

ORDINANCE NO. 2006-071

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; PROVIDING FOR THE ADOPTION OF AN AMENDMENT TO THE UNIVERSITY CORRIDOR PLAN EAST (NO. 92-01-SP-EAST) AND PROVIDING AN EFFECTIVE DATE.

BOARD RECORDS  
FILED FOR RECORDING  
2006 OCT 12 PM 2:04

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. 06-02, 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 from OUE-2 (Open Use Estate, 1 unit/ 2 acres) to RMF-2 (Residential, Multifamily, 9 units/ acre) for the following described property located in Sarasota County, Florida:

The legal description of said property in Sarasota County, Florida, being the southwest corner of Honore Ave. and 59<sup>th</sup> Street in Sarasota and more particularly described as follows:

LOTS 11 AND 12, SARASOTA GARDENS SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 107, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.

Together with the platted right-of-way vacated pursuant to Sarasota County Resolution No. 2005-263, more particularly described as follows:

BEGIN AT THE SOUTHWEST CORNER OF LOT 12, SARASOTA GARDENS SUBDIVISION, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 107, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE N.89°47'10"W, A DISTANCE OF 30.00' TO THE SOUTHEAST CORNER OF LOT 11, OF SAID SARASOTA GARDENS SUBDIVISION; THENCE N.00°11'08"W, A DISTANCE OF 641.43' ALONG THE EAST LINE OF SAID LOT 11, TO THE NORTHEAST CORNER OF SAID LOT 11; THENCE S.89°53'11"E A DISTANCE OF 30.00' TO THE NORTHWEST CORNER OF SAID LOT 12; THENCE S.00°11'08"E, A DISTANCE OF 641.48' TO THE POINT OF BEGINNING, CONTAINING 19,243.6 SQUARE FEET, MORE OR LESS.

LESS ROAD RIGHT OF WAY AS RECORDED IN OFFICIAL RECORDS BOOK 2427, PAGES 1364-1366, 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. All development shall be consistent with the University Parkway Corridor Plan – East (No. 92-01-SP-East).
2. The Master Surface Water Management Plan shall be consistent with the Braden River (Cooper Creek) Basin Master Plan.
3. A 10-foot- wide Local Street buffer shall be provided along 59th Street from the intersection of Honore Ave to the wetland area buffer.
4. All buildings shall be set back at least 110 feet from the west property line.
5. The maximum height of all buildings located within 280 feet of the west property line shall be 35 feet as measured from finished grade. All other buildings on site shall have a maximum height of 47 feet as measured from finished grade.
6. The applicant shall provide a 0.8 opacity buffer along the west property line south of the wetland buffer.

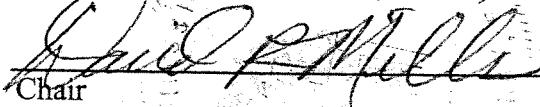
7. There shall be no direct vehicular access to the site from 59th Street.
8. Contracts for the sale of residential units within the project shall include a statement putting prospective purchasers on notice of the future four-laning of Honore Avenue by Sarasota County.

Section 4. Adoption of an Amendment to the University Corridor Plan East (No. 92-01-Sp-East). Pursuant to the Sarasota County Comprehensive Plan and the Critical Area Planning Regulations adopted by Sarasota County Ordinance No. 97-074, Article IV, Chapter 94 of the Sarasota County Code and based upon the evidence and testimony and forgoing findings, the Board hereby redesignates the subject parcel from Low Density Residential (< 2 units per acre) to Medium Density Residential ( $\geq 5$  to  $\leq 9$  units per acre) and adopts the revised "Exhibit A."

Section 5. 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 14<sup>th</sup> day of October, 2006.

BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA

  
Chair

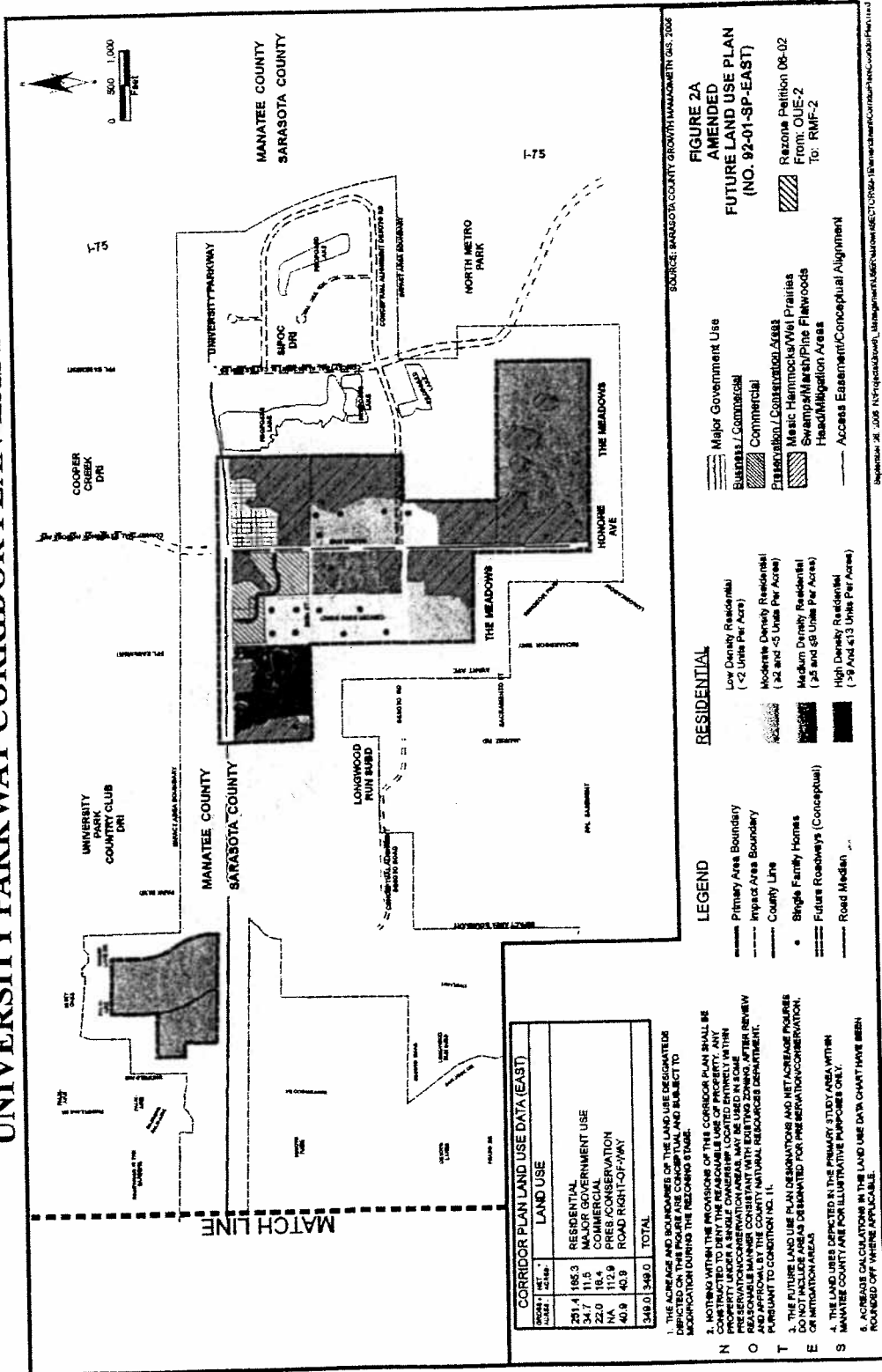
ATTEST:

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

EXHIBIT "A"

UNIVERSITY PARKWAY CORRIDOR PLAN-EAST



11/1/06 - 071