

2005 MAY 23 PM 12:47 PDR-03-45(Z)(P) - TECH DEVELOPMENTS, INC./FIDDLER'S CREEK

CLERK OF DISTRICT COURT
MANATEE CO FLORIDA

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 (SUBURBAN AGRICULTURE, 1 DWELLING UNIT PER ACRE) TO PDR (PLANNED DEVELOPMENT RESIDENTIAL); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW 27 LOTS FOR SINGLE-FAMILY DETACHED HOMES, AND GRANTING SPECIAL APPROVAL FOR A PROJECT ADJACENT TO A PERENNIAL STREAM.

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 (Suburban Agriculture, 1 dwelling unit per acre) to PDR (Planned Development Residential).

B. The Board of County Commissioners held a public hearing on December 14, 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 27 lots for single-family detached homes, and GRANTING Special Approval for a project adjacent to a perennial stream with the following Stipulations:

STIPULATIONS

1. All lots contiguous to active agricultural operations shall have yards at least 35 feet greater than required by Section 603.7.4.7 of the LDC. If an adjoining agricultural operation is permanently discontinued at the time of submittal of the Final Subdivision Plat, then the requirements of Section 702.6.7 of the LDC shall no longer apply, and the increased yard may be eliminated from the Final Subdivision Plat.

2. The Notice to Buyers shall be included in the Declaration of Covenants and Restrictions, and in a separate addendum to the sales contract and in the Final Site Plan shall include language informing prospective homeowners of the presence of neighboring agricultural and industrial uses, which may possibly include pesticides and herbicides and may have odors and noises associated with such uses.
3.
 - (a) A six foot high decorative wall with stucco and painted finish (or a wall of material with equivalent appearance and noise reduction properties) shall be provided along Prospect Road. All required landscaping shall be placed on the outside or roadway side of the wall.
 - (b) A six foot high decorative fence shall be provided along the south boundary line. All required landscaping shall be placed on the outside or roadway side of the fence.
4. To the maximum extent possible, existing native vegetation shall remain within the required landscape buffers and be utilized to meet the buffering and screening requirements.
5. The recreational facility shall provide a commercial grade tot lot, benches, shade trees, and picnic tables. The details of the type of equipment and layout shall be shown on the Final Site Plan. The design of the facility shall be in substantial conformance with the design drawings entered into the record for this case.
6. All nuisance exotic plant species shall be removed from upland portions of the site prior to the Final Subdivision Plat approval, in accordance with Section 715.4 of the LDC.
7. The design and shielding of any on-site lighting shall comply with Sections 709.2.2 of the LDC.
8. Prior to Final Site Plan approval, the entire site shall be evaluated for potential hazardous material locations (e.g., historical cattle dipping vats, underground or above ground storage tanks, or buried drums), by a qualified environmental consultant. Should evidence of contamination be discovered, further investigation will be required to determine the level of contamination and appropriate remediation or mitigative measures.
9. Prior to development related land clearing activities, all applicable County approvals must be obtained through the Planning Department. If burning of trees and or branches is required for land clearing, a burn permit must be first obtained from the Environmental Management Department.
10. The stormwater management system shall be designed to provide a reduction of 50% or greater of the allowable pre-development flow from the 25 year frequency, 24-hour duration storm event discharge.
11. A Drainage Easement along Pearce Canal shall be dedicated to Manatee County and be shown on the Final Site Plan and Final Subdivision Plats. In addition, a 25 foot wide Drainage Maintenance and Access Easement shall be dedicated on the east bank of

Pearce Drain. The developer shall include in the Notice to Buyers that Manatee County has no obligation relative to Pearce Drain to maintain, change, improve, clean, repair erosion, or restore the natural changes in the course of the stream bed.

12. A five foot wide sidewalk shall be provided along the west side of Prospect Road to extend southward to Whitfield Avenue, a distance of $\pm 1,000$ feet.
13. 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.
14. All lot owners shall be encouraged to participate in the Florida Yards and Neighborhoods Program Information shall be provided in the sales office and provided to all lot purchasers.

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 (Suburban Agriculture, 1 dwelling unit per acre) to PDR (Planned Development Residential), 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.

PARCEL 1: A PARCEL OF LAND LYING IN SECTION 20, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS: BEGIN AT THE SE CORNER OF CENTRE LAKE SUBDIVISION, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 23, PAGES 69 THROUGH 72, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE S. $00^{\circ} 16' 48''$ E. ALONG WEST MAINTAINED RIGHT OF WAY LINE OF PROSPECT ROAD (36^{TH} STREET EAST), A DISTANCE OF 289.96 FEET; THENCE N. $89^{\circ} 43' 19''$ W., A DISTANCE OF 867.60 FEET TO THE CENTERLINE OF PEARCE DRAINAGE CANAL; THENCE N. $05^{\circ} 13' 21''$ E., ALONG SAID CENTERLINE, A DISTANCE OF 295.60 FEET TO THE SW CORNER OF SAID CENTRE LAKES SUBDIVISION; THENCE S. $89^{\circ} 24' 38''$ E., A DISTANCE OF 839.31 FEET TO THE POINT OF BEGINNING.

PARCEL 2: A PARCEL OF LAND LYING IN SECTION 20, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, BEGIN DESCRIBED AS FOLLOWS: COMMENCE AT THE SE CORNER OF CENTRE LAKE SUBDIVISION, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 23, PAGES 69 THROUGH 72, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE S. $00^{\circ} 16' 48''$ E. ALONG THE WEST MAINTAINED RIGHT OF WAY LINE OF PROSPECT ROAD (36^{TH} STREET EAST), A DISTANCE OF 289.96 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S. $00^{\circ} 16' 48''$ E., ALONG SAID MAINTAINED RIGHT OF WAY LINE, A DISTANCE OF 247.65 FEET; THENCE N. $89^{\circ} 43' 19''$ W., A DISTANCE OF 891.44 FEET TO THE CENTERLINE OF PEARCE DRAINAGE CANAL; THENCE N. $05^{\circ} 13' 21''$ E., ALONG SAID CENTERLINE, A DISTANCE OF 248.56 FEET; THENCE S. $89^{\circ} 43' 19''$ E., A DISTANCE OF 867.60 FEET TO THE POINT OF BEGINNING.

PARCEL 3: A PARCEL OF LAND LYING IN SECTION 20, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, BEGIN DESCRIBED AS FOLLOWS: COMMENCE AT

THE SE CORNER OF CENTRE LAKE SUBDIVISION, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 23, PAGES 69 THROUGH 72, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE S. 00°16' 48" E. ALONG THE WEST MAINTAINED RIGHT OF WAY LINE OF PROSPECT ROAD (36TH STREET EAST), A DISTANCE OF 537.61 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S. 00° 16' 48" E., ALONG SAID MAINTAINED RIGHT OF WAY LINE, A DISTANCE OF 241.15 FEET; THENCE N. 89° 43' 19" W., A DISTANCE OF 915.13 FEET TO THE CENTERLINE OF PEARCE DRAINAGE CANAL; THENCE ALONG SAID CENTERLINE THE FOLLOWING TWO (2) CALLS; (1) N. 05°20' 23" E., A DISTANCE OF 236.24 FEET; (2) N. 05° 13' 21" E., A DISTANCE OF 5.84 FEET; THENCE S. 89° 43' 19" E., A DISTANCE OF 891.44 FEET TO THE POINT OF BEGINNING.

Section 5. EFFECTIVE DATE. This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

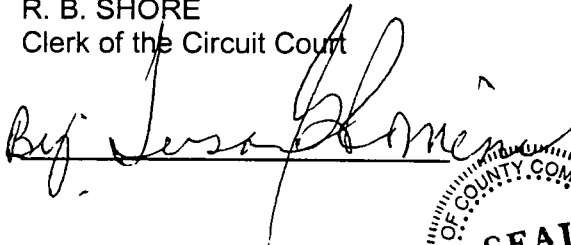
PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 14th day of December, 2004.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: 

Chairman

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





... OF MANATEE
... the foregoing is a true and
correct copy of the documents on file in my office.

Witness my hand and official seal this 14 day of
December, 2004

R.B. SHORE
Clerk of Circuit Court

By:  D.C.

FOR RECORD
R. B. SHORE

SEP 23 11:17

CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA



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

May 17, 2005

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

Attention: Nancy Harris, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated May 11, 2005 and certified copies of Manatee County Ordinance Nos. PDR-03-45(Z)(P), 05-31 and 05-32, which were filed in this office on May 16, 2005.

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

Sincerely,

A handwritten signature in black ink that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/kcs

Enclosures