

**MANATEE COUNTY ZONING ORDINANCE  
PDMU-06-53(Z)(P) – WESTPORT VENTURE, LLC/WESTPORT SUBDIVISION &  
PROFESSIONAL OFFICE (DTS #20060269)**

2008 DEC 23 AM 10:43

CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

**AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR THE REZONING OF APPROXIMATELY 44.09 ACRES NORTH OF GARDEN LAKES, SOUTH OF SR 70, EAST OF 36TH STREET EAST, AND ALONG BOTH SIDES OF 37<sup>TH</sup> STREET EAST, BRADENTON, FROM PDR (PLANNED DEVELOPMENT RESIDENTIAL), A-1 (SUBURBAN AGRICULTURE), AND RDD-6 (RESIDENTIAL DUPLEX DISTRICT) TO THE PDMU (PLANNED DEVELOPMENT MIXED USE) ZONING DISTRICT; APPROVING A PRELIMINARY SITE PLAN FOR 91 LOTS (84 SINGLE-FAMILY DETACHED RESIDENCES AND 7 SINGLE-FAMILY SEMI-DETACHED) WITH 25% AFFORDABLE, A 210 BED GROUP CARE HOME, AND 89,100 SQUARE FEET OF OFFICES; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

2008 DEC 15 PM 1:07

FILED

**WHEREAS**, Westport Venture, LLC (the "Applicant") filed an application to rezone approximately 44.09 acres described in Exhibit "A", attached hereto, (the "property") from PDR (Planned Development Residential), A-1 (Suburban Agriculture), and RDD-6 (Residential Duplex District) to the PDMU (Planned Development Mixed Use) zoning district; and

**WHEREAS**, the applicant filed a Preliminary Site Plan for 91 lots (84 single-family detached residences and 7 single-family semi-detached) with 25% affordable, a 210 bed group care home, and 89,100 square feet of offices (the "project") on the property; and

**WHEREAS**, the applicant filed a request for Special Approval for a project: 1) Adjacent to Perennial Stream; 2) Within the 25 year floodplain; 3) Mixed and multiple-use project in RES-6 and RES-9 FLUCS; 4) Net residential density > 6 dwelling units per acre in the RES-6 FLUC; 5) Non-residential exceeding 30,000 square feet in RES-6 and RES-9 FLUCS; and 6) Partially within the Coastal Storm Vulnerability Area; and

**WHEREAS**, the applicant filed a request for Specific Approval for alternatives to Sections 603.7.4.1, 603.7.4.5, 710.1.4, 710.1.5.1.2, 710.1.6, 715.3.2.1, 722.1.4.1, 740.2.6, 740.2.6.11, 740.2.6.18, 907.9.2.4, and 907.9.3 of the Land Development Code; and

**WHEREAS**, Planning staff recommended approval of the rezone, Preliminary Site Plan, Special Approval, and Specific Approval, subject to the stipulations contained in the staff report; and

**WHEREAS**, the Manatee County Planning Commission, after due public notice, held a public hearing on November 13, 2008 to consider the rezone, Preliminary Site Plan, Special Approval, and Specific Approval, received the staff recommendation, and

considered the criteria for approval in the Manatee County Comprehensive Plan and the Land Development Code; and

**WHEREAS**, the Manatee County Planning Commission, as the County's Local Planning Agency, found the applications consistent with the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Manatee County Land Development Code and recommended approval of the applications, subject to the stipulations 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, 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 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 Exhibit "A" of this Ordinance, from PDR (Planned Development Residential), A-1 (Suburban Agriculture), and RDD-6 (Residential Duplex District) to the PDMU (Planned Development Mixed Use) zoning district.

B. The Board of County Commissioners held a duly noticed public hearings on December 4, 2008 regarding the 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 the public hearing.

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

D. For the purposes of granting Special Approval, the Board finds that the project, as detailed on the Preliminary Site Plan and as conditioned herein, will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.

**Section 2. PRELIMINARY SITE PLAN.** The Preliminary Site Plan is hereby approved for 89,100 square feet of office and retail space, a 210 bed Group Care Home, and 91 lots (84 Single Family Detached and 7 Single Family Semi-Detached) on the property subject to the following Stipulations:

## **STIPULATIONS**

### **A. DESIGN AND LAND USE CONDITIONS:**

#### **General**

1. Prior to Final Site Plan approval, the applicant shall gain approval of a Hurricane Evacuation Plan and Disaster Plan from the Director of Public Safety. The plan shall ensure delivery of the Manatee County "All-Hazard Guide" and Red Cross brochure "Your Family Disaster Plan" to each homeowner, and assure of receipt of posting of an evacuation zone map. Covenants and restrictions for the subdivision shall provide for an ongoing responsibility for the Homeowner's Association to ensure that all subsequent purchasers receive copies of these documents.
2. The Final Site Plan shall not include any residential lots platted into the CSVA Overlay District (seaward of the 5 foot contour line).
3. A revised Preliminary Site Plan consistent with the revised Phasing Exhibit submitted at the December 4, 2008 hearing and stipulations approved herein shall be submitted to the Planning Director for administrative approval.

#### **Non-Residential Component:**

4. All exterior facades of the office buildings shall be considered primary facades and shall employ architectural and landscape design elements similar to the front façade. Building elevations shall be provided to the Planning Department for review and approval prior to Building Permit approval.
5. At time of the first Final Site Plan approval for any office buildings, a unified architectural theme shall be selected, and then used for all buildings.
6. Any dumpster or can enclosure shall be constructed of similar materials as the main buildings. The enclosure and gate or fence shall be painted a similar color to the main building. Elevations of the dumpster enclosure and gate or fence shall be submitted to the Planning Department for review and approval prior to Final Site Plan approval.
7. All roof mounted HVAC equipment shall be screened from view from adjacent roadways and surrounding properties. Screening shall be provided by materials consistent with the construction of the structures. Details of screening shall be submitted with the Final Site Plan.
8. A cross access easement and construction of the driveway and sidewalk to the north property line shall be provided from the west office parcel to the adjacent parcel to the north. The location shall be shown on the Final Site Plan and Construction Plans.

9. Signs for the non-residential component of the project shall be limited to ground signs, not to exceed a height of 8 feet. One sign shall be permitted on each side of 37<sup>th</sup> Street East.
10. Bicycle racks shall be provided in front of each office building, with a minimum of 4 spaces each.
11. Pursuant to LDC Section 715.1.3.(g) the applicant shall provide the required hedge and canopy trees around the drive-aisles. Compliance shall be reviewed and verified with the Final Site Plan.
12. Light poles within parking lots shall not be placed in landscape islands unless the width of the island is over 8' wide. Islands with light poles shall be limited to one pole with two fixtures. The applicant shall demonstrate that placement of poles and fixtures will not conflict with the required landscaping. This shall be demonstrated with the Final Site Plan.

**Residential Component:**

13. (Reserved)
14. A minimum of 25% of the units shall be retained as affordable housing. This shall be ensured through execution of a Land Use Restriction Agreement prior to Final Plat approval for the residential.
15. The applicant shall submit building elevations of the Group Care Home for staff review at time of Building Permit Application. The design of the Group Care Home shall incorporate elements and features to provide for a residential appearance.
16. The Group Care Home shall be setback a minimum of 5' from the proposed alleys.
17. The minimum lot width identified for each "lot type" on the Preliminary Site Plan must be met at the minimum front yard setback (measured at the minimum front yard setback for the particular lot type). Corner lots shall be at least 15% wider. Compliance shall be demonstrated with each Final Site Plan and Final Plat.
18. One ground sign, not to exceed a height of 8' shall be permitted for the Group Care Home.
19. Prior to Final Site Plan approval, the applicant shall provide a noise mitigation plan for the mitigation of noise from the future alignment of 37<sup>th</sup> Street East along the residential portion of the project, extending from the creek to the southern end of the project. Such analysis shall demonstrate noise mitigation designed to meet the standard set forth below based on the projected 2025 traffic volumes with a two lane road. If the County has placed funding for the design, engineering and construction of a two or four lane road on the future alignment of 37<sup>th</sup> Street East South to Pierce Drain and North of 39<sup>th</sup> Street East, approved noise mitigation measures shall be shown on the approved Final Site Plan and installed prior to the first abutting Final Plat.

No residential dwelling units shall be allowed in areas where the exterior noise level is;

Ldn > 65 dBA:

Leq design hour > 65 dBA: or

L10 design Hour > 68 dBA

Unless protected by some performance equivalent measure to achieve;

Ldn 65 dBA,

Leq design hour 65 dBA, or

L10 design Hour 68 dBA

20. 5' wide sidewalks shall be installed:

- a. on both sides of all internal streets (excluding the alleys);
- b. along the north side of 39<sup>th</sup> Street East, extending from the east property line west to the Group Care Home; and
- c. along the both sides of 37<sup>th</sup> Street East, extending from SR 70 to the entrances to the professional offices.
- d. Along the east side of 37<sup>th</sup> Street East extending from the entrance to the professional offices to old 39<sup>th</sup> Street East and along the west side of 37<sup>th</sup> Street East in front of the four lots on the west side of the street with a crosswalk to the east side sidewalk at a location to be approved by the Planning Director.

21. All dwellings shall have a garage to accommodate at least one car.

22. Each unit shall have a driveway at least 16' in width to accommodate side-by-side parking with the exception of Type "D" lots which shall have shared rear detached garages. Type "D" lots shall have side yard setbacks of a minimum of 0 feet on one side/8 feet on the other side with the exception of garages which may be at 0 feet.

23. (Reserved)

24. Extra guest parking shall be provided as follows:

- a.) Three (3) parallel parking spaces in Block A
- b.) Six (6) parallel parking spaces in Block B.,
- c.) Three (3) additional parking spaces either parallel or off-street in Block C.

Parking shall not conflict with the required width of any alley or street.

25. The 16' wide alleys shall be one-way and labeled as such with signs at time of Final Site Plan approval. All alleys shall be common space and lots shall not be platted through the alleys.

**B. TRANSPORTATION CONDITIONS:**

1. All traffic concurrency-related transportation improvements and required traffic safety and operational improvements shall be shown on the Final Site Plan(s) and Construction Plan(s).
2. The Notice to Buyers shall be included in the Declaration of Covenants and Restrictions, an in a separate addendum to the sales contract, and in the Final Site Plan and shall include language informing prospective home buyers of the following:
  - a. In the future, 37<sup>th</sup> Street East may be realigned consistent with the right-of-way shown on the Preliminary Site Plan. When the construction of the realigned 37<sup>th</sup> Street East is complete, a portion of 37<sup>th</sup> Street East south of the Pearce Canal will become a local public street.
3. The applicant shall reserve the future 84' right-of-way for realigned 37<sup>th</sup> Street East as shown on the Preliminary Site Plan.
4. A clear 24' width access shall be provided within the private Street A serving Lots 40-58 and the alleys serving the lots fronting existing 37<sup>th</sup> Street East. No parallel parking shall be permitted within these accesses.
5. The proposed construction traffic for the professional office complex and the ALF/Group Care Housing shall not travel adjacent to Garden Lakes on 37<sup>th</sup> Street. Details shall be identified and approved at Final Site Plan stage of Phase B.

**C. INFRASTRUCTURE CONDITIONS:**

1. The proposed 25' easement over the 36" watermain shall be exclusive for the use of Manatee County. No other utility shall occupy this easement without the express permission of Manatee County. This easement must be centered over the existing 36" line and run from the north property boundary to a point that this water main enters the public right-of-way.
2. No fences, sheds, structures or any type of vertical development shall be constructed within the 25 foot wide Easement referenced in C.1 above.

**D. STORMWATER CONDITIONS:**

1. Subject to permitting and approval by any governmental jurisdiction the developer shall allow for any excess stormwater capacity in the stormwater system to be utilized for any required associated improvements for the construction of 36<sup>th</sup> Street East to two (2) lanes from the proposed point of termination of pavement widening per the approved Bongart & Brown Development to the entrance of this project. The developer shall provide flowage easement(s) within the pond(s) that receive the runoff from these road improvements.

2. Any construction or improvements associated with this project shall be setback a minimum of twenty (20) feet from the top of bank of Pearce Drain.
3. The developer shall allow for any excess stormwater capacity in the stormwater system to be utilized for transportation of the 37<sup>th</sup> Street East widening (in present location or realignment) to 4-lanes that is located within the project subject to permitting and approval by any governmental agency exercising jurisdiction. A drainage easement shall be dedicated to Manatee County over Area "G" as identified on the Drainage and Compensation Exhibit entered into the record at the December 4, 2008 public hearing for the purposes of future stormwater capacity and floodplain compensation only and not for maintenance.
4. A no-rise permit will be required for all encroachment within the FEMA 100-year floodway of the Pearce Drain.
5. Any fill within the 25-year or 100-year floodplains of the Pearce Drain shall be compensated by the creation of an equal or greater storage volume above seasonal high water table. 100-year and 25-year floodplain compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation).
6. There shall be a full 25-year attenuation on all stormwater ponds within the development.
7. The existing 25-year flood elevation along the Pearce Drain shall be utilized as tailwater condition.
8. This project shall be required to reduce the calculated pre-development flow rate by fifty percent (50%) for all stormwater outfall flow directly or indirectly into Pearce Drain. Modeling shall be used to determine pre- and post- development flows.
9. All residential lots shall be located outside of the post-development 25-year floodplain.
10. Existing storage volume in existing wetlands and drainage ditches shall be compensated with equal or greater volume in the proposed stormwater retention pond.
11. A Drainage Easement shall be dedicated to Manatee County and be shown on the Final Site Plan and Final Plat along Pearce Drain and tributaries within the project boundaries. In addition, a twenty-five (25) feet Drainage-Maintenance Access Easement shall be provided along the south side of Pearce Drain. This area shall be stabilized. A twenty (20) feet Drainage-Maintenance Access Easement shall be provided along the post-development tributaries of Pearce Drain. If portions of tributary systems are piped by this proposed development, an appropriate sized Drainage Easement shall be provided for the pipe systems per the Manatee County Stormwater Design Manual. Drainage-Maintenance Access Easements shall be on clear and level ground, free of obstructions including landscaping, with the exception of existing vegetation. Manatee County is only responsible for maintaining the free flow of drainage through these systems. The developer shall include in the homeowner's documents that Manatee County has no

obligation relative to Pearce Drain or tributaries to maintain, change, improve, clean, repair natural erosion, restore the natural changes in the course of the stream bed, or correct any other condition not caused by the County.

12. Routing and modeling of the existing conditions shall be provided with the Drainage Model and Construction Plans for all natural drainage systems within and surrounding this project taking into consideration all wetland storage and ground depressions.
13. The Drainage Model and Construction Plan shall demonstrate that no adverse impacts will be created to neighboring residents surrounding the site in respect to drainage routing, grading, and runoff.
14. All culverts proposed within the Pearce Drain or tributaries of Pearce Drain shall be designed to convey the 100-year storm event.
15. With respect to the zero-lot line design and lot grading:
  - A. No landscaping, air conditioner units, heat pumps, pumps, or other accessory structures or units shall be installed within the side yard drainage easement between each house.
  - B. The bottom of fences along or within drainage easements shall be elevated at minimum 6 inches above grade to allow the free flow of drainage.
  - C. Yard drainage inlets shall be utilized where driveways, patios, sidewalks, or other raised surfaces prohibit the free flow of drainage runoff. Yard drainage inlets shall be utilized where landscaping would prohibit the free flow of drainage runoff. Yard drainage inlets shall be connected by means of a pipe yard drainage system which, in turn, drains into stormwater management facilities for the project.
  - D. Roof gutters shall be installed on the overhang on each house. Roof Gutters shall drain directly into a piped yard drainage system connected to stormwater management facilities for the project.
  - E. There shall be no more than six (6) inches of overhang plus roof gutter along the side of each house. There shall be no structural member of any house that encroaches onto the adjoining lot.
  - F. During infrastructure construction, all lots shall be rough graded to provide positive drainage runoff to respective streets or connection to the stormwater management system.
16. All paths and recreation areas within the floodway shall not be constructed utilizing loose materials or collapsible structures. The type of material will be approved by Planning Department and Public Works Department prior to Final Site Plan approval.



**E. BUFFERS:**

1. Existing native vegetation within any required landscape buffer shall be preserved to the greatest extent possible. There shall be no overhead or underground power lines, swales, or stormwater facilities within any proposed landscape buffer containing desirable native vegetation with the exception of limited crossings.
2. A 15' wide greenbelt buffer with the required number of canopy trees and a 6' opaque fence shall be provided south of the drive-aisle south of Lot #91, adjacent to Garden Lakes. The remaining portion of the buffer shall be planted as shown on the PSP. The fence within the entire greenbelt buffer shall be installed prior to any site work to help mitigate impacts of site development.
3. A 10' wide roadway buffer along the east side of the recreation area in Block F shall be provided.
4. An 8' wide landscape buffer shall be provided along the west side of the group care home, between the home and the alley within Block B. These buffers shall be planted with 1 canopy tree and 33 shrubs per 100 linear feet or an alternative approved by the Planning Department with the FSP.
5. The 10' roadway buffer along 39<sup>th</sup> Street East shall include a 6' opaque wall or decorative fence with enhanced landscaping. The required landscaping shall be reviewed and approved by Planning Department.
6. Foundation landscaping shall be provided on all sides of the group care home.
7. Landscaping shall not be installed within any drainage ditch system or drainage maintenance or access easement.
8. No detention or retention ponds shall be constructed within landscape buffers or greenbelts.
9. No lots shall be platted through any required roadway, perimeter, wetland, or wetland buffer.
10. All required landscaping per LDC Section 604.10 shall be installed on the outside of any fence or wall.
11. The height of walls or fences within roadway or perimeter buffers shall be measured from the finished grade of the adjacent roadway or lot (exclusive of any swales), whichever is greater. This requirement shall be verified with cross-section details on the Final Site Plan.
12. Detail of wall(s) or fence(s), showing colors, materials, and height shall be provided with the Final Site Plan.

**F. ENVIRONMENTAL CONDITIONS:**

1. An ERP approved by SWFWMD shall be provided to the Planning Department for review prior to Final Site Plan approval.
2. Tree barricades for trees to be preserved shall be located at the drip line, unless approved by the Planning Department. The drip line shall be defined as the outer branch edge of the tree canopy. The area within the drip line shall remain undisturbed. The following activities are prohibited within the drip line of preserved trees: machinery and vehicle travel or parking; underground utilities; filling or excavation; storage of construction materials. The tree protection barricades shall consist of chain link fence (new or used) with a minimum 5' height, unless otherwise approved by the Planning Department.
3. Trees shown to be preserved within the Floodplain Compensation Excavation areas shall be adequately protected as outlined within this development order. Revisions to the proposed Floodplain Compensation Excavation areas may be required at the time of Final Site Plan review in order to protect large or high quality trees. Trees that cannot be adequately protected shall be replaced in accordance with LDC Section 714.
4. A Well Management Plan for the proper protection and abandonment of existing wells shall be submitted prior to Final Site Plan approval. The Well Management Plan shall include the following information:
  - Digital photographs of the well along with nearby reference structures (if existing).
  - GPS coordinates (latitude/longitude) of the well.
  - The methodology used to secure the well during construction (e.g. fence, tape).
  - The final disposition of the well - used, capped, or plugged.

**G. RECREATIONAL:**

1. Recreational amenities shall be as shown on the Preliminary Site Plan. Details of all recreational areas, trails, playfields, picnic areas, parking, structures, benches, landscaping, etc. shall be shown on the Final Site Plans.
2. A nature trail shall be provided throughout the residential component of the project. The trail location, width, and material shall be shown on the Final Site and approved by the Planning, Parks and Recreation, Building, and Public Works Departments.

**H. NOTICES:**

1. 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, and shall include language informing prospective homeowners in the project of:
  - a) the details of the right-of-way swap, if applicable,
  - b) the fact that 37<sup>th</sup> Street East are classified as major thoroughfares and residents

- may be impacted by increased noise and traffic from these surrounding roadways, if applicable,
- c) the fact that in the future, 37<sup>th</sup> Street East may be realigned consistent with the right-of-way shown on the Preliminary Site Plan. When the construction of the realigned 37<sup>th</sup> Street East is complete, a portion of 37<sup>th</sup> Street East south of the Pearce Canal will become a local public street;
  - d) the fact that Manatee County has no obligation relative to Pearce Drain or tributaries to maintain, change, improve, clean, repair natural erosion, restore the natural changes in the course of the stream bed or correct any other condition not caused by the County,
  - e) the location of the floodway and CSVA (Coastal Storm Vulnerability Area) as defined by the LDC,
  - f) the potential for flooding, and
  - g) the approved Hurricane Evacuation Plan approved by the County for the subdivision.
2. The applicant and their heirs, assigns, or transferees are hereby notified that a payment of an impact fee for emergency shelter facilities shall be required if such impact fee is adopted by the Board of County Commissioners.

#### **I. MISCELLANEOUS**

- 1. The Applicant shall dedicate and construct at its expense a local public street to extend westerly the east-west portion of 39<sup>th</sup> Street West to connect with existing 37<sup>th</sup> Street West
- 2. Prior to the Final Site Plan Approval, the Applicant and the County shall enter into an Impact Fee Credit or Reimbursement Agreement, to provide impact fee credits and/or reimbursement of the costs, as appropriate, regarding the dedication of the additional right-of-way for future 37<sup>th</sup> Street West.

**Section 3. SPECIAL AND SPECIFIC APPROVALS.** Special Approval is hereby granted for a project: 1) Adjacent to Perennial Stream; 2) Within the 25 year floodplain; 3) Mixed and multiple-use project in RES-6 and RES-9 FLUCS; 4) Net residential density > 6 dwelling units per acre in the RES-6 FLUC 5) Non-residential exceeding 30,000 square feet in RES-6 and RES-9 FLUCS; and 6) Partially within the Coastal Storm Vulnerability Area. This 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 for alternatives to Sections 603.7.4.1, 710.1.5.1.2, 710.1.6, 715.3.2.1, 722.1.4.1, and 740.2.6.17 of the Land Development Code. This 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. 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 classification of the property identified

in Exhibit "A", herein, from PDR (Planned Development Residential), A-1 (Suburban Agriculture), and RDD-6 (Residential Duplex District) to the PDMU (Planned Development Mixed Use) zoning district 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 Official Zoning Atlas.

**Section 5. 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, clause, sentence, 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 6. 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.

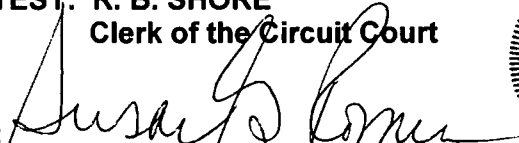
**Section 7. EFFECTIVE DATE.** This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

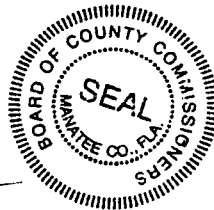
**PASSED AND DULY ADOPTED**, by the Board of County Commissioners of Manatee County, Florida on the 4th day of December, 2008.

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

BY:   
Dr. Gwendolyn Y. Brown, Chairman

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

BY:   
Deputy Clerk



**EXHIBIT "A"**

**LEGAL DESCRIPTION**

**DESCRIPTION: (PARCEL 1)**

COMMENCE AT THE SOUTHEAST CORNER OF NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 17, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY FLORIDA; THENCE S 89°53'36" W, ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4, A DISTANCE OF 761.52 FEET TO THE INTERSECTION WITH THE WESTERLY RIGHT OF WAY LINE OF 37TH STREET EAST, AS DESCRIBED AND RECORDED IN O.R. BOOK 1065, PAGES 2595 THROUGH 2597, FOR THE POINT OF BEGINNING; THENCE CONTINUE S 89°53'36" W, ALONG SAID SOUTH LINE, A DISTANCE OF 215.03 FEET TO THE INTERSECTION WITH THE NORTHEASTERLY LINE OF THE AMENDED GARDEN LAKES VILLAGE, SECTION 1, CONDOMINIUM, AS RECORDED IN CONDOMINIUM PLAT BOOK 17, PAGES 98 THROUGH 100, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE N 40°43'25" W, ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 41.02 FEET; THENCE N 86°59'18" W, ALONG THE NORTHERLY LINE OF SAID CONDOMINIUM, A DISTANCE OF 141.43 FEET; THENCE S 46°44'49" W, ALONG THE NORTHERLY LINE OF SAID CONDOMINIUM, A DISTANCE OF 56.78 FEET; THENCE S 89°53'36" W, ALONG THE NORTHERLY LINE OF SAID CONDOMINIUM, A DISTANCE OF 41.16 FEET TO THE INTERSECTION WITH THE CENTERLINE OF "PEARCE DRAINAGE CANAL"; THENCE ALONG SAID CENTERLINE THE FOLLOWING SIX (6) COURSES: N 31°30'56" E, A DISTANCE OF 66.40 FEET; THENCE N 23°35'24" E, A DISTANCE OF 49.24 FEET; THENCE N 13°20'59" E, A DISTANCE OF 76.41 FEET; THENCE N 11°02'36" E, A DISTANCE OF 58.78 FEET; THENCE N 27°25'36" E, A DISTANCE OF 31.43 FEET; THENCE N 41°55'18" E, A DISTANCE OF 13.99 FEET; TO THE INTERSECTION WITH THE SOUTH LINE OF THAT CERTAIN PARCEL OF LAND, AS DESCRIBED AND RECORDED IN O.R. BOOK 397, PAGE 609 OF SAID PUBLIC RECORDS; THENCE S 89°53'54" W, ALONG THE SOUTH LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 213.53 FEET TO THE S.W. CORNER THEREOF; THENCE N 00°14'38" W, ALONG THE WEST LINE OF SAID CERTAIN PARCEL, ALSO BEING THE EAST MAINTAINED RW OF 36TH STREET EAST, A DISTANCE OF 725.21 FEET TO THE N.W. CORNER OF THAT CERTAIN PARCEL OF LAND, AS DESCRIBED AND RECORDED IN O.R. BOOK 1866, PAGE 3716 OF SAID PUBLIC RECORDS; THENCE N 89°56'16" E, ALONG THE NORTH LINE OF SAID CERTAIN PARCEL AND NORTH LINE OF SAID CERTAIN PARCEL IN O.R. BOOK 397, PAGE 609, A DISTANCE OF 436.68 FEET TO THE INTERSECTION WITH THE CENTERLINE OF A DRAINAGE CANAL; THENCE N 18°45'41" W, A DISTANCE OF 18.42 FEET; THENCE N 19°16'07" W, A DISTANCE OF 82.34 FEET; THENCE N 14°53'54" W, A DISTANCE OF 58.84 FEET; THENCE N 35°04'23" W, A DISTANCE OF 89.62 FEET TO THE INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 70 (53RD AVENUE EAST), AS DESCRIBED AND RECORDED IN O.R. BOOK 1464, PAGES 5433 AND 5434, SAID PUBLIC RECORDS; THENCE N 89°57'47" E, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 16.68 FEET; THENCE N 00°02'13" W, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 30.00 FEET; THENCE N 89°57'47" E, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 92.08 FEET; THENCE S 49°04'39" E, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 33.69 FEET TO THE INTERSECTION WITH SAID WESTERLY RIGHT OF WAY LINE OF 37TH STREET EAST AND TO A POINT ON A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N 81°44'09" E, A RADIAL DISTANCE OF 343.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID WESTERLY RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 31°22'46", A DISTANCE OF 187.85 FEET TO A POINT OF REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 277.00 FEET AND A CENTRAL ANGLE OF 28°59'49"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 140.19 FEET TO THE POINT OF TANGENCY;

THENCE S 10°38'48" E, A DISTANCE OF 255.55 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 292.00 FEET AND A CENTRAL ANGLE OF 43°00'00"; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE AND SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 219.14 FEET TO A POINT OF REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 483.00 FEET AND A CENTRAL ANGLE OF 32°47'06"; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE AND SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 276.38 FEET TO THE POINT OF TANGENCY; THENCE S 00°25'54" E, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 55.00 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 358.00 FEET AND A CENTRAL ANGLE OF 25°56'28"; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE AND SAID WESTERLY RIGHT OF WAY LINE A DISTANCE OF 162.09 FEET TO THE POINT OF BEGINNING.

CONTAINING 572,078 SQUARE FEET OR 13.13 ACRES, MORE OR LESS.

DESCRIPTION: (PARCEL 2)

COMMENCE AT THE SOUTHEAST CORNER OF NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 17, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY FLORIDA, FOR A POINT OF BEGINNING; THENCE S 89°53'36" W, ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4, A DISTANCE OF 33.00 FEET TO THE INTERSECTION WITH THE WEST RIGHT OF WAY LINE OF 39TH STREET EAST, AS DESCRIBED AND RECORDED IN O.R. BOOK 1182, PAGES 2634 THROUGH 2635, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE S 00°24'59" E, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 373.11 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 35.00 FEET AND A CENTRAL ANGLE OF 137°12'25"; THENCE WESTERLY ALONG THE ARC OF SAID CURVE AND SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 83.81 FEET TO A POINT OF REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 1,033.00 FEET AND A CENTRAL ANGLE OF 29°05'13"; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND THE NORTHERLY RIGHT OF WAY LINE OF 37TH STREET EAST, AS DESCRIBED AND RECORDED IN SAID O.R. BOOK 1182, PAGES 2634 THROUGH 2635 AND O.R. BOOK 1065, PAGES 2595 THROUGH 2597, SAID PUBLIC RECORDS, A DISTANCE OF 524.42 FEET TO A POINT OF REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 292.00 FEET AND A CENTRAL ANGLE OF 71°51'54"; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND THE NORTHEASTERLY RIGHT OF WAY LINE OF SAID 37TH STREET EAST, DISTANCE OF 366.25 FEET, TO THE POINT OF TANGENCY; THENCE N 00°25'54" W, ALONG THE EASTERLY RIGHT OF SAID 37TH STREET EAST, A DISTANCE OF 55.00 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 417.00 FEET AND A CENTRAL ANGLE OF 32°47'06"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE AND SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 238.61 FEET TO A POINT OF REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 358.00 FEET AND A CENTRAL ANGLE OF 43°00'00"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE AND THE SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 268.68 FEET; THENCE N 10°38'48" W, A DISTANCE OF 255.55 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 343.00 FEET AND A CENTRAL ANGLE OF 28°59'49"; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 173.59 FEET TO A POINT OF REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 277.00 FEET AND A CENTRAL ANGLE OF 28°10'32"; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 136.22 FEET TO THE INTERSECTION WITH THE SOUTH RIGHT OF WAY LINE OF STATE ROAD NO. 70 (53RD AVENUE EAST), AS DESCRIBED AND RECORDED IN O.R. BOOK 1464, PAGES 5433 AND 5434, SAID PUBLIC RECORDS; THENCE N 36°02'10" E, ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 34.52 FEET; THENCE N 89°57'47" E, ALONG SAID SOUTH RIGHT OF WAY LINE, A

DISTANCE OF 116.59 FEET TO THE INTERSECTION WITH THE EAST LINE OF THAT CERTAIN PARCEL "C", AS DESCRIBED AND RECORDED IN O.R. BOOK 1596, PAGES 2971 THROUGH 2976, SAID PUBLIC RECORDS; THENCE S 00°05'16" E, ALONG SAID EAST LINE, A DISTANCE OF 253.30 FEET TO THE INTERSECTION WITH THE NORTH LINE OF THAT CERTAIN PARCEL "D", AS DESCRIBED AND RECORDED IN SAID O.R. BOOK 1596, PAGES 2971 THROUGH 2976; THENCE S 89°53'50" E, ALONG THE NORTH LINE OF SAID PARCEL "D" AND THE SOUTH LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN O.R. BOOK 1287, PAGE 2842 OF SAID PUBIC RECORDS AND THE WESTERLY EXTENSION THEREOF, A DISTANCE OF 653.45 FEET TO THE INTERSECTION WITH THE EAST LINE OF SAID SECTION 17; THENCE N 00°23'05" W, ALONG SAID EAST LINE OF SECTION 17, A DISTANCE OF 9.69 FEET TO THE INTERSECTION WITH THE CENTERLINE OF "PEARCE DRAINAGE CANAL" (GAP CREEK); THENCE ALONG SAID CENTERLINE THE FOLLOWING ELEVEN (11) COURSES: N 86°39'24" E, A DISTANCE OF 34.55 FEET; THENCE N 66°52'26" E, A DISTANCE OF 25.31 FEET; THENCE N 53°27'19" E, A DISTANCE OF 66.98 FEET; THENCE N 68°15'05" E, A DISTANCE OF 57.05 FEET; THENCE N 84°55'47" E, A DISTANCE OF 76.17 FEET; THENCE N 81°43'33" E, A DISTANCE OF 67.99 FEET; THENCE N 82°08'27" E, A DISTANCE OF 116.33 FEET; THENCE S 80°12'42" E, A DISTANCE OF 32.30 FEET; THENCE S 68°34'25" E, A DISTANCE OF 39.58 FEET; THENCE S 53°23'33" E, A DISTANCE OF 28.67 FEET; THENCE S 54°35'35" E, A DISTANCE OF 46.14 FEET; TO THE NORTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND, AS DESCRIBED AND RECORDED IN O.R. BOOK 1873, PAGE 1453 AND 1454, SAID PUBLIC RECORDS; THENCE S 00°23'05" E, ALONG THE WEST LINE OF SAID PARCEL IN O.R. BOOK 1873, PAGE 1453 AND 1454, A DISTANCE OF 829.11 FEET TO THE INTERSECTION WITH THE NORTH LINE OF THAT CERTAIN PARCEL OF LAND, AS DESCRIBED AND RECORDED IN O.R. BOOK 24, PAGE 502, SAID PUBLIC RECORDS; THENCE S 72°34'41" W, ALONG SAID NORTH LINE OF SAID PARCEL IN O.R. BOOK 24, PAGE 502, A DISTANCE OF 577.89 FEET TO THE INTERSECTION WITH SAID EAST LINE OF SECTION 17; THENCE S 00°23'05" E, ALONG SAID EAST LINE OF SECTION 17, A DISTANCE OF 45.42 FEET TO THE POINT OF BEGINNING. BEING AND LYING IN SECTIONS 16 AND 17, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 1,348,447 SQUARE FEET OR 30.96 ACRES, MORE OR LESS.

CONTAINING TOTAL OF 1,920,525 SQUARE FEET OR 44.09 ACRES.



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 10th day of

December, 2008

R.B. SHORE  
Clerk of Circuit Court

By: Webster D.C.



## FLORIDA DEPARTMENT of STATE

**CHARLIE CRIST**  
Governor

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CLERK OF CIRCUIT COURT  
**KURT S. BROWNING**  
Secretary of State

December 16, 2008

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

Attention: Ms. Vicki Tessmer, D.C.

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated December 10, 2008 and certified copies of Manatee County Ordinance Nos. 08-07, 08-50, Z-84-76(R7), Z-84-76(R8), Z-08-09, PDMU-06-53(Z) (P), PDPI-06-46(Z) (G), PDR-04-18(Z) (P) and PDR-06-38(Z) (P), which were filed in this office on December 15, 2008.

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

Sincerely,

Liz Cloud  
Program Administrator

LC/srd  
Enclosure

#### DIRECTOR'S OFFICE

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