

SUBSTITUTE ORDINANCE NO. 2001-008

AN ORDINANCE OF THE COUNTY OF SARASOTA, FLORIDA, RELATING TO THE REGULATION OF LAND USE AND IMPLEMENTATION OF THE SARASOTA COUNTY COMPREHENSIVE PLAN; PROVIDING FINDINGS; AMENDING THE BOUNDARIES OF THE NOKOMIS CENTER; PROVIDING FOR THE ADOPTION OF THE NOKOMIS CENTER REVITALIZATION PLAN (NO. 99-03-SP); PROVIDING FOR THE RELATIONSHIP TO OTHER COUNTY REGULATIONS AND APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA:

SECTION 1. Findings. The Board of County Commissioners of Sarasota County, hereinafter referred to as "the Board" hereby makes the following findings:

1. The Board authorized the Sarasota County Growth Management Business Center to prepare a Critical Area Plan for the Nokomis Center, pursuant to *APOXSEE*, the Sarasota County Comprehensive Plan, adopted by Ordinance No. 89-18, as amended, and the Critical Area Planning Regulations, adopted by Ordinance No. 89-93, as amended.

2. The Board on January 25, 1999, after due public notice, held a continued public hearing to consider the boundaries of the Nokomis Center Study Area and all matters relating to said boundaries of the Nokomis Center Critical Area Plan, including testimony of the general public.

3. At the close of the January 25, 1999, public hearing, the Board adopted Resolution No. 2000-023, adopting the boundaries of Nokomis Center Study Area.

4. The Board directed the Sarasota County Growth Management Business Center in Resolution No. 2000-023 to identify and recommend precise boundaries, which will constitute the Nokomis Center after analyzing the needs of the properties included in the Nokomis Center Study Area, pursuant to the Critical Area Planning Regulations.

5. The Sarasota County Growth Management Business Center has prepared a Critical Area Plan for the Nokomis Center, herein referred to as the "Nokomis Center Revitalization Plan (No. 99-03-SP)," pursuant to Ordinance No. 89-93, as amended.

6. During the preparation of the Critical Area Plan for the Nokomis Center, Sarasota County Growth Management Business Center staff held numerous public meetings with Nokomis residents and interested citizens, wherein a recommendation was made to incorporate the remaining 0.8 acre portion of the 1.6 acre parcel located south of Albee Road approximately 450 feet west of U.S. 41 within the boundaries of the Nokomis Center.

7. The Nokomis Revitalization Plan (No. 99-03-SP) was prepared for the Nokomis Center, which boundaries, as amended, include the entire parcel located west of U.S. 41 Avenue, south of Albee Road, as described herein:

That part of Section 36, Township 38 South, Range 18 East, Sections 31 and 32, Township 38 South, Range 19 East, Section 1, Township 39 South, Range 18 East and Section 5 and 6, Township 39 South, Range 19 East, Sarasota County, Florida being more particularly described:

Begin at the intersection of the centerline of Kilpatrick Road and Irene; thence run South for a distance of 1300 feet, more or less along the centerline of Irene to the intersection with the centerline of Edmondson Road; thence run West along said centerline for a distance of 1300 feet,

more or less; thence run South along the centerline of Orange Grove Avenue for a distance of 1300 feet; thence run West along the centerline of Longwood Avenue for a distance of 1350 feet, more or less to the intersection with the centerline of Albee Farm Road; thence continue West along the

centerline of Colonia Lane for a distance of 200 feet, more or less; thence run South for a distance of 800 feet, more or less to a point in the waters of Curry Creek; thence meander southwesterly in the waters Curry Creek for a distance of 3400 feet, more or less to the intersection with the railroad bridge for Seminole Gulf Railway; thence continue to meander southwesterly in the waters of Curry Creek for a distance of 1350 feet, more or less to the intersection with the bridge for Tamiami Trail (U.S. 41); thence continue to meander southwesterly in the waters of Roberts Bay for a distance of 3900 feet, more or less; thence meander northerly for a distance of 2100 feet, more or less to a point in the waters of Dona Bay; thence meander East and northeasterly in the waters of Dona Bay for a distance of 2400 feet, more or less to the intersection with the westerly Right-of-Way of Tamiami Trail (U.S. 41) according to the Road Plat Book 1, Page 84 of the Public Records of Sarasota County, Florida; thence run northwesterly along said westerly Right-of-Way for a distance of 300 feet, more or less; thence leaving said Right-of-Way meander along the shoreline southerly, southwesterly and thence northwesterly for a distance of 400 feet, more or less to the intersection with the centerline of Bayview Parkway; thence run northeasterly along said centerline for a distance of 200 feet, more or less; thence leaving said centerline run northwesterly along the southeasterly extension and the northeasterly line of Lot 3, Block 24, corrected PLAT OF BAY POINT, recorded in Plat Book 3, Page 66, of said Public Records for a distance of 175 feet, more or less; thence run northeasterly along the easterly line of Lot 8 of said Block 24 for a distance of 60 feet, more or less; thence run northwesterly along the northerly line of said Lot 8 and the northeasterly extension of said Lot 8 for a distance of 150 feet more or less to the intersection with the centerline of Palm Avenue; thence run northerly for a distance of 200 feet, more or less to the southwest corner of Lot 3, Block 37 of said corrected PLAT OF BAY POINT; thence run northerly along the west line of said Lot 3 and the northerly lot line projection for a distance of 350 feet, more or less to the intersection with the centerline of Pavonia Road; thence run westerly along said centerline for a distance of 200 feet, more or less; thence leaving said centerline run northwesterly along the easterly Lot line and the southeasterly extension of Lot 4, Block 42, corrected PLAT OF BAY POINT for a distance of 150 feet, more or less; thence run easterly and northeasterly along the southerly lot lines of Lot 21-A and 22 of said Block 42 to the intersection with the south Right-of-Way line of Palmetto Road; thence run North for a distance of 200 feet, more or less; thence run East a distance of 30 feet, more or less; thence run North 130 feet, more or less; thence run West for a distance of 350 feet, more or less; thence run North for a distance of 1750 feet, more or less to the intersection of the centerline of Avenida La Palma; thence East along said centerline for a distance of 250 feet, more or less; thence run North along the westerly line of Lots 9 and 18, Block A, Lot 18 and 17, Block B, Lot 9, Block C and crossing the Right-of-Ways of Avenida Bahia and Avenida De La Isla, according to the Plat of NOKOMIS HEIGHTS record in Plat Book 1, Page 177 of said Public Records of Sarasota County, Florida for a distance of 850 feet, more or less to the intersection with the northerly line of said Block C; thence run West along the northerly line of said Block C for a distance of 100 feet, more or less; thence run North for a distance of 370 feet, more or less to the centerline of Sago Lane; thence run northwesterly for a distance of 150 feet, more or less to a point, said point being 190 feet, more or less southwesterly of the southwesterly Right-of-Way line of Tamiami Trail (U.S. 41); thence run southwesterly for a distance of 190 feet, more or less; thence run northwesterly, running parallel with said Right-of-Way of Tamiami Trail (U.S. 41) for a distance of 200 feet, more or less, to the intersection with the south line of Nokomis Oaks, recorded in Plat Book 38, Page 20 of said Public Records; thence run northeasterly along said south line for a distance of 180 feet, more or less; thence run northwesterly, again parallel with Tamiami Trail

(U.S. 41) for a distance of 440 feet, more or less to the intersection of the southerly line of Tract H, said Nokomis Oaks; thence run northeasterly along said south line of Tract H for a distance of 190 feet, more or less to the intersection with said southwesterly Right-of-Way of Tamiami Trail, (U.S. 41); thence run easterly for a distance of 300 feet, more or less to the intersection of the centerline

of Collins Road and the northeasterly Right-of-Way of said Tamiami Trail (U.S. 41); thence run East along the said centerline of Collins Road for a distance of 350 feet, more or less; thence run South for a distance of 325, more or less to the southwest corner of EBONY ACRES recorded in Plat Book 18, Page 35 of said Public Records; thence run East along the south line of EBONY ACRES and the easterly extension of said south line for a distance of 250 feet, more or less; thence run South along the easterly line of Lot 2, Block 7, Citrus Highlands recorded in Plat Book 8, Page 59 of said Public Records for a distance of 160 feet, more or less to the northerly Right-of-Way of Citrus Avenue; thence run northeasterly along said Right-of-Way for a distance of 30 feet, more or less; thence run southeasterly along the northwesterly extension of the centerline of King Street and along said centerline of King Street for a distance of 900 feet to the intersection with the centerline of Spencer Avenue; thence run East along said centerline of Spencer Avenue for a distance of 250 feet, more or less; thence run South for a distance of 1200 feet, more or less; thence run East for a distance of 100 feet, more or less to the intersection with the centerline of Amalfie Road; thence South along the centerline of Amalfie Road for a distance of 950 feet, more or less to the intersection with the centerline of Albee Road; thence run West along the centerline of Albee Road for a distance of 80 feet, more or less; thence leaving said centerline run South 650 feet, more or less to the intersection with the centerline of Palmetto Road; thence run East along said centerline for a distance of 100 feet, more or less to the intersection with the centerline of Magnolia Avenue; thence run southerly and southwesterly along said centerline for a distance of 350 feet, more or less; thence run southeasterly along the northerly extension of the northeasterly line and said northeasterly line of Lot 2, REPLAT OF BAY POINT recorded in Plat Book 6, Page 18 of said Public Records for a distance of 400 feet to the shoreline of Shakett Creek; thence meander westerly and southwesterly along said shoreline for a distance of 700 feet, more or less to the northeasterly Right-of-Way of Tamiami Trail (U.S. 41); thence meander along said Right-of-Way for a distance of 300 feet, more or less; thence leaving said Right-of-Way meander in the waters of Shakett Creek northeasterly for a distance of 2700 feet, more or less to the intersection with railroad bridge for the Seminole Gulf Railway; thence meander easterly for a distance of 1700 feet, more or less in the waters of Shakett Creek to a point on the shoreline, said point being the westerly extension of the centerline of Lucile Avenue; thence run East along the westerly extension of said centerline and the centerline of Lucile Avenue for a distance of 1400 feet, more or less to the intersection with the centerline of Portia Street; thence continue East for a distance of 1300 feet, more or less to the intersection with the centerline of Albee Farm Road; thence continue East along the centerline of Kilpatrick Road for a distance of 2650 feet, more or less to the intersection with the centerline of Irene and also being the POINT OF BEGINNING.

8. On December 7, 2000, the Sarasota County Planning Commission held a duly noticed public hearing on said Nokomis Center Revitalization Plan (No. 99-03-SP), received all pertinent evidence and testimony, closed the public input portion of the public hearing and continued the public hearing until January 18, 2001.

9. On January 18, 2001, the Sarasota County Planning Commission held a continued public hearing on said Nokomis Center Revitalization Plan (No. 99-03-SP) and recommended approval of the Nokomis Center Revitalization Plan (No. 99-03-SP).

10. On February 27, 2001, the Board held a duly noticed public hearing to consider the said Nokomis Center Revitalization Plan (No. 99-03-SP) for the Nokomis Center, including the Planning Commission

recommendation, and all evidence relevant to said Critical Area Plan, including the testimony of the general public.

11. The Board hereby finds that the boundaries for the Nokomis Center as contained in Section 1.7 above, are consistent with *APOXSEE*, the Sarasota County Comprehensive Plan, adopted by Ordinance No. 89-18, as amended, and does not inhibit or obstruct the attainment of the objectives and policies contained herein.

12. The Board, sitting as the Sarasota County Land Development Regulations Commission (LDRC), has reviewed this Ordinance and found that it is consistent with the Sarasota County Comprehensive Plan, adopted by Ordinance No. 89-18, as amended.

13. SECTION 2. Amending Resolution No. 2000-023 Relating to the Adoption of the Boundaries of the Nokomis Center. Pursuant to *APOXSEE*, the Sarasota County Comprehensive Plan and the provisions of the Critical Area Planning Regulations and based upon the evidence and testimony and the foregoing findings, the Board hereby amends Resolution No. 2000-023 whereby the boundaries of the Nokomis Center includes the area described in Section 1.7.

SECTION 3. Adoption of the Nokomis Center Revitalization Plan (No. 99-03-SP).

1. Pursuant to *APOXSEE*, the Sarasota County Comprehensive Plan and the provisions of the Critical Area Planning Regulations and based on the evidence and testimony and the foregoing findings, the Board hereby adopts the Nokomis Center Revitalization Plan (No. 99-03-SP), consisting of the Nokomis Center Future Land Use Map, attached hereto as Figure 1 and incorporated herein by reference and the conditions for development approval contained in Attachment "A" attached hereto and incorporated herein by reference.

2. Future development orders for Developments of Regional Impact, rezonings, site and development plans, preliminary subdivision plans, final subdivision plans, construction plans and approvals of Critical Area Plans and Amendments within the boundaries designated in Section 1.7 shall be consistent with Figure 1, the Nokomis Center Future Land Use Map and the conditions for development approval contained in Attachment "A" attached hereto and incorporated herein by reference.

3. A true copy of the document entitled Nokomis Center Revitalization Plan (No. 99-03-SP) shall be maintained by the Sarasota County Growth Management Business Center. Those portions of this document not specifically adopted by Sections 3.1 and 3.2 above shall constitute supportive material. Supportive material may be used to explain the adopted portions of the Nokomis Center Revitalization Plan (No. 99-03-SP) but shall not be used as the sole grounds for a decision on a development permit.

SECTION 4. Relationship to Other County Regulations and Applicability.

1. The Nokomis Center Revitalization Plan (No. 99-03-SP) does not in itself grant development approval nor guarantee such approval, nor does it modify the requirements of the Comprehensive Plan or exempt any person or development activity from the requirements thereof.

2. The existence of zoning less intense than the future uses indicated in the Nokomis Center Revitalization Plan (No. 99-03-SP) shall not, however, be deemed by itself to be inconsistent with *APOXSEE*, the Sarasota County Comprehensive Plan, particularly when adequate infrastructure is not yet available to support more intense zoning districts.

3. This Critical Area Plan affects the unincorporated areas of Sarasota County within the Nokomis Center as defined in Section 1.7 above.

4. As a statement of intent, the Board directs the Sarasota County Growth Management Business Center staff, the Office of the County Attorney, and staff of the Administrative Services, Community Services and Public Works Business Centers, to initiate the appropriate action to implement the provisions of the Nokomis Center Revitalization Plan (No. 99-03-SP), including the following:

FIGURE 1

A. Begin the process of creating a Nokomis Center Revitalization Committee, to assure the continued involvement of Nokomis residents in the implementation of the Nokomis Center Revitalization Plan (No. 99-03-SP). The appointment of a Nokomis Center Revitalization Committee, consisting of seven to nine members from the Nokomis community, will provide Nokomis residents a role in implementing the Nokomis Center Revitalization Plan (No. 99-03-SP), particularly those items requiring funding or coordination with Sarasota County government. When established, the Nokomis Center Revitalization Committee may provide a forum for community input on land use issues, such as rezone petitions, special exceptions, and comprehensive plan amendments.

B. Work with the applicable Sarasota County Business Centers to prepare budget requests, as necessary and to evaluate such budget requests within the framework of the County's budget process and priorities, and to implement the following high priority projects:

1. Extend water lines within the Nokomis Center within five years with residents paying their fair share; seek alternate funding for extending sewer service to replace septic tanks in the Nokomis Center.
2. Include streetscape features such as public parking, paver bricks, decorative streetlights and street signs, and landscaping within the right-of-way for the planned Colonia Lane reconstruction project. Investigate advancing the construction of the intersection at U.S. 41 and Colonia Lane from Fiscal Year 2005 to 2003 when the state begins widening U.S. 41 through Nokomis.
3. Coordinate waterway dredging and improvements through the County's Waterway Advisory Group, including funding for stormwater quality improvements and marine habitat restoration as part of the waterway projects.
 - a. Develop incentives for the public to make appropriate shoreline improvements to seawalls, docks and accesses which were constructed prior to existing County regulations.
 - b. Reduce boating conflicts by installing channel markers where appropriate, expanding public access to the bay for canoe and kayaks, and identifying and signing canoe and kayak trails.
 - c. Improve the existing County-owned boat ramp at Loretto Court boat basin for small draft boats.
4. Seek nomination and purchase of environmentally sensitive lands on Pocono Trail through the County's Environmentally Sensitive Lands Protection Program.
5. Develop access from Nokomis and Laurel Community Parks and the County-owned property at Riverview Drive as part of the County's Seminole Gulf Railway Rails to Trails project.
 - a. Consider adding waterway overlooks, a pedestrian bridge at Laurel Road, public access at Colonia Lane and access to the Venetia Bay Park as part of the project. Investigate raising the Shakett Creek railroad trestle to the height of the U.S. 41 bridge to improve boating access.
 - b. Improve access between recreational uses within the Nokomis Community Park and between the park and the adjacent neighborhoods. Improve public access to the County's Bay Point Park.
6. Construct sidewalks on residential streets within the Nokomis Center, including but not limited to Riverview Drive, Florence Street, Kilpatrick Street, and Orange Grove Street.
7. Install landscaping on U.S. 41 between the City of Venice and S.R. 681 when the Florida Department of Transportation widens the roadway beginning in 2003.
8. Add transportation enhancements (e.g. streetscape and gateway features) such as decorative streetlights, landscaping and paver brick as part of the planned reconstruction on Edmondson Road, Albee Road and Colonia Lane. Coordinate with the Florida Department of Transportation to include similar streetscape and gateway features on U.S. 41.

9. Seek public transit improvements including installing covered transit shelters and developing a park and ride station within the Nokomis Center. Investigate opportunities for a flexible route transit system for areas not yet served by public transit.
10. Coordinate code enforcement with County sponsored community cleanup days, community outreach, homeowner association efforts and the Sarasota County Sheriff's Office. Investigate adopting an ordinance for the permitting and maintenance of privacy fences.
 - a. Encourage existing business owners to screen unsightly views, such as dumpsters, outdoor storage areas and mechanical equipment. Develop an Urban Design Manual to address elements for decorative streetlights and road and directional signs, as well as standards for new public construction.
 - b. Nominate qualifying structures in the Nokomis Center as a local historic district(s). Develop a historic resources guide including historic markers to encourage visitors to the area. Create an archaeological district containing known multiple archaeological sites along Shakett Creek with incentives to encourage cultural stewardship by private property owners.
 - c. Develop incentives to encourage redevelopment of the residential areas and affordable housing through Flexible Side-Yard Setbacks and housing assistance programs and partnerships.

C. Pursuant to the process established by the Sarasota County Ordinance No. 75-38, as amended, prepare an amendment to the Sarasota County Zoning Regulations to create a Nokomis Center Commercial District in the Sarasota County Zoning Regulations to supercede elements of the underlying zone districts, including but not limited to the following:

- Reduced on-site parking requirements and allowance for on-street parking and shared parking.
- Reduced building setbacks from all property lines to maximize development potential of lots.
- Allow additional uses not currently permitted, such as bed and breakfast establishments, and allow residences to be located above or behind businesses.

D. Pursuant to the process established by Sarasota County Ordinance No. 98-007, prepare the following amendments to the APOXSEE Future Land Use Map, consistent with the Nokomis Center Future Land Use Map, attached hereto as Figure 1.

- Designate areas west of U.S. 41 "Medium Density Residential."
- Designate the RMF Zone District between Martha Lane and Nash Avenue as Arts and Office Live/Work District.
- Designate the Nokomis Center as an Urban and Infill Redevelopment Area, consistent with Chapter 163, Part II, Florida Statutes.

5. This Ordinance shall not be construed to abrogate any existing rights acquired by any party under authority of Chapter 380, Florida Statutes.

SECTION 5. Severability. If any provision of this Ordinance is for any reason finally held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining provisions.

SECTION 6. Effective Date. This Ordinance shall take effect immediately upon receipt of official acknowledgment from the Department of State of Florida that this Ordinance has been filed with said Department.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Sarasota County, Florida this ___ day of _____, 2001.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

By:
Chairman

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

