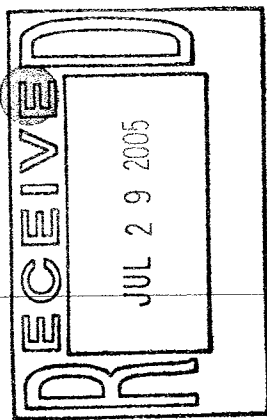


ORDINANCE NO. 2005-035

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.



AMBER EL RUSH
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FL

2005 JUL 12 PM 12:21

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. 05-09, 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 63.76 acres ± from Districts OUR (Open Use Rural) and 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) for the following described property located in Sarasota County, Florida:

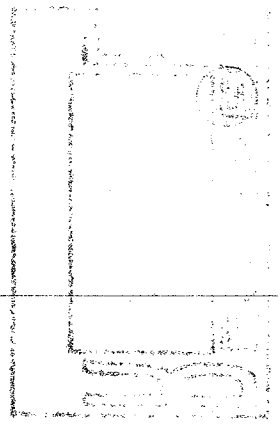
AMBER EL RUSH
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FL

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The legal description of said property in Sarasota County, Florida being: The southwest corner of Venice and Fellsmere Avenues, being more particularly described as follows; COMMENCE AT THE NW CORNER OF TRACT 128, VENICE FARMS, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 179 OF THE PUBLIC RECORDS OF SARASOTA COUNTY FLORIDA; THENCE N.89°20'48"W., ALONG THE SOUTH RIGHT-OF-WAY LINE OF VENICE AVENUE, 132.0 FEET FOR A POINT OF BEGINNING; THENCE S.0°05'28"E., 1500.00 FEET; THENCE SOUTH 89°20'48"E., 66.0 FEET; THENCE S.0°05'29"E., 564.77 FEET TO THE SOUTH LINE OF SECTION 11, TOWNSHIP 39 SOUTH, RANGE 19 EAST; THENCE S.89°54'49"W., ALONG SAID SECTION LINE 1597.83 FEET; THENCE N.0°04'43"W., 1885.02 FEET; THENCE S.61°59'00"E, 693.71 FEET; THENCE S.61°59'43"E., 402.43 FEET; THENCE N.0°05'29"W., 707.0 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF VENICE AVENUE EAST; THENCE S.89°20'48"E., ALONG SAID SOUTH RIGHT-OF-WAY, 564. FEET TO THE POINT OF BEGINNING; CONTAINING 67.30 ACRES MORE OR LESS AND LYING AND BEING IN SECTION 11, TOWNSHIP 39 SOUTH, RANGE 19 EAST, 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 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. Prior to or concurrent with development of the subject parcel, the improvements identified in Capital Improvement Program project #95773 (an additional through lane for all approaches, a second left-turn lane for the eastbound, westbound and southbound approaches, and an exclusive northbound to eastbound right-turn lane) for the intersection

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Jacaranda Boulevard and Venice Avenue shall be the subject of a binding executed contract.

3. Prior to or concurrent with the development of the subject parcel, the developer shall construct an eastbound to southbound right-turn lane on Venice Avenue at Fellsmere Road. ~~The right-turn lane shall be designed in accordance with Indexes 301 and 526 of the Florida Department of Transportation's Roadway and Traffic Design Standards.~~ The improvement shall be included in the construction plans for the subject development.

4. Prior to or concurrent with the development of the subject parcel, the developer shall construct a westbound to southbound left-turn lane on Venice Avenue at Fellsmere Road. The left-turn lane shall be designed in accordance with Indexes 301 and 526 of the Florida Department of Transportation's Roadway and Traffic Design Standards. The improvement shall be included in the construction plans for the subject development.

5. Access to a full median opening (unrestricted turning movements) from the subject parcel's entrance on Venice Avenue via Fellsmere Road will be prohibited when Venice Avenue is widened to a four-lane divided roadway, unless Fellsmere Road south of Venice Avenue is realigned with Fellsmere Road north of Venice Avenue.

6. If changes are made to the development concept plan associated with this rezone petition which affect the Significant Historic Resource, the Blackburn Canal, a Cultural Resource Assessment Survey will be required to determine the impact to the resource.

7. Native trees and under-story vegetation shall not be impacted within those portions of the Blackburn Canal watercourse buffer that are located outside of required Sarasota County drainage easements. Any such portions of watercourse buffer that do not contain trees, and those portions where invasive vegetation is removed, shall be planted with appropriate native trees and understory vegetation. A planting proposal shall be submitted with preliminary plans.

8. Prior to or concurrent with submittal of preliminary plans, 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 subject project.

9. The Master Surface Water Management Plan shall be consistent with the Curry Creek Basin Master Plan.

10. Development shall take place in substantial compliance with the Development Concept Plan dated May 16, 2005. This does not infer nor imply any variances from applicable zoning or land development regulations, outside of those specifically approved by the Board of County Commissioners as a part of the approval of the PUD zoning.

11. Consistent with the Development Concept Plan, date stamped May 16, 2005, a cross-access easement to provide legal access shall be provided to the owner(s) of the adjacent parcel to construct and maintain a roadway and utilities within the easement, connecting the subject parcel to the parcel to the west and ultimately to the public thoroughfare road network. The easement shall be identified on the final construction plans and shall be dedicated upon plat recordation.

12. The Declaration of Covenants and Restrictions/Deed Restrictions for the Subdivision shall include a statement indicating an inter-neighborhood roadway connection to the abutting property to the west of the subdivision.

FINANCE DEPARTMENT

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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.

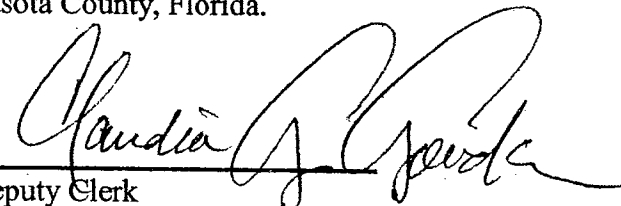
PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 6th day of July, 2005.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA


Chair

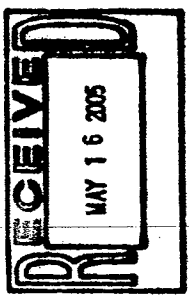
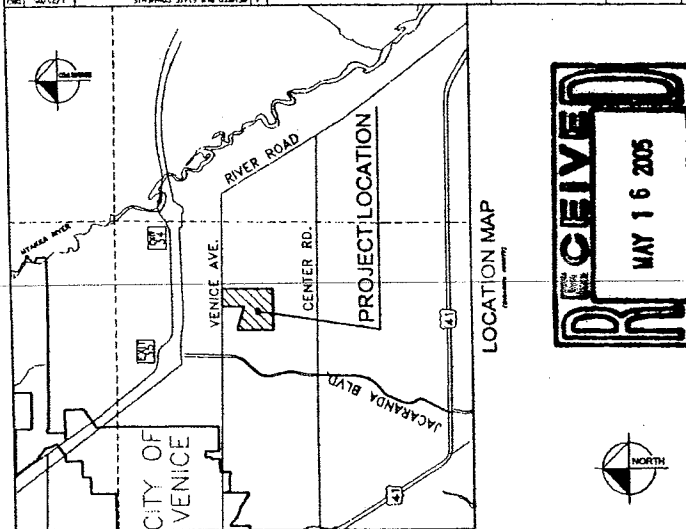
ATTEST:

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

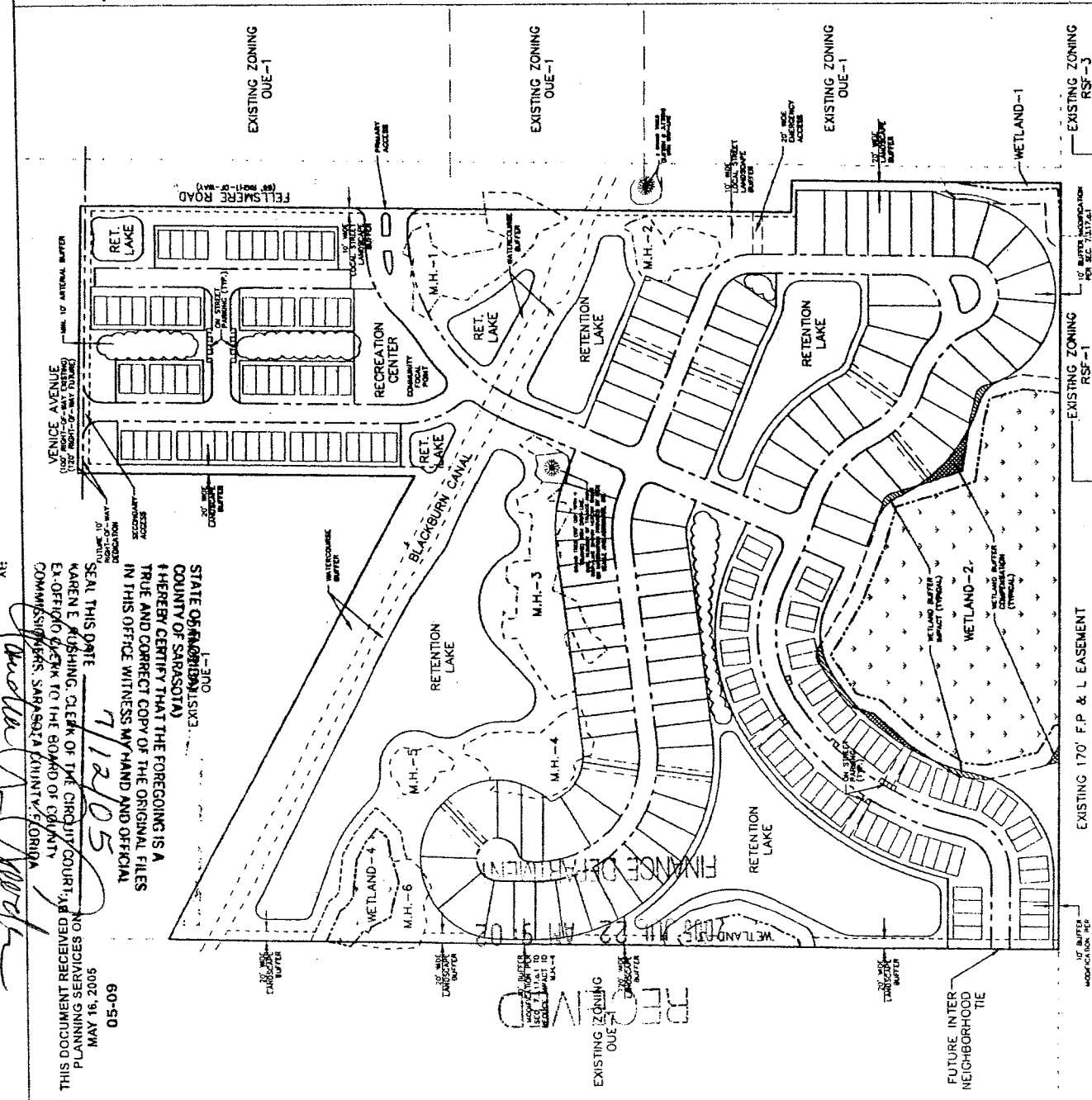
By: 
Deputy Clerk

DATE: 11/28/04
 PROJECT NO: 04255-02
 SCALE: AS SHOWN
 SHEET NUMBER: 1-S-1

DATE: 11/28/04
 PROJECT NO: 04255-02
 SCALE: AS SHOWN
 SHEET NUMBER: 1-S-1



ITEM	DESCRIPTION
1.	TOTAL SITE AREA: 63.78 ACRES ±
2.	EXISTING ZONING: OUE-1 & OUR
3.	PROPOSED ZONING: RSF-4/FPO
4.	UNITS: 218 UNITS
5.	DENSITY: 3.39 UNITS PER ACRE
6.	OPEN SPACE: 32.33 ACRES PROVIDED
7.	OPEN SPACE BREAKDOWN: 8.17 ACRES MISC HAMMOCK (POST IMPACT), 2.92 ACRES MISC HAMMOCK (POST IMPACT), 2.33 ACRES WATERCOURSE BUFFER (TO POND C.W.), 1.30 ACRES BLACKBURN CANAL, 1.30 ACRES PROPOSED WETLAND AREAS, 6.64 ACRES PROPOSED WETLAND CENTER
8.	TOTAL OPEN SPACE PROPOSED: 33.35 ACRES OR 52.3%
9.	CENTRAL UTILITIES: SARASOTA COUNTY
10.	ROADWAYS WILL BE 40' WIDE PRIVATE ROAD RIGHTS-OF-WAY AS SHOWN ON PLAN
11.	BUFFERS: SEE HABITAT MAP PREPARED BY DICK SEAGLE ASSOCIATES, INC. SHOWING WITH ANY MISC HAMMOCK IMPACTS WILL BE PRESERVED
12.	HABITAT: SEE HABITAT MAP PREPARED BY DICK SEAGLE ASSOCIATES, INC. SHOWING WITH ANY MISC HAMMOCK IMPACTS WILL BE PRESERVED
13.	DEVELOPER RESERVES THE RIGHT TO COMBINE TOWN HOUSE UNITS INTO BUILDING CONFIGURATIONS OF 2, 3 & 4 UNITS.
14.	TOTAL EXISTING MISC HAMMOCK IS 3.43 ACRES. TOTAL PROPOSED IMPACT IS 0.37 ACRES (14.97%).



STATE OF FLORIDA
 COUNTY OF SARASOTA
 I, KAREN E. ROUSHING, CLERK OF THE CIRCUIT COURT IN AND FOR THE COUNTY OF SARASOTA, DO 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: 7/12/05
 KAREN E. ROUSHING, CLERK OF THE CIRCUIT COURT IN AND FOR THE COUNTY OF SARASOTA
 DEPUTY CLERK

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