

ORDINANCE NO. 2004-083

2004 SEP 29 AM 11:30

MAREN E. RUSSELL
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FLORIDA

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.

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. 04-05, 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. 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
Article 4 of the Zoning Ordinance, is hereby amended by changing the zoning district classification
for 4.79 acres \pm from District OUE-1 (Open Use Estate, 1 unit/5 acres) to District RMF-1
(Residential, Multi-Family, 6 units/acre) for the following described property located in Sarasota
County, Florida:

FILED
2004 SEP 29 AM 11:30
DEPARTMENT OF
TALMADGE
SARASOTA COUNTY, FLORIDA

The legal description of said property in Sarasota County, Florida being: The southwest corner of Venice Avenue and Clermont Road, being more particularly described as follows; **Parcel 1:** Tract 34, VENICE FARMS, as per Plat thereof recorded in Plat Book 2, Page 179, of the Public Records of Sarasota County, Florida, **LESS** Tract to Perry recorded in O.R. Book 4, Page 494, **LESS** part thereof shown in Road Plat Book 2, Pages 43 thru 43G, and **LESS** the North 20.00 feet deeded to Sarasota County in OR. Book 1826, Page 2973, Public Records of Sarasota County, Florida. Together with: **Parcel 2:** From the Northeast corner of Tract 34, Venice Farms, as recorded in Plat Book 2, Page 179, Public Records of Sarasota County, Florida, thence Westerly a distance of 173.01' along the North line of said Tract 34 to an iron pipe, the **POB**; thence 2 degrees 52' East 690.7' to an iron pipe, thence Westerly along the South line of said Tract 34 a distance of 172.66' to the Southwest corner of said Tract 34; thence Northerly along the West line of said Tract 34 689.97' to the Northwest corner of said Tract 34; thence East along the North line of said Tract 34 a distance of 143.01' to the **POB**. Less part thereof shown in Road Plat Book 2, Pages 43 thru 43G, and **LESS** the North 20.00 feet deeded to Sarasota County in Official Records Book 1823, Page 2725, Public Records of Sarasota County, Florida.

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. All on-site wetlands and associated upland buffers not approved for impact shall be depicted and labeled as preserve areas on submitted site and development plans and plats, and maintained consistent with the Guiding Principles of Apoxsee. All activities shall be prohibited within the preserve areas, unless written approval is first obtained from Resource Protection. Exception may be granted by Resource Protection to facilitate maintenance activities.

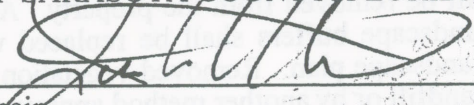
3. Any wetlands and/or associated buffers authorized for impact shall be mitigated for in accordance with the Uniform Mitigation Assessment Method. A mitigation planting, maintenance, and monitoring plan that adheres to Section E of the Environmental Technical Manual shall be submitted to Resource Protection with

- site and development plans. Mitigation areas shall be labeled as preserve area on site and development plans and plats.
4. A resource management plan that maintains the functions and values of all on-site preservation and conservation areas and is consistent with the Guiding Principles of *Apoossee* shall be submitted to Resource Protection with site and development plans.
 5. 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.
 6. Prior to or concurrent with submittal of a development proposal, listed species surveys shall be conducted at the subject property, using 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.
 7. In the event that the subject parcel is developed in combination with an adjacent parcel under common ownership as a single subdivision, the stormwater management system design shall be a master system designed and constructed with the subject parcel and the adjacent parcel.
 8. Due to the extent of the floodplain in this parcel, the combined stormwater management system shall be required to be input into the Hatchett Creek and Curry Creek Basin Master Plans.
 9. Access to Venice Avenue from the subject parcel shall be restricted to right-in/right-out access.
 10. The developer of the subject parcel shall cause to be recorded in the Public Records of Sarasota County, Florida, a Notice to Buyers that ingress/egress access on Venice Avenue will be restricted to one right-in/right-out access. Said notice shall be recorded prior to the approval of the plat for the +/- 4.8 acre parcel currently known as the Enclaves of Venice South Subdivision. The notice may be included with other recorded documentation regarding the parcel or it may be a separate and distinct notice.
 11. All development on the subject parcel shall be consistent with the Venice Avenue Corridor Plan NO. 85-03-SP (Ordinance No. 89-074).

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 29th day of September, 2004.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA


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: Paula J. Hentman
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 9/29/04
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
EX-OFFICIO CLERK TO THE BOARD OF COUNTY
COMMISSIONERS, SARASOTA COUNTY, FLORIDA
BY: Paula J. Hentman
DEPUTY CLERK

COUNTY OF SARASOTA, FLORIDA

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

Date: November 30, 2004

MAILED

MEMORANDUM TO:

L. Ervin Sterling
301 N. Cattlemen Rd., Suite 201
Sarasota FL 34232

Emergency Services, Fire Department (Jane Ross)
Environmental Services, Utilities (John Saraniero)
Environmental Services, Utilities (Mike Mylett)
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. (Isaac Brownman)
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)
Property Appraiser (Jim Todora)
Public Works, Stormwater (Candace Hendrickson)
Public Works, Transportation (Lorraine Branzei)
Public Works, Transportation (Sage Kamiya)
School Board (Kathy Anderson)

SUBJECT:

Rezone Petition 04-05

PLANNER:

Matt Lewis

ORDINANCE NO. 2004-083 **PID#:** 041-06-0002 and 0414-06-0003

ACTION TAKEN ON ABOVE SUBJECT IS AS FOLLOWS:

On **September 29, 2004**, the Sarasota County Board of County Commissioners **GRANTED** Rezone Petition No. 04-05 to rezone 4.79 acres ± located at the southwest corner of Venice Avenue and Clermont Road, in Sarasota County, Florida, from District OUE-1 (Open Use Estate, 1 unit/5 acres) to District RMF-1 (Residential, Multi-Family, 6 units/acre) with stipulations.

A copy of **Ordinance No. 2004-083** is attached for your information.

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2004221494 5 PGS
2004 NOV 18 05:26 PM

KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
DCOURSEY Receipt#549788



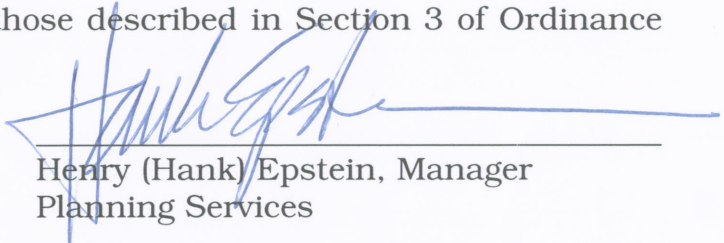
Please record and return to: (Via Inter-Office Mail)
Susan M. Anderson, Administrative Coordinator
Planning Services
1301 Cattlemen Road, Bldg. A
Sarasota, FL 34232

Charge to: Planning Services
Account# 51800100500489

**NOTICE OF STIPULATIONS
AND LIMITATIONS ENCUMBERING
REAL PROPERTY PURSUANT TO
THE SARASOTA COUNTY ZONING CODE**

The following property, located at the southwest corner of Venice Avenue and Clermont Road in Sarasota County, Florida, owned by Douglas Chalaire, and described in Ordinance No. 2004-083 attached hereto, has been rezoned to an RMF-1 (Residential, Multi-Family, 6 units/acre) zone district, pursuant to Rezone Petition No. 04-05, filed by L. Ervin Sterling, Agent, and granted by Sarasota County on September 29, 2004, and is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

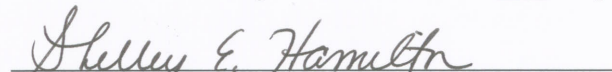
(Stipulations and limitations are those described in Section 3 of Ordinance No. 2004-083, attached hereto)


Henry (Hank) Epstein, Manager
Planning Services

**STATE OF FLORIDA
COUNTY OF SARASOTA**

Before me, the undersigned Notary Public, personally appeared Henry (Hank) Epstein, Manager, Planning Services, to me known to be the individual who executed the foregoing Notice of Stipulations and Limitations Encumbering Real Property pursuant to the Sarasota County Zoning Code, and he acknowledged before me that he executed the same.

Witness my hand and official seal at Sarasota County, Florida, this 17th day of November, 2004.


Notary Public
State of Florida at Large

This instrument prepared by:
sma



Shelley E. Hamilton
MY COMMISSION # DD233335 EXPIRES
August 10, 2007
BONDED THRU TROY FAIN INSURANCE, INC