

FILED FOR RECORD
R. B. SHORE

2003 MAY -9 AM 9: 53

MANATEE COUNTY ZONING ORDINANCE
PDR-01-20(Z)(P) - H. EUGENE BAY JR. TRUSTEE/CEDAR RUN

2003 MAY -2 PM 2:44
DEPARTMENT OF
TALLAHASSEE, FLORIDA

FILED

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 ± 0.06 ACRES FROM PR-S (PROFESSIONAL-SMALL) TO PDR (PLANNED DEVELOPMENT RESIDENTIAL); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW THREE DUPLEX BUILDINGS TO COMPLETE AN EXISTING PROJECT, 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 of said County, as well as all other matters presented to said 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 PR-S (Professional-Small) to PDR (Planned Development Residential).

B. The Board of County Commissioners held a public hearing on April 22, 2003 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 Manatee County Comprehensive Plan.

Section 2. The Preliminary Site Plan is hereby APPROVED to allow three duplex buildings to complete an existing project, and GRANTING Special Approval for a project adjacent to a perennial stream with the following stipulations and Specific Approval:

STIPULATIONS

1. The applicant shall repave or resurface the existing driveways and parking areas after construction of the buildings, prior to the last C.O. in the project, unless the Cedar Run Condominium Association objects.
2. The applicant shall provide the full landscape buffer along the north property line as required by Section 715.

3. The applicant shall provide full parking lot landscaping for the spaces required for this project.
4. The cross access to the north shall be paved at a width of 12 ft. to the property line prior to issuance of the first C.O. for the project.
5. All nuisance exotic species shall be removed from the site prior to issuance of the first C.O. or T.C.O. for this project.
6. A Wetland Buffer Restoration Plan shall be submitted to the EMD for review with the Final Site Plan in accordance with Section 719.11.2.1. of the LDC.
7. Prior to Final Site Plan approval, the Engineer/Architect of Record shall provide documentation to prove that concurrency has been met relative to fire flow per Section 9.6.1.4 of the Comprehensive Plan.
8. The applicant shall enter into a maintenance agreement for the roadway with the other parties having legal access to 49th Ave. W. prior to approval of the Final Site Plan for this project.
9. There shall be no ingress or egress from either a building, porch, patio, or lanai onto the rear yard or wetland buffer/setback. No doors shall be placed on the south side of the structures. Rear elevations of the structures shall be provided with Final Site Plan submittal.
10. Prior to First Certificate of Occupancy issuance, a Conservation Easement for the areas defined as post-development jurisdictional wetlands/wetland buffers shall be dedicated to the County in accordance with Section 719.11.1.3 of the LDC.
11. Prior to Final Site Plan approval the Applicant shall demonstrate the legal entitlement to utilize the existing stormwater pond to the satisfaction of the County Attorney's office or provide adequate stormwater retention within the project area to accommodate the new impervious surface for Buildings A, B & C."
12. The applicant shall provide a notice to buyers which indicates that the pool facility and the existing parking spaces are the property of the Cedar Run Phase I Condominium Association, and are not available to these unit owners unless an agreement is reached between the condominium association and the applicant.

SPECIFIC APPROVAL

1. Specific Approval for an alternative to Section 702.6.08 of the Land Development Code to allow a reduction of the waterfront setback from 30 feet to 28 feet.
2. Specific Approval for an alternative to Section 702.6.10 of the Land Development Code to eliminate the 15 foot wetland buffer providing there is no rear egress from the building.

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 PR-S (Professional-Small) 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.

COMMENCE AT THE NE CORNER OF PARCEL 3 OF CEDAR VILLAGE OFFICE PARK FOR A POB; THENCE S 23° 08' 46" W, A DISTANCE OF 113.83 FEET TO THE SOUTHWESTERLY R/W LINE OF "CEDAR HAMMOCK DRAINAGE CANAL"; THENCE N 00° 12' 29" W A DISTANCE OF 123.99 FEET; THENCE S 66° 51' 14" E A DISTANCE OF 49.15 FEET TO THE P.O.B.

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 22nd day of April, 2003.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: _____

Chairman

ATTEST:

R. B. SHORE

Clerk of the Circuit Court



By: Susan Cornine



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 30th day of

April, 2003.

R.B. SHORE
Clerk of Circuit Court

By: Diare E Vollmer o.c.

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Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
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May 7, 2003

FILED FOR RECORD
R. B. SHORE

2003 MAY -9 AM 9:50

CLERK OF THE DISTRICT COURT
MANATEE CO. FLORIDA

Honorable R. B. Shore
Clerk of the Circuit Court and Comptroller
Manatee County
Post Office Box 1000
Bradenton, Florida 34206

Attention: Diane E. Vollmer

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated April 29, 2003 and certified copies of Manatee County Ordinance Nos. Z-86-30(G)(R11), PDR-01-20(Z)(P), PDMU-02-20(Z)(P), PDPI-03-09(Z)(P) and 03-30, which were filed in this office on May 2, 2003.

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

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

Enclosure