

ORDINANCE NO. 2005-038

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.

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

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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. 04-37, 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 5 acres ± from District OUE-1 (Open Use Estate, 1 unit/ 5 acres) to District RSF-4 (Residential Single Family, 5.5 units/ 1 acre) for the following described property located in Sarasota County, Florida:

The legal description of said property in Sarasota County, Florida being: South of Venice Avenue and east of Clermont Avenue, being more particularly described as follows: TRACT 37, VENICE FARMS ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 179 OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA. **BEGIN** AT THE NORTHWEST CORNER OF TRACT 37, VENICE FARMS ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 179 OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE RUN EAST, ALONG THE NORTH LINE OF SAID TRACT 37, FOR A

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

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BOARD RECORDS
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DISTANCE OF 633.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT 37; THENCE RUN S.00°26'53"E., ALONG THE EAST LINE OF SAID TRACT 37, FOR A DISTANCE OF 344.45 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 37; THENCE RUN WEST, ALONG THE SOUTH LINE OF SAID TRACT 37, FOR A DISTANCE OF 632.54 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 37; THENCE RUN N.00°31'28"W., ALONG THE WEST LINE OF SAID TRACT 37, FOR A DISTANCE OF 344.45 FEET, TO THE POINT 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 Owner shall 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 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 development of the subject parcel will be required to be consistent with all applicable Conditions for Development Approval contained in the Venice Avenue Corridor Plan (Ordinance No. 89-075, as amended).
3. Prior to or concurrent with the development of the subject parcel, the developer shall widen S. Clermont Road to two 11-foot wide travel lanes and resurface the road over the entire roadway width. The improvements shall be completed from the cross-section of the improved portion of S. Clermont Road south to the subject parcel's access. The transition from the improved cross-section to the existing pavement shall occur south of the subject parcel's access on S. Clermont Road. The improvements shall be included in the construction plans for the proposed development.
4. Master surface Water Management Plans shall be consistent with the Curry Creek Basin Master Plan.

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 26th day of July, 2005.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

Paul H. Meier
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: Leah Von Ley
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 8-1-05
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
EX-OFFICIO CLERK OF THE BOARD OF COUNTY
COMMISSIONERS, SARASOTA COUNTY, FLORIDA
BY: Paul H. Meier
NOTARY PUBLIC