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MANATEE COUNTY ZONING ORDINANCE
PDR-04-12(P) – TERRA CEIA PALMS

CLEARING COURT
MANATEE CO.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING A PRELIMINARY SITE PLAN FOR 29 SINGLE-FAMILY DETACHED LOTS ON APPROXIMATELY 23.69 ACRES; GENERALLY LOCATED AT THE NORTHWEST CORNER OF 8TH AVENUE WEST AND 33RD STREET WEST, PALMETTO; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; GRANT SPECIAL APPROVAL FOR A PROJECT LOCATED: 1) IN THE COASTAL HIGH HAZARD OVERLAY DISTRICT; 2) WITHIN THE COASTAL STORM VULNERABILITY AREA; AND 3) WITHIN THE COASTAL EVACUATION AREA; GRANT SPECIFIC APPROVAL FOR AN ALTERNATIVE TO SECTION 907.9.2.3 OF THE LAND DEVELOPMENT CODE AND DENY AN ALTERNATIVE TO SECTION 907.7.4 OF THE LAND DEVELOPMENT CODE; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Joe's Creek Holding 1, LLC. (the "Applicant") has filed an application for a Preliminary Site Plan for approximately 23.69 acres described in Exhibit "A", attached hereto, (the "Property") for 29 single-family detached lots; and

WHEREAS, the Applicant has also requested Special Approval for a project located: 1) in the Coastal High Hazard Overlay District; 2) within the Coastal Storm Vulnerability Area; and 3) within the Coastal Evacuation area; Specific Approval for alternatives to sections 907.9.2.3 and 907.7.4; and

WHEREAS, Planning Department staff recommended approval of the Preliminary Site Plan and Special Approval and Specific Approval for an alternative to section 907.9.2.3 applications, subject to the stipulations contained in the staff report; and denial of the Specific Approval for an alternative to section 907.7.4 of the Land Development Code application.

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on April 13, 2006 to consider the Preliminary Site Plan, the Special Approval, and the Specific Approval applications, received the staff's recommendation, 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, Special Approval and the Specific Approval for an alternative to Section 907.9.2.3 of the Land Development Code applications consistent with the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Manatee County Land Development Code, recommended approval of the application, subject to the stipulations contained in the staff report.

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, after considering the testimony, evidence, documentation, 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 a Preliminary Site Plan as it relates to the real property described in Exhibit "A" of this Ordinance.

B. The Board of County Commissioners held duly noticed public hearings on May 4, 2006 and May 23, 2006 regarding the proposed 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 Preliminary Site Plan, Special Approval, and the Specific Approval for an alternative to Section 907.9.2.3 of the Land Development Code, regarding the property described in Exhibit "A" herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the 2020 Manatee County Comprehensive Plan.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved to allow 29 single-family detached lots subject to the stipulations set out below. The Board hereby grants Special Approval for a project located: 1) in the Coastal High Hazard Overlay District; 2) within the Coastal Storm Vulnerability Area; and 3) within the Coastal Evacuation Area, with the following stipulations:

STIPULATIONS

1. The Notice to Buyers shall be included in the Declaration of Covenants and Restrictions, and in a separate addendum to the sales contract, and in the Final Site Plan and shall include language informing prospective home buyers of the following:
 - (a) That they are purchasing a home in a flood prone area and within the Coastal High Hazard, Coastal Evacuation, and Coastal Storm Vulnerability Areas.
 - (b) That specific standards and additional costs may be associated with the development of this project.
 - (c) The use of special assessments within the CH overlay district to recoup expenditures for repair of storm related damage to public and private infrastructure within a reasonable time may occur.
 - (d) That a Hurricane Evacuation Plan approved by the Public Safety Department for this project exists for this project.
 - (e) A hazard disclosure statement generally describing the property's relative probability of damage from floodwaters. This disclosure shall also list potential

mitigation strategies including elevation, where the builder has exceeded floodplain construction standards, and other potential measures to increase safety.

2. The roadway buffer along 33rd Street West shall be a minimum of 20' wide and planted with one row of canopy trees of 3" caliper, at least 12 feet in height, and spaced 25' on center with the required hedge. Also, any wall or fencing proposed shall be placed at the rear property line of the lots.
3. The greenbelt buffer shall be a minimum 15' wide, and planted with one row of canopy trees, at least 12 feet in height, and spaced 25' on center with a required hedge. Also, any wall or fencing proposed shall be placed at the rear property line of the lots.
4. A 30' waterfront setback shall be required.
5. Maximum building height shall be 35' above Flood Protection Elevation.
6. At Building Permit application, if structure is determined to be in the A 11 zone, a Floodplain Management Permit and a disclosure statement (on the limitations on use below the FPE) will be required. A sealed survey with all pertinent flood zone information is required. On lots with more than one flood zone, the floodplain boundary shall be delineated.
7. No stem wall construction shall be permitted for Lots 21-24. Also, no fill shall be used as structural support.
8. Internal roads and utilities within the project shall be private.
9. The Final Plat shall include a 5' wide non-vehicular ingress/egress easement along 33rd Street West.
10. Any additional land clearing shall not commence until both a Final Site Plan and Construction Plans have been approved. If burning of trees or branches is required for land clearing, a permit for open burning will not be issued until Final Site Plans and 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.
12. No individual lots shall be platted into wetlands, wetland buffers, or stormwater retention ponds.
13. Any significant historical or archaeological resources discovered during development activities shall be immediately reported to the Florida Division of Historical Resources and treatment of such resources shall be determined in cooperation with the Division of Historical Resources and Manatee County. Treatment of the resources must be completed before resource-disturbing activities are allowed to continue. If human remains are encountered, the provisions contained in Chapter 872, Florida Statutes shall

be followed.

14. On-site monitoring by a professional archaeologist shall take place during all infrastructure installation through wetland areas.
15. No boats docks or boat slips shall be permitted for this project.
16. The proposed boardwalk shall be accessed through a 10' wide common area between Lots 20 and 21. A 5' wide sidewalk shall extend to the wetland buffer. Also, a hedge shall be installed within the common area on both sides of the sidewalk between Lots 20 and 21.
17. All water and sanitary sewer mains, and facilities to be dedicated to Manatee County for perpetual maintenance, shall lie within dedicated utility easements as described in County Resolution R-99-115.
18. No construction activity shall occur on Sundays or holidays. On all other days construction activity shall be limited to the hours between 7:00 a.m. and sundown.
19. The observation deck is subject to all Federal, State, and local permitting requirements at the time of Building Permit issuance, and shall include railings and "no mooring signs". Specific details of the proposed observation deck shall be included in the Final Site Plan.
20. A Drainage Model and Construction Plan shall demonstrate that no adverse impacts shall be created to neighboring residents surrounding the site in respect to drainage routing, grading, and run off.
21. A Drainage Easement shall be dedicated to Manatee County and be shown on the Final Site Plan and Final Plats for the existing drainage ditch along the western project boundary. In addition, A drainage maintenance access easement shall be provided along east bank of this drainage ditch. The drainage maintenance access easement shall be on clear and level ground, free of obstructions including landscaping. Manatee County is only responsible for maintaining the free flow of drainage through these systems.
22. The front setback shall be twenty-five (25') feet as represented in the hearing.

Section 3. 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 invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 4. 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 23rd day of May, 2006.

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

BY: *Amy E. Stein*
Vice Chairman

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

BY: *Susan G. Lomine*
Deputy Clerk



EXHIBT "A"
LEGAL DESCRIPTION I OF THE PROPERTY

BEGIN AT THE SW CORNER OF THE SE ¼ OF SECTION 2, TWP 34S, RGE 17 E, THENCE
3,130 YARDS, N 880 YARDS; W 3,130 YARDS; S 880 YARDS TO THE POINT OF
BEGINNING (LESS S 25 FEET FOR R/W).



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 2nd day of

June, 2006

R.B. SHORE
Clerk of Circuit Court

By: [Signature], C.C.

FILED FOR RECORD
R. B. SHORE



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CLERK OF CIRCUIT COURT
MANATEE CO FLORIDA

FLORIDA DEPARTMENT OF STATE

Sue M. Cobb

Secretary of State

DIVISION OF LIBRARY AND INFORMATION SERVICES

June 5, 2006

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

Attention: Diane E. Vollmer, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated June 2, 2006 and certified copies of Manatee County Ordinance Nos. PDR-05-28(Z)(P) and PDR-04-12(P), which were filed in this office on June 5, 2006.

As requested, the date stamped copies are 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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