

**ORDINANCE NO. 2004 - 048**

INSTRUMENT # 2004161324  
7 PGS

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.

DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

2004 JUL 30 PM 3:29

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. 04-17, 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 20.80 acres ± from District OUE-1 (Open Use, Estate, 1 unit/5 acres) to Districts RSF-4/PUD (Residential, Single-Family, 5.5 units per acre/Planned Unit Development) and RMF-2/PUD (Residential, Multi-Family, 9 units per acre/Planned Unit Development) for the following described property located in Sarasota County, Florida:

The northeast corner of Honore Avenue and Jem Lane, being more particularly described as follows;

**PARCEL 1:**

BEGIN AT THE NW CORNER OF SECTION 13, TOWNSHIP 37 SOUTH, RANGE 18 EAST, SARASOTA COUNTY, FLORIDA; THENCE S.00°22'24"E., ALONG THE WEST LINE OF SAID SECTION 13, 2,352.36 FEET TO THE PRINCIPAL PLACE OF BEGINNING; THENCE S.00°22'24"E, CONTINUING ALONG THE WEST LINE OF SAID SECTION 12, 326.08 FEET; THENCE N.88°56'12"E., 667.96 FEET; THENCE N.00°21'44"W., 326.08 FEET; THENCE S.88°56'12"W., 668.02 FEET TO THE PRINCIPAL PLACE OF BEGINNING.

**PARCEL 2:**

KNOWN AS BEING A PART OF THE W ½ OF THE SW ¼ OF THE NW ¼ OF SECTION 13, TOWNSHIP 37 SOUTH, RANGE 18 EAST, SARASOTA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE NW CORNER OF SAID SECTION 13; THENCE S.00°22'24"E., ALONG THE WEST LINE OF SAID SECTION 13, 2190.64 FEET TO THE PRINCIPAL PLACE OF BEGINNING; THENCE S.00°22'24"E., CONTINUING ALONG THE WEST LINE OF SAID SECTION 13, 161.72 FEET; THENCE N.88°56'12"E., 668.02 FEET, THENCE N.00°21'44"W., 161.72 FEET; THENCE S.88°56'12"W., 668.04 FEET TO THE PRINCIPAL PLACE OF BEGINNING.

**ALSO:**

THE SOUTH 32.6 FEET OF THE FOLLOWING DESCRIBED PROPERTY KNOWN AS BEING A PART OF THE W ½ OF THE SW ¼ OF THE NW ¼ OF SECTION 13, TOWNSHIP 37 SOUTH, RANGE 18 EAST, SARASOTA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE NW CORNER OF SAID SECTION 13; THENCE S.00°22'24"E. ALONG THE WEST LINE OF SAID SECTION 13, 1339.31 FEET TO THE PRINCIPAL PLACE OF BEGINNING; THENCE S.00°22'24"E. CONTINUING ALONG THE WEST LINE OF SAID SECTION 13, 851.33 FEET; THENCE N.88°56'12"E., 668.04 FEET; THENCE N.00°21'44"W., 843.69 FEET; THENCE S.89°34'29"W., 668.17 FEET TO THE PRINCIPAL PLACE OF BEGINNING.

**PARCEL 3:**

KNOWN AS BEING PART OF THE W ½ OF THE SW ¼ OF THE NW ¼ OF SECTION 13, TOWNSHIP 37 SOUTH, RANGE 18 EAST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHWEST CORNER OF SAID SECTION 13; THENCE S.00°22'24"E., ALONG THE WEST LINE OF SAID SECTION 13, 1339.31 FEET TO THE PRINCIPAL PLACE OF BEGINNING; THENCE S.00°22'24"E., CONTINUING ALONG THE WEST LINE OF SAID SECTION 13, 1013.05 FEET; THENCE N.88°56'12"E., 668.02 FEET; THENCE N.00°21'44"W., 1005.61 FEET; THENCE S.89°34'29"W., 668.17 FEET TO THE PRINCIPAL PLACE 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. The proposed wetland mitigation area and associated 30-foot wide upland buffer shall be designated as a Preserve Area on submitted development proposals, and maintained consistent with the Guiding Principles of *Apoxsee*. 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.
2. 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.
3. 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.
4. Due to downstream flooding, the applicant shall be required to update the South Creek Basin Master Plan to demonstrate no increase in off-site flood levels in addition to meeting the pre/post requirements in the Land Development Regulations.

5. The Applicant shall be required to provide easements for the off-site flows that go through this property currently along the westerly and southerly portions of the site. As depicted in the concept plan, these easements may be in conflict with the buffering designs depicted.
6. The Owner shall be required to maintain the appearance 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.
7. Development shall take place in substantial compliance with the Development Concept Plan dated March 10, 2004 and attached hereto as Exhibit "A", except that an access road(s) may be permitted from the subject property to the property to the east if they are developed under unified control. This does not infer nor imply and variances from applicable zoning or land development regulations.
8. Jem Lane and Mandarin Road shall not be used to access the subject property either during construction or after completion of the project.
9. No building shall exceed 35 feet in height measured in accordance with the Zoning Regulations.
10. Required landscape buffers shall be as described below:
  - North property line except along Mitigation Area - .2 opacity, 10' wide;
  - East property line - .5 opacity, 30' wide, with 5.0' high berm; unless the subject property is developed under unified control with the property to the east, in which case no buffer will be required within the the portoin that is under control;
  - South property line - .5 opacity, 30' wide with 3.5' high berm, however a 4' high wall may be installed in lieu of the berm where required to protect existing trees;
  - West property line – Arterial Street buffer, 40' wide.
11. Central water and sewer services shall be extended by the developer to the easterly property line for future connection to parcels to the east of Mandarin Road.
12. A fire hydrant shall be provided to the northwest corner of Mandarin Road and Jem Lane by the developer.
13. Outdoor lighting shall not exceed 15' in height and shall be shielded from adjacent residential properties.

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 26<sup>th</sup> day of July, 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.

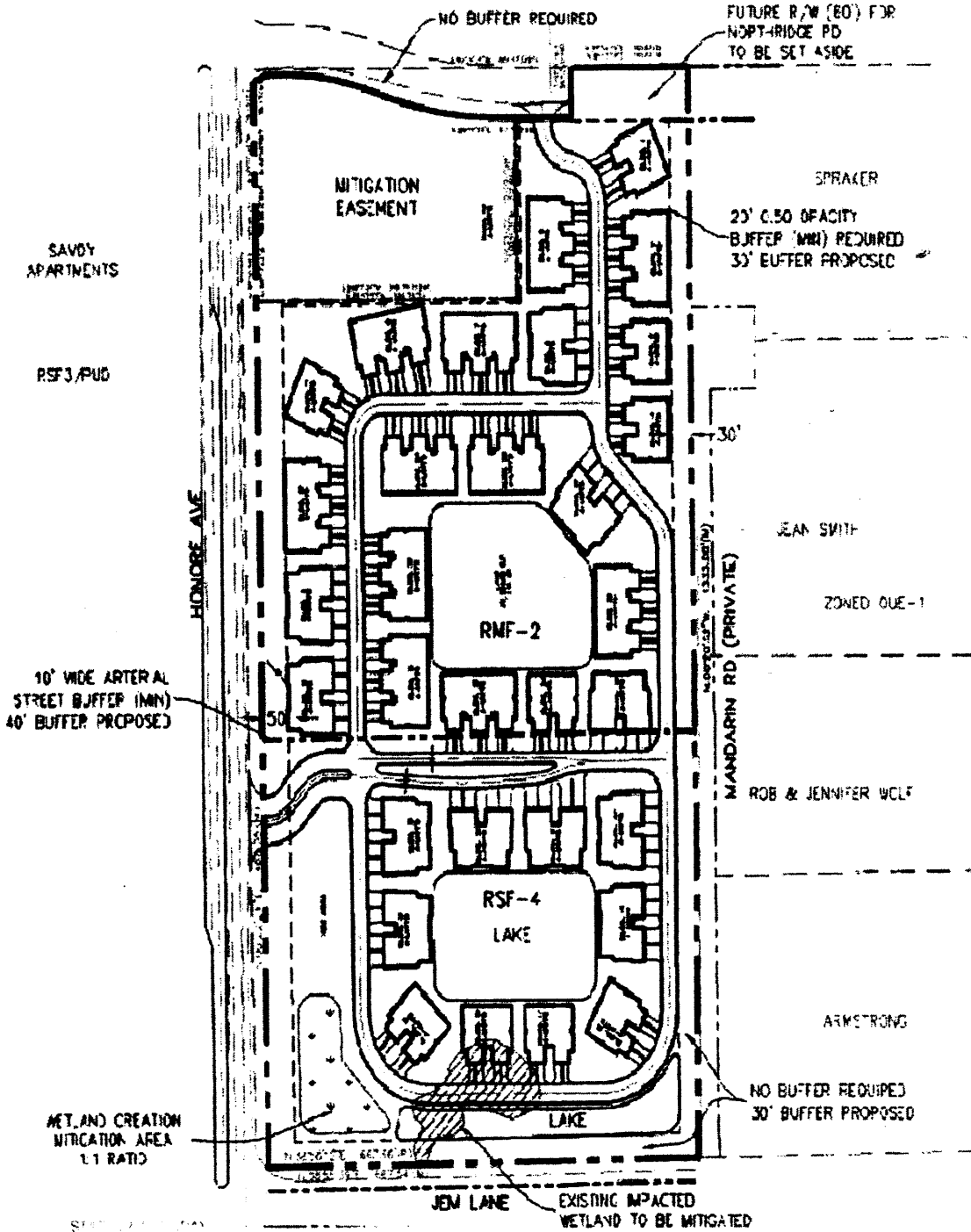
By: Paula J. Lentman  
Deputy Clerk

STATE OF FLORIDA  
COUNTY OF SARASOTA  
I HEREBY CERTIFY THAT THE FOREGOING IS A  
TRUE AND CORRECT COPY OF THE ORIGINAL FILES  
IN THIS OFFICE WITNESS MY HAND AND OFFICIAL  
SEAL THIS DATE 7/28/04  
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT  
EX OFFICIO CLERK TO THE BOARD OF COUNTY  
COMMISSIONERS, SARASOTA COUNTY, FLORIDA  
BY Paula J. Lentman  
DEPUTY CLERK



# EXHIBIT "A"

INSTRUMENT # 2004161324  
7 PGS



SEAL OF THE COUNTY OF BROWARD  
 COUNTY OF BROWARD, FLORIDA  
 COUNTY CLERK  
 7/28/04  
 BY *Paula J. [Signature]*  
 COUNTY CLERK

04-17

1A

