

FILED FOR RECORD
R. B. SHORE

2004 DEC 14 AM 9:01

MANATEE COUNTY ZONING ORDINANCE

PDR-03-40(Z)(P) - WINHEIM/BISHOP HARBOR ESTATES LLC/ESTATES
AT BISHOP HARBOR

CLERK OF THE COUNTY 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 A-1/CH (SUBURBAN AGRICULTURE, 1 DWELLING UNIT PER ACRE/COASTAL HIGH HAZARD OVERLAY DISTRICT) TO PDR (PLANNED DEVELOPMENT RESIDENTIAL) AND PDR/CH (PLANNED DEVELOPMENT RESIDENTIAL/COASTAL HIGH HAZARD OVERLAY); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW 66 LOTS FOR SINGLE-FAMILY DETACHED RESIDENCES; AND GRANTING SPECIAL APPROVAL FOR A PROJECT: 1) IN THE COASTAL HIGH HAZARD OVERLAY DISTRICT; 2) FOR A NET DENSITY GREATER THAN 1 DWELLING UNIT PER ACRE; 3) ADJACENT TO A PERENNIAL STREAM; AND 4) IN THE ENTRANCEWAY.

FILED
CLERK OF THE COUNTY COURT
MANATEE CO. FLORIDA
DEC 14 2004
9:01 AM

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 A-1/CH (Suburban Agriculture, 1dwelling unit per acre/Coastal High Hazard Overlay District) to PDR (Planned Development Residential) and PDR/CH (Planned Development Residential/Coastal High Hazard Overlay District).
- B. The Board of County Commissioners held a public hearing on November 30, 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 66 lots for single-family detached residences, and GRANTING Special Approval for a project: 1) in the Coastal High Hazard Overlay District; 2) for a net density greater than 1 dwelling unit per acre; 3) adjacent to a perennial stream; and 4) in the Entranceway subject to the following Stipulations and Specific Approvals:

STIPULATIONS

1. Armstrong Road shall be constructed as a 2-lane roadway from the US 41 right-of-way to the northern property line of this site. The railroad right-of-way shall remain open to the public. The roadway shall then be extended from the northern property line into the project as a private road.
2. Prior to approval of the Final Site Plan, the project must demonstrate the legal right to a crossing of the Seaboard Coast Line Railroad.
3. 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.
4. Land clearing shall not commence until a Final Site Plan and Construction Plans have been approved. Land clearing, tree removal, or grading shall be limited to the specific phase receiving approval. Prior to construction, grading, or tree removal from the site, required protective barriers within each area of construction shall be installed to protect all 4" DBH (trunk diameter measured at 4.5 feet from the ground) and greater trees identified for protection, that is, not shown on the Preliminary Site Plan as proposed to be removed, replaced, or relocated. Specific tree protective measures shall be reviewed and approved by the Environmental Management Department with the Final Site Plan and Construction Plan submittal. Generally, the dripline (one foot for each inch of d.b.h.) of all trees to be retained on site shall be protected from construction activity.
5. Unless otherwise approved by Environmental Management Department, native or drought tolerant plants shall be utilized in common areas. All lot owners shall be required to participate in the Florida Yards and Neighborhoods Program. Information shall be provided in the sales office and provided to all lot purchasers. The Homeowner's documents, disclosure statements, and Final Site Plans shall include language to inform homeowners in the project of these requirements.
6. The Notice to Buyers shall be included in the Declaration of Covenants and Restrictions and in the Sales Contract or a separate addendum to the sales contract, and Final Site Plan(s) that includes language informing prospective home owners of the following:
 - The location of the 100-year floodplain,
 - The presence of neighboring industrial uses, and any potential future industrial development, including the possible truck traffic and noises associated with industrial uses,
 - The Hurricane Evacuation Plan approved for the project,
 - The location of the discharge outfall for Piney Point
7. The entrance gate to the project shall be accessible to all emergency services as approved with the Final Site Plan.
8. The boardwalk shown on the site plan may be used for only non-motorized watercraft such as, canoes and kayaks.

9. All proposed roads shall be constructed so as to be above the 100 year design storm elevation. The design elevation must be approved by and coordinated with the Project Management and Transportation Departments.
10. 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 per Comprehensive Plan Policy 9.6.1.4.
11. Prior to Final Site Plan approval, the entire site shall be evaluated for potential hazardous material locations (i.e. historical cattle dipping vats, underground/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/mitigative measures.
12. The Community Center area shall contain commercial grade tot-lot equipment, security fencing, a minimum of 5 shade trees, and off-street parking. This shall be approved by the Planning Department with the Final Site Plan.
13. The design of the single-family units shall be in substantial conformance with the renderings entered into the record for this case.

SPECIFIC APPROVALS:

1. Specific Approval of an alternative to Section 603.7.4.5 of the Land Development Code to eliminate the requirement for a fifteen foot greenbelt for the strip of land that lies south of Armstrong Road which will be used to construct an access roadway, utilities, drainage, and sidewalk.
2. Specific Approval of an alternative to Section 603.7.4.6 of the Land Development Code to eliminate the requirement for an interneighborhood tie.
3. Specific Approval of an alternative to Section 907.9.1.3 of the Land Development Code to eliminate the requirement for an interneighborhood tie.
4. Specific Approval of an alternative to Section 907.9.4.2 of the Land Development Code to allow a cul-de-sac that exceeds 800 feet in length.

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 A-1/CH (Suburban Agriculture, 1dwelling unit per acre/Coastal High Hazard Overlay District) to PDR (Planned Development Residential) and PDR/CH (Planned Development Residential/Coastal High Hazard Overlay 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 said Official Zoning Atlas.

Section 4. LEGAL DESCRIPTION.

THAT PORTION OF THE EAST $\frac{1}{2}$ OF THE NW $\frac{1}{4}$ LYING WEST OF C.S.X. RAILROAD.
TOGETHER WITH

THAT PORTION OF THE NE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$ LYING WEST OF C.S.X. RAILROAD.
TOGETHER WITH

THE SW $\frac{1}{4}$ OF THE NW $\frac{1}{4}$ AND THE NW $\frac{1}{4}$ OF THE SW $\frac{1}{4}$, ALL OF THE ABOVE BEING
LOCATED IN SECTION 18, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY,
FLORIDA
AND

(PARCEL 1) THAT PART OF THE SE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$ OF SECTION 7, TOWNSHIP 33
SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, LYING WEST OF THE
RAILROAD RIGHT-OF-WAY.

TOGETHER WITH

(PARCEL 2) THAT PART OF TRACT 18, REVISED MAP OF JOHN PIPLAK'S SUBDIVISION,
AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 145, OF THE PUBLIC
RECORDS OF MANATEE COUNTY, FLORIDA, LYING WEST OF THE RAILROAD RIGHT-
OF-WAY OF ARMSTRONG ROAD.

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 30th day of November, 2004.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: [Signature]

Chairman



ATTEST:

R. B. SHORE

Clerk of the Circuit Court

By: [Signature]
DC



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 1st day of

December 2004

R. B. SHORE
Clerk of Circuit Court

By: [Signature]



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

FILED FOR RECORD
R. B. SHORE

2004 DEC 14 AM 8:53

CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA

December 9, 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 letters dated December 2, 2004 and certified copies of Manatee County Ordinance Nos. PDMU-03-36(Z)(G), PDR-03-40(Z)(P), PDR-03-59(Z)(P), PDR/PDC-96-03(G)(R7) and 04-68, which were filed in this office on December 9, 2004.

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

Sincerely,

Liz Cloud
Program Administrator

LC/kcs

Enclosure