

BOARD OF COUNTY COMMISSIONERS
FILED FEB 27 2008

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ORDINANCE NO. 2007 - 086

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

2008 FEB 27 PM 2:00

FILED

CLERK OF THE BOARD OF COUNTY COMMISSIONERS
SARASOTA COUNTY, FLORIDA

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.

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. 07-13, 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 District RMF-1 (Residential Multifamily, 6 units/acre) to District CN (Commercial Neighborhood) for the following described property located in Sarasota County, Florida:

The legal description of said property in Sarasota County, Florida, being at the Northwest corner of U.S. 41 and Vamo Way being more particularly described as follows:

A parcel of land situate in Section 34, Twp. 37 S., Rge. 18 E., Sarasota County, Florida, being a part of Lots 10 & 11, Blk. 2 of the Sarasota-Venice Company's Subdivision of said Sec. 34 as recorded in Plat Book A at Page 12 of the Public Records of Sarasota County, Florida, being more particularly bounded and described as follows:

Commence at a found concrete monument at the center of said Section 34; thence S 89°43'04" W along the South line of the NW1/4 of said Section 34 355.10'; thence W 19°25'10" E 15.00' for a P.O.B.; thence S 89°43'04" W along the North R/W line of Vamo Way 255', more or less, to the E'ly bank of the North branch of North Creek; thence N'ly along said bank 575', more or less; thence N 70°10'21" E along lands now or formerly of Israels (D.B. 287, Pg. 438) 190', more or less, to the W'ly R/W of Tamiami Trail (U.S. 41); thence along said R/W line of Tamiami Trail the following courses: S 19°49'39" E 29.48'; S 70° 10'21" W 15.00'; S 19°49'39" E 41.22'; SE'ly along a curve to the right having a radius of 2772.79' for an arc distance of 488.37', chord bearing, S 14°46'54" E; S 41°45'48" W 70.55' and S 0°19'31"E 3.54' to the P.O.B. *

*Less Road Right of Way described in Official Records Book 302, Page 599 and Deed Book 344, Page 110, 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. Access to U.S. 41 shall be limited to right-in/right-out only.
2. Landscaping on the southeast corner of the subject parcel intersection shall be limited to low level plantings within the sight triangle. Adequate corner sight triangle clearance shall be demonstrated on the construction plans for the subject development.
3. The Master Surface Water Management Plan shall be consistent with the Catfish Creek Basin Master Plan.
4. At the time of Site and Development Plan / Construction Plan Approval, above ground stormwater treatment shall be provided.
5. No stormwater ponds shall encroach into the 50 foot Watercourse buffer.

6. Development shall be required to connect to central water and sewer.
7. The 8-inch diameter water lines south along US 41 and east along Vamo Way shall be extended by the developer to provide a loop closure for the system.
8. Should a sanitary sewer lift station be required for this parcel, the Developer shall locate said lift station, subject to approval of Sarasota County, to allow future additional service along Vamo Way.
9. To increase neighborhood compatibility, the Owner shall plant a 70% opacity landscape buffer in accordance with section 7.3.8 of the Sarasota County Zoning Code along the western edge of the parking lot lying east of Catfish Creek. Within the buffer, exotic vegetation shall be replaced with East Palatka Holly, Cabbage Palms and Live Oak trees as canopy trees; Walter's Viburnum as shrubs; with Smooth Cord grass and Leather Fern at the top of bank. The vegetation shall be planted to block the visibility of the new development from the neighborhood west of the development site. The plantings shall meet the size and quality requirements listed in section 7.3.3.h of the Zoning Code. The landscape buffer shall be maintained in accordance with section 7.3.16 of the Zoning Code. To the greatest extent practical, the Owner shall transplant existing native vegetation from the development site into the above landscape buffer.
10. Parking lot lighting fixtures between the watercourse buffer and any building on site shall not exceed 18 feet in height. The source of illumination shall be shielded and shall not be visible off site.
11. Live-work or attached residential units shall be required and shall be equal to 50% of the square footage of all combined uses to be constructed on the site.
12. Any restaurant constructed on the site shall not exceed a maximum of 40 seats and no hard liquor shall be sold for consumption on the premises. The owner of the property shall not apply for a 4 COP SRX license from the State of Florida allowing consumption on the premises of hard liquor.
13. Removal or destruction of native trees, shrubs or other vegetation within the watercourse buffer shall be prohibited. Notwithstanding any State law regarding trimming of mangroves, all other trimming of native vegetation within the watercourse buffer, including mangroves, shall only be allowed after receiving Resource Protection written approval, and which shall occur only for the purposes of protecting the public's health, safety and welfare and enhancing the environmental values and functions of the buffer.
14. No individual retail or commercial use, except for office uses, shall be greater than 5,000 square feet in gross floor area.
15. Dumpsters and loading areas shall be located as close to the buildings as practical.

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 19th day of February, 2008.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

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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. Ventman*
Deputy Clerk

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 WITH MY SEAL AND OFFICIAL

SEAL THIS DATE 2/25/2008
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
EX-OFFICIO CLERK OF THE BOARD OF
COMMISSIONERS OF SARASOTA COUNTY, FLORIDA

BY *Paula J. Ventman*
DEPUTY CLERK