

ORDINANCE NO. 23-5487

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA AMENDING THE ZONING CODE (2002 EDITION), ARTICLE II, DEFINITIONS AND RULES OF CONSTRUCTION, DIVISION 2, DEFINITIONS, SECTION II-201, DEFINITIONS, TO MODIFY THE DEFINITION OF ATTAINABLE HOUSING AND CREATE THE DEFINITIONS OF BASE DENSITY AS WELL AS SIDEWALK SYSTEM; ARTICLE VI, ZONE DISTRICTS, DIVISION 10, DOWNTOWN ZONE DISTRICTS, SECTION VI-1001, GENERAL DESCRIPTION, THROUGH VI-1005, DEVELOPMENT STANDARDS, INCLUSIVE, TO PROVIDE INCENTIVES FOR ATTAINABLE HOUSING IN THE DOWNTOWN ZONE DISTRICTS CONSISTENT WITH COMPREHENSIVE PLAN AMENDMENT NO. 22-PA-04, AND AMENDING CERTAIN DEVELOPMENT AND BUILDING DESIGN STANDARDS AND UPDATING THE PRIMARY STREET MAP BY REMOVING APPROXIMATELY 100 FEET OF PRIMARY STREET DESIGNATION ON OSPREY AVENUE AND GILLESPIE AVENUE NORTH OF 10<sup>TH</sup> STREET, AS WELL AS APPROXIMATELY 200 FEET OF PRIMARY STREET DESIGNATION ON AUDUBON PLACE NORTH OF 6<sup>TH</sup> STREET; ARTICLE VI, ZONE DISTRICTS, DIVISION 9, SPECIAL PUBLIC INTEREST OVERLAY DISTRICTS, SECTION VI-912, ROSEMARY RESIDENTIAL OVERLAY DISTRICT, TO MODIFY THE ATTAINABLE HOUSING INCENTIVES CONSISTENT WITH THE DOWNTOWN ATTAINABLE HOUSING BONUS AND TO PROVIDE INCENTIVES FOR MORE PUBLIC PARKING; ARTICLE VI, ZONE DISTRICTS, DIVISION 1, GENERAL, SECTION VI-104, USE OF TWO OR MORE ZONING LOTS, LOTS OF RECORD OR PARCELS TO SATISFY ZONING REQUIREMENTS, TO MODIFY THE APPLICATION OF THE PROVISIONS ACROSS RIGHTS OF WAY AND TO CLARIFY HOW THE DOWNTOWN ATTAINABLE HOUSING DENSITY BONUS WILL AFFECT DEVELOPMENT SITES THAT HAVE PREVIOUSLY TRANSFERRED DENSITY; ARTICLE VI, ZONE DISTRICTS, DIVISION 1, GENERAL, SECTION VI-102, ZONE DISTRICT MAP AND GENERAL REGULATIONS, TO PROVIDE ADDITIONAL DENSITY AND DEVELOPMENT STANDARDS APPLICABLE TO ATTAINABLE HOUSING DENSITY BONUS PROJECTS; PROVIDING FOR SEVERABILITY OF THE PARTS HEREOF; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 02-4357, which adopted a new Zoning Code for the City of Sarasota [hereinafter the Zoning Code (2002 edition)] was adopted by the City Commission on April 29, 2002; and

WHEREAS, Briana Dobbs, AICP, Sr. Planner, pursuant to instruction of the City Commission so as to implement Comprehensive Plan Amendment No. 22-PA-04, filed Zoning Text Amendment No. 23-ZTA-03 to encompass a range of issues requiring modification within the Zoning Code (2002 edition); and

WHEREAS, this Ordinance No. 23-5487 relates to the portion of Application No. 23-ZTA-03 which would amend the definition of Attainable Housing and create the definitions of Base Density, as well as Sidewalk System, provide incentives for attainable housing in the Downtown Zone Districts consistent with Comprehensive Plan Amendment No. 22-PA-04, amend certain development and building design standards and update the Primary Street Map by removing approximately 100 feet of primary street designation on Osprey Avenue and Gillespie Avenue north of 10<sup>th</sup> Street, as well as approximately 200 feet of primary street designation on Audubon Place north of 6<sup>th</sup> Street, modify the attainable housing incentives in the Rosemary Residential Overlay District consistent with the downtown attainable housing density bonus and to provide incentives for more public parking therein, modify the application of the joint use provisions across rights of way and to clarify how the downtown attainable housing density bonus will affect development sites that have previously transferred density, and provide additional density and development standards applicable to attainable housing projects; and

WHEREAS, the Planning Board, acting in its capacity as the Local Planning Agency for the City of Sarasota, held a duly noticed public hearing on May 16, 2023 in accordance with Article IV, Division 12, of the Zoning Code (2002 edition) to review the proposed Zoning Text Amendments contained herein and made its recommendation to the City Commission as to which of such amendments satisfy the standards for review set forth in Section IV-1206, Zoning Code (2002 edition); and

WHEREAS, the City Commission hereby finds that based upon the foregoing recitals, it is in the best interest of the citizens of the City of Sarasota to amend the Zoning Code (2002 edition) as requested by the portion of Zoning Text Amendment Application No. 23-ZTA-03 contained in this Ordinance No. 23-5487; and

WHEREAS, the City Commission held a duly noticed public hearing on August 7, 2023 to receive public comment, has considered the recommendations of the Planning Board and Planning staff and has found and determined that the adoption of the proposed amendments to the Zoning Code (2002 edition) as set forth herein would promote the public health, safety and welfare and the redevelopment of the City and would thus serve a valid public purpose.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF SARASOTA, FLORIDA:

**Section 1.** Findings of Fact: The City Commission hereby finds that the recitations contained in the preamble to this Ordinance as set forth above are true and correct and adopts said recitations as findings of fact.

**Section 2.** Adoption of Text Amendments: The following provisions within the Zoning Code (2002 edition) included within Application No. 23-ZTA-03 are hereby amended:

- Article II, Definitions and Rules of Construction, Division 2, Definitions, Section II-201, Definitions, to modify the definition of Attainable Housing and create the definitions of Base Density as well as Sidewalk System.
- Article VI, Zone Districts, Division 10, Downtown Zone Districts, Sections VI-1001, General description through VI-1005, Development standards, inclusive, to provide incentives for attainable housing in the Downtown Zone Districts consistent with Comprehensive Plan Amendment No. 22-PA-04 and amend certain development and building design standards and update the Primary Street Map by removing approximately 100 feet of primary street designation on Osprey Avenue and Gillespie Avenue north of 10<sup>th</sup> Street, as well as approximately 200 feet of primary street designation on Audubon Place north of 6<sup>th</sup> Street.
- Article VI, Zone Districts, Division 9, Special Public Interest Overlay Districts, Section VI-912, Rosemary residential overlay district, to modify the attainable housing incentives therein consistent with the downtown attainable housing density bonus and to provide incentives for more public parking.
- Article VI, Zone Districts, Division 1, General, Section VI-104, Use of two or more zoning lots, lots of records or parcels to satisfy zoning requirements, to modify the application of the provisions across rights of way and to clarify how

the downtown attainable housing bonus will affect development sites that have previously transferred density.

- Article VI, Zone Districts, Division 1, General, Section VI-102, Zone district map, and general regulations, to provide additional density and development standards applicable to attainable housing density bonus projects.

The City Commission hereby adopts the above-described amendments to the text of the Zoning Code (2002 edition) which are more fully set forth in Exhibit A, a copy of which is attached hereto and incorporated by reference herein. Exhibit A contains the portions of the above-referenced Zoning Code sections in which the proposed amendments would be codified with modifications shown in “black line” format by which deletions from existing texts are shown by ~~striketrough~~ and additions to existing text are shown by underline.

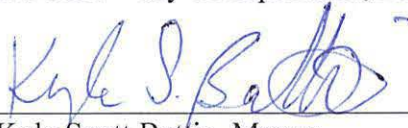
**Section 3.** Severability: It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance be deemed severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance is declared unconstitutional or otherwise invalid by the valid judgment of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance.

**Section 4.** Effective Date: This Ordinance shall take effect immediately upon second reading.


PASSED on first reading by title only, after posting for public viewing at City Hall for at least three (3) days prior to first reading, as authorized by Article IV, Section 2, Charter of the City of Sarasota, Florida this 7th day of August, 2023.



PASSED on second reading and finally adopted this 5<sup>th</sup> day of September, 2023.

  
\_\_\_\_\_  
Kyle Scott Battie, Mayor

ATTEST:

  
\_\_\_\_\_  
Shayla Griggs  
City Auditor and Clerk

- Yes Mayor Kyle Scott Battie
- Yes Vice Mayor Liz Alpert
- Yes Commissioner Jen Ahearn-Koch
- Yes Commissioner Erik Arroyo
- Yes Commissioner Debbie Trice

Article II - DEFINITIONS AND RULES OF CONSTRUCTION

DIVISION 2. - DEFINITIONS

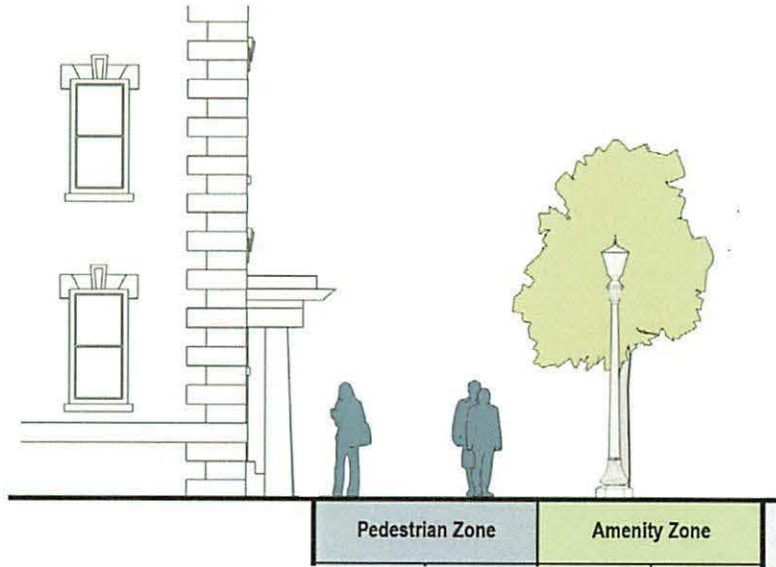
Sec. II-201. - Definitions.

*Attainable housing:* Housing units that are affordable to households earning from 60 to 120 percent of the Area Median Income (AMI) in the North Port-Sarasota-Bradenton MSA. The size (sq. ft.) and exterior appearance (fixtures, ~~and~~ finishes, and building entrances) of attainable housing units shall be indistinguishable from and functionally equivalent to market rate units. If the attainable housing is provided in the form of owner-occupied units, such units shall be interspersed throughout 50% of the owner-occupied units and shall have a common entrance providing access to all such owner-occupied units. If the attainable housing is provided in the form of rental units, such units shall be interspersed throughout 50% of the rental units and shall have a common entrance providing access to all such rental units. The bedroom mix of attainable housing units should be comparable to the bedroom mix of the market rate units. The attainable housing income range shall be updated annually by the city based on U.S. Department of Housing and Urban Development ~~Department~~ (HUD) data and existing mortgage financing conditions. Incentives associated with attainable housing units within the Sarasota City Plan and Zoning Code, such as density bonuses, shall also be applicable for households earning below sixty (60.0) percent of the AMI.

Base Density: The maximum number of dwelling units per acre that is allowed on a parcel or development site prior to awarding of additional density that may be approved as specified within the development standards for the zone districts within Urban Edge, Downtown Core, Downtown Bayfront, and Urban Mixed-Use Future Land Use classifications and applicable portions of Urban Neighborhood.

Sidewalk System:

- (1) Amenity Zone: The section of the sidewalk between the curb and the pedestrian zone in which street furniture and amenities, including but not limited to lighting, benches, public art, utility poles, trees, and bicycle parking are provided. The amenity zone shall be measured from back of curb to the pedestrian zone.
- (2) Pedestrian Zone: The primary, accessible, and clear walking pathway that typically runs parallel to the street. The pedestrian zone ensures that pedestrians have a safe and adequate place to walk and are not encroached upon by streetlights, utility boxes, tree trunks, street furniture, landscaping, and similar impediments to pedestrian travel.





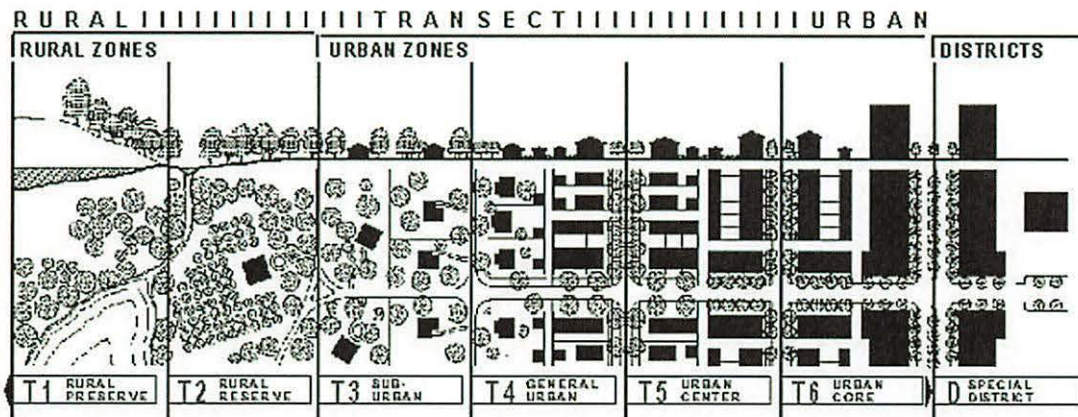
Article VI - ZONE DISTRICTS

DIVISION 10. - DOWNTOWN ZONE DISTRICTS

Sec. VI-1001. General description.

- (a) *Intent and purpose.* The intent and purpose of the downtown districts is to produce an urban area that implements the Downtown Master Plan 2020, and to fulfill the goals, objectives and action strategies of the Sarasota City Plan, and promote a diverse mix of development to include attainable housing.

The downtown zone districts are based on the SmartCode, a transect-based model code developed by Duany Plater-Zybert & Company to implement Smart Growth principles advocated by the Downtown Master Plan 2020. Compared with conventional (Euclidean) zoning that encourages development be separate and disperse, Smart Growth encourages the development of urban communities that are diverse, compact and walkable. The transect is a geographical cross-section of a region that allows for a system of classifying the rural-to-urban as a continuum of natural and man-made environments. This gradient, when divided, lends itself to the creation of zoning categories as illustrated below.



The downtown zone districts are based on the most urban of these transects: T4, T5 and T6.

The singular quality that helps differentiate the urban downtown from typical suburban environments is the primacy that the urban downtown places upon creating a high quality pedestrian environment. This environment is best described in terms of the quality of the frontages along the street edges. Frontages are the area between the facade of the building and the lot line (see frontage definition II-201).

An excellent frontage is one that provides a high level of positive stimulus and interaction for the pedestrian. In an ideal setting, buildings would form a continuous edge, generally up against the outer edge of the right-of-way, with large expanses of glass for pedestrians to see what is happening inside, and a constant sense of give-and-take between inside and outside. The width of the buildings along the street would be relatively narrow, with a range and variety of stores and shops. Restaurants and other uses might spill out onto the sidewalk creating open-air cafes, galleries and other attractions. Landscaping is prevalent, but does not dominate the setting, and does not prevent the pedestrian from getting close to the buildings, storefronts and display window[s].

A poor frontage, on the other hand, is one in which there is little, if any, stimulus or interaction with the pedestrian. A surface parking lot is an example of the worst type of street frontage, affording the passerby little sense of enclosure, protection or interaction.

Good and fair frontages rank accordingly between the two extremes. Any interruption in the continuity of the street wall detracts from the quality of the frontage. The ability of good pedestrian-scale buildings to create high quality frontage is diminished sharply when areas of surface parking or the blank facades of parking structures or other building interrupt the continuity of buildings. Similarly, buildings that interrupt the continuity of the street wall by stepping back from the street, or by placing berms, planting or other forms of landscaping between the

EXHIBIT A

sidewalk and the building, detract from the overall quality of the frontage. Such an approach, while perfectly acceptable in suburban locations, is in direct contrast to the fundamental urban character of a downtown setting.

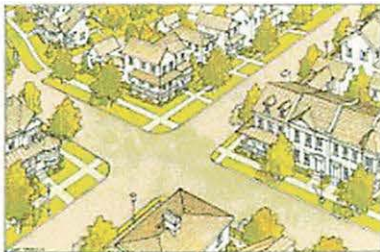
In summary, the intent of these downtown districts is to create an urban environment that is a comfortable and interesting place to live and walk.

- (b) *List of the downtown zone districts.* The transect base, full names, short names and map symbols of the downtown zone districts are listed below. When this Code refers to the downtown zones it is referring to the zones listed here.

Transect	Full Name	Short Name/Map Symbol
T4	Downtown Neighborhood	DTN
T4-5	Downtown Neighborhood Edge	DTNE
T5	Downtown Edge	DTE
T6	Downtown Core	DTC
T6	Downtown Bayfront	DTB

- (c) *Characteristics of the zones.*

- (1) *DTN.* The Downtown Neighborhood (DTN) district is a primarily residential but also allows for a mixture of land uses. Residential dwellings may be single-family or multiple-family up to a maximum of 12 dwelling units per acre, or up to 35 units per acre in accordance with the 'Missing Middle' Overlay District, as described in section VI-906. In addition to a primary residential structure, an ancillary outbuilding is permitted on each lot. Low-intensity office, retail and lodging uses may be permitted in limited amounts. Retail stores are confined to corner lots. Other nonresidential uses that contribute to the residential attributes of a neighborhood are also allowed. Building height shall be limited to a maximum of three stories. Building frontages include porches, fences and terraces.



DTN Illustration





DTN Example

- (2) *DTNE*. The Downtown Neighborhood Edge (DTNE) district is a mixed-use transition area typically located along the interface between residential and nonresidential neighborhoods. The desired character includes building close to and oriented towards the sidewalk especially at street corners. Development is intended to be pedestrian oriented. Residential dwellings may be single-family or multiple-family and may include mixed-use structures that provide for live-work opportunities. Residential dwellings may be built to a maximum density of 18 dwelling units per acre, or up to 72 dwelling units per acre in accordance with the Downtown Attainable Housing Density Bonus, as described in section VI-1005(b)(3). A variety of nonresidential uses that contribute to the residential attributes of the adjacent residential neighborhood are allowed. Building heights shall be limited to a maximum of three stories. Building frontages include stoops, forecourts and storefronts.

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**EXHIBIT A**





DTNE Illustration

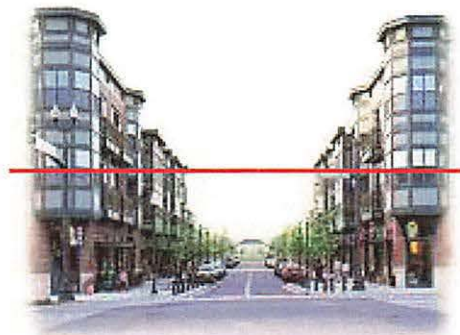
- (3) *DTE*. The Downtown Edge (DTE) district is a densely mixed-use area typically located along a pedestrian way or a ~~thoroughfare~~ roadway within a neighborhood. Residential dwellings may be single-family or multiple-family and may include mixed-use structures that provide for live-work opportunities. Residential dwellings may be built to a maximum density of 25 dwelling units per acre, or up to 100 dwelling units per acre ~~on individual projects within and~~ in accordance with the RROD, as described in section VI-912. Development outside of the RROD may be built up to a maximum density of 100 dwelling units per acre in accordance with the Downtown Attainable Housing Density Bonus, as described in section VI-1005(b)(3). A variety of nonresidential uses are allowed everywhere with ground floor retail mandatory on certain designated frontages. Building heights shall be limited to a maximum of five stories or seven stories in the RROD when urban open space is provided or a transfer of development rights occurs for a development project. Building frontages include stoops, forecourts and storefronts.



DTNE & DTE Illustration



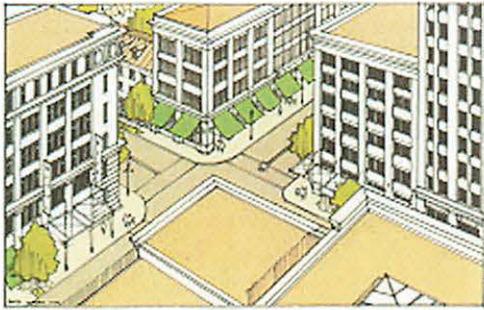




**EXHIBIT A**

FE-Examples

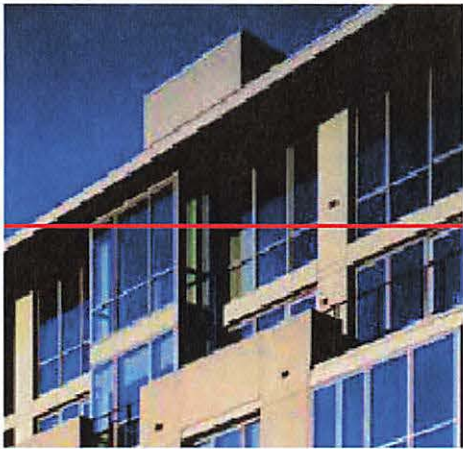
- (4) *DTC.* The Downtown Core (DTC) district is a very dense mixed-use urban area. Residential dwellings are generally multiple-family and located in tall structures. Residential dwellings may be built up to a maximum density of 50 dwelling units per acre or up to 200 dwelling units per acre in accordance with the Downtown Attainable Housing Density Bonus, as described in section VI-1005(b)(3). Nonresidential uses are varied and include department stores, entertainment facilities, restaurants, offices and lodging uses. Ground floor retail is allowed everywhere and is mandatory on certain designated frontages. Building height shall be limited to a maximum of ten stories except as provided for in table VI-1003 (building height). Building frontages include stoops, forecourts and storefronts.



DTC Illustration



DTC Examples

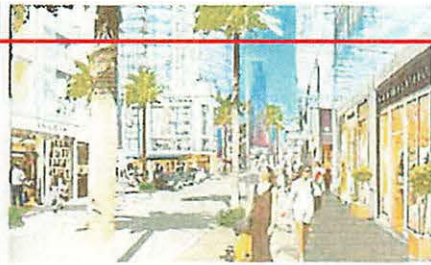


DTC Examples

**EXHIBIT A**



- (5) *DTB*. The Downtown Bayfront (DTB) district is identical to Downtown Core (DTC) above except that building heights shall be limited to a maximum of 18 stories.



DTB Illustration Examples

(Ord. No. 04-4531, § 3, 6-7-04; Ord. No. 05-4649, § 3, 2-21-06; Ord. No. 09-4890, § 2(att. 1), 10-19-09; Ord. No. 14-5094, § 4, 10-6-14; Ord. No. 19-5284, § 3(Exh. B), 12-2-19; Ord. No. 22-5402, § 2, 4-18-22)

**Sec. VI-1002. Application and conflict.**

(a) *Application.*

(1) *Purpose.* Compliance is intended to occur, over time, as redevelopment and new development occur. These regulations are intended for new development, expansion and remodeling. Existing structures and uses are allowed to continue and normal repair and maintenance is encouraged. Exceptions from restrictions that would otherwise limit the ability to rebuild after sudden or gradual destruction are allowed for condominiums and valid development approvals. Section IV-1903 also recognizes that some sites may be difficult to develop in compliance with these regulations and provides for adjustments to these regulations.

(2) *When these regulations apply.*

a. *New development.* These regulations apply to all new development.

b. *Expansion and remodeling.*

Expansion: Any expansion of existing buildings shall comply with those regulations found in tables VI-1003 and VI-1004. These regulations shall apply only to the new expanded portion of the building.

Exterior remodel: Any exterior remodeling of existing buildings shall comply with those regulations found in tables VI-1003 and VI-1004, which are applicable to the scope of a particular project. These regulations shall not apply to exterior portions of a building not being remodeled.

Interior remodel: These regulations shall not apply to interior remodeling of existing buildings.

For example, remodeling a storefront may require compliance with standards, such as: Window area, window shape and exterior finish materials and an addition would need to comply with standards, such as setbacks, height limits and parking.

(3) *When these regulations do not apply.*

a. *Existing buildings and uses.* Existing buildings and uses that do not conform to the provisions of these regulations may continue as they are. However, if a prohibited use ceases for 24 consecutive months, the use shall not be reestablished. The director of ~~neighborhood and~~ development services may grant one extension for an additional 12 months, provided the property owner applies for the extension at least 60 days prior to the end of the original 24-month period. The application shall demonstrate that restoration of the use has been diligently pursued and that practical difficulties will preclude a timely restoration of the use within the original 24-month period. Subsequent uses shall conform to the district regulations. Any final decision of the director of ~~neighborhood and~~ development services may be appealed to the planning board in accord with section IV-1901(f).

b. *Repair and maintenance.* Normal repair and maintenance may be performed on existing buildings.

For example:

1. Repair of a broken window would not require compliance with the building design standards for window area and shape; or
2. Repair of a leaking roof would not require compliance with the roof design standards.

c. *Existing or approved condominiums.* Any existing or approved structure or structures on a single zoning lot under condominium ownership or cooperative long term leases may be rebuilt after destruction to the prior extent of nonconforming as to height, stories and density of units per acre regardless of the percentage of destruction. In the event of such rebuilding, all other applicable district requirements shall be met unless an adjustment is obtained in accord with IV-1903 of this Code.

d. *Valid development approvals.*

1. A project for which an application for site plan approval has been filed prior to January 1, 2006 may be reviewed, approved and constructed under the prior regulations.
2. A project for which a site plan has been approved under the prior regulations may be constructed as approved provided a building permit is issued prior to expiration of such approval.
3. The structures and uses in projects described in subsections d.1. and 2. above shall not be deemed nonconforming but shall be deemed to be lawfully existing in conformity with these regulations and shall be allowed to continue as lawfully existing uses or structures.

e. *Split zone districts (DTNE, DTE, DTC and DTB).* Where a zoning lot, in single ownership, is split between more than one base zone, the entire zoning lot may be used to satisfy the zoning requirements for density, building setback and parking.

For example, a one-acre lot equally split between DTE (25 units/ac) and DTC (50 units/ac) would be permitted 37 units anywhere on the lot.

In order to utilize this section all other development standards of the base zones or any overlay district, other than those standards specified above, shall be met in each of the respective base or overlay zones. However, adjustments from these development standards may be requested in accordance with section IV-1903. In the event this section is used, it shall be noted on the site plan. In addition, a statement that this section has been applied to the development project shall be recorded in the public records before the first building permit is issued. The statement shall be approved as to form by the city attorney.

(b) *Conflicts with other regulations.* When conflicts with other sections of this zoning code occur, the provisions of these regulations (division 10) shall take precedence and shall supersede other sections of this zoning code. However, the provisions of this division shall not be construed to take precedence over:

- (1) Article VI, division 9, overlay districts;
- (2) Florida Building Code; or
- (3) The city's Engineering Design Criteria Manual.

(Ord. No. 04-4531, § 3, 6-7-04; Ord. No. 05-4648, § 3, 1-3-06; Ord. No. 05-4649, § 3, 2-21-06; Ord. No. 09-4838, § 2(att. 1), 2-17-09; Ord. No. 09-4890, § 2(att. 1), 10-19-09; Ord. No. 13-5041, § 2(att. 1) 3-4-13)



**Sec. VI-1003. Regulating maps.**

- (a) *Purpose.* The intent and purpose of the regulating maps is to identify certain specific areas that, by virtue of their location, the city desires to require features that promote the safety, comfort and convenience of the pedestrian. Amendments to the regulating maps shall be processed as a zoning text amendment (see article IV, division 12).
- (b) Map VI-1001 identifies the (1) primary and (2) secondary street grid. Buildings along a primary street shall be held to a higher standard in support of pedestrian activity than buildings along a secondary street. The standards are reflected in table VI-1003.
- (c) Map VI-1002 identifies sites that have required (1) retail frontage and (2) optional retail frontage.
  - (1) *Required retail frontage.* A required retail frontage designation specifies that a building must contain a retail sales or service use or office use at the sidewalk level through the depth of the second layer the entire length of the building frontage. In addition, a gallery or awning frontage is also required to provide a covered sidewalk for a minimum of 90 percent of the building frontage.



Retail sales and service uses and office uses are identified in table VI-1001.

Standards for gallery and awning frontage types are identified in table VI-1003.

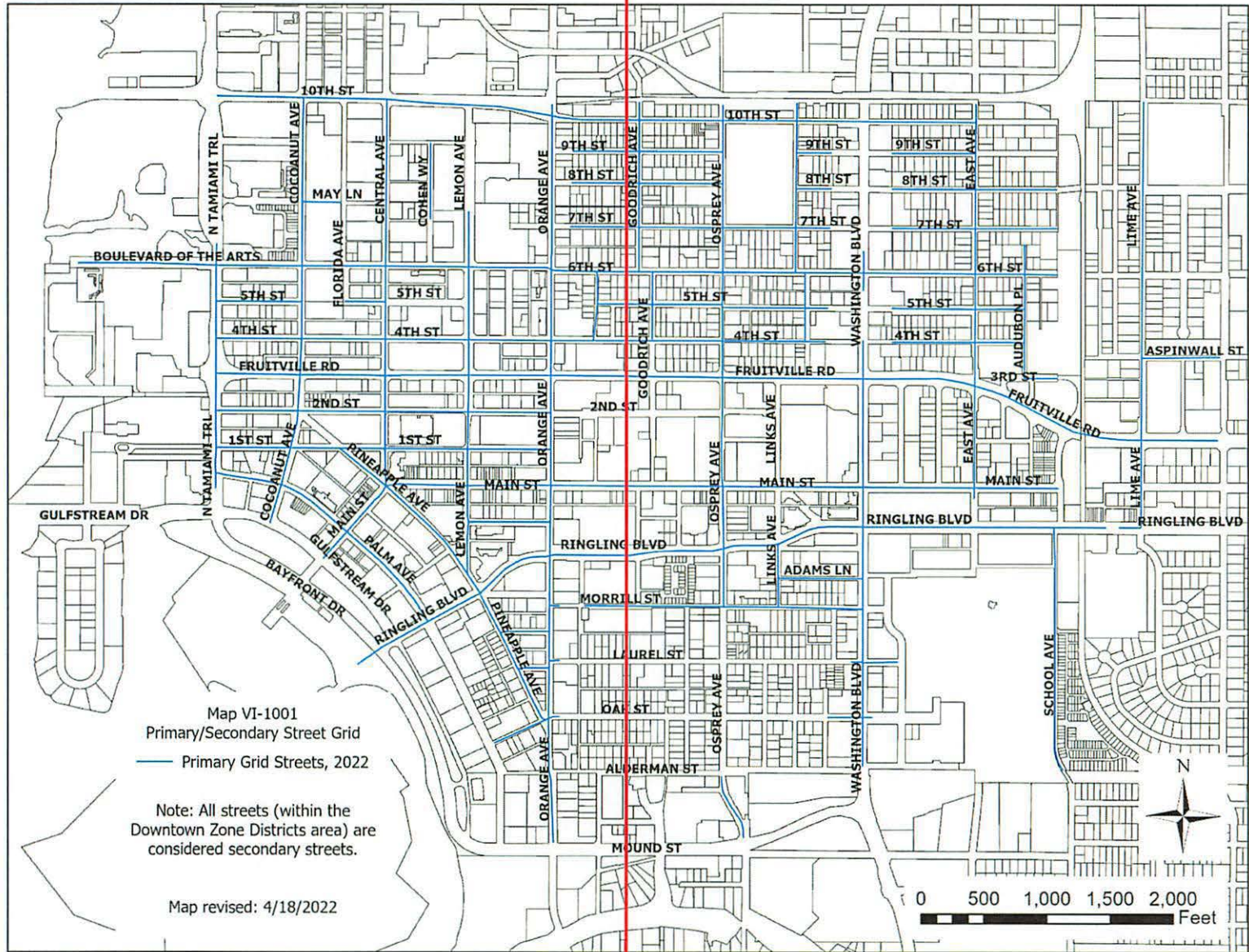
- (2) *Optional retail frontage.* An optional retail frontage designation specifies that a building which contains a retail sales or service use at the sidewalk level must provide a gallery or awning frontage that covers the sidewalk for [a] minimum of 90 percent of the building frontage.



Retail sales and service uses and office uses are identified in table VI-1001.

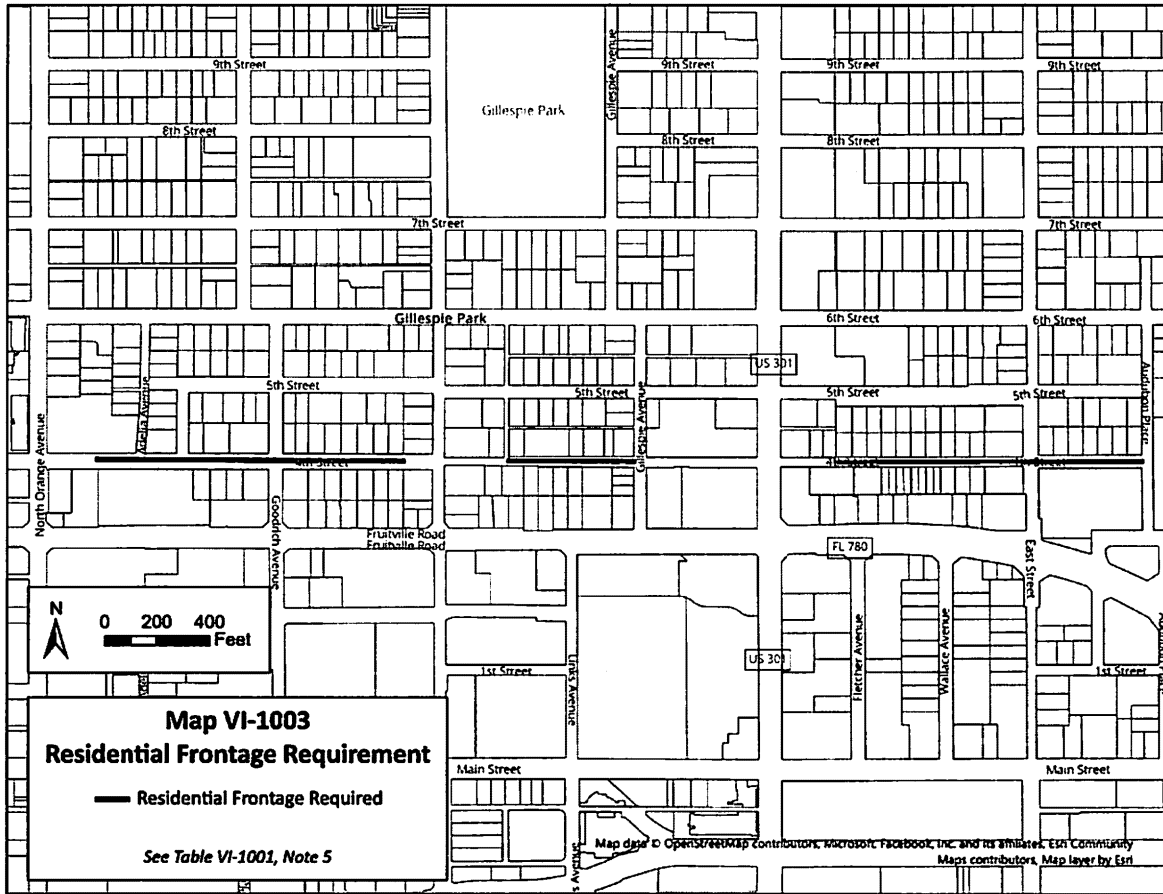
Standards for gallery and awning frontage types are identified in table VI-1003.

EXHIBIT A









(Ord. No. 04-4531, § 3, 6-7-04; Ord. No. 05-4648, § 3, 1-3-06; Ord. No. 05-4649, § 3, 2-21-06; Ord. No. 05-4650, § 4, 2-21-06; Ord. No. 09-4838, § 2(att. 1), 2-17-09; Ord. No. 09-4890, § 2(att. 1), 10-19-09; Ord. No. 10-4927, § 2(att. 1), 2-22-11; Ord. No. 14-5094, § 6, 10-6-14; Ord. No. 17-5196, § 2(Exh. A), 12-5-16; Ord. No. 17-5198, § 2(Exh. B), 2-21-17; Ord. No. 21-5381, § 2(Exh. A), 9-7-21; Ord. No. 22-5402, § 2(Exh. A), 4-18-22)

## EXHIBIT A

**Sec. VI-1004. Primary uses.**

- (a) *Definitions.* Uses are defined in article II, division 2. The use categories are described in article II, division 3 unless otherwise noted.
- (b) *Permitted uses.* Uses permitted in the mixed use zones are listed in table VI-1001 with a "P." These uses are allowed if they comply with the development standards and other regulations of this Code.
- (c) *Conditional uses.* Uses allowed in the mixed use zones, if approved through the conditional use review process, are listed in table VI-1001 with either a "C" if the use is a major conditional use, or an "MC" if the use is a minor conditional use. These uses are allowed provided they comply with the conditional use approval criteria, the development standards, and any other regulations of this Code.
- (d) *Provisional uses.* Uses allowed, if approved through the provisional use review process, are listed in table VI-1001 with a "L". Provisional uses are similar to those regulated by a conditional use permit that, by their nature, may, but do not necessarily have significant adverse effects on the environment, overburden public land and services, change the desired character of an area, create major nuisances, or most importantly present the possibility of a change in circumstances during their life.
- (e) *Historic reuses.* Reuses allowed, if approved through the historic reuse review process, are listed in table VI-1001 with an "H". Historic reuses may, but do not necessarily have significant adverse effects on the environment, overburden public land and services, change the desired character of an area, create major nuisances, or most importantly present the possibility of a change in circumstances during their life.
- (f) *Use limitations.* Uses allowed that are subject to limitations are identified with numbers in parentheses ( ) in table VI-1001. The limitations that correspond to the numbers in parentheses are stated at the end of table VI-1001. These uses are allowed if they comply with the use limitations, development standards and other regulations of this Code.
- (g) *Accessory uses.* Common accessory uses are listed as examples with each use category. Accessory uses are allowed by right, in conjunction with the primary use, unless stated otherwise in article VII, division 9, accessory uses and structures. Also, unless otherwise stated, they are subject to the same regulations as the primary use.
- (h) *Prohibited uses.* Uses listed in table VI-1001 without any symbol (i.e., blank space) are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of article V, vested rights and non-conformities.

Table VI-1001. Primary Uses Allowed in the Downtown Zone Districts

Use Categories See article II, division 3, description of the use categories	DTN (4, 5)	DTNE (5)	DTE (5)	DTC	DTB
blank = Prohibited Use    C= Major Conditional Use    MC= Minor Conditional Use    L = Provisional Use P= Permitted Use					
<b>RESIDENTIAL USE CATEGORIES See II-304</b>					
Household Living (1)	P	P	P	P	P
Group Living (2)	P	P	P	P	P
<b>COMMERCIAL CATEGORIES (3) See II-305</b>					
Commercial Recreation			MC	MC	MC
Commercial Parking		MC	P	P	P
Quick Vehicle Servicing			MC	MC	
Major Event Entertainment			C	C	C
Office (6)	MC/H	P	P	P	P

Use Categories See article II, division 3, description of the use categories	DTN (4, 5)	DTNE (5)	DTE (5)	DTC	DTB
Retail Sales and Service	Only retail sales and service as noted below				
Sales-oriented (6)	MC/H	P	P	P	P
	Exceptions to sales-oriented noted below				
Alcoholic Beverage Store			MC	MC	MC
Convenience Store	MC	MC	MC	MC	MC
Motor Vehicle/Boat Sales agency			MC	MC	MC
Motor Vehicle/Boat Showroom			MC	MC	MC
Pawn Shops					
Pharmacy			P(8)	P(9)	
Personal Service-Oriented (6)	MC/H	P	P	P	P
Entertainment-Oriented		P	P	P	P
	Exceptions to entertainment-oriented noted below				
Bars, Tavern, Nightclubs			C	C	C
Hotel/Motel and Other Temporary Lodging	MC	P	P	P	P
Mobile Food Truck			P	P	
Bed and Breakfast	L/H				
Repair-Oriented	MC	P	P	P	P
Adult Use Establishments (see Article 4, Division 4)					
Self-Storage					
Vehicle Repair			MC	MC	
INDUSTRIAL USE CATEGORIES See II-306	Only Industrial service use types below				
Manufacturing and Production	Only manufacturing and production use types below				
Artisan Studios (6) e.g. artist, sculptor, potter, or weaver	MC/H	P	P	P	P
INSTITUTIONAL USE CATEGORIES See II-307					
Basic Utilities	P	P	P	P	P
Colleges		C	C	C	C
Community Services	C	C	C	C	C
	Exceptions to community services noted below				
Short-Term Housing and Mass Shelters					
Labor Pool, Halfway Houses, Food Pantries, Soup Kitchens					
Day Care (6, 7)	L/H	P	P	P	P
Medical Centers					
Parks and Open Space (see II-201, Definitions)	Only park and open space types below.				
Park	P(10)	P(10)	P(10)	P(10)	P(10)
Green	P(10)				

## EXHIBIT A

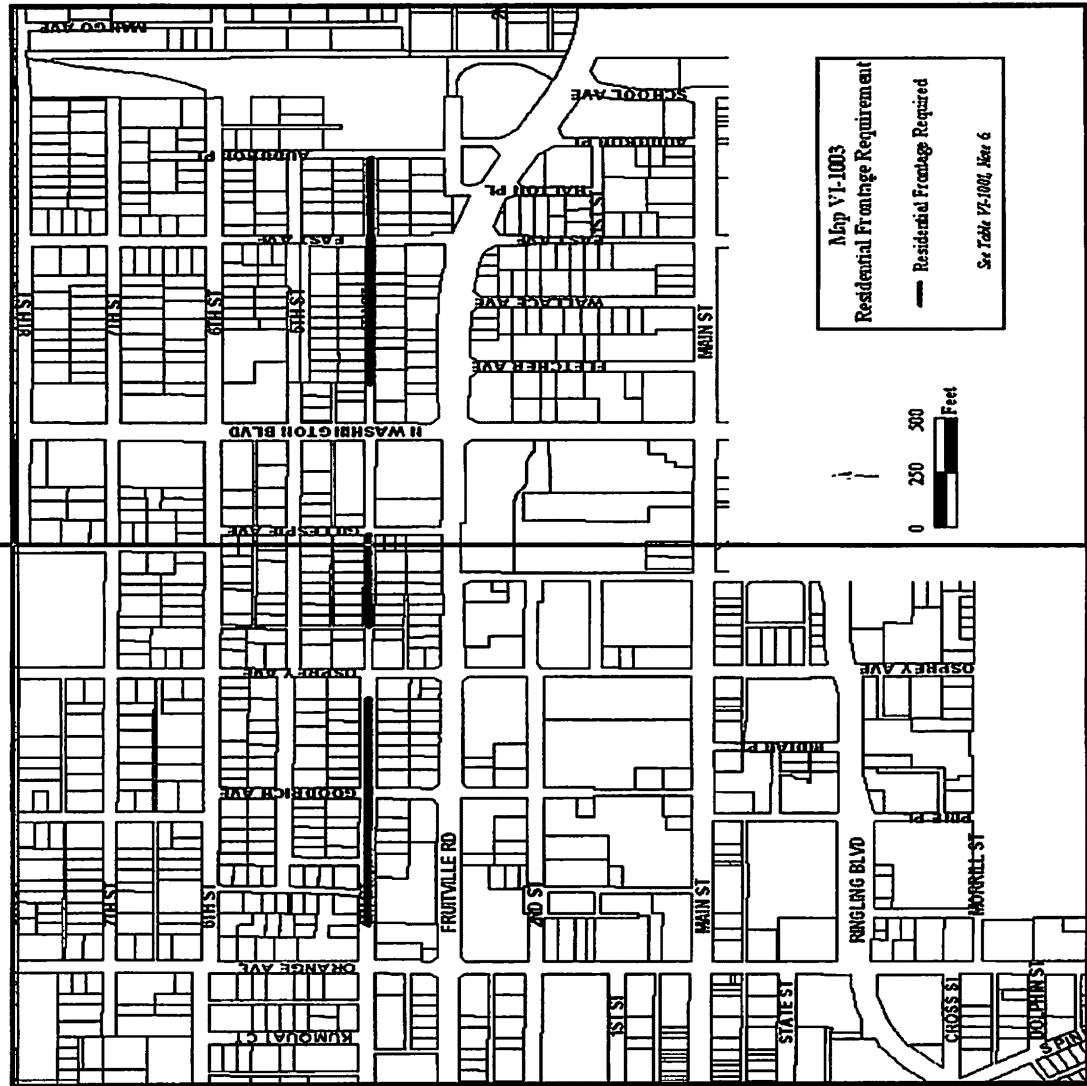
Use Categories See article II, division 3, description of the use categories	DTN (4, 5)	DTNE (5)	DTE (5)	DTC	DTB
Square	P(10)	P(10)	P(10)	P(10)	P(10)
Plaza		P(10)	P(10)	P(10)	P(10)
Playground	P(10)	P(10)	P(10)	P(10)	P(10)
Private Clubs	MC	MC	MC	MC	MC
Religious Institutions	MC	P	P	P	P
Schools	MC	P	P	P	P
<b>OTHER USE CATEGORIES See II-308</b>					
Aviation and Surface Passenger Terminals		C	C	C	C
Detention Facilities				C	
Radio and Frequency Transmission Facilities					
Commercial Wireless Telecommunication Towers	MC	MC	MC	MC	MC
Rail Lines and Utility Corridors					

Notes for table VI-1001:

- (1) *Household living limitation.* Housing types are limited to those defined in table VI-1002.
- (2) *Group living limitation.* Housing types are limited to those defined in table VI-1002.
- (3) *Drive-through limitation.* Drive-up windows and drive-through uses are prohibited on any zoning lot where ingress or egress of the drive-up or drive-through use occurs on a primary street (map VI-101). See [subsection] IV-1903B.2.a. concerning adjustments to drive-through facilities.
- (4) *Commercial use limitation.* Commercial uses are subject to conditional use approval (as depicted in table VI-101) and subject to the following limitations, among others, that may be necessary to protect the residential character of the downtown neighborhood zone district:
  - a. The area available for office use is limited to the first story of the primary building and permitted on any floor of an accessory building.
  - b. The area available for retail stores use is limited to the first story on one corner of each block.
  - c. The area available for artisan use is limited to 600 square feet within the first story of a primary or accessory building.
- (5) *[Specific locations identified.]* Map VI-1003 identifies locations where a residential use is required along the road frontage. A residential use may consist of various residential structure types, including single-family and multiple-family dwellings, or residential liner buildings.
- (6) *Historic reuse limitations.*
  - a. The area available for office use is limited to the first story of the primary building and permitted on any floor of an accessory building.
  - b. The area available for retail stores use is limited to the first story on one corner of each block.
  - c. The area available for artisan use is limited to 600 square feet within the first story of a primary or accessory building.
  - d. Public operating hours shall be limited between the hours of 8:00 a.m. and 8:00 p.m.
  - e. Any use not listed shall be prohibited.

## EXHIBIT A

- (7) *Additional requirements.* All applicants for a day care facility that provide child care for more than ten children, shall hold a community workshop as set forth in subsection IV-201(b) prior to submitting an application for a provisional use permit.
- (8) *Pharmacy limitation.* Pharmacy use permitted only when accessory to a drugstore or grocery store. Pharmacy as a primary use is prohibited.
- (9) *Distance separation.* New pharmacy uses shall be located at least 1,000 feet from existing pharmacies.
- (10) *Parks and open space types.* Publicly accessible parks, greens, squares, plazas, and playgrounds are exempt from frontage regulations.



(Ord. No. 04-4531, § 3, 6-7-04; Ord. No. 06-4682, § 2, 7-26-06; Ord. No. 07-4770, § 2, 12-17-07; Ord. No. 08-4799, § 2, 4-28-08; Ord. No. 09-4890, § 2(att. 1), 10-19-09; Ord. No. 13-5043, § 2(exh. A), 3-4-13; Ord. No. 13-5055, § 2(Att. 1), 5-6-13; Ord. No. 18-5234, § 2(Exh. A), 2-5-18; Ord. No. 19-5285, § 2(Exh. A), 7-15-19; Ord. No. 20-5310, § 7(Exh. F), 1-21-20; Ord. No. 21-5364, § 2(Exh. A), 5-18-21; Ord. No. 22-5414, § 2(Exh. A), 5-16-22; Ord. No. 22-5415, § 2(Exh. A), 4-16-22)

## EXHIBIT A



**Sec. VI-1005. Development standards.**

- (a) *Residential structure types.* A broad range of residential structure types is allowed in the downtown zones. This range allows for options to increase housing variety and housing opportunities, and promotes affordable housing. If all the requirements of this Code are met, the residential structure types allowed in the downtown zones are stated in table VI-1002 below. The residential structure types are defined in article II, division 2.

Table VI-1002. Residential Structure Types Allowed in the Downtown Zones

Structure Type	DTN	DTNE	DTE	DTC	DTB
P = Permitted Blank = Not Allowed					
Accessory dwelling unit	P See VII-602(cc)	P See VII-602(cc)	P See VII-602(cc)	P See VII-602(cc)	P See VII-602(cc)
Attached duplex	P	P	P	P	P
Attached single-family	P	P	P	P	P
Cottage court housing development	P See VII-602(m)				
Detached single-family	P	P	P	P	P
Duplex/two family	P	P	P	P	P
Group living structure	P	P	P	P	P
Manufactured home	P				
Manufactured home park					
Mobile home					
Modular home	P	P			
Multidwelling development	P	P	P	P	P
Multidwelling structure	P	P	P	P	P
Triplexes/three family	P	P	P	P	P
Live/work unit	P	P	P	P	P
Mixed use development	P	P	P	P	P

(b) *Density.*

- (1) Purpose. Density standards serve to establish housing density with the availability of public services and the carrying capacity of the land. Density regulations are also one tool to judge equivalent compatibility of projects.
- (2) The maximum density allowed is stated in table VI-1003. Accessory dwelling units and hotel/motel units shall not be included in calculating density.

(3) Downtown attainable housing density bonus.

- a. Development on zoning lots or a combination of zoning lots designated DTNE, DTE, DTC, or DTB may exceed the base density when attainable dwelling units are provided for a portion of those residential dwelling units exceeding the base density. The maximum residential density shall not be greater than four (4) times the permitted base density of the zone district when attainable housing units are provided on-site. Of the residential dwelling units exceeding the base density, a minimum of 15% shall be designated as attainable units.

b. Of the required attainable dwelling units provided, at least one-third of the dwelling units must be available to households having incomes at or below 80 percent of the AMI and no more than one-third of the dwelling units may be available to households having incomes in the range of 100 percent to 120 percent of the AMI.

c. Required affordability.

1. Owner-occupied units.

- i. An Affordable Housing Agreement between the developer/landowner and the City of Sarasota shall be recorded in the Official Records of Sarasota County, prior to the issuance of site plan approval, requiring that a "For Sale" attainable dwelling unit shall have an appreciation limit applicable upon resale. The initial sale of an attainable dwelling unit shall not be to a buyer with a household income greater than the income range designated for the attainable dwelling unit, based on annual AMI data from the U.S Department of Housing and Urban Development (HUD).
- ii. For the purposes of determining affordability, the sale price plus the expected monthly mortgage payment, including taxes, insurance, private mortgage insurance, applicable condominium association fees, and utilities shall be considered. The required attainable units must be maintained for at least 30 years. The purpose of this Affordable Housing Agreement shall be to set forth commitments and obligations of the owner regarding affordability control, occupancy, resale, and any other necessary provisions. The Affordable Housing Agreement shall require that the resale price restriction be recorded with the deed for each attainable dwelling unit. The city manager shall be authorized to sign the Affordable Housing Agreement on behalf of the city.
- iii. The maximum sales price for the resale of an attainable dwelling unit shall be in accordance with the resale formula of a designated community land trust or as outlined in the applicable Affordable Housing Agreement.
- iv. No lease shall be executed for any required owner-occupied attainable dwelling unit during the affordability period unless an exception is otherwise provided for in the Affordable Housing Agreement.

2. Rental units.

- i. An Affordable Housing Agreement between the developer/landowner and the City of Sarasota shall be recorded in the Official Records of Sarasota County, prior to the issuance of site plan approval, requiring, for a minimum period of 30 years, a renter of an attainable unit shall not have a household income greater than the income range designated for the unit at initial occupancy.
- ii. The purpose of this Affordable Housing Agreement shall be to set forth commitments and obligations of the developer/landowner and future owners or residents for the residential bonus density regarding affordability control, occupancy, monitoring, reporting, enforcement, and any other necessary provisions applicable during the time period of at least 30 years. An attainable housing rental unit shall be monitored for rent and tenant income levels for a period of at least 30 years. The city manager shall be authorized to sign the Affordable Housing Agreement on behalf of the city.



iii. In the event an attainable dwelling unit converts from either a rental to owner-occupied unit or owner-occupied unit to rental unit, a new Affordable Housing Agreement shall be recorded in the Official Records of Sarasota County and required to meet the applicable affordability standards in VI-1005(b)(3)(c). The time period the attainable unit is required to maintain affordability is not reset when the new agreement is recorded.

d. Applicants choosing to utilize the Downtown Attainable Housing Density Bonus may hold a voluntary community workshop in accord with the procedures for community workshops defined in subsection IV-201(b)(2) & (3), prior to receiving final Development Review Committee (DRC) sign-off.

(c) *Floor area ratio.*

- (1) Purpose. Floor area ratios (FAR's) regulate the amount of use (the intensity) allowed on a zoning lot. FAR's provide a means to match the potential amount of uses with the desired character of the area and the provision of public services. FAR's also work with height, setback, and building coverage standards to control the overall bulk of development.
- (2) The floor area ratios are stated in table VI-1003. These FAR's apply to all nonresidential development including hotel/motel uses. Residential uses are not included in FAR calculation.

(d) *Zoning lot size.*

- (1) Purpose. The minimum zoning lot size requirements for zoning lots ensure that development on a zoning lot will, in most instances, be able to comply with all site development standards. The lot size standards also promote new lots that are practical to develop, now and in the future.
- (2) The minimum zoning lot sizes are stated in table VI-1003.

(e) *Building coverage.*

- (1) Purpose. The building coverage standards promote development consistent with the desired character of the zone.
- (2) The maximum building coverage allowed is stated in table VI-1003.

(f) *Building setbacks.*

- (1) Purpose. The required building setbacks promote streetscapes that are consistent with the desired character of the different downtown zones.
- (2) The required minimum and maximum building setbacks are stated in table VI-1003.
- (3) Allowable encroachments into required setbacks and recesses are stated in article VII, division 12.

(g) *Building height.*

- (1) *Purpose.* The height limits are intended to control the overall scale of buildings.  
The purpose of using stories as the measurement of height (rather than feet) in the downtown zone districts is to provide an incentive for the creation of buildings with improved exterior and interior proportions resulting from greater floor-to-ceiling heights. Experience has shown that the use of feet as a measurement of maximum height provides an incentive to minimize floor-to-ceiling heights in order to maximize the number of stories, often resulting in ill-proportioned buildings. It is recognized

that the use of stories as the unit of measurement will result in a range of actual building heights due to the variety of other factors impacting decisions regarding the number of stories and the floor-to-ceiling height of each of the stories for any particular development.

The purpose of limiting the dimension of each story to 14 feet between finished floor and finished ceiling is to preclude the possibility of inserting additional stories within an allowable story. (The uninhabited space between stories is not regulated).

It is expressly not the purpose or intent of this method of measurement to provide a rationale for supporting rezonings or other arguments for the increase in building height by calculating a total theoretical height based on allowable stories multiplied by the maximum floor-to-ceiling height.

- (2) The height standards for all structures are stated in table VI-1003.
- (3) Additional exceptions for height in the DTC:
  - a. Existing buildings over ten stories. In the DTC, an existing building (as of January 6, 2003) over ten stories in height may be removed, demolished, or destroyed and replaced with a new building. The maximum height of such new building shall be either the number of feet which previously existed in the demolished building or the maximum number of stories allowed in DTC, whichever is greater.
  - b. New buildings over ten stories. Notwithstanding the ten-story height limit in the DTC the director of development services may approve two new buildings up to 180 feet in height within the area bounded on the north by Fruitville Road, on the south by Ringling Boulevard, on the west by Pineapple Avenue and on the east by Washington Boulevard subject to approval criteria 1. through 3. or approval criteria 4. through 6. below.
    1. At least 50 percent of the buildings' gross floor area shall contain nonresidential use(s).
    2. The applicant must sign a covenant to ensure that at least 50 percent of the buildings' gross floor area will contain nonresidential use(s) for the life of the development. The city attorney must approve the covenant as to form. The covenant must be recorded prior to issuance of the first building permit for the project.
    3. Adjustments to subsections b.1. and b.2. above are prohibited. See section IV-1903; or  
This exception is applicable to a range of development sizes. However, it may be more practical, feasible, or workable for large projects of at least one-half acre in size. Therefore, all developments will not qualify for this exception.
    4. An area within the first four stories of the project shall be allocated to the city for public parking. The area allocated to the city shall provide at least 200 public parking spaces to qualify for approval. This public parking shall be in addition to the minimum required parking for the project. On-site public parking shall be identified by signage, clearly visible from one or more streets.
    5. The applicant must sign an agreement-covenant to ensure that the public parking spaces will be open to the public for the life of the development and that the public parking spaces shall maintain the same hours of operations as the city's downtown public parking garages, to identify the times when public parking will be open to the public and to specify the operational and maintenance responsibilities for the public parking. Public parking may not be used for valet purposes. The covenant shall be approved as to content by the city commission and shall be signed by the mayor on behalf of the city. The city attorney must approve the covenant-agreement as to form and the The covenant-agreement must be recorded in the public-official records of Sarasota County, prior to issuance of the first building permit/Site Plan approval for the project. The city manager shall be authorized to sign the agreement on behalf of the city.

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6. Adjustments to subsections b.4. and b.5. above are prohibited. See section IV-1903.

- c. Bonus height- public parking incentive. This bonus is applicable to a range of development sizes. However, it may be more practical, feasible, or workable for large projects of at least one-half acre in size. Therefore, all developments will not qualify for this bonus option.

The maximum height of structures may be increased to 11 stories subject to the following:

1. An area equal to the gross floor area of the 11th story shall be allocated within the first four stories of the project to the city for public parking. The area allocated to the city shall provide at least 50 public parking spaces to qualify for approval. This public parking shall be in addition to the minimum required parking for the project.

When a development provides a minimum of 25 public parking spaces on-site, the maximum building height may be increased to 11 stories to accommodate the compensating floor area provided to public parking within the first four stories. The gross floor area of the additional story may be up to two times (2x) the gross floor area allocated to the city for public parking. This public parking shall be in addition to the minimum required parking for the project. On-site public parking shall be identified by signage, clearly visible from one or more streets.

2. The applicant must sign an covenant agreement to ensure that the public parking spaces will be open to the public for the life of the development, that the public parking spaces shall maintain the same hours of operations as the city's downtown public parking garages, and to identify the times when public parking will be open to the public and to specify the operational and maintenance responsibilities for the public parking. Public parking may not be used for valet purposes. The covenant shall be approved as to content by the city commission and shall be signed by the mayor on behalf of the city. The city attorney must approve the covenant agreement as to form and The the covenant agreement must shall be recorded in the public-official records of Sarasota County, prior to issuance of the first building permit for the project site plan approval. The city manager shall be authorized to sign the agreement on behalf of the city.

3. Adjustments to subsections c.1. and c.2. above are prohibited.

d. Bonus height- public parking and sidewalk incentive.

The maximum height of structures may be increased to 11 stories when d.1. - d.3. below are satisfied:

1. When a development provides a minimum of five public parking spaces on-site, the maximum building height may be increased to 11 stories to accommodate the compensating floor area provided to public parking within the first four stories. The gross floor area of the additional story may be up to three times (3x) the gross floor area allocated to the city for public parking. This public parking shall be in addition to the minimum required parking for the project. On-site public parking shall be identified by signage, clearly visible from one or more streets.

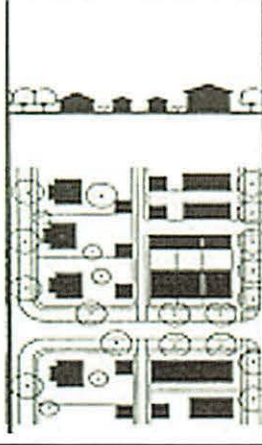
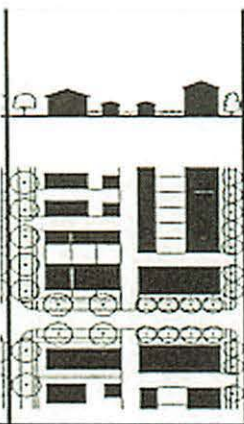
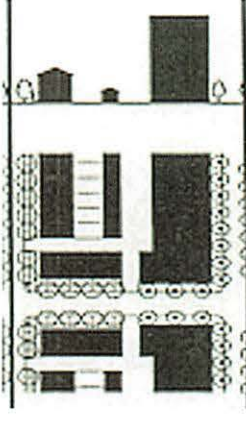
2. The applicant must sign an agreement to ensure that the public parking spaces will be open to the public for the life of the development, that the public parking spaces shall maintain the same hours of operations as the city's downtown public parking garages, and to specify the operational and maintenance responsibilities for the public parking. Public parking may not be used for valet purposes. The city attorney must approve the

agreement as to form and the agreement shall be recorded in the official records of Sarasota County, prior to issuance of site plan approval. The city manager shall be authorized to sign the agreement on behalf of the city.

3. At a minimum, an eight-foot pedestrian zone and six-foot amenity zone shall be provided on at least one frontage. Canopy trees shall be planted in the amenity zone when feasible. When the sidewalk is provided on private property, a sidewalk easement shall be recorded in the official records of Sarasota County to the benefit of Sarasota, prior to the issuance of the first building permit. The gross floor area of the additional story may be up to four times (4x) the gross easement area allocated to the city.
  4. Adjustments to subsections 1. – 3. above are prohibited.
- (4) Additional exceptions for height in DTE, DTNE, DTC and DTB. Parking structures that are completely surrounded by liner buildings at least 20 feet in depth along all primary and secondary street frontage lines and waterways, except for openings to the parking structure, shall be exempt from the height limitation. In no case shall the parking structure exceed the height of the liner building. (For example, a five-story building may contain a parking structure of six or more stories provided a liner building along all street frontages or waterways surrounds the parking structure.) Adjustments to the liner-building requirement are prohibited.
  - (5) Additional exceptions for height in DTE, DTC, and DTB for first story mezzanines. Mezzanines are permitted in the first story (i.e., ground or entry level floor) without being counted as an additional story. Mezzanines must be setback at least 12 feet from the front facade of the building and the floor to ceiling height of the first story can be up to 21 feet when a mezzanine is constructed within the first story.  
Existing buildings: Buildings that exist as of May 18, 2021, or a building or structure for which a building permit application or site plan review application was submitted prior to May 18, 2021, may install a mezzanine within an existing first story without being counted as an additional story. This mezzanine floor area shall not be included in any calculation of total floor area for parking requirement. The portion of the room or space of the first story containing the mezzanine must be constructed at the overall height which is the minimum height necessary to meet the Florida Building Code vertical clearance above and below the mezzanine. The remaining room(s) or space(s) of the first story not containing the mezzanine is limited to no more than 14 feet in height from finished floor to finished ceiling.



Table VI-1003. Development Standards in the Downtown Zone Districts

Development Standards	DTN (Neighborhood)	DTNE (Neighborhood Edge) DTE (Edge)	DTC (Core) DTB (Bayfront)
			
Density See VI-1005(b)			
-Maximum	12 units/acre  35 units/acre ('Missing Middle' Overlay District (MMOD)) – see section VI-906)	18 units/acre (DTNE) <u>up to 72 units/acre - see section VI-1005(b)(3)</u>  25 units/acre (DTE) <u>up to 100 units/acre - see section VI-1005(b)(3)</u>  <u>up to 100 units/acre (Rosemary Residential Overlay District (RROD)) - see section VI-912)</u>	50 units/acre <u>up to 200 units/acre - see section VI-1005(b)(3)</u>
Floor area ratio See VI-1005(c)			
-Maximum	0.5	Not applicable	Not applicable
Zoning lot size See VI-1005(d)			
-Minimum	<del>3,630</del> 3,600 sq. ft.	2,500 sq. ft. (DTNE) 1,800 sq. ft. (DTE)	1,800 sq. ft.
Building coverage See VI-1005(e)			
-Maximum	75%	85% (DTNE) 100% (DTE)	100%
Building setback see VI-1005(f)			
-Minimum front	10 ft.	5 ft. (DTNE) 0 ft. (DTE)	0 ft.
-Maximum front	20 ft.	15 ft. (DTNE) 10 ft. (DTE)	<u>105</u> ft.

**EXHIBIT A**

Development Standards	DTN (Neighborhood)	DTNE (Neighborhood Edge) DTE (Edge)	DTC (Core) DTB (Bayfront)
-Minimum side	0 ft./10 ft. combined	0 ft. 10 ft. (where DTNE abuts DTN or RSF)	0 ft.
-Minimum rear	15 ft. primary building 3 ft. accessory building 4 ft. all accessory buildings and fences abutting alleys	10 ft. (DTNE) 0 ft. (DTE)	0 ft.
-Exceptions	<p>On secondary streets (map VI-1001), buildings are exempt from the maximum setback limitation.</p> <p>On primary streets (map VI-1001), the maximum front yard setback only applies to portions of a building meeting the minimum facade requirement.</p> <p>The minimum side yard setback for structures on the south side of 4th Street is zero.</p> <p>Porches may encroach up to 50% of the depth of the setback.</p> <p>All other encroachments shall be allowed consistent with section VII-1201.</p> <p>Compliance with EDCM, part 5, section D.8.b. Visibility at intersections.</p>	<p>On secondary streets (map VI-1001), buildings are exempt from the maximum setback limitation.</p> <p>On primary streets (map VI-1001), the maximum front yard setback only applies to portions of a building meeting the minimum facade and height requirement.</p> <p>On primary street intersections (map VI-1001), the maximum setback for chamfered corners shall be 20 feet from the lot corner to the center of the building facade that faces the lot corner.</p> <p>Encroachments shall be allowed consistent with section VII-1201.</p> <p>Compliance with EDCM, part 5, section D.8.b. Visibility at intersections.</p>	<p>On secondary streets (map VI-1001), buildings are exempt from the maximum setback limitation.</p> <p>On primary streets (map VI-1001), the maximum front yard setback only applies to portions of a building meeting the minimum facade and height requirement.</p> <p>On primary street intersections (map VI-1001), the maximum setback for chamfered corners shall be 20 feet from the lot corner to the center of the building facade that faces the lot corner.</p> <p>Encroachments shall be allowed consistent with section VII-1201.</p> <p>Compliance with EDCM, part 5, section D.8.b. Visibility at intersections.</p>
Building height See VI-1005(g)			
-Maximum	3 stories—Primary building 2 stories—Accessory building	3 stories (DTNE) 5 stories (DTE) 7 stories (RROD - see section VI-912, only provided with urban open space or transfer of development rights)	10 stories (DTC) 18 stories (DTB)

## EXHIBIT A

Development Standards	DTN (Neighborhood)	DTNE (Neighborhood Edge) DTE (Edge)	DTC (Core) DTB (Bayfront)
-Minimum	Not applicable	2 stories on primary streets (map VI-1001)	2 stories on primary streets (map VI-1001)
-Special requirements	None	<p>On primary streets (map VI-1001), buildings that have residential uses facing the primary street on the first floor shall raise the first finished floor at least two feet above the sidewalk grade for a minimum depth of 20 feet.</p> <p>DTE zoning lots adjacent to a single-family, RMF-1, 2, 3, or DTN zone district. On the portion of a site within 100 feet of a site zoned RSM-9 or DTN, the maximum building height</p> <p>is one story above the maximum height of the adjacent RSM-9 or DTN zone district.</p> <p>On the portion of a site within 100 feet of a site zoned RSF-1, 2, 3, 4, or RMF-1, 2, 3, the maximum building height is four stories.</p>	<p>On primary streets (map VI-1001), buildings that have residential uses facing the primary street on the first floor shall raise the first finished floor at least two feet above the sidewalk grade for a minimum depth of 20 feet.</p> <p>On primary streets (map VI-1001), stories at the sidewalk level shall be no less than 12 feet in height from the finished floor to finished ceiling.</p>

## EXHIBIT A

Development Standards	DTN (Neighborhood)	DTNE (Neighborhood Edge) DTE (Edge)	DTC (Core) DTB (Bayfront)
-Exceptions	<p>Basements that emerge less than four feet from finished grade or attics not exceeding four feet at the kneewall shall not constitute an additional story.</p> <p>A single tower on a building, defined as habitable portions of a building above the roof level with a footprint less than 240 square feet, shall not be subject to height limits.</p> <p>Extensions above the maximum height of structures detailed under <i>Height Limitations</i> in section VI-102(p) are allowed.</p>	<p>Basements that emerge less than four feet from finished grade or attics not exceeding 4 feet at the kneewall shall not constitute an additional story.</p> <p>A single tower on a building, defined as habitable portions of a building above the roof level with a footprint less than 240 square feet, shall not be subject to height limits.</p> <p>Extensions above the maximum height of structures detailed under <i>Height Limitations</i> in section VI-102(p) are allowed.</p> <p>See also: VI-1005(g)(4), additional exceptions for height in the DTE, DTNE, DTC, and DTB</p>	<p>Basements that emerge less than four feet from finished grade or attics not exceeding four feet at the kneewall shall not constitute an additional story.</p> <p>A single towers on a building, defined as habitable portions of a building above the roof level with a footprint less than 240 square feet, shall not be subject to height limits.</p> <p>Extensions above the maximum height of structures detailed under <i>Height Limitations</i> in section VI-102(p) are allowed.</p> <p>See also: VI-1005(g)(3) Additional exceptions for height in the DTC.</p> <ul style="list-style-type: none"> <li>a. Existing buildings over ten stories.</li> <li>b. New buildings over ten stories.</li> <li>c. Bonus height.</li> </ul> <p>VI-1005(g)(4), (5), additional exceptions for height in the DTE, DTNE, DTC, and DTB</p>
Other regulations	<p>The regulations in this division state the allowed uses and development standards for the base zones. Sites with overlay zones are subject to additional regulations. The official zoning maps indicate which sites are subject to these additional regulations. General standards that may be applicable are found in division 1 of this article. Specific uses or development types may also be subject to article VII, regulations of general applicability.</p>		

## EXHIBIT A



(i) *Building design.*

- (1) **Purpose.** The city has a rich architectural and planning heritage based on diversity. The Downtown Code is intended to respect and continue to foster this heritage. The Downtown Code encourages all new and renovated buildings to be outstanding examples of architecture and planning. The Downtown Code is a planning instrument. It does not dictate any architectural style or design. The Downtown Code is intended to be predictable. It is also intended that it be flexible. The predictability and flexibility embodied in the Downtown Code is intended to permit creativity and diversity in architectural design, because the construction, renovation and maintenance of outstanding buildings and public spaces continue to contribute to the health, welfare, character and history of the city and its citizens.
- (2) The required design standards are stated in table VI-1004. These standards are limited to portions of buildings with frontages that face a primary street. Building frontages that face a secondary street are exempt from these standards. map VI-1001 identifies the primary and secondary street grid.
- (3) Application of frontage type standards. Frontage types, like the "transect," are illustrated as "snapshots" along a continuum from rural to urban. Permitted frontage types may be used in combination with one another and one may "blend" into another.

For example, the DTN zone allows "common lawn" and "porch and fence" frontage types. Since both types are permitted it is permissible to have a common lawn with either a porch or a fence. In another illustration, the DTC zone would permit a facade close to the frontage line without a awning, gallery or arcade attached, unless it were located on a required retail frontage.

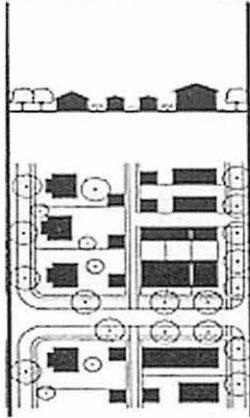
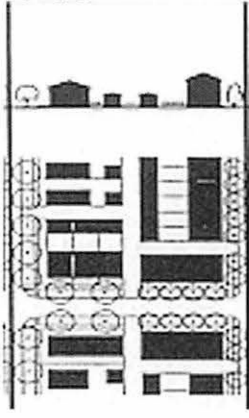
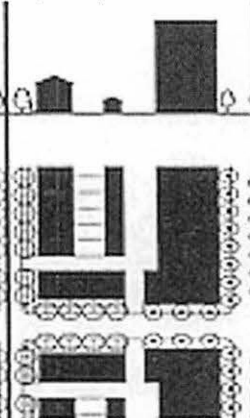
However, no aspect of a prohibited frontage type shall be allowed with a permitted frontage type. For example, in the DTB zone, a common lawn frontage shall not be permitted in conjunction with an awning frontage.

(j) *Purpose.* The standards of this section are intended to assure that exterior display, storage and work activities:

- (1) Exterior display and storage of merchandise are not allowed; except for the display of plants, produce, and, where allowed, motor vehicles and boats.
- (2) Exterior work activities are prohibited except for the following uses that comply with all applicable regulations: restaurants; plant nurseries; entertainment and recreation uses that are commonly performed outside; fuel sales; car washes; commercial surface parking lots; and outdoor markets.

Table VI-1004. Building Design Standards in the Downtown Zone Districts

These standards are limited to portions of buildings with frontages that face a primary street. (See map VI-1001.)

Building Design Standards	DTN (Neighborhood)	DTNE (Neighborhood Edge) DTE (Edge)	DTC (Core) DTB (Bayfront)
Building design See VI-1005(i)			
Frontage type See II-201 definitions			
-Common lawn	Permitted	Prohibited	Prohibited
-Porch and Fence -Minimum porch width -Minimum porch depth	Permitted 8 ft. 6 ft.	Prohibited Not applicable Not applicable Porch is permitted within the RROD; minimum width if 8 ft.; minimum depth is 6 ft.	Prohibited Not applicable Not applicable
-Door yard or light court	Permitted	Permitted	Prohibited
-Forecourt	Permitted	Permitted	Permitted
-Stoop	Permitted	Permitted	Permitted
-Awning	Prohibited	Permitted  Subject to meeting encroachment standards in VII-1201 and the following standards: On optional and required retail frontages (see map VI-1002), an awning is required to cover the sidewalk for minimum of 90 percent of the building frontage (see VI-1003(c))	Permitted  Subject to meeting encroachment standards in VII-1201 and the following standards:  On optional and required retail frontages (see map VI-1002), an awning is required to cover the sidewalk for minimum of 90 percent of the building frontage (see VI-1003(c))

**EXHIBIT A**

<p>Awning (cont'd.)</p>	<p><b>DTN (Neighborhood)</b></p>	<p><b>DTNE (Neighborhood Edge) DTE (Edge)</b></p> <p>Awnings at the first story shall overlap the sidewalk eight feet. However, in no case shall an awning come closer than two feet of the curb. To avoid conflicts with existing infrastructure (e.g., street trees or streetlighting), the director of development services may reduce the required distance an awning must overlap the sidewalk or allow for a retractable awning without application for an adjustment.</p> <p>The minimum awning height (measured from the sidewalk to the lowest portion of the awning) shall be between eight and 14 feet, to be determined by the director of development services based on the scale of the building.</p> <p>Lighting shall be provided to illuminate the sidewalk in a manner acceptable to the director of development services. The backlighting of awnings and messages attached thereto is prohibited.</p>	<p><b>DTC (Core) DTB (Bayfront)</b></p> <p>Awnings at the first story shall overlap the sidewalk eight feet. However, in no case shall an awning come closer than two feet of the curb. To avoid conflicts with existing infrastructure (e.g., street trees or streetlighting), the director of development services may reduce the required distance an awning must overlap the sidewalk, or allow for a retractable awning without application for an adjustment.</p> <p>The minimum awning height (measured from the sidewalk to the lowest portion of the awning) shall be between eight and 14 feet, to be determined by the director of development services based on the scale of the building.</p> <p>Lighting shall be provided to illuminate the sidewalk in a manner acceptable to the director of development services. The backlighting of awnings and messages attached thereto is prohibited.</p>
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**EXHIBIT A**

Building Design Standards	DTN (Neighborhood)	DTNE (Neighborhood Edge) DTE (Edge)	DTC (Core) DTB (Bayfront)
<p>-Gallery (The definition for a gallery includes canopies or light colonnades that extend along all or part of a building frontage, entrance canopies above doors and canopies above windows. See definition of Gallery and Canopy.)</p>	<p>Prohibited</p>	<p>Permitted Subject to meeting encroachment standards in VII-1201 and the following standards:</p> <p>On optional and required retail frontages (see map VI-1002), a gallery is required to cover the sidewalk for [a] minimum of 90 percent of the building frontage (see VI-1003(c).)</p> <p>The gallery shall be no less than ten feet wide (measured from the building facade to the inside of the column) and overlap the sidewalk to within three feet of the curb. Where the curb along a block frontage is irregular (e.g., where "bulb outs" occur) the curb line along the entire block frontage shall be the predominant curb line, excluding irregularities. The width of columns shall be a maximum of two feet in any horizontal dimension. Openings in the gallery facade shall be at least 75 percent measured at each story. A gallery above the first story is optional with a maximum height of four stories. The minimum clear height within the first story walkway space shall be 12 feet.</p>	<p>Permitted Subject to meeting encroachment standards in VII-1201 and the following standards:</p> <p>On optional and required retail frontages (see map VI-1002), a gallery is required to cover the sidewalk for [a] minimum of 90 percent of the building frontage (see VI-1003(c).)</p> <p>The gallery shall be no less than ten feet wide (measured from the building facade to the inside of the column) and overlap the sidewalk to within three feet of the curb. Where the curb along a block frontage is irregular (e.g., where "bulb outs" occur) the curb line along the entire block frontage shall be the predominant curb line, excluding irregularities. The width of columns shall be a maximum of two feet in any horizontal dimension. Openings in the gallery facade shall be at least 75 percent measured at each story. A gallery above the first story is optional with a maximum height of four stories. The minimum clear height within the first story walkway space shall be 12 feet.</p>

**EXHIBIT A**



<p>-Gallery (cont'd.)</p>	<p><b>DTN (Neighborhood)</b></p>	<p><b>DTNE (Neighborhood Edge) DTE (Edge)</b></p> <p>When determined to be necessary by the director of development services, existing street trees and streetlights may be removed or relocated. All costs associated with the removal or relocation of street trees and streetlights shall be at the expense of the property owner. The city engineer shall determine the right-of-way repairs associated with the removal or relocation of street trees and streetlights. Tree removal and replacement is subject to article VII, division 3.1 and the EDCM. Galleries shall incorporate lighting into the gallery to illuminate the sidewalk in a manner acceptable to the director of development services. Any final decision of the director of development services may be appealed to the planning board in accord with section IV-1901(f).</p>	<p><b>DTC (Core) DTB (Bayfront)</b></p> <p>When determined to be necessary by the director of development services, existing street trees and streetlights may be removed or relocated. All costs associated with the removal or relocation of street trees and streetlights shall be at the expense of the property owner. The city engineer shall determine the right-of-way repairs associated with the removal or relocation of street trees and streetlights. Tree removal and replacement is subject to article VII, division 3.1 and the EDCM. Galleries shall incorporate lighting into the gallery to illuminate the sidewalk in a manner acceptable to the director of development services. Any final decision of the director of development services may be appealed to the planning board in accord with section IV-1901(f).</p>
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**EXHIBIT A**

Building Design Standards	DTN (Neighborhood)	DTNE (Neighborhood Edge) DTE (Edge)	DTC (Core) DTB (Bayfront)
-Arcade	Prohibited	Prohibited <u>in the public right-of-way</u>	Prohibited <u>in the public right-of-way</u>
Facades	Facades shall be built parallel to the front lot line, except at chamfered corners, along a minimum of 50 percent of its length.	Facades shall be built parallel to the front lot line, except at chamfered corners, along a minimum of 70 percent of its length.  In the absence of a building along the remainder of the front lot line, a street wall shall be built coplanar with the facade only when they are needed to screen surface or structured parking or other unsightly conditions such as alleys.	Facades shall be built parallel to the front lot line, except at chamfered corners, along a minimum of 90 percent of its length.  In the absence of a building along the remainder of the front lot line, a street wall shall be built coplanar with the facade only when they are needed to screen surface or structured parking or other unsightly conditions such as alleys.
Recess	Not applicable	Not applicable	Buildings shall have a minimum 12-foot recess along each street front commencing above the 2nd, 3rd or 4th story. Encroachments into the required recess shall be allowed consistent with section VII-1202.
Habitable space	Not applicable	Buildings shall provide a 20-foot minimum depth of habitable space for the full height and length of the first two stories.	Buildings shall provide a 20-foot minimum depth of habitable space for the full height and length of the first two stories.

## EXHIBIT A

Building Design Standards	DTN (Neighborhood)	DTNE (Neighborhood Edge) DTE (Edge)	DTC (Core) DTB (Bayfront)
Pedestrian entrance	Buildings shall have their main entrance along a frontage line. Buildings with multiple frontages shall have their primary frontage determined by the director of development services.	<p>Buildings shall have their main entrance along a frontage line. Buildings with multiple frontages shall have their primary frontage determined by the director of development services.</p> <p>All buildings located at a corner intersection shall incorporate architectural features at the ground floor that emphasize the importance of pedestrian movement. These features may include chamfered corners, walk-through covered arcades, trellis structures, and other elements that focus visual interest on the corners.</p>	<p>Buildings shall have their main entrance along a frontage line. Buildings with multiple frontages shall have their primary frontage determined by the director of development services.</p> <p>All buildings located at a corner intersection shall incorporate architectural features at the ground floor that emphasize the importance of pedestrian movement. These features may include chamfered corners, walk-through covered arcades, trellis structures, and other elements that focus visual interest on the corners.</p>
Corner architecture	Not applicable	The director of development services may exempt buildings located at a corner intersection that celebrate the corner, such as with a turret, from (1) the recess requirement above the fourth story and (2) the requirement that facades be built parallel to the front lot line. This exemption is limited to a distance 24 feet from each front lot line at the corner.	The director of development services may exempt buildings located at a corner intersection that celebrate the corner, such as with a turret, from (1) the recess requirement above the fourth story and (2) the requirement that facades be built parallel to the front lot line. This exemption is limited to a distance 24 feet from each front lot line at the corner.

**EXHIBIT A**



Building Design Standards	DTN (Neighborhood)	DTNE (Neighborhood Edge) DTE (Edge)	DTC (Core) DTB (Bayfront)
Streetwalls	Not applicable	<p>Streetwalls shall be located at the first layer and along the building frontage line whenever they are needed to screen surface or structured parking or other unsightly conditions such as alleys.</p> <p>Streetwalls shall be between three and one-half and eight feet in height. Expanses longer than 25 feet or higher than three and one-half feet shall be architecturally designed (e.g., vertical or horizontal changes in wall plane, landscaped or raised planters, decorative view ports, wrought iron grillwork, or decorative masonry patterns). Except for decorative openings, streetwalls may have openings no larger than necessary to allow vehicle and pedestrian access.</p> <p>If allowed by the director of development services, a hedge of equal height may replace the streetwall.</p>	<p>Streetwalls shall be located at the first layer and along the building frontage line whenever they are needed to screen surface or structured parking or other unsightly conditions such as alleys.</p> <p>Streetwalls shall be between three and one-half and eight feet in height. Expanses longer than 25 feet or higher than three and one-half feet shall be architecturally designed (e.g., vertical or horizontal changes in wall plane, landscaped or raised planters, decorative view ports, wrought iron grillwork or decorative masonry patterns). Except for decorative openings, streetwalls may have openings no larger than necessary to allow vehicle and pedestrian access.</p> <p>If allowed by the director of development services, a hedge of equal height may replace the streetwall.</p>

## EXHIBIT A

Building Design Standards	DTN (Neighborhood)	DTNE (Neighborhood Edge) DTE (Edge)	DTC (Core) DTB (Bayfront)
Windows	<p>The first story facade on residential frontages shall be minimum of 15 percent glass. Windows in garage doors shall not count but windows in garage walls shall count towards meeting this standard.</p>	<p>The first story facade on required retail frontages (map VI-1002) shall be a minimum 70 percent glass. The first story facade on all other nonresidential frontages shall be a minimum 30 percent glass.</p> <p>The first story facade on residential frontages shall be minimum of 15 percent glass.</p> <p>The glazed area and all other openings of a facade above the first story shall not exceed <del>70</del>50 percent of the total area, with each facade being calculated</p> <p>Security grilles, if any, shall be at least 50 percent transparent and shall be located on the inside of the glassed area.</p> <p>Glazing shall have clear or lightly tinted glass with a visible light transmittance factor of 0.6 or higher (where R+A+T=1.0). Translucent, opaque, and mirrored glass may not be used. However glazing on required retail frontages shall be clear (non-tinted) and transparent to permit view of human activities and spaces within.</p>	<p>The first story facade on required retail frontages (map VI-1002) shall be a minimum 70 percent glass. The first story facade on all other nonresidential frontages shall be a minimum 30 percent glass.</p> <p>The first story facade on residential frontages shall be minimum of 15 percent glass.</p> <p>The glazed area and all other openings of a facade above the first story shall not exceed <del>70</del>50 percent of the total area, with each facade being calculated independently.</p> <p>Security grilles, if any, shall be at least 50 percent transparent and shall be located on the inside of the glassed area.</p> <p>Glazing shall have clear or lightly tinted glass with a visible light transmittance factor of 0.6 or higher (where R+A+T=1.0). Translucent, opaque, and mirrored glass may not be used. However glazing on required retail frontages shall be clear (non-tinted) and transparent to permit view of human activities and spaces within.</p>

## EXHIBIT A

Building Design Standards	DTN (Neighborhood)	DTNE (Neighborhood Edge) DTE (Edge)	DTC (Core) DTB (Bayfront)
Shape of openings	<p>Each opening in a facade, including windows, doors, and arches, shall be designed to appear as if they are square or vertical in proportion.</p> <p>The spacing of support columns on a porch, measured from the centerline of the columns, shall not be greater than the height of the columns.</p> <p>Exception: The director of development services may exempt buildings that incorporate the syntax of the Sarasota School of Architecture.</p>	<p>Each opening in a facade, including windows, doors, and arches, shall be designed to appear as if they are square or vertical in proportion.</p> <p>The spacing of support columns for a gallery or arcade, measured from the centerline of the columns, shall not be greater than the height of the columns.</p> <p>Exception: The director of development services may exempt buildings that incorporate the syntax of the Sarasota School of Architecture.</p>	<p>Each opening in a facade, including windows, doors, and arches, shall be designed to appear as if they are square or vertical in proportion.</p> <p>The spacing of support columns for a gallery or arcade, measured from the centerline of the columns, shall not be greater than the height of the columns.</p> <p>Exception: The director of development services may exempt buildings that incorporate the syntax of the Sarasota School of Architecture. The square or vertical proportion requirement shall not apply to the nonresidential ground floor of a building within the Rosemary residential overlay district.</p>
Roofs	<p>Pitched roofs, if provided, shall be sloped no less than 5:12, except that porches may be attached shed roofs with pitches no less than 2:12.</p> <p>Flat roofs shall have parapets no less than 42 inches high or as required to conceal any mechanical equipment from any adjoining sidewalk.</p>	<p>Pitched roofs, if provided, shall be sloped no less than 5:12, except that porches may be attached shed roofs with pitches no less than 2:12.</p> <p>Flat roofs shall have parapets no less than 42 inches high or as required to conceal any mechanical equipment from any adjoining sidewalk.</p>	<p>Pitched roofs, if provided, shall be sloped no less than 5:12, except that porches may be attached shed roofs with pitches no less than 2:12.</p> <p>Flat roofs shall have parapets no less than 42 inches high or as required to conceal any mechanical equipment from any adjoining sidewalk.</p>

## EXHIBIT A



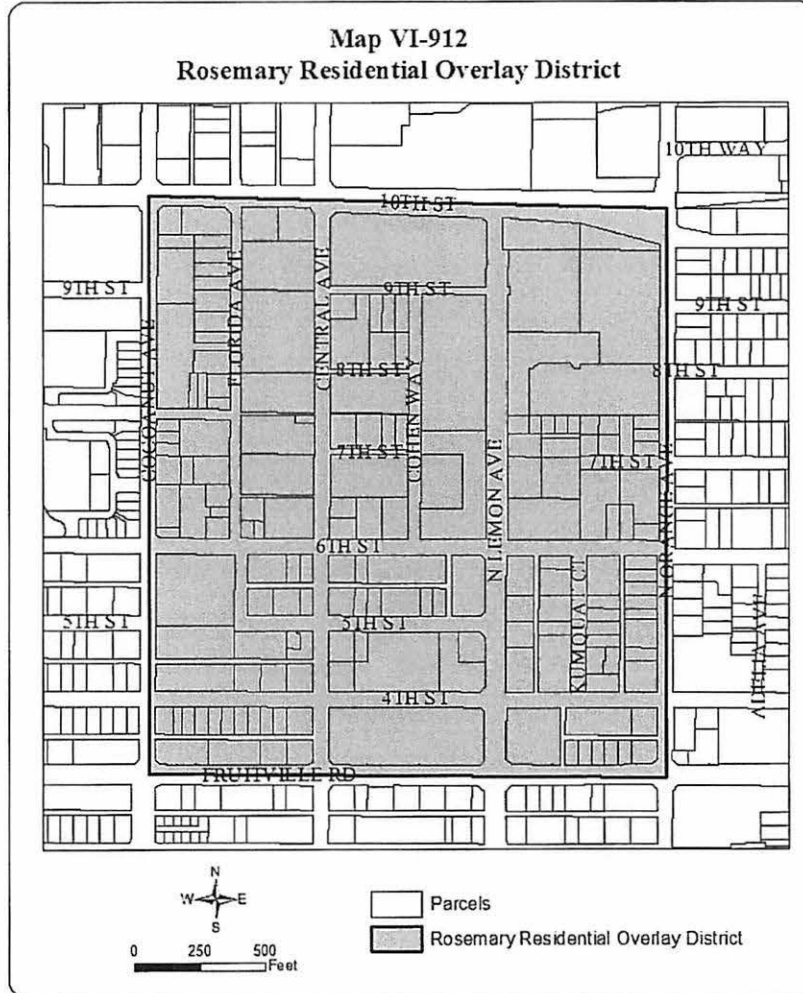
Building Design Standards	DTN (Neighborhood)	DTNE (Neighborhood Edge) DTE (Edge)	DTC (Core) DTB (Bayfront)
Exterior finish	<p>Exterior finish materials on all facades (except windows) shall be limited to clapboards (durable materials), shingles (durable materials), stucco, quarried stone, cast stone, or brick. Materials may be combined on one facade only horizontally, with heavier below lighter (i.e., visual weight such as brick below stucco).</p> <p>Wood window surrounds are permitted in addition to all the material permitted for the exterior. Wood and metal pergolas and trellises are permitted. Fabric awnings are permitted without back lighting.</p> <p>Balconies and porches shall be made of painted or simulated wood, metal or masonry.</p>	<p>Exterior finish materials on all facades (except windows) shall be limited to pre-cast concrete, decorative concrete block, stucco, quarried stone, cast stone, brick, terra cotta, and tile. Materials may be combined on one facade only horizontally, with heavier below lighter (i.e., visual weight such as brick below stucco).</p> <p>Wood window surrounds are permitted in addition to all the material permitted for the exterior. Wood and metal pergolas and trellises are permitted without back lighting.</p> <p>Balconies, galleries and arcades shall be made of painted or simulated wood, metal or masonry.</p> <p><del>If allowed by the director of development services, guardrails on balconies or elevated walkways may be made of glass.</del>  <u>Guardrails on balconies or elevated walkways may be made of glass.</u></p>	<p>Exterior finish materials on all facades (except windows) shall be limited to pre-cast concrete, decorative concrete block, stucco, quarried stone, cast stone, brick, terra cotta, and tile. Materials may be combined on one facade only horizontally, with heavier below lighter (i.e., visual weight such as brick below stucco).</p> <p>Wood window surrounds are permitted in addition to all the material permitted for the exterior. Wood and metal pergolas and trellises are permitted. Fabric awnings are permitted without back lighting.</p> <p>Balconies, galleries and arcades shall be made of painted or simulated wood, metal or masonry.</p> <p><del>If allowed by the director of development services, guardrails on balconies or elevated walkways may be made of glass.</del>  <u>Guardrails on balconies or elevated walkways may be made of glass.</u></p>

## EXHIBIT A

Article VI - ZONE DISTRICTS

DIVISION 9. - SPECIAL PUBLIC INTEREST OVERLAY DISTRICTS

Sec. VI-912. Rosemary residential overlay district.



- (a) *Intent and purpose.* The Rosemary Residential Overlay District (RROD) and the increased residential dwelling unit density allowable within the overlay district are intended to:
- (1) Implement the Sarasota City Plan adopted by Ordinance No. 08-4792, and amended by ordinance.
  - (2) Promote higher density residential development and use in order to encourage a residential balance to existing nonresidential uses within the RROD. The higher density residential development and use is compatible with existing uses, density and scale of development in the surrounding area. The higher density residential development and use allows for a fully mixed-use area that provides for residential and nonresidential uses in order to create a functional, sustainable, urbanized community within the RROD. This classification provides for and is consistent with the implementation of the Sarasota City Plan.
  - (3) Encourage more people to permanently reside within the boundaries of the RROD in order to enhance the economic vitality of the Rosemary neighborhood and downtown.

**EXHIBIT A**

The base density within the RROD is 40 dwelling units per acre. It is the further intent of these regulations that applications for approval of a building permit or site plan for new development (see note 1) with increased density up to 100 dwelling units per acre for new development that comply with certain development standards and when providing attainable dwelling units designated for households with an income at or below 120 percent of the area median income (AMI) in the North Port-Sarasota-Bradenton Metropolitan Statistical Area (MSA) for a minimum period of 30 years, shall be reviewed and approved, approved with conditions, or denied, as appropriate, in accordance with section IV-1901.

- (b) *Establishment and boundaries of the RROD.* The boundaries of the RROD are Coconut Avenue, 10th Street, Orange Avenue, and Fruitville Road, as shown on Map VI-912.
- (c) *Development standards.*
  - (1) *Applicability.* Except as provided in section VI-912(c), all development and uses allowed in the RROD shall be subject to the development standards set forth in the underlying zoning district.
  - (2) *Density.* The following regulations shall supersede the maximum density limitations and downtown attainable housing density bonus standards set forth in article VI of this Zoning Code.
    - a. The base residential density within the RROD shall be a maximum of 40 dwelling units per acre.
  - (3) *Public realm design.* The following regulations shall supersede certain standards of section VI-1005, development standards, or section VII-107, public art required, as applicable, and are required of new development within the RROD:
    - a. *Public realm design features~~s~~ required of all new development (see note 1).* All new development in the RROD shall comply with requirements 1., through 5.:
      - 1. *Sidewalk zone.* A sidewalk zone shall be provided between each street and the building frontage facing the street. The sidewalk zone shall consist of two sub-zones, a pedestrian zone and an amenity zone, and shall be at least 12 feet wide, measured from the back of the street curb to the face of the building. The pedestrian zone shall provide a "clear" walking path of at least eight feet. "Clear" walking path is the width of the sidewalk that is not encroached upon by street lights, utility boxes, tree trunks, street furniture, landscaping and similar barriers to pedestrian travel. An amenity zone is a minimum of four feet in width, adjacent to and measured from back of curb, shall provide for canopy trees planted at intervals between 30 and 40 feet (except where a canopy tree would be impractical due to underground utilities or lead to an unsafe condition such as impeding lines of sight), landscaping, street lights, public art, street furniture, sidewalk cafes, or other amenities. The surface of the amenity zone should be pervious materials, such as pavers or vegetative ground cover (provided that grass, turf, and sod shall not be considered vegetative ground cover), and should not include shrubbery adjacent to on-street parking that would impede passage from the parking area to the pedestrian zone. In certain cases, the species of canopy tree may require a five-foot planting area, thereby reducing the "clear" walking path to a width of seven feet at those locations adjacent to the planting area. Adjustments may be granted in accordance with section IV-1903. The development services director shall consult with the planning director and city engineer in making this adjustment determination.
      - 2. *Shade and weather protection.* At all entrances to the ground floor multifamily dwelling units and nonresidential units abutting a street, shade and weather protection shall be provided for pedestrians and persons entering the building. All buildings shall have a canopy at the primary building entrance.
      - 3. *Nonresidential windows.* All ground floor nonresidential units abutting a street must provide window transparency for at least 50 percent of the front facade.

## EXHIBIT A



4. *Architectural features on walls facing streets.* To provide relief from long, unbroken sections of building wall, a pedestrian passageway, building entrance with canopy, change in the plane of the wall, or other architectural feature is required at least every 80 feet of facade length along a street. Such architectural features shall be at least ten feet in width, ten feet in height, and five feet in depth.
  5. *Enhanced public art contribution.* Any property owner or developer that is required to contribute public art in accordance with section VII-701 shall provide enhanced funding equal to one-quarter of one percent of the construction cost in addition to the contribution required in section VII-701. The total contribution shall be three-quarters of one percent of the construction cost. The property owner or developer may choose to provide the public art contribution on the development site, in a location other than the development site located within the RROD, or pay into the public art fund. Regardless of which of these options is selected, the total amount of the enhanced public art contribution (i.e., the additional one-quarter of one percent) shall be used only for providing public art within the RROD.
- b. *Additional development standards (see note 1).* All new development in the RROD shall comply with at least three of the standards described in 1. through 6. below:
1. *Urban open space.* A new development that provides on-site, publicly accessible urban open space may satisfy one or two of the three required development standards depending on the area of the urban open space provided.
    - A. One development standard shall be satisfied when at least five percent of site area is devoted to urban open space.
    - B. Two development standards shall be satisfied when at least ten percent of site area is devoted to urban open space.
    - C. When provided on-site, urban open space must be at least 1,000 square feet in area; at least 20 feet wide in its narrowest dimension; publicly accessible during daylight hours and identified by signage; clearly visible from one or more streets; located at the property frontage; maintained by the property owner; include one or more works of art, benches, or other pedestrian-oriented features; primarily open to the sky with shaded area of at least 20 percent of the open space area through shade trees or permanent shade structures; and shall not include the required 12-foot sidewalk zone identified in the enhanced public realm design feature of subsection VI-912(c)(3)a.1, sidewalk zone.
    - D. To avoid the unintended consequences of buildable area being lost because a new development provides urban open space on-site, compensating floor area will be available, with such compensating floor area equal to the area of the urban open space provided multiplied by five (the number of floors provided as of right in the RROD).
    - E. When urban open space is provided on-site, the maximum building height may be increased to seven stories to accommodate the compensating floor area provided under 4., above.
  2. *Mixed-use new development.* One of the three required development standards shall be satisfied when a new development includes both residential and nonresidential uses on the same site. At least 50 percent of the first story (i.e. ground or entry level floor) building length facing a street shall contain nonresidential uses which meet the definition of habitable space for the second layer (see "frontage terminology for Downtown Zone Districts). Nonresidential units at the first story level shall be publicly accessible with separate, street-facing entrances for each unit.

## EXHIBIT A

3. *Rosemary residential overlay district public parking fund.* One of the three required development standards shall be satisfied when payment equal to one-half of one percent of a development's construction cost is paid into the Rosemary residential overlay district public parking fund.
4. *Rosemary residential overlay district open space fund.* One of the three required development standards shall be satisfied when payment equal to one-half of one percent of a new development's construction cost is paid into the Rosemary residential overlay district open space fund.
5. *Entrances facing streets and porches and stoops.* One of the three required development standards shall be satisfied when at least 30 percent of ground floor multifamily dwelling units and all nonresidential units abutting a street have entrances facing the street. Each ground floor residential unit with an entrance abutting a street shall provide either a porch or a stoop, provided however, that such porch or stoop shall not encroach upon the required sidewalk zone.
6. *Balconies facing streets.* One of the three required development standards shall be satisfied when at least 50 percent of multiple-family dwelling units above the ground floor and facing streets are provided with balconies. All balconies must be at least four feet deep and six feet wide and accessible from the interior of the adjacent dwelling unit.

~~(4)3-~~ Residential bonus density.

- a. New ~~residential~~ development on zoning lots or a combination of zoning lots with the RROD may receive up to 60 dwelling units per acre of additional density (above the base residential density of 40 dwelling units per acre) by providing attainable dwelling units ~~for households with incomes at or below 120 percent of the area median income (AMI) in the North Port-Sarasota-Bradenton Metropolitan Statistical Area (MSA)~~ for a period of at least 30 years.
- b. For each attainable dwelling unit provided ~~for a household with an income at or below 120 percent of the AMI~~, three additional market rate dwelling units will be allowed, provided other requirements are satisfied. ~~Of the dwelling units provided for households with incomes at or below 120 percent of the AMI, at least one-third of the~~ required qualifying attainable dwelling units must be available to households having incomes at or below 80 percent of the AMI and no more than one-third of the required attainable dwelling units may be available to households having incomes in the range of 100 percent to 120 percent of the AMI.
- c. By way of example, a new development on a one-acre site that provides nine attainable dwelling units ~~to households with incomes at or below 120 percent of the AMI~~ may be eligible for 27 additional market rate dwelling units (at the ratio of three additional market rate dwelling units for every one qualifying required attainable dwelling unit). This would provide a total of 36 additional dwelling units above the base density of 40 dwelling units per acre for a total density of 76 dwelling units per acre. Of the nine qualifying required attainable dwelling units, at least three must be available to households with incomes at or below 80 percent of the AMI, and no more than three units may be available to households with incomes in the range of 100 percent to 120 percent of the AMI.
- d. No additional building height shall be granted for bonus density housing.
- e. Owner occupied units.
  1. ~~As a condition of approval, an Affordable Housing Agreement~~ between the developer/landowner and the City of Sarasota shall be filed-recorded in the official records of Sarasota County, prior to the issuance of site plan approval, requiring that ~~a buyer or renter of a dwelling unit designated for households with an income at or below 120 percent of the AMI shall not have a household income greater than the income range designated for the unit as originally filed in the clerk records, that a~~ "For Sale" attainable dwelling unit



~~designated for households with an income at or below 120 percent of the AMI shall have an appreciation limit applicable upon resale, and that a rental unit designated for households with an income at or below 120 percent of the AMI shall be monitored for rent and tenant income levels for a period of at least 30 years. The initial sale of an attainable dwelling unit shall not be to a buyer with a household income greater than the income range designated for the attainable dwelling unit, based on annual AMI data from the U.S Department of Housing and Urban Development (HUD).~~

- ~~2. For the purposes of determining affordability, the sale price plus the expected monthly mortgage payment, including taxes, insurance, private mortgage insurance, applicable condominium association fees, and utilities shall be considered. The required attainable units must be maintained for at least 30 years. The purpose of this ~~covenant~~Affordable Housing Agreement shall be to set forth commitments and obligations of the owner regarding affordability control, occupancy, resale, and any other necessary provisions. The ~~covenant~~Affordable Housing Agreement shall require that the resale price restriction be recorded with the deed for each attainable dwelling unit. The city manager shall be authorized to sign the ~~covenant~~Affordable Housing Agreement on behalf of the city.~~
- ~~3. The maximum sales price for the resale of an attainable dwelling unit shall be in accordance with the resale formula of a designated community land trust or as outlined in the applicable Affordable Housing Agreement.~~
- ~~4. No lease shall be executed for any required owner-occupied attainable dwelling unit during the affordability period unless an exception is otherwise provided for in the Affordable Housing Agreement.~~

f. Rental units.

- ~~1. An Affordable Housing Agreement between the developer/landowner and the City of Sarasota shall be recorded in the Official Records of Sarasota County, prior to the issuance of site plan approval, requiring, for a minimum period of 30 years, a renter of an attainable unit shall not have a household income greater than the income range designated for the unit at initial occupancy.~~
- ~~2. An attainable housing rental unit shall be monitored for rent and tenant income levels for a period of at least 30 years. The purpose of this agreement shall be to set forth commitments and obligations of the developer/landowner and future owners or residents for the residential bonus density regarding affordability control, occupancy, monitoring, reporting, enforcement, and any other necessary provisions applicable during the time period of at least 30 years. The city manager shall be authorized to sign the agreement on behalf of the city.~~

g. In the event an attainable dwelling unit converts from either a rental to owner-occupied or owner-occupied unit to rental, a new agreement shall be recorded in the Official Records of Sarasota County and required to meet the applicable affordability standards in VI-1005(b)(3)(c). The time period the attainable unit is required to maintain affordability is not reset when the new agreement is recorded.

*Note 1:* As used herein, the term "new development" means a building constructed or proposed to be constructed pursuant to a building permit application or a site plan review application submitted on the or after February 14, 2020. The term "new development" does not include an exterior alteration or exterior improvement to a building or structure existing prior to February 14, 2020, or a building or structure for which a building permit application or site plan review application was submitted prior to February 14, 2020.

- (54) *Transfer of development rights.* Buildings that are historically designated by the City of Sarasota or listed individually on the National Register of Historic Places are eligible sending sites within the Rosemary

## EXHIBIT A

residential overlay district for transferal of development rights. Unused density may be transferred from a sending site to a receiving site located within the Rosemary residential overlay district. A parcel with a historically designated building or a building eligible for historic designation shall be an ineligible receiving site if development will result in demolition of that existing building.

Development rights that are transferred will equal the "as of right" residential density and/or nonresidential floor area on the sending site less actual density or floor area on the sending site (base density of 40 dwelling units per acre and/or building floor area equal to five floors × site area less setbacks). Up to two additional stories are allowed for development on the receiving site, for a total height limit not to exceed seven stories. The residential density of a receiving site shall not exceed 100 dwelling units per acre.

Development rights at the sending site, which exceed the existing residential development density and/or nonresidential floor area at the date of transfer, shall be severed in perpetuity.

As a condition of approval, an agreement shall be filed in the official records of Sarasota County between the landowners for the sending and receiving properties and the City of Sarasota stating the development rights which are transferred and any stipulations associated with such transfer. The city manager shall be authorized to sign the agreement on behalf of the city.

(6) On-site public parking. The maximum height of structures may be increased up to seven stories subject to the following:

- a. When a development provides a minimum of five public parking spaces on-site, the maximum building height may be increased to seven stories to accommodate the compensating floor area provided to public parking within the first four stories of the project. The gross floor area of the additional sixth and/or seventh story may be up to three times (3x) the gross floor area allocated to the city for public parking. This public parking shall be in addition to the minimum required parking for the project.
- b. The applicant must sign an agreement to ensure that the public parking spaces will be open to the public for the life of the development, that the public parking spaces shall maintain the same hours of operations as the city's downtown public parking garages, and to specify the operational and maintenance responsibilities for the public parking. Public parking may not be used for valet purposes. The city attorney must approve the agreement as to form and the agreement shall be recorded in the official records of Sarasota County, prior to issuance of site plan approval. The city manager shall be authorized to sign the agreement on behalf of the city.
- c. On-site public parking shall be identified by signage, clearly visible from one or more streets.
- d. Adjustments to subsections a. and b. above are prohibited.



Article VI - ZONE DISTRICTS

DIVISION 1. – GENERAL

Sec. VI-104. Use of two or more zoning lots, lots of record or parcels to satisfy zoning requirements.

(a) *Same ownership.*

- (1) Two or more contiguous lots of record, parcels, or zoning lots under the same ownership may be used to satisfy zoning requirements (such as zoning lot size, setbacks, yard, zoning lot coverage, parking, etc.) only after either a consolidation or boundary adjustment plat has been approved and recorded eliminating the common, internal lot line(s), provided that this provision shall not operate to conflict with subsection (b) below.
- (2) Two or more zoning lots under the same ownership but separated by a adjacent public rights-of-way or within the same development boundary, may be combined to satisfy density allowed and parking required by the base zone district(s) provided the following requirements are met:
  - a. A minimum of ten percent of the total project units for sale or lease to families with incomes of 80 percent or less of the Area Median Income (AMI) in the Sarasota-Bradenton MSA or 20 percent of the units are sold or leased to families with incomes at 100 percent of the AMI.
  - b. The applicant must sign a covenant that ensures the income level(s) above will be met for a period not less than 30 years.
  - c. An attested copy of the approved covenant must be recorded in the official records for Sarasota County on forms approved by the city attorney.
  - d. The applicant shall provide proof of recordation prior to approval of the certificate of occupancy.
  - e. When utilizing the Downtown Attainable Housing Density Bonus, the base density is not reduced by density already developed on the parcels or development site, nor by density previously transferred to another parcel or development site. The cumulative total density of the combined lots shall not exceed the maximum permitted density of the zone district(s).

(b) *Separate ownership.*

- (1) For shopping malls, shopping centers, office parks, mixed-use condominiums and other mixed-use projects, condominium/hotel projects, recreational club/condominium projects and industrial parks developed as a single project, but which include zoning lots under separate ownership subsequent to, or in conjunction with the development of the project, the development standards for parking, setbacks, zoning lot coverage, open space, etc. may be satisfied by all of the property included within the project. In such event, permanent easements shall be noted on the approved site plan, and covenants recorded in the public records providing for the joint use and maintenance of such items as parking, utilities, open space, etc. Such easements and covenants shall be approved as to form by the city attorney and shall not be changed without prior city approval by the original approving authority. When utilizing the Downtown Attainable Housing Density Bonus, the achievable bonus density is not reduced by the density previously transferred to another parcel or development site, however, the base density is reduced by the density previously transferred to another parcel or development site. A minimum of 15% of the dwelling units shall be designated as attainable after the entire base density has either been developed on the parcels or development site or transferred to another parcel or development site.

As an example, if a development transfers 100% of the project's base density (50 DU/acre), future development can achieve a maximum of 150 DU/acre of bonus density, only if 15% of the dwelling units are designated as attainable.

For example:

Parcel A may achieve up to 4x the base density (200 DU/acre).

Parcel A transfers 50 DU/acre of the base density to Parcel B.

Parcel A may develop up to 150 DU/acre via the attainable housing density bonus, when a minimum of 15% of the total dwelling units are designated as attainable.

(200 DU/acre – 50 DU/acre = 150 DU/acre).

Parcel B may develop up to 100 DU/acre market rate units. When developing over 100 DU/acre via the attainable housing density bonus, a minimum of 15% of the total density bonus units dwelling units shall be designated as attainable, up to 250 DU/acre.

(50 base DU/acre + 50 transferred base DU/acre + 150 bonus density DU/acre = 250 DU/acre)

- (2) Two or more zoning lots under separate ownership and separated by a single public right-of-way or within the same development boundary, may utilize a joint use agreement ~~-be combined~~ to satisfy density allowed and parking required by the base zone district(s) provided the following requirements are met.
- a. A minimum of ten percent of the total project units for sale or lease to families with incomes of 80 percent or less of the Area Median Income (AMI) in the Sarasota-Bradenton MSA or 20 percent of the units are sold or leased to families with incomes at 100 percent of the AMI.
  - b. The applicant must sign a covenant that ensures the income level(s) above will be met for a period not less than 30 years.
  - c. An attested copy of the approved covenant must be recorded in the official records for Sarasota County on forms approved by the city attorney.
  - d. The applicant shall provide proof of recordation prior to approval of the certificate of occupancy.
  - e. When utilizing the Downtown Attainable Housing Density Bonus, the base density is not reduced by density already developed on the parcels or development site, nor by density previously transferred to another parcel or development site. The cumulative total density of lots shall not exceed the maximum permitted density of the zone district(s).

(c) *[Additional provisions.]* Notwithstanding the foregoing, this section (VI-104) shall not apply in any residential zone district (see subsections VI-201(b) and VI-303(b)).

- (1) No land which is zoned as single-family (see subsection VI-201(b)) shall be used to satisfy any zoning standard by land which is zoned in any other zoning category (e.g., multiple family; office; commercial; production-intensive commercial; special purpose; open space, recreation and conservation; overlay, or downtown). For example, required parking or stormwater retention/detention from any multiple family zone district shall not be allowed in any single-family residential zone district. Single-family zoning lots within the North Trail Overlay District (NTOD) may be used to satisfy stormwater retention/detention requirements. Single-family zoning lots within the North Trail Overlay District (NTOD) may be used as accessory parking in part or in whole to satisfy parking requirements so long as the criteria in subsection VI-910(d)(9)(d) are met. Above ground structured parking shall not be permitted.
- (2) No land which is zoned as multiple family (see subsection VI-301(b)) shall be used to satisfy any zoning standard by land which is zoned in any other zoning category (e.g., single family; office; commercial; production-intensive commercial; special purpose; open space, recreation and conservation; overlay; or

downtown). For example, required parking or stormwater retention/detention from any nonresidential zone district shall not be allowed in any multiple family residential zone district. Multiple family zoning lots within the North Trail Overlay District (NTOD) may be used to satisfy stormwater retention/detention requirements. Multiple family zoning lots within the North Trail Overlay District (NTOD) may be used as accessory parking in part or in whole to satisfy parking requirements so long as the criteria in subsection VI-910(d)(9)(d) are met. Above ground structured parking shall not be permitted.

## **EXHIBIT A**



Article VI - ZONE DISTRICTS

DIVISION 1. – GENERAL

Sec. VI-102. - Zone district map, and general regulations.

(a) *Purpose.* The purpose of the zone district map is to set forth the boundaries of the zoning districts established in these regulations. The purpose of the land use matrix is to provide a list of all permitted land uses along with the districts where these uses are permitted to locate.

(v) *Mix of Attainable Units Requirements.* Any project developing at a density greater than the permitted base density allowed within the underlying zone district and required to provide attainable housing shall provide the following mix of required attainable/affordable dwelling units (consistent with § 420.004): at least one-third of the dwelling units must be available to households having incomes at or below 80 percent of the AMI and no more than one-third of the dwelling units may be available to households having incomes in the range of 100 percent to 120 percent of the AMI.