



Development Services Department

Processing of Development Applications
Within Downtown Zone Districts

March 2023

Process Summary - Within Downtown Zone Districts

Summary of Process for Development Applications Within the Downtown Zone Districts

		Location		Review Type		CW Required		Notification Sent to Properties Within 500' and Applicable Neighborhood/ Business Associations(s)		Development Review Committee (DRC) Review		Planning Board (PB) Public Hearing		City Commission (CC) Action Required				
		DT	LPOD	Full	Admin	Yes	No	Yes	No	Yes	No	Yes	No	Public Hearing		Consent Agenda		
														Yes	No	Yes	No	
Application Type	Pre-Application Conference										✓							
	Administrative Site Plan Review	✓	✓		✓	✓ (only if in LPOD)	✓	✓		✓			✓		✓		✓	
	Amendment to Previously Approved Administrative Site Plan-Minor	✓	✓		✓		✓		✓		✓			✓		✓	✓	
	Amendment to Previously Approved Administrative Site Plan-Major	✓	✓		✓	✓ (only if in LPOD)	✓	✓		✓			✓		✓		✓	
	Major Conditional Use Review	✓	✓	✓		✓		✓		✓			✓			✓ ¹		
	Minor Conditional Use Review	✓	✓	✓		✓		✓		✓			✓		✓		✓	
	Rezone/Rezone Without Site Plan Review	✓	✓	✓		✓		✓		✓			✓		✓			
	Rezone Ordinance Amendment Review	✓	✓	✓		✓		✓		✓			✓		✓			
	G-Zone Waiver Review	✓	✓	✓		✓		✓		✓			✓			✓ ¹		
	Adjustments to the Downtown Code – Staff Review	✓	✓		✓		✓		✓			✓		✓		✓		✓
	Adjustments to the Downtown Code – PB Review	✓	✓	✓			✓		✓			✓		✓		✓		✓

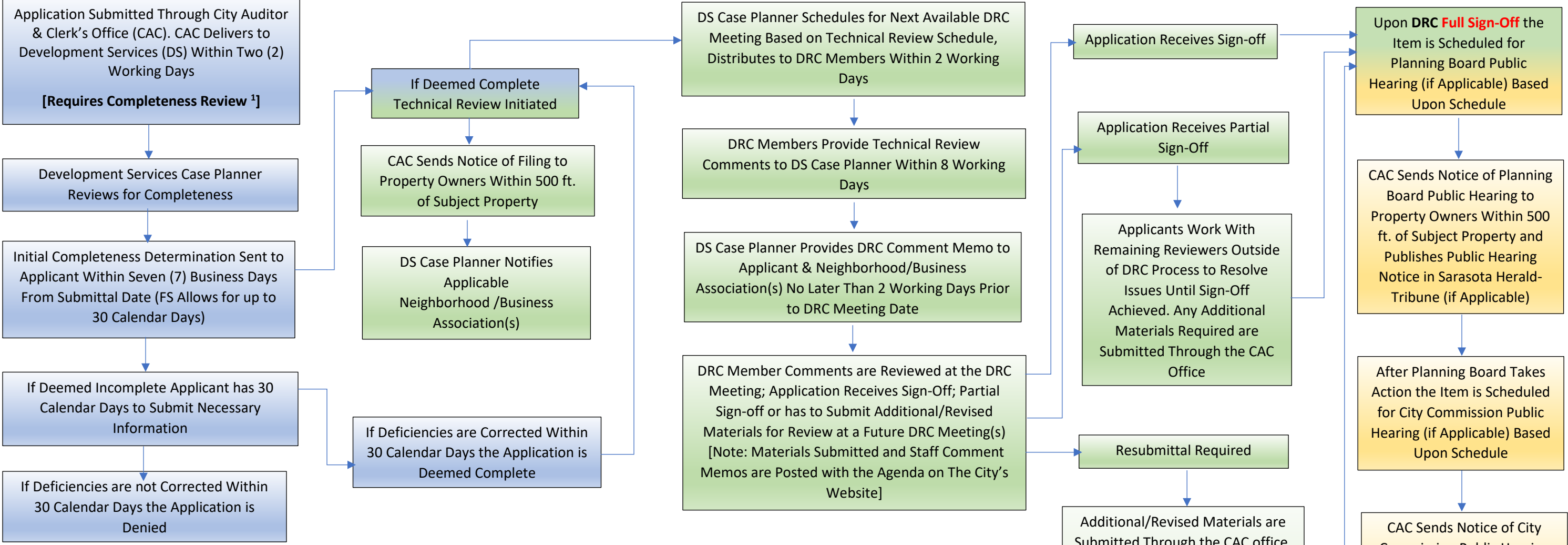
Full = Full Review by DRC, PB and/or CC
DT = Within Downtown

Admin = Administrative Review
LPOD = Within Laurel Park Overlay District

¹CC affirms PB action or sets for public hearing

Overall Process Within Downtown Zone Districts

Development Application Submittal Through Completion - Overall Process Within Downtown Zone Districts
Note: The City Auditor & Clerk's Office (CAC) is the Official Public Records Custodian, and Ensures All Documents are Available in eDocs



¹Applications That Require Completeness Review
(Refer to City of Sarasota Development Application Forms, General Application Information [Form A])

-Adjustments (Staff and Planning Board)	-G-Zone Waiver
-Amendment to Previously Approved Site Plan	-Rezoning (With or Without Site Plan)
-Administrative Site Plan	-Site Plan
-Conditional Use (Minor and Major)	-Subdivision

Note: Final Action on Applications That Require Public Hearing(s) Must be Completed Within 180 Calendar Days Unless an Extension Agreement is Agreed Upon by the City and the Applicant

Final Action on Applications That Do Not Require Public Hearing(s) Must be Completed Within 120 Calendar Days Unless an Extension Agreement is Agreed Upon by the City and the Applicant

Additional/Revised Materials are Submitted Through the CAC office. CAC Delivers to Development Services (DS) Within Two (2) Working Days; DS Case Planner Schedules for Next Available DRC Meeting Based on Technical Review Schedule, Distributes to DRC Members Within 2 Working Days. Process Repeats Until Full Sign-Off Achieved

[Note: Notice of Filing/Notification to Applicable Neighborhood/Business Association(s) are Not Sent to Property Owners Within 500 ft. of Subject Property for Resubmittals]

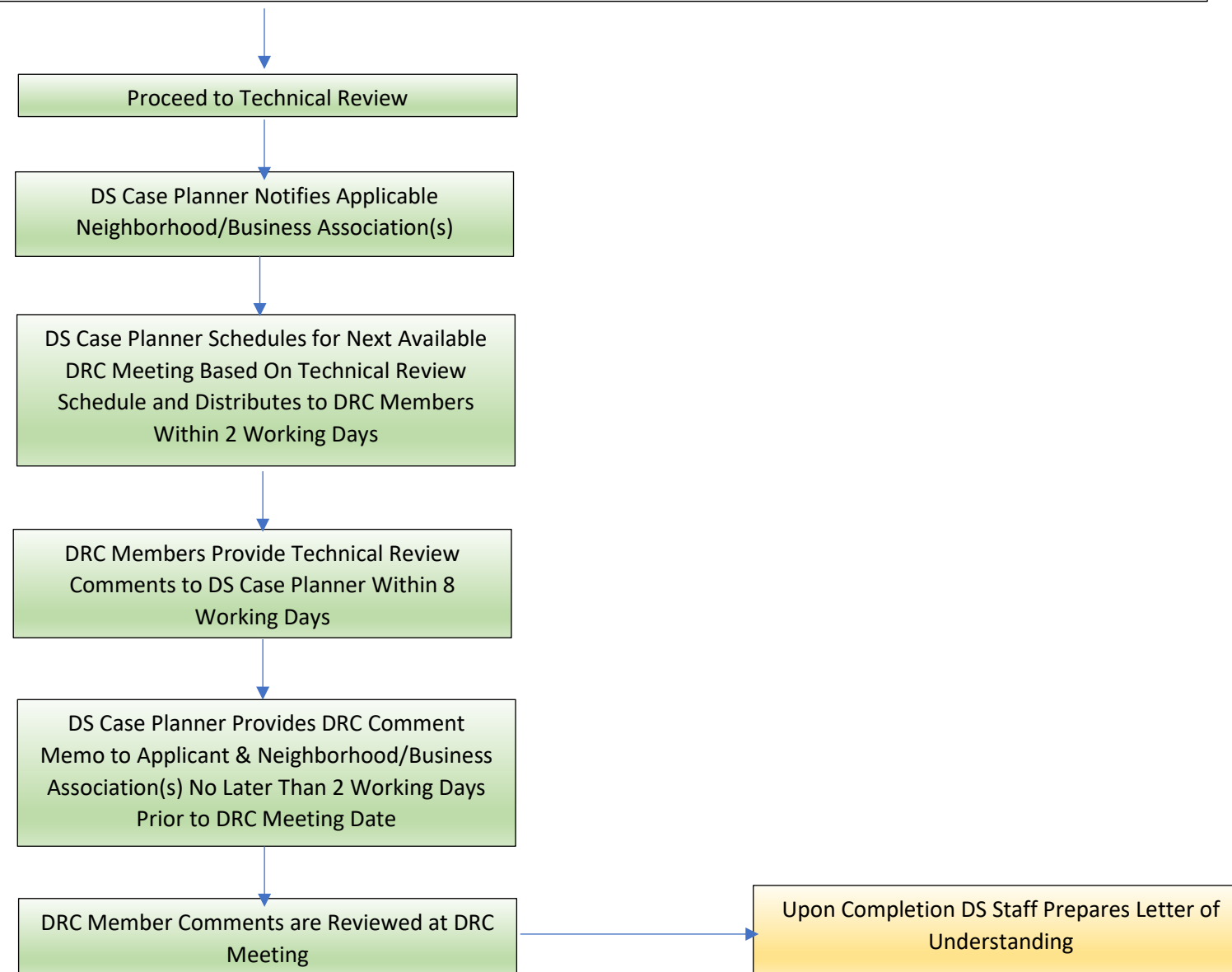
Per Development Application Type

Pre-Application Conference Within Downtown Zone Districts

(Zoning Code Article IV-Division 2, Section IV-201(A)(3))

Development Application is Submitted Through City Auditor & Clerk's Office (CAC). CAC Delivers to Development Services (DS) Within Two (2) Working Days

[Does not Require Completeness Review]



Sec. IV-201. - Applications and administrative review.

(a) Preapplication conference (optional)

(1) *Request and scheduling.* An applicant for development approval may, at their option, file with the city auditor and clerk a request for an informal conference with a representative of the planning department or the development review committee (DRC) prior to filing an application for development approval.

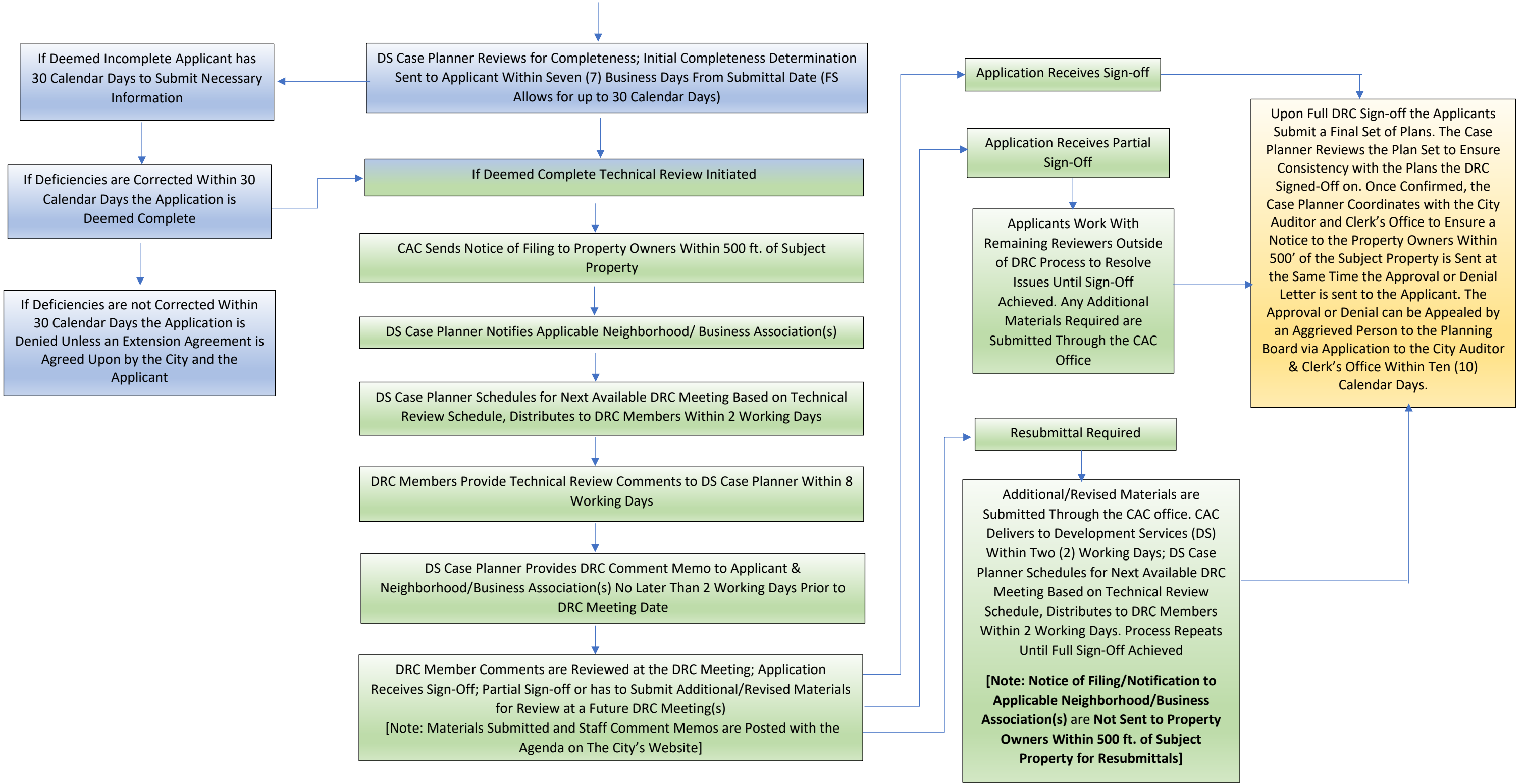
(2) *Purpose of conference.* The preapplication conference shall be informal and its purpose shall be to discuss the proposals, views and concerns of the applicant, or whether any additional information will be required.

(3) *Letter of understanding.* After a preapplication conference, the director of neighborhood and development services shall transmit a letter of understanding to the applicant, with a copy to the city manager, setting forth the substance of the preapplication conference.

Administrative Site Plan Review Within Downtown Zone Districts
 (Zoning Code Article IV-Division 19, Section IV-1901; Zoning Code Article IV-Division 5, Section IV-501(c))

Development Application is Submitted Through City Auditor & Clerk's Office (CAC). CAC Delivers to Development Services (DS) Within Two (2) Working Days

NOTE: Development Application Submittal for Administrative Site Plan Approval Must Include a Completed Traffic Concurrency Initial Review and a Completed School Impact Analysis Determination if Residential Development is Proposed. Proof of a Community Workshop is required if the site is located in the Laurel Park Overlay District (LPOD).



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.

Sec. IV-506. Standards for review.

In reaching a decision as to whether or not the site plan, as submitted, should be approved, approved with changes, approved with conditions or disapproved, the building, zoning and code enforcement department, planning board and the city commission shall consider the extent to which the application is consistent with these regulations, any conditions imposed by approval of a rezoning or conditional use, generally accepted site design principles and the extent to which the development furthers the goals and purposes of these regulations. In the event of an appeal, the planning board or the city commission may impose conditions on approval of a proposed development.

The building, zoning and code enforcement department, planning board and city commission shall use and be guided by the following criteria in the exercise of their discretion when evaluating a site plan submission:

- (1) Whether the proposed development, design and layout are in keeping with the intent and specific standards and criteria prescribed in pertinent sections of the land development regulations;
- (2) Whether, on balance, the proposed development, design and layout are compatible with the Sarasota City Plan, as amended;
- (3) Whether the required information has been furnished in sufficiently complete and understandable form to allow an accurate description of the proposed use(s) and structure(s) in terms of density, location, area, height, bulk, placement, setbacks, architectural design, performance characteristics, parking, and traffic circulation;
- (4) Whether there are ways in which the configuration of the development (e.g. location of use(s); intensity; density; scale; building size, mass, bulk, height and orientation; lot coverage; lot size/configuration; architecture; screening; buffers; setbacks; signage; lighting; traffic circulation patterns; loading area locations; operating hours; noise; odor; and other factors of compatibility) can be changed which would mitigate or improve the effect of the development on adjoining and nearby properties and on the community.
- (5) Whether the proposed development, design and layout has made adequate provisions for vehicular and pedestrian access, safety, and traffic circulation (both internal and external to the project), in addition to the requirements of section IV-203 pertaining to concurrency certificates;
- (6) Whether the proposed development, design and layout has made adequate provision for parking and loading and unloading areas; and
- (7) Whether the proposed development, design and layout has preserved the natural features and characteristics of the land; including but not limited to the regard given to existing large trees, natural groves, watercourses, and similar natural features that would add attractiveness to the property and environs if they were preserved, natural drainage systems, natural buffering, and the use of other techniques for the preservation and enhancement of the physical environment.
- (8) The city commission shall have sole discretion in determining whether the development standards proposed in association with any site plan for an attainable housing project located on G zoned property are consistent with the Sarasota City Plan, will be beneficial to and compatible with surrounding uses, and shall make such findings as a part of any site plan approval. However, attainable housing projects may not be located in existing parks.

Amendment to a Previously Approved Administrative Site Plan Within Downtown Zone Districts
(Zoning Code Article IV-Division 5, Section IV-508)
Development Application is Submitted Through City Auditor & Clerk's Office (CAC). CAC Delivers to Development Services (DS) Within Two (2) Working Days
Note: If the Approved Site Plan was Proffered With a Rezoning, the Rezone Ordinance Amendment Process Must be Followed

If Deemed Incomplete Applicant has 30 Calendar Days to Submit Necessary Information

If Deficiencies are Corrected Within 30 Calendar Days the Application is Deemed Complete

If Deficiencies are not Corrected Within 30 Calendar Days the Application is Denied Unless an Extension Agreement is Agreed Upon by the City and the Applicant

DS Case Planner Reviews for Completeness and Verifies that the Proposed Amendment(s) are Within the Minor Modification Standards Provided by the Zoning Code. Initial Completeness Determination Sent to Applicant Within Seven (7) Business Days From Submittal Date (FS Allows for up to 30 Calendar Days)

If Within the Minor Modification Standards and is Deemed Complete Technical Review Initiated

DS Case Planner Notifies Applicable Neighborhood/ Business Association(s)

DS Case Planner Distributes to DRC Members Electronically Within 2 Working Days

DRC Members Provide Technical Review Comments to DS Case Planner Within 8 Working Days

DS Case Planner Provides DRC Comment Memo to Applicant & Neighborhood/Business Association(s)

DRC Review Continues Until **Full Sign-Off** is Achieved
Note: Case Planner May Place on a DRC Meeting Agenda at Their Discretion

If the Director of Development Services Issues a Letter to the Applicant Stating the Modifications are Considered to be Major, the Modification(s) Must be Processed as a New Site Plan and Follow That Process

Upon Full DRC Sign-off the Director of Development Services Issues a Letter to the Applicant Stating the Minor Modifications are Approved and a Building Permit Depicting the Approved Modification(s) can be Submitted

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:

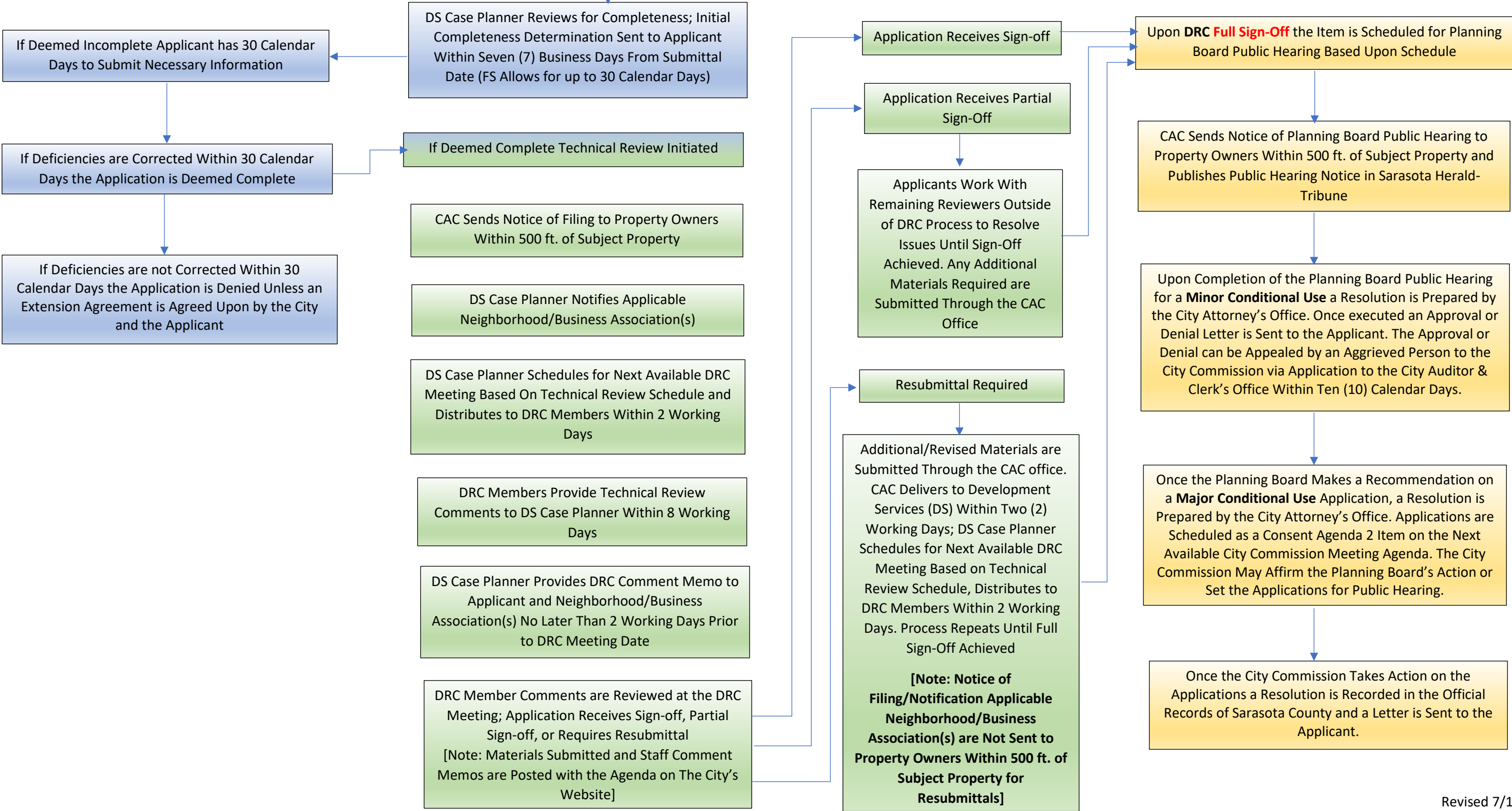
- (1) Does not substantially alter the location of any points of access to the site;
- (2) Does not change the use of the property;
- (3) Does not increase the density or intensity of the development to occur on the property;
- (4) Does not result in a reduction of previously approved open space or setback landscaping area by more than ten percent;
- (5) Does not result in a change of building location by more than ten percent;
- (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;
- (7) Does not result in a substantial modification or the cancellation of any condition placed upon the site plan as originally approved;
- (8) Does not substantially change the external traffic pattern;
- (9) Does not add additional property to the site;
- (10) Does not increase the impervious area of the site by more than ten percent; or
- (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).
- (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 development services not to be a minor revision, the request shall be processed in the same manner as the original approval.

Major/Minor Conditional Use Review Within Downtown Zone Districts
 (Zoning Code Article IV-Division 9)

Development Application is Submitted Through City Auditor & Clerk's Office (CAC). CAC Delivers to Development Services (DS) Within Two (2) Working Days

NOTE: Development Application Submittal for Conditional Use Approval Must Include a Site Plan; Completed Traffic Concurrency Initial Review; a Completed School Impact Analysis Determination if Residential Development is Proposed; and Proof of a Community Workshop.



Sec. IV-901. - Purpose and applicability.

- (a) *Purpose.* Certain uses are conditional uses instead of being allowed by right, although they may have beneficial effects and serve important public interests. They are subject to the conditional use regulations because they may, but do not necessarily, have significant adverse effects on the environment, overburden public services, change the desired character of an area, or create major nuisances. A review of these uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The conditional use review provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose mitigation measures to address identified concerns, or to deny the use if the concerns cannot be resolved.
- (b) *Authority.* The building, zoning and code enforcement department may, in accordance with the procedures, standards and limitations of this section and subject to such rights of appeal as are provided, approve applications for temporary uses. The planning board may, in accordance with the procedures, standards and limitations of this section and subject to such rights of appeal as are provided, approve applications for minor conditional uses. The city commission may, in accordance with the procedures, standards and limitations of this section, approve applications for major conditional uses.

The planning board or the city commission, whichever is appropriate may approve a conditional use that modifies the setback requirements, height requirements, landscaping requirements, parking requirements, or buffering requirements by no more than ten percent, provided that the board or city commission expressly finds that the modification will enhance the ability of the proposed conditional use to meet the general standards for all conditional uses. Additionally, the city manager may approve technical deviations from the regulations contained in the EDCM, based upon a detailed study prepared by the applicant which demonstrates why the technical deviations will result in preferable environmental or design impacts.

- (c) *Authorized conditional uses.* Only those uses which are authorized in each zoning district in Article VI, may be approved as conditional uses. The designation of a use in a zoning district as a conditional use does not constitute an authorization or an assurance that such use will be approved; rather, each proposed conditional use shall be evaluated by the DRC, the planning board, and the city commission for compliance with the standards and conditions set forth in this section and for each district. Wherever a use existing on the effective date of these regulations is terminated or demolished, subsequent use of the property upon which the use was located, by a use which these regulations classifies as a conditional use, shall be permitted only in conjunction with an approved conditional use.

Sec. IV-906. - Standards for review.

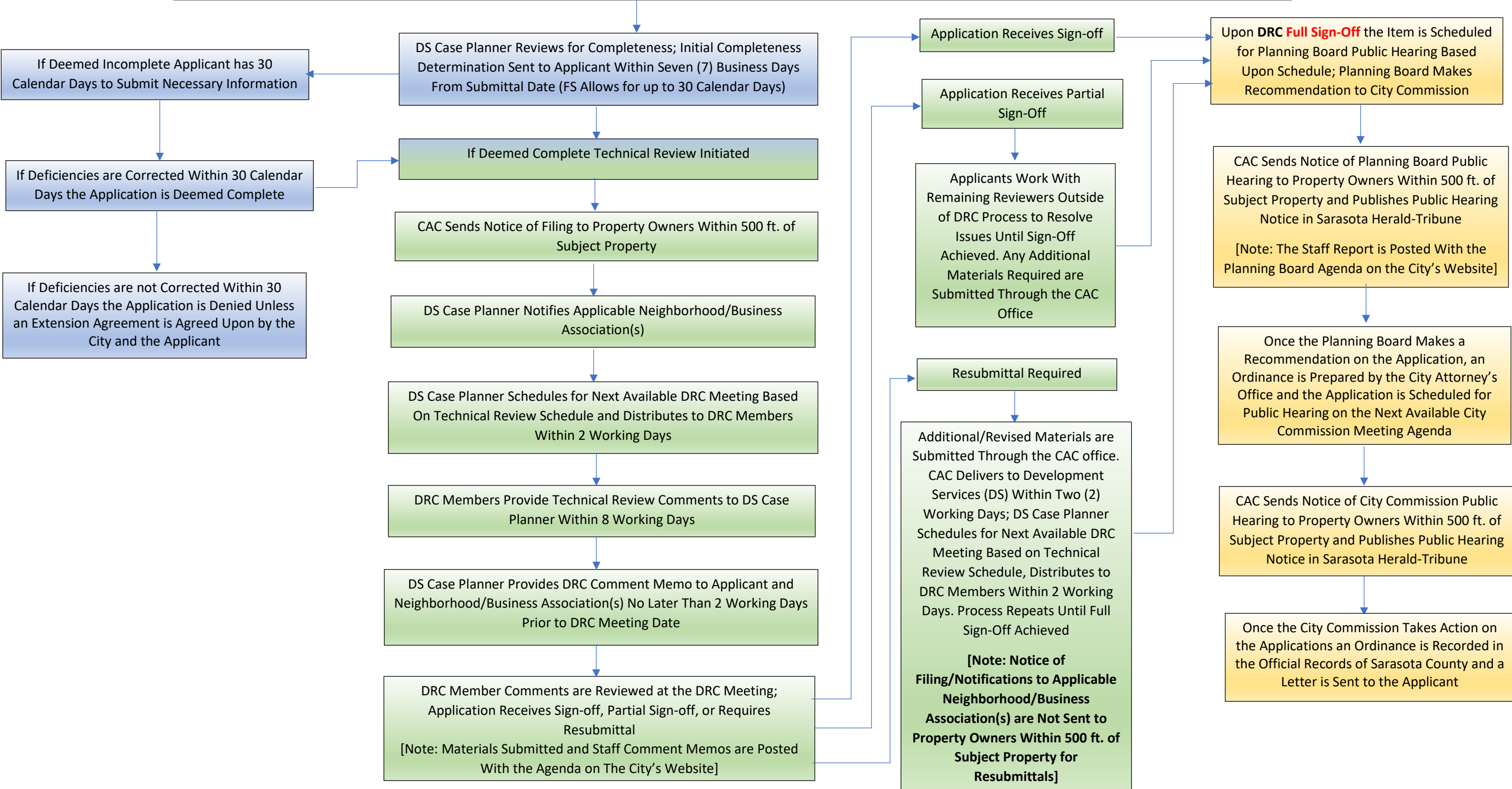
- (a) *Standards applicable to all conditional uses.* When considering an application for approval of a conditional use, the building, zoning and code enforcement department, the planning board and the city commission, shall review such an application with consideration for the following factors:

- (1) Whether the conditional use is consistent with the area's future land use designation and the goals, objectives, action strategies and standards of the Sarasota City Plan, any adopted special area plan and these regulations;
- (2) The character of the existing area, including existing structures and structures under construction, existing public facilities and public facilities under construction, and private, commercial and/or service facilities available within the existing area. More specifically:
 - a. Whether, if applicable, the overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of non-residential uses in the residential area. Consideration includes the application itself and in combination with other non-residential uses in the area and is to be based on the number, size, and location of the non-residential uses and the intensity and scale of the proposed and existing non-residential uses in the area;
 - b. Whether the application will preserve any city, state or federally designated historic, scenic, archaeological, or cultural resources;
 - c. Whether the application will be compatible with adjacent residential development, if any, based on characteristics such as size, building style and scale; or whether such incompatibilities are mitigated through such means as screening, landscaping, setbacks, and other design features; and
 - d. Whether the application will not have significant adverse impacts on the livability and usability of nearby land due to: noise, dust, fumes, smoke, glare from lights, late-night operations, odors, truck and other delivery trips, the amount, location, and nature of any outside displays, storage, or activities, potential for increased litter, and privacy and safety issues.
- (3) Whether the transportation system is capable of safely supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, if any, zoning lot access requirements, neighborhood impacts, and pedestrian safety;
- (4) Whether the minimum off-street parking area required and the amount of space needed for the loading and unloading of trucks, if applicable, has been provided and will function properly and safely;
- (5) Whether generally, the public health, safety and welfare will be preserved, and any reasonable conditions necessary for such preservation have been made;
- (6) Whether the applicant has demonstrated the financial and technical capacity to complete any improvements and mitigation necessitated by the development as proposed and has made adequate legal provision to guarantee the provision such improvements and mitigation; and
- (7) Whether the proposed use complies with all additional standards imposed on it by the particular provision of these regulations authorizing such use and by all other applicable requirements of the regulations of the city, including, but not limited to, section IV-506, site plan standards for review.

Rezone/Rezone Without Site Plan Review Within Downtown Zone Districts
 (Zoning Code Article IV-Division 11)

Development Application is Submitted Through City Auditor & Clerk's Office (CAC). CAC Delivers to Development Services (DS) Within Two (2) Working Days

NOTE: Development Application Submittal for Rezone Approval Must Include a Completed Traffic Concurrency Initial Review; a Completed School Impact Analysis Determination if Residential Zone District is Proposed; and Proof of a Community Workshop.



Sec. IV-1101. - Purpose and applicability.

The city commission is hereby authorized to rezone property in accordance with the Florida Statutes and applicable case law.

Sec. IV-1106. - Standards for review.

In reviewing all applications for rezoning, the planning board and city commission shall consider whether the proposed rezoning is consistent with and furthers the goals, objectives and action strategies of the Sarasota City Plan, and shall consider whether the proposed change will further the purposes of these regulations and other city ordinances, regulations and actions designed to implement the Sarasota City Plan.

(a) For rezonings classified as legislative under section IV-202(b), the planning board and city commission shall consider whether the rezoning serves the public interest and is rationally related to the achievement of a valid municipal objective.

(b) For rezonings classified as quasi-judicial under section IV-202(b), the planning board and city commission shall consider the following:

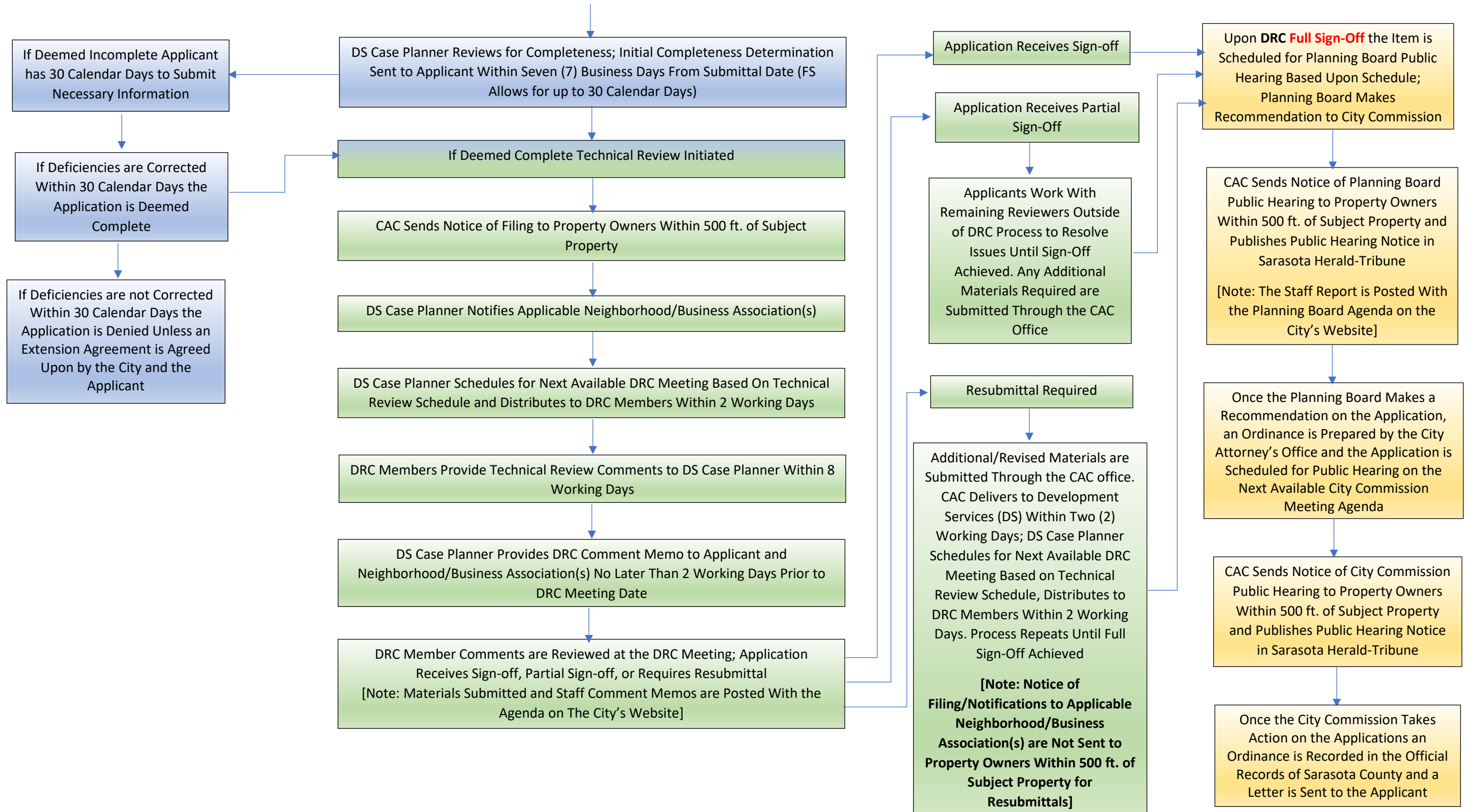
- (1) Whether the proposed change would be contrary to the future land use plan and would have an adverse effect on the Sarasota City Plan; in a non-use proffered rezoning, the planning board and city commission shall review the request considering the most intense use permitted in the requested zone district;
- (2) Compatibility with the existing land use pattern;
- (3) Possible creation of an isolated district unrelated to adjacent and nearby districts;
- (4) The population density pattern and possible increase or overtaxing of the land on public utilities;
- (5) Any increase and possible overloading of the city's sewage collection, treatment and disposal facilities;
- (6) Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change;
- (7) Whether changed or changing conditions make the passage of the proposed amendment necessary;
- (8) Whether the proposed change will create a drainage problem;
- (9) Whether the proposed change will seriously reduce the flow of light and air to adjacent areas;
- (10) Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations;
- (11) Whether the proposed change will constitute a grant of special privileges to an individual owner as contrasted with the public welfare;
- (12) Whether the change suggested is out of scale with the needs of the neighborhood or the city; and
- (13) Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.

Rezone Ordinance Amendment Review Within Downtown Zone Districts

(Zoning Code Article IV-Division 11, Section IV-1108)

Development Application is Submitted Through City Auditor & Clerk's Office (CAC). CAC Delivers to Development Services (DS) Within Two (2) Working Days

NOTE: Development Application Submittal for Rezone Ordinance Amendment Approval Must Include a Completed Traffic Concurrency Initial Review; a Completed School Impact Analysis Determination if Residential Zone District is Proposed; Proof of a Community Workshop; and a Revised Site Plan if one was Proffered as Part of the Previous Rezone



Sec. IV-1108. - Changes to rezonings and rezonings with proffered site plans.

A modification to any ordinance that rezones real property shall require a public hearing before the planning board and a separate public hearing before the city commission in accordance with the notice and public hearing requirements of sections IV-201 and IV-202 of these regulations. Revisions to site plans proffered as part of a rezoning application other than revisions determined to be minor pursuant to section IV-508, shall require the submission of an amended site plan to the planning board and city commission. A separate analysis of consistency of the revised site plan with the Sarasota City Plan (1998) shall be performed by the planning department and a separate finding of consistency shall be required by the planning board of the revised site plan with the Sarasota City Plan (1998). Approval of the revised site plan shall be evidenced by adoption of an ordinance amending the initial rezoning ordinance to reflect approval of the amended site plan, along with any additional conditions.

In the event a site plan, proffered as part of a rezoning application, expires pursuant to section IV-509, then any new site plan shall be submitted to the planning board and city commission and adoption of an ordinance amending the initial rezoning ordinance to reflect approval of a new site plan shall be required.

Sec. IV-1109. - Expiration of approval.

An ordinance rezoning property shall have no expiration date, unless otherwise specified in the approval.

G-Zone Waiver Review Within Downtown Zone Districts
 (Zoning Code Article IV-Division 17)

Development Application is Submitted Through City Auditor & Clerk's Office (CAC). CAC Delivers to Development Services (DS) Within Two (2) Working Days

NOTE: Development Application Submittal for G-Zone Waiver Approval Must Include a Completed Traffic Concurrency Initial Review; and Proof of a Community Workshop.

If Deemed Incomplete Applicant has 30 Calendar Days to Submit Necessary Information

DS Case Planner Reviews for Completeness; Initial Completeness Determination Sent to Applicant Within Seven (7) Business Days From Submittal Date (FS Allows for up to 30 Calendar Days)

If Deficiencies are Corrected Within 30 Calendar Days the Application is Deemed Complete

If Deemed Complete Technical Review Initiated

If Deficiencies are not Corrected Within 30 Calendar Days the Application is Denied Unless an Extension Agreement is Agreed Upon by the City and the Applicant

CAC Sends Notice of Filing to Property Owners Within 500 ft. of Subject Property

DS Case Planner Notifies Applicable Neighborhood/Business Association(s)

DS Case Planner Schedules for Next Available DRC Meeting Based On Technical Review Schedule and Distributes to DRC Members Within 2 Working Days

DRC Members Provide Technical Review Comments to DS Case Planner Within 8 Working Days

DS Case Planner Provides DRC Comment Memo to Applicant and Neighborhood/Business Association(s) No Later Than 2 Working Days Prior to DRC Meeting Date

DRC Member Comments are Reviewed at the DRC Meeting; Application Receives Sign-off, Partial Sign-off, or Requires Resubmittal
 [Note: Materials Submitted and Staff Comment Memos are Posted With the Agenda on The City's Website]

Application Receives Sign-off

Application Receives Partial Sign-Off

Applicants Work With Remaining Reviewers Outside of DRC Process to Resolve Issues Until Sign-Off Achieved. Any Additional Materials Required are Submitted Through the CAC Office

Resubmittal Required

Additional/Revised Materials are Submitted Through the CAC office. CAC Delivers to Development Services (DS) Within Two (2) Working Days; DS Case Planner Schedules for Next Available DRC Meeting Based on Technical Review Schedule, Distributes to DRC Members Within 2 Working Days. Process Repeats Until Full Sign-Off Achieved
[Note: Notice of Filing/Notifications to Applicable Neighborhood/Business Association(s) are Not Sent to Property Owners Within 500 ft. of Subject Property for Resubmittals]

Upon **DRC Full Sign-Off** the Item is Scheduled for Planning Board Public Hearing Based Upon Schedule

CAC Sends Notice of Planning Board Public Hearing to Property Owners Within 500 ft. of Subject Property and Publishes Public Hearing Notice in Sarasota Herald-Tribune
 [Note: The Staff Report is Posted With the Planning Board Agenda on the City's Website]

Once the Planning Board Makes a Recommendation on the Application, a Resolution is Prepared by the City Attorney's Office and the Application is Scheduled as a Consent Agenda 2 Item for the Next Available City Commission Meeting. The City Commission May Affirm the Planning Board's Action or Set the Applications for Public Hearing.

Once the City Commission Takes Action on the Application a Resolution is Recorded in the Official Records of Sarasota County and a Letter is Sent to the Applicant

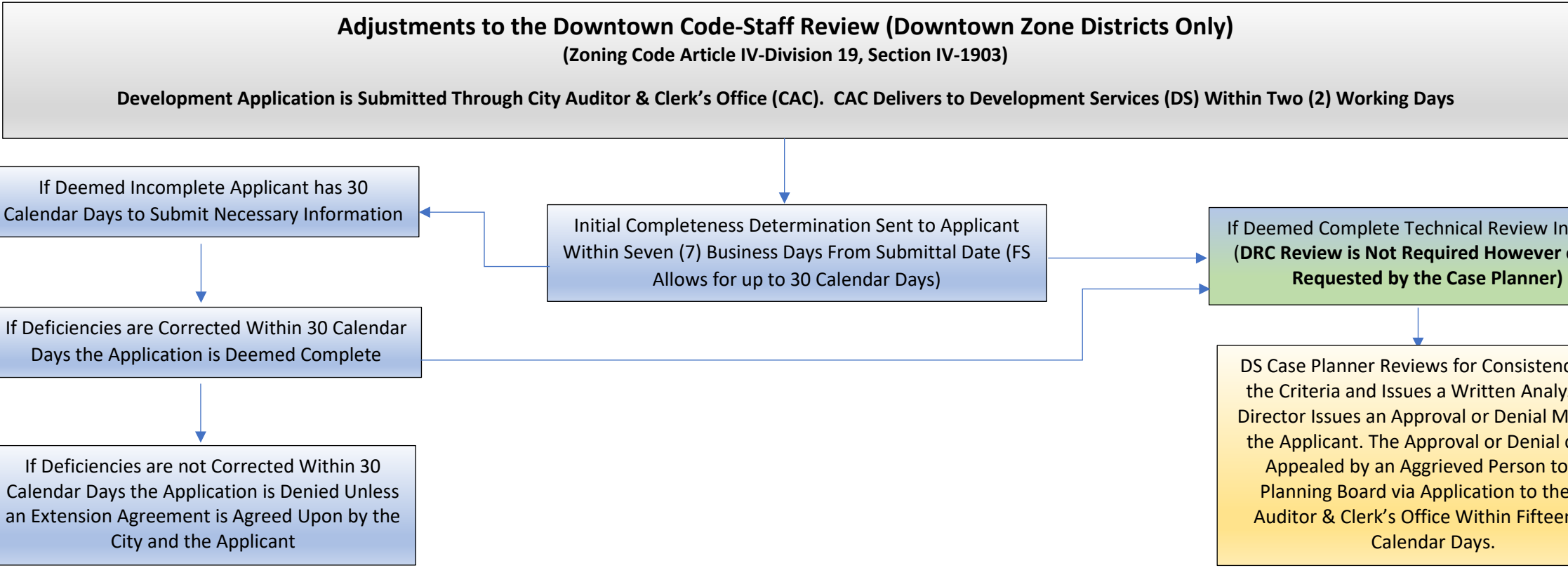
Sec. IV-1701. - Purpose and applicability.

The city commission is hereby authorized to grant such waivers from the literal terms of these regulations where there are practical difficulties or unnecessary hardships so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done.

Sec. IV-1706. - Standards for review.

In reaching a decision as to whether or not the waiver application should be approved, approved with changes, approved with conditions, or disapproved, the planning board and the city commission shall consider:

- (1) Whether the requested waiver will enhance or improve the site, structure or building design;
- (2) Whether the requested waiver will allow the reasonable use of the land; and
- (3) Whether the requested waiver will be injurious to the neighborhood or otherwise detrimental to the public welfare.



Per Zoning Code Article IV, Division 19, Section IV-1903(b), the Following Regulations **Are Eligible for Staff Adjustment:**

- Dimensional Standards. Except for the preservation of trees and except as provided in paragraph 5, below, no adjustment to a dimensional standard shall be granted by the director of neighborhood and development services which would result in a reduction of a code requirement or an increase in a code limitation by more than 25 percent. For example, a 12-foot minimum recess may be reduced to nine feet or a maximum sign area of four square feet may be increased to five square feet.
- Preservation of trees protected by Article VII, Division 3.1
- Placement of Signs.
- Building design standards for streetwalls, windows, shape of openings, roofs and exterior finish standards, **except:** Standards for additions and remodeling. As to any proposed addition or remodeling of a building constructed prior to the date that the downtown properties were rezoned pursuant to the Zoning Code (2002 edition), i.e. September 7, 2005, the director of neighborhood and development services may administratively adjust the maximum setback limits and the minimum height requirements of table VI-1003 by any percentage and may administratively adjust the design standards of table VI-1004 for street walls and windows by any percentage in order to allow for incremental or delayed compliance with the Code over time.
- Location of parking on primary street grid. If a building is proposed for an addition or remodeling and is either listed on the National Register of Historic Places, the Florida Master Site File, or is locally designated as an historic structure under the City of Sarasota Historic Preservation Ordinance, and the building will be preserved and any proposed addition is less than [than] 50 percent of the square footage of the historic building, then the director of neighborhood and development services may administratively adjust code standards to allow for the provision of vehicular access, loading areas and surface or structured parking in the first and second layers in order to allow for incremental or delayed compliance with the Code over time.

Per Zoning Code Article IV, Division 19, Section IV-1903(b), the Following Regulations **Are Ineligible for Adjustment:**

- Allowed Uses. **Exception:** An adjustment to the drive-through limitation may be considered when access from a secondary street or alley is not possible and then only if the facility is to serve a financial institution. In no case shall such an adjustment allow ingress or egress on Main Street.
- Maximum Residential Densities. **Exception:** An adjustment to the maximum density may be considered when the zoning lot size is insufficient to permit one dwelling unit.
- Maximum Building Height
- Maximum Floor Area Ratio
- Location of Parking on Primary Street Grid. **Exception:** An adjustment to allow relief from one or more of the prohibitions against vehicular access, loading areas, and surface or structured parking in the first and second layers may be considered when a zoning lot fronts on two or more primary streets.
- Requirements applicable to the two new buildings which may exceed the ten-story height limitation in the DTC zone allowable under subsection VI-1005(g)(3)b.
- Requirements applicable to bonus height for new buildings which may exceed the ten-story height limitation in the DTC zone allowable under subsection VI-1005(g)(3)c.
- Frontage types prohibited under table VI-1004.
- Signs prohibited under subsection VII-110(5)

Sec. IV-1903. - Adjustments.

- (a) *Purpose and applicability.* The regulations of the downtown zone districts are designed to implement the downtown master plan and the downtown urban general and downtown urban mixed-use land use classifications of the Sarasota City Plan. These regulations apply over a wide area, but because of the downtown's diversity, some sites may be difficult to develop in compliance with these regulations. The adjustment review process provides a mechanism by which the regulations of this Code may be modified in the proposed development continues to meet the intended purpose of the downtown zone districts (article VI, division 10). Adjustments may also be used when strict application of the regulations would preclude all reasonable economic use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the Code, while allowing the regulation to continue to providing certainty and rapid processing of land use applications.

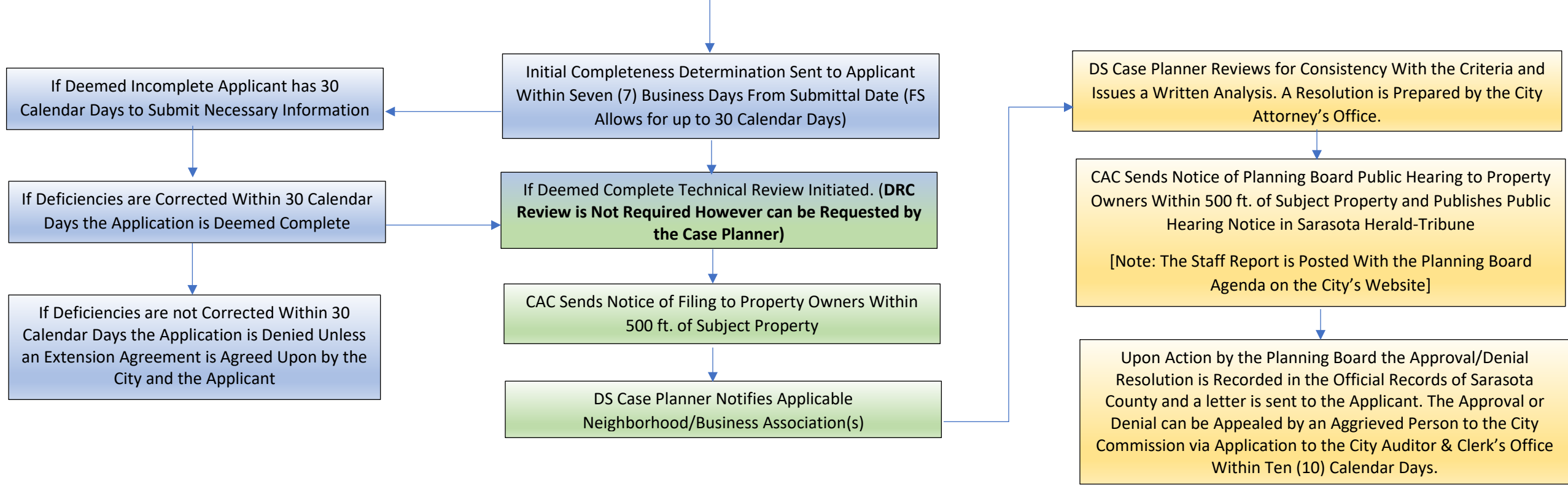
Each adjustment shall be considered unique and shall not set precedent for others.

(e) *Approval Criteria*

(2) *Other "nongovernment" 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 review body finds that the applicant has shown that either approval criteria "a" through "e" or approval criteria "f" through "h" below have been met. However, in making findings of fact the review body shall hold buildings fronting the primary street grid to a higher standard in support of pedestrian activity than buildings fronting the secondary street grid. Adjustment requests will be denied if the applicant has not demonstrated to the satisfaction of the review body that the criteria have been met.

- a. Granting the adjustment will equally or better meet the purpose of the regulation to be adjusted;
- b. The proposal will not significantly detract from the livability or appearance of the downtown neighborhood zone district or the proposal will be consistent with the desired character of the Downtown Neighborhood Edge, Downtown Edge, Downtown Core and Downtown Bayfront zone districts;
- c. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone;
- d. City-designated historic resources (if applicable) are preserved; and
- e. Any impacts resulting from the adjustment are mitigated to the maximum extent practical; or
- f. Application of the regulation in question would preclude all reasonable economic use of the site; and
- g. Granting the adjustment is the minimum necessary to allow the use of the site; and
- h. Any impacts resulting from the adjustment are mitigated to the extent practical.

Adjustments to the Downtown Code-Planning Board Review (Downtown Zone Districts Only)
 (Zoning Code Article IV-Division 19, Section IV-1903)
 Development Application is Submitted Through City Auditor & Clerk's Office (CAC). CAC Delivers to Development Services (DS) Within Two (2) Working Days



Per Zoning Code Article IV, Division 19, Section IV-1903(b), the Following Regulations **Are Eligible for PB Adjustment**:

- If a request for adjustment exceeds the authority of the director of neighborhood and development services (defined in subsection IV-1903(c)(2), then the request shall require submission to the planning board for initial consideration at a public hearing.

Per Zoning Code Article IV, Division 19, Section IV-1903(b), the Following Regulations **Are Ineligible for Adjustment**:

- Allowed Uses. **Exception:** An adjustment to the drive-through limitation may be considered when access from a secondary street or alley is not possible and then only if the facility is to serve a financial institution. In no case shall such an adjustment allow ingress or egress on Main Street.
- Maximum Residential Densities. **Exception:** An adjustment to the maximum density may be considered when the zoning lot size is insufficient to permit one dwelling unit.
- Maximum Building Height
- Maximum Floor Area Ratio
- Location of Parking on Primary Street Grid. **Exception:** An adjustment to allow relief from one or more of the prohibitions against vehicular access, loading areas, and surface or structured parking in the first and second layers may be considered when a zoning lot fronts on two or more primary streets.
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Sec. IV-1903. - Adjustments.

- (a) *Purpose and applicability.* The regulations of the downtown zone districts are designed to implement the downtown master plan and the downtown urban general and downtown urban mixed-use land use classifications of the Sarasota City Plan. These regulations apply over a wide area, but because of the downtown's diversity, some sites may be difficult to develop in compliance with these regulations. The adjustment review process provides a mechanism by which the regulations of this Code may be modified in the proposed development continues to meet the intended purpose of the downtown zone districts (article VI, division 10). Adjustments may also be used when strict application of the regulations would preclude all reasonable economic use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the Code, while allowing the regulation to continue to providing certainty and rapid processing of land use applications.

Each adjustment shall be considered unique and shall not set precedent for others.

- (c) *Authority and procedure.*

(3) *Planning board action.*

a. If a requested adjustment is not granted by the director of neighborhood and development services then the request for adjustment may be appealed to the planning board for consideration at a public hearing by filing a letter requesting an appeal with the city auditor and clerk's office within 15 days from the date of a letter prepared by the director of neighborhood and development services notifying the petitioner of the decision. If a request for adjustment exceeds the authority of the director of neighborhood and development services (defined in subsection IV-1903(c)(2) above), then the request shall require submission to the planning board for initial consideration at a public hearing. In either event, the planning board shall conduct a de novo public hearing which shall be advertised and conducted in accord with section IV-202. The planning board shall review the proposed adjustment, shall consider the written staff analysis and the testimony at the public hearing, and shall grant, grant with conditions, or deny the application. The request for an adjustment shall not subject the entire application for development approval to a public hearing unless otherwise required by this Code, but only that portion necessary to rule on the issue under consideration.

b. The planning board shall make findings that the criteria of these regulations have or have not been satisfied by the applicant.

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

- (e) *Approval Criteria*

(2) *Other "nongovernment" 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 review body finds that the applicant has shown that either approval criteria "a" through "e" or approval criteria "f" through "h" below have been met. However, in making findings of fact the review body shall hold buildings fronting the primary street grid to a higher standard in support of pedestrian activity than buildings fronting the secondary street grid. Adjustment requests will be denied if the applicant has not demonstrated to the satisfaction of the review body that the criteria have been met.

- i. Granting the adjustment will equally or better meet the purpose of the regulation to be adjusted;
- j. The proposal will not significantly detract from the livability or appearance of the downtown neighborhood zone district or the proposal will be consistent with the desired character of the Downtown Neighborhood Edge, Downtown Edge, Downtown Core and Downtown Bayfront zone districts;
- k. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone;
- l. City-designated historic resources (if applicable) are preserved; and
- m. Any impacts resulting from the adjustment are mitigated to the maximum extent practical; or
- n. Application of the regulation in question would preclude all reasonable economic use of the site; and
- o. Granting the adjustment is the minimum necessary to allow the use of the site; and
- p. Any impacts resulting from the adjustment are mitigated to the extent practical.