

FILED FOR RECORD  
R. B. SHORE

MANATEE COUNTY ZONING ORDINANCE

2004 MAY 17 PM 3:12 PDR-02-41(Z)(P) - PALMETTO ESTATES, INC./PALMETTO ESTATES

CLERK OF THE 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) AND RSF-4.5 (RESIDENTIAL SINGLE-FAMILY, 4.5 DWELLING UNITS PER ACRE) TO PDR (PLANNED DEVELOPMENT RESIDENTIAL); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW 200 LOTS FOR SINGLE-FAMILY DETACHED HOMES, WITH 25% OF THE PROJECT DESIGNATED AFFORDABLE.

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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 (Suburban Agriculture, 1 dwelling unit per acre) and RSF-4.5 (Residential Single-Family, 4.5 dwelling units per acre) to PDR (Planned Development Residential).

B. The Board of County Commissioners held a public hearing on May 4, 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 200 lots for single-family detached homes, with 25% of the project designated affordable with the following Stipulations and Specific Approval(s):

STIPULATIONS

1. a. The landscape buffers along 25<sup>th</sup> Street East and 21<sup>st</sup> Street East shall be a minimum of 20' wide and shall be planted with one row of canopy trees of 2 1/2 " caliper and at least 12 feet in height, spaced 25' on center, with the required hedge. Native tree groupings and vegetation within the buffer may be used to fulfill this requirement.

- b. The landscape buffer along Canal Road shall be a minimum of 10' wide and shall be planted with one row of red cedar trees of 2 ½ " caliper and at least 12' in height, spaced 30' on-center, with a hedge of wax myrtles. This 10' roadway buffer shall be exclusive of the 15' drainage maintenance and access easement. Also, no landscaping or fencing shall be allowed within the drainage maintenance and access easement.
- c. A 5' greenbelt buffer shall be provided along lots 10 thru 34 along the north property line. This buffer shall include one row of red cedar trees of 2 ½ " caliper and at least 12' in height, spaced 30' on-center with a hedge of wax myrtles. Native tree groupings and vegetation shall be preserved within the buffer and may be used to fulfill this requirement.
- d. A 15' greenbelt buffer shall be provided along the remaining perimeter of the project. This buffer shall include one row of canopy trees of 2 ½" caliper and at least 12' in height, spaced 30' on-center, with a hedge of wax myrtles. Native tree groupings and vegetation shall be preserved within the buffer and may be used to fulfill this requirement.

2. Required setbacks:

Front:	20'
Side:	8'*
Rear:	15'*
Waterfront:	30'

\*A 15' setback required from edge of a greenbelt buffer or roadway buffer.

- 3. The focal point area south of Lots 18 – 24 shall include a commercial grade tot lot, a grass play area, at least five shade trees, off-street parking spaces, and picnic tables with benches. Also, traffic calming devices and children at play signs shall be shown on the Final Site Plan and construction drawings. The design of the facilities shall be in substantial conformance with the rendering and site plan entered into the record for this case.
- 4. The Final Plat shall include a non-vehicular ingress/egress easement along 25<sup>th</sup> Street East, Canal Road, and 21<sup>st</sup> Street East, except for approved access points.
- 5. Each lot shall have a 16' wide paved driveway.
- 6. All homes shall have a back door at the rear of the structure.
- 7. The minimum lot size shall be 6,600 sq. ft., with a minimum lot width of 60'.

8. The minimum air-conditioned area for each home shall be 1,000 sq. ft.
9. The maximum height of the single-family homes shall be 35'.
10. The Homeowner's Documents and Final Site Plan(s) shall include language to inform homeowners of the presence of neighboring industrial uses, including the possible truck traffic and noises associated with industrial uses, and also the requirement for ongoing maintenance of common areas, focal points, and recreational amenities, which may include annual assessments for maintenance.
11. Prior to Final Site Plan approval, the engineer of record or architect must provide documentation to prove that concurrency has been met relative to fire flow.
12. A drainage easement is required for the drainage ditch and conveyance pipe along the northern boundary of this project. Also, no landscaping or fences shall be placed within drainage or maintenance access easements.
13. The drainage ditch along the northern boundary of this project shall be cleared of debris. A topographic survey shall be provided to substantiate positive drainage flow from west to the east. If positive drainage does not exist, then the applicant shall re-grade the ditch.
14. 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.
15. The developer shall provide signs adjacent to wetland buffers/conservation easements indicating that the area is a Conservation Area®, as required pursuant to Section 719.11.1.3.3 of the LDC. The type and location of such signs shall be shown and approved by the EMD with the Final Site Plan.
16. Prior to or in conjunction with Final Plat approval, 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.
17. All nuisance exotic plant species shall be removed from upland portions of the site prior to Final Plat approval, in accordance with Section 715.4 of the LDC.
18. Prior to development-related land clearing activities, all applicable County approvals must be obtained through the Planning Department. If burning of trees or branches is required for land clearing, a burn permit must be first obtained from the Environmental Management Department. No burn permits will be issued until Final Site Plans and Construction Plans are approved.
19. 21<sup>st</sup> Street East shall be paved to County standards from the southern property entrance east to Canal Road. Additional right-of-way along the north side of 21<sup>st</sup> Street East at the Canal Road intersection shall be dedicated to provide for a straight alignment of 21<sup>st</sup> Street East on both sides of Canal Road.

20. This project may have lampposts for each individual lot in lieu of street lights. The lampposts will be provided in front of each home prior to the Certificate of Occupancy of that respective lot.
21. A 4' fence shall be installed around the perimeter of the lake.

SPECIFIC APPROVALS:

1. Specific Approval of an alternative to Section 603.7.4.5 of the Land Development Code to allow a 5' wide greenbelt to be platted through the rear yard of lots adjacent to the ditch along the north property line.
2. Specific Approval of an alternative to Section 715.3.2.A1 of the Land Development Code to allow a reduction of the roadway buffer along Canal Road from 20' to 10'.

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) and RSF-4.5 (Residential Single-Family, 4.5 dwelling units 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.

THE NE ¼ OF THE SE ¼ AND THE NE 1/4 OF THE NW ¼ OF THE SE ¼ ALL IN SECTION 12, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA  
LESS THAT PART OF THE EAST 660 FEET OF THE NE ¼ OF THE SE ¼ OF SAID SECTION 12, LYING NORTH OF CANAL, AS DESCRIBED IN OFFICIAL RECORDS BOOK 90, PAGE 532, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA  
AND LESS COMMENCE AT THE SW CORNER OF THE NE ¼ OF SAID SECTION 12; THENCE S 89° 45' 49" E, ALONG THE SOUTH LINE OF SAID NE ¼, A DISTANCE OF 1001.79 FOR THE POINT OF BEGINNING; THENCE CONTINUED S 89° 45' 39" , ALONG SAID SOUTH LINE , 1010.76 FEET; THENCE S 0° 54' 36" W, 92 FEET MORE OR LESS, TO THE NORTHERLY BANK OF A DRAINAGE DITCH; THENCE SOUTHWESTERLY ALONG SAID DITCH BANK 1011 FEET, MORE OR LESS, TO A POINT LYING 110 FEET MORE OR LESS, QUARTERLY OF THE SAID POINT OF BEGINNING; THENCE N 00° 24' E, 110 MORE OR LESS, TO THE POINT OF BEGINNING, AS DESCRIBED IN OFFICIAL RECORDS BOOK 821, PAGE 124, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

AND LESS ROAD OFF THE NORTH, SOUTH AND EAST SIDES THEREOF

AND LESS ADDITIONAL ROAD RIGHT-OF-WAY CONVEYED TO MANATEE COUNTY AS DESCRIBED IN OFFICIAL RECORDS BOOK 1425, PAGE 4884, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

THE SE QUARTER OF THE NW QUARTER OF THE SE QUARTER OF SECTION 12, TOWNSHIP 34S, RANGE 17E, LESS ESTHER'S COURT SUBDIVISION AS RECORDED IN

PLAT BOOK 34 PAGE 112 ALSO LESS RIGHT OF WAY FOR 21<sup>ST</sup> STREET EAST,  
MANATEE COUNTY, FLORIDA.

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 4th day of May, 2004.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

BY: [Signature]  
Chairman

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

[Signature]  
dc



STATE OF FLORIDA, COUNTY OF MANATEE  
This [ ] day of [ ] 2004, the foregoing is a true and  
correct copy of the documents on file in my office.

Witness my hand and official seal this 4<sup>th</sup> day of

[Signature] 2004  
R.B. SHORE  
Clerk of Circuit Court

By: [Signature] D.C.

FILED FOR RECORD  
R. B. SHORE

2004 MAY 17 PM 3: 13

CLERK OF CIRCUIT COURT  
MANATEE CO. FLORIDA



FLORIDA DEPARTMENT OF STATE

**Glenda E. Hood**

Secretary of State

DIVISION OF LIBRARY AND INFORMATION SERVICES

May 14, 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 letter dated May 12, 2004 and certified copy of Manatee County Ordinance No. PDR-02-41(Z)(P), which was filed in this office on May 14, 2004.

Please be advised that the Florida County Ordinance Data Retrieval System (CODRS) Coding Form was not received for the above mentioned ordinance.

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

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud  
Program Administrator

LC/mp

Enclosures

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