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KAREN E. RUSHING
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
FMILLER Receipt#080572



✓ 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

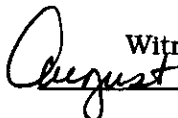
The following property located in Sarasota County, Florida, owned by Tom Lefevre, and described in Ordinance No. 2001-048 attached hereto, has been rezoned to a RMF-3 (Residential, Multi-Family, 13 units/acre)/PUD (Planned Unit Development Overlay District) zone district pursuant to Rezone Petition No 01-25 filed by Robert Medred, Agent, and granted by Sarasota County on July 25, 2001, and is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

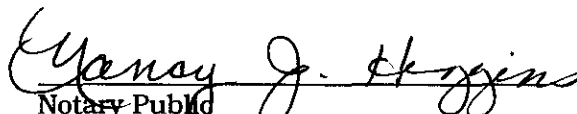
(Stipulations and limitations are those described in Section 3 of Ordinance No 2001-048, attached hereto)


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 28th day of August, A.D. 2001.


Notary Public
State of Florida at Large

This instrument prepared by,
Nancy Higgins



Nancy J. Higgins
Commission # CC 936530
Expires May 15, 2004
Bonded Thru
Atlantic Bonding Co., Inc.

ORDINANCE NO 2001-048

AN ORDINANCE OF THE COUNTY OF SARASOTA, FLORIDA, 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 01-25, 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 3.09 acres ± from CG (Commercial, General) to RMF-3 (Residential, Multi-Family, 13 units/acre)/PUD (Planned Unit Development) for the following described property located in Sarasota County, Florida

Southeast corner of Old Stickney Point Road and Peacock Road, more particularly described as follows

Lots 1, 2 and 3, Block A, Stickney Point Subdivision, as per the plat thereof recorded in Plat Book 3 page 98 of the Public Records of Sarasota County, Florida

2001 AUG 29 PM 4:59
DEPT. OF COUNTY CLERK
SARASOTA COUNTY, FLORIDA
FILED

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SARASOTA COUNTY, FLORIDA
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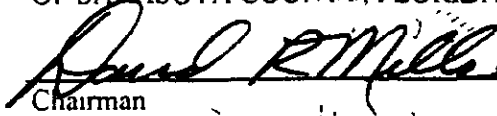
Section 3 Restrictions, Stipulations and Safeguards As used in the stipulations hereinafter set forth, the term "Owner" shall refer to the owner or owners of the property described in Section 2 and their successors and assigns Upon recording in the public records of Sarasota County, these stipulations 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 May 3, 2001 attached hereto as Exhibit "A" This does not imply or confer any variances from applicable zoning or land development regulations, except as expressly granted herein.
- 2 The height of residential structures on the subject parcel shall be as shown on Exhibit "B" date stamped May 3, 2001 and attached hereto
- 3 Pursuant to the PUD schedule of district regulations, Subsection G , the owner is hereby granted a modification of the setbacks of structures under Subsection E as follows buildings over 35 feet in height shall be located as depicted on the Development Concept Plan date stamped May 3, 2001 and attached hereto as Exhibit "A"
4. The existing on-site coastal hammock and mangrove fringe shall be maintained as a preserve and labeled as a preserve on all plans All activities involving 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 A habitat management plan shall be submitted to Resource Protection Services at the time of Site and Development Plan submittal
- 5 The Owner shall be required to maintain the appearance 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 and 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
- 6 The existing restaurant and ancillary uses shall terminate within 60 days after the issuance of a building permit to construct Building No 1 or Building No 2
- 7 The minimum rental/lease period for any unit shall not be for a period of less than 30 days

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

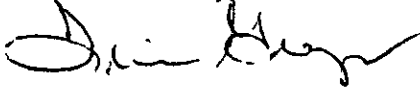
PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 25th day of July, A D, 2001

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA


Chairman

ATTEST

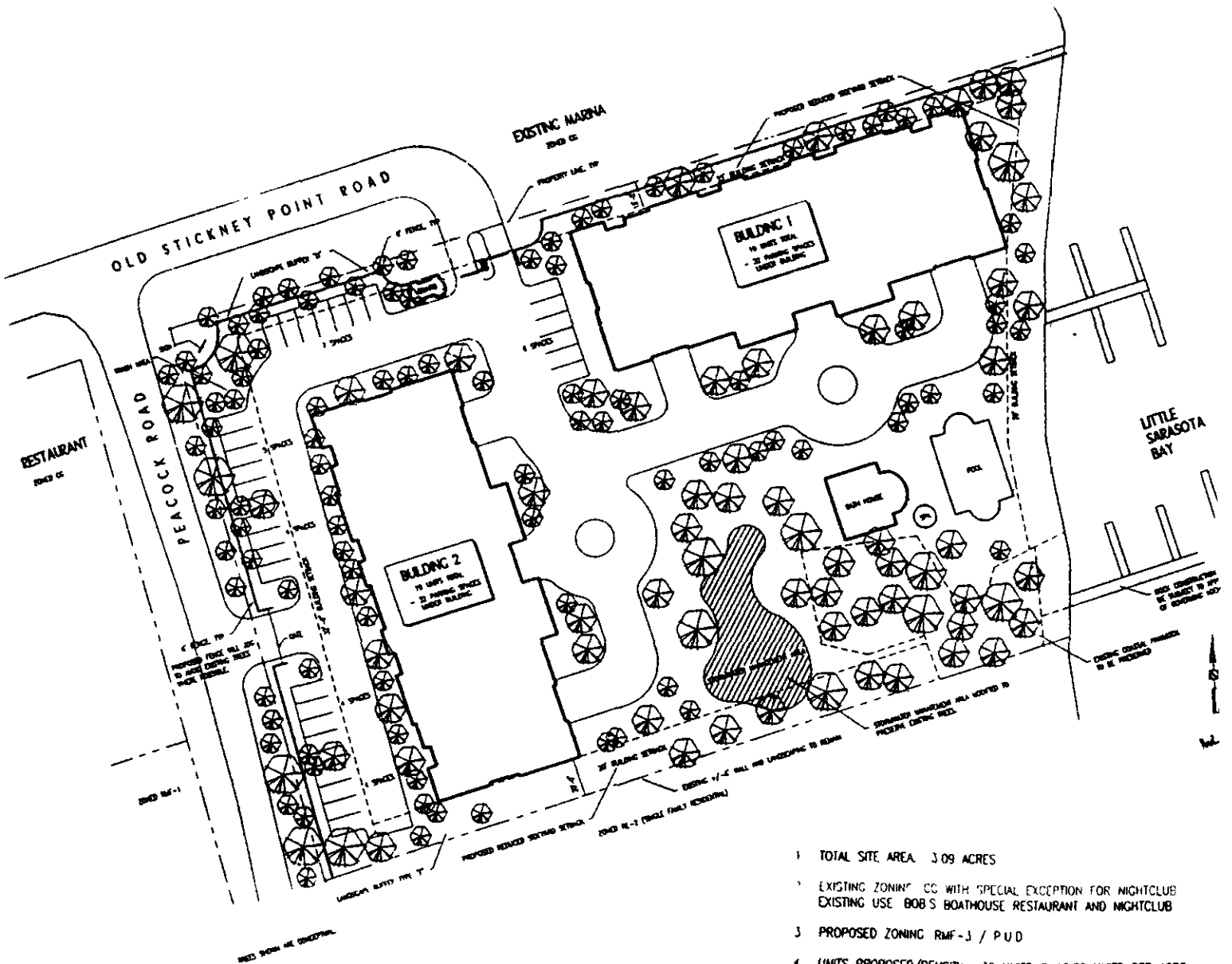
KAREN E RUSHING, Clerk of
the Circuit Court and Ex-
Officio Clerk of the Board of
County Commissioners of
Sarasota County, Florida



By
Deputy Clerk

EXHIBIT "A"

MAP SERIES / CONCEPT PLAN

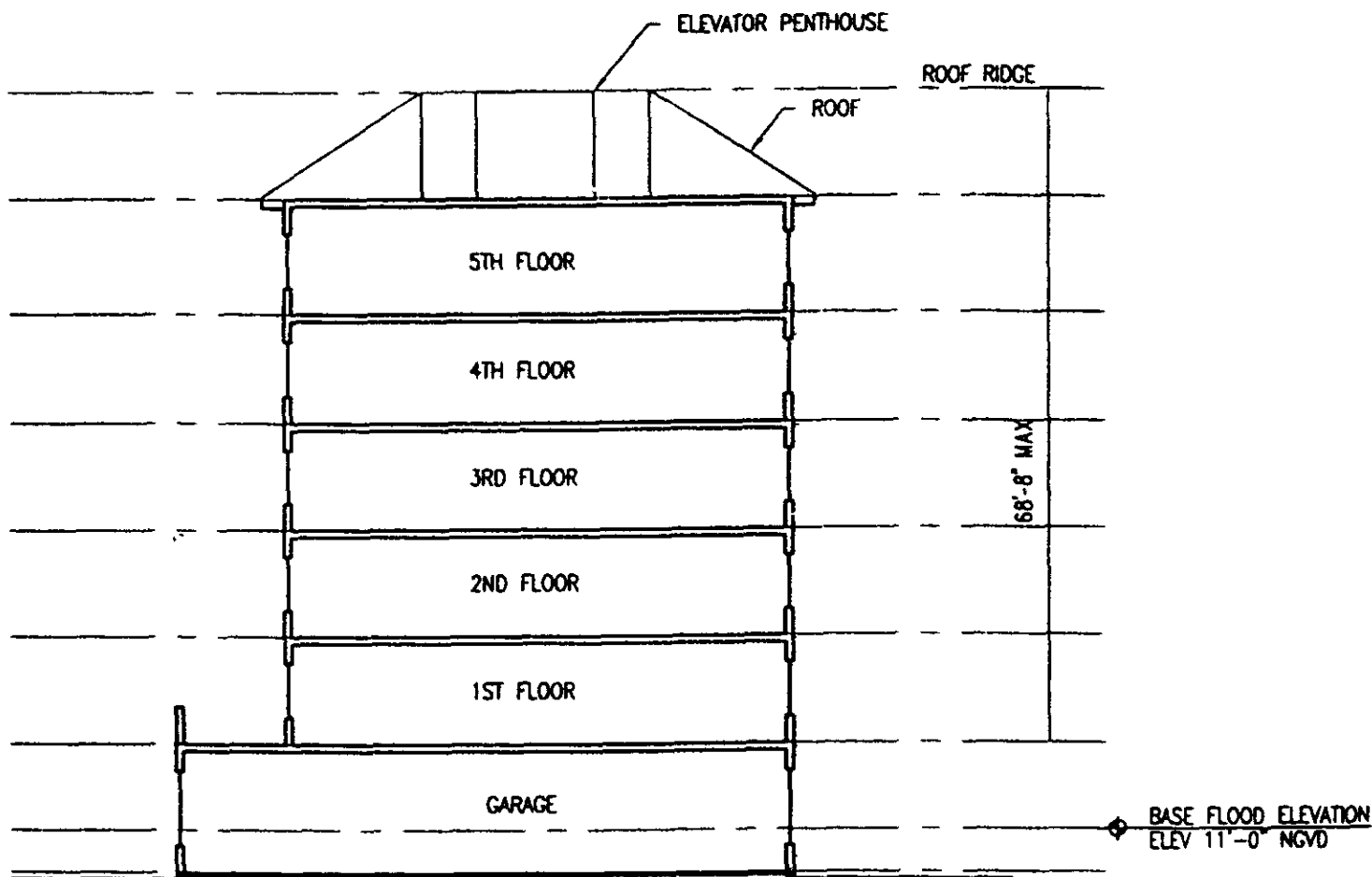


- 1 TOTAL SITE AREA 3.09 ACRES
- 2 EXISTING ZONING CC WITH SPECIAL EXCEPTION FOR NIGHTCLUB
EXISTING USE BOB'S BOATHOUSE RESTAURANT AND NIGHTCLUB
- 3 PROPOSED ZONING RMF-3 / PUD
- 4 UNITS PROPOSED/DENSITY 38 UNITS @ 12.29 UNITS PER ACRE
- 5 PARKING 38 UNITS= 78 SPACES REQUIRED
94 SPACES PROVIDED
- 6 UTILITIES WATER SEWER - SIESTA KEY UTILITIES
SEWER SERVICE - SIESTA KEY UTILITIES
- 7 HABITAT THE EXISTING COASTAL HAMMUCK WILL BE PRESERVED
- 8 ROADWAYS - PRIVATE DRIVEWAYS ARE PROPOSED
- 9 THE EXISTING 6 +/- HIGH PRIVACY WALL ALONG THE SOUTH PROPER
SHALL REMAIN THE 6 HIGH ORNAMENTAL FENCE/WALL WITH LANDSCAPING
WILL BE INSTALLED ALONG THE NORTH AND WEST PROPERTY LINES

Received by Growth Management
May 3, 2001

0200-048

EXHIBIT "B"



Received by Growth Management
May 3, 2001

STATE OF FLORIDA
 COUNTY OF SAHASOTA
 I HEREBY CERTIFY THAT THE FOREGOING IS A
 TRUE AND CORRECT COPY OF THE ORIGINAL FILES
 IN THIS OFFICE WITNESS MY HAND AND OFFICIAL
 SEAL THIS DATE 8-1-01
 KAREN T. HOSHING, CLERK OF THE CIRCUIT COURT
 COUNTY CLERK TO THE BOARD OF COUNTY
 COMMISSIONERS SAHASOTA COUNTY FLORIDA
 BY *[Signature]*
 DEPUTY CLERK

02001048