

COUNTY OF SARASOTA, FLORIDA

Board of County Commissioners
Sarasota County Planning and Development Services Business Center

Date: July 14, 2004

MEMORANDUM TO:

Rick Church
2357-3 S. Tamiami Trail # 119
Venice FL 34293

Emergency Services, Fire Department (Jane Ross)
Environmental Services, Utilities (John Saraniero)
Environmental Services, Utilities (Robert Wright)
Health/Human Services (Mike Berry)
History Center (Dan Hughes)
Planning & Development Services, Code Enforcement (Jim LeGay)
Planning & Development Services, County Surveyor (Gayle Fosness)
Planning & Development Services, Land Dev. (Efrain Duque)
Planning & Development Services, Land Dev. (Mary Stephens)
Planning & Development Services, Landscape (Martha Horton)
Planning & Development Services (Steve Brown)
Planning & Development Services (Elaine Wickwire)
Planning & Development Services, Resource Protection (Paul Semenech)
Planning & Development Services, Zoning (Donna Blades)
Property Appraiser (Jim Todora)
Public Works, Stormwater (Chuck Walter)
Public Works, Transportation (Paula Wiggins)
School Board (Kathy Anderson)

SUBJECT:

Rezone Petition No. 04-03

PLANNER:

Jack Wilhelm

ORDINANCE NO. 2004-043 **PID#:** 0477-05-0012

ACTION TAKEN ON ABOVE SUBJECT IS AS FOLLOWS:

On **June 15, 2004**, the Sarasota County Board of County Commissioners **GRANTED** Rezone Petition No. 04-03 to rezone 2.5 acres \pm located 300' \pm east of Manasota Beach Road, in Sarasota County, Florida, from District OUE-2 (Open Use Estate, 1 unit/2 acres) to District RE-2 (Residential Estate, 1 unit/acre) with stipulations.

A copy of **Ordinance No. 2004-043** is attached for your information.

*Mailed
7-16-04*

INSTRUMENT # 2004139019
4 PGS

ORDINANCE NO. 2004 - 043

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 I 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. ROSHLI, CLERK OF CIRCUIT COURT, SARASOTA COUNTY, FL

2004 JUN 16 PM 12:13

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. 04-03, 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 I 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 Article 4 of the Zoning Ordinance, is hereby amended by changing the zoning district classification for ± 2.5 acres from OUE-2 (Open Use Estate, 1 unit/2 acres) to RE-2 (Residential Estate, 1 unit/acre) for the following described property located in Sarasota County, Florida:

The legal description of said property in Sarasota County, Florida being: $\pm 300'$ east of Manasota Beach Road at the terminus of Franklin Drive, being more particularly described as follows; BEG AT SE COR OF FRANKLIN DRIVE AS SHOWN ON MANASOTA MANOR SUB TH N.00-31-05E 330.01 FT TH S.89-53-40E 330.01 FT TH S.00-331-05W 330.01 FT N.89-53-40W 330.01 FT TO POB, CONTAINING 2.5 C-AC M/L, ORI 2002172211, LOCATED IN SECTION 10, TOWNSHIP 40 SOUTH, RANGE 19 EAST.

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

2004 JUN 21 PM 4:17

FILED

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. 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.
2. Any fill placed within the floodplain shall be compensated for on a minimum one for one basis.
3. All future development shall comply with the adopted Englewood Sector Plan No. 85-01-SP, Resolution No. 86-480.
4. The subject parcel shall hookup to central water and sewer within ninety days of availability.
5. All on-site wetlands and associated upland buffers shall be depicted on submitted development proposals, labeled as preserve area, and maintained consistent with the Guiding Principles of *Apoosee*. All activities shall be prohibited within the preserve area, unless written approval is first obtained from Resource Protection. Exception may be granted by Resource Protection to facilitate maintenance activities.
6. A resource management plan, which maintains the functions and values of the on-site preserve area and is consistent with the Guiding Principles of *Apoosee* shall be submitted to the County with future development proposals. The plan needs to address removal of nuisance/invasive plant species from the areas, any proposed planting of native trees and/or under story, and shall be consistent with Section E of the Environmental Technical Manual contained within Sarasota County's Land Development Regulations.
7. Prior to or concurrent with submittal of a development proposal, the applicant shall coordinate with all appropriate government agencies in regard to listed species. Any required surveys shall utilize State-accepted sampling techniques to identify endangered, threatened, and species of special concern. The results of the surveys, including details of the methodologies used (i.e.,

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7. Prior to or concurrent with submittal of a development proposal, the applicant shall coordinate with all appropriate government agencies in regard to listed species. Any required surveys shall utilize State-accepted sampling techniques to identify endangered, threatened, and species of special concern. The results of the surveys, including details of the methodologies used (i.e.,

location of transects, dates and times of surveys, etc.), shall be forwarded to Resource Protection along with any documentation from appropriate regulatory agencies regarding listed species issues associated with the site.

8. During development of the subject property, all vegetative species contained within Section 54-621 of Sarasota County's Exotic Plant Code, state regulations (Chapters 5B-57.007 and 62C-52.011, FAC), and the Florida Exotic Pest Plant Council's list of Category I and II invasive species, as appropriate to this geographic region, shall be removed from the property. Any such vegetation removed from required landscape buffers shall be replaced with native species as part of an approved landscape plan. Removed vegetation shall be disposed of in a County-approved landfill or by another method approved by Resource Protection.

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 15th day of June, 2004.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

[Signature]
Chair

ATTEST:

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

By: *Audine A. Shaw*
Deputy Clerk

STATE OF FLORIDA
COUNTY OF SARASOTA
I HEREBY CERTIFY THAT THE FOREGOING IS A
TRUE AND CORRECT COPY OF THE ORIGINAL FILED
IN THIS OFFICE WITNESS MY HAND AND OFFICIAL
SEAL THIS DATE 6/15/04
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
EX-OFFICIO CLERK TO THE BOARD OF COUNTY
COMMISSIONERS, SARASOTA COUNTY, FLORIDA
By: *Audine A. Shaw*
DEPUTY CLERK

location of nurseries, dates and times of surveys, etc.) shall be forwarded to Resource Protection along with any documentation from appropriate regulatory agencies regarding listed species issues associated with the site.

Existing development of the subject property, all vegetative species occurring within Section 24-021 of Sarasota County's Exotic Plant Code, state regulations (Chapter 28-11 007 and 28-11 021, FAC), and the Florida Exotic Plant Council's list of Category I and II invasive species, as appropriate to the geographic region, shall be removed from the property. Any such vegetation removed from required landscape buffers shall be replaced with native species as part of an approved landscape plan. Removed vegetation shall be disposed of in a County-approved landfill or by another method approved by Resource Protection.

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 2nd Day of August, 2004.

BOARD OF COUNTY COMMISSIONERS
SARASOTA COUNTY, FLORIDA

[Signature]

ATTEST:

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

[Signature]
Deputy Clerk

STATE OF FLORIDA
COUNTY OF SARASOTA
I, *[Signature]*, County Clerk, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the files of the County Clerk's Office.
Witness my hand and the seal of said County at Sarasota, Florida, this 2nd day of August, 2004.