

ARTICLE I. GENERAL PROVISIONS

Section I-101. Title

This ordinance shall be known as and referred to as the Zoning Code (2002 edition of the City of Sarasota, Florida.

Section I-102. Comprehensive Plan

The Zoning Code is intended to implement the *Sarasota City Plan* (comprehensive plan) in a manner that protects the health, safety, and general welfare of the citizens of the City of Sarasota.

Section I-103. General Purposes and Authority

It is the purpose of the Zoning Code to establish standards and regulations for the review and approval of all proposed development of property in the City, and to provide a development review process that will be comprehensive, consistent, and efficient in the implementation of the Sarasota City Plan and other goals, policies and standards of the City.

In order to foster and preserve the public health, safety, comfort and welfare, and to aid in the harmonious, orderly, and progressive development of the City, it is the intent of the City Commission that the development process in the City be efficient, in terms of time and expense, effective, in terms of addressing the natural resource and public facility implications of proposed development, and equitable, in terms of consistency with established regulations and procedures, respect for the rights of property owners, and consideration of the interests of the citizens of the City.

These regulations are intended to offer protection for the natural resources of the City, including clean Bay and Gulf waters, clean air and abundant open spaces; to encourage excellence in the fine arts and aesthetics of the built environment; to ensure adequate provision of services to the citizens; and to preserve the character and safety of neighborhoods while providing a range of housing opportunities. The regulations are intended to encourage cultural and economic development, and to facilitate neighborhood revitalization.

Section I-104. Jurisdiction and Applicability

These regulations shall govern the development and use of land and structures, including but not limited to, all zoning lots, parcels, lots of record, subdivision and resubdivisions of land and planned developments within the corporate limits of the City. Except as otherwise provided by these regulations, no building, structure, or land shall be used or occupied, and no building, structure, or land shall be developed unless in conformity with all of the provisions of these regulations for the zoning district in which it is located and all other applicable regulations.

A. Issuance of Permits and Licenses.

All departments, officials and public employees of the City vested with the duty or authority to approve plans or issue permits or licenses shall conform to the provisions of this Chapter. They shall approve plans or issue permits or licenses for uses, structures or purposes only when such are in conformance with the provisions of this Chapter. Any plan, permit or license, if issued in conflict with the provisions of this Chapter, shall be null and void and shall confer no lawful status.

Section I-105. Transitional Rules**A. Transition Period.**

(i) Pending Applications: Conditional uses, rezonings, site plans, variances and G zone waivers:

Where a complete application for a major or minor conditional use, rezoning, site plan, variance or G zone waiver is pending on the effective date of Ordinance No. 02-4357 (June 28, 2002), the provisions of the regulations in effect when the application was filed shall govern the review and approval of the application. If such application is approved within six (6) months of the effective date of Ordinance No. 02-4357, then the applicant shall be entitled to complete the development, provided the approval has not otherwise expired in accordance with applicable regulations in effect at the time the application was approved. The provisions of this subparagraph shall apply to the processing of pending applications for rezoning to initial implementing zone districts shown in the Summary of Classifications table on page LU-21 of the Future Land Use Chapter, *Sarasota City Plan* (1998), and shown as non-implementing zones by Article VI of the *Zoning Code* (2002 Ed.).

(ii) Pending applications – building permits:

1. Building Permits – New or Expanded Single-Family Dwellings – Residential Zone Districts: Where a complete application for a building permit for a new or expanded single-family dwelling is pending on or before the effective date of the regulation enacted by Ordinance No. 02-4358 (February 21, 2002), the regulations in effect when the application was determined to be complete by the Director of Building, Zoning and Code Enforcement shall govern. The Applicant must obtain such permit within six (6) months of the effective date of Ordinance No. 02-4358 (August 21, 2002). If such application is submitted in proper form with all fees paid, even though permits required by other regulatory agencies have not yet been obtained, the Director of Building, Zoning and Code Enforcement may deem such application complete. All other necessary permits required by other regulatory agencies shall be obtained and the

building permit issued within six (6) months of adoption of Ordinance No. 02-4358 (August 21, 2002). The applicant shall be entitled to complete the work specified in the building permit, provided that construction begins within six (6) months of the issuance of such permit and is diligently pursued to completion.

2. Pending Applications – Building Permits Other Than Those Specified in Subparagraph 1 Above: Where a complete application for a building permit is pending on the effective date of Ordinance No 02-4357 adopting the *Zoning Code* (2002 Ed.) (June 28, 2002), the provisions of the regulations in effect when the application was filed shall govern the review and approval of the application for building permit. If such building permit is approved within six (6) months of the effective date of Ordinance No. 02-4357, then the applicant shall be entitled to complete the development, provided that construction begins within six (6) months of the issuance of the building permit, is diligently pursued to completion and the underlying development approval has not otherwise expired in accordance with applicable regulations in effect at the time the development application was approved.

(iii) Approved Applications for Development Approval:¹

¹ See Section 5, B, of Ordinance 02-4357 regarding building permits, conditional uses, rezonings, site plans, variances and G zone waivers – appeal. See Section 5, C, of Ordinance 02-4357 regarding subdivision plats. See Section 5, D, of Ordinance 02-4357 regarding historic designations. See Section 5, E, of Ordinance 02-4357 regarding agreements.

Development rights conferred by means of any application for development approval which was issued or finally approved prior to the effective date of these regulations (June 28, 2002) shall be considered vested rights; provided said development approval has not otherwise expired pursuant to regulations in effect upon the effective date of these regulations. Property owners shall be permitted to proceed with development in accordance with such finally approved development approval application subsequent to the effective date of these regulations, provided said development approval has not otherwise expired in accordance with applicable current regulations.

(iv) Administrative Interpretations:

Development rights conferred by means of a written administrative zoning code interpretation of provisions contained in the prior *Zoning Code*, a/k/a the *Zoning Code* (1998 ed.), which was rendered prior to the effective date of Ordinance No. 02-4357 (June 28, 2002), shall be considered vested rights to the extent the interpretation has been utilized or incorporated in an application for development approval filed in accordance with Subparagraph A, (i), (ii) or approved development approvals in accordance with Subparagraph (iii) hereof, prior to the effective date of Ordinance No. 02-4357.

B. Existing Unlawful Uses and Structures.

A nonconforming structure or use lawfully existing, pursuant to the prior Code, at the time of the adoption of these regulations (June 28, 2002) is hereby deemed lawful as of that date, only if it conforms with all of the requirements of these regulations. However, if such structure or use does not conform with all of the requirements of these regulations, then such structure or use remains nonconforming hereunder.

C. Existing Permitted Uses.

When a zoning lot is used lawfully on the effective date of these regulations (June 28, 2002) and Article VI of these regulations classifies such use as a "permitted use" in the zoning district in which it is located, such use is hereby deemed to be a lawful permitted use for the purposes of these regulations.

D. Existing Special Exceptions (Conditional Uses).

When a zoning lot is used lawfully on the effective date of these regulations (June 28, 2002) and Article VI of these regulations classifies such use as a "conditional use" in the zone district in which it is located, such use is hereby deemed to be a lawful conditional use for the purposes of these regulations. If the use was approved as a special exception prior to the effective date of the *Zoning Code* (2002 ed.), and if the approval of such special exception was subject to one or more conditions, those conditions shall continue in full force and effect unless a new conditional use approval is obtained in accordance with Article IV, Division 9 of these regulations. Such previously approved special exceptions shall not be subject to the revocation provision of Section IV-910.

E. Addition to, Expansion or Alteration of, or Changes of Use in Existing Special Exception Uses.

Any addition to or expansion of a previously approved special exception, which is now considered a conditional use, shall require new conditional use approval in accordance with the procedures and standards set forth in Article IV, Division 9 of these regulations for new conditional uses. Any change in a lawful conditional use to a new use shall be permitted only if these regulations classify the new use as a permitted use or a conditional use in the zoning district in which it is located, and only in accordance with the approval procedures set forth in these regulations for such use.

F. Previously Granted Variances.

All variances granted prior to the effective date of these Regulations (June 28, 2002) and any conditions attached thereto, shall remain in full force and effect, and the recipient of the variance may proceed to develop the property in accordance with the plans previously approved. However, if the recipient of the variance has failed to commence construction before the variance expires, the provisions of these regulations shall govern.

G. Final Site and Development Plans and Prior Conditional Rezonings.

All conditional rezonings granted prior to the effective date of these regulations (June 28, 2002), and any conditions attached thereto, shall remain in full force and effect, unless subsequently rezoned or amended in accordance with Sections IV-1101 - IV-1109. In the event a final site and development plan has been approved by the City Commission by the adoption of a conditional rezoning ordinance prior to the effective date of these regulations (June 28, 2002), and has automatically expired pursuant to any prior *Zoning Code*, then a new site plan approval in accordance with the procedures and standards set forth in Article IV, Division 5 of these regulations is required. In the event a final site and development plan or development plan has been approved by the City Commission as part of a conditional rezoning ordinance pursuant to the prior *Zoning Code* and would be eligible to request a time extension for validity under the prior *Zoning Code*, then the City Manager may extend the approval for one (1) additional two (2) year period in accordance with the procedures and requirements of Section IV-509 of these regulations. In either event, there shall be no requirement to rezone the property to its former district if and when the previously approved final site and development plan or development plan expires and Section IV-1109 of these regulations pertaining to expiration of rezonings shall be applicable.

H. Existing Zoning.

Unless and until rezoning to one of the new implementing zone districts designated in Section VI-101 of this Code occurs, development shall be permitted in accordance with the zone district regulations applicable to the properties.

Section I-106. Severability

Should any Section or provision of this *Zoning Code* be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this *Zoning Code* as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.