

Division 5. Site Plan**Section IV-501. Purpose and Applicability**

A. Purpose. The purpose of site plan review is to ensure that development is carried out in compliance with these regulations. In addition, a site plan describing and portraying both existing and proposed conditions of the zoning lot(s) and development is required in order that the approving authority can make an informed decision.

B. Applicability. Site plan approval is required prior to the issuance of a building permit for any buildings other than single-family and two-family dwellings.

C. Administrative Site Plans. Unless the site plan is proffered as part of a rezoning application or is submitted in connection with a conditional use request, the Building, Zoning and Code Enforcement Department is authorized to review and approve or deny the following site plan applications:

1. New residential development that cumulatively results in fewer than eight (8) units
2. Additions to existing residential units
3. New commercial developments that cumulatively result in:
 - a. Less than ten thousand (10,000) square feet of gross floor area if not within one hundred (100) feet of a residential zoning district
 - b. Less than five thousand (5,000) square feet of gross floor area if within one hundred (100) feet of a residential zoning district
4. Additions to commercial developments that cumulatively result in:
 - a. Less than five thousand (5,000) square feet of gross floor area if not within one hundred (100) feet of a residential zoning district and the addition does not result in the building being larger than ten thousand (10,000) square feet of gross floor area.
 - b. Less than five thousand (5,000) square feet of gross floor area if within one hundred (100) feet of a residential zoning district and the addition does not result in the building being larger than five thousand (5,000) square feet of gross floor area.
5. Notwithstanding the provisions of Section IV-501(C)(4)(a & b) above, one addition to a commercial development totaling five hundred (500) square feet or less may be administratively approved once each five (5) calendar years.

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D. Other site plans not related to proffered rezoning applications. All other applications for site plan approval shall be reviewed and approved or denied by the Planning Board. If the application requires a conditional use approval, the site plan review shall be conducted as part of the conditional use review and a separate site plan review will not be required. The City Manager may, concurrent with the site plan approval process, approve technical deviations from the regulations contained in the Engineering Design Criteria Manual (EDCM) in the manner provided herein. Rezoning petitions (map amendments) which are submitted with a site plan will be subject to approval by both the Planning Board and the City Commission.

E. Site plans proffered as part of a rezoning application. For all site plans proffered as part of a rezoning application, the site plan shall be reviewed and approved or denied in accordance with the procedure set forth in Article IV, Division 11, as part of the rezoning application. The approval or denial shall be based on the criteria set forth in Section IV-506.

(Ord. No. 99-4113, Sec. 5, 3-15-99; Ord. No. 03-4430, Sec. 6, 1-21-03)

Section IV-502. Application Requirements [Sec. 5-11]

An application for site plan approval shall be accompanied by the information and documentation required by administrative regulation. An application for site plan approval may incorporate into the site or building design the Advisory Community Design Guidelines (see Appendix D).

Section IV-503. Staff Review and Report

A. Administrative Site Plans. The Building, Zoning and Code Enforcement Department shall review the proposed site plan. As part of their review, the Building, Zoning and Code Enforcement Department may seek review comments and recommendations from the DRC, as appropriate. The Building, Zoning and Code Enforcement Department shall determine if the proposed site plan satisfies the site plan approval criteria in Section VI-506 and shall grant, grant with conditions, or deny the application for site plan approval, subject to appeal under Section IV-504 to the Planning Board.

B. Other Site Plans. After an application is determined sufficient, the DRC shall review the application for development approval, the comments of all members of the DRC and may provide comments as to whether and to what extent the site plan application incorporates the Advisory Community Design Guidelines (see Appendix D). The Planning Department shall review the application for site plan approval and the comments of all members of the DRC, and shall prepare a written staff analysis of the issues raised by the application

C. Technical deviations. Prior to the final consideration of a site plan application, the City Manager may issue written technical deviations from the EDCM. Such deviations must be based upon review of a detailed study prepared by a Professional Engineer which demonstrates why the technical deviations will result in preferable environmental or design impacts.

(Ord. No. 04-4514; Sec. 3, 1-20-04)

Section IV-504. Planning Board Review

A. Administrative Site Plans. If an appeal by an aggrieved person of a decision of the Building, Zoning and Code Enforcement Department relating to a site plan is filed with the City Auditor and Clerk's Office within ten (10) days of the Department's decision, the Planning Board shall hold a public hearing to consider the appeal and grant, grant with conditions or deny the application. The decision of the Planning Board is final.

B. Other Site Plans neither related to proffered rezoning applications, nor located in a "G" zone district. The Planning Board shall hold a public hearing to review the site plan application and the written staff analysis and shall determine whether the proposed development meets the site plan approval standards and grant, grant with conditions or deny the application for site plan approval, subject to appeal under Section IV-505 to the City Commission.

C. Site Plans either proffered as part of a rezoning application or located in a "G" zone district or site plans within the Downtown Residential Overlay District filed pursuant to Section VI-906(D). The Planning Board shall hold a public hearing on an application for site plan approval proffered as part of a rezoning application, located in a "G" zone district or site plans within the Downtown Residential Overlay District filed pursuant to Section VI-906(D), and recommend to the City Commission the approval, approval with conditions or denial of the site plan application.

(Ord. No. 03-4505; Sec. 5, 1-20-04; Ord. No. 99-4113, Sec. 5, 3-15-99)

Section IV-505. City Commission Review

A. Site Plans not a part of a proffered rezoning application, not submitted with a major or minor conditional use application and not for a proposed development in a 'G' Zone District. If an appeal by an aggrieved person of a decision of the Planning Board relating to a site plan described in this Subparagraph is filed with the City Auditor and Clerk's Office within ten (10) days of the Board's decision, the City Auditor and Clerk shall schedule the appeal before the City Commission by placing the item on their agenda. The request to hear the appeal must be approved by a super majority vote. If the appeal is allowed, the City Auditor and Clerk will schedule the hearing and the Commission shall consider the appeal and grant, grant with conditions or deny the site plan request.

B. Site Plans proffered as part of a rezoning application, submitted with a major or minor conditional use application (including site plans containing both requested conditional uses and permitted uses) or for proposed development located in a 'G' Zone District or site plans within the Downtown Residential Overlay District filed pursuant to Section VI-906(D).

The City Commission, after receipt of a recommendation from the Planning Board, shall review and approve or deny all applications for site plan approval described in this subparagraph. However, the City Commission shall hold a public hearing on all applications for site plan approval for projects located within the Downtown Residential Overlay District for which increased density is requested.

(Ord. No. 03-4505; Sec. 6, 1-20-04; Ord. No. 00-4193, Sec. 5, 2-22-00)

Section 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.

A. The Building, Zoning & 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

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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.

Section IV-507. Effect of Decision

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

Section IV-508. Changes to Site Plans

A. Minor Revisions to Site Plan. The Director of Building, Zoning and Code Enforcement is authorized to allow minor revisions to an approved 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. A minor revision is one which:

1. Does not substantially alter the location of any points of access to the site; or
2. Does not change the use of the property; or
3. Does not increase the density or intensity of the development to occur on the property; or
4. Does not result in a reduction or change of previously approved open space, setback, building location, or landscaping by more than ten percent (10%); or
5. 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; or
6. Does not result in a material modification or the cancellation of any condition placed upon the site plan as originally approved; or
7. Does not substantially change the internal or external traffic pattern; or
8. Does not add additional property to the site; or
9. Does not increase the impervious area of the site by more than ten percent (10%); or
10. Does not increase the height of the building(s) including approved roof-top appurtenances allowed by VI-102P.

B. Other Revisions to Site Plans. If the requested modification to an approved site plan is determined by the Director of Building Zoning and Code Enforcement not to be a minor

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revision, the request shall be processed in the same manner as the original approval, provided however, that any application for Site Plan approval that includes a request for a formal interpretation by the Director of Building Zoning and Code Enforcement shall not be processed unless and until the interpretation has been rendered and any associated appeals, as provided by *Zoning Code* Article IV, Division 7, have become final.

Section IV-509. Expiration or Revocation of Approval [Sec. 5-10]

Site plan approval shall automatically expire two (2) years after the date of the action granting such approval if a building permit for construction on the site has not yet been issued or expired pursuant to the Florida Building code adopted pursuant to the provisions of Chapter 553, *Florida Statutes*, as amended or local amendments thereto. However, upon application submitted to the City Auditor and Clerk's Office at least fifteen (15) days prior to the automatic expiration of site plan approval, the City Manager may extend approval for one (1) additional two (2) year period after receiving the recommendation of the Director of Planning thereon. The application shall address the necessity for the extension and shall demonstrate that the extension is warranted under the circumstances. The denial by the City Manager of an application to extend the site plan approval may be appealed to the City Commission by filing such appeal with the City Auditor and Clerk's Office no later than ten (10) days after the City Manager's written decision.