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DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

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BY:

**ORDINANCE NO. 2008 - 013**

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. 07-36, 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 RSF-4/PUD (Residential, Single Family, 5.5 units/acre, Planned Unit Development Overlay) with stipulations to District RSF-4/PUD (Residential, Single Family, 5.5 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: the southwest corner of Venice and Fellsmere Avenues, and 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 N89°20'48"W along the South Right-of-Way line of Venice Avenue, 132.0 feet for a Point of Beginning; thence S0°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 S89°54'49"W, along said Section line 1597.83 feet; thence N0°04'43"W, 1885.02 feet; thence S61°59'00"E, 693.71 feet; thence S61°59'43"E, 402.43 feet; thence N0°05'29"W, 707.0 feet to the South Right-of-Way line of Venice Avenue East; thence S89°20'48"E along said South Right-of-Way, 564 feet to the Point of Beginning; 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 the development of the subject parcel, the improvements to the Jacaranda Boulevard and Venice Avenue intersection (the "Improvements") as contained in the County's Capital Improvements Plan shall meet the criteria to find the Improvements have available transportation facility capacity consistent with the Concurrency Management Regulations (Chapter 94, Article VII, Exhibit A, Sarasota County Code). Upon the County's approval of an enforceable Development Agreement guaranteeing the Improvements, the intersection shall be found to have adequate capacity to support the transportation impacts of the development.
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.

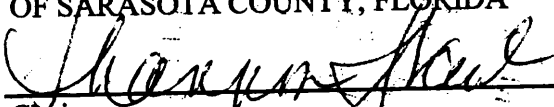
4. Prior to or concurrent with the development of the subject parcel, the developer shall construct a westbound to southbound left-turn lane on Venice Avenue at Fellsmere Road. The left-turn lane shall be designed in accordance with Indexes 301 and 526 of the Florida Department of Transportation's Roadway 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 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- 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 August 14, 2007. 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 August 14, 2007, 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.

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 22nd day of JANUARY, 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

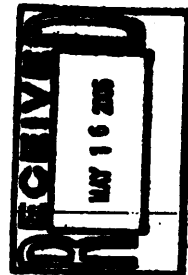
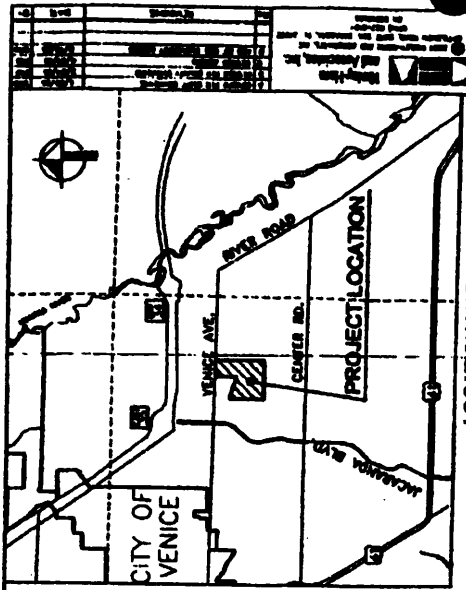
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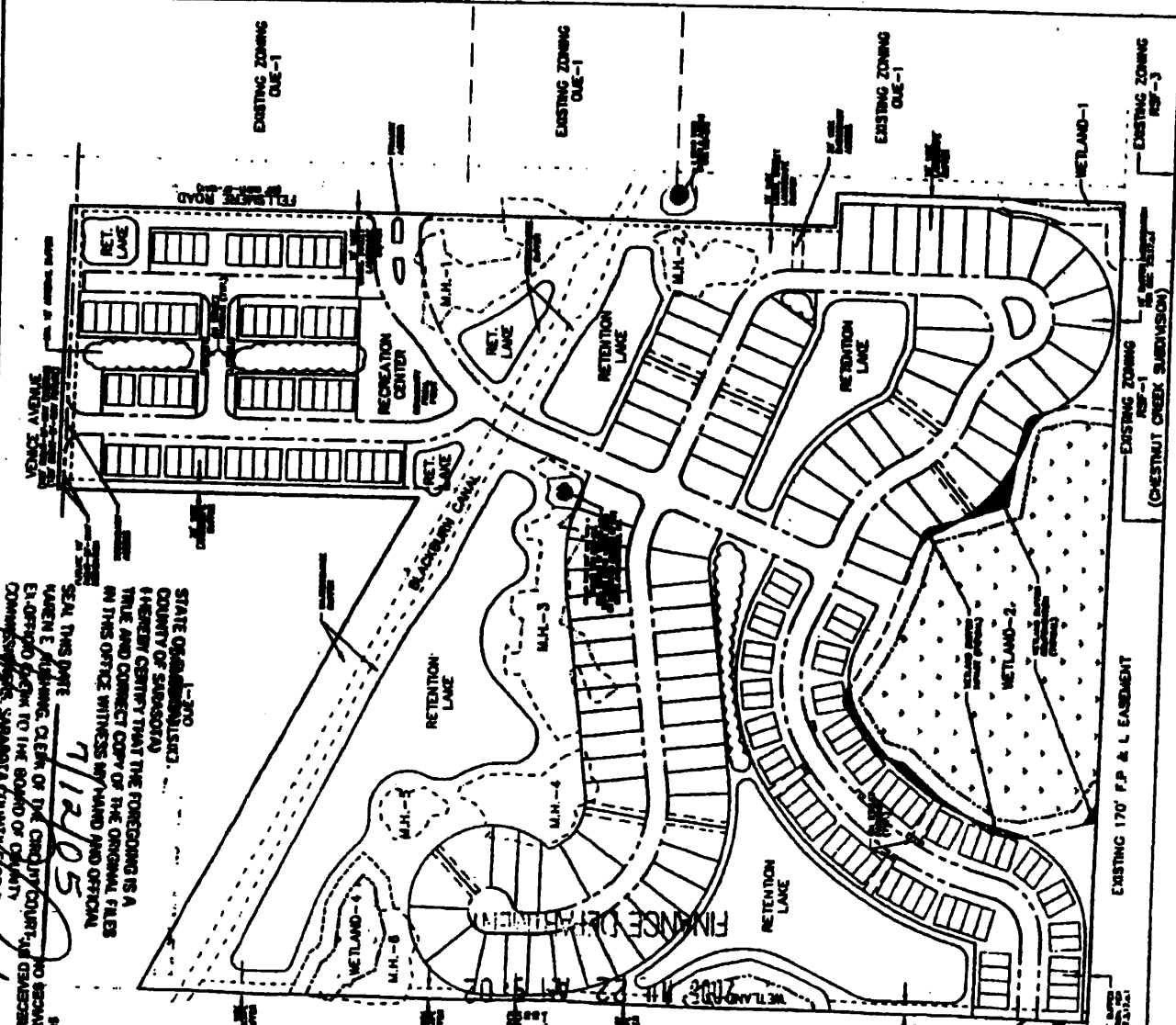
OF FLORIDA)  
Y OF SARASOTA)  
I HEREBY CERTIFY THAT THE FOREGOING IS A  
TRUE AND CORRECT COPY OF THE ORIGINAL FILES  
IN THIS OFFICE. WITNESS MY HAND AND OFFICIAL  
SEAL THIS DATE  
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT  
EX OFFICIO CLERK TO THE BOARD OF COUNTY  
COMMISSIONERS, SARASOTA COUNTY, FLORIDA

23/08

CONCEPTUAL SITE PLAN



- 1. ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED.
- 2. ALL DISTANCES ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.
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STATE OF FLORIDA  
COUNTY OF SARASOTA  
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT  
EX OFFICIO CLERK TO THE BOARD OF COUNTY  
COMMISSIONERS, SARASOTA COUNTY, FLORIDA

SEAL THIS DATE  
7/12/05

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MAY 14 2007

