

ORDINANCE NO. 2003-031

AN ORDINANCE OF THE COUNTY OF SARASOTA, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS, AS PART OF SARASOTA COUNTY ORDINANCE NO. 75-38, CODIFIED IN APPENDIX A TO THE SARASOTA COUNTY CODE, RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF SARASOTA COUNTY; PROVIDING FINDINGS; PROVIDING FOR AMENDMENT OF THE ZONING ATLAS; PROVIDING RESTRICTIONS, STIPULATIONS AND SAFEGUARDS; AND PROVIDING AN EFFECTIVE DATE.

KAREN E. RUSHING
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FL

2003 SEP 15 AM 10:42

BOARD RECORDS
FILED FOR RECORD

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA:

Section 1. Findings. The Board of County Commissioners, hereinafter referred to as the "Board," hereby makes the following findings:

- A. The Board has received and considered the report of the Sarasota County Planning Commission concerning Rezoning Petition No. 03-05, requesting rezoning of the property described herein.
- B. The Board has held a public hearing on the proposed rezoning of the property described herein in accordance with the requirements of Sarasota County Ordinance No. 75-38, codified in Appendix A of the Sarasota County Code (hereinafter "the Zoning Ordinance"), and has considered the information received at said public hearing.
- C. The rezoning herein granted is consistent with the Sarasota County Comprehensive Plan and meets the requirements of the Zoning Ordinance.
- D. Pursuant to the provisions of Article VII of Chapter 94 of the Sarasota County Code, an evaluation has been completed of the impacts that the proposed rezoning of the property described herein will have on the levels of service for parks, drainage, solid waste, roads, mass transit and water and sewer systems. With the exception of the provisions of Section 3 of this Ordinance, adequate levels of service are anticipated to be available.

Section 2. Amendment of the Zoning Ordinance. The Official Zoning Atlas, adopted under Section 2 of the Zoning Ordinance, is hereby amended by changing the zoning district classification for 10.85 acres ± from RE-1 (Residential Estate, 1 unit/2 acres) and RE-2 (Residential Estate, 1 unit/acre) to CN (Commercial Neighborhood) for the following described property located in Sarasota County, Florida:

The northwest corner of Palmer Ranch Parkway and Honore Avenue, being more particularly described as follows;

A parcel of land lying in Section 23, Township 37 South, Range 18 East, Sarasota County, Florida and described as follows:

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

2003 SEP 22 AM 9:13

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Begin at the southeast corner of Parcel "A", Stonebridge, Unit 1 as recorded in Plat Book 38, Pages 18 through 18D, Public Records of Sarasota County, Florida; thence N.00°24'03"W., along the east line of said Parcel "A", a distance of 432.38 feet to a point on the easterly line of Tract 703 of said plat of Stonebridge, Unit 1; thence along said easterly line of Tract 703 for the following five (5) calls; (1) thence N.41°04'40"E., a distance of 29.10 feet; (2) thence N.54°29'10"E., a distance of 93.88 feet to the point of curvature of a curve to the left having a radius of 100.00 feet and a central angle of 78°15'12"; (3) thence northerly along the arc of said curve, an arc length of 136.58 feet to the point of reverse curvature of a curve to the right having a radius of 175.00 feet and a central angle of 15°44'46"; (4) thence northerly along the arc of said curve, a distance of 48.09 feet to the point of compound curvature of a curve to the right having a radius of 565.00 feet and a central angle of 13°06'00"; (5) thence northerly along the arc of said curve, an arc length of 129.18 feet to the point of tangency of said curve, said point also being the southwest corner of Increment "X", as recorded in Official Record Book 3052, Page 1282 of said Public Records; thence along the south line of said Increment "X" for the following four (4) calls; (1) thence S.84°55'18"E., a distance of 44.38 feet to the point of curvature of a curve to the left having a radius of 170.83 feet and a central angle of 32°32'23"; (2) thence easterly along the arc of said curve, an arc length of 97.02 feet to the point of reverse curvature of a curve to the right having a radius of 85.00 feet and a central angle of 29°02'44"; (3) thence easterly along the arc of said curve, a distance of 43.09 feet to the point of tangency of said curve; (4) thence S.88°24'57"E., a distance of 370.16 feet to a point on the east right-of-way line of Honore Avenue(variable width public right-of-way) as recorded in Official Record Book 3053, Page 2675 of said Public Records; thence along said east right-of-way line for the following six (6) calls; (1) thence S.04°57'37"E., a distance of 0.81 feet to the point of curvature of a curve to the right having a radius of 2,819.25 feet and a central angle of 04°33'35"; (2) thence southerly along the arc of said curve, an arc length of 224.36 feet to the point of tangency of said curve; (3) thence S.00°024'02"E., a distance of 159.99 feet; (4) thence S.13°05'42"W., a distance of 51.42 feet; (5) thence S.00°24'02"E., a distance of 265.95 feet; (6) thence S.44°35'58"W., a distance of 84.85 feet to a point on the north right-of-way line of Palmer Ranch Parkway (100-foot wide public right-of-way) as recorded in Official Record Book 3053, Page 2675 of said Public Records; thence along said north right-of-way line for the following two (2) calls; (1) thence S.89°35'58"W., a distance of 276.97 feet to the point of curvature of a curve to the left having a radius of 1,005.00 feet and a central angle of 18° 51'43"; (2) thence westerly along the arc of said curve, an arc length of 330.85 feet to the POINT OF BEGINNING.

Section 3. Restrictions, Stipulations and Safeguards. As used in the stipulations hereinafter set forth, the term "Owner" shall refer to the owner or owners of the property described in Section 2 and their successors and assigns. Upon recording in the public records of Sarasota County, these stipulations shall be covenants running with the land. The use of the property described in Section 2 of this Ordinance, in addition to the applicable

restrictions imposed by the Zoning Ordinance, is hereby further limited by and subject to the following restrictions, stipulations and safeguards:

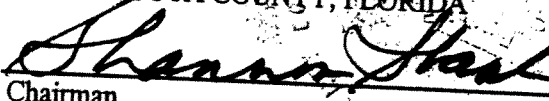
1. All delivery trucks servicing the shopping center shall load and unload within the designated loading areas generally located on the western side of the shopping center buildings. The parking, standing, loading or unloading of delivery and/or service vehicles shall be prohibited on all other sides of the center.
2. Outside storage or display of any materials, including recyclables such as pallets and cardboard, shall be prohibited at all times.
3. The following design elements shall be provided in compliance with the Palmer Ranch Internal Commercial Design Guidelines, attached hereto as Exhibit "A":
 - Landscaping;
 - Parking lot lighting;
 - Signage; and
 - Building Design Criteria.
4. Signs and banners shall not be attached to the outside of the buildings.
5. All outside customer carts shall be stored in cart corrals providing visual screening for customer carts at the front of the shopping center building. The cart corral areas shall not contain signage or advertising.
6. The maximum height of the light poles shall be 16 feet within 50' of the perimeter of the subject property, and 23' elsewhere. Exterior lighting on the site shall be directed only toward the subject site and away from adjacent properties and streets.
7. There shall be no outdoor loudspeaker or paging systems.
8. All development on the subject parcel shall comply with the Development Order for Palmer Ranch Increment XVI, as may be amended.
9. All mechanical equipment, including, but not limited to heating, ventilating, and air conditioning machinery; public utility service fixtures such as potable water and sewer facilities; telephone and electrical switching equipment; and natural or propane gas tanks, shall be screened from public view. Such screening may include any combination of landscaping and building materials. Any building materials used for screening shall be consistent with the architectural design of the principal structure. Screening shall extend at least one foot above the object to be screened.
10. The Palmer Ranch Parkway and Honore Avenue frontages shall consist of landscape planters across the front of the stores where not precluded by canopies.
11. Newspaper boxes shall be permitted only in a uniform bank provided by the developer of the project.

12. Refuse areas shall be set back at least 50 feet of any residentially zoned property line and visually screened in accordance with Section 11.6.f. of the Sarasota County Zoning Ordinance.
13. The Owner shall be required to maintain the appearance and function of any private drainage facilities to be constructed on the site, including retention ponds and drainage ditches, at its own expense in accordance with applicable federal, state or local regulations. At the time of recording a plat or prior to final construction approval, the Owner shall be required to record in the public records a *Notice to Purchaser*, approved by Sarasota County, putting purchasers on notice that the maintenance of drainage facilities is a private responsibility.
14. Outdoor loading areas shall be screened in accordance with Section 11.6.k. of the Sarasota County Zoning Ordinance.
15. Safe pedestrian access shall be given to the nearby Alterra and Glenridge developments.
16. The maximum building coverage for the subject parcel shall be 25% of the entire parcel subject to this rezoning request.
17. A buffer, 50 foot in width, and landscaped with a four (4) foot high berm and containing plantings as required by the Palmer Ranch Internal Commercial Design Guidelines, shall be provided along Honore Avenue and Palmer Ranch Parkway. Also, a buffer, 10 foot in width, and landscaped with 3 canopy trees and 6 accent/understory trees every 100 linear feet and containing a continuous 4 foot high planting shall be provided adjacent to the Alterra Assisted Living Facility (no structures are required). No additional buffering shall be required.
18. Thirty percent (30%) open space shall be required on the subject parcel, and may include the shared use drainage facility located along the northern boundary.
19. After obtaining approval from the Palmer Ranch Planning and Architectural Review Board (PARB), the developer shall submit the architectural building design, landscape, lighting and signage plans to the appropriate County staff for review and approval.

Section 4. Effective Date. This Ordinance shall take effect immediately upon receipt of official acknowledgment from the Office of the Secretary of State of Florida that this Ordinance has been filed with said office.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 9th day of September, A.D., 2003.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA


Chairman

ATTEST:

KAREN E. RUSHING, Clerk of
the Circuit Court and Ex-
Officio Clerk of the Board of
County Commissioners of
Sarasota County, Florida.

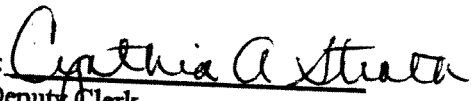
By: 
Deputy Clerk

EXHIBIT "A"
PALMER RANCH INTERNAL
COMMERCIAL DESIGN GUIDELINES

PALMER RANCH INTERNAL COMMERCIAL DESIGN GUIDELINES

January 2003

PALMER RANCH HOLDINGS, LTD.

**8588 POTTER PARK DRIVE, SUITE 500
SARASOTA, FLORIDA 34238**

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**INSTRUMENT # 2003223975
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DESIGN PRINCIPLES

I

The purpose of the design guidelines is to provide a framework within which designers and purchasers can relate to specific design intensities and work with the Planning and Architectural Review Board (PARB) to strive towards acceptable design solutions that will enhance the overall community. Design guidelines serve to protect the overall quality of development and aesthetics within Palmer Ranch. Adherence to these design principles through the implementation of design guidelines enhances real estate value by maintaining continuity within the development.

The purpose of these design guidelines is to provide a basic structure of design issues from which all parties involved in the development of Palmer Ranch can obtain direction governing the aesthetics, quality and compatibility of individual site developments relative to the overall community. Design guidelines are established to carry out selected design principles throughout the property build out period. These principles must be strong enough to guide development in the desired direction but must also be flexible enough not to inhibit growth.

Design guidelines are part of a contractual agreement that is made when the builder accepts a deed that includes a covenant requiring compliance. The principles underlying the design guidelines will serve to shape the future of the development as they impact each and every property owner. Therefore, it is important that design guidelines be adaptable to changes in the market and changes in construction materials and technology.

Among the general design principles, it is of the utmost importance that the Palmer Park Plaza is designed to be compatible with the residential character of the Palmer Ranch community. This intention may be accomplished in several ways by using high quality design standards with attention to detail. As well, compatibility may be achieved with the strategic placement of the different land uses within the development.

The design principals that will be governed by those guidelines shall deal with the following elements:

1. Building Design
2. Site Development
3. Landscape Design
4. Lighting Design
5. Signage Design

In general, the commercial development areas must work with the other areas of Palmer Ranch to present a unified theme seen in the architecture, landscape, and site features. Architecture can be controlled through the suggested use of material, color and articulation. Landscape joins the building to the site and can be regulated by plant palette, buffer treatments, screening requirements and plant specifications. Site development encompasses building size requirements, associated use areas and their relation to the site. These features can be controlled by height restrictions, building set-backs, parking area requirements, and use area orientation.

The aesthetic quality of the development may be maintained by the scheme of the landscape architecture. Careful attention must be taken to create interesting landscapes with the use of vegetative screenings and plantings, consistent signage, lighting and street furniture. The style of the development buildings must integrate with the surrounding community. Contemporary "post modern" or ultra contemporary styled buildings will be discouraged. Buildings which are predominantly reflective glass will also be discouraged.

Establishment of binding guidelines allows Palmer Ranch to select the criteria, over and above Sarasota County Land Development Standards that will best direct the development of the commercial areas toward the character already established in the residential neighborhoods. Consistent style and quality shall help to preserve the value of the community.