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KAREN E. RUSHING

CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
CEAGLETO Receipt#1302503

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

Carol McConway, Administrative Specialist
Planning Services

1660 Ringling Boulevard
Sarasota, FL 34236

Charge to: Planning Services

Account# 51800100500489


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



2010095226

The following property, located north of the Fruitville Road and East Road intersection in Sarasota County, Florida, owned by Ian Wilbraham, and described in Resolution No. 2010-170 attached hereto, to allow a Recreational Vehicle Park/Campground in the OUE-1 (Open Use Estate, 1 unit/5 acres) and OUR (Open Use Rural) zone districts, pursuant to Special Exception Petition No. 1694 filed by Karin Murphy, Agent, and granted by Sarasota County on July 28, 2010, is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

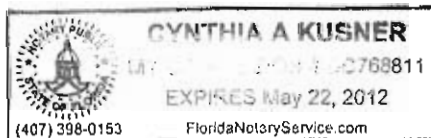
(Stipulations and limitations are those described in Section B of Resolution No. 2010-170, attached hereto)


Tate Taylor, Planner Professional

**STATE OF FLORIDA
COUNTY OF SARASOTA**

Before me, the undersigned Notary Public, personally appeared Tate Taylor, Planner Professional, 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 3rd day of August, 2010.





Notary Public
State of Florida at Large

This instrument prepared by: cm



RESOLUTION NO. 2010-170
OF THE BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA
SPECIAL EXCEPTION NO. 1694

WHEREAS, Karin Murphy, Agent for the Owner of the hereinafter described real property has filed Special Exception Petition No. 1694 requesting that a special exception be granted to allow the property, located at 7125 Fruitville Road, Sarasota, Florida, to be used as a Recreational Vehicle Park/Campground in the OUE-1 (Open Use Estate, 1 unit/5acres) and OUR (Open Use Rural) zone districts.

WHEREAS, the Planning Commission of Sarasota County, after due public notice, did hold a public hearing on the 17th day of June, 2010, to consider said Special Exception Petition No. 1694; and

WHEREAS, the said Planning Commission did submit and report its findings and recommendations to this Board that said Special Exception Petition No. 1694 be granted; and

WHEREAS, this Board, after due public notice, did on the 28th day of July 2010 hold a public hearing to consider said special exception petition, the recommendation of the Planning Commission and all matters relevant to said petition.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Sarasota County, Florida, in public meeting assembled:

A. This Board, after having considered the report of the Planning Commission, the testimony of the Applicant, evidence entered into the record, public comment on the petition and all things brought to its attention with regard to said Special Exception Petition No. 1694 does make the following findings:

1. The proposed use is consistent with the intent, goals, objectives, policies, guiding principles and programs of the Comprehensive Plan;
2. The proposed use is compatible with the existing land use pattern and designated future uses;
3. There are adequate public facilities available consistent with the level of service standards adopted in the Comprehensive Plan, and as defined and implemented through the Sarasota County Concurrency Management System Regulations, Chapter 94, Article VII of Exhibit A of the Sarasota County Code;
4. The proposed use, singularly or in combination with other special exceptions, will not be detrimental to the health, safety, morals, order, comfort, convenience, or appearance of the neighborhood or other adjacent uses by reason of any one or more of the following: the number, area, location, height, orientation, intensity or relation to the neighborhood or other adjacent uses;
5. The proposed use will be adequately buffered to effectively separate traffic, visual impact and noise from existing or intended nearby uses;

6. The subject parcel is adequate in shape and size to accommodate the proposed use;
7. The ingress and egress to the subject parcel and internal circulation will not adversely affect traffic flow, safety or control.
8. The subject property is adequate to accommodate the height and mass of any proposed structure(s).

B. Special Exception Petition No. 1694 is hereby **GRANTED** for the following described property, said property being in Sarasota County, Florida, to-wit:

North of Fruitville Road at Fruitville Road and East Road intersection and being more particularly described as follows:

Parcel 1: Block 34, LESS the Westerly 762 feet thereof, Third Unit of PALMER FARMS, as per plat thereof recorded in Plat Book 3, pages 39, 39A and 39B, of the Public Records of Sarasota County, Florida. Also Less premises described in Warranty Deed dated December 13, 1965, by Roma Land Corporation, to the State of Florida, recorded in Official Records Book 578, page 192. Also LESS land conveyed to Sarasota County by instrument dated August 7, 1984 in Official Records Book 1707, page 247, of all public Records of Sarasota County, Florida.

Parcel 2: Tract 75 and that part of Tract 76 lying North of the right-of-way of a drainage canal of First Unit of PALMER FARMS, as per plat thereof recorded in Plat Book 2, page 216, of the Public Records of Sarasota County, Florida. LESS that part of said Tracts 75 and 76 taken in Suite No. 7713 for right-of-way for State Road 780 (Fruitville Road) as more particularly described in that verdict recorded in Official Records Book 631, page 374, of the Public Records of Sarasota County, Florida.

AND

Tract 6 and 7 of the Fifth Unit of PALMER FARMS, a Subdivision in Sections 20,29 and 32, Township 36 South, Range 19 East, as per plat thereof recorded in Plat Book 3, page 15, of the Public Records of Sarasota County, Florida; LESS 52 foot Sarasota-Fruitville drainage canal described as follows: Commence at the aforementioned Southwest corner of Lot 6; thence North 0 degrees 04' 09" East along said West line of Lot 6, 449.67 feet for the Point of Beginning; thence continue North 0 degrees 04' 09" East, 52.66 feet; thence North 81 degrees 24' 49" East, 663.587 feet to a point on the aforementioned East line of Lot 7; thence South 0 degrees 04' 09" West along said East line, 52.66 feet; thence South 81 degrees 24' 49" West, 663.58 feet to the Point of Beginning;

AND

Tract 5 of the Fifth Unit of PALMER FARMS, a Subdivision in Sections 20, 29 and 32, Township 36 South Range 19 East, as per plat thereof recorded in Plat Book 3, page 15 of the Public Records of Sarasota County, Florida, LESS however, 3.12 acres lying South of the drainage canal;

AND

Tract 8 in the Fifth Unit of PALMER FARMS, as per plat thereof recorded in Plat Book 3, page 15, of the Public Records of Sarasota County, Florida; LESS that parcel described in Official Records Book 585, page 301 also LESS that parcel described in Official Records Book 578, page 192;

AND

The West 762.0 feet of Tract 34, Third Unit of PALMER FARMS, as per plat thereof recorded in Plat Book 3, page 39, of the Public Records of Sarasota County, Florida;

Tracts 1, 2 and 3, Fifth Unit of PALMER FARMS, as per plat thereof recorded in Plat Book 3, page 151, of the Public Records of Sarasota County, Florida; LESS premises conveyed for Fruitville Road right-of-way by instruments recorded in Official Records Book 578, page 192, Official Records Book 585, page 301, Official Records Book 555, page 153 and Official Records Book 631, page 374, of the Public Records of Sarasota County, Florida. Also LESS land conveyed to Sarasota County by instrument dated August 7, 1984 in Official Records Book 1707, page 250, of the Public Records of Sarasota County, Florida.

Parcel 3: commencing at the Southeast corner of Tract 74, PALMER FARMS UNIT NO. 1, recorded in Plat Book 2, page 216, of the Public Records of Sarasota County, Florida; thence North along the East line of said Tract 74, 46.7 feet to the North right-of-way line of State Road 780; thence West along said North right-of-way line of State Road 780, 280.0 feet for a Point of Beginning; thence continue West along said right-of-way line, 24.6 feet more or less to a point lying 355.0 feet East of the West line of Tract 73 of Palmer Farms, Unit No.1; thence North and parallel to said west line of Tract 73, 750.0 feet; thence West and parallel to said North right-of-way line of State Road 780, 355.0 feet to the West line of Tract 73; thence North along said West line of Tract 73; 461.7 feet to the Northwest corner of Tract 73; thence East along the North line of Tracts 73 and 74 of Palmer Farms, Unit No.1, 659.2 feet to the Northeast corner of Tract 74; thence South along the East line of Tract 74, 395.9 feet to a point lying 785.0 feet North of the North right-of-way line of State

Road 780; thence West and parallel to said right-of-way line of State Road 780, 280.0 feet; thence South and parallel to East line of Tract 74, 785.0 feet to the Point of Beginning. LESS that taken for widening of State Road 780 described in Official Records Book 631, pages 371 through 379, of the Public Records of Sarasota County, Florida. Being a part of Tracts 73 and 74, of Palmer Farms, Unit No. 1.

Parcel 4: Commence at the Southwest corner of Tract 73, PALMER FARMS, Unit No. 1, recorded in Plat Book 2, page 216, of the Public Records of Sarasota County, Florida; thence north along the West line of said Tract 73, 47.1 feet to the North right-of-way line of State Road No. 780 for a Point of Beginning; thence continue North along said West line of Tract 73, 750.0 feet; thence East and parallel to said North right-of-way line of State Road 780, 355.0 feet; thence South and parallel to said West line of Tract 73, 750.0 feet to the North right-of-way line of State Road 780; thence West along said right-of-way line 355.0 feet to the Point of Beginning. LESS that taken for widening of State Road 780 described in Official Records Book 631, pages 371 through 379, of the Public Records of Sarasota County, Florida.

Parcel 5: The East 280 feet of the South 831.7 feet of Tract 74 lying North of the drainage ditch and North of State Road 780, PALMER FARMS, Unit No. 1, as per plat thereof recorded in Plat Book 2, page 216, of the Public Records of Sarasota County, Florida. LESS that taken for widening of State Road 780 described in Official Records Book 631, pages 371 through 379, of the Public Records of Sarasota County, Florida.

Parcel 6: All of Tract 4, Unit 5, PALMER FARMS, a Subdivision in Sections 20, 29 and 32, Township 36 South, Range 19 East, as per plat thereof recorded in Plat Book 3, page 15, of the Public Records of Sarasota County, Florida.

LESS AND EXCEPT: The East 98 feet thereof heretofore conveyed by Charles F. Moyer and Jessie V. Moyer, husband and wife to Edward L Claxton and Jessie V. Claxton, husband and wife, by Deed recorded in Official Records Book 681, page 281, of the Public Records of Sarasota County, Florida; and LESS AND EXCEPT: A strip of land off the Southern boundary thereof which is more fully described in Final Judgment recorded in Official Records Book 631, page 371, of the Public Records of Sarasota County, Florida, and that certain "Order of Taking" entered in Chancery Suit No 7713, Circuit Court of Sarasota County and recorded in Official Records Book 581, page 682, of the Public Records of Sarasota County, Florida.

Parcel 7: The East 98 feet of Tract 4, Unit 5, PALMER FARMS SUBDIVISION, in sections 20, 29 and 32, Township 36 South,

Range 19 East, as per plat thereof recorded in Plat Book 3, page 15, of the Public Records of Sarasota County, Florida, LESS a strip of land 11 feet wide in the NE corner of said Tract, the center line of which is parallel to and 5.5 feet West of the East boundary line of said Tract and extends from the North boundary line of said Tract, 27 feet South thereof, and LESS a strip of land 98 feet long off the Southern end thereof, being 8.1 feet wide on the Eastern boundary of said strip and 8.2 feet wide on the on the Western boundary of said strip, which is more fully described in Order of Taking entered in Chancery Suit No 7713, Circuit Court of Sarasota County and recorded in Official Records Book 581, page 682, of the Public Records of Sarasota County, Florida. TOGETHER WITH an undivided $\frac{1}{2}$ interest in a strip of land 11 feet wide, the centerline of which is parallel to and 5.5 feet West of the East boundary line of said Tract 4 and extends from the North boundary line of said Tract 4 to a point 27 feet south thereof.

That part of Tract 5 of the Fifth Unit of PALMER FARMS, a subdivision in Sections 20, 29 and 32, Township 36 South, Range 19 East, as per plat thereof recorded in Plat Book 3, page 15, of the Public Records of Sarasota County, Florida, lying South of the right-of-way of the drainage canal of the Sarasota-Fruitville Drainage District, as shown on said plat.

LESS that part of Tract 5 to the State of Florida described in Official Records Book 580, page 550, which was re-recorded in Official Records Book 581, page 799 for road right-of-way; LESS Commence at the intersection of the West line of Tract 5, Fifth Unit of PALMER FARMS, recorded in Plat Book 3, page 15, of the Public Records of Sarasota County, Florida, and the Northerly right-of-way line of State Road 780 (Fruitville Road), (said right-of-way being 40 feet North of centerline as established by Florida Department of Transportation recorded in Official Records Book 580, page 550, Sarasota County Records); thence North along said West line of Tract 5, a distance of 120.0 feet; thence Easterly and parallel to said State Road 780, a distance of 161.6 feet to a point on the East line of West $\frac{1}{2}$ of said Tract 5; thence South along said East line, 120.0 feet to Northerly right-of-way line of State Road 780; thence Westerly along said right-of-way line 161.6 feet to the Point of Beginning, being a part of the West $\frac{1}{2}$ of said Tract 5 of Fifth Unit of Palmer Farms recorded in Plat Book 3, page 15, of said records.

TOGETHER WITH that part of existing drainage rights-of-way described in Article 139, Chancery Order Book 3, page 206, of the Public Records of Sarasota County, Florida, as conveyed to D.E. Werstler and Evelyn Werstler in Official Records Book 1707, page 245, of said records.

and the same is hereby approved for Special Exception 1694, subject to the stipulations as set forth below. As used in the stipulations hereinafter set forth, the term "Owner" shall refer to the Owner or Owners of the property described in Section B and their successors and assigns. Upon recording in the public records of Sarasota County, these stipulations shall be covenants running with the land.

1. Development shall occur in substantial compliance with the Development Concept Plan date stamped June 28, 2010, attached hereto as Exhibits A, except modified as necessary to comply with the stipulations contained herein. This does not imply or confer any variances from applicable zoning or land development regulations except as identified herein. The maximum number of recreational vehicle sites shall be limited to a maximum of 1519 sites.
2. Any deviations from the Development Concept Plan that are not allowed by this special exception resolution (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.
3. All park trailers sited at Sun-N-Fun for more that 45 days shall obtain a park trailer placement permit and may remain sited on an annual basis, provided however, that the owners of the park trailer or others may not reside in or have access to their park trailer during a minimum period of 90 consecutive days each calendar year except to remove personal articles or to remove the park trailer from Sun-N-Fun. The term "residency" in reference to park trailers located at Sun-N-Fun shall refer to the period of time the park trailer is occupied as temporary or seasonal living quarters and not to the entire period of time the park trailer is located on a park trailer site. The Owner shall implement a monitoring plan for the 270 day occupancy restriction and a sticker shall be placed by Sun-N-Fun on the park trailers, and will be marked to show the months that are precluded from occupancy by its owner.
4. All guests registering at Sun-N-Fun shall be advised in writing at the time of registration that Sun-N-Fun is not intended for permanent residency and that all guests must comply with these stipulations limiting permanent residency. To implement Sarasota County's policy against permanent residency at Sun-N-Fun, all owners of recreational vehicles will be required to agree in writing to vacate their recreational vehicle for at least 90 consecutive days in each calendar year, except as provided in Stipulation No. 5. All recreational vehicle sites within the subject parcel may be rented on a rental program which permits onsite storage of the permitted recreational vehicle during the 90 day period in which the owner of the recreational vehicle or others may not reside in the recreational vehicle. The Owner shall maintain a current list of sites on the property with their occupancy status and their dates of occupancy for that calendar year, and shall make the list available to County inspectors upon request.
5. As a result of circumstances existing at the time of the approval of Special Exceptions 933 and 907, certain persons are allowed to reside at Sun-N-Fun on an annual basis. The right of the "annual residents" to remain at Sun-N-Fun on an annual basis is hereby reaffirmed, provided however, that no new "annual residents" shall be permitted to replace discontinued annual residents except as hereinafter provided. Management of Sun-N-Fun may designate up to a maximum total of 50 sites on the subject parcel for the purpose of providing accommodations to permitted-annual residents, bona fide employees of the Resort, and to meet certain humanitarian needs of seasonal guests at the resort. Appropriate records shall be maintained with respect to said occupants.

6. Prior to Certificate of Completion (C.C) or Occupancy (C.O.) of any development on the subject property, a 25 foot wide landscape buffer consisting of a minimum of three canopy trees per 100 lineal feet shall be established around the perimeter of the entire property, except as noted on the development concept plan. Existing canopy trees in the buffer area may be counted towards the buffer tree requirement. All buffer plantings and fences shall be properly maintained. An exception to the 25 feet width shall be allowed per Stipulation No. 8 and as granted by the Administrative Adjustment received from Sarasota County dated March 26, 2009.
7. All non-emergency vehicular traffic shall utilize the main entrance at Fruitville Road and East Road for ingress and egress to Sun-N-Fun. Emergency vehicles may utilize appropriate emergency accesses.
8. Recreational vehicles shall be sited to meet the setbacks noted on the Development Concept Plan, Exhibit A, revised on June 28, 2010. Recreational vehicles in Area A shall be setback no less than 15 feet from the perimeter property line. Placement of new recreational vehicles in Area A will be required to be setback 25 feet from the property line.
9. No new accessory structures shall be located closer than 100 feet to Fruitville Road, Tatum Road, or the north perimeter boundary of the subject parcel provided, however, that any accessory uses currently in existence as shown in Exhibit "A" attached hereto shall be deemed to be lawfully existing, non-conforming structure.
10. Exterior lighting on the subject parcel within 100 feet of the perimeter boundary of the subject parcel shall be no more than 15 feet in height.
11. Recreational vehicle storage areas as depicted in the Development Concept Plan date stamped June 28, 2010, shall adhere to the following:
 - All recreational vehicles placed in storage areas must be kept in a state of repair that will prevent fluid leaks on pervious parking areas in other than trace amounts;
 - Wastewater storage tanks on all recreational vehicles shall be emptied to sanitary sewer and flushed prior to being placed into storage;
 - No servicing or washing of recreational vehicles shall occur; and
 - Public and guest access to the maintenance and storage areas shall require an escort by an employee of the Sun-N-Fun R.V. Resort.
12. Access to Fruitville Road at Kurtz Road is prohibited to non-emergency vehicles. Emergency access to Kurtz Road is permissible provided the Owner constructs an all weather driving surface a minimum of 15 feet in width capable of supporting the imposed loads of fire apparatus. A gate shall also be constructed and a key provided to the Fire Department. This access may also be used by contractors and service vehicles.
13. All preserve areas shall be accurately depicted on submitted development proposals, and maintained consistent with the Guiding Principles of the Comprehensive Plan. All activities including, but not limited to, filling, excavating, well drilling, altering vegetation (including trimming of both trees and understory), and storage of material, shall be prohibited within

preservation areas, unless written approval is first obtained from Resource Protection. Exception may be granted by Resource Protection to facilitate implementation of approved resource management plans or the removal of nuisance/invasive and exotic vegetation.

14. A resource management plan which maintains the functions and values of all on-site preserved native habitats, and is consistent with the Guiding Principles of the Comprehensive Plan, shall be submitted to Resource Protection within 30 days following approval of the subject petition by the Board of County Commissioners.
15. Submitted development proposals shall accurately depict the location of, and extent of dripline for, any on-site grand trees. Future development shall be designed to adequately protect all on-site grand trees. Any changes to the project layout that are made to comply with this stipulation shall not be considered a substantial deviation from the approved Special Exception site plan, and shall not require approval by the Board of County Commissioners.
16. Watercourse buffers shall be provided on all currently undeveloped portions of the property, shall extend landward of the top-of-bank of the on-site canal, and shall accurately be depicted on all development proposals. Where watercourse buffers are required, the Owner shall provide a watercourse buffer enhancement plan equivalent in water quality treatment and habitat protection to a vegetated width of 50 feet. If the plan cannot meet a 50 foot equivalency, a 50 foot wide vegetated watercourse buffer shall be provided. Watercourse buffers within that portion of the property within the I-75 Corridor Plan (roughly the western 500 feet) shall have a minimum width of 30 feet. No impacts shall occur to existing native vegetation located within watercourse buffers, and removed nuisance/invasive and exotic vegetation shall be replaced with appropriate native species. All activities including, but not limited to, filling, excavation, stockpiling, and storage of materials shall be prohibited within the watercourse buffers, unless expressly allowed by Sarasota County Land Development Regulations. Any proposed nature trail within the buffer must be made of natural pervious material (e.g., mulch or shell) and be no wider than 4 feet.
17. During implementation of future development projects on the subject property, all vegetative species contained within Section 54-621 of Sarasota County's Exotic Plant Code, state regulations (Chapters 5B-57.007 and 62C-52.011, FAC), and the Florida Exotic Pest Plant Council's list of Category I and II invasive species, as appropriate to this geographic region, shall be removed from within project limits. Any such vegetation removed from required landscape buffers shall be replaced with native species as part of an approved landscape plan, and any such vegetation removed from preserve areas shall be replaced with native plant species as part of an approved resource management plan. Removed vegetation shall be disposed of in a County-approved landfill or by another method approved by Resource Protection.
18. Prior to or concurrent with submittal of development proposals, listed species surveys shall be conducted at the subject property by an appropriate professional using State-approved sampling techniques to identify endangered, threatened, and species of special concern. Results shall be forwarded to Resource Protection and shall include a site plan overlaid with survey transects, locations of all indentified burrows, nests, or other evidence of listed species, and details of the methodologies used to conduct the surveys. In addition, Resource Protection shall be provided with all documentation from appropriate regulatory agencies regarding listed species issues associated with the site.

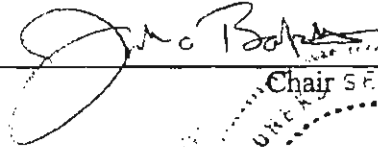
19. Prior to or concurrent with the next construction plan, the Owner shall provide certified "as-built" for the on-site storm water system(s) to confirm all "links" within the project area in the Phillippi Creek Model. Staff shall utilize this information to update the model and the 100-year floodplain, as may be applicable. As an alternative, the Owner may update the model and the flood map for the subject project with the "as-built" information.
20. The Master Surface Water Management Plans shall be consistent with the Phillippi Creek Basin Master Plan.
21. All stormwater treatment shall be open and above ground.
22. No motorboats are permitted on the lake.
23. The subject site shall be limited to one 140 S.F. monument sign, per permit ON06743. Interior directional signage is permitted, however such signage shall not be visible from Fruitville Road, Tatum Road or Kurtz Road.
24. Minimize the impact of paving through the use of grassed overflow parking wherever possible.
25. The Owner shall utilize the Standards of the Sarasota County Green Building Program as outlined in Sarasota County Resolution No. 2005-048 for the three proposed new buildings depicted on the Binding Concept Plan dated June 28, 2010. The development program will include sustainable design features, construction practices and building materials that conserve energy and protect the environment both during the construction process, and throughout the life of the structure. The Owner will seek certification with in the LEED rating system by the US Green Building Council for the proposed buildings.

C. This Resolution shall take effect immediately upon its adoption. It supersedes and replaces Resolution No. 2004-085.

PASSED AND DULY ADOPTED this 28 day of July, 2010.

BOARD OF COUNTY COMMISSIONERS OF
SARASOTA COUNTY, FLORIDA

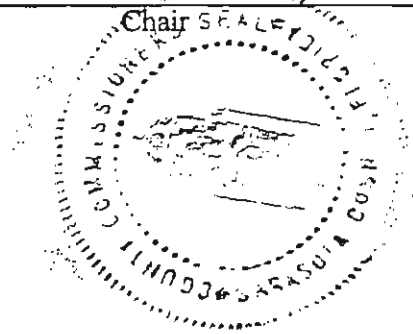
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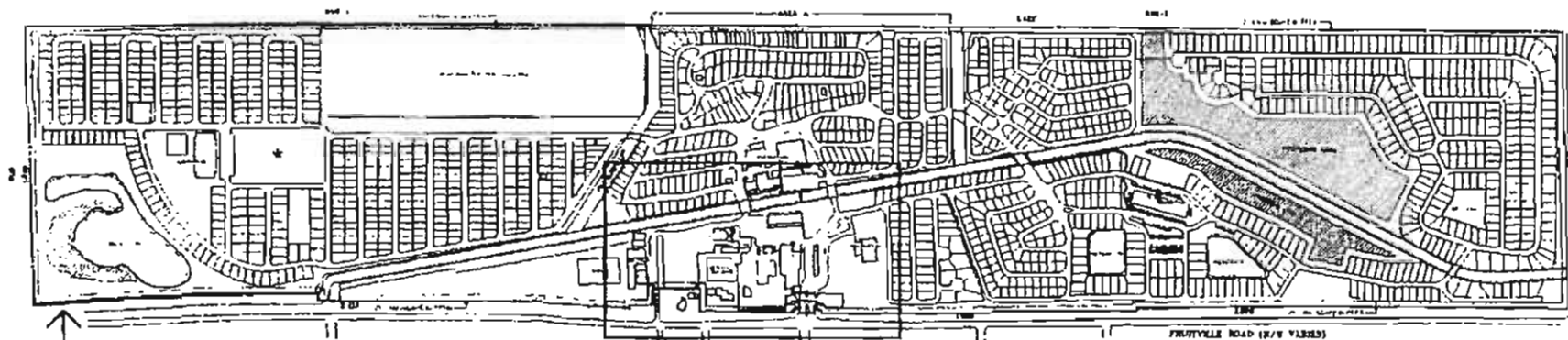
ATTEST:

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


Deputy Clerk



1,519 Approved Sites



11

Parking Calculations

Building	Existing Square Footage to be Removed	Proposed Square Footage	Square Footage Calculation	Req'd # of Parking	Provided
Indoor Pool Building	0	15,000 sq. ft. (New Room)	15,000 / 250	60 spaces	60
Vehicle Shop	4450 sq. ft.	6,400 sq. ft.	1,950 / 250	8	8
Car Wash	2030 sq. ft.	2030 sq. ft.	0	0	0
Housekeeping	762 sq. ft.	3,300 sq. ft.	N/A	No parking required	0
PV Park Units	0	1519 previously approved	1519/1	1519	1519

*Location of approved future 18 relocated lots per Sarasota County Application #817978-DS & SWFMTD Permit #44007732.0004

Binding Development Concept Plan
Development Concept Plan received on 6-28-10



EXHIBIT A
OVERALL CONTEXT