recommendations of the Planning Board and Planning staff and has found and determined that the adoption of the proposed amendments to the Zoning Code (2002 edition) as set forth herein would promote the public health, safety and welfare and the redevelopment of the City and would thus serve a valid public purpose.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF SARASOTA, FLORIDA:

Section 1. Findings of Fact: The City Commission hereby finds that the recitations contained in the preamble to this Ordinance as set forth above are true and correct and adopts said recitations as findings of fact.

Section 2. Adoption of Text Amendments: The following provisions within the Zoning Code (2002 edition) included within Application No. 22-ZTA-06 are hereby amended:

- Items 1, 2 and 8

Article II, Definitions and Rules of Construction, Division 2, Definitions, Section II-201, Definitions, to add and modify certain definitions and Article VI, Zone Districts, Division 5, Commercial Zone Districts, Section VI-503, Development Standards, Subsection (l)(4) regarding height;

- Item 3

Article VI, Zone Districts, Division 2, Single-Family Zone Districts, Section VI-203, Residential use development standards, to modify certain front façade measurements;

- Item 4

Article VI, Zone Districts, Division 1, General, Section VI-102, Zone district map, and general regulations, to remove language which allows a zoning lot to be accessed through a private driveway easement;

- Item 5

Article VI, Zone Districts, Division 9, Special Public Interest Overlay Districts, Section VI-910, North Trail overlay district, to add a 42nd Street parcel to the District, to amend some District regulations, and to delete the District sunset date;

- Item 6

Article VII, Regulations of General Applicability, Division 2, Off-Street Parking and Loading, Section VII-209, Dimensional standards, to amend the minimum parking dimensions;

- Item 7

Article VI, Zone Districts, Division 10, Downtown Zone Districts, Table VI-1001, Primary Uses Allowed in the Downtown Zone Districts, so as to exclude primary street standards for publicly accessible plazas, squares and playground uses;

- Item 8

Article VII, Regulations of General Applicability, Division 6, Additional Use and Development Standards, Section VII-602, Specific standards for certain uses, Subsection (f), Accessory outdoor restaurants to facilitate outdoor seating areas for restaurants;

- Item 9

Article IV, Development Review Procedures, Division 5, Site Plan, Section IV-508, Changes to site plans, to modify administratively approved minor modifications;

- Item 10

Article IV, Development Review Procedures, Division 19, Site Plans, Administrative Interpretations and Adjustments for Downtown Zone Districts, Section IV-1901, Site plans, to provide for changes to administrative site plans; and

- Item 11

Article IV, Development Review Procedures, Division 9, Conditional Uses, Section IV-909, Changes to conditional uses, to modify administratively approved minor modifications.


The City Commission hereby adopts the above-described amendments to the text of the Zoning Code (2002 edition) which are more fully set forth in Exhibit A, a copy of which is attached hereto and incorporated by reference herein. Exhibit A contains the portions of the above-referenced Zoning Code sections in which the proposed amendments would be codified with modifications shown in “black line” format by which deletions from existing texts are shown by ~~strike through~~ and additions to existing text are shown by underline.


Section 3. Severability: It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance be deemed severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance is declared unconstitutional or otherwise invalid by the valid judgment of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance.

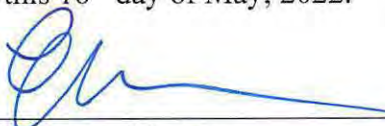
Section 4. Effective Date: This Ordinance shall take effect immediately upon second reading.

PASSED on first reading by title only, after posting on the bulletin board at City Hall for at least three (3) days prior to first reading, as authorized by Article IV, Section 2, Charter of the City of Sarasota, Florida this 18th day of April, 2022.

PASSED on second reading and finally adopted this 16th day of May, 2022.

ATTEST:

Shayla Griggs
City Auditor and Clerk




Erik Arroyo, Mayor

Yes Mayor Erik Arroyo
Yes Vice Mayor Kyle Scott Battie
Yes Commissioner Jen Ahearn-Koch
Yes Commissioner Liz Alpert
Yes Commissioner Hagen Brody

tammy's files/ordinances/2022/22-5414 – Batch ZTA 1 (5/18/22)

1. NEW DEFINITIONS

Article II – DEFINITIONS AND RULES OF CONSTRUCTION

DIVISION 2. – DEFINITIONS

Sec. II-201. – Definitions.

Bay Window: A window, or series of windows, formed as an exterior structure that projects outward from an exterior wall. It is comprised of a window or series of windows that project out beyond an exterior wall.

Medical Center: A large-scale health facility that contains multiple medical offices and therefore provides for a diverse array of medical care. Sometimes surgical and overnight care is associated with a medical center, but this is not a requirement.

Habitable floor: The area of a building that contains space for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

Habitable space ~~(for downtown zone districts):~~ Building space whose use involves human presence with direct view of the streets or open space, excluding parking garages and display windows separated from retail activity.

(1) CGD

Article VI – ZONE DISTRICTS

DIVISION 5. – COMMERCIAL ZONE DISTRICTS

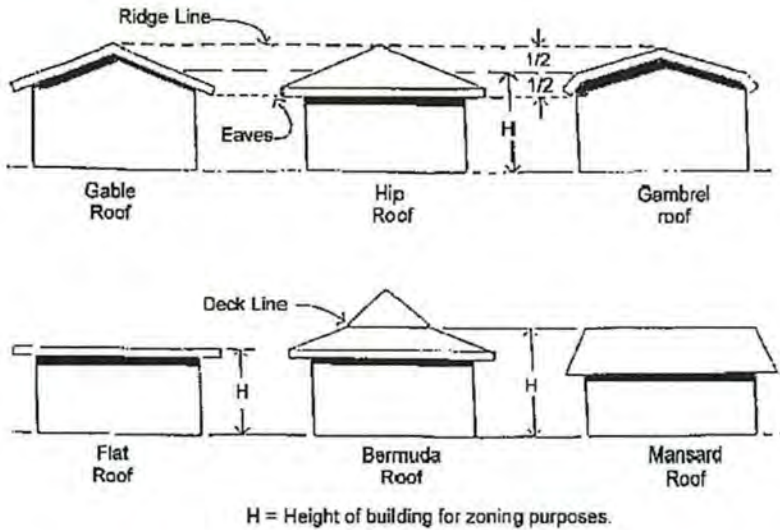
Sec. VI-503. – Development standards.

- (4) *CGD height bonus.* The maximum height may be increased to 65 feet provided the additional height over 45 feet is used exclusively ~~for as~~ habitable ~~space floors~~ in residential or hotel/motel accommodation uses.
- a. *Compliance with the standards.* Variances to any of the development base zone or any overlay district are prohibited for any structure that receives the height bonus. It is the responsibility of the applicant to document that all of the bonus requirements are met.
 - b. *Covenants.* The applicant must sign a covenant that ensures the additional height will continue to be used exclusively for residential or hotel/motel accommodation uses for the life of the development. The city attorney must approve the covenant as to form. The covenant must be recorded prior to issuance of the first building permit for the project.
 - c. *Hotel/motel accommodations.* When the CGD height bonus is exclusively used for hotel or motel uses, the applicant shall contribute to the City's Affordable Housing Trust Fund. The amount of the contribution shall be \$5,000.00 for each foot of building height or fraction thereof that exceeds 45 feet and \$10,000.00 for each foot of building height or fraction thereof that exceeds 65 feet.

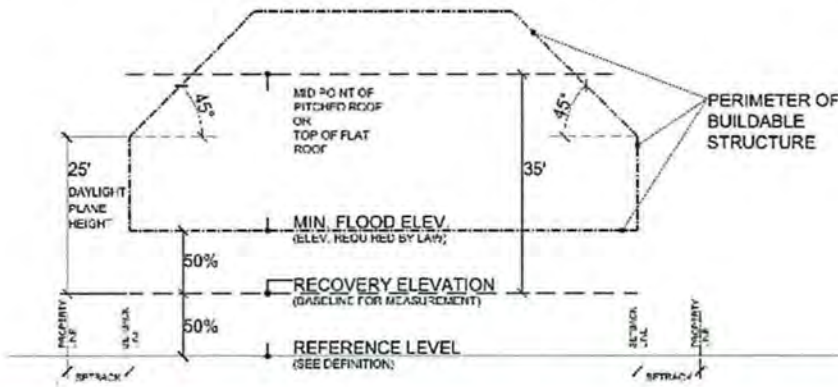
Height related definitions:

- (1) *Height; buildings other than single-family dwellings:* The vertical distance above finished grade to the highest point of a flat roof, to the deck of a mansard roof or to the average height between the plate and the ridge of gable or hip roofs, not including chimneys, antennas, elevator shafts, mechanical rooms, or other non-habitable areas. Unless otherwise specified in this Code, where minimum floor elevations in flood prone areas have been established by law,

which exceed the minimum point of measurement established by this Code, the building height shall be measured from such required minimum floor elevation. If the structure is dry floodproofed, the building height shall be measured from finished grade. See also: VI-102(p).



(2) *Reference level (height; single-family dwellings):* The elevation on a property to begin measurements for determining the overall allowable height of a single-family structure shall be the average elevation of all abutting properties at finished grade of existing structures or buildable areas of a vacant lot. The director of **neighborhood and development services** may accept an alternative method for calculating the elevation of abutting properties upon submission by a surveyor of an affidavit stating that access upon abutting property was denied and the alternative methodology used to determine the elevation is a standard accepted in their his/her profession.



(3) Recovery Elevation: The midpoint elevation between the reference level and the minimum flood elevation required by law.

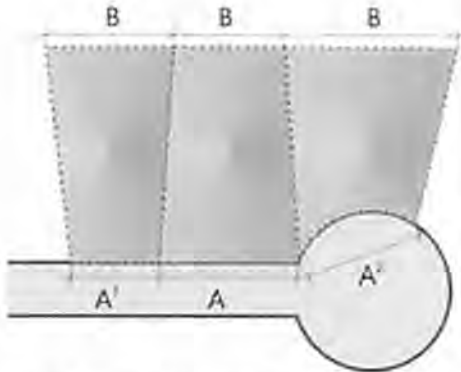
Wet Bar: A small counterspace typically used for serving beverages that includes a small sink with running water and may include an under-counter refrigerator and/or dishwasher.

2. ZONING LOT WIDTH

Article II – DEFINITIONS AND RULES OF CONSTRUCTION

DIVISION 2. – DEFINITIONS

Sec. II-201. – Definitions.



Lot width = average of A and B
¹Minimum 80% of required lot width
²Minimum 60% of required lot width
or 60 feet, whichever is smaller.

Zoning lot width: The average distance between straight lines connecting the front and rear zoning lot lines at each side of the zoning lot, measured as straight lines between the foremost points of the side zoning lot lines in front, where they intersect with the street line, and the rearmost points of the side zoning lot lines in the rear; provided that the width between the side zoning lot lines at their foremost points in the front shall not be less than 80 percent of the required zoning lot width except in the case of zoning lots on the turning circle of a cul-de-sac, where the width shall not be less than 60 percent of the required zoning lot width.

3. FRONT FACADE

Article VI – ZONE DISTRICTS

DIVISION 2. – SINGLE FAMILY ZONE DISTRICTS

Sec. VI-203. – Residential use development standards.

(h) Design standards in the RSM-9 zone district.

(1) *Purpose.* The design standards preserve and enhance the residential character of the district.

Table VI-203 identifies the zone district(s) where this regulation applies.

(2) *Requirements.* All new construction shall be carried out in accordance with the following mandatory design standards.

- d. *Garage/carport placement.* ~~Garages and carports, both attached and detached, must~~ All new garages and carports shall be set back at least 15 feet from the front facade of the primary building. In situations where there is more than one wall on the front facade (e.g., rooms jutting out from the front facade), the measurement shall be taken from the wall closest to the street. If there is more than one front lot line, this standard applies to the front yard that contains the front entry. The width of any attached garage or carport area may not exceed 50 percent of the primary building's ~~front facade.~~
- e. *Fences, hedges and walls.* See section VII-1101, fences, hedges and walls for additional standards.
- f. *Building elevation.* Where it is necessary to elevate a building above grade, fill may not be used to elevate the lot above the grade of any adjacent lot. In such cases where the building is elevated, a stem wall foundation shall be used and openings beneath the structure shall be screened with materials consistent with the design of the building.

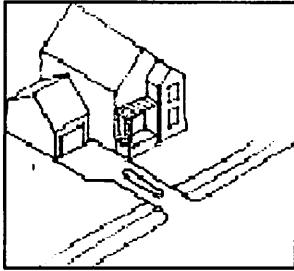
(i) Design standards in the RTD-9 zone district.

(1) *Purpose.* The design standards preserve and enhance the residential character of the district. Table VI-203 identifies the zone district(s) where this regulation applies.

(2) *Requirements.* All new construction shall be carried out in accordance with the following mandatory design standards.

- a. *Utility lines.* All new "house feed" utility feed lines shall be placed underground.
- b. *Front entry.* All new primary buildings shall face the street and include a front door as a primary entrance facing a street and not more than six feet recessed back from the face of the front facade. Accessory dwelling units may face an internal walkway, driveway or alley. The design of the front entrance of the primary building shall also incorporate a glazing.
- c. *Front windows.* The first story facade on all street frontages shall be a minimum of 15 percent glass. Windows in garage doors shall not count but windows in a garage wall shall count towards meeting the standard.
- d. *Front porch.* All new primary buildings shall include a porch, deck or similar open-air covered entry feature that is accessed directly from a street or pedestrian easement and must be visible from the street. Front porches must have a minimum depth of six feet and comprise a minimum of 30 percent of the width of a building's primary front facade (not including the garage) or eight feet whichever is larger. Porches may extend six feet into the front setback plus an additional two feet for eaves.
- e. *Garage/carport placement.* All new garages and carports shall be set back at least 15 feet from the front facade of the primary building. In situations where there is more than one wall on the front facade (e.g., rooms jutting out from the front facade), the measurement shall be taken from the wall closest to the

street. If there is more than one front lot line, this standard applies to the front yard that contains the front entry. The width of any attached garage or carport area may not exceed 50 percent of the front of the primary building.



- f. *Fences and walls.* The maximum height of new fences and walls located between the front facade of the primary building and the front lot line shall not exceed four feet in height. Ornamental decorations and light fixtures not exceeding 18 inches in height above the maximum four feet may be allowed on pillars or supports for any fence or wall.
- g. *Building elevation.* Where it is necessary to elevate a new building above grade, fill may not be used to elevate the lot above the grade of any adjacent lot. In such cases where the new building is elevated, a stem wall foundation (with or without a crawl space) shall be used. If there are openings beneath the structure the openings shall be screened with materials consistent with the design of the building.

4. ACCESS

Article VI – ZONE DISTRICTS

DIVISION 1. – GENERAL

Sec. VI-102. – Zone district map, and general regulations.

(l) *Access.*

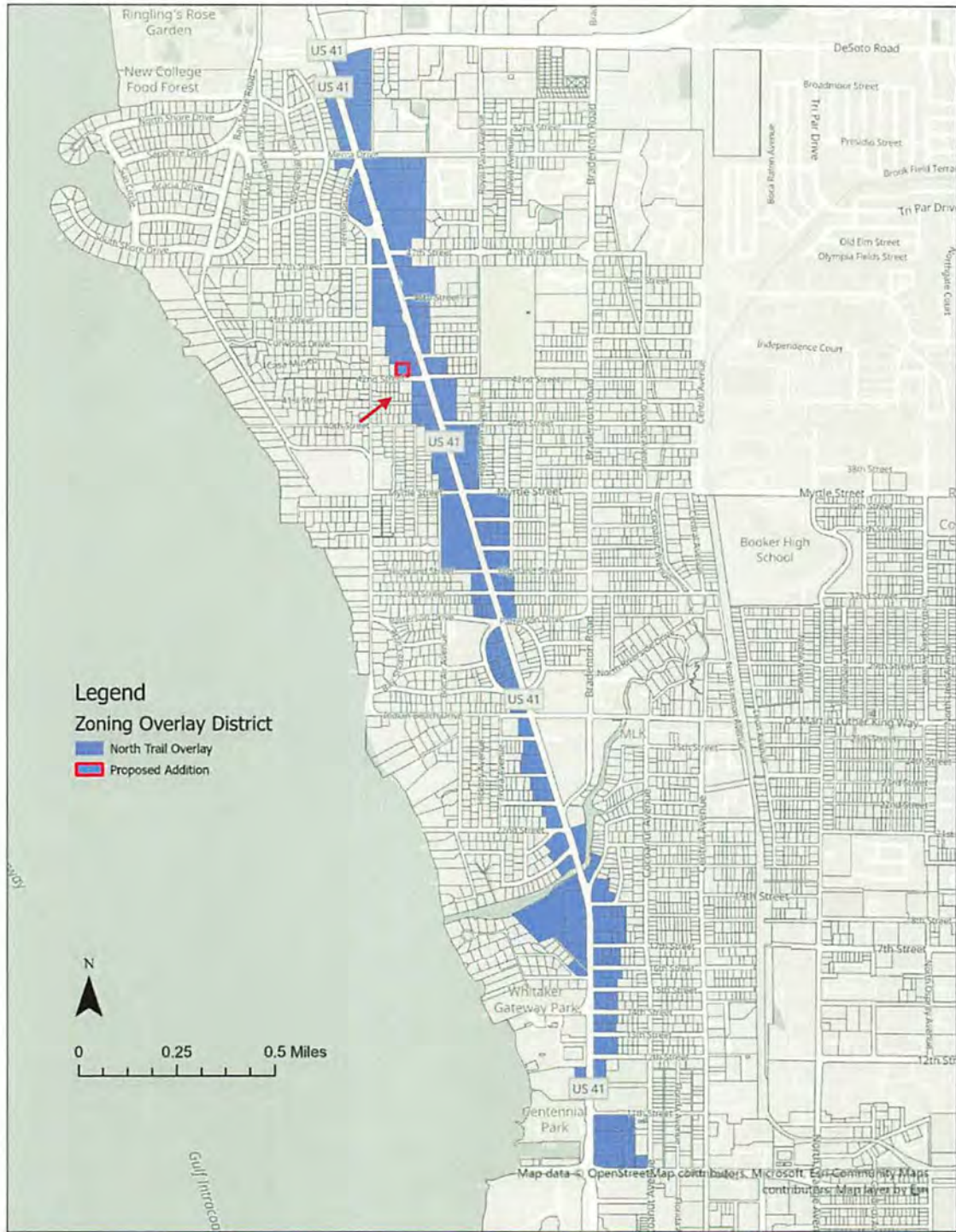
- (1) Every building hereafter erected or moved shall be on a zoning lot that abuts either a public or private street. All structures shall be so located on zoning lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking. No dwelling shall be erected on a zoning lot or portion of a zoning lot that does not abut on at least one public street, ~~private driveway easement,~~ or approved private street for at least 20 feet. Except, flag zoning lots shall be developed in accordance with the standards of section VII-602(gg) of this Code.

5. NORTH TRAIL OVERLAY DISTRICT

Article VI – ZONE DISTRICT

DIVISION 9. – SPECIAL PUBLIC INTEREST OVERLAY DISTRICTS

Sec. VI-910. – North Trail overlay district.



(a) *Vision, intent and purpose.*

The vision. The character of the North Trail corridor began to change following the completion of Interstate 75 in the early 1980's. What was once a thriving segment of US 41 consisting of many destination businesses slowly began to deteriorate. Since 1989, various studies of the North Trail corridor have been undertaken in an effort to revitalize this part of the city. The studies have provided guidance on how to transform the corridor into a thriving, walkable district that supports local community redevelopment objectives and new urbanism concepts. This community-based vision has continued to evolve through close consultation with the people living and working along the corridor with the ultimate goal of creating sustainable redevelopment with quality buildings and streetscapes that are compatible with adjacent residential neighborhoods. It is a long-term vision that will need to occur in phases over time.

The North Trail corridor is a critical, but underutilized and undervalued gateway to some of Sarasota's most culturally and economically significant assets. US 41 provides mobility for roughly 40,000 automobiles a day as a major regional transportation corridor, but lacks a sense of place and positive cultural identity. Rather than favoring pedestrian and neighborhood movements, US 41 simply functions as a pathway facilitating automobile travel and is viewed as perilous for pedestrians. However, the North Trail has the potential to function as a destination attraction.

The vision for the corridor attempts to transform the image of the North Trail into a true, definable, and marveled place known for its historical, cultural, educational, civic, neighborhood, and commercial assets. Converting US 41 to a downtown main street is not the answer. The solution is in re-making the cross streets and key focal points of the US 41 corridor where people can feel comfortable gathering and lingering in well-lit, accessible, and visible centers of activity.

Pedestrian-friendly vs. auto-centric streetscapes.



Pedestrian-friendly streets are designed on a human scale where the proportional relationship of a particular building, structure, or streetscape element is intended to correspond to human form and function. "Human scale" often refers to the subjective objective that the relationship between a person and their natural or manmade environment should be comfortable, intimate, and contribute to the individual's sense of accessibility. This relates to how form and placement of buildings are compared to the open spaces and streets (especially intersections) and how comfortable pedestrians feel when walking through those spaces. Pedestrian friendly streetscapes focus on aesthetics and can include wider sidewalks, visible storefronts, landscaping, and street furniture. Note the human scale elements depicted in the illustration above between the streetscape and the structures.

Auto-centric streetscapes on the other hand are areas designed on an automobile scale and managed almost entirely for the facilitation of vehicular traffic flow. There is little relationship between the building and the public right-of-way in these types of streetscapes. The distance from one building to the next on foot can be prohibitive for anyone walking and in fact may actually discourage pedestrian movement. Note in the below image that pedestrians have limited options to safely cross the auto-centric streetscape to reach the other side of the road.



The intent and purpose.



The North Trail Overlay District (NTOD) is intended to provide an optional set of zoning standards to voluntarily encourage new development and redevelopment projects that are of human scale and will support human activity on the street and shift from an auto-centric land use pattern to one that emphasizes a variety of modal choices - including walking, biking, and transit. In addition, the standards will encourage new development and redevelopment projects to function in a sensitive manner that preserves the integrity and long-term viability of the surrounding neighborhoods.

(b) *Establishment of the boundaries.* The application of the NTOD shall be restricted to those geographical areas that are designated on the Official Zone District Map of the City of Sarasota.

(c) *Applicability.*

1. *Purpose.* The North Trail Overlay District (NTOD) provides an optional, alternative, and voluntary set of development standards which is intended to partially implement the vision, intent and purpose for the NTOD. 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. Subsection VI-910(f) (adjustment review process) below also recognizes that some sites may be difficult to develop in compliance with these regulations and provides for adjustments to these regulations. ~~Section VI-910 shall terminate and become null and void on May 6, 2023, unless amended or rescinded earlier by ordinance adopted by the city commission.~~
2. *Voluntary.* These standards only apply to development projects where the applicant voluntarily agrees to meet applicable development standards for current and future development projects. If the applicant does not voluntarily agree, the NTOD standards do not apply. Although use of the NTOD is not mandatory, any development project that voluntarily makes use of the NTOD shall be required to proffer a proviso that must be recorded in the official records for Sarasota County, on forms approved by the city attorney, to identify NTOD standards are mandatory for all future development applications. [For example, if a development project voluntarily seeks to utilize the lower

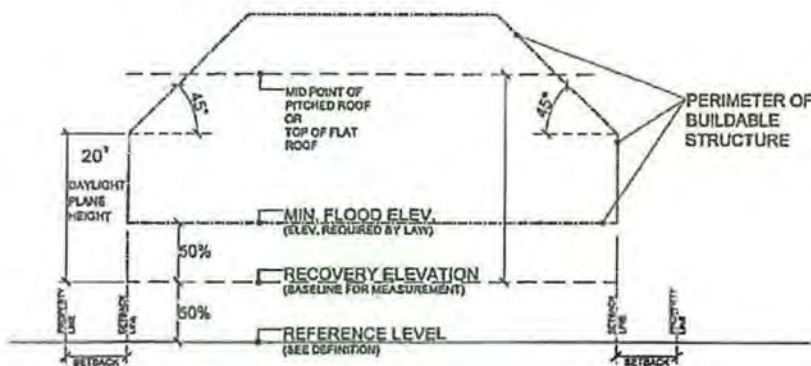
parking standards to re-purpose an existing building then the proviso will mandate future development on the site to utilize applicable NTOD standards.]

3. *Conflict.* When the NTOD applies to a particular property, the underlying zoning district categories are neither abandoned nor repealed. The existing regulations remain in effect. All development shall be subject to the development standards set forth in the underlying zoning district. However, where the provisions of this section are in conflict with the underlying zoning designation, the provisions of this section shall apply.

(d) *Development standards.*

1. *Height.*

- a. *Maximum height.* The maximum height is four stories (see definition of "story"), except for properties zoned RMF-4 and CRD. The maximum height in RMF-4 and CRD is regulated by those zone districts. Height adjustments are prohibited.
- i. *Areas of special flood hazard.* For structures within a special flood hazard area in the NTOD, the recovery elevation shall be used as the baseline for the measurement of the maximum height limitation (see below graphic).



2. *Setbacks.*

a. *Front setbacks.*

i. Properties fronting North Tamiami Trail.

a. Minimum front setback ~~for properties fronting~~ on North Tamiami Trail is ten feet. The minimum front setback ~~along the North Tamiami Trail property frontage~~ may be reduced up to five feet based upon the pedestrian space standards in subsection VI-910(d)(3)(a).

b. Minimum front setback along side streets intersecting North Tamiami Trail is the same as the underlying zone district.

~~b. c.~~ Maximum front setback for buildings fronting on North Tamiami Trail is 20 feet. This requirement is limited to portions of the building required to meet the minimum façade requirement (see facades below).

~~c. d.~~ Additions to development on zoning lots totaling 500 square feet or less, once each five calendar years, are exempt from the maximum front setback requirement for buildings fronting on North Tamiami Trail in subsection "cb." above.

ii. Properties not fronting North Tamiami Trail. The minimum front setback for properties not fronting North Tamiami Trail is the same as the underlying zoning district.

iii. Balconies, including roof overhangs, may extend into the required front setback up to six feet and shall not conflict with proposed vegetation or existing landscaping conditions. All balconies within the NTOD shall be unenclosed and have a minimum depth of six feet.

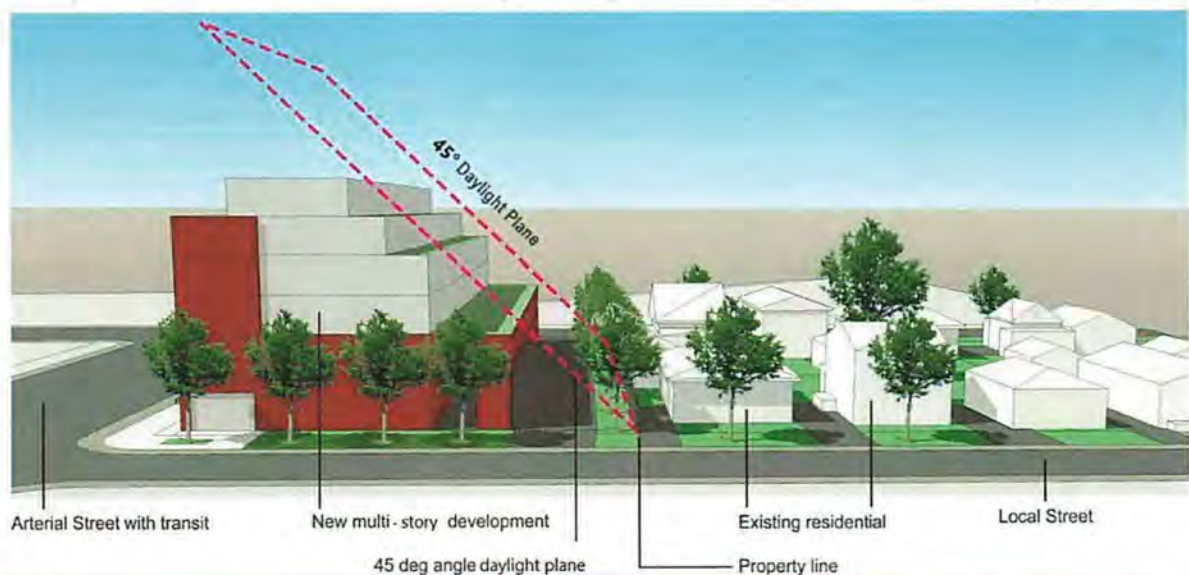
iv. Marquees and awnings above the ground floor may extend five feet into the front yard setback.

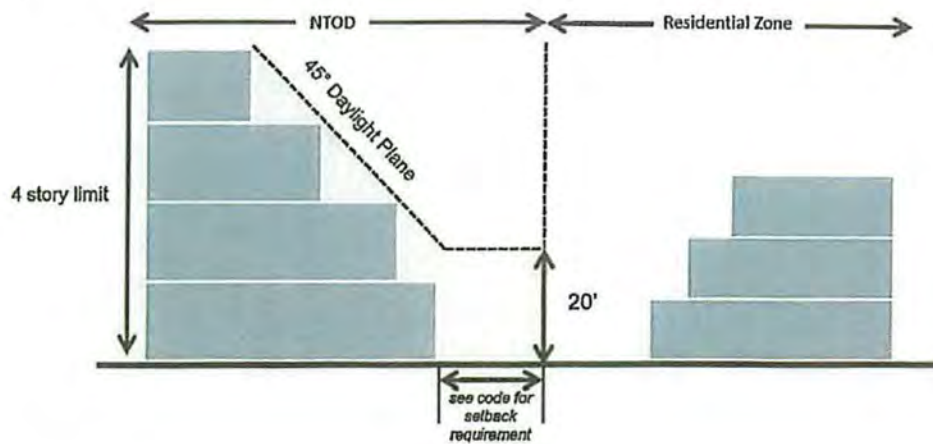
b. *Side setbacks.*

- i. Properties abutting residentially zoned property. Properties with a side yard abutting single-family or multiple family (RMF-1, 2, or 3) zoned properties, the minimum side setback shall be subject to the underlying zone district standard and a daylight plane requirement. The purpose of the daylight plane requirement is to: enhance compatibility between residential and nonresidential zones by a gradual increase in height between developments; promote a reasonable building scale; and promote privacy for neighboring properties. The daylight plane requirement allows a maximum height of 20 feet starting at the required side setback line and then extending upward at a 45-degree angle until reaching the maximum four story height limit. In other words, the building may be extended up in height an additional foot for each foot of distance from the starting setback line. For example, a building setback an additional ten feet from a side setback line can be 30 feet tall (the original 20-foot starting point, plus ten feet). See general examples of daylight plane graphics on the next pages.
- ii. Properties not abutting residentially zoned properties. The minimum side setback is zero feet for properties with a side yard that does not abut single-family or multiple family (RMF 1, 2 or 3) zoned property. See general examples of daylight plane graphics on the next pages.

c. *Rear setbacks.*

- i. Properties abutting residentially zoned property. Properties with a rear yard abutting single-family or multiple family (RMF-1, 2, or 3) zoned properties, the minimum rear setback shall be subject to the underlying zone district standard and a daylight plane requirement. The purpose of the daylight plane requirement is to: enhance compatibility between residential and nonresidential zones by a gradual increase in height between developments; promote a reasonable building scale; and promote privacy for neighboring properties. The daylight plane requirement allows a maximum height of 20-feet starting at the required rear setback line and then extending upward at a 45-degree angle until reaching the maximum four story height limit. In other words, the building may be extended up in height an additional foot for each foot of distance from the starting setback line. For example, a building setback an additional ten feet from a rear setback line can be 30 feet tall (the original 20-foot starting point, plus ten feet). See general examples of daylight plane graphics below and on the next page.
- ii. Properties not abutting residentially zoned property. The minimum rear setback for buildings not abutting single-family or multiple family (RMF 1, 2, or 3) zoned property is the same as the underlying zoning district. See general examples of daylight plane graphics below and on the next page.



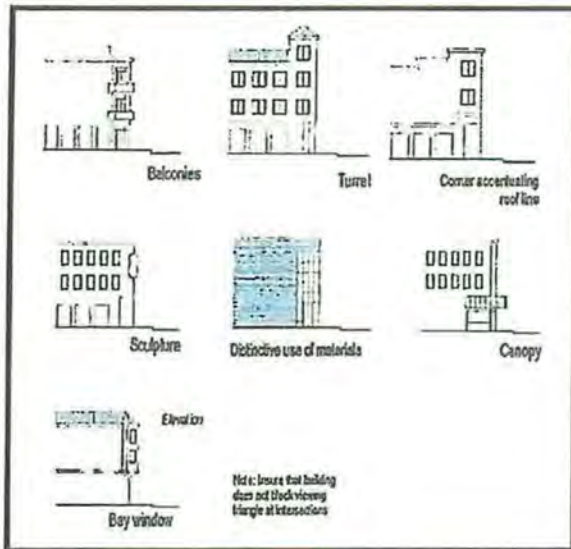


3. Urban frontage requirements (North Tamiami Trail).

- a. *Pedestrian space.* A minimum eight-foot clear pedestrian path shall be maintained along the entire North Tamiami Trail property frontage located on the public right-of-way, private property, or a combination of both. A clear walking path is the width of the sidewalk that is not encroached upon by streetlight, utility boxes, tree trunks, street furniture, landscaping and similar barriers to pedestrian travel. Any encroachments into the public right-of-way are subject to city review and approval. Paved areas may utilize various materials, including pervious applications, provided the finished surface meets the American with Disabilities Act (ADA) standards. See examples of pedestrian oriented spaces below. A minimum amenity zone width of 6.5 feet, with canopy trees preferred where achievable, shall be required along the North Tamiami Trail property frontage between the sidewalk and back-of-curb. The required amenity zone width may include landscaping, street lights, street furniture, public art, transit infrastructure or other amenities and may be interrupted to increase the sidewalk width.

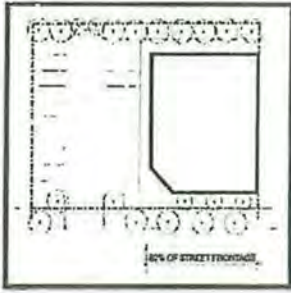


- b. *Corner architecture (North Tamiami Trail)*. New buildings at the intersection of North Tamiami Trail with another public street shall accentuate the building corner facing the intersection by including architectural treatment that emphasizes the corner, such as the examples shown below.

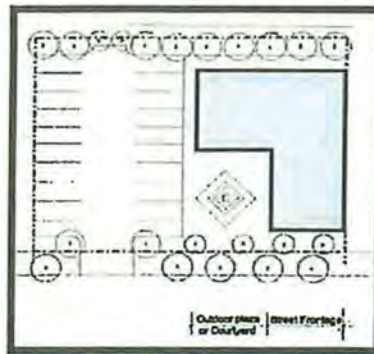


c. *Façades (exterior wall of a building)*.

- i. *Façade requirement*. At least 50 percent of the street frontage for each zoning lot on North Tamiami Trail shall be occupied by building(s). In the absence of building(s) along the remainder of the front lot line, landscaping consistent with Section VII, Division 3 of the Zoning Code shall be installed or a freestanding decorative masonry or decorative metal (wrought iron or aluminum) wall, referred to as a "streetwall," with optional pilasters shall be built coplanar with the façade to screen surface parking - except for access openings to allow for vehicles and pedestrians. The "streetwall" shall be a minimum of three feet high and a maximum of six and one-half feet high. The opaque portions of the streetwall shall not exceed three feet in height - except for optional pilasters. Portions of the streetwall above three feet in height shall be less than 50 percent opaque to provide transparency for passive surveillance between the sidewalk and the property. Where the access crosses any pedestrian path, the intersection shall be clearly marked and lighted for the safety of the pedestrian.



- ii. *Reduction in façade requirement.* In order to form an outdoor pedestrian plaza or courtyard with a clear walkway connecting the sidewalk to the building entry, the 50 percent building street frontage may be reduced by the director of development services, consistent with subsection VI-910(f), as long as the 20-foot minimum depth of habitable space is maintained along the entire building frontage that runs parallel to North Tamiami Trail (see habitable space below). The outdoor plaza or courtyard may not be used for parking.



- iii. *Main entrance.* At least one main entrance of a commercial or mixed-use building shall face onto a sidewalk along North Tamiami Trail or at a corner with North Tamiami Trail. Entrances shall be emphasized with one or more of the following techniques: landscaping, paving (including pervious applications where appropriate), lighting or recessed from the facade surface.



iv. *Exemptions to façade requirement.*

- a. Development on zoning lots that have 80 feet or less of street frontage on North Tamiami Trail and no other access other than through the North Tamiami Trail frontage are exempt from the requirements of this subsection "c. Façades" (exterior wall of a building fronting on North Tamiami Trail).
- b. Additions to development on zoning lots totaling 500 square feet or less, once each five calendar years, are exempt from the requirements of this subsection "c. Façades" (exterior wall of a building fronting on North Tamiami Trail).

4. *Habitable space.* Portions of a building or parking garage facing North Tamiami Trail shall provide a 20-foot minimum depth of habitable space for the full height and length of the first story. ~~Habitable space involves space in a building which is used or designed to be used primarily for nonresidential or residential human activities (e.g. working, shopping, living, sleeping, cooking and eating). Habitable space excludes parking garages,~~

~~bathrooms, utility, storage, laundry rooms, halls and closets.~~ Stairwells, elevators, lobbies or other associated building service space may be allowed to contribute up to 20 percent of the habitable space requirement.

5. Windows.



a. Nonresidential

- ~~i.~~ i. The first story shall be a minimum of 30 percent glass for portions of a building facing a street. ~~On the first story, the bottom of the rough opening for windows shall begin no higher than 48 inches above finished grade of the ground floor.~~
- ii. The combined area, of all stories, above the first story facing a street shall be a minimum of 25 percent glass.
- ~~b-iii.~~ iii. The combined area of all stories shall be a minimum of 20 percent glass for portions of a building not facing a street (excluding alleys).
- ~~c-iv.~~ iv. Security or decorative grilles, if any, shall be at least 50 percent transparent and shall be located on the inside of the glassed area.
- ~~d-v.~~ v. Glass, at the first floor, Glazing shall be clear or lightly tinted with a visible light transmittance factor of six-tenths or higher (where $R + A + T = 1.0$). Translucent, opaque, and mirrored glass may not be used for window materials.

b. Residential

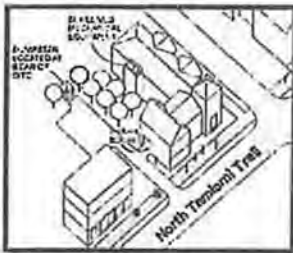
- i. The first story on residential frontages shall be a minimum of 15 percent glass.
 - ii. Security or decorative grilles, if any, shall be at least 50 percent transparent and shall be located on the inside of the glassed area.
 - iii. Glazing shall be clear or lightly tinted with a visible light transmittance factor of six-tenths or higher (where $R + A + T = 1.0$). Translucent, opaque, and mirrored glass may not be used for window materials.
- ec. Reduction in window area requirement. The director of development services may reduce or eliminate the required amount of window area (without a formal application for an adjustment) provided one or more of the following techniques is used on the exterior wall of the building and/or on a streetwall:
- i. Installing a vertical trellis in front of the wall with climbing vines or planting materials.
 - ii. Providing a landscaped planting bed in front of the wall with plant materials that can obscure at least 50 percent of the wall's surface.
 - iii. Providing artwork (mosaic, mural, sculpture, relief, etc.) over the blank wall surface.
 - iv. Vertical or horizontal change in wall plane.
 - v. Decorative lighting and/or decorative masonry patterns.

- vi. Canopies or awnings. New awnings, canopies and similar features shall be constructed of high quality materials. Materials that have a glossy or shiny appearance are prohibited. Backlighting of awnings is prohibited.

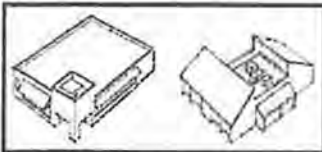
Applicants requesting a reduction in the window area requirement must submit their request in writing to the director of development services and explain the basis for the request.



6. Screening.

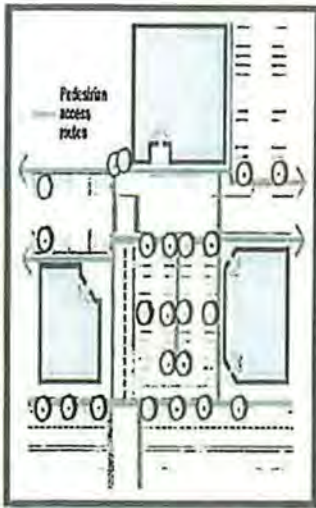


- a. *Garbage collection areas.* All exterior garbage cans, dumpsters, and garbage collection and compaction areas must be screened from the street and any adjacent properties. These areas shall be located and screened so that the visual impacts of these functions are contained and out of view from adjacent properties and public streets. Trash receptacles for pedestrian use are exempt. See section VII-1401 for specific requirements.



- b. *Mechanical equipment.* Mechanical equipment, located on the ground, such as heating or cooling equipment, pumps, or generators must be screened from public streets and any adjacent properties. All rooftop mechanical equipment must be screened from the ground level of public streets and any adjacent properties by integrating it into building and roof design.
- c. *Other screening requirements.* The screening and buffering requirements for uses, parking areas, exterior storage and exterior display areas are stated with the regulations for those types of items.

7. Pedestrian standards.



a. *Standards.* An on-site pedestrian circulation system must be provided. The system must meet all standards of this section. The following example provides clear pedestrian connections from the street, between buildings, through parking lots, and to adjacent uses.

i. *Connections.*

- a. Connection to street. The sidewalk system must connect all abutting streets to the main entrance.
- b. Internal connections. The sidewalk system must connect all buildings on the zoning lot, and provide connections to other areas of the site, such as parking areas, bicycle parking, recreational areas, common outdoor areas, and any other amenities.

ii. *Materials.*

- a. The circulation system must be hard-surfaced ~~with a minimum eight-foot clear pedestrian path.~~
- b. Where the system crosses driveways, parking areas, and loading areas, the system must be clearly identifiable through the use of elevation changes, speed bumps, different paving materials, or other similar method. Striping does not meet this requirement.
- c. Where the system is parallel and adjacent to a motor vehicle travel lane, the system must be a raised path or be separated from the lane by a raised curb, bollards, landscaping, or other physical barrier. If a raised path is used the ends of the raised portions must be equipped with ADA (Americans with Disabilities Act) accessible curb ramps.

iii. *Lighting.* The on-site pedestrian circulation system must be lighted to a level where the employees, residents, visitors and customers can safely use the system at night. All lighting fixtures must be shielded and directed to confine light spread within the site boundaries. See the standards in section VII-1402, site lighting.

8. *Exterior display, storage, and work activities.*

a. *Exterior display and storage.* Exterior display of goods is prohibited except for the display and storage of plants, produce, motor vehicles, and boats subject to the following limitations:

- i. Such uses must be accessory to an approved primary use.
- ii. Display areas for plants and produce are limited to an area equal to 15 percent of the principal uses' gross floor area.
- iii. There is no limit for approved motor vehicle or boat sales/rental lots and plant nurseries.

- iv. Except for approved plant nurseries, all plant and produce merchandise must be stored inside the building after permitted hours of operation. Motor vehicles and boats may remain outdoors. Hours of operation are limited from 6:00 a.m. to 10:00 p.m.
- v. Display areas are not permitted in required landscape, parking, or pedestrian areas.



- b. *Exterior work activities.* Exterior work activities are prohibited except for the following uses that comply with all applicable regulations: restaurants; plant nurseries; entertainment and recreation uses that are commonly performed outside; sales or rental of motor vehicles and boats; fuel sales; car washes; commercial surface parking lots; and open air markets.



- c. *Open air market/bazaar.* The purpose of an open air market/bazaar is to allow for open-air sale of retail products in certain nonresidential zone districts, to provide for the creation of a more urban pedestrian environment and to stimulate business. Permitted locations shall be limited to property zoned CN, CP, CSCN, CSCC, CSCR, CG, CI, ILW, I, CND, CSD, CRD, CGD, CSC, NT, DTE, DTC, DTB, ICD, IGD, IHD, G and CBN. Applications for a provisional use permit shall be submitted to the director of development services and shall meet the standards defined in subsection VII-602(x).

9. *Parking.*

- a. *General standards.* See sections VII-201, 202, 203, 204, 205, 207, 208, 209, 213, 214, and 215 which shall apply where applicable.

The following standards supersede the parking standards of article VII, division 2 where in conflict with other parking provisions, including the general standards of subsection 9.a. above.

- b. *Minimum parking requirement.*

- i. One space for each 350 square feet of floor area for nonresidential space.
- ii. One space for each residential unit. One-half space for each dwelling unit designated as affordable to households with an income at or below 120 percent of the area median income (AMI).

- iii. One-half space for each hotel/motel unit, plus applicable parking for accessory uses, which may draw patrons beyond those receiving accommodations.
- iv. Any off-street parking requirement of 20 spaces or more shall provide bicycle parking spaces equal to 20 percent of the total automobile parking spaces required.

c. *Changes in use exemption.*

- i. Changes to existing uses shall be exempt from having to meet new parking requirements and may continue to provide existing parking. Any new/additional building square footage, however, shall be subject to meeting applicable parking requirements.

d. *Parking and stormwater management utilizing residential zoning lots.*

- i. Adjacent residential zoning lots within the NTOD may be used as accessory parking in part or in whole and may also be used to meet or exceed minimum parking requirements for the principal use.
 - a. Vehicular access to the parking area on a residentially zoned lot shall only be through the nonresidential zoned lot.
 - b. No sales, sales display, or service activity of any kind is permitted on the residentially zoned lot.
 - c. No commercial renting or selling of spaces is permitted on the residentially zoned lot.
 - d. No parking of automotive vehicles other than passenger automobiles is permitted on the residentially zoned lot.
 - e. No movement of vehicles related to commercial uses between the hours of 10:00 p.m. and 6:00 a.m. is permitted on the residentially zoned lot.
 - f. No parking of vehicles related to commercial uses for periods of longer than 24 hours is permitted on the residentially zoned lot.
 - g. Opaque fencing shall be required as part of any buffering adjacent to other residentially zoned lots.
- ii. Residential zoning lots within the NTOD may be used for stormwater management.

e. *Alternative parking ratio.*

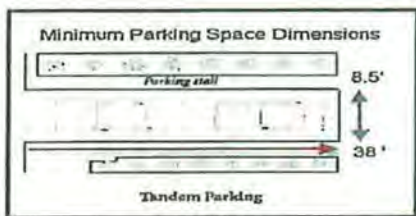
- i. The director of development services, after consultation with the city engineer, shall be authorized to approve alternative ratios for providing required off-street parking spaces in accordance with this section.
 - ii. Where the applicant believes the required parking ratios of this section are 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. The director of development services, in coordination with the city engineer, shall evaluate such submittals to determine an acceptable ratio for the proposed use.
 - iii. 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. The applicant shall provide proof of recordation prior to approval of the certificate of occupancy.
- f. *Location of parking.* Parking lots or garages shall not be located any closer to the North Tamiami Trail right-of-way than the distance by which the principal building is set back from the street right-of-way. This provision shall not be construed to preclude parking lot access driveways. Parking areas shall not be located on street corners unless one of the following conditions exists; however this shall not be construed to allow parking in front of buildings on North Tamiami Trail.
- i. If a zoning lot fronts on three streets, then parking may be located on only one corner.
 - ii. If a zoning lot fronts on four streets, then parking may be located on only two corners.

iii. Exemptions to location of parking requirement.

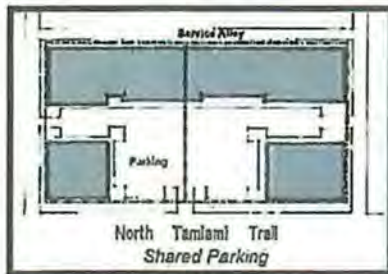
- a. Development on zoning lots that have 80 feet or less of street frontage on North Tamiami Trail and no other access other than through the North Tamiami Trail frontage are exempt from the requirements of this subsection "f. Location of Parking."
- b. Additions to development totaling 500 square feet or less, once each five calendar years, are exempt from the requirements of this subsection "f. Location of Parking."

g. *Tandem parking allowance.*

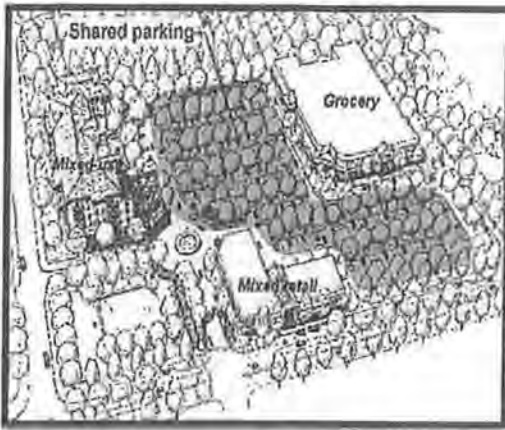
- i. Tandem spaces, if used, shall be required to meet the minimum dimensional standards in the illustration (eight and one-half feet by 38 feet). Such tandem parking shall not extend over the sidewalk or interfere with pedestrian or vehicular movement.
- ii. Residential development may utilize tandem parking for same unit parking only.
- iii. Nonresidential development may utilize tandem parking for employee parking only.



- h. *Shared parking allowance.* Shared parking facilities for developments or uses with different operating hours or different peak business periods may be approved if the shared parking complies with all of the following standards:



- i. *Ineligible activities.* Shared parking may not be used to satisfy the off-street parking standards for residential uses, except for those dwelling units designated as affordable to households with an income at or below 120 percent of the Area Median Income (AMI). Required parking spaces reserved for persons with disabilities may not be located off-site.
- ii. *Location.* Shared parking spaces must be located on the same or abutting zoning lot of the main entrance of all uses served.
- iii. *Zoning classification.* Shared parking areas for nonresidential uses shall not be located in any underlying residential district.






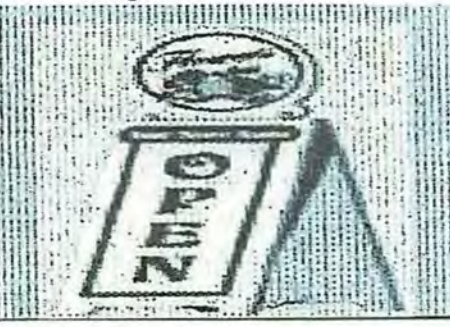
- iv. *Shared parking analysis.* Those wishing to use shared parking as a means of satisfying off-street parking requirements must submit a shared parking analysis to the director of development services that clearly demonstrates the feasibility of shared parking. The analysis must be provided in a form acceptable to the director of development services. It must address at a minimum: the size and type of the proposed development; the composition of tenants; the anticipated rate of parking turnover; and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.
- v. *Agreement for shared parking.* A shared parking plan shall be enforced through written agreement among all owners of record. The owner of the shared 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. An attested copy of the agreement between the owners of record shall be submitted to the city attorney for recordation in a form established by the city attorney. 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. The written agreement shall be voided by the city if other off-street facilities are provided in accord with these zoning regulations. The director of development services is hereby authorized to administratively approve and execute on behalf of the city shared parking agreements which are in compliance with this section.
- vi. *Change in use.* Where the uses subject to a shared parking agreement change, the director of development services 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.
- i. *Off-site parking.* 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 complies with the all of following standards:
 - i. *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.
 - ii. *Location.* 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). Off-site parking spaces may not be separated from the use served by an arterial street right-of-way (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.
 - iii. *Zoning classification.* Off-site parking areas shall not be located in any residential district.
 - iv. *Agreement for off-site parking.* 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 is required. The owner of the off-

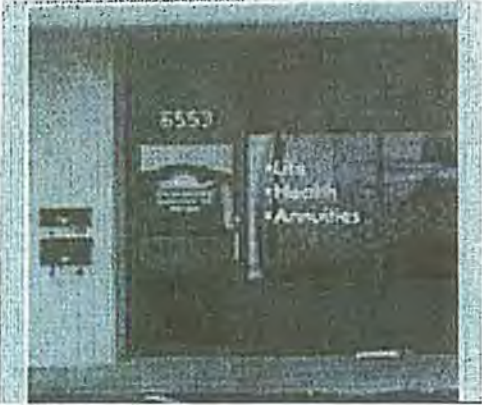



site parking area shall enter into a written agreement with the city, with enforcement running to the city, providing that the land comprising the parking area shall never be disposed of except in conjunction with the sale of the building which the parking area serves so long as the facilities are required; 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. 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. 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. The director of development services is hereby authorized to administratively approve and execute on behalf of the city off-site parking agreements which are in compliance with this section.


v. *Signage*. All off-site parking spaces shall be clearly marked for exclusive use of the use to be served.

10. *Signage*.

<p>a. General Standards</p>	<p>See VII-101 thru 109</p>
<p>b. Lighting</p> 	<p>Signage may be externally illuminated by reflection of a light source aimed at its surface. All lighting must be shielded to prevent glare or nuisance beyond the property line.</p> <p>The backlighting of awnings and messages attached thereto is prohibited.</p> <p>Backlighting with neon, fluorescent, or LED white light is permitted only for signs that use individually cut opaque letters (a.k.a. "halo illuminated letters").</p> <p>The use of cabinet-type box signs or channel letter signs with translucent backlit panels is prohibited.</p> <p>Signage inside shopfront windows may be neon lit.</p> <p>Signs with flashing or intermittent lights, continuous changes of message, animated and electronic message boards, lights of changing degrees of intensity, and lights or lighting effects that cause glare are prohibited.</p>
<p>c. Wall Sign</p> 	<p>One single external wall sign band (with individually cut letters) may be applied at the top of either the first or second floor façade of each building, providing that it not exceed <u>2-two</u> feet in height by any length. This shall not be interpreted to allow for <u>2-two</u> wall sign bands on any building. Where there is more than one sign on an individual building, all signs should be complementary to each other in the type of construction materials and letter size and style of copy.</p>

<p>d. Directory Sign</p> 	<p>One wall-mounted directory sign may be located at each ground level entrance. The sign may list the name of the establishment(s) and may include a location map. Each directory sign shall not exceed a total aggregate area of 16 square feet. Any such sign shall not project more than 12 inches from the building to which it is attached.</p>
<p>e. Projecting Sign</p> 	<p>Projecting signs, not to exceed <u>4-four</u> square feet in area per face for each separate business entrance, may be attached perpendicular to the facade. The bottom of such signs shall be a minimum of eight feet above the walkway.</p>
<p>f. Awning Sign</p> 	<p>Awnings at the first story may have signs. No such sign shall exceed 20 percent of the area of each awning (top plus all sides).</p>
<p>g. Temporary Portable A-Frame Sign</p> 	<p>A single temporary portable A-frame sign may be allowed for each business, on private property, provided the sign is less than <u>4-four</u> feet high and less than 18 by 24 inches per face. Placement in the public right-of-way shall be prohibited.</p>

<p>h. Window Sign</p> 	<p>Such signs shall cover no more than 20 percent of the total window and glass portion of the door area. A permanent address shall be permitted in addition to the 20 percent coverage. Window signs shall not be included in any calculation of total sign area for the building or tenant. Handwritten signs of any type are prohibited.</p>
<p>i. Real Estate Sign</p> 	<p>One single-faced or double-faced non-illuminated "For Sale" or "For Rent" sign for each street frontage not exceeding 16 square feet per face and not exceeding 6 feet in height above grade. Upon sale or rent, the sign shall be immediately removed.</p>
<p>j. Monument Sign</p> 	<p>One freestanding monument sign per street frontage not exceeding 120 square feet in area on all faces and not exceeding ten feet in height above grade.</p>
<p>k. Building Banners</p> 	<p>Building banners shall be permitted on each face of the building subject to the following regulations.</p> <ol style="list-style-type: none"> Banners shall be located on private property unless a right-of-way encroachment permit is obtained. The bottom of the banner shall be a minimum of 8 eight feet above the walkway or ground. The maximum size of each banner shall project a maximum of 3-three feet from the face of the building and be a maximum of 9-nine feet tall and shall be of uniform dimensions throughout the zoning lot upon which they are located. One banner may be located for each 50 feet of building length. For example, if the face of the building is 99 feet long, only one banner shall be permitted on that face of the building. The top and bottom of all banners shall be affixed to poles designed solely for that purpose. No banners shall be affixed to other structures, vehicles, utility poles, trees, shrubs, or plants. All banners shall be constructed of fire retardant material and shall be replaced by the owner of the banner at a minimum of 2-two times per year. All banners may contain written copy of a general non-advertising nature plus identifying logos or

	symbols. The term "non-advertising nature" shall mean the copy does not advertise the name of any business, specific merchandise or sale prices.
<p>I. Marquee Sign</p> 	Theatres may have one marquee sign for each building frontage that includes an entrance available to the general public. The marquee shall not extend beyond the top or sides of the building.
m. Alley Signs	Alleys may also contain one projecting or wall sign at each customer entrance. Such signs shall not exceed 4-four square feet in area per face. The bottom edge of such signs shall be located a minimum of 8-eight feet above the walkway.
n. Other Signs	Prohibited. All other signs not specifically permitted.
o. Design Guidelines	See Appendix D. Advisory Community Design Guidelines. These non-mandatory guidelines shall be consulted prior to developing signs for any project.

(e) *Community workshop required.*

1. All applicants choosing to utilize the North Trail Overlay District shall hold a community workshop. In accord with the procedures for community workshops defined in subsection IV-201(b), prior to submitting an application.

(f) *Adjustment review process.*

1. Purpose and applicability. Existing structures and uses are allowed to continue and normal repair and maintenance is encouraged. Compliance with the NTOD standards is intended to occur over time as new development, expansion and remodeling occur. The regulations of the NTOD apply over a wide area, which makes full compliance with all of the regulations difficult on sites with unusual situations. Adjustment reviews allow alternative ways to meet the vision, intent and purpose of the NTOD (section VI-910(a)) by providing flexibility for sites that are small or irregularly shaped or contain significant tree canopy. Adjustments may also be used when strict application of the regulations would preclude reasonable economic use of a site. The adjustment process allows the NTOD regulations to continue to provide certainty and rapid processing of site plan applications. Each adjustment shall be considered unique and shall not set precedent for others.

2. Regulations which may and may not be adjusted:

- a. *Eligible regulations.* Unless specifically prohibited in subsection "b" below, all regulations ~~in the NTOD,~~ which do not exceed a 25_-percent dimensional standard, where applicable, may be modified administratively by the director of development services by using the adjustment review process
- b. *Ineligible regulations.* No adjustments shall be granted for the following:
 - i. Maximum building height.
 - ii. Setbacks for yards abutting residentially zoned property, except for the preservation of trees.
 - iii. Daylight plane standards for yards abutting residentially zoned property.
 - iv. Signage. However, to accommodate existing buildings, the dimensional standards may be adjusted by up to 25 percent and the location of signs may be adjusted if the approval criteria are met.
 - v. Allowed uses in the underlying zone districts.
 - vi. Maximum residential densities in the underlying zone districts.
 - vii. Maximum floor area ratio in the underlying zone districts.
 - viii. Parking standards for accessory parking on residentially zoned lots.
 - ix. Residentially zoned lots within the NTOD used for stormwater management.
- c. *Dimensional standards.* Except for the preservation of trees, no adjustment to a dimensional standard shall be granted by the director of development services which would result in a reduction of a code requirement or an increase in a code limitation by more than 25 percent. Where applicable, all other adjustment requests exceeding the 25 percent threshold shall require approval from the planning board.

3. *Approval criteria.* An application for an adjustment shall be accompanied by documentation that establishes how the applicant meets the criteria of subsection "a.", "b.", or "c." below.

- a. *Civic/government uses.* Adjustment requests for uses that are uniquely governmental such as administration centers, public safety/public works facilities, public mass transit terminals, post offices, public libraries, public museums, or public schools/colleges will be approved, approved with changes, or approved with conditions if the director of development services finds that the applicant has shown that approval criteria "i" through "v" below have been met.
 - i. The design of the development project is exemplary civic architecture; and
 - ii. The building will be constructed of high quality materials and finishes; and
 - iii. The project will enhance the appearance and environment of the city; and
 - iv. The adjustment will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and
 - v. The vision, intent and purpose of the NTOD have been met.
- b. *Other non-government uses.* Adjustment requests for uses that are not uniquely governmental such as apartments/condominiums, hotels/motels, retail/service shops, or office buildings (regardless of ownership) will be approved, approved with changes, or approved with conditions if the director of development services finds that the applicant has shown that either approval criteria "i" through "vi" or approval criteria "vii" through "x" below, have been met.
 - i. Granting the adjustment will equally or better meet the purpose of the regulation to be adjusted; and
 - ii. The proposal will not significantly detract from the livability or appearance of any adjacent residential zone district; and

- iii. 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 NTOD; and
 - iv. City designated historic resources (if applicable) are preserved; and
 - v. Any impacts resulting from the adjustment are mitigated to the maximum extent practical; and
 - vi. The vision, intent and purpose of the NTOD have been met; or
 - vii. Application of the regulation in question would preclude reasonable economic use of the site; and
 - viii. Granting the adjustment is the minimum necessary to allow reasonable use of the site; and
 - ix. Any impacts resulting from the adjustment are mitigated to the extent practical; and
 - x. The vision, intent, and purpose of the NTOD have been met.
- c. *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 trees protected by article VII, division 3.1 of this Code. An application for an adjustment shall demonstrate all of the following three requirements are met.
- i. The adjustment is for the purpose of preserving a tree or trees protected by article VII, division 3.1 of this Code; and
 - ii. The applicant cannot design and locate the proposed structure or infrastructure improvements to preserve the trees and also comply with all provisions of the Zoning Code, without causing the applicant undue hardship; and
 - iii. 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 another location on the site.
- d. *Conditions.* In granting any adjustment, the director of development services 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.
- e. *Amendments.* An adjustment may be amended, only by following the preceding procedures in this section.
- f. *Expiration of approval.* An adjustment shall expire upon the expiration of the site plan into which the adjustment has been incorporated.
- g. *Appeals.* Any final decision of the director of development services may be appealed to the planning board in accord with subsection (g) Appeal process, below.

(g) Appeal process.

1. *Decision of the director.* Any aggrieved person may appeal the decision of the director of development services to approve or deny an adjustment by filing a notice of appeal with the office of the city auditor and clerk on a form prepared by the department of development services within ten calendar days after the date the letter containing the decision of the director of development services is mailed to the applicant or within ten calendar days after issuance of a building permit. The planning board shall hold a de novo hearing on the application for adjustment by using the applicable approval criterion to consider the appeal, and may affirm, affirm with conditions or reverse the decision of the director. The hearing shall be advertised and conducted in accord with section IV-202. Prior to conducting the hearing, the planning board 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 Zoning Code and the planning board may receive evidence on this issue. In the event the planning board determines that the appealing party is not an "aggrieved person," the board shall not conduct the hearing on the application for adjustment.

2. *Decision of the planning board.* An appeal of a decision of the planning board may be made to the city commission. A notice of appeal in the form of a letter shall be filed with the city auditor and clerk's office within ten days of the planning board's decision. The city commission shall hold a de novo public hearing to consider the appeal, and may affirm, affirm with conditions or reverse the decision of the planning board by using the applicable approval criterion. The hearing shall be advertised and conducted in accord with section IV-202. An appeal of the decision of the city commission 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 city commission to approve or deny an adjustment as provided in this subsection (g) shall be deemed to have been rendered on the date that the city commission adopts a resolution setting forth its findings and decision.
- (h) *Enforcement.* Should a violation of an approved design occur during construction, the director of development services has the authority to require the developer to stop, remove, and/or alter the violation or to require the developer to secure an adjustment in accord with subsection (f) above.

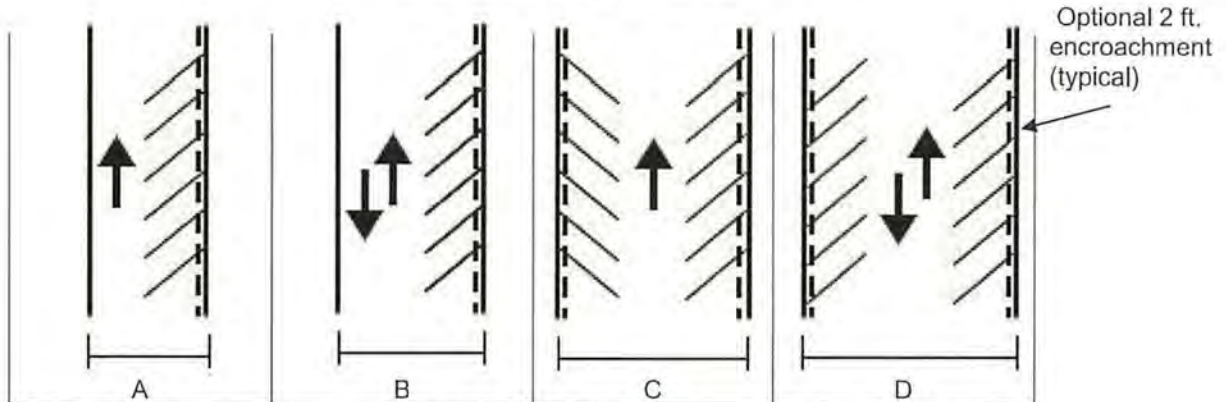
6. DIMENSIONAL STANDARDS FOR PARKING

Article VII – REGULATIONS OF GENERAL APPLICABILITY

DIVISION 2. – OFF-STREET PARKING AND LOADING

Sec. VII-209. – Dimensional standards.

Minimum Parking Dimensions



Angle	Required Feet	Required Feet	Required Feet	Required Feet
45°	30'	38'	<u>48'47'</u>	52'
50°	31'	39'	49'	53'
55°	<u>33'32'</u>	40'	50'	54'
60°	<u>34'33'</u>	41'	51'	55'
65°	<u>35'34'</u>	42'	52'	56'
70°	<u>36'35'</u>	<u>43'42'</u>	53'	57'
75°	<u>37'36'</u>	<u>44'42'</u>	54'	58'
80°	38'	<u>45'41'</u>	54'	58'
85°	39'	<u>46'41'</u>	54'	58'
90°	40'	<u>47'40'</u>	54'	58'

7. PARKS AND OPEN SPACE TYPES

Article VI – ZONE DISTRICTS

DIVISION 10. – DOWNTOWN ZONE DISTRICTS

Sec. VI-1004. – Primary Uses.

Table VI-1001. Primary Uses Allowed in the Downtown Zone Districts

Use Categories See article II, division 3, description of the use categories	DTN (4, 5)	DTNE (5)	DTE (5)	DTC	DTB
blank = Prohibited Use C= Major Conditional Use MC= Minor Conditional Use L = Provisional Use P= Permitted Use					
RESIDENTIAL USE CATEGORIES See II-304					
Household Living (1)	P	P	P	P	P
Group Living (2)	P	P	P	P	P
COMMERCIAL CATEGORIES (3) See II-305					
Commercial Recreation			MC	MC	MC
Commercial Parking		MC	P	P	P
Quick Vehicle Servicing			MC	MC	
Major Event Entertainment			C	C	C
Office (6)	MC/H	P	P	P	P
Retail Sales and Service	Only retail sales and service as noted below				
Sales-oriented (6)	MC/H	P	P	P	P
	Exceptions to sales-oriented noted below				
Alcoholic Beverage Store			MC	MC	MC
Convenience Store	MC	MC	MC	MC	MC
Motor vehicle/boat sales agency			MC	MC	MC
Motor <u>V</u> ehicle/ <u>B</u> oat <u>S</u> howroom			MC	MC	MC
Pawn Shops					

Use Categories See article II, division 3, description of the use categories	DTN (4, 5)	DTNE (5)	DTE (5)	DTC	DTB
blank = Prohibited Use C= Major Conditional Use MC= Minor Conditional Use L = Provisional Use P= Permitted Use					
Pharmacy			P(8)	P(9)	
Personal S service- O oriented (6)	MC/H	P	P	P	P
Entertainment- O oriented		P	P	P	P
	Exceptions to entertainment-oriented noted below				
Bars, Tavern, Nightclubs			C	C	C
Hotel/Motel and Other Temporary Lodging	MC	P	P	P	P
Mobile F food T truck			P		
Bed and Breakfast	L/H				
Repair- O oriented	MC	P	P	P	P
Adult Use Establishments (see Article 4, Division 4)					
Self-Storage					
Vehicle Repair			MC	MC	
INDUSTRIAL USE CATEGORIES See II-306	Only Industrial service use types below				
Manufacturing and Production	Only manufacturing and production use types below				
Artisan Studios (6) e.g. artist, sculptor, potter, or weaver	MC/H	P	P	P	P
INSTITUTIONAL USE CATEGORIES See II-307					
Basic Utilities	P	P	P	P	P
Colleges		C	C	C	C
Community Services	C	C	C	C	C
	Exceptions to community services noted below				
Short-Term Housing and Mass Shelters					

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EXHIBIT A

Use Categories See article II, division 3, description of the use categories	DTN (4, 5)	DTNE (5)	DTE (5)	DTC	DTB
blank = Prohibited Use C= Major Conditional Use MC= Minor Conditional Use L = Provisional Use P= Permitted Use					
Labor P ool, H alfway H ouses, F ood P antries, S oup K itchens					
Day Care (6, 7)	L/H	P	P	P	P
Medical Centers					
Parks and Open Space (see II-201 Definitions)	Only park and open space types below.				
Park	P(10)	P(10)	P(10)	P(10)	P(10)
Green	P(10)				
Square	P(10)	P(10)	P(10)	P(10)	P(10)
Plaza		P(10)	P(10)	P(10)	P(10)
Playground	P(10)	P(10)	P(10)	P(10)	P(10)
Private Clubs	MC	MC	MC	MC	MC
Religious Institutions	MC	P	P	P	P
Schools	MC	P	P	P	P
OTHER USE CATEGORIES See II-308					
Aviation and Surface Passenger Terminals		C	C	C	C
Detention Facilities				C	
Radio and Frequency Transmission Facilities					
Commercial Wireless Telecommunication Towers	MC	MC	MC	MC	MC
Rail Lines and Utility Corridors					

Notes for table VI-1001:

(1) *Household living limitation.* Housing types are limited to those defined in table VI-1002.

(2) *Group living limitation.* Housing types are limited to those defined in table VI-1002.

- (3) *Drive-through limitation.* Drive-up windows and drive-through uses are prohibited on any zoning lot where ingress or egress of the drive-up or drive-through use occurs on a primary street (map VI-101). See [subsection] IV-1903B.2.a. concerning adjustments to drive-through facilities.
- (4) *Commercial use limitation.* Commercial uses are subject to conditional use approval (as depicted in table VI-101) and subject to the following limitations, among others, that may be necessary to protect the residential character of the downtown neighborhood zone district:
- a. The area available for office use is limited to the first story of the primary building and permitted on any floor of an accessory building.
 - b. The area available for retail stores use is limited to the first story on one corner of each block.
 - c. The area available for artisan use is limited to 600 square feet within the first story of a primary or accessory building.
- (5) *[Specific locations identified.]* Map VI-1003 identifies locations where a residential use is required along the road frontage. A residential use may consist of various residential structure types, including single-family and multiple-family dwellings, or residential liner buildings.
- (6) *Historic reuse limitations.*
- a. The area available for office use is limited to the first story of the primary building and permitted on any floor of an accessory building.
 - b. The area available for retail stores use is limited to the first story on one corner of each block.
 - c. The area available for artisan use is limited to 600 square feet within the first story of a primary or accessory building.
 - d. Public operating hours shall be limited between the hours of 8:00 a.m. and 8:00 p.m.
 - e. Any use not listed shall be prohibited.
- (7) *Additional requirements.* All applicants for a day care facility that provide child care for more than ten children, shall hold a community workshop as set forth in subsection IV-201(b) prior to submitting an application for a provisional use permit.
- (8) *Pharmacy limitation.* Pharmacy use permitted only when accessory to a drugstore or grocery store. Pharmacy as a primary use is prohibited.
- (9) *Distance separation.* New pharmacy uses shall be located at least 1,000 feet from existing pharmacies.
- (10) *Parks and open space types.* Publicly accessible parks, greens, squares, plazas, and playgrounds are exempt from frontage regulations.

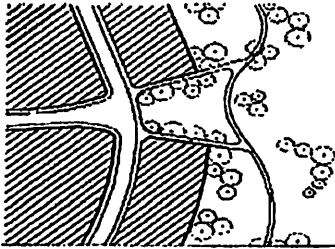
Article II – DEFINITIONS AND RULES OF CONSTRUCTION

DIVISION 2. – DEFINITIONS

Sec. II-201. – Definitions.

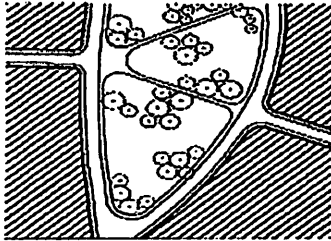
Park and opens space types (for downtown zone districts):

- (1) *Park*: An open space available as a natural preserve and for unstructured recreation. A park may be located at a neighborhood edge, independent of surrounding building frontages. Parks may be lineal, following the trajectories of natural corridors, and may include civic boardwalk and pier.



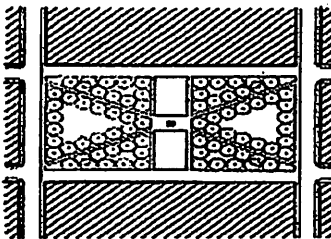
Park

- (2) *Green*: An open space available for unstructured recreation. Building frontages shall circumscribe a green. Its landscape shall consist of lawn and trees, naturalistically disposed.



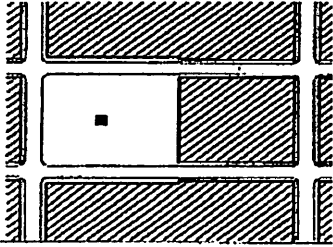
Green

- (3) *Square*: An open space available for unstructured recreation and civic purposes. Frontages circumscribe a square. Its landscape shall consist of paved walks, lawns and trees formally disposed. It shall be placed at the intersection of important streets.



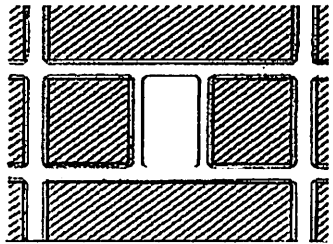
Square

(4) *Plaza*: An open space available for civic purposes and commercial activities. Frontages circumscribe a plaza. Its landscape consists primarily of pervious pavement/pavement and some trees formally disposed. It shall be placed at the intersection of important streets.



Plaza

(5) *Playground*: An open space designed and equipped for the play of children. A playground may be fenced and may include an open shelter. Playgrounds should be interspersed within residential areas and may be placed within the block. Playgrounds may be included within parks, greens, squares and plazas.



Playground

8. RESTAURANTS

Article II – DEFINITIONS AND RULES OF CONSTRUCTION

DIVISION 2. – DEFINITIONS

Sec. II-201. – Definitions.

~~Outdoor restaurant: A portion of a restaurant, of any type, located outside the public right-of-way which functions as an extension of the principal use of the private property of the restaurant. An outdoor restaurant is not located in a completely enclosed building and is open to the sky except that it may have awnings, umbrellas, or building overhang and shall be used exclusively for dining, drinking and circulation therein. An outdoor restaurant may provide either waiter or waitress service or self-service. See also sidewalk cafe.~~

~~Restaurant: A structure in which the principal use is the preparation, cooking, consumption, and sale of food and beverages. A commercial establishment of which the principal business is preparing and serving meals selected from a menu to customers during all operating hours. Meals are prepared within a structure and may be served and eaten on premises.~~

Article VII – REGULATIONS OF GENERAL APPLICABILITY

DIVISION 6. – ADDITIONAL USE AND DEVELOPMENT STANDARDS

Sec. VII-602. – Specific standards for certain uses.

- (f) ~~Accessory o~~ Outdoor seating and other outdoor areas of restaurants. The standards for outdoor seating and other outdoor areas of restaurants ~~regulations~~, as established in these regulations, have city-wide applicability and, are designed to encourage-facilitate outdoor seating and other outdoor areas of restaurants in commercial areas, to promote and protect public health, safety, and general welfare and to provide for the creation of a more urban pedestrian environment. Outdoor seating and other outdoor areas of restaurants shall provide the same amenities and facilities as interior restaurants including, but not limited to, public restrooms that are accessible to customers and shade structures. Outdoor seating and other outdoor areas of restaurants shall be constructed and operated in the following manner:
- (1) If the outdoor area of a restaurant used for dining, drinking and circulation is on a side of the building adjacent to residentially zoned property, then the outdoor portion of the restaurant, regardless of floor level, shall be separated by an intervening building or six and one-half foot high masonry wall without windows along all side(s) of the outdoor restaurant that are adjacent to the residentially zoned property. No variance from this requirement may be granted. Notwithstanding the foregoing, the approving authority may allow the materials comprising the buffer wall to be other than masonry, and may approve the use of a window so long as it remains fixed or remains fully closed within the buffer wall. In such instances, the approving authority shall make a finding that such change in materials will protect the adjacent residentially zoned property(s) from potentially adverse impacts of the outdoor dining activity.
 - (2) If the outdoor area of a restaurant used for dining, drinking and circulation is located on a side(s) of a building adjacent to non-residentially zoned property or a public right-of-way, it shall be separated on that side(s) of the building from the non-residentially zoned property and/or public right-of-way by either a building or a two foot high enclosure. The enclosure may consist of plants, planters, fences, or walls.
 - (3) The exterior of the wall(s) required in subsections (1) and (2) above shall be finished in a manner considered appropriate to the materials used.
 - (4) All patrons of the outdoor-restaurant shall vacate the outdoor portions of the restaurant no later than 11:00 p.m. on Sunday through Thursday, inclusive, except the day prior to a holiday, and 11:59 p.m. on Friday, Saturday and the day prior to a holiday. Provided, however, if the outdoor portions of the restaurant is-are located within 120 feet of residentially zoned property, as measured in a straight line from the nearest property boundary of the residentially zoned property, the patrons shall vacate the outdoor portions of the restaurant no later than 11:00 p.m., seven days

per week. Notwithstanding the foregoing, stricter hours of operation may be established by the approving authority. In such instances, the approving authority shall make a finding that said more stringent restriction is necessary to mitigate potential impacts from the outdoor portions of the restaurant to the residentially zoned property.

(5) No amplified music or amplified entertainment shall be permitted.

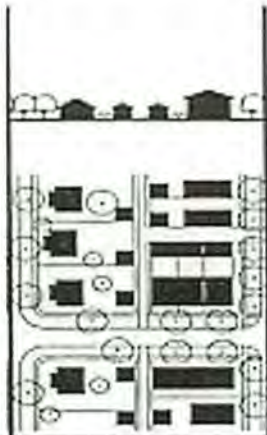

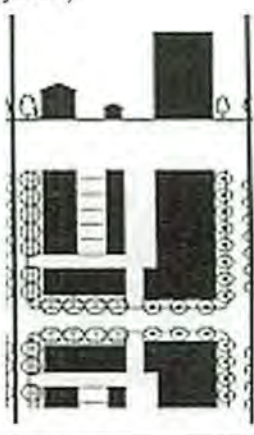
(6) Outdoor seating and other outdoor areas of restaurants, on parcels with frontages on primary streets and part of an expansion or remodeling of existing development, are exempt from Table VI-1004 standards. For new development, outdoor seating and other outdoor areas of restaurants can be used to satisfy the façade requirement in Table VI-1004 and are exempt from other standards of Table VI-1004.

Article VI – ZONE DISTRICTS

DIVISION 10. – DOWNTOWN ZONE DISTRICTS

Sec. VI-1005. – Development standards.

Table VI-1003. Development Standards in the Downtown Zone Districts

Development Standards	DTN (Neighborhood)	DTNE (Neighborhood Edge) DTE (Edge)	DTC (Core) DTB (Bayfront)
			
Density See VI-1005(b)			
-Maximum	12 units/acre	18 units/acre (DTNE) 25 units/acre (DTE) 100 units/acre (RROD - see section VI-912)	50 units/acre
Floor area ratio See VI-1005(c)			
-Maximum	0.5	Not applicable	Not applicable

Zoning lot size See VI-1005(d)			
-Minimum	3,600 sq. ft.	2,500 sq. ft. (DTNE) 1,800 sq. ft. (DTE)	1,800 sq. ft.
Building coverage See VI-1005(e)			
-Maximum	75%	85% (DTNE) 100% (DTE)	100%
Building setback see VI-1005(f)			
-Minimum front	10 ft.	5 ft. (DTNE) 0 ft. (DTE)	0 ft.
-Maximum front	20 ft.	15 ft. (DTNE) 10 ft. (DTE)	5 ft.
-Minimum side	0 ft./10 ft. combined	0 ft. 10 ft.(where DTNE abuts DTN or RSF)	0 ft.
-Minimum rear	15 ft. primary building 3 ft. accessory building 4 ft. all accessory buildings and fences abutting alleys	10 ft. (DTNE) 0 ft. (DTE)	0 ft.
-Exceptions	<p>On secondary streets (map VI-1001), buildings are exempt from the maximum setback limitation.</p> <p>On primary streets (map VI-1001), the maximum front yard setback only applies to portions of a building meeting the minimum facade requirement.</p> <p>The minimum side yard setback for structures on the south side of 4th Street is zero.</p> <p>Porches may encroach up to 50% of the depth of the setback.</p>	<p>On secondary streets (map VI-1001), buildings are exempt from the maximum setback limitation.</p> <p>On primary streets (map VI-1001), the maximum front yard setback only applies to portions of a building meeting the minimum facade and height requirement.</p> <p>On primary street intersections (map VI-1001), the maximum setback for chamfered corners shall be 20 feet from the lot corner to the center of the building facade that faces the lot corner.</p> <p>Encroachments shall be allowed consistent with section VII-1201.</p>	<p>On secondary streets (map VI-1001), buildings are exempt from the maximum setback limitation.</p> <p>On primary streets (map VI-1001), the maximum front yard setback only applies to portions of a building meeting the minimum facade and height requirement.</p> <p>On primary street intersections (map VI-1001), the maximum setback for chamfered corners shall be 20 feet from the lot corner to the center of the building facade that faces the lot corner.</p> <p>Encroachments shall be</p>

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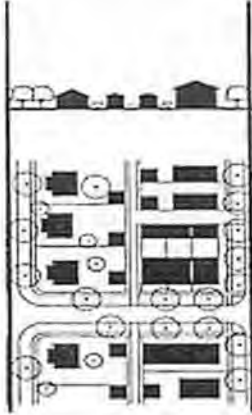
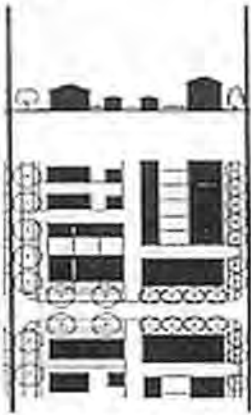
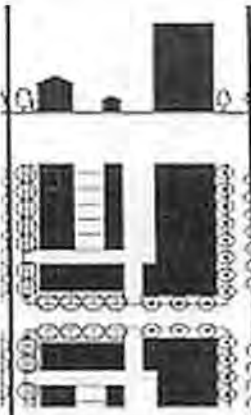
EXHIBIT A

	<p>All other encroachments shall be allowed consistent with section VII-1201.</p> <p>Compliance with EDCM, part 5, section D.8.b. Visibility at intersections.</p>	<p>Compliance with EDCM, part 5, section D.8.b. Visibility at intersections.</p>	<p>allowed consistent with section VII-1201.</p> <p>Compliance with EDCM, part 5, section D.8.b. Visibility at intersections.</p>
<p>Building height See VI-1005(g)</p>			
-Maximum	<p>3 stories—Primary building 2 stories—Accessory building</p>	<p>3 stories (DTNE) 5 stories (DTE) 7 stories (RROD - see section VI-912, only provided with urban open space or transfer of development rights)</p>	<p>10 stories (DTC) 18 stories (DTB)</p>
-Minimum	<p>Not applicable</p>	<p>2 stories on primary streets (map VI-1001)</p>	<p>2 stories on primary streets (map VI-1001)</p>
-Special requirements	<p>None</p>	<p>On primary streets (map VI-1001), buildings that have residential uses facing the primary street on the first floor shall raise the first finished floor at least two feet above the sidewalk grade for a minimum depth of 20 feet.</p> <p>DTE zoning lots adjacent to a single-family, RMF-1, 2, 3, or DTN zone district. On the portion of a site within 100 feet of a site zoned RSM-9 or DTN, the maximum building height is one story above the maximum height of the adjacent RSM-9 or DTN zone district. On the portion of a site within 100 feet of a site zoned RSF-1, 2, 3, 4, or RMF-1, 2, 3, the maximum building height is four stories.</p>	<p>On primary streets (map VI-1001), buildings that have residential uses facing the primary street on the first floor shall raise the first finished floor at least two feet above the sidewalk grade for a minimum depth of 20 feet.</p> <p>On primary streets (map VI-1001), stories at the sidewalk level shall be no less than 12 feet in height from the finished floor to finished ceiling.</p>
-Exceptions	<p>Basements that emerge less than four feet from finished grade or attics not exceeding four feet at the kneewall shall not constitute an additional story.</p> <p>A single tower on a building, defined as habitable portions of a building above the roof level with a footprint less than 240 square feet, shall not be subject to height limits.</p>	<p>Basements that emerge less than four feet from finished grade or attics not exceeding 4 feet at the kneewall shall not constitute an additional story.</p> <p>A single tower on a building, defined as habitable portions of a building above the roof level with a footprint less than 240 square feet, shall not be subject to height limits.</p> <p>Extensions above the maximum height</p>	<p>Basements that emerge less than four feet from finished grade or attics not exceeding four feet at the kneewall shall not constitute an additional story.</p> <p>A single towers on a building, defined as habitable portions of a building above the roof level with a footprint less than 240 square feet, shall not be subject to height limits.</p>

	<p>Extensions above the maximum height of structures detailed under <i>Height Limitations</i> in section VI-102(p) are allowed.</p>	<p>of structures detailed under <i>Height Limitations</i> in section VI-102(p) are allowed.</p> <p>See also: VI-1005(g)(4), additional exceptions for height in the DTE, DTNE, DTC, and DTB</p>	<p>Extensions above the maximum height of structures detailed under <i>Height Limitations</i> in section VI-102(p) are allowed.</p> <p>See also: VI-1005(g)(3) Additional exceptions for height in the DTC.</p> <p>a. Existing buildings over ten stories.</p> <p>b. New buildings over ten stories.</p> <p>c. Bonus height.</p> <p>VI-1005(g)(4), (5), additional exceptions for height in the DTE, DTNE, DTC and DTB</p>
<p>Other regulations</p>	<p>The regulations in this division state the allowed uses and development standards for the base zones. Sites with overlay zones are subject to additional regulations. The official zoning maps indicate which sites are subject to these additional regulations. General standards that may be applicable are found in division 1 of this article. Specific uses or development types may also be subject to article VII, regulations of general applicability.</p>		

Table VI-1004. Building Design Standards in the Downtown Zone Districts

These standards are limited to portions of buildings with frontages that face a primary street. (See map VI-1001.)

Building Design Standards	DTN (Neighborhood)	DTNE (Neighborhood Edge) DTE (Edge)	DTC (Core) DTB (Bayfront)
			
Building design See VI-1005(i)			
Frontage type See II-201 definitions			
-Common lawn	Permitted	Prohibited	Prohibited
-Porch and Fence -Minimum porch width -Minimum porch depth	Permitted 8 ft. 6 ft.	Prohibited Not applicable Not applicable Porch is permitted within the RROD; minimum width if 8 ft.; minimum depth is 6 ft.	Prohibited Not applicable Not applicable
-Door yard or light court	Permitted	Permitted	Prohibited
-Forecourt	Permitted	Permitted	Permitted
-Stoop	Permitted	Permitted	Permitted
-Awning	Prohibited	Permitted Subject to meeting encroachment standards in VII-1201 and the following standards: On optional and required retail frontages (see map VI-1002), an awning is required to cover the sidewalk for minimum of 90 percent of the building frontage (see VI-1003(c))	Permitted Subject to meeting encroachment standards in VII-1201 and the following standards: On optional and required retail frontages (see map VI-1002), an awning is required to cover the sidewalk for minimum of 90 percent of the building frontage (see VI-1003(c))

		<p>Awnings at the first story shall overlap the sidewalk eight feet. However, in no case shall an awning come closer than two feet of the curb. To avoid conflicts with existing infrastructure (e.g., street trees or streetlighting), the director of development services may reduce the required distance an awning must overlap the sidewalk or allow for a retractable awning without application for an adjustment.</p> <p>The minimum awning height (measured from the sidewalk to the lowest portion of the awning) shall be between eight and 14 feet, to be determined by the director of development services based on the scale of the building.</p> <p>Lighting shall be provided to illuminate the sidewalk in a manner acceptable to the director of development services. The backlighting of awnings and messages attached thereto is prohibited.</p>	<p>Awnings at the first story shall overlap the sidewalk eight feet. However, in no case shall an awning come closer than two feet of the curb. To avoid conflicts with existing infrastructure (e.g., street trees or streetlighting), the director of development services may reduce the required distance an awning must overlap the sidewalk, or allow for a retractable awning without application for an adjustment.</p> <p>The minimum awning height (measured from the sidewalk to the lowest portion of the awning) shall be between eight and 14 feet, to be determined by the director of development services based on the scale of the building.</p> <p>Lighting shall be provided to illuminate the sidewalk in a manner acceptable to the director of development services. The backlighting of awnings and messages attached thereto is prohibited.</p>
<p>-Gallery (The definition for a gallery includes canopies or light colonnades that extend along all or part of a building frontage, entrance canopies above doors and canopies above windows. See definition of Gallery and Canopy.)</p>	<p>Prohibited</p>	<p>Permitted Subject to meeting encroachment standards in VII-1201 and the following standards:</p> <p>On optional and required retail frontages (see map VI-1002), a gallery is required to cover the sidewalk for [a] minimum of 90 percent of the building frontage (see VI-1003(c).)</p> <p>The gallery shall be no less than ten feet wide (measured from the building facade to the inside of the column) and overlap the sidewalk to within three feet of the curb. Where the curb along a block frontage is irregular (e.g., where "bulb outs" occur) the curb line along the entire block</p>	<p>Permitted Subject to meeting encroachment standards in VII-1201 and the following standards:</p> <p>On optional and required retail frontages (see map VI-1002), a gallery is required to cover the sidewalk for [a] minimum of 90 percent of the building frontage (see VI-1003(c).)</p> <p>The gallery shall be no less than ten feet wide (measured from the building facade to the inside of the column) and overlap the sidewalk to within three feet of the curb. Where the curb along a block frontage is irregular (e.g., where "bulb outs" occur) the curb line along the entire block frontage</p>

		frontage shall be the predominant curb line, excluding irregularities. The width of columns shall be a maximum of two feet in any horizontal dimension. Openings in the gallery facade shall be at least 75 percent measured at each story. A gallery above the first story is optional with a maximum height of four stories. The minimum clear height within the first story walkway space shall be 12 feet.	shall be the predominant curb line, excluding irregularities. The width of columns shall be a maximum of two feet in any horizontal dimension. Openings in the gallery facade shall be at least 75 percent measured at each story. A gallery above the first story is optional with a maximum height of four stories. The minimum clear height within the first story walkway space shall be 12 feet.
-Gallery (cont'd.)		When determined to be necessary by the director of development services, existing street trees and streetlights may be removed or relocated. All costs associated with the removal or relocation of street trees and streetlights shall be at the expense of the property owner. The city engineer shall determine the right-of-way repairs associated with the removal or relocation of street trees and streetlights. Tree removal and replacement is subject to article VII, division 3.1 and the EDCM. Galleries shall incorporate lighting into the gallery to illuminate the sidewalk in a manner acceptable to the director of development services. Any final decision of the director of development services may be appealed to the planning board in accord with section IV-1901(f).	When determined to be necessary by the director of development services, existing street trees and streetlights may be removed or relocated. All costs associated with the removal or relocation of street trees and streetlights shall be at the expense of the property owner. The city engineer shall determine the right-of-way repairs associated with the removal or relocation of street trees and streetlights. Tree removal and replacement is subject to article VII, division 3.1 and the EDCM. Galleries shall incorporate lighting into the gallery to illuminate the sidewalk in a manner acceptable to the director of development services. Any final decision of the director of development services may be appealed to the planning board in accord with section IV-1901(f).
-Arcade	Prohibited	Prohibited	Prohibited
Facades	Facades shall be built parallel to the front lot line, except at chamfered corners, along a minimum of 50 percent of its length.	Facades shall be built parallel to the front lot line, except at chamfered corners, along a minimum of 70 percent of its length. In the absence of a building along the remainder of the front lot line, a street wall shall be built coplanar with the facade only when they are needed to screen surface or structured parking or	Facades shall be built parallel to the front lot line, except at chamfered corners, along a minimum of 90 percent of its length. In the absence of a building along the remainder of the front lot line, a street wall shall be built coplanar with the facade only when they are needed to screen surface or structured parking or other

		other unsightly conditions such as alleys.	unsightly conditions such as alleys.
Recess	Not applicable	Not applicable	Buildings shall have a minimum 12-foot recess along each street front commencing above the 2nd, 3rd or 4th story. Encroachments into the required recess shall be allowed consistent with section VII-1202.
Habitable space	Not applicable.	Buildings shall provide a 20-foot minimum depth of habitable space for the full height and length of the first two stories.	Buildings shall provide a 20-foot minimum depth of habitable space for the full height and length of the first two stories.
Pedestrian entrance	Buildings shall have their main entrance along a frontage line. Buildings with multiple frontages shall have their primary frontage determined by the director of development services.	Buildings shall have their main entrance along a frontage line. Buildings with multiple frontages shall have their primary frontage determined by the director of development services. All buildings located at a corner intersection shall incorporate architectural features at the ground floor that emphasize the importance of pedestrian movement. These features may include chamfered corners, walk-through covered arcades, trellis structures, and other elements that focus visual interest on the corners.	Buildings shall have their main entrance along a frontage line. Buildings with multiple frontages shall have their primary frontage determined by the director of development services. All buildings located at a corner intersection shall incorporate architectural features at the ground floor that emphasize the importance of pedestrian movement. These features may include chamfered corners, walk-through covered arcades, trellis structures, and other elements that focus visual interest on the corners.
Corner architecture	Not applicable	The director of development services may exempt buildings located at a corner intersection that celebrate the corner, such as with a turret, from (1) the recess requirement above the fourth story and (2) the requirement that facades be built parallel to the front lot line. This exemption is limited to a distance 24 feet from each front lot line at the corner.	The director of development services may exempt buildings located at a corner intersection that celebrate the corner, such as with a turret, from (1) the recess requirement above the forth story and (2) the requirement that facades be built parallel to the front lot line. This exemption is limited to a distance 24 feet from each front lot line at the corner.
Streetwalls	Not applicable.	Streetwalls shall be located at the first layer and along the building frontage line whenever they are needed to screen surface or structured parking or other unsightly conditions such as alleys.	Streetwalls shall be located at the first layer and along the building frontage line whenever they are needed to screen surface or structured parking or other unsightly conditions such as alleys.

		<p>Streetwalls shall be between three and one-half and eight feet in height. Expanses longer than 25 feet or higher than three and one-half feet shall be architecturally designed (e.g., vertical or horizontal changes in wall plane, landscaped or raised planters, decorative view ports, wrought iron grillwork, or decorative masonry patterns). Except for decorative openings, streetwalls may have openings no larger than necessary to allow vehicle and pedestrian access.</p> <p>If allowed by the director of neighborhood and development services, a hedge of equal height may replace the streetwall.</p>	<p>Streetwalls shall be between three and one-half and eight feet in height. Expanses longer than 25 feet or higher than three and one-half feet shall be architecturally designed (e.g., vertical or horizontal changes in wall plane, landscaped or raised planters, decorative view ports, wrought iron grillwork, or decorative masonry patterns). Except for decorative openings, streetwalls may have openings no larger than necessary to allow vehicle and pedestrian access.</p> <p>If allowed by the director of development services, a hedge of equal height may replace the streetwall.</p>
Windows	<p>The first story facade on residential frontages shall be minimum of 15 percent glass. Windows in garage doors shall not count but windows in garage walls shall count towards meeting this standard.</p>	<p>The first story facade on required retail frontages (map VI-1002) shall be a minimum 70 percent glass. The first story facade on all other nonresidential frontages shall be a minimum 30 percent glass.</p> <p>The first story facade on residential frontages shall be minimum of 15 percent glass.</p> <p>The glazed area and all other openings of a facade above the first story shall not exceed 50 percent of the total area, with each facade being calculated independently.</p> <p>Security grilles, if any, shall be at least 50 percent transparent and shall be located on the inside of the glassed area.</p> <p>Glazing shall have clear or lightly tinted glass with a visible light transmittance factor of 0.6 or higher (where R+A+T=1.0). Translucent, opaque, and mirrored glass may not be used.</p>	<p>The first story facade on required retail frontages (map VI-1002) shall be a minimum 70 percent glass. The first story facade on all other nonresidential frontages shall be a minimum 30 percent glass.</p> <p>The first story facade on residential frontages shall be minimum of 15 percent glass.</p> <p>The glazed area and all other openings of a facade above the first story shall not exceed 50 percent of the total area, with each facade being calculated independently.</p> <p>Security grilles, if any, shall be at least 50 percent transparent and shall be located on the inside of the glassed area.</p> <p>Glazing shall have clear or lightly tinted glass with a visible light transmittance factor of 0.6 or higher (where R+A+T=1.0). Translucent, opaque, and mirrored glass may not be used. However</p>

EXHIBIT A

		However glazing on required retail frontages shall be clear (non-tinted) and transparent to permit view of human activities and spaces within.	glazing on required retail frontages shall be clear (non-tinted) and transparent to permit view of human activities and spaces within.
Shape of openings	<p>Each opening in a facade, including windows, doors, and arches, shall be designed to appear as if they are square or vertical in proportion.</p> <p>The spacing of support columns on a porch, measured from the centerline of the columns, shall not be greater than the height of the columns.</p> <p>Exception: The director of development services may exempt buildings that incorporate the syntax of the Sarasota School of Architecture.</p>	<p>Each opening in a facade, including windows, doors, and arches, shall be designed to appear as if they are square or vertical in proportion.</p> <p>The spacing of support columns for a gallery or arcade, measured from the centerline of the columns, shall not be greater than the height of the columns.</p> <p>Exception: The director of development services may exempt buildings that incorporate the syntax of the Sarasota School of Architecture.</p>	<p>Each opening in a facade, including windows, doors, and arches, shall be designed to appear as if they are square or vertical in proportion.</p> <p>The spacing of support columns for a gallery or arcade, measured from the centerline of the columns, shall not be greater than the height of the columns.</p> <p>Exception: The director of development services may exempt buildings that incorporate the syntax of the Sarasota School of Architecture. The square or vertical proportion requirement shall not apply to the nonresidential ground floor of a building within the Rosemary residential overlay district.</p>
Roofs	<p>Pitched roofs, if provided, shall be sloped no less than 5:12, except that porches may be attached shed roofs with pitches no less than 2:12.</p> <p>Flat roofs shall have parapets no less than 42 inches high or as required to conceal any mechanical equipment from any adjoining sidewalk.</p>	<p>Pitched roofs, if provided, shall be sloped no less than 5:12, except that porches may be attached shed roofs with pitches no less than 2:12.</p> <p>Flat roofs shall have parapets no less than 42 inches high or as required to conceal any mechanical equipment from any adjoining sidewalk.</p>	<p>Pitched roofs, if provided, shall be sloped no less than 5:12, except that porches may be attached shed roofs with pitches no less than 2:12.</p> <p>Flat roofs shall have parapets no less than 42 inches high or as required to conceal any mechanical equipment from any adjoining sidewalk.</p>
Exterior finish	<p>Exterior finish materials on all facades (except windows) shall be limited to clapboards (durable materials), shingles (durable materials), stucco, quarried stone, cast stone, or brick. Materials may be combined on one facade only horizontally, with heavier below lighter (i.e., visual weight such as brick below stucco).</p>	<p>Exterior finish materials on all facades (except windows) shall be limited to pre-cast concrete, decorative concrete block, stucco, quarried stone, cast stone, brick, terra cotta, and tile. Materials may be combined on one facade only horizontally, with heavier below lighter (i.e., visual weight such as brick below stucco).</p>	<p>Exterior finish materials on all facades (except windows) shall be limited to pre-cast concrete, decorative concrete block, stucco, quarried stone, cast stone, brick, terra cotta, and tile. Materials may be combined on one facade only horizontally, with heavier below lighter (i.e., visual weight such as brick below stucco).</p>

	<p>Wood window surrounds are permitted in addition to all the material permitted for the exterior. Wood and metal pergolas and trellises are permitted. Fabric awnings are permitted without back lighting.</p> <p>Balconies and porches shall be made of painted or simulated wood, metal or masonry.</p>	<p>Wood window surrounds are permitted in addition to all the material permitted for the exterior. Wood and metal pergolas and trellises are permitted. Fabric awnings are permitted without back lighting.</p> <p>Balconies, galleries and arcades shall be made of painted or simulated wood, metal or masonry. If allowed by the director of development services, guardrails on balconies or elevated walkways may be made of glass.</p>	<p>Wood window surrounds are permitted in addition to all the material permitted for the exterior. Wood and metal pergolas and trellises are permitted. Fabric awnings are permitted without back lighting.</p> <p>Balconies, galleries and arcades shall be made of painted or simulated wood, metal or masonry. If allowed by the director of development services, guardrails on balconies or elevated walkways may be made of glass.</p>
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9. MINOR REVISIONS TO SITE PLAN CRITERIA

Article IV – DEVELOPMENT REVIEW PROCEDURES

DIVISION 5. – SITE PLAN

Sec. IV-508. – Changes to site plans.

(a) *Minor revisions to site plan.* The director of development services is authorized to allow minor revisions to an approved site plan requiring planning board or city commission 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:

(1) Does not substantially alter the location of any points of access to the site;

(2) Does not change the use of the property;

(3) Does not increase the density or intensity of the development to occur on the property;

(4) Does not result in a reduction ~~or change~~ of previously approved open space ~~or~~ setback, ~~building location, or landscaping area~~ by more than ten percent;

~~(5) Does not result in a change of building location by more than ten percent;~~

~~(5) (6)~~ 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;

~~(6) (7)~~ Does not result in a ~~material-substantial~~ modification or the cancellation of any condition placed upon the site plan as originally approved;

~~(7) (8)~~ Does not substantially change the ~~internal or~~ external traffic pattern;

~~(8) (9)~~ Does not add additional property to the site;

~~(9) (10)~~ Does not increase the impervious area of the site by more than ten percent; or

~~(10) (11)~~ Does not increase the height of the building(s) except for an increase of up to 25 percent in the height of rooftop appurtenance allowed by subsection VI-102(p).

~~(11) (12)~~ In addition to criteria (1) through (10), 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 G zone.

(b) *Major revisions to site plans.* If the requested modification to an approved site plan is determined by the director of ~~building, zoning and code enforcement development services~~ not to be a minor revision, the request shall be processed in the same manner as the original approval.

10. STANDARDS FOR MINOR REVISIONS TO SITE PLANS IN THE DOWNTOWN

Article IV – DEVELOPMENT REVIEW PROCEDURES

DIVISION 19. – SITE PLANS, ADMINISTRATIVE INTERPRETATIONS AND ADJUSTMENTS FOR DOWNTOWN ZONE DISTRICTS

Sec. IV-1901. – Site Plans.

(a) *Authority.* Site plans for properties in the downtown zone districts shall be processed administratively without regard to the thresholds for administrative site plans in subsection IV-501(c). At the option of the applicant, a site plan may be processed in advance of a building permit or in conjunction with a building permit. The development services department shall review all site plans for completeness and compliance with the provisions of this section and the regulations pertaining to downtown zone districts. The development services department shall solicit and consider comments from the development review committee (DRC) on all applications for site plan approval exceeding the thresholds found in section IV-501(c) of this Code whether the application has been filed in advance of an application for a building permit or in conjunction with an application for a building permit. Any final decision of the director of development services to approve or deny a site plan may be appealed to the planning board in accord with subsection IV-1901(g) below. No building permit for construction in accordance with an approved site plan shall be issued until the expiration of the ten-day appeal period referred to in subsection IV-1901(g) and, if applicable, until the final disposition of any appeal pursuant to subsection IV-1901(g) or subsection IV-1901(h). The office of the city auditor and clerk shall mail a notice of approval or a notice of denial to those persons or entities who were entitled to receive a notice of filing pursuant to subsection IV-201(e) of this Code. A notice of approval or a notice of denial shall also be mailed or e-mailed to any condominium, cooperative, homeowners' association or neighborhood association which includes property located within 500 feet of the property that is the subject of the application for site plan approval, provided such condominium, cooperative or association has registered with the city for the purpose of receiving notices of applications for development approvals.

In the event that a site plan requires other development approvals (e.g. conditional use, development agreement) or requires a vacation of right of way, then the site plan shall be filed and processed in accord with the applicable development review procedures set out in article IV of this Code. In the event that a site plan requires approval of a right of way encroachment agreement, then the site plan shall be processed in accordance with this section; however, approval of the encroachment agreement shall be obtained in accord with the procedures set out in article VII, division 12.

- (b) *Site plan review.* An application for site plan approval shall be accompanied by the information and documentation required by the applicable review procedures set out in article IV, division 3.
- (c) *Concurrency review.* An analysis shall be prepared by relevant professionals to determine that the adopted level of service for potable water, wastewater, stormwater, solid waste, recreation and transportation has been met in accord with the methodology defined in appendix A of this zoning code.
- (d) *Enforcement.* Should a violation of an approved design occur during construction, the director of ~~neighborhood and~~ development services has the authority to require the developer to stop, remove, and/or alter the violation or to require the developer to secure an adjustment in accord with section IV-1903.
- (e) *Expiration of approval.* 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 or adjustments, such conditional uses or adjustments will also expire upon the expiration of the site plan.
- (f) *Extension of approval.* However, upon application submitted to the city auditor and clerk's office at least 30 calendar days prior to the expiration of site plan approval; the director of ~~neighborhood and~~ development services may grant a one-time extension of the site plan 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 (1), (2), or (3) below.
- (1) The application contains evidence satisfactory to the director of ~~neighborhood and~~ development services 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

- (2) The application contains evidence satisfactory to the director of ~~neighborhood and~~ development services 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
- (3) 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. This paragraph (f) and paragraph (e) above shall not apply to a site plan which is subject to or governed by an enforceable development agreement pursuant to article IV, division 15 of the zoning code.

The denial by the director of ~~neighborhood and~~ development services of an application to extend the site plan approval may be appealed to the planning board by filing such appeal with the city auditor and clerk's office no later than ten days after the written decision by the director of development services.

- (g) *Appeal to planning board.* Any aggrieved person may appeal the decision of the director of development services to approve or deny a site plan by filing a notice of appeal with the office of the city auditor and clerk on a form prepared by the development services department within ten calendar days after the date the notice of approval or notice of denial is mailed by the office of the city auditor and clerk as required by subsection IV-1901(a). The planning board shall hold a de novo hearing on the application for site plan approval. The hearing shall be advertised and conducted in accord with section IV-202. No building permit for construction in accordance with an approved site plan shall be issued until the expiration of the ten-day appeal period referred to in subsection IV-1901(h). If an appeal is filed, no building permit shall be issued until a final decision on the appeal has been made by the planning board or by the city commission unless the applicant executes an agreement with the city, in a form approved by the city attorney, acknowledging that the applicant is proceeding at the applicant's own risk if construction is commenced pursuant to the building permit prior to the final determination of the appeal.

Prior to conducting the hearing, the planning board 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 zoning code and the planning board may receive evidence on this issue. In the event the planning board determines that the appealing party is not an "aggrieved person," the board shall not conduct the hearing on the application for site plan approval and the decision appealed from shall become final.

- (h) *Appeal to city commission.* An appeal of a decision of the planning board may be made to the city commission. A notice of appeal in the form of a letter shall be filed with the city auditor and clerk's office within ten days of the planning board's decision. The city commission shall hold a de novo public hearing to consider the appeal, and may affirm, affirm with conditions or reverse the decision of the planning board. The hearing shall be advertised and conducted in accord with section IV-202. An appeal of the decision of the city commission may be made to the county circuit court by filing a petition for writ of certiorari as provided under the Florida Rules of Appellate Procedure. A decision of the city commission to approve or deny a site plan as provided in subsection (g) above shall be deemed to have been rendered on the date that the city commission adopts a resolution setting forth its findings and decision.

(i) Changes to Administrative Site Plans.

(a) Minor revisions to site plan. The director of development services is authorized to allow minor revisions to an approved administrative site plan 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.

Refer to Section IV – 508 regarding criteria for minor revisions to site plans.

(b) Major revisions to site plans. If the requested modification to an approved site plan is determined by the director of development services not to be a minor revision, the request shall be processed in the same manner as the original approval.

11. MINOR REVISIONS TO CONDITIONAL USE CRITERIA

Article IV – DEVELOPMENT REVIEW PROCEDURES

DIVISION 9. – CONDITIONAL USES

Sec. IV-909. – Changes to Conditional Uses.

(a) *Approval of minor revisions.* The director of development services 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 which:

(1) Does not increase the gross floor area by more than 500 square feet;

~~(1)~~ (2) Does not substantially alter the location of any points of access to the site;

~~(2)~~ (3) Does not change the use of the property;

~~(3)~~ (4) Does not increase the density or intensity of the development to occur on the property;

~~(4)~~ (5) Does not result in a reduction ~~or change~~ of previously approved open space ~~or~~ setback, ~~building location, or landscaping area~~ by more than ten percent;

(6) Does not result in a change of building location by more than ten percent;

~~(5)~~ (7) 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;

~~(6)~~ (8) Does not result in a ~~material-substantial~~ modification or the cancellation of any condition placed upon the site plan as originally approved;

~~(7)~~ (9) Does not substantially change the ~~internal or~~ external traffic pattern;

~~(8)~~ (10) Does not add additional property to the site;

~~(9)~~ (11) Does not increase the impervious area of the site by more than ten percent; or

~~(10)~~ (12) Does not increase the height of the building(s) except for an increase of up to 25 percent in the height of rooftop appurtenance allowed by subsection VI-102(p).

(b) *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 and section IV-201 and IV-202. The application shall also address the necessity for the amendment and shall demonstrate the amendment is warranted under the circumstances.