


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 Lewis Schott; Fred Havenick, Martin E. Segal, William M. Segal, Charles F.W. Schwartz, Geraldine D. Schwartz, and Wallace R. Devlin, Trustees, and described in Ordinance No. 99-052 attached hereto, has been rezoned to the RMF-3 (Residential, Multi-Family, 13 units/acre) zone district pursuant to Rezone Petition No. 99-06 filed by Stephen D. Rees, Esq., Agent, and granted by Sarasota County on July 14, 1999, and is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

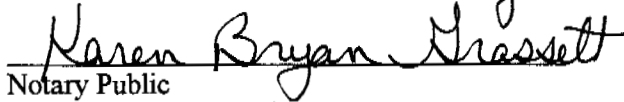
(Stipulations and limitations are those described in Section 3 of Ordinance No. 99-052, attached hereto)

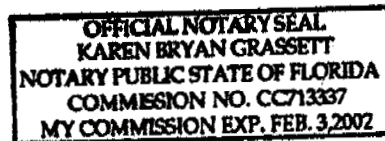

Executive Director
Growth Management Business Center

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 24th day of August, A.D. 1999.


Notary Public
State of Florida at Large



This instrument prepared by:
Leigh Riley
Growth Management Business Center
1660 Ringling Boulevard, 5th Floor
Sarasota, FL 34236

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 1999116988 4 Pgs
1999 AUG 26 03:25 PM
KAREN E. RUSHING
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
VBROTHER Receipt#132919

OFFICIAL RECORDS
INSTRUMENT # 1999116988

ORDINANCE NO. 99-052

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AN ORDINANCE OF THE COUNTY OF SARASOTA, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS, AS PART OF SARASOTA COUNTY ORDINANCE NO. 75-38, 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. 99-06, 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 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 Sarasota County Ordinance No. 75-38 and any amendments thereto.

D. Pursuant to the provisions of Sarasota County Ordinance No. 89-103, 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 Ordinance No. 75-38. The Official Zoning Atlas, as part of Sarasota County Ordinance No. 75-38, is hereby amended by changing the zoning district classification for 19.69 acres ± from OUE-1 (Open Use Estate, 1 unit/5 acres) to RMF-3 (Residential, Multi-Family, 13 units/acre) for the following described property located in Sarasota County, Florida:

Northeast corner of Clark Road and Fielding Lane, more particularly described as follows:

Lot 10, Block 3, Sarasota Venice Company's Subdivision, Plat Book A, Page 68, (Sarasota County Public Records) LESS State Road right-of-way and LESS Clark Road and Gantt Road right-of-way described in O.R. Book 2500, Page 1985

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

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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

applicable restrictions imposed by Sarasota County Ordinance No. 75-38 and any amendments thereto, 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. A second access point to the subject parcel, not including an emergency access, shall be provided prior to or concurrent with the construction of the 101st dwelling unit.
3. A minimum of 100 feet of driveway throat length (defined as the distance between the edge of pavement of Clark Road and the first parking space or internal circulation road) shall be provided for access points on Clark Road.
4. All runoff discharged from the site to the Catfish Creek basin and the Clark Road drainage system to the south, shall be discharged directly into the Clark Road drainage system; no runoff can be discharged from the site to the Fielding Lane drainage system.
5. The wetland and associated upland vegetative buffer shall be maintained as a preserve and labeled a preserve on all plans. All activities involving filling, excavating, removing of vegetation (both trees and understory) and storing of materials shall be prohibited within preservation areas, unless written approval is first obtained from the Resource Permitting Division.
6. The on-site pine flatwoods shall be conserved. Buffer areas containing pine flatwoods (both trees and understory) shall be conserved to fulfill the County's landscaping requirements. Supplemental native plants, if necessary, may be considered in lieu of any walls, fences, berms or continuous planting within said buffer areas. A landscape plan shall be submitted for review and approval by Resource Protection Services, in consultation with Neighborhood Planning prior to or concurrent with the Development Plan review process.
7. Nuisance and invasive vegetation shall be removed from the property and properly disposed of in an approved landfill or other method approved by Resource Protection Services.
8. Recreation areas, such as the clubhouse, swimming pool, and tennis, volleyball, or basketball courts, shall not be located closer than 200 feet from the northern property boundary and the northern 675 feet of the eastern property boundary (abutting Lot 11, Block 3, Sarasota-Venice Subdivision of Section 13, Township 37, Range 18, recorded in Plat Book A, Page 68).
9. Outdoor recreation areas shall not be illuminated after 10:00 p.m. Sunday through Thursday and 11:00 p.m. Friday and Saturday.
10. Outdoor refuse areas shall be set back 50 feet from the northern property boundary and the northerly 675 feet of the eastern property boundary (abutting Lot 11, Block 3, Sarasota-Venice Subdivision of Section 13, Township 37, Range 18, recorded in Plat Book A, Page 68) of the subject property and screened in accordance with Section 11.6 of the Zoning Ordinance.

- 11. All parking lot, driveway, and security lights located within 50 feet of the northern property boundary and the northerly 675 feet of the eastern property boundary (abutting Lot 11, Block 3, Sarasota-Venice Subdivision of Section 13, Township 37, Range 18, recorded in Plat Book A, Page 68) shall not exceed 6 feet in height.
- 12. No structures shall be located within 30 feet of the northern property boundary and the northerly 675 feet of the eastern property boundary (abutting Lot 11, Block 3, Sarasota-Venice Subdivision of Section 13, Township 37, Range 18, recorded in Plat Book A, Page 68) of the subject property.
- 13. No structures, or portions of structures, within 200 feet of the northern property boundary and the northerly 675 feet of the eastern property boundary (abutting Lot 11, Block 3, Sarasota-Venice Subdivision of Section 13, Township 37, Range 18, recorded in Plat Book A, Page 68) shall exceed 38 feet in height.
- 14. Exterior lighting shall be directed only toward the subject site and away from adjacent properties and streets.
- 15. Development on the subject property shall comply with Sector Plan No. 91-02-SP (Ordinance No.95-020, and 97-006 as amended).

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 14th day of July, A.D., 1999.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

Shannon Shauls
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: Karen E. Rushing
Deputy Clerk

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 7-16-99
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
EX-OFFICIO CLERK TO THE BOARD OF COUNTY
COMMISSIONERS, SARASOTA COUNTY, FLORIDA
Karen E. Rushing
DEPUTY CLERK