

ORDINANCE NO. 2007 - 073

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 Rezone Petition No. 07-11, 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 District OUR (Open Use Rural, 1 unit/10 acres) to District RSF-1/PUD (Residential Single Family, 2.5 units/1 acre, Planned Unit Development Overlay) for the following described property located in Sarasota County, Florida:

The legal description of said property which is the subject of Rezone Petition No. 07-11, is located in Sarasota County, Florida, being south of Fruitville Road, east of the Palmer Boulevard and Iona Road intersection, and being more particularly described as follows:

LOTS 1 THROUGH 14, INCLUSIVE, BLOCK 26, PALMER FARMS 3RD UNIT, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 53, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; TOGETHER WITH: LOTS 1 THROUGH 14 INCLUSIVE, BLOCK 25, PALMER FARMS, 3RD UNIT, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGES 53, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; TOGETHER WITH: LOTS 2 THROUGH 9, INCLUSIVE, BLOCK 24, PALMER FARMS, 3RD UNIT, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 53, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, TOGETHER WITH A STRIP OF LAND 130 FEET WIDE SOUTHERLY THEREOF BEING THE FORMER ATLANTIC COAST LINE RAILROAD RIGHT OF WAY; TOGETHER WITH: LOT 15, BLOCK 25, PALMER FARMS 3RD UNIT, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 53, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; TOGETHER WITH: WEBBER ROAD RIGHT OF WAY BETWEEN BLOCK 25 AND BLOCK 26, PALMER FARMS, 3RD UNIT, LYING BETWEEN DRAINAGE CANAL 29 ON THE EAST AND DRAINAGE CANAL 28 ON THE WEST AS PER PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 53, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; TOGETHER WITH: RINGLING BOULEVARD (PALMER BOULEVARD) RIGHT OF WAY BETWEEN BLOCK 25 AND BLOCK 24, PALMER FARMS, 3RD UNIT, LYING BETWEEN DRAINAGE CANAL 29 ON THE EAST AND DRAINAGE CANAL 28 ON THE WEST, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 53, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.

ALL THE ABOVE LYING WITHIN SECTION 27, TOWNSHIP 36 SOUTH, RANGE 19 EAST AND SECTION 34, TOWNSHIP 36 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA.

Section 3. Restrictions, Stipulations and Safeguards. As used in the stipulations hereinafter set forth, the term "Applicant" 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 occur in accordance with the Development Concept Plan, date stamped April 30, 2008 (and attached hereto as Exhibit "A", hereinafter "Development Concept Plan"), except as provided herein.
2. Pursuant to Section 6.11.2.f, Zoning Ordinance, a deviation from the standards and requirements found in Section 6.5, Zoning Ordinance, is hereby granted for the limited purpose of allowing the appropriate use of Townhouse, Stacked Townhouse, Semi-Attached Townhouse, and Roof-deck Townhouse housing types, whose use shall be reviewed and

approved where deemed appropriate for the project through the site and development plan process rather than the cluster subdivision platting process.

3. Pursuant to Section 6.11.2.f, Zoning Ordinance, a deviation from the requirements of Section B.3 of the Subdivision Technical Manual and Appendix C6A of the Land Development Regulations is hereby granted to allow public and private local roads with closed drainage. The roads may contain 40-foot right-of-way width with 20-foot pavement width provided that the Applicant can demonstrate at preliminary plat or site and development plan approval that no segment of such local roads carry more than 1,000 average daily vehicle trips.
4. The Villages depicted on the Development Concept Plan may contain any combination of residential housing types allowed per Sections 6.7 and 6.11.2, Zoning Ordinance. The Villages may include the following non-residential uses: private clubs; community centers; civic and social organization facilities; parks; playgrounds; tennis clubs; public utility buildings, structures, and facilities necessary to service the Palmer Place development; houses of worship; schools; and child care centers.
5. The perimeter landscape buffers included in the site and development plans and/or preliminary subdivision plans shall be as shown on the Greenway Buffer and Landscape Plan, date stamped May 6, 2008 (attached hereto as Exhibit “B”).
6. The required Greenway buffer shall be preserved in perpetuity through conservation easements to be approved concurrently with the site and development plan and/or preliminary subdivision plans containing the land comprising the Greenway buffer or containing lands adjacent to the Greenway buffer. Such conservation easement shall be recorded concurrently with the recording of the final plat or the approval of the site and development plan containing the land comprising the Greenway buffer or containing land adjacent to the Greenway buffer, provided, however, that the acreage included in an individual conservation easement, as a percentage of the acreage in the overall buffer, shall be in proportion to the percentage of dwelling units in the corresponding plat or site plan to the total of 600 units. Consistent with Policies GS2.4 and GS2.5 and related Sarasota 2050 Greenway RMA provisions of the Comprehensive Plan, the Greenway buffer may be used to accommodate Iona Road and related transportation facilities, and passive recreation including, but not limited to, multi-use trails, hiking and boardwalks. The Greenway buffer may also be used for stormwater management facilities, upon a demonstration during the preliminary plat or site and development plan approval process that such uses do not include the conversion of native habitat and will provide equivalent or greater net ecological benefit; provided, however, that any such -stormwater management facilities shall be located in the inner half (i.e. the development side) of the buffer.
7. Prior to or concurrent with submittal of site and development plans, or submittal of an Earthmoving permit, a 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. The results of the surveys, including details of the methodologies used (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. The Master Surface Water Management Plan shall be consistent with the Phillippi Creek Basin Master Plan.
9. If evidence of the existence of historic resources is discovered or observed at development sites or during development activities after final approval, all work shall cease in the area of effect as determined by the Director of Historical Resources. The Applicant, owner, contractor, or agent thereof shall notify the Director within two working days. Examples of such evidence include whole or fragmentary stone tools, shell tools, aboriginal or historic pottery, historic glass, historic bottles, bone tools, historic building foundations, shell mounds, shell middens, or sand mounds. The Director shall assess the significance of the finds within three working days of notification and to mitigate any Adverse Effects so as to minimize delays to development activities.
10. If any human skeletal remains or associated burial artifacts are discovered at development sites or during development activity, all work in the area must cease, and the permittee must immediately notify the nearest law enforcement office and notify the Director of Historical Resources within two working days. According to chapter 872, Florida Statutes, it is unlawful to disturb, vandalize, or damage a human burial.
11. Development shall not exceed a maximum of 600 total dwelling units. Fifty percent of the 600 total dwelling units (300 dwelling units) shall be developed as Community Housing Units and/or Affordable Housing Units consistent with Policy 3.1.7 of the Future Land Use Chapter of Sarasota County Comprehensive Plan and Article 12, Zoning Ordinance.
12. The Applicant shall provide an annual monitoring report stating the phasing schedule for the construction of affordable and community housing units. Reports shall include the total density proposed, mix of units, and the ratio of market to affordable units (Ordinance No. 2003-052, as amended by Ordinance 2006-078, Sections 12.1.1.e.3 and 5).
13. The Board of County Commissioners shall have the sole right, authority, and discretion to approve or reject the phasing Agreement. Prior to the approval of a preliminary plat or site and development plan for the first phase of development, the Applicant shall record in the public records an Agreement with Sarasota County, approved by the Board of County Commissioners and the County Attorney, pursuant to section 12.1.1.e.7.iii, of Ordinance No. 2003-052, as amended by Ordinance 2006-078, that provides for three phases of development:
 - (a) During the first such phase, no fewer than 75 of the Community Housing Units and/or Affordable Housing Units shall be constructed prior to the issuance of a Building Permit for more than 112 of the Market Rate Units.
 - (b) During the second phase, no fewer than 75 additional Community Housing Units and/or Affordable Housing Units (for a total of 150 in the aggregate) shall be constructed prior to the issuance of a Building Permit for more than 112 additional Market Rate Units (for a total of 224 in the aggregate).
 - (c) During the third phase, no fewer than 150 of the Community Housing Units and/or Affordable Housing Units (for a total 300 in the aggregate) shall be constructed prior to

the issuance of a Building Permit for more than 76 of the Market Rate Units (for a total of 300 in the aggregate).

- (d) At the request of the Applicant, the foregoing ratios may, however, be revised at the discretion of the Board of County Commissioners.
 - (e) As to the each phase, the Agreement shall state the income ranges for the Community Housing Units and/or Affordable Housing Units, correlated to a percentage of annually adjusted AMI to be served by said units, and anticipated sales price or rental rate of each such unit. The foregoing Agreement shall be amended prior to the approval of a preliminary plat or site and development plan for each subsequent phase, to state the income ranges for the Community Housing Units and/or Affordable Housing Units, correlated to a percentage of annually adjusted AMI to be served by said units, and anticipated sales price or rental rate of each such unit in the ensuing phase, and shall be recorded.
 - (f) The foregoing Agreement and any subsequent amendments thereto shall be subject to approval by the Board of County Commissioners in public session.
14. In the event Sarasota County is requested to provide subsidies for any of the initial buyers from the Developer of Community Housing Units and/or Affordable Housing Units to assist qualifying families with down-payments, such subsidies shall not exceed ten percent (10%) of the price of the units.
15. Prior to approval of any site disturbing activities (including earthmoving, clearing and grubbing, site and development), the Applicant shall provide proof that remediation of the limited area of contaminated soils and groundwater identified in the Phase I and Limited Phase II Environmental Site Assessments prepared by Ardaman & Associates dated November 16, 2006, has been completed. A closure report shall include a description of the remediation activities, copies of waste disposal receipts, and copies of analytical data demonstrating site clean up.
16. Prior to or concurrent with development of the subject parcel, Palmer Boulevard from the improved asphalt cross section east of Webber Road to Iona Road shall be improved to correct its structural deficiencies, widen its travel lanes to 11-feet, resurface the entire roadway, provide 6-foot shoulders on both sides and a 5-foot sidewalk along its north side. The Applicant shall be responsible for providing the shoulders and sidewalk in addition to the County's rebuilding, widening and resurfacing of this segment of Palmer Boulevard. The Applicant shall also be responsible for the costs of the County's acquisition of any right-of-way or easements necessary to accommodate the shoulders and sidewalk.
17. Prior to the County's issuance of a certificate of occupancy for the 301st dwelling unit within the Palmer Place development, the Applicant shall construct a westbound to northbound right-turn lane at the intersection of Palmer Boulevard and South Packinghouse Road. 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.
18. The Applicant shall conduct a signal warrant analysis for the intersection of Palmer Boulevard and Apex Road prior to the issuance of the 300th certificate of occupancy for the Palmer Place

development. If warrants are met for the intersection of Palmer Boulevard and Apex Road then the developer of the parcel shall contribute their fair share of the design and construction of the signalized intersection.

19. The Applicant shall dedicate 144-foot-wide right-of-way for Iona Road at no cost to the County within the Palmer Place development as depicted on the Development Concept Plan. The cross-sections, final alignment and access management plan for this segment of Iona Road shall be reviewed and approved by Public Works prior to site and development or preliminary subdivision plan approval. The Applicant shall construct only that portion of Iona Road as is necessary to serve the Palmer Place development consistent with the County's Land Development Regulations.
20. A public transit plan depicting any bus stop(s) and shelter location(s) shall be developed by the Applicant and submitted to and approved by Sarasota County prior to site and development or preliminary subdivision plan approval. The transit plan shall address bus stop locations and their proximity to pedestrian walkways, areas to accommodate ADA-accessible deployment, bus stop design including bus stop shelters and bike racks, and turning radii around and behind the Community Recreation Area near the Webber Road Access Point, to determine bus turnaround feasibility based on future bus routing. Additional detail may be required if bus stop locations are revised from the Development Concept Plan and for timing of construction, purchase, and installation of the bus stops and related amenities.
21. The Applicant shall design, permit and construct a potable water distribution main within the entire portion of the proposed Iona Road right-of-way that is constructed by the Applicant to serve the Palmer Place development.
22. Applicant shall design, permit and construct a potable water distribution main along Palmer Boulevard from Debrecen Road to the terminus of the existing 12-inch diameter line within Palmer Boulevard at the rear entrance of Laurel Oak Subdivision. Construction of this main shall be completed and dedicated to Sarasota County prior to receiving a certificate of occupancy for the first building within the Palmer Place development.
23. Applicant shall design, permit, and construct a potable water distribution system that provides loop closure connections at the Webber Street access and within the vicinity of Village 1 as depicted on Development Concept Plan. These loop closure connections shall be provided prior to receiving a certificate of occupancy for any building within Village 1 as depicted on the Development Concept Plan.
24. The size and location of the potable water distribution mains to serve the Palmer Place development as described in Conditions 21 and 23, above, shall be determined as part of the initial site and development plan or preliminary subdivision plan approval for the Palmer Place development. If the County determines that either or both of these mains and appurtenant facilities should be oversized to provide capacity greater than necessary to serve the Palmer Place development, Applicant shall oversize them accordingly, if the parties enter into a Standard Utility Agreement requiring the County to contribute the cost attributable to the oversizing.

25. The size/capacity of the wastewater management facilities needed to serve the Palmer Place development shall be determined as part of the initial site and development plan or preliminary subdivision plan approval for the Palmer Place development. If the County determines that it would like these facilities to provide capacity greater than necessary to serve the Palmer Place development, Applicant shall oversize them accordingly, if the parties enter into a Standard Utility Agreement requiring the County to contribute the cost attributable to the oversizing.
26. Applicant shall provide an isolated reclaimed water storage pond and central irrigation system for the development to enable the use of reclaimed water. Sarasota County shall be the purveyor of reclaimed water to the development. The Palmer Place development shall be deemed a priority reuse water customer of Sarasota County. However, in the event Sarasota County is unable to supply the development with an adequate quantity of reuse water, the Applicant may obtain irrigation water from an alternative source.
27. Notwithstanding the fact that a residential development's impact on school capacity is currently governed by interlocal agreement between Sarasota County and the Sarasota County School Board, the entire Palmer Place development shall comply with Sarasota County's Comprehensive Plan regarding the new Public School Facilities Element, as approved for transmittal, and the school concurrency regulations hereafter adopted by Sarasota County to implement such Element. A school concurrency determination for the Palmer Place development shall be deferred until the first plat and/or site plan filed following adoption of the school concurrency regulations by Sarasota County.
28. The Applicant shall set aside the 35-acre parcel depicted on the Development Concept Plan for use as a potential public school site. At the time the entire Palmer Place development is reviewed for school concurrency, this parcel may be used by the Applicant, as needed, to satisfy such requirements. If the school concurrency requirements for the entire Palmer Place development are ultimately satisfied in a manner that does not involve use of this parcel as a school, the Applicant shall have no further obligation to set it aside for the School Board and may develop it with any residential and/or non-residential uses allowed within Palmer Place. Consistent with Condition 11, even if this parcel is ultimately developed with residential uses, the total number of dwelling units within the Palmer Place development shall not exceed 600.

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 ____ day of _____, 2008

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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
BINDING DEVELOPMENT CONCEPT PLAN

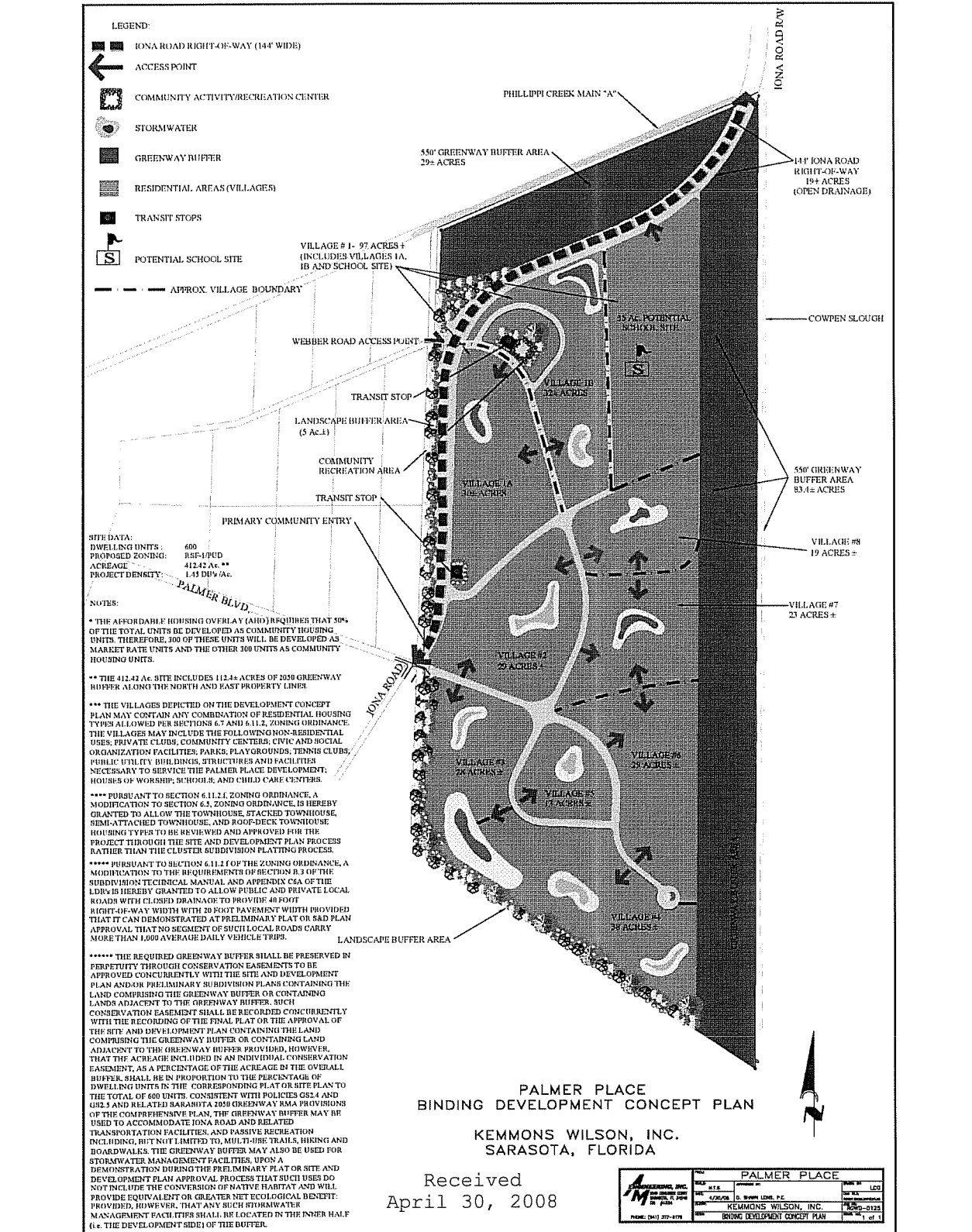
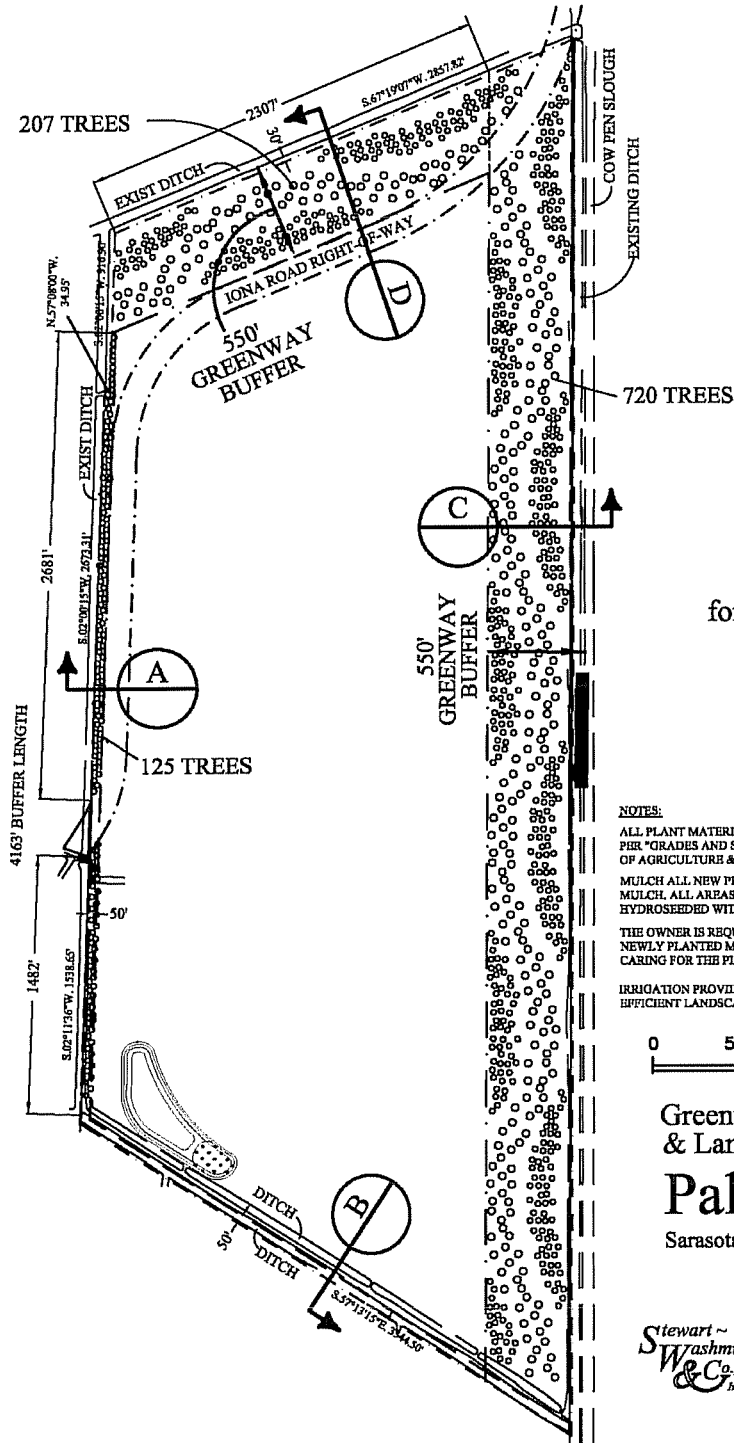


EXHIBIT B GREENWAY BUFFER AND LANDSCAPE PLAN



See Sheet 2
for Cross Sections
& Plant Lists

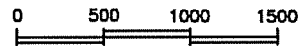
NOTES:

ALL PLANT MATERIAL SHALL BE FLORIDA NO. 1 OR BETTER QUALITY AS PER "GRADES AND STANDARDS FOR NURSERY PLANTS", FLORIDA DEPT. OF AGRICULTURE & CONSUMER AFFAIRS.

MULCH ALL NEW PLANTINGS WITH 3" DEPTH OF PINE STRAW MULCH. ALL AREAS NOT OTHERWISE DESIGNATED SHALL BE HYDROSEEDING WITH BAHIA AND A FAST START SEED MIXTURE.

THE OWNER IS REQUIRED TO PROVIDE ADEQUATE MAINTENANCE FOR ALL NEWLY PLANTED MATERIALS BY WATERING, FERTILIZING AND OTHERWISE CARING FOR THE PLANTS AS REQUIRED TO ESTABLISH A QUALITY PLANTING.

IRRIGATION PROVIDED FOR THIS PROJECT SHALL COMPLY WITH THE WATER EFFICIENT LANDSCAPE ORDINANCE #2801-081.



Greenway Buffer & Landscape Plan Palmer Place

Sarasota County, Florida

5/6/08

Stewart ~
Washmuth
& Co., Inc.

LANDSCAPE
ARCHITECTS

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Sheet
1 of 2

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May 6, 2008

