

FILED FOR RECORD
R. B. SHORE

011 AUG 17 AM 10:20

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

MANATEE COUNTY ORDINANCE

PDMU/PDC-98-04(P)(R6) – THE WOODS OF MOCCASIN WALLOW, LLC 20110161

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING AN AMENDED ZONING ORDINANCE AND REVISED PRELIMINARY SITE PLAN REDUCING A 50 FOOT WIDE TREE PRESERVATION AND LANDSCAPE EASEMENT TO 40 FEET FOR LOTS 1 THRU 14, 16 THRU 18, 125, AND 126 OF RESIDENTIAL PHASES 1 & 2 IN THE WOODS OF MOCCASIN WALLOW DEVELOPMENT ON APPROXIMATELY 200.1 ACRES LOCATED AT 4219 AND 5205 MOCCASIN WALLOW ROAD AND 4610 81ST ST. E. IN THE PDMU (PLANNED DEVELOPMENT MIXED USE) ZONING DISTRICT; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

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WHEREAS, The Woods of Moccasin Wallow, LLC (the "Applicant") filed an application for an amendment to the approved Ordinance for approximately 200.1 acres described in Exhibit "A", attached hereto, (the "Property") to reduce a 50 foot wide tree preservation and landscape easement to 40 feet for lots 1 thru 14, 16 thru 18, 125, and 126 of residential phases 1 & 2 in the Woods of Moccasin Wallow Development; and

WHEREAS, Building and Development Services Department staff recommended approval of the amended Zoning Ordinance and revised Preliminary Site Plan subject to the revised stipulation contained in the staff report; and

WHEREAS, the staff has found the revised Preliminary Site Plan consistent with the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Manatee County Land Development Code, and recommend approval subject to the revised stipulation contained in the staff report.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. FINDINGS OF FACT. The recitals set forth above are true and correct and are hereby adopted as findings by the Board of County Commissioners.

The Board of County Commissioners, after considering the testimony, evidence, documentation, the recommendation and findings of staff, as well as all other matters presented to the Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

- A. The Board of County Commissioners has received and considered the report of staff concerning the application for a revised Preliminary Site Plan as it relates to the real property described in Exhibit "A" of this Ordinance.
- B. The Board of County Commissioners held a duly noticed public hearing on August 4, 2011 regarding the proposed Preliminary Site Plan described herein in accordance with the requirements of Manatee County Ordinance No. 90-01, (the Manatee County Land

Development Code), and has further considered the information received at the public hearing.

- C. The proposed Preliminary Site Plan regarding the property described in Exhibit "A" herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the 2020 Manatee County Comprehensive Plan.
- D. The Board hereby finds that the project will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.
- E. Notwithstanding the failure of the site plan to meet the requirements of the LDC Section 711.4.3, the Board finds that the purpose and intent of the LDC Regulations have been satisfied to an equivalent degree because of the specific nature of the third driveway for parents only and that the third driveway will be constructed in Phase 2 of the school project at a later date.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved to reduce a 50 foot wide tree preservation and landscape easement to 40 feet for Lots 1 thru 14, 16 thru 18, 125, and 126 of Residential Phases 1 & 2 in the Woods of Moccasin Wallow development as per the Stipulation I.2 as seen hereto. All other Stipulations are to remain in effect consistent with approval of PDMU/PDC-98-04(P)(R4) approved by the Board of County Commissioners on March 17, 2009:

STIPULATIONS

I. PRESERVATION AND CONSERVATION

- 2. 50 foot wide tree preservation and landscape easement shall be designated adjacent to Lot 15. 40 foot wide tree preservation and landscape easement shall be designated on and adjacent to residential lots 1 – 14, 16-18, 125, and 126 as shown on the Preliminary Site Plan. A 20-foot drainage easement is included as part of the Tree Preservation and Landscape Easement. No 4 inch d.b.h. trees or greater shall be removed within the Tree Preservation Easement, except as allowed pursuant to the Land Development Code.

Section 3. SPECIAL AND SPECIFIC APPROVALS. Special Approval is hereby granted for a project previously granted Special Approval: (1) within an Entranceway; (2) non-residential uses exceeding 150,000 sq. ft. of gross building area; (3) adjacent to a Perennial Stream; and (4) in the Mixed Use Future Land Use Category. The Special Approval shall continue in effect and shall expire concurrent with the Preliminary Site Plan for the project approved pursuant to Section 2 hereof. Specific Approval is hereby granted as previously granted for an alternative to Section 711.4.3 of the Land Development Code. The Specific Approval shall continue in effect and shall expire concurrent with the Preliminary Site Plan for the project approved pursuant to Section 2 hereof.

Section 4. SEVERABILITY. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction,

such section, sentence, clause, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 5. CODIFICATION. Pursuant to § 125.68(1), Florida Statutes, this ordinance is not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

Section 6. EFFECTIVE DATE. This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 4th day of August, 2011.

**BY: BOARD OF COUNTY
COMMISSIONERS
MANATEE COUNTY, FLORIDA**

BY: 
Carol Whitmore, Chairman

**ATTEST: R. B. SHORE
Clerk of the Circuit Court**



BY: 
Deputy Clerk

EXHIBIT "A"

LEGAL DESCRIPTION OF THE PROPERTY

PARCEL 1

COMMENCE AT THE NORTHWEST CORNER OF THE NE 1/4 OF THE NW 1/4 OF SECTION 21, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE S 00°52'51" W, ALONG THE WEST LINE OF SAID NE 1/4 OF THE NW 1/4, A DISTANCE OF 164.38 FEET TO THE SOUTH LINE OF MOCCASIN WALLOW ROAD FOR THE POINT OF BEGINNING; THENCE S 89°33'49" E, ALONG SAID RIGHT OF WAY LINE, 607.83 FEET, THENCE S 00°52'51" W, PARALLEL TO SAID WEST LINE OF NE 1/4 OF NW 1/4 A DISTANCE OF 1176.18 FEET; THENCE N 89°48'19" W, ALONG THE SOUTH LINE OF SAID NE 1/4 OF NW 1/4 A DISTANCE OF 607.82 FEET TO THE SOUTHWEST CORNER OF SAID NE 1/4 OF NW 1/4; THENCE N 00°52'51" E, ALONG THE AFOREMENTIONED WEST LINE OF NE 1/4 OF NW 1/4 A DISTANCE OF 1178.74 FEET TO THE P.O.B.. THE ABOVE LYING IN SECTION 21, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

PARCEL 2

THE WEST 1/2 OF THE NORTHWEST 1/4; THAT PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 LYING WEST OF 1-75 AND THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 33 SOUTH, RANGE 18 EAST, LESS AND EXCEPT THAT CERTAIN PROPERTY DESCRIBED AS PARCEL 100 IN ORDER OF TAKING RECORDED IN OFFICIAL RECORD BOOK 867, PAGE 438, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; SAID LYING AND BEING IN MANATEE COUNTY, FLORIDA.

PARCEL 3

THAT PART OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 LYING WEST OF 1- 75 OF SECTION 21, TOWNSHIP 33 SOUTH, RANGE 18 EAST; SAID LAND LYING AND BEING IN MANATEE COUNTY, FLORIDA.

TOGETHER WITH:

THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 20, TOWNSHIP 33 SOUTH, RANGE 18 EAST, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

LESS:

THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 20, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHEAST CORNER OF SAID SECTION 20, THENCE N00°19'46"W ALONG THE EAST LINE OF SAID SECTION 20 FOR 707.32 FEET TO A POINT ON A CURVE THAT IS CONCAVE TO THE NORTHWEST, A TANGENT LINE THROUGH SAID POINT BEARS S56°22'58"W; THENCE RUN SOUTHWESTERLY ALONG SAID CURVE HAVING A RADIUS OF 4489.66 FEET AND A CENTRAL ANGLE 18°29'38" FOR 1449.17 FEET TO THE END OF THIS PORTION OF SAID CURVE; THENCE S00°08'18"W 103.68 FEET TO THE SOUTH LINE OF SAID SECTION 20; THENCE S89°38'2"E ALONG SAID LINE

FOR 1318.66 FEET TO THE POINT OF BEGINNING.

BEING FURTHER DESCRIBED AS FOLLOWS: (BY SURVEY)

THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 20, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

LESS: THAT PART OF THE SAID SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 LYING SOUTHERLY OF THE NORTHWESTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 93-A (1-75) AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION'S RIGHT OF WAY MAPS.

ALSO LESS: THAT PART SAID SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 LYING WITHIN THE: RIGHT OF WAY OF CECIL BURNETT ROAD AS SHOWN IN ROAD PLAT BOOK 9, PAGE 209 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.

Witness my hand and official seal this 5th day of

August, 2011

R.B. SHORE
Clerk of Circuit Court

By: [Signature] D.C.



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R. B. SHORE

2011 AUG 17 AM 10:20

CLERK OF THE CIRCUIT COURT
MANATEE COUNTY, FLORIDA

RICK SCOTT
Governor

FLORIDA DEPARTMENT of STATE

DIVISION OF LIBRARY AND INFORMATION SERVICES

KURT S. BROWNING
Secretary of State

August 9, 2011

Honorable R. B. "Chips" Shore
Clerk of the Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Ms. Quantana Acevedo, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated August 5, 2011 and certified copies of Manatee County Ordinance Nos. 11-01, PDMU/PDC-98-04(P)(R6), Z11-03 and Z-11-05, which were filed in this office on August 8, 2011.

As requested, one date stamped copy of each is being returned for your records.

Sincerely,

Liz Cloud
Program Administrator

LC/vm

Enclosure

DIRECTOR'S OFFICE

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CAPITOL BRANCH
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