

2001 NOV 30 02:45 PM

KAREN E. RUSHING  
CLERK OF CIRCUIT COURT  
SARASOTA COUNTY, FLORIDA  
DCOURSEY Receipt#110443




2001173371

✓ Please record and return to Karen Grasset  
Growth Management Business Center  
1660 Ringling Boulevard, 5th Floor  
Sarasota, FL 34236

NOTICE OF STIPULATIONS  
AND LIMITATIONS ENCUMBERING  
REAL PROPERTY PURSUANT TO  
THE SARASOTA COUNTY ZONING CODE

The following property located in Sarasota County, Florida, owned by Debrecen Development Partners, a Florida General Partnership and U.S. Assets Group, Incorporated, and described in Ordinance No. 2001-003 attached hereto, has been rezoned to a OUE-2/PUD (Open Use, Estate, 1 unit/2 acres/Planned Unit Development) and to OUE-1/PUD (Open Use, Estate, 1 unit/5 acres/Planned Unit Development) zone district pursuant to Rezone Petition No. 00-23 filed by Stephen D. Rees, Agent, and granted by Sarasota County on October 10, 2001, and is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

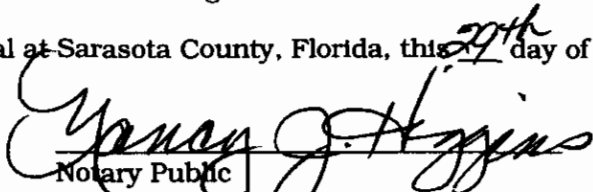
(Stipulations and limitations are those described in Section 3 of Ordinance No. 2001-003, attached hereto)

  
Executive Director  
Growth Management Business Center

STATE OF FLORIDA  
COUNTY OF SARASOTA

Before me, the undersigned Notary Public, personally appeared Jerry Gray, Executive Director of the Growth Management Business Center, to me known to be the individual who executed the foregoing Notice of Stipulations and Limitations Encumbering Real Property pursuant to the Sarasota County Zoning Code, and he acknowledged before me that he executed the same.

Witness my hand and official seal at Sarasota County, Florida, this <sup>27th</sup> day of ~~November~~ A.D. 2001.

  
Notary Public  
State of Florida at Large

This instrument prepared by.  
Nancy Higgins



BOARD RECORDS  
FILED FOR RECORD

ORDINANCE NO. 2001-003

2001 NOV 16 AM 9:59

AN ORDINANCE OF THE COUNTY OF SARASOTA, FLORIDA,  
CLERK OF THE COUNTY COURT  
SARASOTA COUNTY, FL  
AMENDING THE OFFICIAL ZONING ATLAS, AS PART OF  
SARASOTA COUNTY ORDINANCE NO. 75-38, 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. 00-23, 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. 75-38, 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 Section 2 of the Zoning Ordinance, is hereby amended by changing the zoning district classification for 710.18 acres ± from OUE-1 (Open Use, Estate, 1 unit/5 acres) and OUR (Open Use, Rural, 1 unit/10 acres) to OUE-2/PUD (Open Use, Estate, 1 unit/2 acres/Planned Unit Development) and from OUR (Open Use, Rural, 1 unit/10 acres) to OUE-1/PUD (Open Use, Estate, 1 unit/5 acres/Planned Unit Development) for the following described property located in Sarasota County, Florida:

Southeast corner of Debreccen Road and Fruitville Road, more particularly described as follows:

**OUE-1, OUR to OUE-2/PUD**

A tract of land lying in Sections 21, 22, 27 and 28, Township 36 South, Range 19 East, Sarasota County, Florida and described as follows:

Commence at the northeast corner of said Section 22; thence S00°34'13"W, along the east line of said Section 22, a distance of 1323.31 feet to a point on the south right-of-way line of Fruitville Road (State Road #780, 66-foot wide public right-of-way), said point being on a curve to the left of which the radius point lies S00°05'34"W, a radial distance of 17,155.74 feet; thence west along the arc of said curve, also being the south right-of-way line, through a central angle of 00°12'37", an arc length of 62.97 feet to the east boundary of a resubdivision of part of the Third Unit of Palmer Farms, recorded in Plat Book 3, page 53 of the Public Records of Sarasota County, Florida; (the following two calls are along said east boundary) thence S00°47'13"W, a distance of 4,150.73 feet; thence S00°39'28"W, a distance of 450.82 feet to the northerly right-of-way line of Canal #1 as shown on said Plat; thence S67°42'19"W, along said northerly right-of-way, a distance of 2830.68 feet to the POINT OF BEGINNING; thence continue S67°42'19"W, a distance of 668.73 feet to the east right-of-way line of Canal #26 as shown on said Plat; (the following two calls are along the east right-of-way line of said Canal #26) thence N02°31'00"E, a distance of 1349.73 feet; thence N02°37'08"E, a distance of 920.94 feet to the easterly extension of the north line of Lot 26 of a resubdivision of part of Block 30 of the Third Unit of Palmer Farms, recorded in Plat Book 3, Page 57 of the Public Records of Sarasota County, Florida; thence N89°29'55"W, along the north line of Lots 22 through 26 and their extensions east and west, a distance of 1831.69 feet to the west right-of-way line of Canal #24 as shown on said Plat; thence S00°33'17"W, along the west right-of-way line of said Canal #24, a distance of 1627.60 feet to the northerly right-of-way line of Boleyn Road; (the following two calls are along said northerly right-of-way line) thence S69°02'27"W, a distance of 972.25 feet; thence N89°11'26"W, a distance of 766.44 feet to the easterly right-of-way line of Debreccen Road; (the following six calls are along said easterly right-of-way line of Debreccen Road) thence N00°29'23"E, a distance of 2134.52 feet, thence N29°48'26"E, a distance of 996.47 feet; thence N02°12'50"E, a distance of 367.85 feet; thence N19°28'59"W, a distance of 54.35 feet; thence N56°13'36"W, a distance of 1017.03 feet, thence N06°19'16"E, a distance of 1542.70 feet to the southerly right-of-way line of Fruitville Road; (the following two calls are along said southerly right-of-way line of Fruitville Road) thence N89°21'14"E, a distance of 2235.03 feet; thence N89°07'44"E, a distance of 1884.59 feet to the northwest corner of the parcel recorded in O.R. Book 460, Page 282 of the Public Records of Sarasota County, Florida; thence S00°52'16"E, along

the west line of said parcel and its southerly extension, a distance of 5,637.36 feet to the POINT OF BEGINNING.

**OUR TO OUE-1/PUD**

A Tract of land lying in Section 22 and 27, Township 36 South, Range 19 East, Sarasota County, Florida and described as follows:

Commence at the northeast corner of said Section 22; thence S00°34'13"W, along the east line of said Section 22, a distance of 1323.31 feet to a point on the south right-of-way line of Fruitville Road (State Road #780, 66-foot wide public right-of-way), said point being on a curve to the left of which the radius point lies S00°05'34"W, a radial distance of 17,155.74 feet; thence west along the arc of said curve, also being the south right-of-way line, through a central angle of 00°12'37", an arc length of 62.97 feet to the east boundary of a resubdivision of part of the Third Unit of Palmer Farms, recorded in Plat Book 3, Page 53 of the Public Records of Sarasota county, Florida for the POINT OF BEGINNING; (the following two calls are along said east boundary) thence S00°47'13"W, a distance of 4150.73 feet; thence S00°39'28"W, a distance of 450.82 feet to the northerly right-of-way line of Canal #1 as shown on said Plat; thence S67°42'19"W, along said northerly right-of-way, a distance of 2830.68 feet; thence N00°52'16"W, a distance of 4317.36 feet to the southwest corner of the parcel recorded in O. R. Book 460, Page 282 of the Public Records of Sarasota County, Florida; thence N89°07'44"E, along the south line of said parcel and its easterly extension, a distance of 783.40 feet to the easterly right-of-way line of Canal #26, a 52 foot wide Public Canal; (the following two calls are along the easterly right-of-way line of said Canal #26) thence N16°02'46"E, a distance of 818.32 feet; thence N25°38'36"E, a distance of 581.23 feet to the southerly right-of-way line of Fruitville Road; (the following five calls are along said southerly right-of-way line of Fruitville Road) thence N89°07'44"E, a distance of 67.24 feet; thence N89°14'14"E, a distance of 139.50 feet; thence N00°45'46"W, a distance of 17.00 feet; thence N89°14'14"E, a distance of 1085.70 feet to a point of curvature of a non-tangent curve to the right, the radius point of which lies S00°45'53"E, a radial distance of 17,155.74 feet; thence easterly along the arc of said curve, passing through a central angle of 00°38'50", an arc length of 193.79 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 compliance with the Development Concept Plan date-stamped December 15, 2000 and attached here as Exhibit "A", except for modifications necessary to comply with the stipulations contained herein. This does not imply or confer any variances from applicable zoning or land development regulations.
2. The subject development shall be limited to one access point on Fruitville Road and two access points on Debreccen Road. The northernmost Debreccen Road access point shall be limited in use to the golf course maintenance facility and shall be located no closer than 150 feet from Fruitville Road (measured between inside edges of the pavement). The Fruitville access shall be aligned with the existing First Church of God access on the north side of Fruitville Road.
- 3 The right-of-way for Iona Road (Bee Ridge Road Extension), generally as shown on Figure 2, Exhibit "B" attached hereto, shall be reserved for the future build out of Iona Road in accordance with the requirements of the Land Development Regulations.
- 4 Prior to or concurrent with development on the subject parcel, a westbound to southbound left turn lane shall be constructed at the main access on Fruitville Road in accordance with Florida Department of Transportation indices. The improvement shall be included in the construction plans submitted for the subject parcel.
- 5 The Developer shall submit a Drainage Master Plan for review thirty (30) days prior to the first Preliminary/Site and Development Plan submittal.
- 6 The wetlands, mesic hammock, and associated upland vegetative buffers shall be maintained as preserves and labeled as preserve areas on all plans. All activities involving filling, excavating, removing of vegetation (including trimming of both trees and understory) and storing of materials shall be prohibited within the preservation areas, unless written approval is first obtained from Resource Protection Services. Proposed wetland impacts shown on the Development Concept Plan date-stamped December 15, 2000 are subject to review by Resource Protection Services during the development plan review.
7. Nuisance and invasive vegetation shall be removed from the property and properly disposed of in an approved landfill or other method approved by Resource Protection Services.
- 8 The Owner shall be required to maintain the appearance of and function of any private drainage facilities to be constructed on the site, including retention ponds and drainage ditches, at its own expense in accordance with applicable federal, state or local regulations. At the time of recording a plat or prior to final construction approval, the Owner shall be required to record in the public records a Notice to Purchaser, approved by Sarasota County, putting purchasers on notice that the maintenance of drainage facilities is a private responsibility
- 9 The proposed perimeter "greenspace" areas shall be provided as depicted on the Development Concept Plan dated-stamped December 15, 2000. The "greenspace" area shall consist of open space, stormwater maintenance facilities, native habitat, existing vegetation, supplemental plantings, and berms. The golf maintenance facility and recreation area as depicted on the Development Concept Plan, and project identification signage at the Fruitville Road and southerly Debreccen Road accesses shall be allowed in the "greenspace" area

10. As depicted on the Development Concept Plan date-stamped, December 15, 2000, no structures other than the golf maintenance facility, shall be located within one hundred (100) feet of any perimeter property boundary
11. Any community athletic court(s) [i.e. tennis, volleyball, basketball, etc.] shall be located in the recreation area as shown on the Development Concept Plan date-stamped December 15, 2000. Hours of use for these facilities shall be limited to 8:00 a.m. to 10:00 p.m., Sunday through Thursday, and 8:00 a.m. to 11:00 p.m., Friday and Saturday. No structures, lighting or active recreation uses shall be located within two hundred (200) feet of the western boundary of the "OUR" outparcel adjacent to Fruitville Road. No swimming pool shall be constructed within the recreation area depicted on the Development Concept Plan date-stamped December 15, 2000. Exterior lighting of the recreation area shall be directed only toward the recreation area and away from adjacent properties and streets
12. The maximum number of dwelling units on the subject 710 acre  $\pm$  parcel shall not exceed 262.
13. A greenspace buffer of a minimum of 100 feet along Fruitville and Debrecen Roads shall be provided as depicted on the Development Concept Plan date-stamped December 15, 2000. This buffer may contain a maintenance facility and recreation facilities as shown on the Development Concept Plan and a public walking / riding trail and public park along Debrecen Road as depicted within Exhibit "C" attached hereto, and stormwater management facilities (lakes, swales, ponds, etc.), berms and plantings, but no walls, except for screening of the golf maintenance facility or for providing intermittent accent features integrated with landscaping.
14. A greenspace buffer of a minimum of 100 feet shall be provided on the subject parcel where it abuts the western and southern boundary of the OUR "outparcel" adjacent to Fruitville Road as depicted on the Development Concept Plan date-stamped December 15, 2000. This greenspace buffer may contain stormwater management facilities, berms and plantings, and recreation facilities (not buildings). A greenspace buffer of a minimum 50 feet (which along with the existing 52-foot platted canal equals 100 feet  $\pm$ ) shall be provided along the eastern boundary of the outparcel. This greenspace buffer may contain stormwater facilities, berms and plantings.
15. Development construction traffic shall access from Fruitville Road. The southerly most access point on Debrecen Road will be limited to residents of the development. Guests of residents and golf course members who do not live in the development will be allowed access only to the Fruitville entrance. The foregoing access restrictions shall be provided within the Homeowner documents and club membership documents. The Applicant shall provide at the time of Site and Development and/or Subdivision Plan submittal, information describing access control by a gated system limiting both Debrecen Road ingress/egress solely by development residents.
16. The proposed Water Conservation Plan, Habitat Management Plan, Integrated Pest Management Plan and Florida Friendly Landscape and Waterwise Irrigation Guidelines as contained in the Applicant's supplemental information dated September, 2001 shall be incorporated into the Site and Development and/or Subdivision Plan approval, as well as into the home owner documents and the controlling documents for the entity operating the golf course.
17. Stormwater treatment volumes shall be 150% of the requirements of the Sarasota County Land Development Regulations, consistent with Outstanding Florida Water standards.

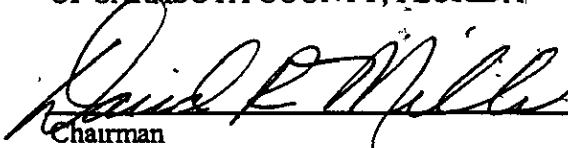
- 18 The Developer shall work with Sarasota County and the City of Sarasota to obtain reuse water to serve, to the extent it is available, the irrigation needs for the golf course and residential development.
- 19 The Applicant shall provide at the time of Site and Development and/or Subdivision Plan approval submittal, information on outdoor refuse areas, storage areas, lot layout, off-street parking, loading locations, the recreational area and how-pedestrian and other non-motorized travel will be integrated, which information shall be provided in accordance with the Development Concept Plan and the applicable Zoning Ordinance and Land Development Regulations
- 20 Due to the benefits demonstrated by the applicant to be derived by the proposed PUD, and because the subject site is suitable in size, location and character for the proposed uses and structures, and permitting such lesser land area for PUD is not in conflict with the Comprehensive Plan, the Applicant's request to reduce the minimum land area requirement from 1,000 acres to 710.18 acres ± for a residential development in the OUE-1 and OUE-2 zones is approved.
21. The Declaration of Covenants and Restrictions for the development shall include acknowledgment that within adjoining Rural Area lands, the preservation of agricultural lands is a primary function of the Rural Area and land management activities associated with agricultural uses are considered to be an essential element of the preservation of and continuation of successful operations on such agricultural lands. Further, the Declaration shall also provide respecting any Semi-Rural lands adjoining the development acknowledgment that the continuation of existing agricultural uses shall be allowed. The Declaration shall further provide notice that such adjacent farm operations may be protected by the Florida Right to Farm Act (Fla. Stat 823 14)
22. The greenspace buffer that is depicted on the Development Concept Plan date-stamped December 15, 2000 and Exhibit "C" around the perimeter of the proposed development shall contain a mixture of berms, trees and shrubs to screen the proposed residential golf course community. The plant unit count shall average 2 canopy trees, 2 accent/understory trees and 27 shrubs per 80 linear feet. This screening buffer may be planted so as to meander within the greenspace buffer, as depicted on the Development Concept Plan and Exhibit "C". The buffer shall incorporate to the maximum extent possible the existing native vegetation including the significant oak trees.
- 23 An eight-foot-wide pedestrian/bike path shall be constructed by the developer along the frontage on Fruitville Road, within the future road right-of-way, depicted with the Development Concept Plan date-stamped December 15, 2000
24. Upon the completion by others of Iona/Bee Ridge Road extension, within the future road right-of-way as depicted within the Development Concept Plan date-stamped December 15, 2000, the secondary access as depicted shall have been constructed to the site and the access point on Debreccen Road closed, if approved by Sarasota County
- 25 In order to provide connectivity to potential future open space, trails, and infrastructure corridors, the developer shall dedicate to Sarasota County within the first subdivision plat, the areas within the development for a public walking / riding trail and public park along Debreccen Road and the development's southern perimeter as depicted within attached Exhibit "C"

26. Membership in this golf course and club house is limited to 275 golf memberships, any combination of residents and non-residents. In addition, social memberships shall be allowed for residents, and no more than 50 social memberships shall be allowed for non-residents. This golf club and club house is to be a private course and club house, including restaurant facilities.

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.

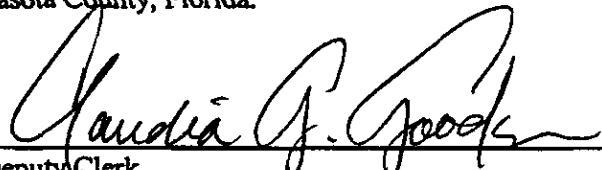
PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 10<sup>th</sup> day of OCTOBER, A.D., 2001

BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA

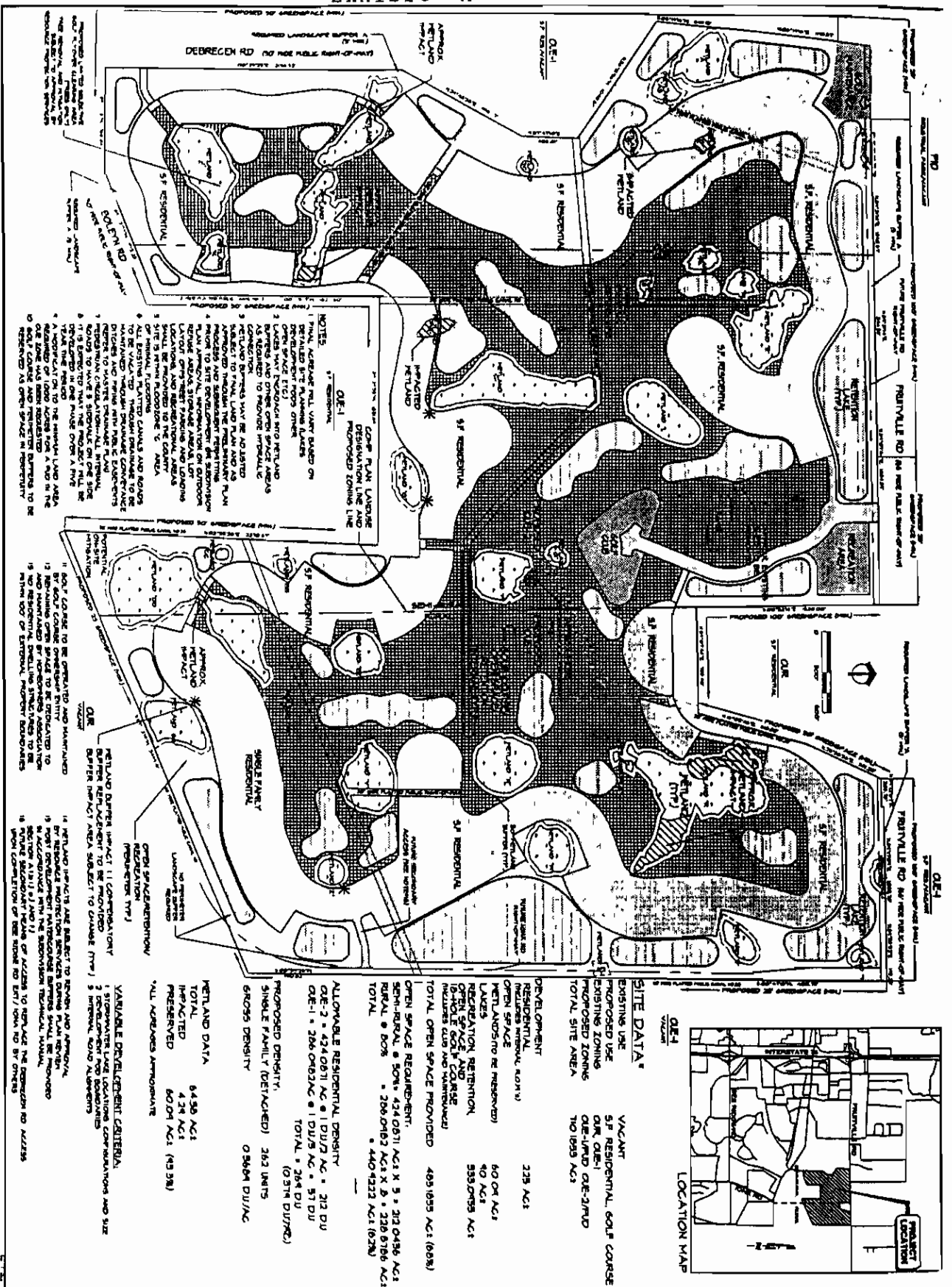
  
Chairman

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





**NOTES:**

1. FINAL LAYOUT WILL VARY BASED ON DEVELOPMENT FLOOR OTHER.
2. OPEN SPACE (E.G. COURTYARDS, PATIOS, DECKS, ETC.) SHALL BE PROVIDED TO PROVIDE IMPROVED CONNECTIONS TO THE LAND AND AS APPROVED THROUGH THE REGULATORY PLAN.
3. ALL EXISTING PLANTED CANALS AND ROADS TO BE MAINTAINED THROUGH PROPOSED DEVELOPMENT.
4. ALL EXISTING PLANTED CANALS AND ROADS TO BE MAINTAINED THROUGH PROPOSED DEVELOPMENT.
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10. ALL EXISTING PLANTED CANALS AND ROADS TO BE MAINTAINED THROUGH PROPOSED DEVELOPMENT.

**WETLAND DATA:**

TOTAL	64.36 AC
IMPACTED	4.28 AC
PRESERVED	60.08 AC (93.3%)

**PROPOSED DENSITY:** 262 UNITS / 64.36 AC

**ALLOWABLE RESIDENTIAL DENSITY:**

OE-1	266 UNITS/AC
OE-2	212 UNITS/AC
OE-3	51 UNITS/AC
TOTAL	266 UNITS/AC

**SITE DATA:**

EXISTING USE	VACANT
PROPOSED USE	5F RESIDENTIAL, 60F COURSE
EXISTING ZONING	OE-1
PROPOSED ZONING	OE-1
TOTAL SITE AREA	70.093 AC

**OPEN SPACE REQUIREMENT:**

RESIDENTIAL	225 AC
OPEN SPACE	60.08 AC
WETLANDS (NO RE-MEASUREMENT)	40 AC
RECREATION RETENTION	553.095 AC
OPEN SPACE AND AREAS	
TOTAL OPEN SPACE PROVIDED	488.185 AC (69.6%)

**VARIABLE DEVELOPMENT CRITERIA:**

1. DEVELOPMENT SHALL BE LOCATED IN AREAS OF LOW TO MODERATE FLOOD RISK.
2. DEVELOPMENT SHALL BE LOCATED IN AREAS OF LOW TO MODERATE FLOOD RISK.
3. DEVELOPMENT SHALL BE LOCATED IN AREAS OF LOW TO MODERATE FLOOD RISK.
4. DEVELOPMENT SHALL BE LOCATED IN AREAS OF LOW TO MODERATE FLOOD RISK.

2001-003

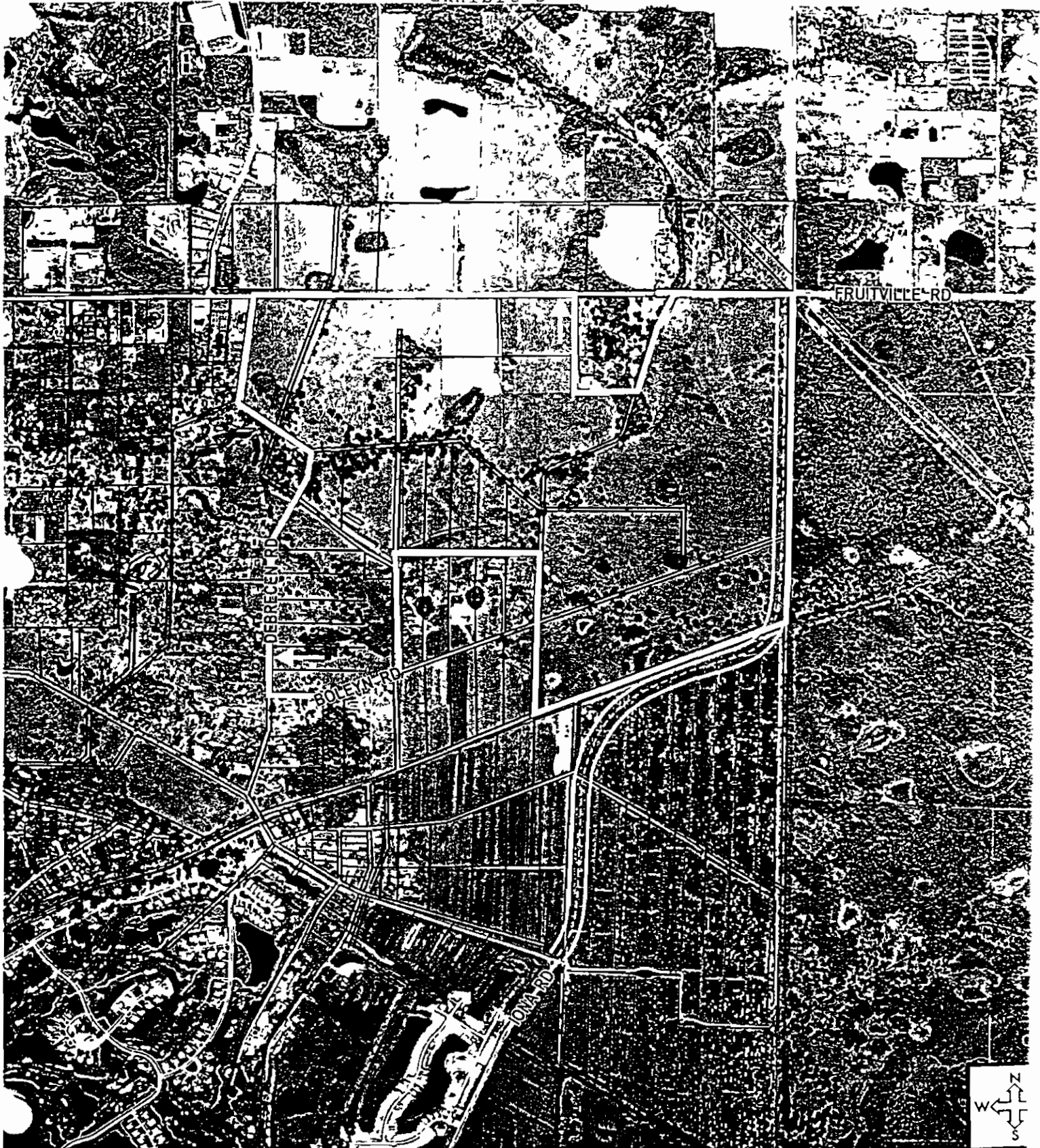
DEBRECEN DEVELOPMENT PARTNERS  
**DEBRECEN PARCEL**  
 SARASOTA COUNTY FLORIDA

MAP A  
**CONCEPTUAL MASTER DEVELOPMENT PLAN**

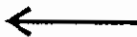
8  
 DEC 15 2000  
 BY GROWTH MANAGEMENT

**Wilson Miller**  
 Planning Engineers Design Services  
 Landscape Architects  
 1000 1st Street, Suite 100  
 Sarasota, FL 34233  
 Phone: 941-552-1111  
 Fax: 941-552-1112  
 www.wilsonmiller.com

Exhibit B



R.P. 00-23



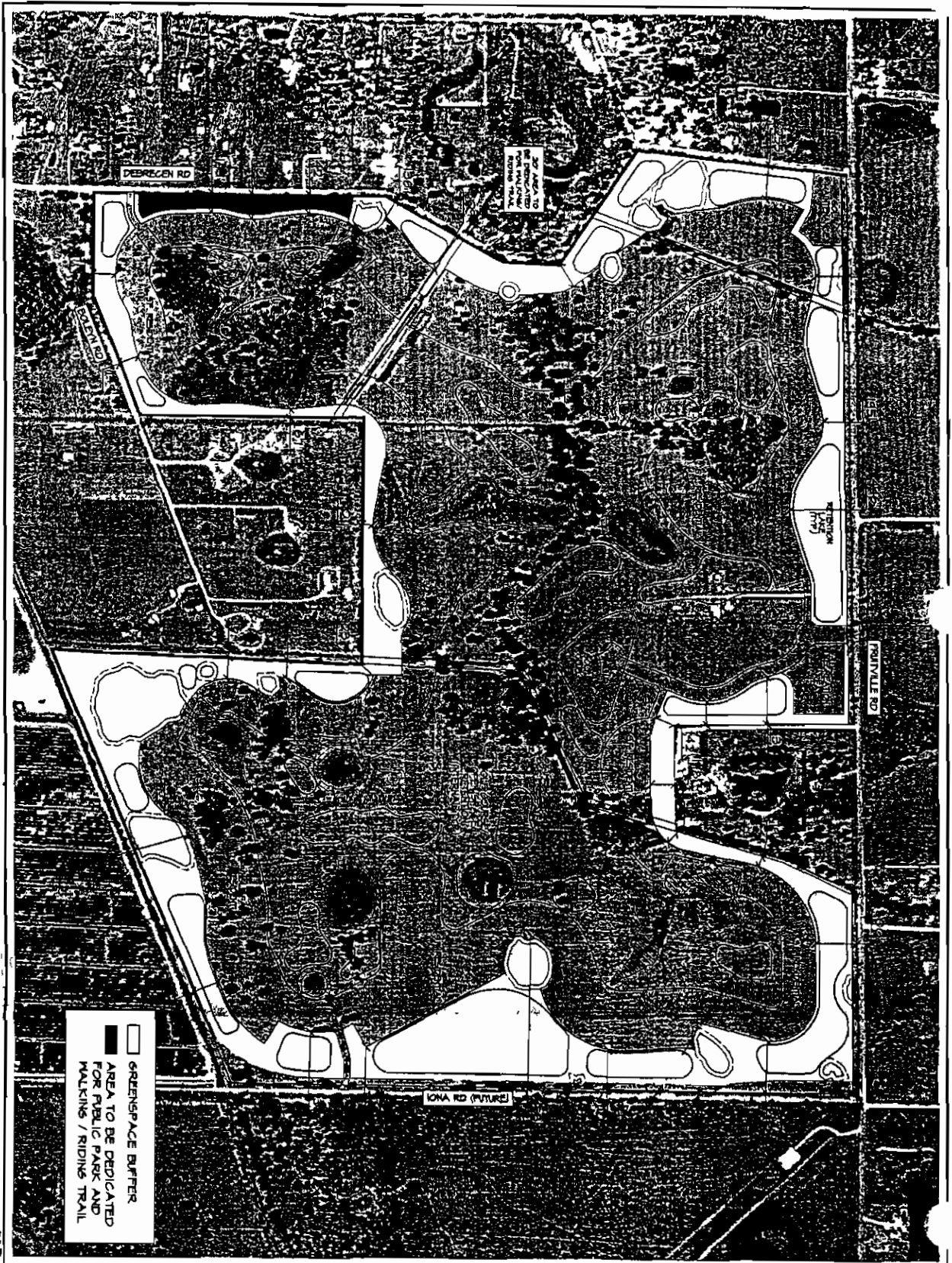
EXISTING ACCESS



PROPOSED ACCESS

FIG.

Exhibit C



NOV 19 2001

NX

GREENSPACE BUFFER  
 AREA TO BE DEDICATED FOR PUBLIC PARK AND WALKING / RIDING TRAIL

FILED BY	DATE
RECORDED BY	TIME
INDEXED BY	
CHECKED BY	
DATE	
TIME	

DEBRECEN DEVELOPMENT PARTNERS  
**DEBRECEN PARCEL**  
 SARASOTA COUNTY FLORIDA

EXHIBIT C  
**PUBLIC PARK AND WALKING / RIDING TRAIL**

**WilsonMiller**  
 Surveyors, Engineers, Architects, Planners, Environmental Scientists  
 1100 North ...  
 Sarasota, Florida 34236