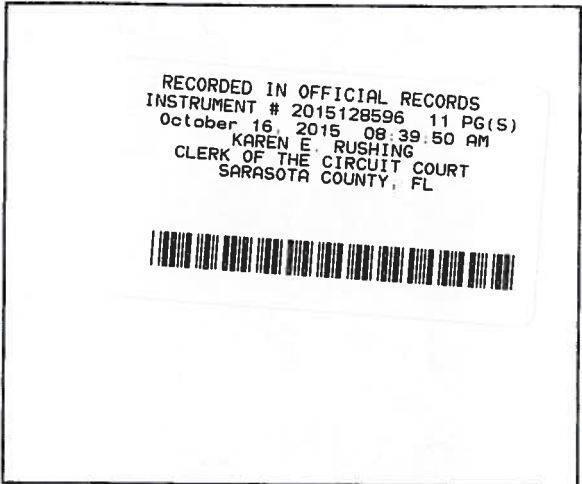


Please record and return to: (Via Inter-Office Mail)
Cynthia Spraggins, Administrative Specialist
Planning Services
1660 Ringling Blvd., 1st Floor
Sarasota, FL 34236

Customer ID# 5223
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 at Palmer Boulevard and Iona Road in Sarasota County, Florida, owned by Palmer Place LLC and Palmer Place Holdings, LLC, and described in Ordinance No. 2015-041 attached hereto, has been rezoned to a RSF-1/PUD (Residential, Single-Family 2.5 unit/acre) with amended stipulations zone district pursuant to Rezone Petition No. 15-01 filed by Donald A. Neu, AICP, Agent, and granted by Sarasota County on September 22, 2015 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. 2015-041, 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 15th day of October, 2015.




Notary Public
State of Florida at Large

This instrument prepared by:
CMS



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

September 28, 2015

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

Attention: Cheryl Dexter, Recording Secretary

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. 2015-041, which was filed in this office on September 28, 2015.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

ORDINANCE NO. 2015-041

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.

FILED FOR THE RECORDS
BOARD OF COUNTY COMMISSIONERS
2015 SEP 25 PM 12:01
KAPRILE RUSHING COURT
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:

A. The Board has received and considered the report of the Sarasota County Planning Commission concerning Rezoning Petition No. 15-01, 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 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 Article 4 of the Zoning Ordinance, is hereby amended by changing the zoning district classification from RSF-1/PUD (Residential, Single-Family 2.5 unit/acre) with stipulations, to RSF-1/PUD (Residential, Single-Family 2.5 unit/acre) with amended stipulations zone district for the following described property located in Sarasota County, Florida:

02015 041

DESCRIPTION:

LOTS 1 THROUGH 14, INCLUSIVE, BLOCK 26, PALMER FARMS 3RD UNIT, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 53, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA;

TOGETHER WITH:

LOTS 1 THROUGH 14 INCLUSIVE, BLOCK 25, PALMER FARMS, 3RD UNIT, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGES 53, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA;

TOGETHER WITH:

LOTS 2 THROUGH 9, INCLUSIVE, BLOCK 24, PALMER FARMS, 3RD UNIT, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 53, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, TOGETHER WITH A STRIP OF LAND 130 FEET WIDE SOUTHERLY THEREOF BEING THE FORMER ATLANTIC COAST LINE RAILROAD RIGHT OF WAY;

TOGETHER WITH:

LOT 15, BLOCK 25, PALMER FARMS 3RD UNIT, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 53, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA;

TOGETHER WITH:

WEBBER ROAD RIGHT OF WAY BETWEEN BLOCK 25 AND BLOCK 26, PALMER FARMS, 3RD UNIT, LYING BETWEEN DRAINAGE CANAL 29 ON THE EAST AND DRAINAGE CANAL 28 ON THE WEST AS PER PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 53, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA;

TOGETHER WITH:

RINGLING BOULEVARD (PALMER BOULEVARD) RIGHT OF WAY BETWEEN BLOCK 25 AND BLOCK 24, PALMER FARMS, 3RD UNIT, LYING BETWEEN DRAINAGE CANAL 29 ON THE EAST AND DRAINAGE CANAL 28 ON THE WEST, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 53, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.

ALL THE ABOVE LYING WITHIN SECTION 27, TOWNSHIP 36 SOUTH, RANGE 19 EAST AND SECTION 34, TOWNSHIP 36 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA.

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 occur in accordance with the Development Concept Plan, dated 03/01/15 (and attached hereto as Exhibit "A", hereinafter "Binding Development Concept Plan"), except as provided herein.
2. Pursuant to Section 6.11.2.f, Zoning Ordinance, a modification to Section 6.5, Zoning Ordinance, is hereby granted to allow the Townhouse, Stacked Townhouse, Semi-Attached Townhouse, and Roof-deck Townhouse housing types to be reviewed and approved for the project through the site and development plan process rather than the cluster subdivision platting process.
3. Pursuant to Section 6.11.2.f, Zoning Ordinance, a modification to the requirements of Section B.3 of the Subdivision Technical Manual and Appendix C6A of the Land Development Regulations is hereby granted to allow public and private local roads with closed drainage to provide 40-foot right-of-way width with 20-foot pavement width provided that it can be demonstrated at preliminary plat or site and development plan approval that no segment of such local roads carry more than 1,000 average daily vehicle trips.
4. The Development Concept Plan may contain any combination of residential housing types allowed per Sections 6.7 and 6.11.2, Zoning Ordinance, and following non-residential uses: private clubs; community centers; civic and social organization facilities; parks; playgrounds; tennis clubs; public utility buildings, structures, and facilities necessary to service the Palmer Place development.
5. The perimeter landscape buffers included in the site and development plans and/or preliminary subdivision plans shall be as shown on the Greenway Buffer and Landscape Plan, dated 01/19/15 (attached hereto as Exhibit "B").
6. The required Greenway buffer shall be preserved in perpetuity through conservation easements to be approved concurrently with the site and development plan and/or preliminary subdivision plans containing the land comprising the Greenway buffer or containing lands adjacent to the Greenway buffer. Such conservation easement shall be recorded concurrently with the recording of the final plat or the approval of the site and development plan containing the land comprising the Greenway buffer or containing land adjacent to the Greenway buffer. Consistent with Policies GS2.4 and GS2.5 and related Sarasota 2050 Greenway RMA provisions of the Comprehensive Plan, the Greenway buffer may be used to accommodate Iona Road and related transportation facilities, and passive recreation including, but not limited to, multi-use trails, hiking and boardwalks. The Greenway buffer may also be used for stormwater management facilities, upon a demonstration during the preliminary plat or site and development plan approval process that such uses do not include the conversion of native habitat and will provide equivalent or greater net ecological benefit; provided, however, that any such stormwater management facilities shall be located in the inner half (i.e. the development side) of the buffer.
7. Prior to or concurrent with submittal of site and development plans, or submittal of an Earthmoving permit, a listed species surveys shall be conducted at the subject property by an appropriate environmental professional using State-accepted sampling techniques to identify endangered, threatened, and species of special concern. The results of the surveys, including details of the methodologies used (location of transects, dates and times of surveys, etc.), shall be submitted to Sarasota County's Environmental Protection Division along with any documentation from appropriate regulatory agencies regarding listed species

issues associated with the site.

8. The Master Surface Water Management Plan shall be consistent with the Phillippi Creek Basin Master Plan.
9. If evidence of the existence of historic resources is discovered or observed at development sites or during development activities after final approval, all work shall cease in the area of effect as determined by the Director of Historical Resources. The Applicant, owner, contractor, or agent thereof shall notify the Director within two working days. Examples of such evidence include whole or fragmentary stone tools, shell tools, aboriginal or historic pottery, historic glass, historic bottles, bone tools, historic building foundations, shell mounds, shell middens, or sand mounds. The Director shall assess the significance of the finds within three working days of notification and to mitigate any Adverse Effects so as to minimize delays to development activities.
10. If any human skeletal remains or associated burial artifacts are discovered at development sites or during development activity, all work in the area must cease, and the permittee must immediately notify the nearest law enforcement office and notify the Director of Historical Resources within two working days. According to chapter 872, Florida Statutes, it is unlawful to disturb, vandalize, or damage a human burial.
11. The Development shall not exceed 600 total units. One hundred (100) of the units shall be developed as Affordable Housing Units, consistent with Policy 3.1.7 of the Future Land Use Chapter of Sarasota County Comprehensive Plan and Article 12 of the Zoning Ordinance. The remaining 500 units are approved as Market Rate Units.
12. Pursuant to the mix of units approved for the Development in Condition 11, one (1) Affordable Housing Unit must be provided within the project for every five (5) Market Rate Units. The provision of Affordable Housing Units shall occur at a rate that corresponds with the provision of Market Rate Units.
13. The owner shall provide a Monitoring Report commencing with the filing with Sarasota County of the plat of the second phase, and every plat thereafter, indicating:
 - a. The number of Affordable Housing Units that have been permitted, commenced, and completed within the project to-date.
 - b. The number of Market Rate Units that have been permitted, commenced, and completed within the project to-date.
14. The affordable housing units provided in the Affordable Housing Overlay shall meet the following income levels, based on the annual data from Housing and Urban Development (HUD):
 - a. No less than 2/3 of these housing units shall be affordable to households (based on family size of 4) with incomes at 80 percent AMI or less, and
 - b. No less than 1/3 of these affordable housing units shall be affordable for households (based on family size of 4) with incomes at 100 percent of AMI or less.
15. Prior to or concurrent with development of the subject parcel, Palmer Boulevard from the improved asphalt cross section east of Talon Lane to Iona Road shall be improved to correct its structural deficiencies and widen its travel lanes to 11-feet. The developer/owner shall provide 6-foot stabilized shoulders on both sides of the roadway and a 5-foot sidewalk along

its north side. The developer/owner shall also be responsible for the costs of the acquisition of any right-of-way or easements necessary to accommodate the shoulders and sidewalk. In addition, the improvements required by the subject development shall be coordinated with the County's and any neighboring development's improvements.


16. The Applicant shall dedicate a 120 foot-wide right-of-way for Iona Road at no cost to the County within the Palmer Place development as depicted on the Development Concept Plan. The cross-sections, final alignment and access management plan for this segment of Iona Road shall be reviewed and approved by Public Works prior to site and development or preliminary subdivision plan approval. The Applicant shall construct two lanes of Iona Road from Palmer Boulevard to the 2nd (northernmost) Iona Road access point for the development at minimum, and any such additional portions of Iona Road as are necessary to serve the Palmer Place development consistent with the County's Land Development Regulations.
17. Prior to or concurrent with the subject development, the owner/developer shall enter into an agreement with the County for a joint use pond to accommodate the future Iona Road.
18. Prior to or concurrent with the development of the subject parcel, a temporary emergency access shall be provided to Webber Road.
19. Prior to or concurrent with the site and development plan approval, the Applicant shall work with SCAT to identify two future transit stops (approximately 20'x30') at each of the entrances from Iona Road. SCAT will work with the Applicant at the time of site and development plan review to process easement acquisitions and determine the design of the amenities.
20. The Applicant shall design, permit and construct a potable water distribution main within the entire portion of the proposed Iona Road right-of-way that is constructed by the Applicant to serve the Palmer Place development.
21. Sarasota County has installed an oversized potable water main in Palmer Boulevard to accommodate the Palmer Place development. The Applicant shall enter into a Standard Utility Agreement, prior to receiving a Utility Construction Permit for the first phase of Palmer Place development that includes the Applicant's reimbursement to the County (\$129,000) one hundred twenty nine thousand dollars for the installation of the potable water main.
22. Applicant shall design, permit, and construct a potable water distribution system that provides loop closure connections near Webber Road's terminus at the western project boundary. This loop closure connection shall be provided prior to receiving a certificate of occupancy for any building.
23. The size and location of the potable water distribution mains to serve the Palmer Place development shall be determined as part of the initial site and development plan or preliminary subdivision plan approval for the Palmer Place development. If the County determines that these mains and appurtenant facilities should be oversized to provide capacity greater than necessary to serve the Palmer Place development, Applicant shall oversize them accordingly, if the parties enter into a Standard Utility Agreement requiring the County to contribute the cost attributable to the oversizing.

24. The size/capacity of the wastewater management facilities needed to serve the Palmer Place development shall be determined as part of the initial site and development plan or preliminary subdivision plan approval for the Palmer Place development. If the County determines that it would like these facilities to provide capacity greater than necessary to serve the Palmer Place development, Applicant shall oversize them accordingly, if the parties enter into a Standard Utility Agreement requiring the County to contribute the cost attributable to the oversizing.
25. Applicant shall provide an isolated reclaimed water storage pond and central irrigation system for the development to enable the use of reclaimed water. Sarasota County shall be the purveyor of reclaimed water to the development. The Palmer Place development shall be deemed a priority reuse water customer of Sarasota County. However, in the event Sarasota County is unable to supply the development with an adequate quantity of reuse water, the Applicant may obtain irrigation water from an alternative source.
26. Notwithstanding the fact that a residential development's impact on school capacity is currently governed by interlocal agreement between Sarasota County and the Sarasota County School Board, the entire Palmer Place development shall comply with Sarasota County's Comprehensive Plan regarding the new Public School Facilities Element, as approved for transmittal, and the school concurrency regulations hereafter adopted by Sarasota County to implement such Element. A school concurrency determination for the Palmer Place development shall be deferred until the first plat and/or site plan filed following adoption of the school concurrency regulations by Sarasota County.

Section 4. 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 22 day of SEPTEMBER 2015.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA



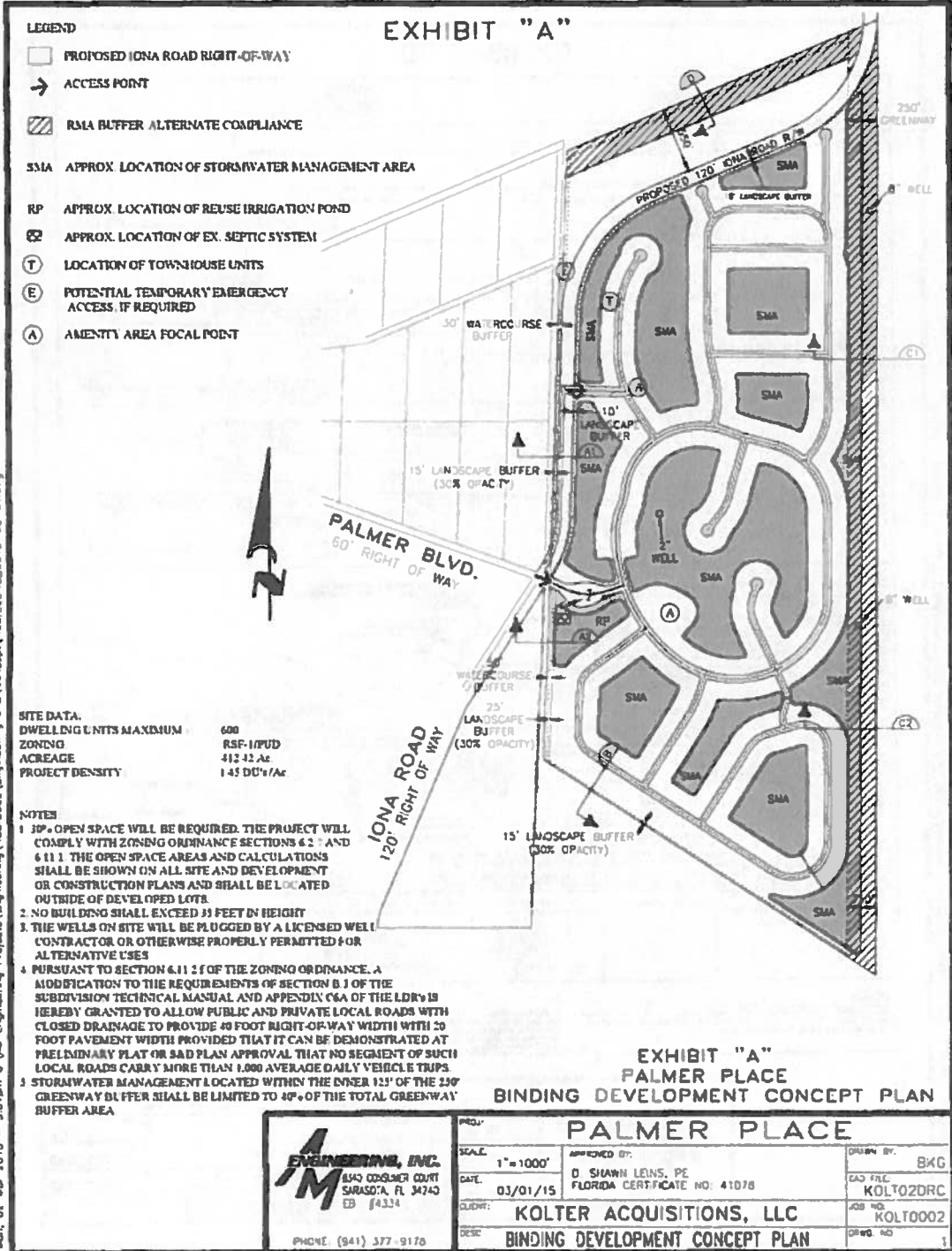
Vice Chairman

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



LEGEND

- PROPOSED IONA ROAD RIGHT-OF-WAY
- ➔ ACCESS POINT
- ▨ RMA BUFFER ALTERNATE COMPLIANCE
- SMA APPROX. LOCATION OF STORMWATER MANAGEMENT AREA
- RP APPROX. LOCATION OF REUSE IRRIGATION POND
- ⊗ APPROX. LOCATION OF EX. SEPTIC SYSTEM
- Ⓣ LOCATION OF TOWNHOUSE UNITS
- ⓔ POTENTIAL TEMPORARY EMERGENCY ACCESS, IF REQUIRED
- Ⓐ AMENITY AREA FOCAL POINT

SITE DATA.

DWELLING UNITS MAXIMUM	600
ZONING	RSF-1/PUD
ACREAGE	412.42 Ac.
PROJECT DENSITY	1.45 DU's/Ac.

NOTES

- 1 30% OPEN SPACE WILL BE REQUIRED. THE PROJECT WILL COMPLY WITH ZONING ORDINANCE SECTIONS 6.2.2 AND 6.11.1. THE OPEN SPACE AREAS AND CALCULATIONS SHALL BE SHOWN ON ALL SITE AND DEVELOPMENT OR CONSTRUCTION PLANS AND SHALL BE LOCATED OUTSIDE OF DEVELOPED LOTS.
- 2 NO BUILDING SHALL EXCEED 33 FEET IN HEIGHT
- 3 THE WELLS ON SITE WILL BE PLUGGED BY A LICENSED WELL CONTRACTOR OR OTHERWISE PROPERLY PERMITTED FOR ALTERNATIVE USES
- 4 PURSUANT TO SECTION 6.11.2 OF THE ZONING ORDINANCE, A MODIFICATION TO THE REQUIREMENTS OF SECTION B.3 OF THE SUBDIVISION TECHNICAL MANUAL AND APPENDIX C6A OF THE LDR-15 IS HEREBY GRANTED TO ALLOW PUBLIC AND PRIVATE LOCAL ROADS WITH CLOSED DRAINAGE TO PROVIDE 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.
- 5 STORMWATER MANAGEMENT LOCATED WITHIN THE INNER 125' OF THE 250' GREENWAY BUFFER SHALL BE LIMITED TO 40% OF THE TOTAL GREENWAY BUFFER AREA.

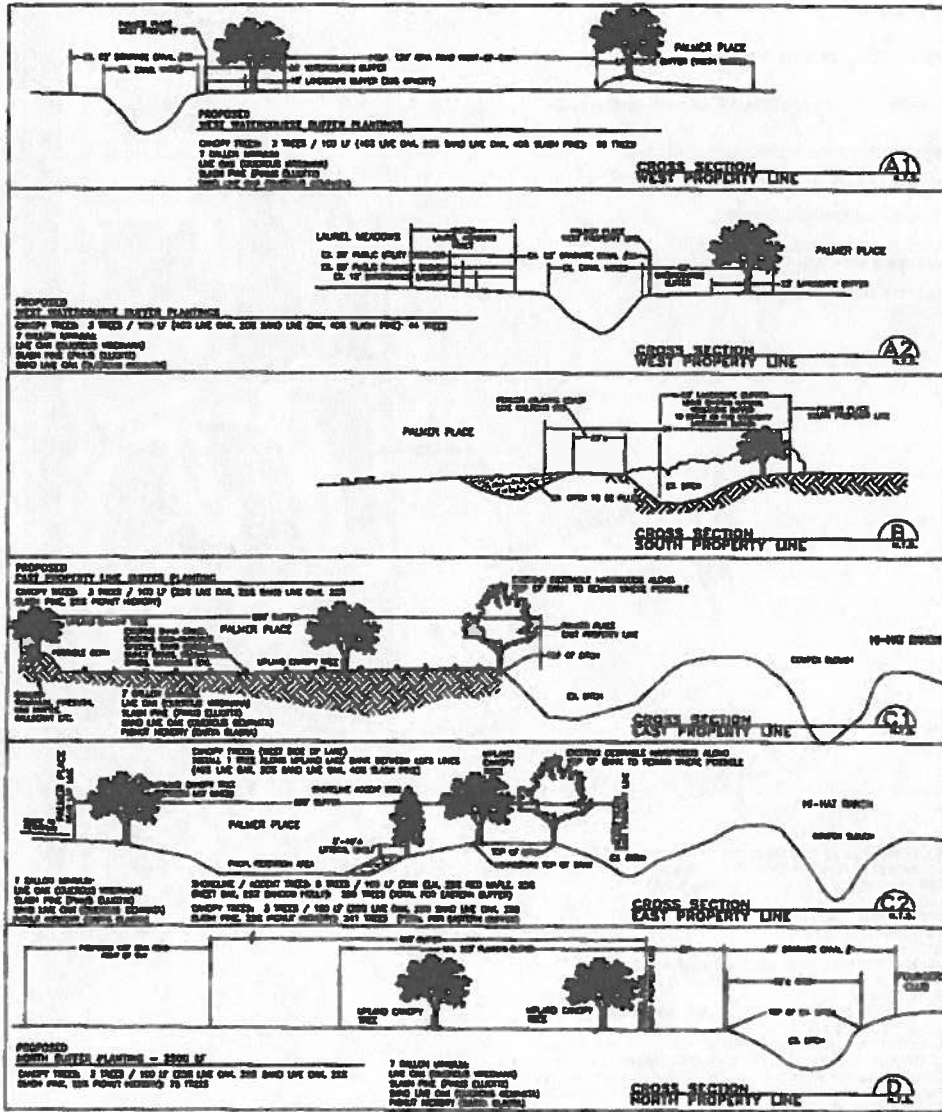
**EXHIBIT "A"
PALMER PLACE
BINDING DEVELOPMENT CONCEPT PLAN**

	PALMER PLACE		DESIGN BY: BKG
	SCALE: 1" = 1000'	APPROVED BY: D. SHAWN LEINS, PE FLORIDA CERTIFICATE NO: 41078	CAD FILE: KOLT02DRC
	DATE: 03/01/15	CLIENT: KOLTER ACQUISITIONS, LLC	JOB NO: KOLT0002
	DESC: BINDING DEVELOPMENT CONCEPT PLAN	DRWG. NO: 1	

Sun, 02 Mar 2015 11:31am C:\Users\G\OneDrive\Engineering\Projects\Engineering\0002\Engineering\0002\Concept\KOL\2015-03-01.dwg

02015-041

EXHIBIT "B"



Mon, 18 Jan 2015 - 4:04pm G:\Mid Engineering Projects\Engineering\VOL100027\Engineering\Concept\VOL102_Exhibit B_2015-01-18.dwg

<p>ENGINEERING, INC. 2540 EDENHURST COURT SARASOTA, FL 34240 EB 1433A</p> <p>PHONE: (813) 377-0175</p>	PALMER PLACE			DATE: 01/18/15
	SCALE: N.T.S.	APPROVED BY:	DESIGN BY:	BKG
	DRAWN BY:	D. SHAWN LEINS, PE	CAD FILE:	KOLTD2EQ1B
	CHECKED BY:	FLORIDA CERTIFICATE NO: 41078	CAD NO:	KOLTD002
	CLIENT:	KOLTER ACQUISITIONS, LLC		DATE: 01/18/15
PROJECT:	GREENWAY BUFFER AND LANDSCAPE PLAN			SCALE: 1

02015-041