

ORDINANCE NO. 2004-016

AN ORDINANCE OF THE COUNTY OF SARASOTA, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS, AS PART OF SARASOTA COUNTY ORDINANCE NO. 2003-052, 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.

BOARD RECORDS
FILED FOR RECORD

2004 JUN 28 AM 7:36

KAREN E. RUSSELL
CLERK OF CIRCUIT COURT
SARASOTA COUNTY FL

2004 JUL - PM 01

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

FILED

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. 03-46, 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. 2003-052, 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 702.3 acres ± from OUE-1 (Open Use Estate, 1 unit/5 acres) to RE-1/PUD (Residential Estate, 1 unit per 2 acres/Planned Unit Development), for 727.6 acres ± from OUE-1 (Open Use Estate, 1 unit/5 acres) to OUE-1/CSZ/PUD (Open Use Estate, 1 unit per 5 acres/Conservation Sending Zone/Planned Unit Development), and for 946.9 acres ± from OUE-1 (Open Use Estate, 1 unit/5 acres) to RE-1/FURRZ/PUD (Residential Estate, 1 unit per 2 acres/Future Urban Residential Receiving Zone/Planned Unit Development) for the following described property located in Sarasota County, Florida:

Residential Estate (RE) Rezone Petition

To rezone 702.3 acres ±, from OUE-1 (Open Use Estate, 1 unit per 5 acres) to RE-1/PUD (Residential Estate, 1 unit per 2 acres/Planned Unit Development) or to such other zoning district as the Board of County Commissioners of Sarasota County shall deem appropriate.

See Legal Description for Rezone Parcels P-A through P-K (as shown on the Master Development Plan) attached as Exhibit "B"

Sending Zone Petition

To rezone 727.6 acres ±, from OUE-1 (Open Use Estate, 1 unit per 5 acres) to OUE-1/CSZ/PUD (Open Use Estate, 1 unit per 5 acres/Conservation Sending Zone/Planned Unit Development) or to such other zoning district as the Board of County Commissioners of Sarasota County shall deem appropriate.

See Legal Description for Rezone Parcels R-A through R-AI (as shown on the Master Development Plan) attached as Exhibit "C"

Receiving Zone Petition

To rezone 946.9 acres ±, from OUE-1 (Open Use Estate, 1 unit per 5 acres) to RE-1/FURRZ/PUD (Residential Estate, 1 unit per 2 acres/Future Urban Residential Receiving Zone/Planned Unit Development) or to such other zoning district as the Board of County Commissioners of Sarasota County shall deem appropriate.

See Legal Description for Rezone Parcels F-A through F-AC (as shown on the Master Development Plan) attached as Exhibit "D"

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. Development shall occur in substantial accordance with the Development Concept Plan, date-stamped January 15, 2004 (and attached hereto as Exhibit "A,") including a residential product mix which shall not exceed a maximum of 1,551 total dwelling units (including no more than 500 multi-family units which may be located on any of the development pods), a lake clubhouse and related facilities, and up to a 27-hole golf course, including clubhouse and maintenance facilities, including other typical golf course structures (i.e., restrooms and snack bars). This does not imply or confer any variances from applicable zoning or land development regulations, unless expressly granted herein.

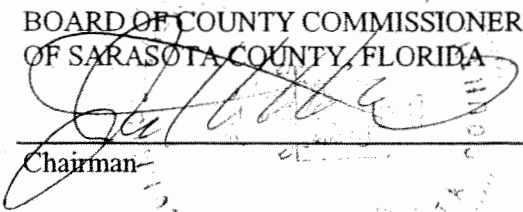
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2. The Owner shall be required to maintain the appearance and function of any private drainage facilities to be constructed on the site, including retention ponds and drainage ditches, at its own expense in accordance with applicable federal, state 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.
3. All development on the subject property (i.e., preliminary plans, site and development plans, final plats and construction plans) shall comply with the Development Order for the Tuscano Development of Critical Concern.
4. All community areas that include, but are not limited to, tennis courts, swimming pool areas, exercise facilities, or neighborhood commercial uses, shall not be illuminated after 10:00 P.M., except as necessary for security and aesthetics.
5. All parking lot lighting in the golf course, clubhouse and maintenance area shall be shielded pursuant to Sarasota County Zoning requirements, and after 10:00 P.M., shall be reduced to the minimum standards necessary for security and aesthetics.
6. All parking lot, driveway, and security lights located within fifty (50) feet of the subject parcel boundary, except the entrance, shall not exceed six (6) feet in height.
7. The required structure separation may be reduced from 12 feet to 6 feet for screened enclosures only.
8. The following landscape buffers shall be provided:
 - (a) 50' buffer along U.S. 41 with berms of varying heights, vegetation and entry walls;
 - (b) 10' minimum buffers, as required by the Zoning Ordinance, along the eastern property line;
 - (c) 10' minimum buffers, consisting of a continuous three foot high planting and three canopy trees and six accent/understory trees per 100 linear feet, along the Venice East Boulevard and Manasota Beach Road extension, exclusive of dedicated open spaces and wetlands.
 - (d) No buffers will be required along the western property boundary or southern property boundary as the dedicated open spaces and existing wetlands will provide more than adequate buffers; and
 - (e) Based on the dedication language from the School Board, no buffers will be required along the school dedication parcels (see Appendix E).
9. All residential development rights from the RE-1/PUD zoned property shall be transferred to the RE-1/FURRZ/PUD parcels. Moreover, the RE-1/PUD zoned property shall only be utilized for the golf course and its associated amenities.

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 8th day of JUNE, A.D., 2004.

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