

**ORDINANCE NO. 2010 - 069**

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 CODES 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.

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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. 10-09, 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-1 (Open Use Estate, 1 unit/5 acres) to RE-1 (Residential Estate, 1 unit/2 acres) zone district for the following described property located in Sarasota County, Florida:

West side of Kings Gate Way at the entrance to Kings Gate Club and being more particularly described as follows:

Commence at the SE corner of the NW 1/4 of Section 29, Township 38 South, Range 19 East; thence N 0°08'20" W 102.26' along the East Line of said NW 1/4 of Section 29 to a point on the Northwesterly right-of-way of Kings Way for a Point of Beginning; thence continue along the Northwesterly right-of-way of Kings Way S 43°03'33" W 300', thence N 15°56'27" W 565', more or less, to the centerline of Shakett Creek, thence

Easterly along the center-line of Shakett Creek 360', more or less, to its intersection with the East Line of said NW 1/4 of Section 29, thence S 0°08'20" E 390', more or less, along said East in of said NW 1/4 of Section 29 to the Point of Beginning, being located in 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:

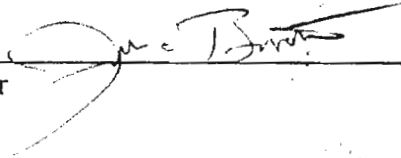
1. The wetland and associated upland vegetative buffer shall be maintained in accordance with management guidelines contained within the Comprehensive Plan as a preserve and labeled a preserve on all plans. All activities involving but not limited to filling, excavating, well drilling, altering vegetation (including trimming of both trees and understory) and storing of materials shall be prohibited within preservation areas, unless written approval is first obtained from Resource Protection Services. Exceptions may be granted by Resource Protection Services to facilitate implementation of approved habitat management plans or the hand removal of nuisance/invasive vegetation. A maximum of a five foot wide riparian access through the wetland and associated upland vegetative buffer will be allowed for the installation and use of a Water Navigation Control Authority (WNCA) permitted structure. The riparian access to the WNCA permitted structure shall avoid and minimize impacts to the wetland and the associated upland buffer to the greatest extent practicable.

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 12th day of October, 2010.

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: Paula J. Montoman  
Deputy Clerk

STATE OF FLORIDA  
COUNTY OF SARASOTA  
I, KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT  
EX-OFFICIO CLERK TO THE BOARD OF COUNTY  
COMMISSIONERS, SARASOTA COUNTY, FLORIDA  
DO HEREBY CERTIFY THAT THE FOREGOING IS A  
TRUE AND CORRECT COPY OF THE ORIGINAL FILED  
IN THIS CLERK'S OFFICE. WITNESS MY HAND AND OFFICIAL  
SEAL THIS DATE 10/15/10  
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT  
EX-OFFICIO CLERK TO THE BOARD OF COUNTY  
COMMISSIONERS, SARASOTA COUNTY, FLORIDA  
BY: Paula  
DEPUTY CLERK

