

FILED FOR RECORD  
R. B. SHORE

**MANATEE COUNTY ZONING ORDINANCE**

2010 SEP 14 PM 1:09  
**PDR-03-41(P)(R) – OLD MILL PRESERVE (f.k.a. JACLYN OAKS) DTS#20100153**

CLERK OF THE BOARD OF COUNTY COMMISSIONERS  
MANATEE COUNTY, FLORIDA  
AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING AN AMENDED ZONING ORDINANCE AND PRELIMINARY SITE PLAN TO ALLOW THREE ADDITIONAL LOTS FOR A TOTAL OF 243 LOTS FOR SINGLE-FAMILY DETACHED RESIDENCES AND REVISIONS TO VARIOUS CONDITIONS OF APPROVAL, ON APPROXIMATELY 128.5± ACRES SOUTH OF 69<sup>TH</sup> STREET EAST, AT THE INTERSECTION OF 71<sup>ST</sup> STREET EAST (DUMP ROAD) AND 69<sup>TH</sup> ST. E., ACROSS FROM VIRGIL MILLS ELEMENTARY AND BUFFALO CREEK MIDDLE SCHOOLS; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

2010 SEP -7 PM 10:52  
FILED

**WHEREAS**, Taylor Morrison of Florida, Inc. (the "Applicant") filed an application for a revised Preliminary Site Plan to allow three additional lots for a total of 243 lots for single-family detached residences and revision to various conditions of approval on approximately 128.5 acres south of 69<sup>th</sup> Street East, at the intersection of 71<sup>st</sup> Street East (Dump Road) and 69<sup>th</sup> Street East across from Virgil Mills Elementary and Buffalo Creek Middle Schools in the PDR (Planned Development Residential) zoning district; being more particularly described in Exhibit "A", attached hereto; and

**WHEREAS**, the applicant also requested Special Approval for a project that was previously granted Special Approval in the UF-3 and RES-3 Future Land Use Categories; and

**WHEREAS**, the applicant also requested Specific Approval for a project that was previously granted Specific Approval for alternatives to Land Development Code Sections 714, 603.7.4.5, 722.1.4.3, 907.9.4.2, and 907.7.3, and granting Specific Approval for an alternative to LDC Section 702.6.8 and modifying Specific Approval for an alternative to LDC Section 907.9.4.2; and

**WHEREAS**, the Board of County Commissioners of Manatee County held a public hearing on September 2, 2010 after due notice, considered the criteria set forth in the Manatee County Land Development Code, and approved the amendment to the Ordinance.

**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 of said County, after considering the testimony, evidence, documentation, 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 amendment of the Zoning Ordinance.

- B. The Board of County Commissioners held a duly noticed public hearing on September 2, 2010, regarding the amended Ordinance.
- C. 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.
- D. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 907.9.4.2, the Board finds that the public purpose of the LDC regulation is satisfied to an equivalent degree by the revised design because a better configuration of lots and a smaller number of lots fronting cul-de-sacs is shown.
- E. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 714, the Board finds that the public purpose and intent of Section 714 has been satisfied to an equivalent degree, and grants Specific Approval for an alternative to Section 714 to allow one tree replacement credit for each tree being preserved in conservation easements that are outside of wetlands, wetland buffers and perimeter landscape buffers, because the applicant has limited tree removal, identified the highest quality trees, and redesigned the project in many areas to provide additional upland preservation to preserve the larger and better quality trees.
- F. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 603.7.4.5, the Board finds that the public purpose and intent of Section 603.7.4.5 has been satisfied to an equivalent degree by the following reduced greenbelt widths: Lots 117 through 122, and Lot 125 – a 10' perimeter greenbelt buffer outside of the lot; Lots 123 and 124 - a 5' perimeter greenbelt buffer outside of the lot, because the design limitations placed on this property by the existing wetlands, and the natural and design features of the adjacent property, which include two forested wetlands, and a large stormwater pond which will provide a minimum of 200' of separation between these two unique neighborhood units.
- G. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 722.1.4.3, the Board finds that the public purpose and intent of Section 722.1.4.3 has been satisfied to an equivalent degree and grants Specific Approval for an alternative to the LDC Section to allow one 6' wide sidewalk along the east side of the entry road only because of the large existing county ditch, less pedestrian traffic crossing throughout the 2,000' long entry roadway, the proposed crosswalks to direct pedestrians to cross at the southern end and northern end of the entry roadway, and the proposed 8' wide multi-purpose trail to accommodate bike riders and pedestrians.
- H. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 907.7.3, the board finds that the public purpose and intent of Section 907.7.3 has been satisfied to an equivalent degree because the lot configurations proposed by the applicant in Alternative 2 for Lots 17 – 23 and Lots 39 – 46, for a total of 13 lots.

- I. Notwithstanding the failure of the plan to comply with the requirements of LDC Section 702.6.8, the Board finds that the public purpose of the LDC regulations is satisfied to an equivalent degree by the proposed design because adequate maintenance and separation is provided from the lakes.

## **Section 2. REVISED PRELIMINARY SITE PLAN**

The Preliminary Site Plan is hereby amended and restated to allow three additional lots for a total of 243 lots for single-family detached residences and revision to various conditions of approval, subject to the following stipulations:

### **STIPULATIONS**

1. A front building setback of 18' shall be allowed for Lots 60, 84, 105, 127, 128, 129, 164, 165, 183, 203, and 204. Minimum setbacks shall be 23' front (remaining lots) for front-loaded garages and 20' front for side-loaded garages, side 5 feet, rear yard 10' and waterfront 25' with a 20' exception for Lots 69, 117-124.
2. The perimeter buffer adjacent to Sodbuster Farms shall include a 6' chain link fence with black or green plastic coating. All required landscaping shall be on the north side of this fence.
3. 5' wide sidewalks shall be installed along both sides of all roadways, except entrance road within this subdivision.
4. A 5' wide sidewalk shall be installed along the frontage on Erie Road. A 5' wide sidewalk shall also extend along the south side of Erie Road to connect with the sidewalk along the frontage of Heather Glen Subdivision, provided adequate right-of-way is available to do so. This sidewalk must be in place prior to Final Subdivision Plat approval.
5. An 8' wide pedestrian connection (within a 10' wide common area) shall be provided to the east, connecting this project to the Sheffield Glen Subdivision.
6. The recreation area shall be a minimum ½ acre in size and include a minimum of five (5) shade trees, commercial grade play equipment, park benches, picnic tables, and a gazebo.
7. As designated on the Manatee County Right-of-Way Needs Map in this location, Erie Road requires a right-of-way of 120 feet (60' half-width right-of-way) with the existing half-width adjacent to this development of 42 feet. The applicant shall dedicate an additional 18 feet of right-of-way for future roadway expansion prior to or in conjunction with Final Plat approval.
8. The developer shall provide an updated study, consistent with Policy 3.3.2.3 of the Comprehensive Plan, for threatened and endangered plant and animal species prior to each Final Site Plan approval. A Management Plan, approved by the appropriate State

or Federal agency, shall be provided to the Natural Resources Department for any listed species found on-site, prior to Final Site Plan approval. Final Site Plans shall be designed to be consistent with the approved permits or Management Plans. (Completed)

9. There is a Bald Eagle nest within the boundaries of this project. Final Site Plans shall be designed in accordance with Habitat Management Guidelines for the Bald Eagle in the Southeast Region, as amended, or a Habitat Management Plan for Bald Eagles, approved by the U.S. Fish and Wildlife Service, shall be provided prior to Final Site Plan approval. The proposed wetland buffer impact associated with Road "E" shall be eliminated or minimized should the above referenced guidelines or management plan allow for a reduced Primary Protection Zone.
10. The developer shall provide a copy of the approved Environmental Resource Permit (SWFWMD) to the Natural Resources Department prior to Final Site Plan approval.
11. Tree Protection Measures:
  - a. Tree barricades for trees to be preserved shall be located at the drip line, unless otherwise approved by the Natural Resources 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 and shall be clearly shown on the Final Site Plan. 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.
  - b. The developer shall require all contractors, subcontractors and construction crews to attend the pre-construction meeting required by Section 519, Appendix A-19. The purpose of this meeting is to discuss tree protection and to insure trees in the field to be retained and removed, ensure tree barricades remain up during all phases of construction, and penalties for noncompliance or unauthorized tree removal in accordance with the LDC.
  - c. The developer shall immediately notify the Natural Resources Department in the event that any preserved tree or native vegetation is adversely impacted.
  - d. The Final Site Plan shall include the following information:
    - (1) Tree and native vegetation preservation areas.
    - (2) The limits of clearing
    - (3) Typical cross section details for all activities within 25' of any preservation areas

- (4) Details and locations of signs (in both English and Spanish) to alert workers of tree and native vegetation protection areas. These signs shall be constructed of weather resistant materials and shall demarcate the boundaries of the protected areas.
  - e. Nothing in this stipulation shall be construed to limit the ability of the developer to protect trees where there may be impacts to the drip line, particularly along the entry road. This shall be subject to the approval of the Planning Department.
12. Existing native vegetation located within any required landscape buffers shall be preserved to the greatest extent possible. The Natural Resources Department staff will not support any overhead or underground powerlines, swales or stormwater facilities within the proposed landscape buffers, with the exception of limited crossings.
13. Conservation Easements inclusive of areas defined as wetlands, wetland buffers, Upland Preservation Areas, and Upland Preservation Areas (Tree Preservation Areas) shall be recorded concurrently with the Final Plat.
14. The boundaries of conservation areas shall be marked with signs that indicate a "Conservation Area". The number and placement of signs shall be approved by the Natural Resources Department with the Final Site Plan. (Completed)
15. All nature trails and board walks located in areas where native vegetation is to remain shall be designed in a manner that minimizes impacts to trees or areas of significant vegetation. This shall be approved with the Final Site Plan. (Completed)
16. There shall be a total of 794 – 3 inch caliper replacement trees for this project.
17. Unless otherwise approved by the Natural Resources Department, native, naturalized, or drought tolerant landscaping materials shall be utilized in common areas. In addition, the developer shall encourage individual homeowners to participate in the Florida Yards and Neighborhood Program by disseminating program information to individual lot owners.
18. Irrigation for this project shall use the lowest quality of water available for irrigation purposes. Use of Manatee County public potable water supply shall be prohibited for in-ground irrigation systems, including those on individual lots.
19. The project shall be required to reduce the calculated pre-development flow rate by fifty percent (50%) for all stormwater outfall flow. 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 site runoff.

20. The design and shielding of any on-site lighting for common areas shall comply with Section 709.2.2 of the Land Development Code. In addition, pole and building mounted lights in common areas shall be limited to 12' in height and directed to the interior of the development using horizontal cut-off fixtures. Use of decorative street lights or house lights may be permitted. A lighting plan, showing the detail of the proposed lighting shall be submitted for review and approval by the Planning Department with the Final Site Plan.
21. Final engineering drainage design must be approved prior to Final Site Plan approval, including the following:
  - a) Any fill within the 25-year floodplain for the Cedar Drain shall be compensated by the creation of an equal or greater storage volume above seasonal high water table.
  - b) The existing 25-year flood elevation along the Cedar Drain shall be utilized as tailwater condition.
22. All residential lots shall be outside of the post-development 25-year floodplain.
23. Construction of the connecting roadway from the southeast corner of this project, east through Oakleaf Hammock to the existing roadway in Woodlawn Lakes shall be completed with Phase II of this project and prior to Final Plat approval for the 101<sup>st</sup> unit.
24. The design for the entrance roadway shall incorporate traffic calming measures as approved by the Transportation and Planning Departments with the Final Site Plan.
25. There shall be an 8' wide multi-purpose trail along the east side only of the 2,000' long entry roadway, in lieu of any sidewalks on that portion of the roadway. Pedestrian crosswalks shall be provided at the northern and southern terminus of this entry roadway.
26. The portion of the roadway over the FPL right-of-way shall be a private street.
27. A 20' wide greenway trail easement for non-motorized multi-use activities shall be dedicated to Manatee County to facilitate the Greenway Master Plan and shall be located in the 20' greenbelt buffers parallel to and abutting the FPL railroad right-of-way.
28. The developer is put on notice that the County and School Board are required to establish school concurrency. Until such time as the details of that program are adopted, this approval does not guarantee capacity under the terms of the future program, to the extent school concurrency is legally applicable to the project.
29. There shall be a minimum (10) foot separation between accessory equipment (e.g. air conditioner units, heat pumps, pumps, etc.) and structures alongside abutting houses with 5-foot side yard setbacks.

**Section 3. SPECIAL AND SPECIFIC APPROVALS.**

Specific Approval is hereby granted for a project that was previously granted Specific Approval for alternatives to Sections 714, 603.7.4.5, 722.1.4.3, 907.9.4.2, and 907.7.3, granting an alternative to Land Development Code Section 702.6.8, and a modification to LDC Section 907.9.4.2 of the Land Development Code. The Specific Approval shall continue in effect and shall expire concurrent with the Preliminary Site Plan for the project approved pursuant to Section 2 hereof. Special Approval is hereby granted for a project previously granted Special Approval for a density exceeding one dwelling unit per acre in the UF-3 Future Land Use Category. The 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. 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 5. 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 6. 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 2<sup>nd</sup> day of September, 2010.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

BY: 

Donna G. Hayes, Chairman

ATTEST:

R. B. SHORE  
Clerk of the Circuit Court

BY: 

Deputy Clerk



**EXHIBIT "A"**

**LEGAL DESCRIPTION**

SE ¼ OF NW ¼, NE ¼ OF SW ¼, NE ¼ OF NW ¼ LESS N . 461.7 FT AND LESS RR R/W, TOGETHER WITH THE W 50 FT OF E 85 FT OF N 461.7 FT OF NE ¼ OF NW ¼ DESC IN O.R. 1215 P 3758; LESS THE N 30 FT OF THE FOLL: THE NE ¼ OF NW ¼ SEC 34, LESS THE N. 461.7 FT & LESS E 85 FT AS DESC IN O.R. 1215 P 3759; ALSO: S 1/12 OF NE ¼ LESS 5.45 AC TO RR; LESS LAND AS DESC IN O.R. 1086 P 1873, MORE PARTICULARLY DESC AS: BEG AT THE SE COR OF SW ¼ OF NW ¼ OF SEC 35, TH S 88 DEG 55 MIN 53 SEC W, A DIST OF 1338.07 FT TO THE SE COR OF THE SE ¼ OF NE ¼ OF SEC 34; TH N 88 DEG 34 MIN 24 SEC W, A DIST OF 1327.20 FT TO A FOUND CONC MON AT THE SW COR OF SE ¼ OF NE ¼ OF SD SEC 34; TH N 00 DEG 18 MIN 37 SEC W, A DIST OF 19.00 FT TO THE APPROXIMATE CENTER OF A DRAINAGE CANAL; TH S 89 DEG 25 MIN 03 SEC E. ALG APPROXIMATE CENTER OF SD DRAINAGE CANAL, A DIST OF 1298.37 FT TO THE SW COR OF THAT CERTAIN PARCEL OF LAND DESC IN OR 1043 P 2477; TH ALG THE BNDRY LN OF SD PARCEL THE FOLLOWING SIX COURSES: N 00 DEG 34 MIN 57 SEC E, A DIST OF 350.00 FT; TH N 65 DEG 59 MIN 24 SEC E, A DIST OF 84.13 FT; TH N 82 DEG 13 MIN 56 SEC E, A DIST OF 75.74 FT; TH S 72 DEG 18 MIN 53 SEC E, A DIST OF 68.01 FT; TH S 24 DEG 59 MIN 01 SEC E, A DIST OF 150.76 FT; TH S 89 DEG 25 MIN 03 SEC E, A DIST OF 34.17 FT; TH N 00 DEG 00 MIN 00 SEC E, A DIST OF 1402.63 FT TO THE SLY R/W LN OF SCL RAILROAD; TH N 63 DEG 22 MIN 55 SEC E, ALG SD R/W LN, A DIST OF 1172.62 FT TO THE E LN OF NW ¼ OF NW ¼ OF SEC 35; TH S 00 DEG 00 MIN 00 SEC W, A DIST OF 2178.69 FT TO THE POB, LESS LAND AS DESC IN O. R. 1104 P 3742; ALSO: A STRIP OF LNAD 35 FT WIDE BEING BOUNDED ON E SIDE BY THE N-S ½ LN OF SD SEC 27 & 34, BEG ON N LN OF SD SECT 34 & EXT N 570 FT, M/L, TO THE S LN OF ERIE RD, ALSO A STRIP OF LAND 50 FT WIDE LYING 15 FT E OF E SIDE & 35 FT ON W SIDE OF N-S ½ LN OF SD SEC 34, BEG ON THE N LN OF SD SEC 34 & EXT S 2653 FT, M/L, TO S LN OF SD SEC 34; SD STRIPS OF LAND CONTAINING 3.302 AC, M/L; LESS A STRIP OF LAND 120 FT IN WIDTH OWNED BY SEABOARD COAST LINES RR; LESS LAND DESC IN O.R. 1104 P 3742, TOGETHER WITH THE W 50 FT OF E 85 FT OF SE ¼ OF SW ¼ SECT 27 LYING S OF ERIE RD IN SECT 27 DESC IN O.R. 1215 P 3785; ALSO IN SEC 27-33-18; THAT PART OF TH FOLLOWING DESC PARCEL; TH E 35 FT OF SE ¼ OF SW ¼ SEC 27 LYING S OF ERIE RD LYING WITHIN 42 FT S OF SURVEY LN OF ERIE RD, SD SURVEY LN DESC AS: BEG AT N W COR OF SE ¼ OF SW ¼ SEC 29; TH N 86 DEG 54 MIN 30 SEC W, 32.04 FT FOR POB; TH S 89 DEG 21 MIN 30 SEC E, 4013.60 FT; TH S 00 DEG 48 MIN 30 SEC W, 297.32 FT ; TH S 63 DEG 41MIN 30 SEC E, 748.16 FT; TH S 89 DEG 59 MIN 30 SEC E, 4584.65 FT; TH E 6722.31 FT; TH S 00 DEG 19 MIN 30 SEC W, 1033.09 FT; THE S 63 DEG 58 MIN 30 SEC W, 234.65 FT; TH S 00 DEG 58 MIN 30 SEC W, 2143.39 FT; TH S 00 DEG 02 MIN 30 SEC W, 2730.42 FT TO THE NW COR OF NE ¼ OF NW ¼ SEC 2-34-18, CONTAINING .43 AC (1870 SQ FT M/L) AS DESC IN O.R. 1200 P 3852 PRMCF PI # 7209.0000/0



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 27 day of

September, 2010

R.B. SHORE  
Clerk of Circuit Court

By: Heidi J. Jarmen D.C.





## FLORIDA DEPARTMENT of STATE

**CHARLIE CRIST**  
Governor

**STATE LIBRARY AND ARCHIVES OF FLORIDA**

**DAWN K. ROBERTS**  
Interim Secretary of State

September 9, 2010

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

Attention: Ms. Vicki Tessmer, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated September 2, 2010 and certified copies of Manatee County Ordinance Nos. 10-16, PDR-03-41(P)(R), PDR-10-05(Z)(G), PDMU-10-08(Z), Z-10-04, PDR-04-55(P)(R), Z-10-03 and 10-58, which were filed in this office on September 7, 2010.

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

Sincerely,

Liz Cloud  
Program Administrator

LC/srd  
Enclosure

### DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250  
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dlis.dos.state.fl.us>

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850.245.6270 • FAX: 850.245.6282

RECORDED  
R. B. SHORE  
2010 SEP 14 PM 1:09  
CLERK OF CIRCUIT COURT  
MANATEE CO FLORIDA