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2014 APR 15 08:56 AM

KAREN E. RUSHING

CLERK OF THE CIRCUIT COURT  
SARASOTA COUNTY, FLORIDA  
CEAGLETO Receipt#1729629

Please record and return to: **(Via Inter-Office Mail)**

**Cynthia Spraggins, Administrative Specialist**

Planning Services

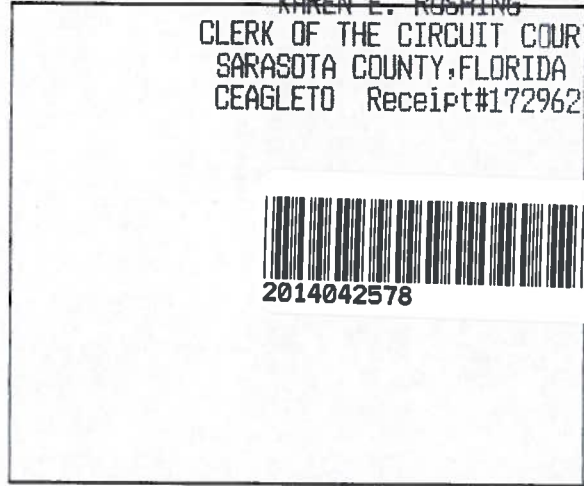
1660 Ringling Blvd., 1<sup>st</sup> Floor

Sarasota, FL 34236

**Charge to: Planning Services**


**Account# 51810000500489**

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



The following property, located north of East Venice Avenue and west of Fellsmere Road in Sarasota County, Florida, owned by JLP Lots, LLC, a Florida limited liability company and owned by Jacaranda Land Partners, LLC, and described in Ordinance No. 2014-026 attached hereto, has been rezoned to a RMF-1/PUD zone district, with amended stips, pursuant to Rezone Petition No. 13-29 filed by Robert J. Medred, Agent, - Genesis Planning and Development Inc. and granted by Sarasota County on April 9, 2014 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. 2014-026, attached hereto)

  
Tate Taylor, Operational Manager


**STATE OF FLORIDA  
COUNTY OF SARASOTA**

Before me, the undersigned Notary Public, personally appeared Tate Taylor, Operational Manager, 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 14<sup>th</sup> day of

April, 2014.



  
Notary Public  
State of Florida at Large

This instrument prepared by:  
Cynthia Spraggins



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

April 9, 2014

Honorable Karen E. Rushing  
Clerk of the Circuit Court  
Board Records Department  
Sarasota County  
1660 Ringling Boulevard, Suite 210  
Sarasota, Florida 34236

Attention: Deborah Diakatos: Recording Secretary, Board Records

Dear Ms. Rushing:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Sarasota County Ordinance No. 2014-026, which was filed in this office on April 9, 2014.

Sincerely,

Liz Cloud  
Program Administrator

LC/mrh

Enclosures

**ORDINANCE NO. 2014-026**

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 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.

BOARD NOT JUDICIAL  
FILED FOR THE RECORD  
2014 APR -9 AM 9:24  
KAREN E. ROBINSON  
CLERK OF THE CIRCUIT COURT  
SARASOTA COUNTY, FL

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:

1. The Board has received and considered the report of the Sarasota County Planning Commission concerning Rezoning Petition No. 13-29, requesting rezoning of the property described herein.
2. 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 A of the Sarasota County Code (hereinafter "the Zoning Ordinance"), and has considered the information received at said public hearing.
3. The rezoning herein granted is consistent with the Sarasota County Comprehensive Plan and meets the requirements of the Zoning Ordinance.
4. 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 from RMF-3 (Residential, Multi-Family, 13 units/ acre) to RMF-1/PUD (Residential, Multi-Family, 6 units/ acre/ Planned Unit Development) zone district for the following described property located in Sarasota County, Florida:

**North of East Venice Avenue and west of Fellsmere Road and being more particularly described as follows:**

All that land lying in and being in Section 11, Township 39 South, Range 19 East, Sarasota County, Florida, and consisting of Tracts 80 thru 96, inclusive, less that portion of Tracts 80 thru 85, according to the Plat of Venice Farms, recorded in Plat Book 2, Page 179, Public Records of Sarasota County, Florida, lying West of the easterly right of way line of Jacaranda Boulevard; also including that portion of the Southwest Quarter of the Northwest Quarter and the North Half of the Southwest Quarter of Said Section 11, lying outside said plat of Venice Farms, and North of the northerly Right of Way line of Venice Avenue, and East of the easterly Right of Way line of said Jacaranda Boulevard, described as follows:

Commence at the Northwest corner of Section 11, Township 39 South, Range 19 East, Sarasota County, Florida; thence  $8.00^{\circ}44'37''$ W., along the West line of said Section 11, a distance of 1329.55 feet; according to the Order of Taking recorded in Official Records Book 1150, at Page 941, Public Records of Sarasota County, Florida; thence  $S.00^{\circ}35'14''$ W., along said easterly Right of Way line Jacaranda Boulevard, a distance of 33.00 feet to the southerly Right of Way line of Hardee Drive (66 foot wide Public Right of Way), as shown on the Plat of Venice Farms, recorded in Plat Book 2, Page 179, Public Records of Sarasota County, Florida, for the POINT OF BEGINNING; thence  $S.89^{\circ}27'51''$ E., along said southerly Right of Way line of Hardee Drive, a distance of 2467.33 feet to the intersection with the westerly Right of Way line of Fellsmere Road (66 foot wide Public Right of Way), as shown on said Plat of Venice Farms; thence  $S.00^{\circ}42'31''$ W., along said westerly Right of Way line, a distance of 1798.68 feet to the northerly Right of Way line of Venice Avenue (100 foot wide Public Right of Way), a distance of 602.13 feet to a point on the southerly line of Lot 92, as shown on said Plat of Venice Farms; thence  $S.01^{\circ}26'51''$ W., along the northerly maintained Right of Way line of Venice Avenue as shown on Maintained Right of Way Map, recorded in Road Plat Book 2, Page 43, Public Records of Sarasota County, Florida, a distance of 10.00 feet; thence continue along said northerly maintained Right of Way line of Venice Avenue,  $N.88^{\circ}31'47''$ W., a distance of 1201.43 feet; thence  $N.00^{\circ}35'14''$ E., along a line parallel with said easterly Right of Way line of Jacaranda Boulevard, a distance of 691.79 feet; thence  $N.88^{\circ}32'06''$ W., a distance of 660.08 feet to said easterly Right of Way line of Jacaranda Boulevard; thence  $N.00^{\circ}35'14''$ E., along said easterly Right of Way line Jacaranda Boulevard, a distance of 1077.59 feet to the POINT OF BEGINNING.

Parcel contains 90.6529 Acres, more or less.

**LESS, the following described parcel:**

A parcel of land lying in Section 11, Township 39 South, Range 19 East, Sarasota County, Florida, described as follows:

Commence at the Northwest corner of Section 11, Township 39 South, Range 19 East, Sarasota County, Florida; thence  $S.00^{\circ}44'37''$ W., along the West line of said Section 11, a distance of 1329.55 feet; thence  $S.89^{\circ}27'51''$ E., a distance of 170.38 feet to the easterly Right of Way line of Jacaranda Boulevard, according to the Order of Taking recorded in Official Records Book 1150, at Page 941, Public Records of Sarasota County, Florida; thence  $S.00^{\circ}35'14''$ W., along said easterly Right of Way line of Jacaranda Boulevard, a distance of 33.00 feet to the southerly Right of Way line of Hardee Drive (66 foot wide Public Right of Way), as shown on the Plat of Venice Farms, recorded in Plat Book 2, Page 179, Public Records of Sarasota County, Florida, for the POINT OF BEGINNING; thence  $S.89^{\circ}27'51''$ E., along said southerly Right of Way line

of Hardee Drive, a distance of 803.61 feet; thence S.00°35'14"W., parallel with said easterly Right of Way line of Jacaranda Boulevard, a distance of 1090.63 feet; thence N.83°32'06"W., a distance of 803.70 feet to said easterly Right of Way line of Jacaranda Boulevard; thence N.00°35'14"E., along said easterly Right of Way line Jacaranda Boulevard, a distance of 1077.59 feet to the POINT OF BEGINNING.

Parcel Contains 20.0001 Acres, more or less.

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, dated February 19, 2014, and attached hereto as Exhibit "A", except as necessary to comply with the stipulations herein. This does not imply or confer any variances from applicable zoning or land development regulations.
2. Development shall be consistent with applicable conditions of Sector Plan No. 83-04-SP.
3. Access to a full median opening on Venice Avenue shall be no closer than 1,320 feet east of the intersection of Jacaranda Boulevard and Venice Avenue.
4. Access to Jacaranda Boulevard shall be restricted to right-in/right-out and left-in only.
5. Prior to or concurrent with development of the subject parcel, the developer shall construct an eastbound to northbound left turn lane on Venice Avenue, if warranted. The left turn lane shall be designed in accordance with Indexes 301 and 526 of the Florida Department of Transportation's Design Standards. The improvements shall be included in the construction plans for the subject development.
6. The Master Surface Water Management Plan shall be consistent with the Curry Creek Basin Master Plan.
7. Development within 300 feet of the eastern parcel boundary shall be limited to a maximum of 35 feet in height above finished grade. Development within the area between 300 feet and 600 feet from the eastern parcel boundary shall be limited to a maximum of 45 feet in height above finished grade. The rest of the development from the eastern parcel boundary shall be limited to a maximum of 45 feet in height plus 12 feet of parking above finished grade.

8. The subject property shall have and maintain access to Jacaranda Boulevard that meets local street development standards.
9. Direct access and construction access to Fellsmere Road from the subject property is prohibited.
10. Buildings within 100 feet of the eastern parcel boundary shall be limited to detached single family residences.
11. The development is limited to a maximum of 423 development units.
12. The applicant shall submit a wetland mitigation, monitoring, and maintenance plan to Conservation and Environmental Permitting, prior to or concurrent with any site and development plan application.
13. Prior to site and development approval the owner/developer shall coordinate with Sarasota County staff the development of a stormwater quantity monitoring plan. Said plan shall be implemented at the owner/developer's expense, prior to the approval of the first certificate of occupancy, and shall continue until one year after build-out.

Section 4. Modifications. Pursuant to Article 6.11.2.f of the Sarasota County Zoning Ordinance, the Board approves the following PUD modifications:

1. Modification to the requirements of Section B.3 of the Subdivision Technical Manual and Appendix C6A of the Land Development Regulations to allow public and private local roads with closed drainage to provide a 40 foot right of way width with 20 foot pavement width provided that it can be demonstrated at Preliminary Plat or S&D plan approval that no segment of such local roads carry more than 1,000 average daily vehicle trips.
2. Modification of the required minimum yards/setbacks otherwise provided under the Zoning Ordinance as follows:  
  
Front- 20' to garage, 15' to house  
Side- None except 10' between structures  
Rear- 10' to principal structures, 3' to Swimming pools; and None to accessory structures except: 5' for rear lot line that abuts a side lot line.
3. Modification of the requirements of Section 7.8.2.e of the Zoning Ordinance to allow perimeter walls/fences to be as high as 8 feet in height.

4. Modification of the requirements of Section 7.8.2.a to allow a 20% opacity landscape buffer on the exterior of a perimeter wall or fence located along the public right-of-way on the northern project boundary and a 30% opacity landscape buffer on the exterior of a perimeter wall or fence located along the public right-of-way on the eastern project boundary.

Section 5. Effective Date. This Ordinance shall take effect upon filing with the Department of State.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 5<sup>th</sup> day of April, 2014.

BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA

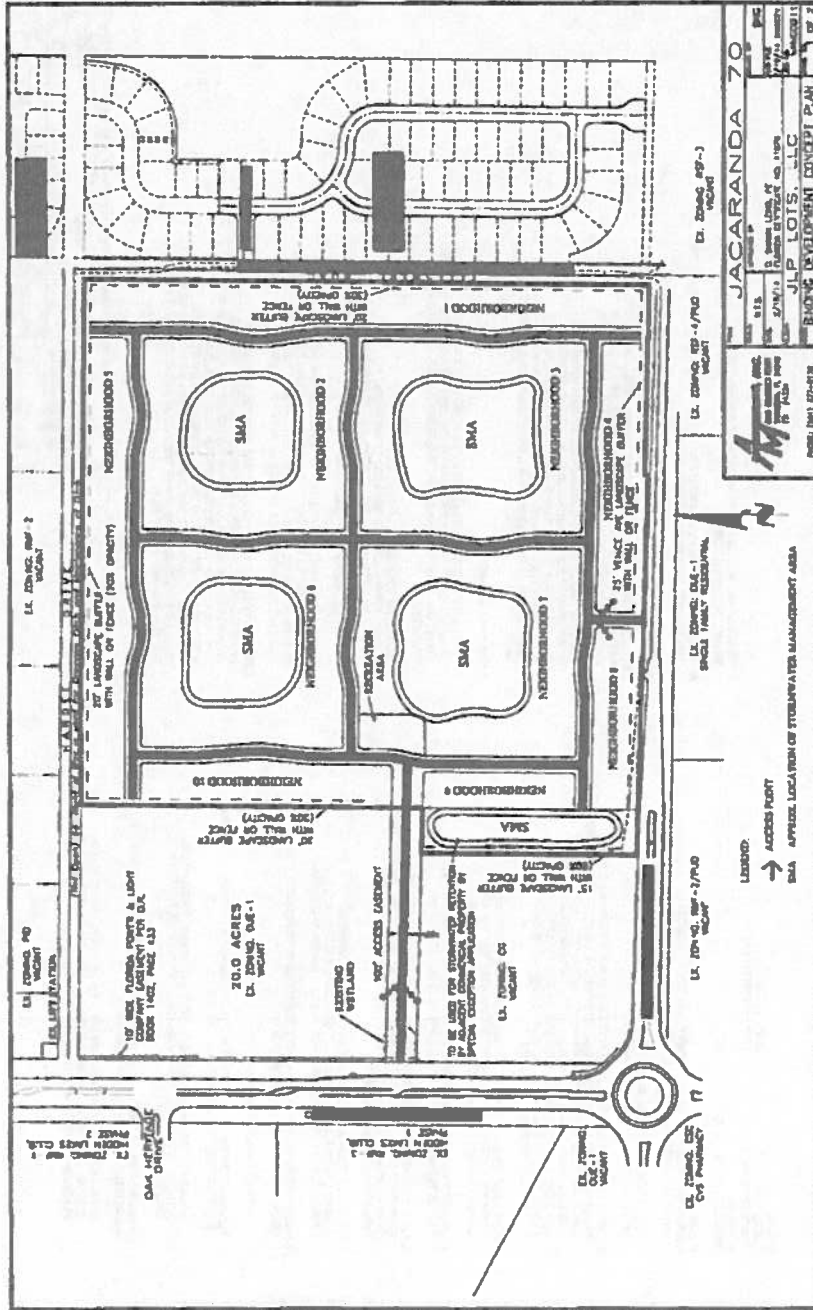
  
Chair

ATTEST:

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

By: Deborah Diakates  
Deputy Clerk

EXHIBIT "A"  
February 19, 2014



<b>JACARANDA 70</b>		
DATE: 02/19/14	SCALE: 1" = 40'	PROJECT: BIOMING DEVELOPMENT CONCEPT PLAN
BY: J.P. LOUIS, LLC	CHECKED: [Signature]	DATE: 02/19/14
PROJECT: BIOMING DEVELOPMENT CONCEPT PLAN	SHEET: 1 OF 2	

02014-026



EXHIBIT "A"  
February 19, 2014

<p><b>SITE DATA</b>          COUNTY: SONOMA          PARCEL NO.: 025/06304          ZONING: R240          DISTRICT: UNITS MAXIMUM: 43</p>	<p>SUBJECT PROPERTY          2.04 AC          43 UNITS</p>	<p><b>NOTES</b>          1. THE OPEN SPACE WILL BE PROVIDED PURSUANT TO ZONING ORDINANCE SECTIONS 6.11.2 AND 6.11.1.</p>	<p>REQUIRED OPEN SPACE: 21.19 ACRES          PROPOSED OPEN SPACE: 21.19 ACRES</p>	<p>2. SECTION 6 AND 8.5 FROM THE EASTERN PROPERTY BOUNDARY, THE MAXIMUM BUILDING HEIGHT SHALL BE 37 FEET ABOVE FINISHED GRADE, FROM 150 TO 650 FEET FROM THE EASTERN PROPERTY BOUNDARY. THE MAXIMUM BUILDING HEIGHT SHALL BE 45 FEET ABOVE FINISHED GRADE, THE BALCONY BUILDING HEIGHT SHALL BE 10 FEET ABOVE FINISHED GRADE, AND SHALL BE 10 FEET ABOVE FINISHED GRADE FROM THE EASTERN PROPERTY BOUNDARY.</p>	<p>3. THERE ARE NO KNOWN WELLS ON SITE. ANY WELLS DISCOVERED SHALL BE FOLLOADED BY A LICENSED WELL CONTRACTOR OR OTHERS AS NECESSARILY PERMITTED FOR ALTERNATIVE USES.</p>	<p>4. THE ONLY BUILDING TYPE PERMITTED WITHIN 100' OF THE EASTERN PROPERTY BOUNDARY SHALL BE SINGLE-FAMILY DETACHED.</p>	<p>5. FINAL ALIGNMENT OF BENTON DRIVE AND CORRECTION OF BENTON DRIVE AND BENTON DRIVE SHALL BE ESTABLISHED AT THE TIME OF FUTURE PLAN DELETION AND DEVELOPMENT PLAN APPROVAL. PRIVATE DRIVES MAY BE GATED.</p>	<p>6. THE RECREATION AREA MAY INCLUDE POOL, CLAMMING, SPORTS COURTS, PATIO DECKS, BOAT LIFT AND OTHER AMENITIES.</p>	<p>7. PURSUANT TO SECTION 6.11.2, ONLY THE FOLLOWING BUILDING TYPES ARE PERMITTED WITHIN HOODS/NEIGHBORHOOD 1:          SINGLE-FAMILY DETACHED          PURSUANT TO SECTION 6.11.2A, ONLY THE FOLLOWING BUILDING TYPES ARE PERMITTED WITHIN HOODS/NEIGHBORHOODS 2 &amp; 3:          SINGLE-FAMILY DETACHED, LOT LINES, TRADITIONAL PATRIA VILLA, ALFAMA, TWO-FAMILY, SEMI-ATTACHED TOWNHOUSE, TOWNHOUSE, STACKED TOWNHOUSE          PURSUANT TO SECTION 6.11.2C, THE FOLLOWING BUILDING TYPES ARE PERMITTED WITHIN HOODS/NEIGHBORHOOD 6-11:          SINGLE-FAMILY DETACHED, LOT LINES, TRADITIONAL PATRIA VILLA, ALFAMA, TWO-FAMILY, SEMI-ATTACHED TOWNHOUSE, TOWNHOUSE, STACKED TOWNHOUSE, MULTIPLE, MULTIFAMILY</p>	<p>8. STORMWATER MANAGEMENT AREAS MAY BE UTILIZED FOR SOILS AND VEGETATION.</p>	<p>9. DIRECT ACCESS AND CONSTRUCTION ACCESS TO FELLERS ROAD FROM THE SUBJECT PROPERTY IS PROHIBITED.</p>	<p><b>NOTIFICATIONS:</b></p>	<p>1. PURSUANT TO SECTION 6.11.2 (F) OF THE ZONING ORDINANCE, A NOTIFICATION TO THE NEIGHBORS OF SECTION 6.11.2 (F) OF THE ZONING ORDINANCE IS REQUIRED. THE NOTIFICATION SHALL BE DELIVERED TO ALL NEIGHBORS TO ALLOW PUBLIC AND PRIVATE LOCAL OPINIONS TO BE HEARD. LOCAL OPINIONS TO BE HEARD SHALL INCLUDE COMMENTS ON THE STREET-CURB WIDTH WITH 20 FOOT TYPED WITH PROVIDER THAT IT CAN BE DEMONSTRATED AT FUTURE PLAN APPROVAL THAT THE SUBJECT PROPERTY IS IN CONFORMANCE WITH THE LOCAL ZONING CODE MORE THAN 10 FEET FROM ALL VEHICULAR TRAFFIC.</p>	<p>2. <b>RECREATING WITHIN:</b></p>	<p>PURSUANT TO SECTION 6.11.2 (G) OF THE ZONING ORDINANCE, A NOTIFICATION TO THE NEIGHBORS OF SECTION 6.11.2 (G) IS REQUIRED TO ALLOW THE FOLLOWING BUILDING SETTINGS FOR THE ENTIRE PROPERTY:          FRONT: 20 TO 30 FEET          REAR: 10 TO 15 FEET          SIDE: 5 TO 10 FEET          SIDE (NEAR): 5 TO 10 FEET          SIDE (FAR): 5 TO 10 FEET          SIDE (ADJACENT): 5 TO 10 FEET</p>	<p>3. PURSUANT TO SECTION 6.11.2 (H) OF THE ZONING ORDINANCE, A NOTIFICATION TO THE NEIGHBORS OF SECTION 6.11.2 (H) IS REQUIRED TO ALLOW THE FOLLOWING BUILDING SETTINGS FOR THE ENTIRE PROPERTY:          FRONT: 20 TO 30 FEET          REAR: 10 TO 15 FEET          SIDE: 5 TO 10 FEET          SIDE (NEAR): 5 TO 10 FEET          SIDE (FAR): 5 TO 10 FEET          SIDE (ADJACENT): 5 TO 10 FEET</p>	<p>4. PURSUANT TO SECTION 6.11.2 (I) OF THE ZONING ORDINANCE, A NOTIFICATION TO THE NEIGHBORS OF SECTION 6.11.2 (I) IS REQUIRED TO ALLOW THE FOLLOWING BUILDING SETTINGS FOR THE ENTIRE PROPERTY:          FRONT: 20 TO 30 FEET          REAR: 10 TO 15 FEET          SIDE: 5 TO 10 FEET          SIDE (NEAR): 5 TO 10 FEET          SIDE (FAR): 5 TO 10 FEET          SIDE (ADJACENT): 5 TO 10 FEET</p>	<p>5. PURSUANT TO SECTION 6.11.2 (J) OF THE ZONING ORDINANCE, A NOTIFICATION TO THE NEIGHBORS OF SECTION 6.11.2 (J) IS REQUIRED TO ALLOW THE FOLLOWING BUILDING SETTINGS FOR THE ENTIRE PROPERTY:          FRONT: 20 TO 30 FEET          REAR: 10 TO 15 FEET          SIDE: 5 TO 10 FEET          SIDE (NEAR): 5 TO 10 FEET          SIDE (FAR): 5 TO 10 FEET          SIDE (ADJACENT): 5 TO 10 FEET</p>	<p>6. PURSUANT TO SECTION 6.11.2 (K) OF THE ZONING ORDINANCE, A NOTIFICATION TO THE NEIGHBORS OF SECTION 6.11.2 (K) IS REQUIRED TO ALLOW THE FOLLOWING BUILDING SETTINGS FOR THE ENTIRE PROPERTY:          FRONT: 20 TO 30 FEET          REAR: 10 TO 15 FEET          SIDE: 5 TO 10 FEET          SIDE (NEAR): 5 TO 10 FEET          SIDE (FAR): 5 TO 10 FEET          SIDE (ADJACENT): 5 TO 10 FEET</p>	<p><b>AM</b>          ARCHITECTURE          1500 S. PINE          SUITE 200          MARICOPA, AZ 85139          PH: (480) 271-1118          WWW.AMARCHITECTURE.COM</p>	<p><b>JACARANDA 70</b>          JLP LOTS, LLC          27111 N. RICHMOND ST., SUITE 100          MESA, AZ 85205          PH: (480) 948-1111          WWW.JLPLOTS.COM</p>
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