

M

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 20030228665 4 PGS
2003 FEB 13 05:03 PM
KAREN E. RUSHING

CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
KRICE Receipt#278180



Please record and return to: (Via Inter-Office Mail)
Karen Grassett
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 at the southwest corner of Fruitville Road and East Road in Sarasota County, Florida, owned by Ann M. and Rosemary D. Dann, and described in Ordinance No. 2003-005 attached hereto, has been rezoned to the ILW (Industrial, Light and Warehousing) zone district pursuant to **Rezone Petition No. 02-04**, filed by Richard M. Fischer, Agent, and **granted** by Sarasota County on **January 22, 2003**, and is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

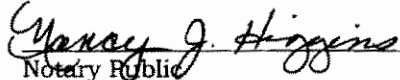
(Stipulations and limitations are those described in Section 3 of Ordinance No. 2003-005, attached hereto)


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 11th day of February, A.D. 2003.


Notary Public
State of Florida at Large

This instrument prepared by:
SMA



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

ORDINANCE NO. 2003-005

AN ORDINANCE OF THE COUNTY OF SARASOTA, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS, AS PART OF SARASOTA COUNTY ORDINANCE NO. 75-38, 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.

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

2003 JAN 31 PM 2:12

FILED

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. 02-04, 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 _____ acres ± from OUE-1 (Open Use, Estate, 1 unit/5 acres) to ILW (Industrial, Light and Warehousing) for the following described property located in Sarasota County, Florida:

The legal description of said property in Sarasota County, Florida being:

In Sarasota County Florida, Section 20, Township 36S, Range 19E. North 1/2 Lot 14 less State Road Right - of -Way containing 4.7 + acres, Palmer Farms Fifth Unit.

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

CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FL

2003 JAN 24 PM 1:45

BOARD OF COUNTY COMMISSIONERS
SARASOTA COUNTY, FL

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:

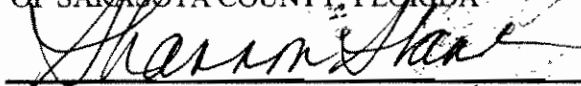
1. The Owner shall be required to maintain the appearance and function of any private drainage facilities to be constructed on the site, including retention ponds and drainage ditches, at its own expense in accordance with applicable federal, state or local regulations. At the time of recording a plat 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.
2. Exterior lighting on the site shall be directed only toward the subject site and away from adjacent properties and streets.
3. Refuse areas shall be setback at least 30 feet from the north property line and visually screened in accordance with Section 11.6.f of the Sarasota County Zoning Ordinance.
4. Prior to Construction Plan approval, the developer shall record a vehicular, pedestrian, bicycle ingress/egress access easement (minimum 30 feet in width) or right-of-way to the adjacent parcels located to the west and south. The easement shall be paved across the subject parcel to the west and south property lines. The improvements shall be included in the Construction Plans.
5. Master Surface Water Management Plans shall be consistent with the Phillippi Creek Basin Master Plan.
6. Access to the subject parcel on Fruitville Road shall be limited to one right-in/right-out turning movement only. Left turns shall be prohibited at the right-in/right-out access by a median or raised traffic separator. The improvements shall be included in the Construction Plans.
7. Prior to any development on the subject parcel that cumulatively generates more than 244 PM peak hour net new trips, a traffic study shall be prepared consistent with the Standard Traffic Study Methodology, as adopted by Resolution No. 98-169. The traffic study shall identify the necessary capacity, operation, and safety related improvements to significantly impacted roads and intersections that are needed to accommodate the proposed development. To establish the needed improvements, the traffic impacts of the entire proposed development, including background traffic from approved developments. The improvements determined to be necessary by the study, shall be constructed prior to or concurrent with the construction of the infrastructure (i.e. roadways, parking areas) for the parcel.
8. The existing residence and all accessory structures on the subject parcel shall be permitted for a period of one year from the date of the first site and development plan submittal on the subject parcel.
9. All nuisance/invasive plant species shall be removed from the site. Additionally, the removed vegetation shall be disposed of in a County-approved landfill or by any other method approved by Resource Protection Services.
10. All development shall be consistent with the "Perpetual Covenant and Restrictions Restricting Allowable Uses on Parcels of Real Property" as adopted by Resolution No. 2002-140.
11. Prior to or concurrent with the development of the subject parcel, an easement in a form approved by the County Attorney's Office, to establish the proposed 24-foot wide shared access driveway to Fruitville Road as depicted in Rezone Petition No. 02-03 Development Concept Plan across the Witmer parcel and the Dann parcel in Rezone Petition No. 02-04 shall be executed and recorded by

the property owners. The Construction Plans shall include the recording information for the recorded easement.

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.

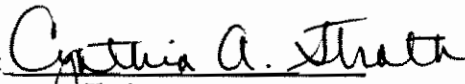
PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 22 day of January, A.D., 2003.

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

FEB 10 2003

STATE OF FLORIDA
COUNTY OF SARASOTA
CIRCUIT COURT
I HEREBY CERTIFY THAT THE FOREGOING IS A
TRUE AND CORRECT COPY OF THE ORIGINAL FILED
IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT
ON THIS DATE 1/27/03
BY 
DEPUTY CLERK