

FILED FOR RECORD
R. B. SHORE

**MANATEE COUNTY ORDINANCE
PDR-02-38(P)(R) – CORTEZ SUBDIVISION**

2007 DEC 19 PM 2:05

CLERK OF MANATEE COUNTY
MANATEE COUNTY, FLORIDA
AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING ORDINANCE NO. PDR-02-38(P) PERTAINING TO APPROXIMATELY 15.073 ACRES AT 9200 CORTEZ ROAD WEST IN THE PDR (PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICT; APPROVING A REVISED PRELIMINARY SITE PLAN AND RESTATING THE APPROVAL OF THE PRELIMINARY SITE PLAN APPROVED PURSUANT TO ORDINANCE PDR-02-38(P) ON AUGUST 19, 2003; FOR THE ADDITION OF ONE LOT IN THE CORTEZ SUBDIVISION; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Gulf View Homes (the "Applicant") has filed an application to revise an Ordinance previously approved on August 19, 2003 (the "August 2003 Ordinance") pertaining to property at 9200 Cortez Road West in the PDR (Planned Development Residential) zoning district, this property being more specifically described in Exhibit "A", attached hereto; and

WHEREAS, the Applicant requests approval of a Preliminary Site Plan to add one lot to the Cortez Subdivision; and

WHEREAS, Planning staff recommended approval of the Preliminary Site Plan for one additional lot to the Cortez Subdivision; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on November 8, 2007 to consider the Preliminary Site Plan, application received the Planning staff's recommendations 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 Preliminary Site Plan application 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 application, subject to the stipulations contained in the Planning staff report, and the granting of the Special Approval for a project; and 1) CH; 2) CSVA; and 3) CEA;

WHEREAS, the Board of County Commissioners of Manatee County held a public hearing on December 6, 2007 after due notice, considered the criteria set forth in the Manatee County Land Development Code, and approved the revised Ordinance and Preliminary Site Plan, subject to the stipulations set forth herein.

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

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 the revised Preliminary Site Plan, 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 staff concerning the application for a revised Preliminary Site Plan as it relates to the real property described in Exhibit "A" of this Ordinance.
- B. The Board of County Commissioners held a duly noticed public hearing on December 6, 2007, regarding the revised Preliminary Site Plan described herein in accordance with the requirements of Manatee County Ordinance No. 90-01, the Manatee County Land Development Code, and has further considered the information received at the public hearing.
- C. The proposed revised Preliminary Site Plan regarding the property described in Exhibit "A" herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the Manatee County Comprehensive Plan.
- D. For the purposes of granting Special Approval for a project in the Coastal High Hazard Area, the Coastal Storm Vulnerability Area, and the Coastal Evacuation Area, 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: Ordinance No. PDR-02-38(P) is hereby amended and restated in it's entirety to substitute this Ordinance No. PDR-02-38(P)(R) to approve the addition of one lot to the Preliminary Site Plan for the Cortez Subdivision upon the property described in Exhibit "A", attached hereto and incorporated herein, subject to the following stipulations:

STIPULATIONS:

1. The applicant shall maintain an approved Hurricane Evacuation Plan and Disaster Plan. 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 or posting of an evacuation zone map. The Condominium Association or Homeowner's Association shall ensure that all subsequent purchasers and existing residents receive copies of these documents.

2. The Notice-To-Buyer and Final Site Plan shall include a notice to inform homeowners:

(a) The area below the Flood Protection Elevation for each home shall be

designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalized hydrostatic flood force on the exterior walls. The enclosed area shall be used for parking, limited storage and building access. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms. Materials and finishing which are normally associated with living area shall not be installed in such areas.

(b) that they are purchasing a home in a flood prone area for all lots within the Coastal High Hazard Area, Coastal Evacuation Area, and Coastal Storm Vulnerability Area.

(c) notification to prospective residents that specific standard and additional costs may be associated with the development of this project. This notification shall be recorded to run with the land.

(d) for the use of special assessments within the CH District to recoup expenditures for repair of storm related damage to public and private infrastructure within a reasonable time.

(e) inform homeowners in the project of the Hurricane Evacuation Plan approved by the Public Safety Department for this project.

3. 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.

4. The landscaped roadway buffer along Cortez Road shall be a minimum of 35' wide and shall be planted with two rows of canopy trees of 3" caliper, at least 12 feet in height, and spaced 25' on center with the required hedge. A 6' high solid decorative fence or wall shall be placed at the edge of all rear lot lines abutting this buffer.

5. Required setbacks:

Front:	20'
Side:	8'*
Rear:	15'

*16' between buildings.

6. All development shall maintain a 30' waterfront setback.

7. Maximum building height shall be 35'.
8. The proposed tot lot as shown on the Preliminary Site Plan shall include commercial grade playground equipment. Also, five canopy trees shall be planted around the tot lot at 3" caliper, at least 12 feet in height.
9. The Final Plat shall include a 5' wide non-vehicular ingress/egress easement along Cortez Road, except for the approved entrance road.
10. Land clearing shall not commence until both a Final Site Plan and Construction Plans have been approved for the project. If burning of trees and/or branches is required for land clearing, a permit for open burning will not be issued until Final Site Plans/Construction Plans have been approved.
11. In ground irrigation using Manatee County public potable water supply shall be prohibited, including on individual lots. This project shall utilize the lowest water quality source available for irrigation. Reclaimed water shall be extended and connected to this project for hook up. Reuse lines shall be provided for common area and individual lot irrigation.
12. Wastewater lift station (applicable only if gravity sewer is not used), service cleanouts, and manhole rims shall be set at or above the 6' contour elevation. Review and approval by the Public Works Department for this lower elevation will be based on a rigorous review of fully detailed design drawings demonstrating that lift stations hatches shall be watertight or designed to reduce infiltration of flood waters, watertight manholes and cleanouts.
13. The proposed roadway shall be constructed so as to be above the 6' contour elevation. The design elevation must be coordinated with the Public Works Department.
14. The developer shall provide potable water and wastewater collection stub outs within the right-of-way at the neighborhood tie to the east.
15. Prior to commencement of construction or land clearing, an Erosion and Sediment Control Plan (ESCP) shall be submitted to the Environmental Management Department for review and approval pursuant to Section 508.3.4.7.j. of the LDC. Final Site Plans, Construction Plans, ERP, and NPDES permit approvals must be obtained prior to submittal of the ESCP.
16. Removal of all exotic nuisance plant species from upland portions of the site shall be completed prior to the first Certificate of Occupancy issuance or Final Plat approval, in accordance with Section 715.4 of the LDC.

17. A Water Well Construction Permit must be obtained from the EMD prior to construction of any proposed well.

18. Prior to Final Site Plan approval the applicant shall provide documentation from SWFWMD that the mitigation activities are considered restoration. If SWFWMD determines that the activities are considered enhancement, the applicant shall provide alternate mitigation in accordance with Section 719 of the Land Development Code.

19. Prior to Final Site Plan approval, the applicant shall demonstrate ownership of the area to be used for off-site wetland mitigation area. The necessary easements required by Sections 719.8.3 and 719.11.1.3 shall be provided for the off-site mitigation area in the same manner as if it were on-site together with a permanent easement for ingress-egress for monitoring and inspection purposes prior to Final Plat approval.

20. Development on-site shall be in substantial conformance with the renderings entered into the record for the public hearing on this date.

21. The gross residential density on the site shall be limited to 3 dwelling units per acre.

Section 3. SPECIAL APPROVALS. Special Approval is hereby granted for a project in the Coastal High Hazard Area, the Coastal Storm Vulnerability Area, and the Coastal Evacuation 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.

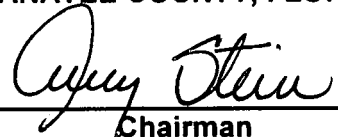
Section 4 CODIFICATION. Pursuant to § 125.68(1), Florida Statutes, this ordinance is not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

Section 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 sentence, section, clause, or other such 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. EFFECTIVE DATE. This Ordinance shall become effective immediately upon filing in the Office of the Secretary of State in Tallahassee, Florida.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 6th day of December, 2007.

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

BY: 
Chairman

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

BY: 
Deputy Clerk



EXHIBIT "A"

LEGAL DESCRIPTION.

WEST 760 FEET OF U.S. GOVERNMENT LOT 2. IN SENCTION 1, TOWNSHIP 35 SOUTH, RANGE 16 EAST, EXCEPT RIGHT OF WAY CORTEZ ROAD ON THE SOUTH SIDE THEREOF, AND BEING LOCATED IN MANATEE COUNTY,FLORIDA.

LESS THE FOLLOWING DESCRIBED PARCEL:

A PORTION OF GOVERNMENT LOT 2, SECTION 1, TOWNSHIP 35 SOUTH, RANGE 16 EAST MANATEE COUNTY, FLORIDA

BEGIN AT THE INTERSECTION OF THE WEST LINE OF SAID GOVERNMENT LOT 2 AND THE NORTHERLY EXISTING RIGHT OF WAY LINE OF STATE ROAD 684. (PER SECTION 1304-201); THENCE N 80°29'20" E, ALONG SAID WEST LINE 646.02 FEET; THENCE DEPARTING SAID WEST LINE IN 80°57'38" E 246.76 FEET; THENCE S 89°24'42" E, 516.10 FEET, THENCE S 00°32'52" W, 317.23 FEET; THENCE 89°24'42" W, 699.13 FEET; THENCE S 00°29'20" W, 370.00 FEET TO SAID NORTHERLY EXISTING RIGHTOF WAY LINE; THENCE N 89°24'42" W, ALOND SAID NORTHERLY EXISTING RIGHT OF WAY LINE 60.00 FEET TO THE POINT BEGINNING.

CONTAINING 5.925 ACRES.

SUBJECT TO EASEMENTS, RIGHT OF WAY AND RESTRICTIONS OF RECORD.

CONTAINING 15.037 ACRES.

COMMENCE AT THE INTERSECTION OF THE WEST LINE OF U.S. GOVERNMENT LOT 2 AND THE NORTHERLY RIGHT OF WAY LINE OF CORTEZ ROAD, STATE ROAD #684 (SECTION 1304-201); THENCE S 89°24'42" E, ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING; THENCE N 00°35'10" E, A DISTANCE OF 370.00 FEET; THENCE S 89°24'42"E, A DISTANCE OF 699.71 FEET; THENCE S 00°32'27" W, A DISTANCE OF 370.00 FEET TO AN INTERSECTION WITH SAID NORTHERLY RIGHT OF WAY LINE, THENCE N 89°24'42" W, ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 700.00 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 1, TOWNSHIP 35 SOUTH, RANGE 16 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY, AND RESTRICTIONS OF RECORD.

CONTAINING 5.94 ACRES, MORE OR LESS.



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 6TH day of

DECEMBER, 2007

R.B. SHORE
Clerk of Circuit Court

By: Amey Harris D.C.



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FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

December 11, 2007

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 December 6, 2007 and certified copies of Manatee County Ordinance Nos. PDC-06-55(P), PDPI-07-12(Z)(P), PDR-02-38(P)(R), Z-07-03, Z-07-08, and Z-07-02, which were filed in this office on December 11, 2007.

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

Sincerely,

Liz Cloud
Program Administrator

LC/jru
Enclosure

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
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