

Division 2. Nonconformities Resulting from Exercise of Power of Eminent Domain**Section V-201. Intent** [Sec. 9-12.]

The provisions of this division shall apply to real property when the City of Sarasota has exercised its power of eminent domain and has acquired or is in the process of acquiring a portion of an existing zoning lot, lot of record, or parcel, with or without structures, buildings, or improvements located thereon. This division shall apply without regard for whether the real property acquisition is pursuant to order of a court of competent jurisdiction, is pursuant to a process of negotiated purchase, or otherwise. This division shall apply without regard to whether suit was filed or threatened by the City. This division shall also apply to real property located on Tuttle Avenue between 17th Street and Hibiscus Street, when Sarasota County has exercised its power of eminent domain and has acquired or is in the process of acquiring a portion of an existing lot or parcel.

Section V-202. Existing nonconformities preserved [Sec. 9-13.]

A nonconformity, of any nature whatsoever, which existed at the time of the real property acquisition by the City, or Sarasota County on Tuttle Avenue between 17th Street and Hibiscus Street, pursuant to an exercise of the power of eminent domain, shall not be deemed to result in the existing nonconformity being reduced, in any manner, nor to any extent, by the application of this division.

Section V-203. Eminent domain - No creation of new nonconformities [Sec. 9-14.]

When the City acquires or is in the process of acquiring property, pursuant to its power of eminent domain, or when Sarasota County acquires property or is in the process of acquiring property on Tuttle Avenue between 17th Street and Hibiscus Street pursuant to an exercise of the power of eminent domain and the acquisition would result in the creation of any of the following nonconformities, to wit: Lot area or width, lot coverage by an existing structure(s), location of improvements on a lot or parcel, required yards, off-street parking or the size or location of signs, by the application of this division the real property impacted by the eminent domain acquisition shall not be deemed to have resulted in the creation of any of the nonconformities set forth in this Section. Thereafter, said real property shall be deemed to exist as if conforming as to all those matters set forth in this Section. In the application and implementation of this Section, the following guidelines shall apply:

- A. A building or structure existing at the time of the acquisition of a portion of the property of the owner, by the City or Sarasota County, may be rebuilt in part to replace the portion of the building or structure removed because of the property acquisition. The property owner shall not be required to meet off-street parking requirements of the Zoning Code. However, the amount of off-street parking existing at the time of the property acquisition, by the City or Sarasota County, shall be retained.
- B. A building or structure existing at the time of the acquisition of a portion of the property of the owner, by the City or Sarasota County, may be rebuilt in part to replace the portion of the

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building or structure removed because of the property acquisition without regard for whether new nonconformities were created by the property acquisition, but for the application of this division. Provided, however, that any nonconformity existing at the time of the property acquisition, by the City or Sarasota County, shall not be increased by the application of this division.

- C. A building or structure existing at the time of the acquisition of a portion of the property of the owner, by the City or Sarasota County, may be rebuilt in part to replace the portion of the building or structure removed because of the property acquisition without regard for any new nonconformities that would be created pertaining to the property or the building or structure, but for the application of this division. However, the rebuilding may not increase any of the nonconformities that would have been created but for the application of this division.
- D. The Director of the Building, Zoning and Code Enforcement Department, with the approval of the City Manager, may promulgate and implement administrative regulations which shall guide the building and zoning department in the application of this division.

Section V-204. Relocating of a building or structure [Sec. 9-15.]

When the City acquires property, or is in the process of acquiring property, pursuant to its power of eminent domain, or when Sarasota County acquires property or is in the process of acquiring property on Tuttle Avenue between 17th Street and Hibiscus Street pursuant to an exercise of the power of eminent domain, and the property owner desires to relocate an existing building or structure(s) on a portion of the real property remaining after the partial acquisition by the City or Sarasota County, and in the event that the relocation of the building or structure(s) would create any of the nonconformities specified in Section V-203, above, the building or structure(s) may be relocated without regard for the new nonconformities created by the relocation, subject to the favorable determination of the Director of Building, Zoning and Code Enforcement, as is set forth hereafter.

- A. The property owner shall submit to the Director of the Building, Zoning and Code Enforcement Department, such documentation as the administrator deems necessary in order to determine that the proposed relocation will not adversely affect the public health, safety and welfare and will not adversely impact surrounding properties.
- B. The Director of the Building, Zoning and Code Enforcement Department, shall apply the criteria set forth in Section IV-906 pertaining to conditional uses, in order to make a determination that the proposed relocation of the building or structure(s) will not be contrary to the public health, safety and welfare, and will not adversely impact surrounding properties.
- C. The determination of the Director of the Building, Zoning and Code Enforcement Department shall be made in writing and may contain conditions or safeguards pertaining to the relocation.

Section V-205. Destruction of Building or Structure [Sec. 9-17.]

In the event that a building or structure is relocated on the real property remaining after the partial acquisition by the City, or after the partial acquisition of real property located on Tuttle Avenue between 17th Street and Hibiscus Street by Sarasota County, or is partially rebuilt, and thereafter should the building or structure be destroyed, by any means whatsoever, to an extent of more than seventy-five percent (75%) of the market value as determined by a state certified property appraiser at the time of destruction, the building or structure(s) may be rebuilt to the same dimensions and extent and in the same location as was the case at the time of destruction. Provided, however, that he rebuilt building or structures(s) shall meet the requirements of all current technical codes such as building codes, electrical codes and plumbing codes.

Section V-206. Future right-of-way and fire safety regulations [Sec. 9-18.]

The provisions of Section V-201 through V-204 shall not apply nor be interpreted to waive or alter the provisions of Section 30-56 and Section 30-57, Sarasota City Code (1986), pertaining to future right-of-way lines, nor shall the provisions of this Section waive or alter the application of any fire prevention code or fire prevention requirements adopted as local amendments to a standard building code.