

ORDINANCE NO. 2011 - 010

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.

MAILED 5 5 2011
COUNTY CLERK

MAY 5 2011

BOARD RESOLUTION
NO. 2011-010

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. 09-04, 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 RSF-2 (Residential Single Family, 3.5 units/acre) zone district with stipulations to RSF-2 (Residential Single Family, 3.5 units/acre) zone district with amended stipulations for the following described property located in Sarasota County, Florida:

South of Palmer Boulevard and approximately 520 feet east of East Road and being more particularly described as follows:

Tracts 50 and 51, of the Fifth Unit of Palmer Farms, a subdivision recorded in Plat Book 3, page 15, of the Public Records of Sarasota County, Florida, and the Westerly 129.69 feet of Tract 15, of the Third Unit of Palmer Farms, a subdivision recorded in Plat Book 3,

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

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page 39, of the Public Records of Sarasota County, Florida, together with a strip of land being a portion of the Northerly 15 feet of the former Tampa Southern Railroad, being more particularly described as follows:

BEGIN at the Northwest corner of aforesaid Tract 50, thence S.85°28'33"E., along the Southerly right of way of Palmer Boulevard (formerly Ringling Boulevard 60 feet wide), for 747.59 feet to the Northeast corner of aforesaid tract 51; thence S.00°04'46"W., along the East line, for 1252.89 feet to the Southeast corner of aforesaid Tract 51; thence S.80°44'57"E., along the Southerly right of way of Tatum Road, for 50.65 feet to the Southwest corner of aforesaid Tract 15; thence N.00°04'46"E., along the West line of said Tract 15, for 1257.08 feet to the Northwest corner of said Tract 15, for 1257.08 feet to the Northwest corner of said Tract 15; thence S.85°28'33"E., along the Southerly right of way of Palmer Boulevard (formerly Ringling Boulevard 60 feet wide), for 130.08 feet; thence S.00°04'46"W., parallel with and 129.69 feet Easterly of the West line of Tract 15 and its Southerly extension, for 1285.35 feet to a point on the North line of Sarasota Golf Club Colony 6th Unit, recorded in Plat Book 10, page 52, of the Public Records of Sarasota County, Florida; thence N.80°40'43"W., along said North line, for 527.06 feet to the Northeast corner of Firethorne Lakes, recorded in Plat Book 33, pages 43-43B; of the Public Records of Sarasota County, Florida; thence North 80°41'40"W., along the North line of Firethorne Lakes, for 408.61 feet to a point of intersection with the Southerly extension of the West line of said Tract 50; thence North 00°00'30"E., along said West line and its Southerly extension of said Tract 50, for 1207.07 feet to the POINT OF BEGINNING.

Also Together with that part of the 50.00 foot wide Right-of-way for Tatum Road which lies Southerly of the Southerly Right-of-way line of Palmer Boulevard (Ringling Boulevard per Plat) and Northerly of the Northerly Right-of-way line of the former Tampa Southern Railroad (Atlantic Coastline Railroad per plat) and Between said Tract 51, of the Fifth Unit of Palmer Farms and Tract 15, of the Third Unit of Palmer Farms, both Plats recorded in Public Records of Sarasota County, Florida.

LESS AND EXCEPT land conveyed by deed recorded in the Official Records as Instrument #2001160304, Public Records of Sarasota County, Florida.

Section 3. Restrictions, Stipulations and Safeguards. As used in the stipulations hereinafter set forth, the term "Developer" 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 Master Surface Water Management Plan shall be consistent with the Phillippi Creek Basin Master Plan.
2. Pursuant to management guidelines contained within the Environment Chapter of the Comprehensive Plan, the on-site herbaceous wetland area, and associated 30-foot wide upland buffer, shall be designated a Preserve Area on submitted site and development plans, and maintained consistent with the Guiding Principles of the Comprehensive Plan. All activities shall be prohibited within the Preserve Area, unless written approval is first obtained from Resource Protection. Exception may be granted by Resource Protection to facilitate implementation of approved habitat management plans and the removal of nuisance/invasive vegetation. Proposed lots shall be designed in such a manner so as not to encroach within the preserve area.
3. A resource management plan, which maintains the functions and values of the on-site preserve area and open space areas, and is consistent with the Guiding Principles of Chapter 2 of the Comprehensive Plan, shall be submitted to Resource Protection with site and development plans.
4. All site and development plan submittals shall accurately reflect the conditions recommended by the US Fish and Wildlife Service (USFWS) contained within the Reinitiating of Formal Consultation, dated December 15th, 2006. The nest tree for lost nest SA-28A shall be maintained and include a 150 foot protection buffer around the tree. The nest buffer area shall be protected as a conservation area under Comprehensive Plan principles and policies.
5. Prior to or concurrent with submittal of site and development plans, a listed species survey, using recognized sampling techniques, shall be conducted at the subject property, and shall focus on the Sherman's fox squirrel (*Sciurus niger shermani*). The results of the survey, including details of State-accepted methodologies (i.e., location of transects, dates 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 site.
6. During development of the subject property, all nuisance/invasive and exotic plant species shall be removed from the property. Any nuisance/invasive and exotic vegetation removed from required landscape buffers shall be replaced with native species as part of an approved landscape plan, and any nuisance/invasive and exotic vegetation removed from preserve areas shall be replaced with native species as part of an approved resource management plan. Removed vegetation shall be disposed of in a County-approved landfill or by another method approved by Resource Protection.

7.
 - a. Conventional Subdivision Development. Any conventional lots proposed to be developed by the Applicant along the southerly property line of the subject parcel abutting, or backing-up to, lots 270-274 of the Sarasota Golf Club Subdivision Unit 6, shall have a minimum lot width of 100 feet. The side lot lines of these conventional lots shall be aligned with the side lot lines of the above-described Sarasota Gold Club Subdivision lots; provided, however, that the side lot lines of the conventional lots may be offset no more than ten (10) feet to the east.
 - b. Cluster Subdivision Development. In the event the Applicant proposes to develop lots in the cluster form rather than in the conventional form, any cluster lots proposed to be located along the southerly property line abutting, or backing-up to, lots 270-274 of the Sarasota Golf Club Subdivision, Unit 6 may have widths of less than 100 feet; provided that: (1) the cluster subdivision design incorporates open space between the lots which gives the appearance of lots which are wider than their actual width, and (2) no more than five (5) cluster lots shall be developed in the area which abuts, or backs-up to, lots 270-274 of the Sarasota Golf Club Subdivision, Unit 6.
8. The lots along the southerly property line shall have a minimum building setback of fifteen feet from the southerly property line to protect existing trees.
9. The Developer 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.
10. The maximum number of dwellings on the 25.79 acres +/- subject parcel shall not exceed 90.
11.
 - a. A planted landscape buffer fifteen feet wide shall be located along that portion of the subject parcels south property line abutting lots 270, 271, 273, and 274 Sarasota Golf Club Colony, Unit 6. Approximately 33 three gallon viburnum (*viburnum odorotissimum*) and three cabbage palms (*sabal palmetto*) (10' to 15' clear trunk shall be planted every one hundred feet within the buffer. Existing vegetation will be recognized within the buffer and enhanced only if necessary. Planting will, if practical, generally be done in the northern half of the buffer. This buffer shall be planted in conjunction with the construction of the dwelling units abutting these lots.
The proposed project's deed restrictions shall obligate its home owners association the responsibility for maintaining the plant material within the buffer.
 - b. Except for those portions of the subject parcel adjacent to open space or preservation tracts, stormwater treatment or storage areas, tree mitigation and conservation areas, and on-site perimeter lots having an area equal to or greater than 9600 square feet and a width equal to or greater than 80 feet where no landscape buffer will be required, a buffer 20 feet in width and 60% opacity abutting Lots 6-13, Palmer Glen Phase I, and abutting lots 3029- 3032, Marsh Pine Enclave, Villages of Pinetree, as shown on Exhibit

"A", Stewart Washmuth, L.A. Landscape Drawing dated February 12, 2009. Said landscaping buffer shall contain a six-foot vinyl fence similar in design to the fence fronting the Palmer Glen Subdivision. Both the fence and landscape buffer shall be installed prior to project engineer's final Certificate of Completion of required infrastructure improvement per Sarasota County's Land Development Regulations. The project's deed restrictions also shall obligate its home owners association with the responsibility for maintaining the plant material within these buffers.

12. That portion of the existing viburnum hedge within fifteen feet of the north property line of lot 272 Sarasota Golf Club Colony Unit 6 shall be preserved.
13. The Developer shall re-grade and re-sod the invert of the existing drainage swale located along the rear of lots 274 and 273 Sarasota Golf Club Colony Unit 6 to substantially eliminate the large pockets of standing water. The applicant's obligations hereunder shall be conditioned upon obtaining the prior written permission of the affected lot owners.
14. Site and development plans and plat associated with the subject property shall depict and label as Conservation Area that portion of the property designated as Nest Buffer Upland Enhancement Area in the approved bald eagle management plan, dated March 22, 2003. Activities within this area are restricted pursuant to the bald eagle management plan dated March 22, 2003, and a Biological Opinion issued by the U.S. Fish and Wildlife Services (USFWS) on May 6, 2003, and no encroachments by homeowners or pets is allowed. These restrictions shall apply until such time that the eagle nest is no longer subject to the guidelines, policies, and practices of the USFWS and the Florida Fish and Wildlife Conservation Commission, as determined by the USFWS. Should the USFWS remove restrictions from the subject property, activities defined within Sarasota County Comprehensive Plan may be allowed in the Conservation Area with written authorization from Sarasota County's Resource Protection office.
15. All trees designated by Resource Protection staff as Grand Trees shall be preserved in accordance with Ordinance No. 2007-091, unless it is determined by staff that the tree(s) may adversely affect the public's health, safety, and welfare.
16. Prior to receiving Construction Authorization, the Developer shall submit a Lift Station Optimization Plan and hydraulic model for the wastewater collection system. The Developer shall be responsible for any off-site improvements necessary to accommodate the additional flows, from any dwelling unit in excess of 64 dwelling units, within the wastewater system.
17. The Applicant shall provide the potable water line at the terminus of the cul-de-sac in the southeast corner of the property shown on the Development Concept Plan dated April 20, 2010 which shall be connected to the potable water line located in the utility easement adjacent to PID 0235-09-3029 in the southwest corner of the Villages at Pinetree, Marsh Pine Enclave prior to issuance of a Certificate of Occupancy for the first dwelling unit.
18. The Developer shall provide a twenty foot utility easement through the Open Space shown on the Development Concept Plan dated April 20, 2010 adjacent to PID 0236-02-0003.


19. The Developer shall provide, at site and development, the proposed bus stop a minimum 15 feet distance from a fire hydrant and 12 feet from the egress. Prior to Site and Development, the Developer shall depict on the plans for approval, pedestrian connectivity between the proposed bus stop/ADA-compliant deployment area, the public sidewalks, including adequate area behind the public sidewalk to accommodate a bus shelter for possible future installation, and internal pedestrian circulation within the development.

20. Concurrent with the development of the subject parcel and within thirty days of Sarasota County's approval of the water and sanitary and storm sewer line installation, the Developer, including its successors and assigns, shall construct a five-foot wide sidewalk across the frontage of the subject parcel parallel to Palmer Boulevard connecting the existing sidewalks at the eastern end of Palmer Glen and the western end of the Villages of Pinetree, except for the sixty four foot wide entrance boulevard section that will initially be gravel, shell or soil cement and ultimately asphalt pavement. It is understood that during the grading and paving of the entrance boulevard there will be days this sixty four foot section is unavailable for pedestrian use. This stipulation will terminate upon the filing with Sarasota County of the Engineer's Certification of Completion of Construction pursuant to the County's Land Development Regulations.

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 26 day of April, 2011.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA


Chair

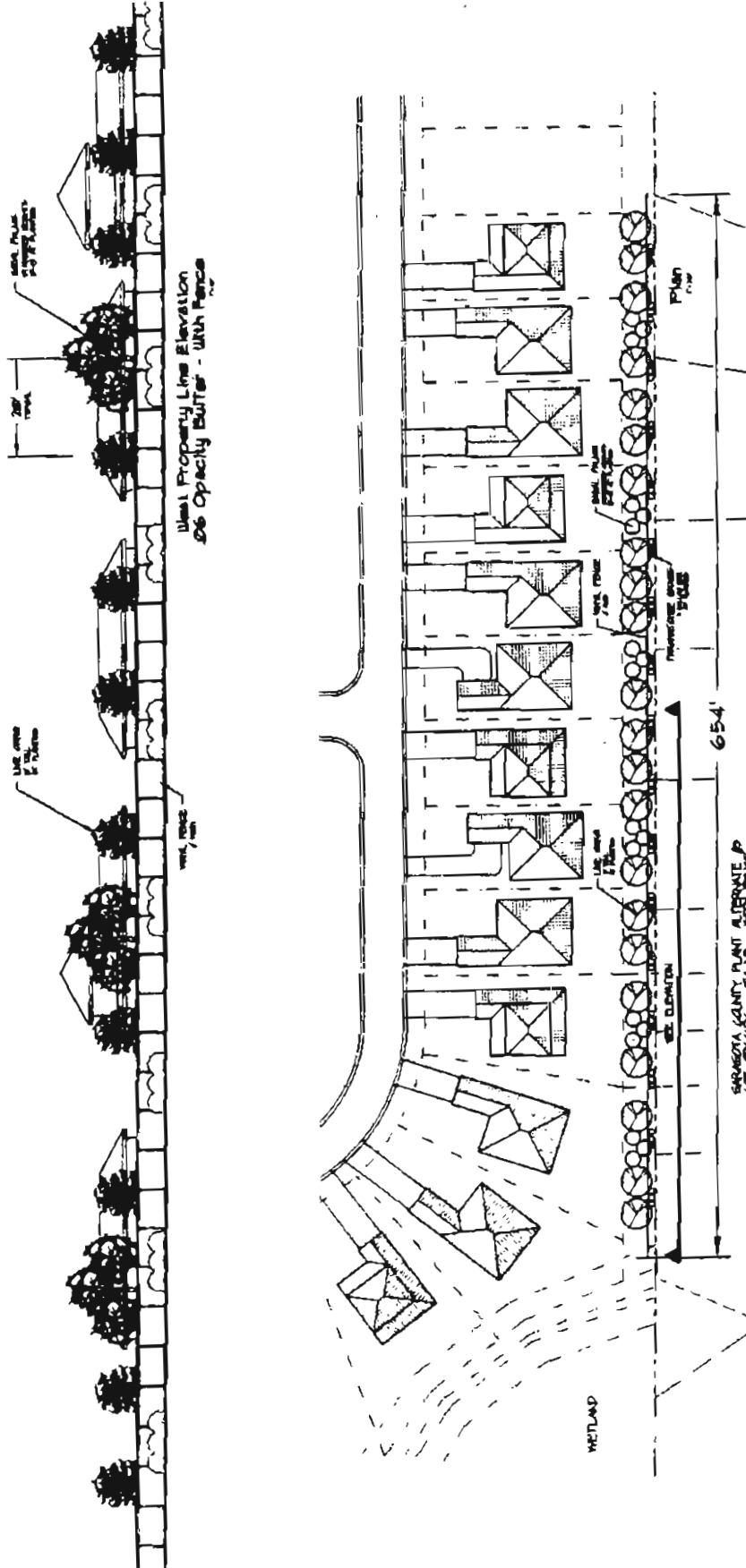
ATTEST:

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

	<p>W. J. WILSON & ASSOCIATES, INC. 1115 West Avenue, Suite 100 Fort Lauderdale, FL 33304 Tel: 954-571-1100 Fax: 954-571-1101</p>	<p>Project No. _____ Date: _____ Client: _____ Location: _____ Scale: _____ Drawing No. _____</p>	<p>Project Name: _____ Location: _____ Date: _____ Scale: _____</p>	<p>Sheet No. _____ Total Sheets _____</p>
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BARASOTA COUNTY PLANT ALTERNATE 10
 ACC. DENSITY - 60% - WITH FENCE
 10 CANOPY TREES 15 PALMS = 1 CANOPY TREE
 10 ACCENT TREES
 30 GRASSES

STATE OF FLORIDA
 COUNTY OF BARASOTA
 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 4-27-11
 KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
 EX-OFFICIO CLERK TO THE BOARD OF COUNTY COMMISSIONERS, BARASOTA COUNTY, FLORIDA

BY [Signature]
 DEPUTY CLERK

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