

**ORDINANCE NO. 2008 - 114**

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.

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SARASOTA COUNTY, 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. 07-05, 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 from CN (Commercial Neighborhood) with stipulations to CN (Commercial Neighborhood) with amended stipulations for the following described property located in Sarasota County, Florida:

The legal description of said property in Sarasota County, Florida, being: west of U.S. 41, south of Pocono Trail and north of Colonia Lane and being more particularly described as follows:

Lots 1, 2, 3, 4, 5, 6, 7 and 8, inclusive, Block B, PLAT OF NOKOMIS, as per plat thereof recorded in Plat Book 1, Page 11, Public Records of Sarasota County, Florida, LESS road right-of-way taken by State Road Department of Florida in Final Judgment recorded at Official Records Book 311, Page 40,

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Public Records of Sarasota County, Florida.

Lots 9 and 10, Block B, NOKOMIS SUBDIVISION, as per plat thereof recorded in Plat Book 1, Page 11, Public Records of Sarasota County, Florida, LESS property deed to State Road Department of Florida by fee simple Deed recorded at Official Records Book 278, Page 38, Public Records of Sarasota County, Florida.

Lots 17, 18, 19 and 20, inclusive, Block 21, PLAT OF NOKOMIS, as per plat thereof recorded in Plat Book 1, Pages 11 and 11 ½ , Public Records of Sarasota County, Florida.

Lots 15 and 16, Block 21, NOKOMIS SUBDIVISION, as per plat thereof recorded in Plat Book 1, Pages 11 and 11 ½ , 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 outdoor lighting shall be limited to a maximum height of 15 feet.
2. The existing billboard on the subject property shall be removed prior to the issuance of a building permit.
3. Development of the subject parcel shall be consistent with all applicable conditions of the Nokomis Center Revitalization Plan.
4. Direct access to/from U.S. 41 is prohibited.
5. Direct access to/from Pocono Trail is prohibited.
6. Any drive-up aisle shall be located on the U.S. 41 side of the proposed building and oriented away from the adjacent residential area to the west.
7. Any building or drive through facility shall be located on the southern half of the Subject Property.
8. The ten (10) foot wide landscape buffer along the northern property boundary shall provide a (0.6) opacity.

These restrictions, stipulations, and safeguards replace the ones contained in Section 3 of Ordinance Nos. 92-009 and 92-054.

Section 4. Effective Date. This Ordinance shall take effect upon filing with the Department of State.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 18 day of November, 2008.

BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA

Sharon Shaw  
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: Candice Jovech  
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 11/24/08  
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT  
EX-OFFICIO CLERK TO THE BOARD OF COUNTY  
COMMISSIONERS, SARASOTA COUNTY, FLORIDA  
BY: Candice Jovech  
DEPUTY CLERK

