

ORDINANCE NO. 2012-011

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:

1. The Board has received and considered the report of the Sarasota County Planning Commission concerning Rezoning Petition No. 11-12, requesting rezoning of the property described herein.
2. 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.
3. The rezoning herein granted is consistent with the Sarasota County Comprehensive Plan and meets the requirements of the Zoning Ordinance.
4. 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 RMF-2 (Residential, Multifamily, 9 units/ acre) zone district for the following described property located in Sarasota County, Florida:

**West of Jacaranda Boulevard and approximately 700 feet north of the intersection of S.R. 776 (Englewood Road) and Jacaranda Boulevard** and being more particularly described as follows:

A portion of Section 34, Township 39 South; Range 19 East, Sarasota County, Florida, described as follows:

Commence at N.W. corner of Section 34, Township 39 South, Range 19 East, Sarasota County, Florida; thence N.89°59'30"E. along the North line of said Section 34, a distance of 689.76 feet; thence S.00°00'30"E. perpendicular to said North line of Section 34, a distance of 65.28 feet to the Southerly Right of Way line of U.S. Highway No. 41, same being a point on the Easterly line of lands described in Official Records Book 443, Page 6, Public Records of Sarasota County, Florida; thence S.03°41'49"W. along said Easterly line of lands described in Official Records Book 443, Page 6, a distance of 1814.77 feet to the POINT OF BEGINNING; thence continue along said Easterly line of lands described in Official Records Book 443, Page 6, S.03°41'49"W., a distance of 520.03 feet to a point on the North line of lands described in Official Records Book 319, Page 717, Public Records of Sarasota County, Florida; thence N.89°42'17"E. [S.89°42'17"E. measured] along the said North line of lands described in Official Records Book 319, Page 717, a distance of 133.05 feet to the N.E. corner of said lands described in Official Records Book 319, Page 717; thence S.00°10'22"W. along the East line of said lands described in Official Records Book 319, Page 717, a distance of 199.73 feet; thence along a bearing of East, leaving said East lines, a distance of 346.76 feet to a point on the Westerly Right of Way line of Jacaranda Boulevard [Right of Way Map recorded in Road Plat Book 3, Page 29, Public Records of Sarasota County, Florida], same being a point on a curve to the left having a radius of 810.00 feet, a central angle of 47°17'43", a chord bearing of N.08°38'22"E., and a chord length of 649.80 feet; thence along said Westerly Right of Way, along the arc of said curve, an arc length of 668.62 feet to the Point of Tangency of said curve; thence continue along said Westerly Right of Way line, N.15°00'30"W., a distance of 79.65 feet; thence along a bearing of West, leaving said Westerly Right of Way line, a distance of 522.67 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:

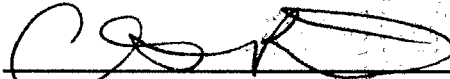
1. Development shall take place in substantial accordance with the Development Concept Plan, date-stamped Received March 12, 2012, and attached hereto as Exhibit "A", except as necessary to comply with the stipulations herein. This does not imply or confer any variances from applicable zoning or land development regulations.
2. Development of the subject parcel shall be consistent with all applicable conditions of the S.R. 776 Corridor Plan.
3. Prior to or concurrent with the development of the subject parcel, the developer shall construct a northbound to westbound left-turn lane on Jacaranda Boulevard. 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 improvements shall be included in the construction plans for the subject development.
4. The stormwater management system shall not include any pine flatwoods.
5. The Owner shall construct on the property an Americans with Disabilities Act (ADA) accessible bus stop pad and a bus stop shelter with bicycle racks prior to issuance of a Certificate of Occupancy.
6. Any on-site wetland and/or 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. Exception may be granted by Resource Protection Services to facilitate implementation of approved habitat management plans or the hand removal of nuisance/invasive vegetation.
7. A total of  $1.7 \pm$  acres of pine flatwoods shall be conserved on-site. These areas shall be contiguous to maintain connectivity and shall be maintained in accordance with management guidelines contained within the Comprehensive Plan and labeled accordingly as a conservation area on all plans. All activities involving filling, excavating, altering of vegetation (both trees and understory) and storing of materials shall be prohibited within these areas, unless written approval is first obtained from Resource Protection Services. Exception may be granted by Resource Protection Services to facilitate implementation of approved habitat management plans or the hand removal of nuisance/invasive vegetation.
8. If developed as an ACLF, there shall be 0.36 parking spaces per bed and 1 parking space per independent living unit.
9. There shall be no deliveries after 7 p.m. or before 6 a.m.
10. If developed as an ACLF, there shall be a maximum of 150 beds on the property.

11. There shall be no parking permitted except in the designated parking areas as indicated on the Binding Development Concept Plan.

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 13<sup>th</sup> day of MARCH, 2012.

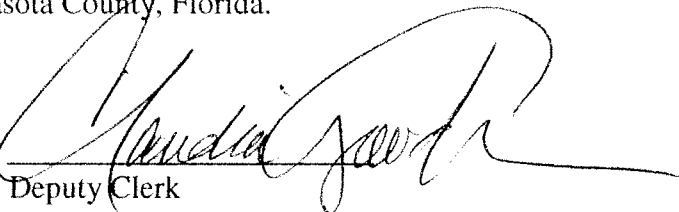
BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA

  
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



