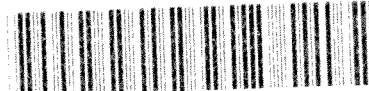


6  
PLEASE RE-RECORD TO REFLECT  
CHANGES DUE TO SCRIVENERS ERRORS.

✓ Please record and return to: (Via Inter-Office Mail)  
Susan Anderson  
Planning Services  
1301 Cattlemen Road, Bldg. A  
Sarasota, FL 34232

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

RECORDED IN OFFICIAL RECORDS  
INSTRUMENT # 2004074346 6 PGS  
2004 APR 21 04:00 PM  
KAREN E. RUSHING  
CLERK OF THE CIRCUIT COURT  
SARASOTA COUNTY, FLORIDA  
DUURSEY Receipt#464105



2004074346

The following property, located at the southwest corner of U.S. 41 and South Holiday Drive in Sarasota County, Florida, owned by James E. Howard and Joyce O. Howard, and described in Ordinance No. 2003-070 attached hereto, has been rezoned to a CG (Commercial General) zone district pursuant to Rezone Petition No. 03-27 filed by Alan Zirkelbach, Agent, and granted by Sarasota County on November 12, 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. 2003-070, attached hereto)

B. Alan Garrett, Manager  
Planning Services

**STATE OF FLORIDA  
COUNTY OF SARASOTA**

Before me, the undersigned Notary Public, personally appeared B. Alan Garrett, Manager, Planning Services, 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 20<sup>th</sup> day of  
April, 2004.

Notary Public  
State of Florida at Large

This instrument prepared by:  
SA



Shelley E. Hamilton  
MY COMMISSION # DD233335 EXPIRES  
August 10, 2007  
BONDED THRU TROY FAIN INSURANCE, INC.

S Anderson

INSTRUMENT # 2004074346

6 PGS

**ORDINANCE NO. 2003-070**

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 I 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.

RECEIVED  
MAR 23 PM 2:27  
CLERK OF CIRCUIT COURT  
SARASOTA COUNTY, FLORIDA

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. 03-27, 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 I 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 for ± 1.525 acres from OPI (Office, Professional and Institutional) to CG (Commercial General) for the following described property located in Sarasota County, Florida:

The legal description of said property in Sarasota County, Florida being: The southwest corner of U.S. 41 and South Holiday Drive, being more particularly described as follows:

BOARD RECORDS  
FILED FOR RECORD  
MAR 15 PM 2:37  
KAREN E. RUSHING  
CLERK OF CIRCUIT COURT  
SARASOTA COUNTY, FL

**PARCEL 1:**

BEGIN AT THE MOST SOUTHERLY CORNER OF LOT 1, BLOCK "C", HOLIDAY HARBOR, UNIT #1, RECORDED IN PLAT BOOK 7, PAGE 67, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA (SAID CORNER BEING A COMMON CORNER WITH LOT 3, BLOCK "C") THENCE S.  $19^{\circ}42'06''$ W (DEED S. $19^{\circ}45'09''$ W) A DISTANCE OF 190.71 FEET; THENCE EAST 292.27 FEET; THENCE N. $0^{\circ}08'$ E, A DISTANCE OF 67.77 FEET; THENCE S. $89^{\circ}54'$ W, A DISTANCE OF 145.48 FEET; THENCE N. $0^{\circ}06'$ W, A DISTANCE OF 34.50 FEET; THENCE N. $47^{\circ}08'$ W, A DISTANCE OF 113.80 FEET TO THE POINT OF BEGINNING. BEING A PART OF LOTS 2 AND 3, BLOCK "C", HOLIDAY HARBOR, UNIT #1.

**PARCEL 2:**

BEGIN AT THE SOUTHWESTERLY CORNER OF LOT 1, BLOCK "C", HOLIDAY HARBOR, UNIT #1, RECORDED IN PLAT BOOK 7, PAGE 67, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA (BEING THE COMMON CORNER WITH LOT 2, SAID HOLIDAY HARBOR, UNIT #1); THENCE N. $42^{\circ}57'$ E, 200.00 FEET TO THE MOST NORTHERLY CORNER OF SAID LOT 1, ALSO BEING THE POINT OF INTERSECTION WITH THE SOUTHWESTERLY RIGHT-OF-WAY OF THE TAMiami TRAIL; THENCE S. $47^{\circ}03'00''$ E ALONG SAID TRAIL RIGHT-OF-WAY, 122.5 FEET TO THE POINT OF CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF  $1^{\circ}05'32''$ , A RADIUS OF 5586.34 FEET, AN ARC DISTANCE OF 106.5 FEET TO THE INTERSECTION WITH THE WEST RIGHT-OF-WAY OF SOUTH HOLIDAY DRIVE (50 FEET WIDE); THENCE S. $0^{\circ}08'$  W ALONG THE WEST RIGHT-OF-WAY OF SAID SOUTH HOLIDAY DRIVE A DISTANCE OF 168.63 FEET; THENCE S. $89^{\circ}54'00''$ W, 145.4 FEET; THENCE N. $0^{\circ}06'00''$  W, 34.35 FEET; THENCE N. $47^{\circ}03'$ W, 214.33 FEET TO THE POINT OF BEGINNING, LESS ALL OF LOT 1, BLOCK "C", SAID HOLIDAY HARBOR, UNIT #1.

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. Access to the subject parcel shall be limited to one unrestricted access opening on South Holiday Drive no closer than 140 feet south of U.S. 41, measured from the inside edge of the U.S. 41 right of way to the inside edge of the access point, along the centerline of South Holiday Drive.
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 set back at least 50 feet from any residentially zoned property line and be visually screened in accordance with section 11.6.f of the Sarasota County Zoning Ordinance.
4. No outdoor speaker system shall be allowed on the site.
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 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.
6. This zoning map amendment is governed by the provisions of sub-section 1.9.2.b.2.ii. of Ordinance No. 2003-052. The Owner has elected to be bound by the development concept plan submitted with the application. As a result of such election, the following stipulations shall apply:
  - a. Development shall occur in substantial accordance with the Development Concept Plan date stamped August 14, 2003, and attached hereto as Exhibit "A" provided, however, that in the event of a conflict between the Development Concept Plan and the stipulations contained herein, the stipulations shall take precedence. This does not imply or confer any variance from applicable zoning or land development regulations.
  - b. At the time of Site and Development Plan review and approval, the provisions and requirements of Zoning Ordinance No. 75-38, revised and updated through

Amendment No. 196 (Ordinance No. 2001-054, adopted October 15, 2001) shall apply as to matters depicted on the Development Concept Plan and the provisions and requirements of Ordinance No. 2003-052 shall apply to the extent that they do not conflict with the Development Concept Plan.

c. Any deviations from the Development Concept Plan that are not allowed by this rezoning ordinance (that is, what is not in substantial accordance with the Concept Plan), or amendments must comply with the zoning code in effect at the time of approval of that modification.

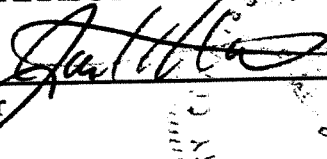
7. Permitted uses on the subject parcel shall be governed by the new Zoning Ordinance No. 2003-052.

8. The Owner shall plant a continuous hedge of shrubs within the 10-foot buffer area westerly of the furniture building, a distance of 125 linear feet.

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.

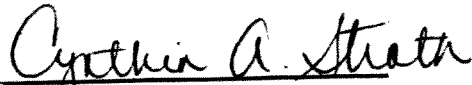
PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 12<sup>th</sup> day of November, 2003.

BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA

  
Chair

ATTEST:

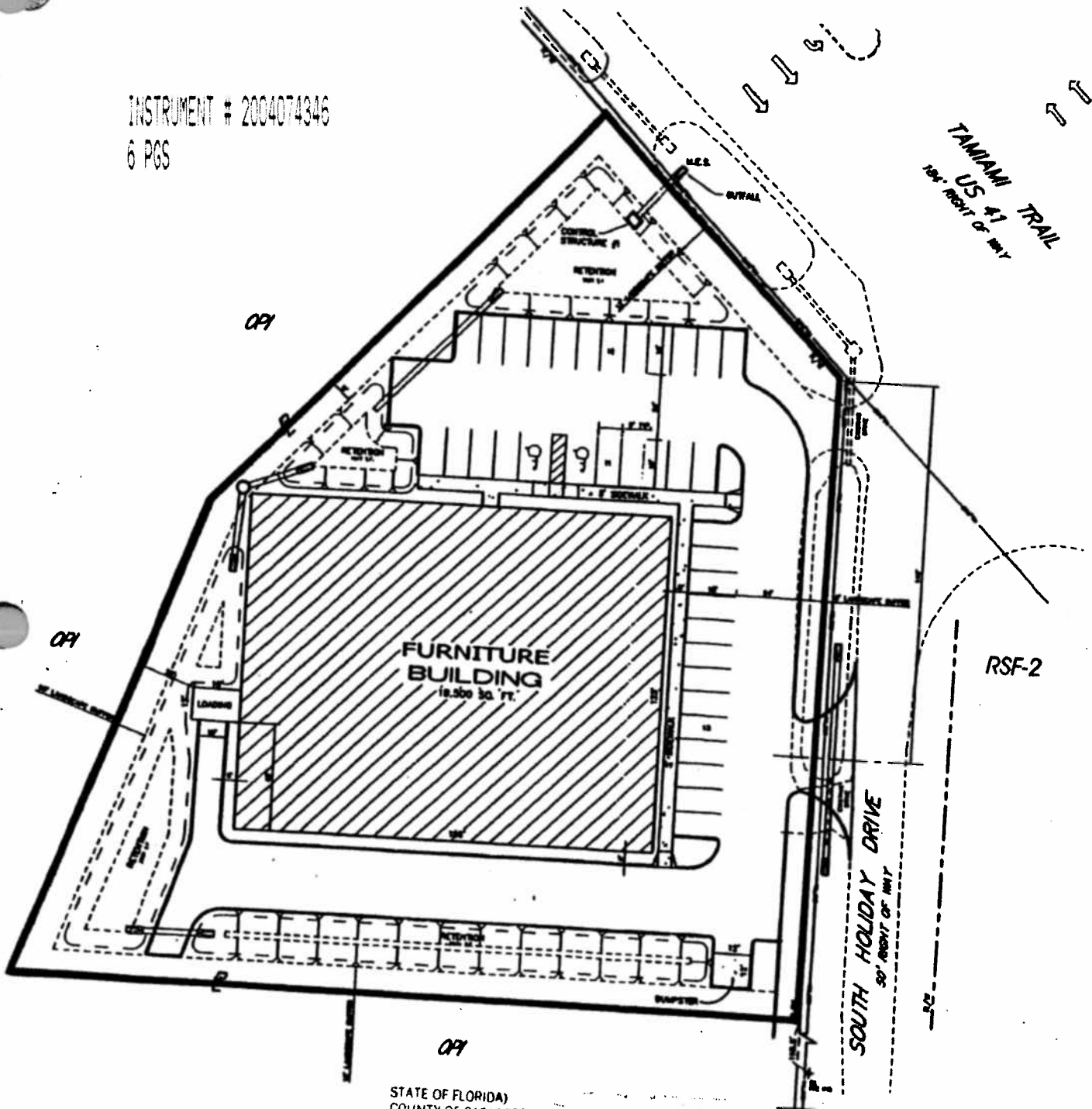
KAREN E. RUSHING, Clerk of the Circuit Court  
and Ex-Officio Clerk of the Board  
of County Commissioners of Sarasota County, Florida

By:   
Deputy Clerk

# MAP SERIES/CONCEPT PLAN

## EXHIBIT "A"

INSTRUMENT # 2004074346  
6 PGS



STATE OF FLORIDA)  
COUNTY OF SARASOTA)  
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 3-18-04  
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT  
EX-OFFICIO CLERK TO THE BOARD OF COUNTY  
COMMISSIONERS, SARASOTA COUNTY, FLORIDA

BY Cynthia A. Strath  
DEPUTY CLERK

THIS DOCUMENT RECEIVED BY:  
GROWTH MANAGEMENT ON  
AUGUST 14, 2003



0327