

**ORDINANCE NO. 2009-055**

**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. 09-07, 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 OUE-2 (Open Use Estate, 1 unit/2 acres) to RSF-4 (Residential Single Family, 5.5 units/1 acre) zone district and from RMH (Residential, Manufactured Home, 5 units/1 acre) to RSF-4 / PUD (Residential Single Family, 5.5 units/1 acre / Planned Unit Development zone district for the following described property located in Sarasota County, Florida:

East of S.R. 681 and north of the terminus of Sunset Avenue and being more particularly described as follows:

Parcel A

Southeast ¼ of Northeast ¼ of Section 25, Township 38 South, Range 18 East, lying West of the Seaboard Air Line Railroad.

FILED FOR RECORD  
NOV 19 2009  
KAREN E. BUSCHING  
CLERK OF COUNTY COURT  
SARASOTA COUNTY, FL

07109-155

**Parcel B**

East 480' of the South ½ of the Northwest ¼ of the Northeast ¼ of Section 25, Township 38 South, Ranch 18 East.

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:

**General Stipulations Applicable to Both Parcels**

1. The Owner shall provide a Water Quality Plan that demonstrates how the development will maintain compliance with applicable drinking water quality standards within the development without the need for flushing of the water lines. This Plan shall be submitted to the Utilities Department and approved by Sarasota County prior to Construction Plan approval.
2. Owner shall be responsible for any off-site improvements and easements necessary to provide gravity wastewater collection service and potable water service to the parcels through the Village on the Trail project.
3. All stormwater treatment shall be open and above ground.
4. All trees designated as Grand Trees by Resource Protection staff shall be preserved, unless it is determined by staff that the tree(s) may adversely affect the public's health, safety, and welfare.
5. The project buildings shall be constructed using green building principles, consistent with the standards of the Sarasota County Green Building Program as outlined in Sarasota County Resolution No. 2005-048.
6. The Owner is encouraged to use best management practices to reduce shoreline erosion during Site & Development design and permitting.

**Stipulations for RSF-4 (Parcel A)**

7. The location of access points to the north and to the east of the subject property, shall take place in substantial accordance with the Development Concept Plan dated August 28, 2009 and attached hereto as Exhibit A, except as may be necessary to comply with the conditions herein.
8. The maximum number of residential units shall be limited to 52 units.

**Stipulations for RSF-4/PUD (Parcel B)**

9. Development shall take place in substantial accordance with the Development Concept Plan Series dated August 28, 2009 and attached hereto as Exhibit B, except as may be necessary to comply with the conditions herein.

10. A maintenance agreement for public roadway landscaping above and beyond County standards for a local road shall be the subject of a binding executed contract prior to site and development approval.

11. The maximum height of all structures in Parcel "B" shall not exceed 35' feet in height.

Section 4. Based upon the evidence and testimony and forgoing findings, the Board hereby adopts the attached "Fixed Development Criteria/Variable Development Criteria for Parcel B" and "Modifications to the PUD (Planned Unit Development) Section of the Zoning Ordinance" and the "LDR (Land Development Regulations) for Parcel B", attached as Exhibit D.

Section 5. 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 17<sup>th</sup> day of NOVEMBER, 2009.

BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA

VICE-Chair

ATTEST:

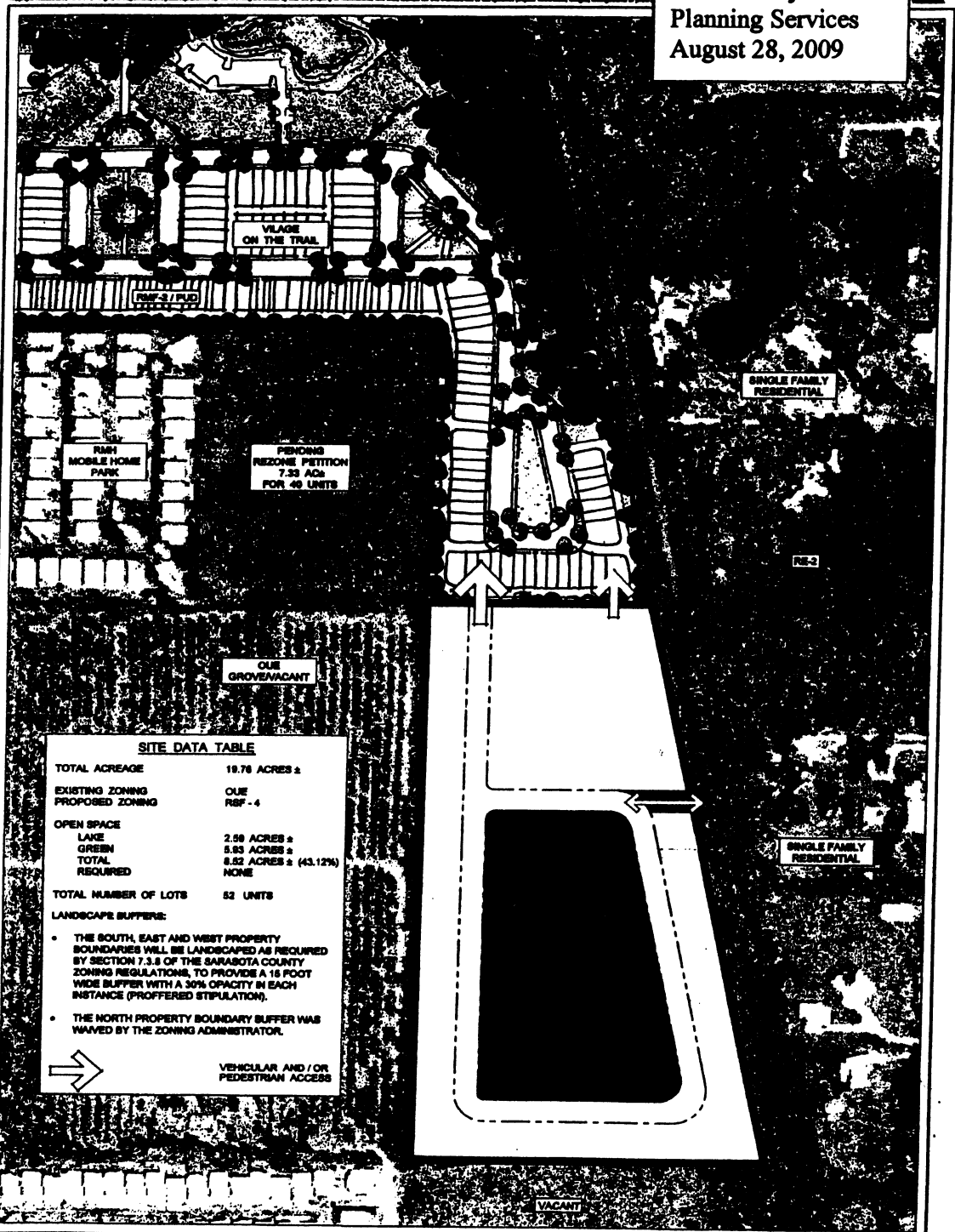
KAREN E. RUSHING, Clerk of  
the Circuit Court and Ex-  
Officio Clerk of the Board of  
County Commissioners of  
Sarasota County, Florida.

By   
Deputy Clerk

02009-155

EXHIBIT A

Received by  
Planning Services  
August 28, 2009



**SITE DATA TABLE**

TOTAL ACREAGE	19.76 ACRES ±
EXISTING ZONING	CUE
PROPOSED ZONING	RHSF - 4
OPEN SPACE	
LAKE	2.59 ACRES ±
GREEN	5.83 ACRES ±
TOTAL	8.42 ACRES ± (43.12%)
REQUIRED	NONE
TOTAL NUMBER OF LOTS	52 UNITS
LANDSCAPE BUFFERS:	
<ul style="list-style-type: none"> <li>• THE SOUTH, EAST AND WEST PROPERTY BOUNDARIES WILL BE LANDSCAPED AS REQUIRED BY SECTION 7.3.8 OF THE SARASOTA COUNTY ZONING REGULATIONS, TO PROVIDE A 15 FOOT WIDE BUFFER WITH A 30% OPACITY IN EACH INSTANCE (PROFFERED STEPLATION).</li> <li>• THE NORTH PROPERTY BOUNDARY BUFFER WAS WAIVED BY THE ZONING ADMINISTRATOR.</li> </ul>	
<p>➔ VEHICULAR AND / OR PEDESTRIAN ACCESS</p>	

DATE: 08/28/09 11:57 AM

DATE: 08/28/09 11:57 AM  
 SCALE: 1" = 100'  
 NORTH ARROW

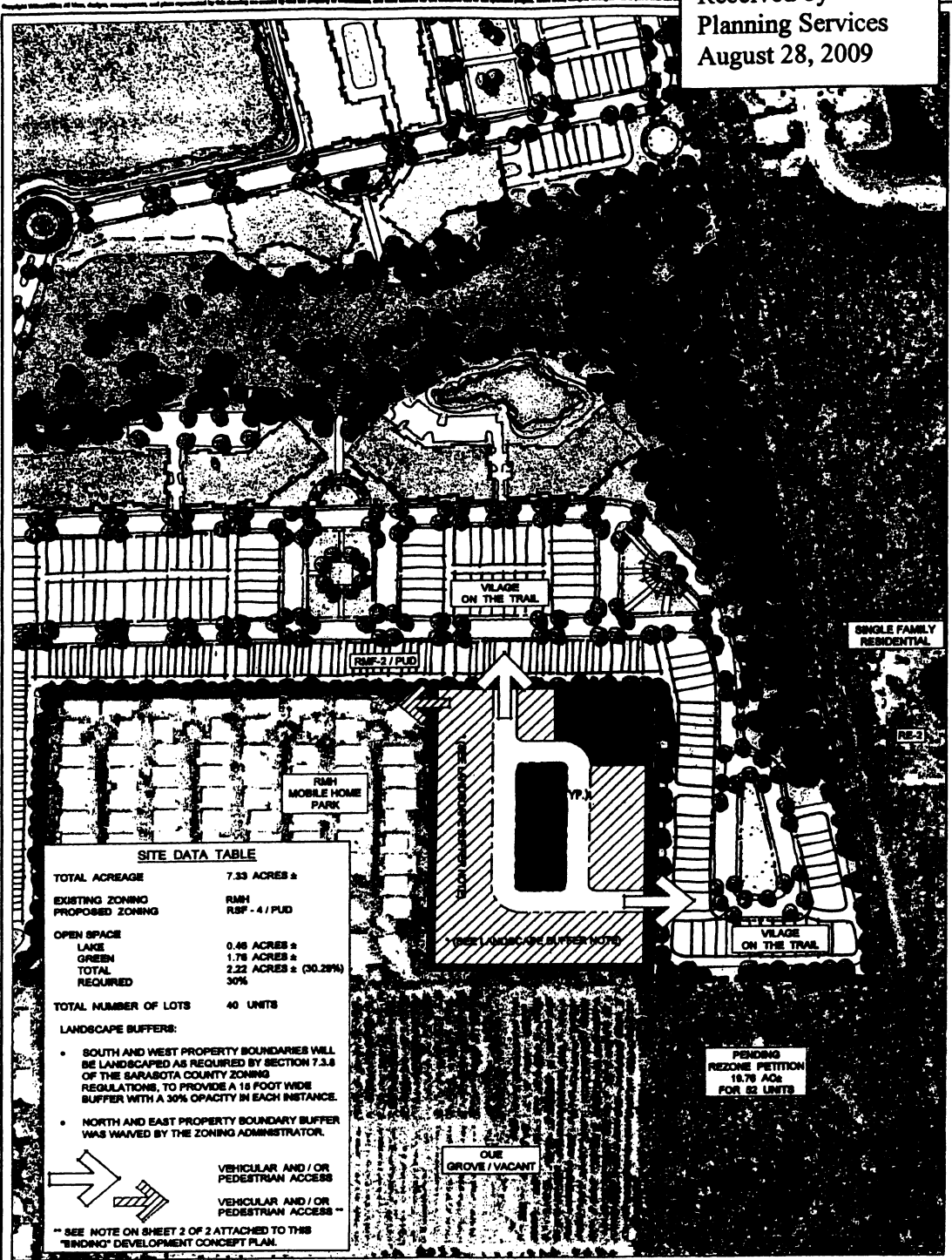
SARASOTA ADVISORS, INC.  
**PARCEL "A"**  
**LAKE VILLAGE EAST**  
 DEVELOPMENT  
 CONCEPT MAP  
 SARASOTA, FLORIDA

PREPARED BY:  
**WilsonMiller**  
 An Equal Opportunity Employer  
 WilsonMiller, Inc.  
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 Sarasota, Florida 34238  
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 Fax: 941.554.1101  
 www.wilsonmiller.com

112009-155

EXHIBIT B

Received by  
Planning Services  
August 28, 2009



**SITE DATA TABLE**

TOTAL ACREAGE	7.33 ACRES ±
EXISTING ZONING	RMH
PROPOSED ZONING	RSF - 4 / PUD
OPEN SPACE	
LAKE	0.46 ACRES ±
GREEN	1.78 ACRES ±
TOTAL	2.22 ACRES ± (30.28%)
REQUIRED	30%
TOTAL NUMBER OF LOTS	40 UNITS

- LANDSCAPE BUFFERS:**
- SOUTH AND WEST PROPERTY BOUNDARIES WILL BE LANDSCAPED AS REQUIRED BY SECTION 7.3.8 OF THE SARASOTA COUNTY ZONING REGULATIONS, TO PROVIDE A 18 FOOT WIDE BUFFER WITH A 30% OPACITY IN EACH INSTANCE.
  - NORTH AND EAST PROPERTY BOUNDARY BUFFER WAS WAIVED BY THE ZONING ADMINISTRATOR.



\*\* SEE NOTE ON SHEET 2 OF 2 ATTACHED TO THIS "BINDING" DEVELOPMENT CONCEPT PLAN.

SHEET 1 OF 2

DATE: MARCH 2009  
REV: 03/11/09

SCALE: 1" = 50'

SARASOTA ADVISORS, INC.

**PARCEL "B" LAKE VILLAGE WEST**

SARASOTA, FLORIDA

**"BINDING" DEVELOPMENT CONCEPT MAP**

PREPARED BY:

**WilsonMiller**

Full-Service Planning, Design & Engineering

WilsonMiller, Inc.  
1000 1st Street, Suite 1000  
Sarasota, FL 34236  
Phone: 941.554.1100  
Fax: 941.554.1101

07009-055

**EXHIBIT C**

**Fixed Development Criteria/Variable Development Criteria  
For Rezone Petition 09-07 – Parcel B**

Fixed Development Criteria

- 1) Total number of units shall not exceed 40.

Variable Development Criteria

- 1) Development within the 100-foot property boundary, shown by the hatching on the attached Development Concept Plan, may be modified, as follows:
  - a) Buildings, roads, and parking areas may be replaced with less intense uses such as green space, mitigation or retention areas; and
  - b) Areas shown as developed areas and any structures may be replaced with less intense uses such as parking, pools, sidewalks, stormwater lakes, preservation areas, parks and other forms of green space, open space, or mitigation.
- 2) Internal road alignments may be modified, as necessary.
- 3) Stormwater lake locations, configurations and size, shall be based on stormwater modeling, as applied through development permitting, may be modified, as necessary.
- 4) Two access points, as shown on the attached concept plan shall be provided to the Village on the Trail property. If the property is under the ownership of the SDC Communities, Inc. or their assigns at the time of Site and Development, each access shown on the development concept plan shall be a full access. If, however, the parcel is not under the ownership of SDC Communities, Inc. or their assigns, the proposed full access to the current Village on the Trail property shall not be allowed and access shall be provided though the adjacent property to the west.
- 5) In accordance with Section 7.3.17. of the Sarasota County Zoning Regulations, the required landscape buffers adjacent to properties under the ownership of SDC Communities or their assigns) at the time of Site and Development, may be modified or deleted.
- 6) The above-cited modifications are deemed to be minor modifications and will not require review and approval by the Sarasota County Zoning Administrator. Any other modifications to the binding Development Concept Plan must be reviewed and approved pursuant to Section 3.1.5 of the Sarasota County Zoning Regulations.

**Modifications to the PUD (Planned Unit Development) Section of the  
Zoning Ordinance and the LDR (Land Development Regulations)  
For Rezone Petition 09-07 – Parcel B**

**PUD (Planned Unit Development)**

**Article 6 – Section 6.5.3.c – Permitted Housing Types**

In addition to permitted housing types the project may include manufactured homes.

**LDR - Land Development Regulations**

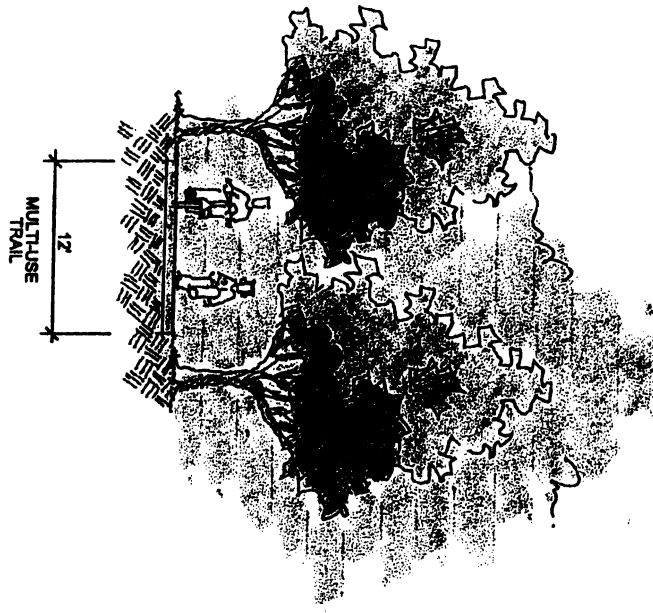
**1) Appendix C6a Local Roads Closed Drainage (Residential  
Subdivision)**

The Cross Sections attached to Ordinance No. 2009-055 may be used for all internal roads in lieu of the roadway Cross Sections in the LDR (Land Development Regulations) Technical Manual Appendices.

**2) Subdivision Technical Manual – Section 3.a.16 - Sidewalks and Bicycle  
Lanes**

This section of the LDR requires the construction of sidewalks along all streets. Sidewalk requirements are modified to waive sidewalk construction requirements and allow sidewalks on one side of the street. However, where there are dwelling units on both sides of the street, sidewalks shall be provided on both sides of the street.

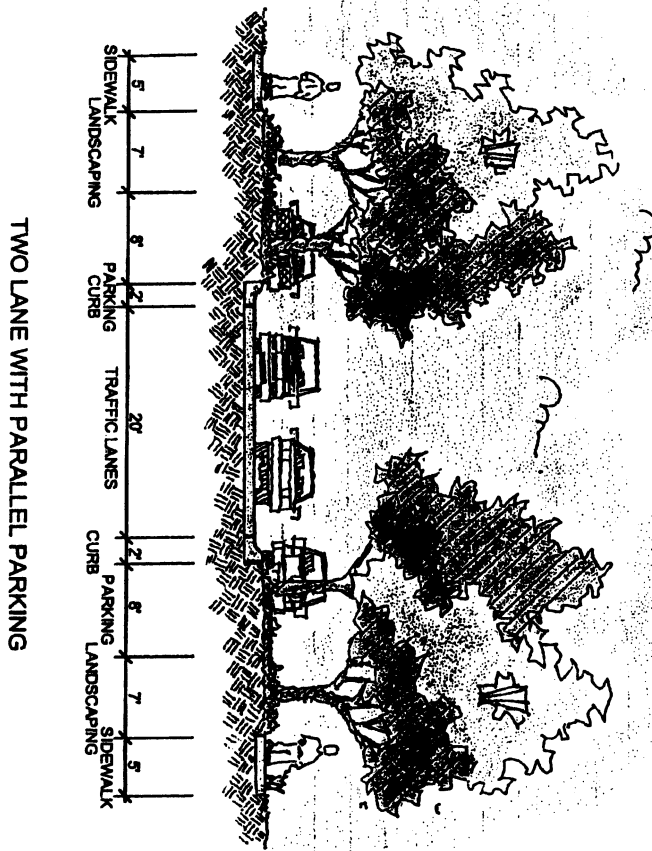
**EXHIBIT D**  
(Page 2 of 5)



<p>PREPARED BY:</p> <p><b>WilsonMiller</b> <i>Now Divisions in Planning, Design &amp; Engineering</i></p> <p>WilsonMiller, Inc. 400 International Parkway, Suite 200, Sarasota, FL 34235 www.wilsonmiller.com 941-552-1000</p>	<p>CONCEPT PLAN SERIES ATTACHMENT #1</p> <p>SCALE NTS</p>	<p>SARASOTA DEVELOPMENT CORPORATION</p> <p><b>LAKE VILLAGE EAST</b></p> <p>SARASOTA, FLORIDA</p> <p><b>MULTI-USE TRAIL SECTION</b></p> <p>8</p>	<p>DATE: <b>AUGUST 2006</b></p> <p>FIG: <b>S2306-127-008</b></p>
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**EXHIBIT D**  
 (Page 3 of 5)



PREPARED BY:

**WilsonMiller**  
 Urban Structures & Planning, Design & Engineering

WilsonMiller, Inc.  
 400 International Parkway, Suite 100, Sarasota, FL 34236  
 Phone: (941) 552-1000 Fax: (941) 552-1001

CONCEPT PLAN  
 SERIES  
 ATTACHMENT #2!

SCALE: 1" = NTS

SARASOTA DEVELOPMENT CORPORATION

**LAKE VILLAGE**

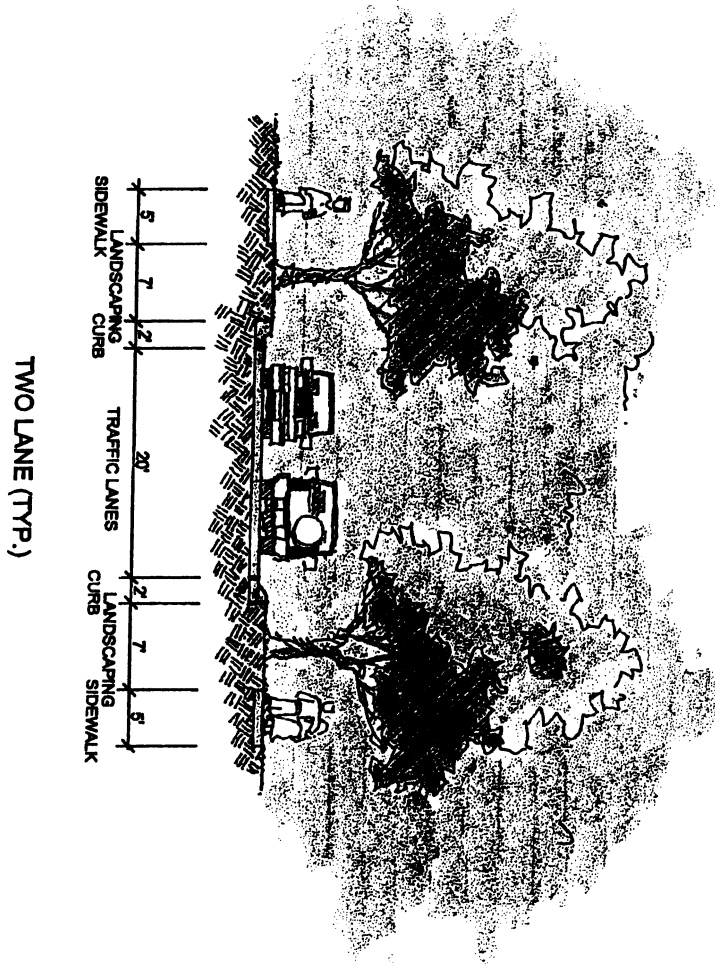
SARASOTA, FLORIDA

**TWO LANE w/  
 PARALLEL PARKING**

9

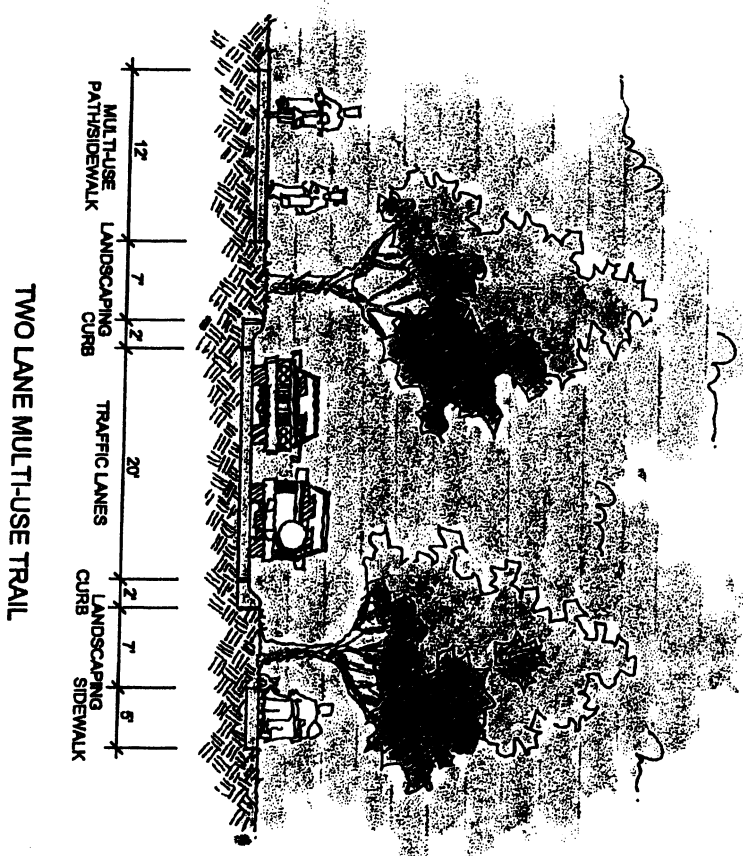
DATE: AUGUST 2008  
 POC: S2336-127-008

**EXHIBIT D**  
(Page 4 of 5)



<p>PREPARED BY: <b>WilsonMiller</b> <small>Now Division of Planning, Design &amp; Engineering</small></p> <p><small>WilsonMiller, Inc. 400 South Shoreway, Suite 200, Sarasota, FL 34236 www.wilsonmiller.com 941-554-2222</small></p>	<p>CONCEPT PLAN SERIES ATTACHMENT #3</p> <p>SCALE: NTS</p>	<p>SARASOTA DEVELOPMENT CORPORATION</p> <p><b>LAKE VILLAGE</b></p> <p>SARASOTA, FLORIDA</p> <p><b>TYPICAL LOCAL ACCESS CROSS SECTION</b></p> <p>10</p>	<p>DATE: AUGUST 2006</p> <p>FIG: S2300-127-008</p>
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**EXHIBIT D**  
(Page 5 of 5)



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. WITNESS MY HAND AND OFFICIAL

SEAL THIS DATE 11/19/09  
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT  
EX OFFICIO CLERK TO THE BOARD OF COUNTY  
COMMISSIONERS, SARASOTA COUNTY, FLORIDA  
BY *[Signature]*  
SECURITY CLERK

PREPARED BY:  
**WilsonMiller**  
*How Distinct in Planning, Design & Engineering*  
WilsonMiller, Inc.

CONCEPT PLAN  
SERIES  
ATTACHMENT #4

SARASOTA DEVELOPMENT CORPORATION  
**LAKE VILLAGE**  
11  
**LOCAL ACCESS W/  
MULTI-USE TRAIL**

DATE: AUGUST 2008

