

**Division 11. Rezonings****Section IV-1101. Purpose and Applicability**

The City Commission is hereby authorized to rezone property in light of changing conditions and in light of changes to the Comprehensive Plan.

**Section IV-1102. Application Requirements**

A. Rezonings (which affect individual zoning lots of land) may be initiated by the owner of property involved, a non-owner with the written permission of such property owner, the City Commission, the Planning Board, or the City Manager. In addition to the general application requirements set forth in Appendix B and administrative regulations, an application for a rezoning shall be accompanied by information necessary to demonstrate that the proposed rezoning is consistent with the criteria of Section IV-1106. At the option of the Development Review Committee, Planning Board, or City Commission; an applicant may also be required to submit a site plan in order to determine consistency with the *Sarasota City Plan* or tree protection regulations. All applications for rezonings shall be submitted to the City Auditor and Clerk's Office.

B. An application may be accompanied by an offer to the City to impose special conditions (proffers) upon the development of the property that is the subject matter of the application.

C. At the request of an applicant for a rezoning, a site plan may be processed concurrently with the rezoning application, pursuant to Division 5 of this Article.

**Section IV-1103. Staff Review and Recommendations**

The Planning Department shall review the application for the rezoning and the comments of all members of the DRC, and shall prepare a written staff analysis of the issues raised by the application, which analysis shall set forth a recommended zoning district classification, if any, and setting forth the goals, objectives, and action strategies of the Comprehensive Plan affected by the proposed rezoning.

**Section IV-1104. Planning Board Review**

The Planning Board shall conduct a public hearing to review the proposed rezoning, and shall consider the written staff analysis and the testimony at the public hearing, and make a recommendation upon the proposed rezoning, which shall set forth its findings in regard to whether the proposed rezoning will satisfy the standards set forth in Section IV-1106, and its findings in regard to whether the rezoning is consistent with *Sarasota City Plan*. The Board may include in its recommendation any modifications or conditions to the rezoning, and the reasons therefore.

**Section IV-1105. City Commission Review**

The City Commission shall, in accordance with the provisions of Section IV-202, review the proposed rezoning, the written staff analysis and the recommendation of the Planning Board, and shall approve, approve with conditions or deny the rezoning and site plan, if any, after a public hearing. Action taken by the City Commission to approve a rezoning

with conditions shall be documented in the form of an ordinance which rezones the subject property and shall state with specificity any conditions offered by the Petitioner and accepted by the City Commission pursuant to Section IV-1102 (B).

**Section IV-1106. Standards for Review**

In reviewing the application for a 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, with consideration as to 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.

In addition, 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.

**Section IV-1107. Effect of Decision**

A. The ordinance which rezones the subject property shall state with specificity any conditions (proffers) offered by the applicant and accepted by the City Commission pursuant to Section IV-1102(B) and no building permit pertaining to the rezoned property shall be issued for construction which does not conform to any site plan finally approved by the City Commission as part of the rezoning.

B. In the event that any conditions require the execution of an appropriate legal document by the applicant, then the applicant shall be required to execute same prior to issuance of a building permit. When appropriate, fully executed documents may be attached to the ordinance as exhibits.

C. Where the conditions offered by the applicant include the construction of public improvements, the City Manager shall require security in the form of a deposit in cash or cashier's check in the amount of one hundred fifteen (115%) percent of the estimated cost of such improvements, or shall require an irrevocable letter of credit or a performance and payment bond. When required, such bond shall be executed prior to commencement of construction with a surety insurer authorized to do business in the State of Florida as a surety. Such bond shall be conditioned that the applicant or his agent construct the public improvements in the time and manner described in the ordinance approving the conditional rezoning or in any specified exhibits thereto and that the applicant or his agent promptly make payment to all persons defined in Section 713.01, Fla. Stat., whose claims derive directly or indirectly from the construction of such improvements. The form of any such bond or sureties thereon shall be subject to the approval of the City Attorney as to form and correctness prior to the issuance of any building permit.

**Section 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 202 of these regulations. Revisions to site plans proffered as part of a rezoning application other than revisions determined to be minor pursuant to Sec. 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 Sec. 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.

(Ord. No. 99-4113, Sec. 6, 3-15-99)

**Section IV-1109. Expiration of Approval**

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