

BOARD RECORDS
FILED FOR RECORD

ORDINANCE NO. 2008 - 019

2008 MAR 14 PM 3:51
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

FILED

MAR 11 AM 10:02
KAREN E. PUSHING
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FL

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 Rezone Petition No. 07-26, 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-3/PUD (Residential Multifamily, 13 units/acre, Planned Unit Development Overlay) with stipulations to District RMF-3/PUD (Residential Multifamily, 13 units/acre, Planned Unit Development Overlay) with amended stipulations for the following described property located in Sarasota County, Florida:

The legal description of said property in Sarasota County, Florida, being
A Tract of Land Lying in the Northeast Quarter of Section 10 Township

38 South, Range 18 East and being more particularly described as follows:

Commence at the Northwest Corner of the Northeast Quarter of Section 10, Township 38 South, Range 18 East; thence N 89°42'12"E along the North line of said Section 10, a distance of 257.84 feet; thence S 00°17'48"E, a distance of 43.00 feet to the proposed southerly right of way line of Bay Street same being the POINT OF BEGINNING; thence N 89°42'12"E along said proposed southerly right of way line of Bay Street, a distance of 173.60 feet to a point on a non-tangent curve turning to the left, having: a radius of 2069.17 feet, a delta angle of 5°05'12", a chord bearing of S 07°57'28"E, a chord length of 183.64 feet; thence along the arc of said curve an arc length of 183.70 feet to the end of said curve; thence N 89°42'12"E, a distance of 101.69 feet to a point on a non-tangent curve turning to the left, having: a radius of 1969.17 feet, a delta angle of 9°03'26", a chord bearing of S 15°33'14"E, a chord length of 310.96 feet; thence along the arc of said curve an arc length of 311.28 feet to the end of said curve; thence S 89°42'12"W, a distance of 420.55 feet to the Easterly Right of Way of U.S. 41 as recorded in Road Plat Book 1, Page 76, Public Records of Sarasota County, Florida, being a point on a non-tangent curve turning to the right, having: a radius of 2369.17 feet, a delta angle of 7°26'24", a chord bearing of N 12°55'04"W., a chord length of 307.43 feet; thence along the arc of said curve, an arc length of 307.64 feet; thence N 89°42'12"E, a distance of 108.26 feet; thence N 00°58'20"W, a distance of 182.01 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. Development of the subject parcel shall be consistent with all applicable conditions of the Osprey Revitalization Plan (Ordinance No. 2003-081), as amended.
2. The Owner shall be required to maintain the appearance 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.
3. Development shall be in substantial conformance with the Development Concept Plan, attached hereto as Exhibit A and Exhibit B, date stamped February 21, 2008, provided,

however, that in the event of a conflict between the Development Concept Plan and the stipulations contained herein, the stipulations shall take precedence. This does not imply or infer or confer variance from applicable zoning or land development regulations.

4. The Master Surface Water Management Plans shall be consistent with the North Creek Basin Master Plan.
5. Prior to issuance of the first Certificate of Occupancy, all vegetative species contained within Section 54-621 of Sarasota County's Exotic Plant Code, state regulations (Chapters 5B-57.007 and 62C-52.011. FAC), and the Florida Exotic Pest Plant Council's list of Category I and II invasive species, as appropriate to this geographic region, shall be removed from the property. Any such vegetation removed from required landscape buffers shall be replaced with native species as part of an approved landscape plan. Removed vegetation shall be disposed of in a County-approved landfill or by another method approved by the Resource Protection.
6. The western access along Bay Street shall be aligned with Patterson Avenue to the north and restricted as a directionalized median opening to allow for westbound to southbound and eastbound to northbound left turning movements only. A median and/or raised concrete separator shall be constructed to prohibit left and through movements out of the proposed access.
7. Prior to or concurrent with the development of the subject parcel(s), the developer shall construct a westbound to southbound and an eastbound to northbound left turn lane at the Bay Street and Patterson Avenue intersection. The turn lanes shall be designed in accordance with Indexes 301 and 526 of the Florida Department of Transportation's Roadway and Traffic Design Standards. The improvements shall be included in the construction plans for the subject development.
8. A signal warrant analysis for the intersection of Bay Street and Old Venice Road shall be conducted if Bay Street and Honore Avenue are connected prior to construction authorization of any phase of the proposed development. If warrants for a signal are met, the developer shall contribute a proportionate share of the cost of a signal at the intersection of Bay Street and Old Venice Road.
9. Prior to or concurrent with the development of the subject parcel, the developer shall construct a northbound to westbound left turn lane on Old Venice Road at Bay Acres Avenue. 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.
10. Transient accommodations shall be collectively limited to 126 units in buildings B-2, B-3, B-4, B-5, B-7, and B-9 as identified on the Development Concept Plan, attached hereto as Exhibit A and Exhibit B, date stamped February 21, 2008. The ground floor of buildings B-4 and B-5 shall be used for commercial, office, and/or institutional uses. Parking and transient accommodation units are not permitted on the ground floor within buildings B-4 and B-5.

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 11th day of March, 2008.

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.

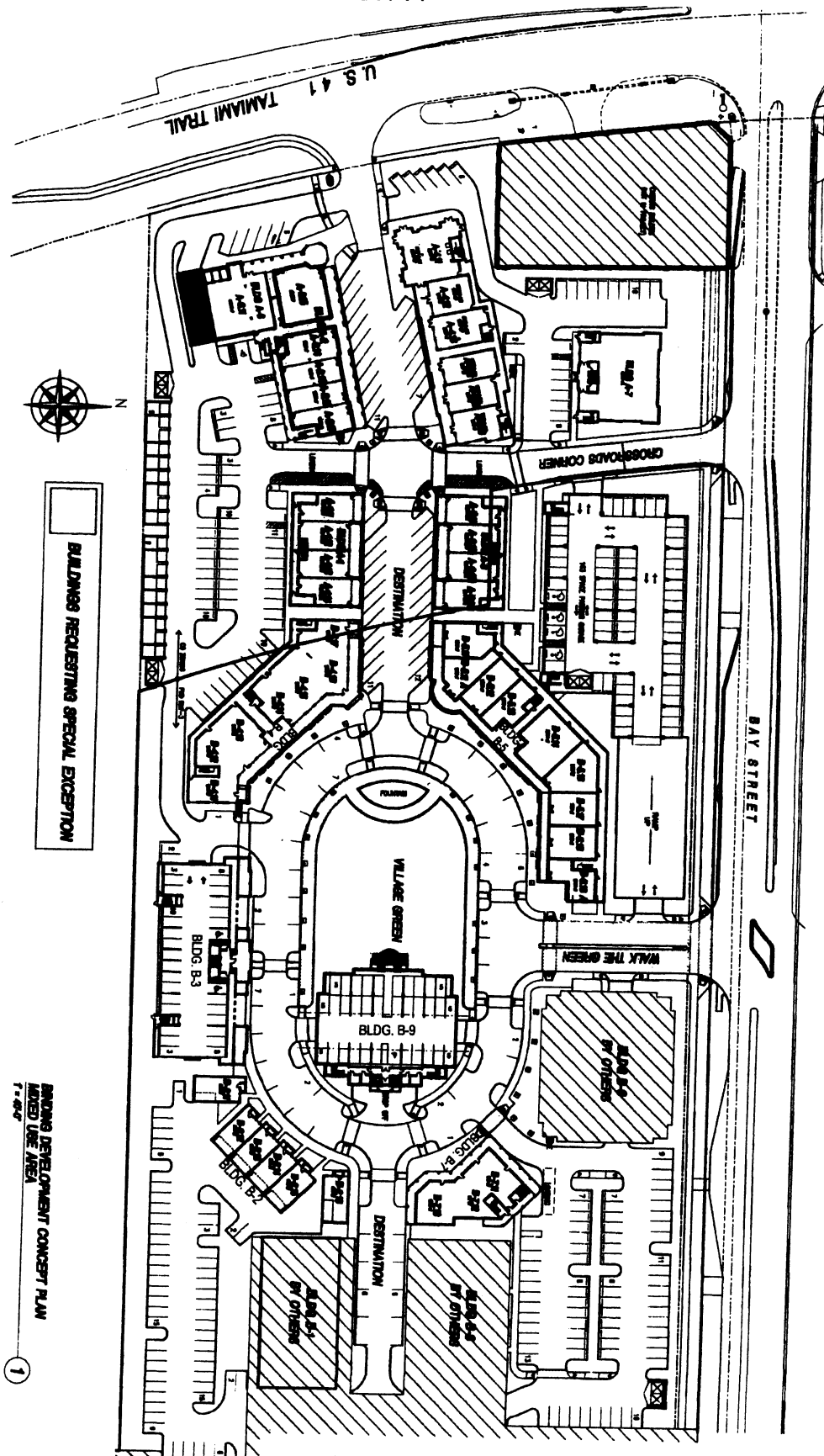
By:



Deputy Clerk

EXHIBIT A

- Notes:
1. Transient accommodations shall be collectively limited to 126 units in buildings B-2, B-3, B-4, B-5, B-7, and B-9.
 2. The ground floor of buildings B-4 and B-5 shall be used for commercial, office and/or institutional uses. Parking and transient accommodation units are not permitted on the ground floor within buildings B-4 and B-5.



Date Stamped
February 21,
2008

MS-01

A NEW MIXED USE DEVELOPMENT FOR
BAY STREET PARTNERS, LLC

US 41 AND BAY STREET
OPREY, FLORIDA

D80Q, INC.
ARCHITECTURE
PLANNING
INTERIOR DESIGN
CONSTRUCTION MANAGEMENT

DATE: 02/21/08

SCALE: 1/2" = 10'

PROJECT NO: 08-001

DATE: 02/21/08

SCALE: 1/2" = 10'

PROJECT NO: 08-001

**BAY STREET VILLAGE & TOWNCENTER
A MIXED USE PLANNED UNIT DEVELOPMENT
BINDING DEVELOPMENT CONCEPT PLAN
REVISION TO REZONE NUMBER 04-34**

SITE DATA:

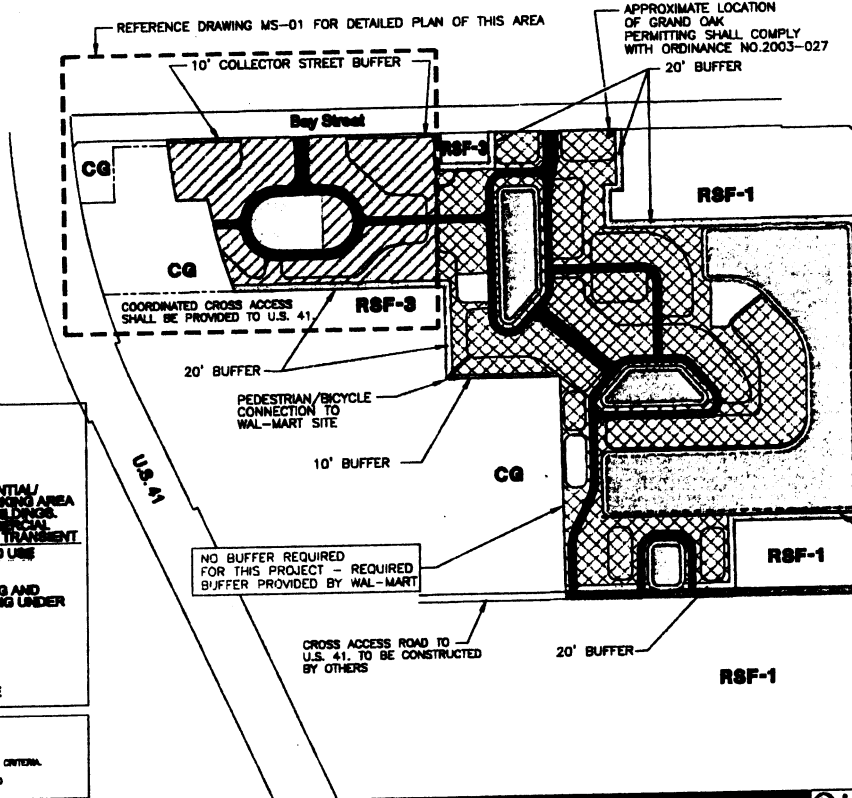
- 40.86 AC. TOTAL
- REQUESTED ZONING: RUF-3/PUD
- 533 DWELLING UNITS *
- 13 DWELLING UNITS PER ACRE
- 84,000 SF RETAIL/COMMERCIAL/OFFICE
- 4,686 ACRES OF COMMERCIAL DEVELOPMENT PERMITTED
- 25,000 SF COMMERCIAL/RESIDENTIAL OR CIVIC BUILDING AREA
- 388 OPEN SPACE PROVIDED
- 14.88 AC. OPEN SPACE
- 8.78 AC. LAKE/ OPEN SPACE
- 8.24 AC. BUFFERS & VILLAGE GREEN OPEN SPACE
- 0.83 AC. RECREATIONAL AREA OPEN SPACE
- DWELLING UNITS MAY BE INTERCHANGED WITH TRANSIENT ACCOMMODATIONS PROVIDED THAT TRANSIENT ACCOMMODATIONS SHALL BE LIMITED TO BUILDINGS 82, 83, 84, 85, 87 AND / OR 88 AS SHOWN IN DRAWING MS-01. EACH TRANSIENT UNIT NOT HAVING A KITCHEN SHALL BE EQUAL TO 1/2 DWELLING UNIT. EACH TRANSIENT UNIT HAVING A KITCHEN FACILITIES SHALL BE EQUAL TO ONE DWELLING UNIT.

LEGEND:

- PRIMARY INTERNAL ACCESSWAYS
- CONCEPTUAL COMMERCIAL RESIDENTIAL/OFFICE BUILDING AND PARKING AREA WITH OPTIONAL PARKING UNDER BUILDINGS. COMMERCIAL UNITS SHALL BE COMMERCIAL GENERAL (CG), AND SHALL INCLUDE TRANSIENT ACCOMMODATIONS AS A PERMITTED USE (SEE SITE DATA TABLE).
- CONCEPTUAL RESIDENTIAL BUILDING AND PARKING AREA W/ OPTIONAL PARKING UNDER BUILDINGS
- OPEN SPACE
- RETENTION AREAS / OPEN SPACE
- RECREATIONAL AREA / OPEN SPACE

DEVELOPMENT DESIGN CRITERIA:

1. FINAL LOCATIONS AND ORIENTATIONS OF BUILDINGS TO BE DETERMINED DURING SITE AND DEVELOPMENT PLAN APPROVAL PROCESS IN ACCORDANCE WITH APPROVED DESIGN CRITERIA.
2. PARKING AREA ALLOCATION AND LOCATIONS TO BE DETERMINED DURING SITE AND DEVELOPMENT PLAN APPROVAL PROCESS.



PROJ. DEVELOPMENT CRITERIA:

1. AN INTERNAL INTERCONNECTED SIDEWALK & PATHWAY SYSTEM SHALL BE PROVIDED.
2. MAXIMUM HEIGHT OF ANY MIXED USE OR RESIDENTIAL BUILDINGS SHALL BE 37 FEET, IN ACCORDANCE WITH PROVISIONS OF THE CORPNEY REZONATION PLAN.

MODIFICATIONS TO SARASOTA COUNTY ZONING REGULATIONS:

1. ARTICLE 6 - SECTION 6.10.1 COMMERCIAL GENERAL (CG) USE HEIGHT OF STRUCTURES OVER 35 FEET.
2. ARTICLE 6 - SECTION 6.11.2.D.2. LOCATION OF THE PUD COMMERCIAL COMPONENT NEAR THE PERIMETER STREETS AND PROPERTY BOUNDARIES.
3. ARTICLE 6 - SECTION 6.11.2.E.2. MINIMUM BUILDING SETBACK ELIMINATE THE PUD REQUIREMENT FOR BUILDINGS OVER 30' TO BE LOCATED TWO TIMES THE HEIGHT OF THE BUILDING FROM THE PUD BOUNDARY. BUILDINGS SHALL COMPLY WITH HEIGHT AND SETBACK PROVISIONS OF THE CORPNEY REZONATION PLAN.
4. ARTICLE 7 - SECTION 7.3.8 STREET BUFFER IN ARTERIAL OR COLLECTOR STREET TO ALLOW FOR NEW URBANIST BUILDINGS ON BAY ST.

Note:

1. Transient accommodations shall be collectively limited to 126 units.

EXHIBIT B

Date Stamped
February 21, 2008

SARASOTA DEVELOPMENT CORPORATION
**BAY STREET VILLAGE
DEVELOPMENT CONCEPT PLAN**

OCTOBER 2004
REV. NOV. 2007 BY DSDG, INC.

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 OF THE CLERK AND OFFICIAL

SEAL THIS OFFICE OF THE CLERK OF THE CIRCUIT COURT
KAREN E. RUIZ, CLERK OF THE CIRCUIT COURT
EX-OFFICIO CLERK OF THE COUNTY CLERK
COMMISSIONERS, SARASOTA COUNTY, FLORIDA
BY *Paula J. A.*
CLERK