

ORDINANCE NO. 2005-021

2005 MAR 25 PM 2:05

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.

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

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

2005 MAR 28 PM 3:06

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. 04-31, 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 15 acres \pm from District OUE-1 (Open Use Estate, 1 unit/ 5 acres) to District RMF-2/PUD (Residential, Multi-family, 9 units per acre / Planned Unit Development) for the following described property located in Sarasota County, Florida:

The legal description of said property in Sarasota County, Florida being: East of Honore Avenue and 1,284' \pm south of Clark Road, being more particularly described as follows; Lot

1, Lot 2, and the North 9.25' of Lot 3, Hidden Acres Subdivision, according to the Plat thereof, as recorded in Plat Book 22, Page 42, of the 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 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. Due to the identified 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.

3. Development shall take place in substantial compliance with the Development Concept Plan dated November 3, 2004 (See Exhibit A). This does not infer nor imply any variances from applicable zoning or land development regulations.

4. No building shall exceed 35 feet in height measured in accordance with the Zoning Regulations.

5. Outdoor lighting shall not exceed 15' in height and shall be shielded from adjacent residential properties.

6. The landscape buffer along Northridge Road shall be a 10' wide .2 Opacity Buffer.

7. Onsite wetland habitat and associated buffer areas shall be designated as Preserve Area on submitted site and development plans. All activities including, but not limited to, filling, excavating, well drilling, altering vegetation (both trees and understory), and storing of materials shall be prohibited within the wetland preserve area unless written approval is first obtained from Resource Protection.

8. In accordance with management guidelines within *Apoxsee*, no more than 25% of onsite mesic hammock habitat shall be impacted by this project. All mesic hammock habitat not impacted shall be designated as Preserve Area on submitted site and development plans. All activities including, but not limited to, filling, excavating, well drilling, altering vegetation (both trees and understory), and storing of materials shall be prohibited within the mesic hammock preserve area unless written approval is first obtained from Resource Protection.

9. A resource management plan that is consistent with the Guiding Principles of *Apoxsee* and maintains the functions and values of onsite wetland habitat, mesic hammock habitat, and associated buffers shall be submitted to Resource Protection with preliminary plans.

10. Prior to issuance of the first Certificate of Occupancy, 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. Any such vegetation removed and/or eradicated from preserve areas shall be replaced in accordance with a County-approved resource management plan. Removed vegetation shall be disposed of in a County-approved landfill or by another method approved by Resource Protection.

11. Prior to (or concurrent with) submittal of site and development plans, an appropriate environmental professional shall conduct appropriate listed species surveys at the subject property and shall use recognized sampling techniques to

identify endangered, threatened, and species of special concern. The applicant shall provide Resource Protection with documentation from appropriate regulatory agencies regarding any listed species issues associated with the site, as well as methodology details.

12. There shall be no construction authorization issued for the subject parcel until construction is completed for transportation improvements that will allow Honorew Avenue from Northridge Road to Clark Road to meet the adopted level of service standards, or until a finding of transportation concurrency is rendered by Sarasota County for the subject parcel. Needed improvements include but are not limited to a second northbound right turn lane, an exclusive eastbound right turn lane, a second westbound left turn lane, and a second southbound through lane.

13. No. three story building(s) shall be located closer than 458 feet from any portion of the southern property line.

14. The Twenty (20) foot access easement to Sarasota Memorial Hospital's stormwater easement (Official Records Instrument #2000057734, dated May 8, 2000) and shown on the site plan shall remain free and clear of all improvements, except sod.

15. Sarasota Memorial Hospital shall have sixty (60) days to review and comment on the final construction plans as they relate to stormwater easements. The developer shall address the hospital's comments.

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 23 day of March, 2005.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

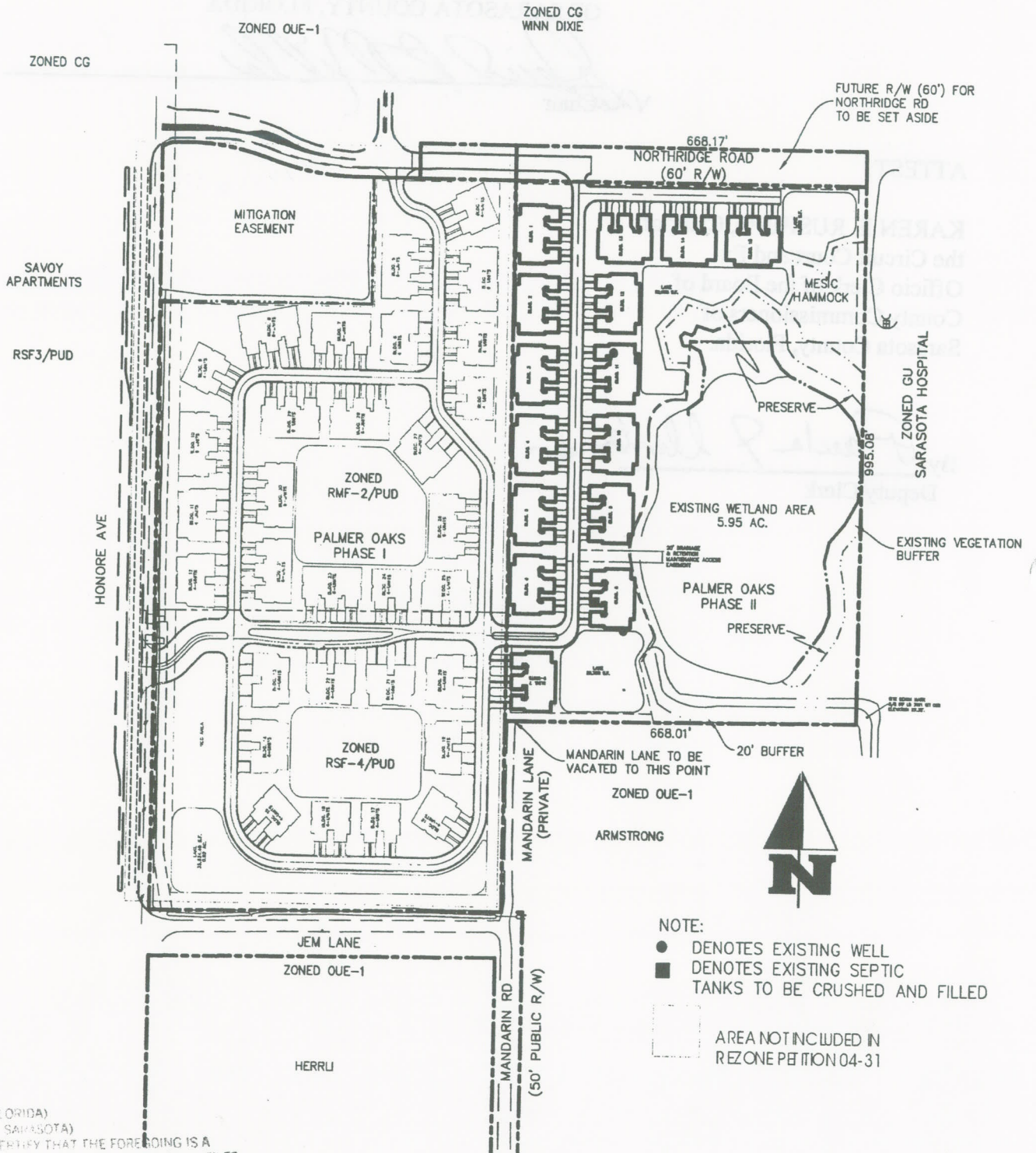
David R. Mills
Vice Chair

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. Lintoman
Deputy Clerk

EXHIBIT "A"



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 3/25/05
 KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
 EX-OFFICIO CLERK TO THE BOARD OF COUNTY
 COMMISSIONERS, SARASOTA COUNTY, FLORIDA

BY: Paule Clinton
 DEPUTY CLERK