

ORDINANCE NO. 2006 -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 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. 06-10, 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 (Open Use Agricultural, 1 unit/160 acres) to RMF-3 (Residential Multifamily, 13 units/1 acre) for the following described property located in Sarasota County, Florida:

The legal description of said property in Sarasota County, Florida, being south of the terminus of South Holiday Drive and being more particularly described as follows:

TRACT A-1 BEGIN AT THE CONCRETE MONUMENT MARKING THE SW CORNER OF THE NW ¼ OF THE NE ¼ OF SECTION 28, TOWNSHIP 37S, RANGE 18E; THENCE S 89°53'03"E ALONG THE SOUTH LINE OF SAID NW ¼ OF THE NE ¼, A DISTANCE OF 132.00' TO A CONCRETE MONUMENT MARKED #858; THENCE S 00°17'19"W, 668.33' TO A 5/8" IRON ROD; THENCE N 89° 53'51"W, A DISTANCE OF 665.74'± TO THE INTERSECTION WITH THE MEAN HIGH WATER LINE OF LITTLE SARASOTA BAY; THENCE MEANDER ALONG THE MEAN HIGH WATER LINE TO THE INTERSECTION WITH THE NORTH LINE OF THE SE ¼ OF THE NW ¼ OF SAID SECTION 28; THENCE S 89°54'32"E ALONG SAID NORTH LINE A DISTANCE OF 692.59' ± TO THE POINT OF BEGINNING; TOGETHER WITH RIPARIAN RIGHTS APPURTENANT THERETO.

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. Access to/from US 41 via the ingress/egress access easement as recorded in Official Records Instrument No. 2005232629 shall be restricted to right-in/right-out and left-in only.
2. Prior to or concurrent with development of the subject parcel, the developer shall extend the existing southbound to eastbound left turn lane on US 41 at Lake Pointe Boulevard/Springfield Drive. 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 proposed development.
3. Prior to or concurrent with development of the subject parcel, the developer shall construct a southbound to westbound right turn lane to the proposed access on US 41. 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 improvements shall be included in the construction plans for the proposed development.
4. Prior to or concurrent with development of the subject parcel, the developer shall construct a northbound to westbound directional left turn lane to at the proposed project driveway and US 41 intersection. The directional 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 proposed development.

5. The area that is mapped Pine-Xeric Oak area shown on the Florida Land Use Cover Map shall be used in its entirety to fulfill the native habitat open space requirement.
6. Prior to site and development plan approval, the applicant shall work in collaboration with Sarasota County Environmental Services Land Management Team to create a management plan for the wetland that is shared by the applicant and County.
7. Prior to, or concurrent with, submittal of site and development plans, listed species surveys shall be conducted at the subject property by an appropriate environmental professional using State-accepted sampling techniques to identify endangered, threatened, and species of special concern that may utilize onsite habitats. The results of the surveys, including details of the methodologies used (i.e., location of transects, dates and times of surveys, etc.), shall be submitted to Resource Protection along with any documentation from appropriate regulatory agencies regarding listed species issues associated with the site.
8. Development shall take place in substantial accordance with the Development Concept Plan dated October 25, 2006, and attached hereto as Exhibit A, except as provided herein. This does not imply or confer any variances from applicable zoning or land development regulations.
9. The Owner of the subject parcel shall cause to be recorded in the Public Records of Sarasota County, Florida, a Notice of Proximity to the Bayonne Preserve. The Notice of Proximity shall be in substantially the same form attached hereto as Exhibit A. The Notice of Proximity shall contain a metes and bounds description of the property prepared by a licensed Florida Land Surveyor and recorded at the time of the recording of each final plat or condominium plat survey and the O. R. Book and Page shall be set forth within such plat. The Notice of Proximity shall also be referenced as part of all Deed Restriction and Condominium documents. The Notice of Proximity shall indicate the Bayonne Preserve's right to the following: continuing current resource management practices to include, but not be limited to, prescribed burning, exotic plant and animal removal, pesticide use, usage of heavy equipment and machinery and other practices as may be deemed necessary for the proper management of the Bayonne Preserve. The Notice of Proximity shall be subject to review by Sarasota County's Office of the County Attorney.
10. All mangrove areas shall be preserved. Management activities within the mangrove areas may be approved under a County-approved Resource Management Plan. The trimming of mangroves for landscaping or view-shed purposes shall not be allowed. Any access alteration of the shoreline area shall require approval pursuant to the Sarasota County Water and Navigation Control Authority Ordinance.

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 14th day of October, 2006

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

Nora Patterson
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 Clintonman
Deputy Clerk

LEGEND

- PROPERTY LINE
- BUFFER ZONE
- WETLAND BOUNDARY
- EAGLE NEST PROTECTION ZONE
- VEHICLE TRAFFIC DIRECTION
- EXISTING ACCESS EASEMENT TO RESIDENTIAL PARCEL
- UTILITY EASEMENTS
- DRAINAGE EASEMENT

PLAN NOTES:

1. NO EXISTING WATER LINES, FIRE HYDRANTS OR SANITARY SEWER LINES.
2. WALL LOCATION MAY VARY TO AVOID TREES.
3. SITE LIGHTING AND SIGN LOCATIONS TO BE DETERMINED DURING SITE PLAN REVIEW ACCORDING TO SARASOTA COUNTY ORDINANCES.
4. ACCESS TO THE RESIDENCES AT GRANDE BAY IS OVER AN EXISTING ACCESS EASEMENT BETWEEN THE PARCEL AND TAMIAMI TRAIL. SEE EXISTING CONDITIONS MAP FOR LOCATION OF THE EASEMENT.

PLAN DATA:

SITE AREA: 7.31 ACRES (37,875 SF)
 MAXIMUM BUILDING COVERAGE ALLOWED: 170,504 SF
 BUILDING COVERAGE PROVIDED: 110,107 SF
 MAXIMUM OPEN SPACE REQUIRED: 170,504 SF
 OPEN SPACE PROVIDED: 352,000 SF

RESIDENTIAL UNITS:

ALLOWED: 13 UNITS PER ACRE (169 TOTAL UNITS)
 PROVIDED: 116 UNITS PER ACRE (158 TOTAL UNITS)
 MAXIMUM DENSITY: 16.0 UNITS PER ACRE (208 TOTAL UNITS)
 BUILDING AREA: 341,533 SF
 PARKING REQUIRED: 170,197 SF
 EXISTING PROVIDED: 355 SPACES
 APPROVED USE: MULTIFAMILY
 EXISTING ZONING: MAP 9 (MULTIFAMILY RESIDENTIAL)
 APPROVED ZONING: MAP 9 (MULTIFAMILY RESIDENTIAL)
 MAXIMUM HEIGHT ALLOWED: 57'-0"
 MAXIMUM HEIGHT PROVIDED: 55'-0"

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Received October 25, 2006