

MANATEE COUNTY ZONING ORDINANCE

PDR-02-34(Z)(P) – SONOMA/CONSERVATORY PROPERTIES INC., MICHAEL PENDER, AS TRUSTEE OF JEANNE M. DESROSIERS, JEFFREY S. RUSSEL, AS TRUSTEE OF JACQUELINE D. RUSSEL, AND KEVIN D. HUFF

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY, ORDINANCE NO. 90-01 (THE MANATEE COUNTY LAND DEVELOPMENT CODE) RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1/WP-E/ST (SUBURBAN AGRICULTURE, 1 DWELLING UNIT PER ACRE/ WATERSHED PROTECTION-EVERS RESERVOIR/SPECIAL TREATMENT OVERLAY DISTRICTS) TO PDR/WP-E/ST (PLANNED DEVELOPMENT RESIDENTIAL/WATERSHED PROTECTION-EVERS RESERVOIR/SPECIAL TREATMENT OVERLAY DISTRICTS); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW 73 LOTS FOR SINGLE-FAMILY DETACHED RESIDENCES AND 84 LOTS FOR SINGLE-FAMILY ATTACHED RESIDENCE UNITS, AND GRANTING SPECIAL APPROVAL FOR A PROJECT WHICH IS AT LEAST PARTIALLY WITHIN THE WATERSHED PROTECTION AND SPECIAL TREATMENT OVERLAY DISTRICTS.

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

Section 1. FINDINGS OF FACT. The Board of County Commissioners of said County, after considering the testimony, evidence, documentation, application for amendment of the Official Zoning Atlas, the recommendation and findings of the Planning Commission, 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 the Manatee County Planning Commission concerning the application for Official Zoning Atlas Amendment as it relates to the real property described in Section 4 of this Ordinance from A-1/WP-E/ST (Suburban Agriculture, 1 dwelling unit per acre/Watershed Protection-Evers Reservoir/Special Treatment Overlay Districts) to PDR/WP-E/ST (Planned Development Residential/Watershed Protection-Evers Reservoir/Special Treatment Overlay Districts).

B. The Board of County Commissioners held a public hearing on October 5, 2004 regarding said proposed Official Zoning Atlas Amendment 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 said public hearing.

C. The proposed amendment to the Official Zoning Atlas regarding the property described in Section 4 herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the 2020 Manatee County Comprehensive Plan.

Section 2. The Preliminary Site Plan is hereby APPROVED to allow 73 lots for single-family detached residences and 84 lots for single-family attached residence units with the following Stipulations and Specific Approvals:

THIS IS A CORRECTIVE DOCUMENT

1. The Final Site Plan(s) shall show the following buffers:

a. The roadway buffers along Country Parkway (adjacent to the temporary sales center), University Parkway, and adjacent to Lot 16 of Disney Subdivision shall be 20' in width and planted with two rows of canopy trees (3" caliper, 12' in height, with a 5' spread) off-set 30' on center in each row and a hedge (36" in height at planting and 36" on center). The required landscaping shall Florida Number One Grade and consist primarily of native species typically found on the site (canopy tree and plant species to be approved by the Environmental Management Department) and shall provide 85% opacity to a height of 6 (six) feet within three years from the date of the first Final Plat.

b. A minimum 20' greenbelt buffer shall be provided adjacent to all perimeter property lines, except as set forth in subparagraphs 1 through 3, below. All existing native trees and vegetation shall be preserved within the 20' buffer. Required replacement trees shall be planted within portions of this buffer that are barren of trees. Any planting in areas consisting of native vegetation understory shall be done under the supervision of a certified arborist to minimize damage. This buffer shall be planted with one row of canopy and one row of understory trees (3" caliper or more if replacement trees are used, 12' in height, with a 5' spread) off-set 30' on center in each row and a hedge (36" in height at planting and 36" on center). The required landscaping shall be minimum Florida Number One Grade and consist of native species typically found on the site (canopy tree and plant species to be approved by the Environmental Management Department) and shall provide 85% opacity to a height of 10 (ten) feet within three years from the date of Final Plat approval.

1. Where Tract G abuts the "future County Park site" as shown on the PSP, no greenbelt buffer is required.

2. No greenbelt buffer is required on Tract C except along the northern boundary of Tract C west of the drainage outfall line located north of Lot 32.

3. The greenbelt buffer along the southern boundary line of Village C shall be 30 feet in width, except this greenbelt buffer shall be reduced in width to accommodate Lot 114. All existing native trees and vegetation shall be preserved within this 30' greenbelt buffer. Required replacement trees shall be planted within portions of this buffer that are barren of trees. Any planting in areas consisting of native vegetation understory shall be done under the supervision of a certified arborist to minimize damage. This buffer shall be planted with two rows of canopy and one row of understory trees (3" caliper or more if replacement trees are used, 12' in height, with a 5' spread) off-set 25' on center in each row and a hedge (36" in height at planting and 36" on center). The required landscaping shall be minimum Florida Number One Grade and consist primarily of native species typically found on the site (canopy tree and plant species to be approved by the Environmental Management Department) and shall provide 85% opacity to a height of 10 (ten) feet within three years from the date of Final Plat approval.

c. No lots shall be platted into or through greenbelt buffers, wetlands, wetland buffers, or stormwater ponds.

d. Prior to commencement of construction for each phase, all required perimeter buffer widths shall be surveyed and measured for compliance in the field and clearly marked and labeled. Stakes shall be used and placed at intervals of 100' linear feet on both sides of the perimeter greenbelt buffers, except in right-of-ways.

2. At Final Site Plan submittal, the Developer shall submit a projected annual growth schedule for the required roadside and greenbelt buffers to be planted which shall assure achievement of the required height and opacity requirements set forth in Stipulations 1 a. and 1 b. Semi-annual reports by a Landscape Architect shall be submitted to the Planning and Environmental Management Departments to document the growth of the required landscaping in the roadway and greenbelt buffers to be planted, certify that the plantings are growing and being maintained in such a manner that they are likely to meet the requirements of the stipulations, which shall include representative pictures. In the event that the growth of the required landscaping is not substantially consistent with the projected annual growth schedule submitted with the Final Site Plan, the County shall meet with the Developer on actions to be taken, which may include the requirement to plant additional landscaping by the Developer as approved by the Planning Department. The semi-annual reports shall be provided until the buffers meet the opacity requirements of the stipulation. Upon the planting of the required buffers, performance security in the amount of \$500 per 100 linear feet of required roadway and greenbelt buffer to be planted shall be provided for the required roadway and greenbelt buffer landscaping. Some or all of the performance security may be claimed and utilized by the County during the life of the security to supplement or replace the required roadway and greenbelt buffer landscaping after providing the Developer thirty (30) days written notice of the necessary plantings to be made pursuant to this stipulation and a verification that the Developer has not caused such plantings to occur. The performance security may only be released after certifications provided by a landscaping architect and approved by the Planning Department that the required opacity as provided in Stipulations 1 a. and 1 b. has been achieved.

Nothing in this stipulation shall preclude the County from pursuing other remedies in order to achieve compliance with the stipulation as provided for in the Land Development Code or by law.

3. Existing native vegetation located within any required landscape buffer, greenbelts, or tree stands designated for preservation shall be preserved to the greatest extent feasible, as determined by EMD. Overhead or underground power lines, swales, or stormwater facilities within these areas are prohibited.
4. The final design of the project shall ensure that overhead or underground power lines will not be located in landscape roadway buffers, greenbelts, or tree stands designated for preservation. Also, the landscape buffers and greenbelt buffers shall be depicted on the Final Plat as Landscape/Greenbelt/Preservation Easements.
5. Existing vegetation within the roadway buffers, greenbelt buffers, and tree and native plant preservation areas shall not be disturbed and shall remain in a natural state (plant communities shall be preserved at all times). Also, any pruning that "lollipops" or grossly alters the natural characteristic tree is prohibited.
6. Tree and Native Vegetation Conservation Plan

A "Tree and Native Vegetation Conservation Plan" shall be a part of the Final Site Plan and Construction Plans. The purpose of the Tree and Native Vegetation Conservation Plan is to ensure that the minimum number of trees to be removed from this site is as reasonable as possible considering the developer's request. The purpose of this plan shall be utilized to analyze the information obtained in the tree survey and environmental information provided by Developer and to determine the feasibility of tree and vegetation preservation. At a minimum the plan shall include the following information:

- a. Tree and native vegetation preservation areas.
- b. The limits of clearing.
- c. A tree survey showing the location, type, condition, and DBH of all trees greater than 4".
- d. Typical section details for all activities within 25' of any preservation areas.
- e. Habitat communities with reference to The Florida Land Use, Cover, and Forms Classification System (FDOT Procedure No. 550-010-000-a, Sept. 1985).
- f. Existing and proposed grades.
- g. Location of tree protection barricades.
- h. Location of proposed improvements, including utilities.
- i. Details and locations of signs (in both English and Spanish) to alert workers of tree and native vegetation protection areas. These signs shall be constructed of weather resistant materials and shall demarcate the boundaries of the protected areas.

7. Tree Protection Measures:

- a. Land clearing, tree removal, or grading shall be limited to the specific phase receiving Final Site Plan and Construction Plan approval. Prior to construction, grading, or tree removal from the site, required tree protective barriers within each phase of construction shall be installed to protect 4" DBH and greater trees identified for protection and native vegetation areas.
- b. Tree barricades for trees to be preserved shall be located at the drip line or as per the direction of a certified arborist, based on actual field conditions and in relation to the proposed construction. The drip line shall be defined as the outer branch edge of the tree canopy. The area within the drip line shall remain undisturbed and shall be clearly shown on the Final Site Plan. The following activities are prohibited within the drip line of preserved trees: machinery and vehicle travel or parking; underground utilities; filling or excavation; and storage of construction materials. The tree protection barricades shall consist of chain link fence (new or used) with a minimum 5' height, or alternative barricade design subject to approval by the Environmental Management Department.
- c. The developer shall require all contractors, subcontractors, and construction crews to attend the pre-construction meeting required by Section 508.3.4.7(j). The purpose of this meeting is to discuss tree protection and to insure trees in the field to be retained and removed, ensure tree barricades remain up during all phases of construction, and penalties for noncompliance or unauthorized tree removal in accordance with the LDC.
- d. Shall perform weekly monitoring in written log form of tree protection measures.
- e. The developer shall immediately notify the Environmental Management Department and Planning Department in the event that any preserved tree or native vegetation is

8. Violating tree protection zones, injuring roots or above ground portions of trees, using improper grading techniques, or failing to follow other protective measures spelled out in the Tree and Native Vegetation Conservation Plan shall be subject to penalty as prescribed by the LDC. Developer shall immediately notify the Environmental Management Department if any of the above occur.
9. The Final Site Plan(s) shall show a minimum lot width of 70', a minimum lot depth of 100', and a minimum lot size of 7,000 sq. ft. in Phase II Village D, except for Lots 156 and 157, which shall be as shown on the Preliminary Site Plan dated 9/02/04.

10. Required setbacks for the project:

Single-Family Attached Lots:

Front: 25'

Side: 0' between units/10' between buildings

Rear: 20'

Waterfront: 30**

Wetland Buffer: 15***

*may be reduced only when existing trees or native vegetation can be preserved subject to County approval.

** may be reduced only when existing trees or native vegetation can be preserved subject to EMD approval.

Single-Family Detached Lots:

Front: 20'

Side: 7.5' for Lots 139 - 145 in Village B and Lots 146 – 155 in Village D; 6' for all other single-family detached lots, provided no mechanical equipment is located in the side yard for such lots.

Rear: 15'

Waterfront: 30**

Wetland Buffer: 15***

* may be reduced only when existing trees or native vegetation can be preserved subject to County approval.

** may be reduced only when existing trees or native vegetation can be preserved subject to EMD approval.

11. The applicant shall be responsible for bringing County water and sewer to the site. This approval is contingent upon the site being served by public utilities.
12. The lowest quality water possible shall be used for irrigation. In-ground irrigation using Manatee County public potable water supply shall be prohibited, including on individual lots.
13. A non-ingress egress easement shall be recorded adjacent to the frontage of all lots along University Parkway prior to or in conjunction with the Final Plat for the applicable

14. The Engineer of Record/Architect must provide documentation to prove that concurrency has been met relative to fire flow.
15. Conservation Easements inclusive of areas defined as wetlands, wetland buffers, and upland preservation areas shall be recorded concurrently with the Final Plat. The developer shall include in the deed restrictions information concerning the conservation easement, the limitations on use therein, maintenance of the easement area, maintenance of the signs, and the consequences of violations. The boundaries of conservation areas shall be marked with signs in English and Spanish that indicate a "Conservation Area". The number and placement of signs shall be approved by the Environmental Management Department with the Final Site Plan approval.
16. Unless otherwise approved by Environmental Management Department, native xeriscape landscape materials shall be utilized in common areas. In addition, the developer shall encourage individual homeowner's to participate in the Florida Yards and Neighborhood Program by disseminating program information to individual lot owners.
17. Street lighting for the project shall be limited to a maximum height of 14' with a unified theme. The design and shielding of any on-site lighting within the development shall comply with Section 709.2.2 of the Land Development Code. In addition, any pole and building mounted lights in common areas shall be limited to 14' in height and shall be directed to the interior of the development using horizontal cut-off fixtures, unless decorative street lights are installed.
18. The final engineering and drainage design shall include:
 - a. This project shall provide up to 50% reduction in allowable peak discharge. Any reduction below 50% shall only be permitted by demonstrating reduction of stormwater retention lake size to preserve significant tree groupings or stands subject to Environmental Management and Transportation Department approval. In accordance with the foregoing provision, the Developer shall make provisions at time of the Preliminary Plat and Final Site Plan to save as many significant trees or tree clusters and native vegetation as feasible within 25 feet of the greenbelt buffer by meandering the shoreline of the storm water facility adjacent to such greenbelt buffer. Subject to being granted the reduction in the stormwater retention requirements as described above, the developer shall verify that the design of the project, including site grading and the location of the stormwater facilities, facilitates the preservation of as many of these tree groupings and native vegetation as feasible subject to Planning, Environmental Management, and Transportation Department approval
 - b. 150% stormwater quality treatment is required.
 - c. Coordination with the Stormwater Management Division the outfall modeling conditions into the existing Palm-Aire drainage system.
 - d. The drainage model and Construction Plans must demonstrate that no adverse impacts will be created to neighboring residents surrounding the site in respect

19. A 42' half-width public right-of-way along Country Parkway shall be dedicated prior to or in conjunction with the first Final Plat approval adjacent the temporary sales office center.
20. The temporary sales office for the project is permitted subject to a Temporary Use Permit. The sales office and associated improvements shall be removed within 36 months of first Final Plat approval. This structure shall not be converted into any other use. Upon removal of the sales office, a water feature shall be constructed in this location, which may be used for additional stormwater retention.
21. The Street F right-of-way shall be extended to the west property line, south of Ithaca Lane, to provide access to the adjacent property.
22. The developer shall be required to resurface Country Parkway between University Parkway and the entrance of Sonoma subdivision to Manatee County standards incorporating traffic calming as required by the Transportation Director prior to the project engineer's certification of completion for subdivision improvements for Phase II. In conjunction with the roadway resurfacing, the developer shall also install a sidewalk on the east side of Country Parkway between University Parkway and the entrance of Sonoma subdivision as approved by the Transportation Department, subject to the County providing right-of-way or pedestrian easement to do so.
23. The Developer may construct temporary construction access for Village D to provide direct access to Country Parkway or University Parkway in one (1) of the following locations:
 - a. Emergency Access Alternate A, at the location shown on the Preliminary Site Plan, if this access point is permitted by interlocal agreement between Manatee and Sarasota Counties prior to construction of Street F in Village D, or
 - b. Emergency Access Alternate B, at the location shown on the Preliminary Site Plan, if Developer obtains the right-of-way necessary for such access between Street F and Ithaca Lane to the west prior to construction of Street F in Village D. or
 - c. Emergency Access Alternate C, which would be located between Country Parkway and Street F, running west to east through the sales center parking lot and between Lots 156 and 157, as shown on the Preliminary Site Plan.

This project shall be limited to one (1) permanent, gated, emergency access point. Any such access point shall have a paved surface and be 20' in width, with construction details to be approved by the Planning and Transportation Department with the Final Site Plan.

24. The pedestrian linkage to the future County Park site shall be a minimum of 5' asphalt path and shall be open to the public.
25. The design for Street C and Ithaca Lane shall include traffic calming devices as required by the Transportation Department with the FSP.

26. The developer shall provide an updated study, consistent with Policy 3.3.2.3 of the Comprehensive Plan, for threatened and endangered plant and animal species prior to Final Site Plan approval. A Management Plan, approved by the appropriate State or federal agency, shall be provided to the Environmental Management Department for any listed species found on-site, prior to Final Site Plan approval.
27. The developer shall provide a copy of the approved SWFWMD permit prior to Final Site Plan approval.
28. All nature trails and board walks located in areas where native vegetation is to remain shall be designed in a manner that minimizes impacts to trees or areas of significant vegetation.
29. No burn permit shall be issued for this site. Any trees removed shall be mulched.
30. Upland Preservation Areas shall be clearly delineated, labeled, and quantified on the Final Site Plan.
31. No construction activity shall occur on Sundays or holidays. On all other days construction activity shall be limited to the hours between 7:00 a.m. and sundown.
32. The design of the single-family attached and detached structures shall be in substantial conformance with the photographs entered into the record at the public hearing for this case.
33. The developer shall construct a 5' sidewalk from Street C, along the south side of Country Parkway, to Cypress Lakes Drive within Country Oaks. This sidewalk shall be constructed simultaneously with the construction of Street C, subject to the availability of right-of-way to do so.
34. The developer shall construct a 5' sidewalk from the southern end of Street F to University Parkway simultaneously with the construction of Street F.
35. That portion of the greenbelt buffer behind Lots 146-155 in Village D adjacent to the Palm West Subdivision shall include at 6' high tan colored fence. All required landscaping shall be located on the east side of this fence.
36. The developer shall provide a recreational area which will include a playground with commercial grade equipment, a 70' x 40' multi-use court, picnic tables, benches, and trash facility between Lots 54 and 55.
37. Road widths may be reduced with the approval of the Transportation Director and Planning Director for tree preservation and stormwater management purposes.
38. The developer shall install a 5' asphalt public pedestrian pathway from Ithaca Lane to Street C, provided, however that such pathway may be relocated as a sidewalk to Ithaca Lane if and when a public connection is constructed thru the development to Country Parkway.

SPECIFIC APPROVALS:

1. Specific Approval of an alternative to Section 603.7.4.5 of the Land Development Code to allow a reduction of the 15' greenbelt buffer to 0' along the west property line in Village B, Phase I and Village D, Phase II.
2. Specific Approval of an alternative to Section 907.9.3.1 of the Land Development Code to allow a reduction of the right-of-way width to 40' for that portion of Street A in Village C which is adjacent to Rosewood Subdivision.
3. Specific Approval of an alternative to Section 907.9.4.2 of the Land Development Code to allow Streets "A" and "B" to exceed 800' in length.

Section 3. AMENDMENT OF THE OFFICIAL ZONING ATLAS. The Official Zoning Atlas of Manatee County, Ordinance No. 90-01, the Manatee County Land Development Code, is hereby amended by changing the zoning district classification of the property identified in Section 4 herein from A-1/WP-E/ST (Suburban Agriculture, 1 dwelling unit per acre/Watershed Protection-Evers Reservoir/Special Treatment Overlay Districts) to PDR/WP-E/ST (Planned Development Residential/Watershed Protection-Evers Reservoir/Special Treatment Overlay Districts), and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Planning Department, are hereby instructed to cause such amendment to the said Official Zoning Atlas.

Section 4. LEGAL DESCRIPTION.

A parcel of land being a portion of Section 34, Township 35 South, Range 18 East, Manatee County, Florida, being more particularly described as follows:

BEGIN at the Southwest corner of DESOTO LAKES COUNTRY CLUB COLONY, UNIT 5, as recorded in Plat Book 19, page 40 of the Public Records of Manatee County, Florida; thence S00°45'16"E, along an Easterly line of COUNTRY OAKS PHASE TWO, as recorded in Plat Book 22, page 170 of the Public Records of Manatee County, Florida, (being the basis of bearings for this legal description) and an Easterly line of COUNTRY OAKS PHASE THREE, as recorded in Plat Book 23, page 102 of the Public Records of Manatee County, Florida, respectively, for 1,409.49 feet to the point of intersection with a Northerly line of UNIVERSITY PINES SUBDIVISION, as recorded in Plat Book 22, page 65 of the Public Records of Manatee County, Florida; thence leaving said Easterly line of COUNTRY OAKS PHASE THREE, N89°34'49"E, along said Northerly line of UNIVERSITY PINES SUBDIVISION, a Northerly line of DISNEY SUBDIVISION, as recorded in Plat Book 23, page 153 of the Public Records of Manatee County, Florida, and a Northerly line of that certain property as described in Official Records Book 1498, page 5519 of the Public Records of Manatee County, Florida, respectively, for 696.06 feet to the point of intersection with an Easterly line of said certain property as described in Official Records Book 1498, page 5519; thence leaving said Northerly line of that certain property as described in Official Records Book 1498, page 5519, S00°44'41"E, along said Easterly line of that certain property as described in Official Records Book 1498, page 5519, for 1,129.82 feet to the point of intersection with a Southerly line of said certain property as described in Official Records Book 1498, page 5519; thence leaving said Easterly line of that certain property as described in Official Records Book 1498, page 5519, S89°34'52"W, along said Southerly line of that certain property as described in Official Records Book 1498, page 5519, for 97.82 feet to the point of intersection with an Easterly line of said DISNEY SUBDIVISION; thence leaving said Southerly line of that certain property as described in Official Records Book 1498, page 5519, S00°45'16"E, along said Easterly line of DISNEY

SUBDIVISION, for 56.00 feet to the to the point of intersection with a Southerly line of said DISNEY SUBDIVISION; thence leaving said Easterly line of DISNEY SUBDIVISION, S89°34'52"W, along said Southerly line of said DISNEY SUBDIVISION, for 202.00 feet to the point of intersection with an Easterly line of that certain property as described in Official Records Book 1122, page 2702 of the Public Records of Manatee County, Florida; thence leaving said Southerly line of said DISNEY SUBDIVISION, S00°45'16"E, along said Easterly line of that certain property as described in Official Records Book 1122, page 2702, for 164.00 feet to the point of intersection with the South line of the Southwest 1/4 of Section 34, Township 35 South, Range 18 East, Manatee County, Florida; thence leaving said Easterly line of that certain property as described in Official Records Book 1122, page 2702, N89°34'52"E, along said South line of the Southwest 1/4 of Section 34, for 495.78 feet to the point of intersection with a Westerly line of PALM WEST SUBDIVISION, as recorded in Plat Book 26, page 9 of the Public Records of Manatee County, Florida; thence leaving said South line of the Southwest 1/4 of Section 34, N00°44'41"W, along said Westerly line of PALM WEST SUBDIVISION, for 1,350.09 feet to the point of intersection with a Northerly line of said PALM WEST SUBDIVISION; thence leaving said Westerly line of PALM WEST SUBDIVISION, N89°35'28"E, along said Northerly line of said PALM WEST SUBDIVISION, for 455.86 feet to the point of intersection with a Westerly line of ROSEWOOD AT THE GARDENS SECTION 1, as recorded in Plat Book 24, page 192 of the Public Records of Manatee County, Florida; thence leaving said Northerly line of said PALM WEST SUBDIVISION, N00°57'16"W, along said Westerly line of ROSEWOOD AT THE GARDENS SECTION 1, for 28.55 feet to the point of intersection with a Northerly line of said ROSEWOOD AT THE GARDENS SECTION 1; thence leaving said Westerly line of ROSEWOOD AT THE GARDENS SECTION 1, N89°36'32"E, along said Northerly line of said ROSEWOOD AT THE GARDENS SECTION 1 and a Northerly line of GARDENS AT PALM AIRE COUNTRY CLUB, SECTION II, A CONDOMINIUM, as recorded in Condominium Plat Book 19, page 44 of the Public Records of Manatee County, Florida, respectively, for 1,347.77 feet to the point of intersection with a Westerly line of PALM AIRE AT SARASOTA SUBDIVISION, UNIT NO. 6, as recorded in Plat Book 19, page 199 of the Public Records of Manatee County, Florida; thence leaving said Northerly line of GARDENS AT PALM AIRE COUNTRY CLUB, SECTION II, A CONDOMINIUM, N00°56'47"W, along said Westerly line of PALM AIRE AT SARASOTA SUBDIVISION, UNIT NO. 6, for 534.88 feet; thence leaving said Westerly line of PALM AIRE AT SARASOTA SUBDIVISION, UNIT NO. 6, S10°05'05"W, for 17.15 feet to a point of curvature of a curve concave Westerly; thence Southerly along the arc of said curve, having a radius of 30.00 feet, a central angle of 17°01'03", an arc length of 8.91 feet, and a chord bearing S18°35'36"W for 8.88 feet to the point of tangent; thence S27°06'07"W, for 47.86 feet to a point of curvature of a curve concave Northwesterly; thence Southwesterly along the arc of said curve, having a radius of 30.00 feet, a central angle of 09°15'36", an arc length of 4.85 feet, and a chord bearing S31°43'55"W for 4.84 feet to the point of tangent; thence S36°21'43"W, for 40.96 feet to a point of curvature of a curve concave Northerly; thence Westerly along the arc of said curve, having a radius of 30.00 feet, a central angle of 92°57'55", an arc length of 48.68 feet, and a chord bearing S82°50'41"W for 43.51 feet to the point of tangent; thence N50°40'21"W, for 30.08 feet; thence N87°27'58"W, for 3.81 feet; thence S56°10'23"W, for 22.60 feet to a point of curvature of a curve concave Northerly; thence Westerly along the arc of said curve, having a radius of 30.00 feet, a central angle of 87°11'51", an arc length of 45.66 feet, and a chord bearing N80°13'41"W for 41.38 feet to the point of tangent; thence N36°37'46"W, for 31.16 feet; thence N80°49'52"W, for 48.84 feet to a point of curvature of a curve concave Northeasterly; thence Northwesterly along the arc of said curve, having a radius of 30.00 feet, a central angle of 40°32'35", an arc length of 21.23 feet, and a chord bearing N60°33'35"W for 20.79 feet to the point of tangent; thence N40°17'17"W, for 43.71 feet to a point of curvature of a curve concave Northeasterly; thence

Northwesterly along the arc of said curve, having a radius of 30.00 feet, a central angle of $04^{\circ}29'11''$, an arc length of 2.35 feet, and a chord bearing $N38^{\circ}02'42''W$ for 2.35 feet to the point of tangent; thence $N35^{\circ}48'06''W$, for 44.55 feet to a point of curvature of a curve concave Northeasterly; thence Northwesterly along the arc of said curve, having a radius of 30.00 feet, a central angle of $14^{\circ}27'34''$, an arc length of 7.57 feet, and a chord bearing $N28^{\circ}34'19''W$ for 7.55 feet to the point of tangent; thence $N21^{\circ}20'32''W$, for 65.08 feet; thence $N27^{\circ}52'27''W$, for 48.50 feet; thence $N36^{\circ}32'05''W$, for 38.15 feet to a point of curvature of a curve concave Northeasterly; thence Northwesterly along the arc of said curve, having a radius of 30.00 feet, a central angle of $04^{\circ}33'11''$, an arc length of 2.38 feet, and a chord bearing $N34^{\circ}15'29''W$ for 2.38 feet to the point of tangent; thence $N31^{\circ}58'54''W$, for 48.13 feet; thence $N67^{\circ}14'11''W$, for 15.42 feet to a point of curvature of a curve concave Northeasterly; thence Northwesterly along the arc of said curve, having a radius of 30.00 feet, a central angle of $72^{\circ}12'33''$, an arc length of 37.81 feet, and a chord bearing $N31^{\circ}07'54''W$ for 35.36 feet to the point of tangent; thence $N04^{\circ}58'22''E$, for 38.34 feet; thence $N28^{\circ}00'29''W$, for 37.42 feet to a point of curvature of a curve concave Easterly; thence Northerly along the arc of said curve, having a radius of 30.00 feet, a central angle of $27^{\circ}28'46''$, an arc length of 14.39 feet, and a chord bearing $N14^{\circ}16'05''W$ for 14.25 feet to the point of tangent; thence $N00^{\circ}31'42''W$, for 19.56 feet; thence $N28^{\circ}28'57''W$, for 36.25 feet; thence $N40^{\circ}25'08''W$, for 30.45 feet to a point of curvature of a curve concave Northeasterly; thence Northwesterly along the arc of said curve, having a radius of 30.00 feet, a central angle of $24^{\circ}03'05''$, an arc length of 12.59 feet, and a chord bearing $N28^{\circ}23'36''W$ for 12.50 feet to the point of tangent; thence $N16^{\circ}22'03''W$, for 37.68 feet; thence $S67^{\circ}07'10''W$, for 10.47 feet; thence $N58^{\circ}34'26''W$, for 34.84 feet to a point of curvature of a curve concave Easterly; thence Northerly along the arc of said curve, having a radius of 30.00 feet, a central angle of $121^{\circ}54'12''$, an arc length of 63.83 feet, and a chord bearing $N02^{\circ}22'40''E$ for 52.45 feet to the point of tangent; thence $N63^{\circ}19'46''E$, for 35.99 feet to a point of curvature of a curve concave Southerly; thence Easterly along the arc of said curve, having a radius of 30.00 feet, a central angle of $16^{\circ}08'53''$, an arc length of 8.46 feet, and a chord bearing $N71^{\circ}24'13''E$ for 8.43 feet to the point of tangent; thence $N79^{\circ}28'39''E$, for 21.97 feet; thence $N44^{\circ}19'52''E$, for 27.08 feet; thence $N25^{\circ}12'24''W$, for 8.08 feet; thence $N47^{\circ}43'01''W$, for 39.20 feet; thence $N82^{\circ}30'38''W$, for 30.34 feet; thence $S79^{\circ}47'45''W$, for 48.98 feet; thence $S29^{\circ}43'51''W$, for 67.40 feet to a point of curvature of a curve concave Northwesterly; thence Southwesterly along the arc of said curve, having a radius of 30.00 feet, a central angle of $58^{\circ}04'10''$, an arc length of 30.41 feet, and a chord bearing $S58^{\circ}45'56''W$ for 29.12 feet to the point of tangent; thence $S87^{\circ}48'01''W$, for 6.14 feet; thence $S10^{\circ}47'57''W$, for 20.14 feet to a point of curvature of a curve concave Northwesterly; thence Southwesterly along the arc of said curve, having a radius of 30.00 feet, a central angle of $73^{\circ}13'43''$, an arc length of 38.34 feet, and a chord bearing $S47^{\circ}24'49''W$ for 35.79 feet to the point of tangent; thence $S84^{\circ}01'40''W$, for 64.76 feet; thence $S44^{\circ}16'50''W$, for 33.26 feet to a point of curvature of a curve concave Northwesterly; thence Southwesterly along the arc of said curve, having a radius of 30.00 feet, a central angle of $11^{\circ}47'44''$, an arc length of 6.18 feet, and a chord bearing $S50^{\circ}10'42''W$ for 6.17 feet to the point of tangent; thence $S56^{\circ}04'34''W$, for 27.90 feet to a point of curvature of a curve concave Northerly; thence Westerly along the arc of said curve, having a radius of 30.00 feet, a central angle of $85^{\circ}16'11''$, an arc length of 44.65 feet, and a chord bearing $N81^{\circ}17'20''W$ for 40.64 feet to the point of tangent; thence $N38^{\circ}39'15''W$, for 10.67 feet; thence $S38^{\circ}39'43''W$, for 28.43 feet; thence $S12^{\circ}53'41''E$, for 36.67 feet to a point of curvature of a curve concave Northwesterly; thence Southwesterly along the arc of said curve, having a radius of 30.00 feet, a central angle of $125^{\circ}38'06''$, an arc length of 65.78 feet, and a chord bearing $S49^{\circ}55'22''W$ for 53.37 feet to the point of tangent; thence $S12^{\circ}15'33''E$, for 6.58 feet to a point of curvature of a curve concave Westerly; thence Southerly along the arc of said curve, having a radius of 30.00 feet, a central angle of $06^{\circ}48'14''$, an arc length of 3.56 feet, and a chord bearing $S08^{\circ}51'27''E$ for 3.56 feet to

the point of tangent; thence S05°27'20"E, for 58.04 feet; thence S35°27'59"E, for 45.99 feet to a point of curvature of a curve concave Westerly; thence Southerly along the arc of said curve, having a radius of 30.00 feet, a central angle of 92°57'07", an arc length of 48.67 feet, and a chord bearing S11°00'34"W for 43.51 feet to the point of tangent; thence S57°29'08"W, for 39.29 feet; thence S01°45'34"W, for 29.30 feet to a point of curvature of a curve concave Westerly; thence Southerly along the arc of said curve, having a radius of 30.00 feet, a central angle of 09°10'50", an arc length of 4.81 feet, and a chord bearing S06°20'59"W for 4.80 feet to the point of tangent; thence S10°56'24"W, for 39.16 feet; thence S49°00'22"E, for 26.74 feet; thence S72°38'06"E, for 18.36 feet to a point of curvature of a curve concave Southwesterly; thence Southeasterly along the arc of said curve, having a radius of 30.00 feet, a central angle of 11°49'55", an arc length of 6.20 feet, and a chord bearing S66°43'08"E for 6.18 feet to the point of tangent; thence S60°48'11"E, for 16.27 feet to a point of curvature of a curve concave Westerly; thence Southerly along the arc of said curve, having a radius of 30.00 feet, a central angle of 98°55'47", an arc length of 51.80 feet, and a chord bearing S11°20'17"E for 45.60 feet to the point of tangent; thence S38°07'36"W, for 11.44 feet to a point of curvature of a curve concave Northerly; thence Westerly along the arc of said curve, having a radius of 30.00 feet, a central angle of 70°47'58", an arc length of 37.07 feet, and a chord bearing S73°31'35"W for 34.76 feet to the point of tangent; thence N71°04'25"W, for 17.09 feet to a point of curvature of a curve concave Northeasterly; thence Northwesterly along the arc of said curve, having a radius of 30.00 feet, a central angle of 07°12'42", an arc length of 3.78 feet, and a chord bearing N67°28'04"W for 3.77 feet to the point of tangent; thence N63°51'43"W, for 3.55 feet; thence S61°08'39"W, for 8.98 feet to a point of curvature of a curve concave Northerly; thence Westerly along the arc of said curve, having a radius of 30.00 feet, a central angle of 41°50'20", an arc length of 21.91 feet, and a chord bearing S82°03'50"W for 21.42 feet to the point of tangent; thence N77°01'00"W, for 27.90 feet; thence S07°12'07"W, for 11.13 feet; thence S03°06'42"W, for 63.88 feet to a point of curvature of a curve concave Westerly; thence Southerly along the arc of said curve, having a radius of 30.00 feet, a central angle of 19°12'40", an arc length of 10.06 feet, and a chord bearing S12°43'02"W for 10.01 feet to the point of tangent; thence S22°19'22"W, for 97.96 feet to a point of curvature of a curve concave Northwesterly; thence Southwesterly along the arc of said curve, having a radius of 30.00 feet, a central angle of 07°39'09", an arc length of 4.01 feet, and a chord bearing S26°08'56"W for 4.00 feet to the point of tangent; thence S29°58'31"W, for 128.24 feet to a point of curvature of a curve concave Northerly; thence Westerly along the arc of said curve, having a radius of 30.00 feet, a central angle of 103°15'53", an arc length of 54.07 feet, and a chord bearing S81°36'27"W for 47.04 feet to the point of tangent; thence N46°45'36"W, for 115.18 feet; thence N86°09'08"W, for 32.68 feet; thence S31°59'27"W, for 21.63 feet to a point of curvature of a curve concave Northwesterly; thence Southwesterly along the arc of said curve, having a radius of 30.00 feet, a central angle of 31°04'38", an arc length of 16.27 feet, and a chord bearing S47°31'46"W for 16.07 feet to the point of tangent; thence S63°04'05"W, for 21.58 feet to a point of curvature of a curve concave Northerly; thence Westerly along the arc of said curve, having a radius of 30.00 feet, a central angle of 38°29'18", an arc length of 20.15 feet, and a chord bearing S82°18'44"W for 19.78 feet to the point of tangent; thence N78°26'37"W, for 44.18 feet; thence S55°18'34"W, for 43.14 feet to a point of curvature of a curve concave Northerly; thence Westerly along the arc of said curve, having a radius of 30.00 feet, a central angle of 60°20'08", an arc length of 31.59 feet, and a chord bearing S85°28'38"W for 30.15 feet to the point of tangent; thence N64°21'19"W, for 67.34 feet to a point of curvature of a curve concave Northeasterly; thence Northwesterly along the arc of said curve, having a radius of 30.00 feet, a central angle of 52°45'04", an arc length of 27.62 feet, and a chord bearing N37°58'46"W for 26.66 feet to the point of tangent; thence N11°36'14"W, for 7.12 feet; thence N47°15'18"W, for 33.43 feet; thence N53°10'59"W, for 55.38 feet to a point of curvature of a curve concave

Northeasterly; thence Northwesterly along the arc of said curve, having a radius of 30.00 feet, a central angle of 36°22'03", an arc length of 19.04 feet, and a chord bearing N34°59'57"W for 18.72 feet to the point of tangent; thence N16°48'56"W, for 63.51 feet; thence S37°01'56"W, for 16.50 feet to a point of curvature of a curve concave Northwesterly; thence Southwesterly along the arc of said curve, having a radius of 30.00 feet, a central angle of 25°52'08", an arc length of 13.54 feet, and a chord bearing S49°58'00"W for 13.43 feet to the point of tangent; thence S62°54'05"W, for 95.89 feet to a point of curvature of a curve concave Northerly; thence Westerly along the arc of said curve, having a radius of 30.00 feet, a central angle of 55°08'03", an arc length of 28.87 feet, and a chord bearing N89°31'54"W for 27.77 feet to the point of tangent; thence N61°57'53"W, for 99.81 feet to a point of curvature of a curve concave Northeasterly; thence Northwesterly along the arc of said curve, having a radius of 30.00 feet, a central angle of 27°01'41", an arc length of 14.15 feet, and a chord bearing N48°27'02"W for 14.02 feet to the point of tangent; thence N34°56'11"W, for 44.63 feet to a point of curvature of a curve concave Easterly; thence Northerly along the arc of said curve, having a radius of 30.00 feet, a central angle of 91°46'11", an arc length of 48.05 feet, and a chord bearing N10°56'54"E for 43.08 feet to the point of tangent; thence N56°50'00"E, for 68.96 feet to a point of curvature of a curve concave Southerly; thence Easterly along the arc of said curve, having a radius of 30.00 feet, a central angle of 90°20'36", an arc length of 47.30 feet, and a chord bearing S77°59'42"E for 42.55 feet to the point of tangent; thence S32°49'23"E, for 77.36 feet; thence S11°57'13"W, for 6.64 feet; thence N58°49'50"E, for 49.63 feet; thence N46°05'39"E, for 32.51 feet; thence N41°38'53"E, for 29.33 feet to a point of curvature of a curve concave Southeasterly; thence Northeasterly along the arc of said curve, having a radius of 30.00 feet, a central angle of 05°05'15", an arc length of 2.66 feet, and a chord bearing N44°11'30"E for 2.66 feet to the point of tangent; thence N46°44'08"E, for 40.95 feet; thence N13°42'06"E, for 19.62 feet; thence N58°08'56"W, for 6.66 feet; thence S74°06'31"W, for 15.78 feet to a point of curvature of a curve concave Northeasterly; thence Northwesterly along the arc of said curve, having a radius of 30.00 feet, a central angle of 102°44'05", an arc length of 53.79 feet, and a chord bearing N54°31'27"W for 46.87 feet to the point of tangent; thence N03°09'24"W, for 89.63 feet to a point of curvature of a curve concave Southeasterly; thence Northeasterly along the arc of said curve, having a radius of 30.00 feet, a central angle of 84°03'31", an arc length of 44.01 feet, and a chord bearing N38°52'21"E for 40.17 feet to the point of tangent; thence N80°54'06"E, for 32.96 feet; thence N15°09'47"W, for 60.13 feet; thence N15°11'08"W, for 35.73 feet; thence N72°05'27"W, for 36.15 feet; thence N79°31'52"W, for 63.96 feet; thence S72°11'42"W, for 134.99 feet to a point of curvature of a curve concave Northerly; thence Westerly along the arc of said curve, having a radius of 30.00 feet, a central angle of 30°50'18", an arc length of 16.15 feet, and a chord bearing S87°36'51"W for 15.95 feet to the point of tangent; thence N76°58'00"W, for 92.64 feet to a point of curvature of a curve concave Northeasterly; thence Northwesterly along the arc of said curve, having a radius of 30.00 feet, a central angle of 20°35'09", an arc length of 10.78 feet, and a chord bearing N66°40'25"W for 10.72 feet to the point of tangent; thence N56°22'51"W, for 106.61 feet to a point of curvature of a curve concave Northeasterly; thence Northwesterly along the arc of said curve, having a radius of 30.00 feet, a central angle of 47°43'16", an arc length of 24.99 feet, and a chord bearing N32°31'13"W for 24.27 feet to the point of tangent; thence N08°39'34"W, for 87.51 feet; thence N25°40'31"W, for 67.88 feet; thence N35°43'14"W, for 24.90 feet to a point of curvature of a curve concave Easterly; thence Northerly along the arc of said curve, having a radius of 30.00 feet, a central angle of 44°32'19", an arc length of 23.32 feet, and a chord bearing N13°27'05"W for 22.74 feet to the point of tangent; thence N08°49'05"E, for 83.95 feet to a point of curvature of a curve concave Southeasterly; thence Northeasterly along the arc of said curve, having a radius of 30.00 feet, a central angle of 53°37'29", an arc length of 28.08 feet, and a chord bearing N35°37'50"E for 27.06 feet to the point of tangent; thence N62°26'34"E, for 37.30

feet to a point of curvature of a curve concave Southerly; thence Easterly along the arc of said curve, having a radius of 30.00 feet, a central angle of 36°22'37", an arc length of 19.05 feet, and a chord bearing N80°37'53"E for 18.73 feet to the point of tangent; thence S81°10'49"E, for 113.02 feet to a point of curvature of a curve concave Southerly; thence Easterly along the arc of said curve, having a radius of 30.00 feet, a central angle of 03°50'33", an arc length of 2.01 feet, and a chord bearing S79°15'32"E for 2.01 feet to the point of tangent; thence S77°20'16"E, for 32.07 feet; thence N00°20'39"W, for 145.47 feet to the point of intersection with a Southerly line of said DESOTO LAKES COUNTRY CLUB COLONY, UNIT 5; thence S89°39'21"W, along said Southerly line of DESOTO LAKES COUNTRY CLUB COLONY, UNIT 5, for 811.22 feet to the POINT OF BEGINNING.

Containing 2,529,428 square feet or 58.068 acres, more or less.

Error of closure: 0.019 feet (LCS)

Section 5. 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 5th day of October, 2004, and as amended on the 16th day of November, 2004.

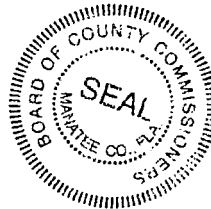
BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: *James A. Don Heleman*

Chairman

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

R. B. Shore



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 17th day of

November, 2004

R. B. SHORE
Clerk of Circuit Court

By: *R. B. Shore* C.C.

THIS IS A CORRECTIVE DOCUMENT



FILED FOR RECORD
R. B. SHORE

2004 NOV 24 PM 3:31

CLERK OF CIRCUIT COURT
MANATEE CO FLORIDA

FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State
DIVISION OF LIBRARY AND INFORMATION SERVICES

November 19, 2004

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

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated November 17, 2004 and certified copies of Manatee County Ordinance Nos. 04-78 and PDR-02-34(Z)(P), which were filed in this office on November 19, 2004.

As requested, the date stamped copies are being returned for your records.

Sincerely,

Liz Cloud
Program Administrator

LC/kcs

Enclosure

☐ STATE LIBRARY OF FLORIDA
R.A. Gray Building • Tallahassee, Florida 32399-0250 • (850) 245-6600
FAX: (850) 488-2746 • TDD: (850) 922-4085 • <http://www.dos.state.fl.us>
☐ LEGISLATIVE LIBRARY SERVICE ☐ RECORDS MANAGEMENT SERVICES ☐ FLORIDA STATE ARCHIVES
(850) 488-2812 • FAX: (850) 488-9879 (850) 487-2180 • FAX: (850) 413-7224 (850) 245-6700 • FAX: (850) 488-4894
☐ ADMINISTRATIVE CODE AND WEEKLY
(850) 245-6270 • FAX: (850) 245-6282