

MANATEE COUNTY ZONING ORDINANCE  
PDR-04-20(Z)(P) – RYLAND GROUP INC. / OAKLEAF HAMMOCK, PHASE IV

FILED FOR RECORD  
R. B. SHORE  
2006 FEB 24 PM 4:05

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, 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, PROVIDING FOR THE REZONING OF APPROXIMATELY 140.2 ACRES GENERALLY LOCATED AT 7000 37<sup>TH</sup> STREET EAST ON THE NORTH SIDE OF MENDOZA ROAD, NORTH OF COVERED BRIDGE ESTATES, WEST OF THOUSAND OAKS, AND SOUTH OF JACLYN OAKS FROM RSF-2 (RESIDENTIAL SINGLE-FAMILY, 2 DWELLING UNITS PER ACRE) TO PDR (PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICT; APPROVING A PRELIMINARY SITE PLAN TO ALLOW 166 LOTS FOR SINGLE-FAMILY DETACHED RESIDENCES. SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; GRANTING SPECIFIC APPROVAL TO ALLOW A CUL-DE-SAC AS SET FORTH IN SECTION 907.9.4.2 OF THE LAND DEVELOPMENT CODE; SETTING FORTH FINDINGS; PROVIDING FOR A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Ryland Group, Inc. (the "Applicant") filed an application to rezone approximately 140.2 acres described in Exhibit "A", attached hereto, (the "Property") from the RSF-2 (Residential Single-Family, 2 dwelling units per acre) zoning district to the PDR (Planned Development Residential) zoning district; and

**WHEREAS**, the Applicant has also filed a Preliminary Site Plan application to allow 166 lots for single-family detached residences (the "Project") to be located upon the Property; and

**WHEREAS**, the Applicant has also filed the following request:

Specific Approval for an alternative to Section 907.9.4.2; and

**WHEREAS**, Planning staff recommended approval of the rezone, Preliminary Site Plan, and Specific Approval applications, subject to the stipulations contained in the Planning staff report; and

**WHEREAS**, the Manatee County Planning Commission, after due public notice, held a public hearing on February 9, 2006 to consider the rezone and Preliminary Site Plan and Specific Approval applications, received the Planning Staff 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 rezone, Preliminary Site Plan and Specific Approval applications 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 applications, subject to the stipulations contained in the Planning 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, 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 Exhibit "A" of this Ordinance from RSF-2 (Residential Single-Family, 2 dwelling units per acre) to the PDR (Planned Development Residential) zoning district.

B. The Board of County Commissioners held a duly noticed public hearing on March 2, 2006, regarding the 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 the public hearing.

C. The proposed amendment to the Official Zoning Atlas 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.

D. The Board finds that the public purpose of Section 907.9.4.2 have been satisfied to an equivalent degree and GRANTS Specific Approval for an alternative to Section 907.9.4.2 to allow a cul-de-sac to be constructed with an internal loop system and design limitations created by the existing wetlands which do not allow connection to the west.

Section 2. PRELIMINARY SITE PLAN The Preliminary Site Plan is hereby approved to allow 166 lots for single-family detached residences upon the Property subject to the Stipulations set out below, with the following Stipulations:

STIPULATIONS

1. Minimum setbacks shall be 25' front for front-loaded garages and 20' front for side-loaded garages, side 7.5 feet, rear yard 15', and waterfront 30'.
2. An 8' wide pedestrian connection (within a 10' wide common area) shall be provided, connecting this project to future development to the north.
3. All construction traffic shall enter via Mendoza Road. There shall be no construction traffic through Thousand Oaks or Covered Bridge Estates. Construction shall be limited to 7:00 a.m. – 7:00 p.m., Monday through Saturday. There shall be no construction on Sundays.
4. Construction activities within Phase IV shall not commence until the roadway connections provided in Phases I, II, and III necessary to provide access to Phase IV are constructed.

5. Any entrance gates shall be accessible to all emergency services providers and County personnel. The applicant shall provide a universal remote control to appropriate agencies prior to issuance of any building permits. All gates shall be raised in a storm emergency to expedite an evacuation.
6. If a fence or wall is utilized within any landscape buffer, all required landscaping shall be planted on the exterior side of the fence or wall.
7. All roads shall be constructed above the 100-year floodplain.
8. Prior to Final Plat approval, the applicant shall post a sign at all interneighborhood tie locations to inform prospective purchasers and residents of the future interneighborhood ties. The size, placement, and materials for these signs shall be determined with the Final Site Plan.
9. 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:
  - a. The interneighborhood ties to existing and future development, and that emergency traffic from adjoining development may use their roadways;
10. 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 Division 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.
11. The Final Site Plan shall identify wildlife connections between preservation areas severed by roadway construction. Oversized culverts, rumble strips, or wildlife crossing signs may be required for wildlife connections and shall be approved with the Final Site Plan.
12. Where road construction impacts wetland buffers, the road shall be designed in a manner that minimizes wetland buffer impacts.
13. Prior to Final Plat approval, a Conservation Easement for the areas defined as post-development jurisdictional wetlands, wetland buffers, and upland preservation areas shall be dedicated to the County.
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 Planning Department with the Final Site Plan approval.
15. There are Bald Eagle nests adjacent to 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.

16. The developer shall provide a copy of the approved Environmental Resource Permit (SWFWMD) prior to Final Site Plan approval.
17. Tree Protection Measures:
  - a. Tree barricades for trees to be preserved shall be located at the drip line, unless otherwise approved by the Planning 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 508.3.4.7(j) of the LDC. 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 Planning Department in the event that any preserved tree or native vegetation is adversely impacted.
  - d. The Final Site Plan shall include the following information:
    - Tree and native vegetation preservation areas.
    - The limits of clearing
    - Typical cross section details for all activities within 25' of any preservation areas
    - 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.
18. All proposed nature trails, board walks, and shade structures 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.
19. Existing native vegetation within any required landscape buffers should be preserved to the greatest extent possible. The Natural Resources Division staff will not support any

overhead or underground power lines, swales or stormwater facilities within the proposed landscape buffers, with the exception of limited crossings.

20. 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.
21. This project shall be required to reduce the calculated pre-development flow rate by up to fifty percent (50%) for all stormwater outfall flow directly or indirectly into the Cedar Drain/Bufalo Canal. Modeling shall be used to determine pre- and post- development flows.
22. Any fill within the 25-year floodplains of Cedar Drain or Government Hammock shall be compensated by creation of an equal or greater storage volume above the seasonal high water table.
23. The existing 25-year flood elevation along the Cedar Drain and Government Hammock shall be utilized as tailwater condition.
24. 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.
25. A twenty-five (25) feet wide Drainage Maintenance and Access shall be dedicated to Manatee County and be shown on the Final Site Plan and Final Plats along the south bank of Cedar Drain. The easement area shall be on clear and level ground. No landscaping or fences shall be installed within this easement. Manatee County is only responsible for maintaining the free flow of drainage through these systems.
26. The Final Site Plan shall be designed to provide that the minimum lot width shall be 65', and the number of single- family detached lots shall not exceed 145, without any increase to the developed area of the property.

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 Exhibit "A" herein from the RSF-2 (Residential Single-Family, 2 dwelling units per acre) zoning district to the PDR (Planned Development Residential) zoning 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. 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 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 2<sup>nd</sup> day of March, 2006.

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



BY: Joe McClash  
Chairman

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

BY: Austin D. Romine  
Deputy Clerk

EXHIBT "A"  
LEGAL DESCRIPTION OF THE PROPERTY

A PARCEL OF LAND LYING IN SECTION 33, TOWNSHIP 33 SOUTH, SECTION 34, TOWNSHIP 33 SOUTH, AND SECTION 3, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF OAKLEAF HAMMOCK, PHASE I, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 46, PAGES 131 THRU 136, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE N00°02'02"E. ALONG THE EASTERLY LINE OF COVERED BRIDGE ESTATES PHASE 6C, 6D & 6E AS RECORDED IN PLAT BOOK 43, PAGES 117 THRU 123 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, AND THE EASTERLY LINE OF COVERED BRIDGE ESTATES PHASE 7A, 7B, 7C, 7D, 7E, AS RECORDED IN PLAT BOOK 44, PAGES 92 THRU 103 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, A DISTANCE OF 2,550.00 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE NORTHERLY ALONG SAID LINE, A DISTANCE OF 117.83 FEET; THENCE N89°35'21"W., A DISTANCE OF 1,332.92 FEET; THENCE N89°43'49"W., A DISTANCE OF 2,835.89 FEET; THENCE N.63°26'17"E., A DISTANCE OF 2,902.72 FEET; THENCE N.89°48'01"E., A DISTANCE OF 278.82 FEET; THENCE N.01°43'30"E., A DISTANCE OF 140.60 FEET; THENCE N.63°26'43"E., A DISTANCE OF 1,487.76 FEET; THENCE S.01°07'00"W., A DISTANCE OF 809.64 FEET; THENCE S.89°53'15"E., A DISTANCE OF 1,225.59 FEET; THENCE S.00°00'00"E., A DISTANCE OF 123.90 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES S.66°19'17"E., A RADIAL DISTANCE OF 730.00 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 13°14'03", A DISTANCE OF 168.62 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S.87°26'26"W., A RADIAL DISTANCE OF 30.00 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 14°43'01", A DISTANCE OF 7.71 FEET; THENCE S.12°09'28"W., A DISTANCE OF 48.80 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 13°06'10", A CHORD BEARING OF S.05°36'23"W, AND A CHORD LENGTH OF 6.85 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 6.86 FEET; THENCE S.00°56'42"E., A DISTANCE OF 51.71 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 17°53'54", A CHORD BEARING OF S.08°00'15"W. AND A CHORD LENGTH OF 9.33 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 9.37 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES S.89°20'02"E., A RADIAL DISTANCE OF 565.00 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 24°37'31", A DISTANCE OF 242.83 FEET; THENCE S.00°00'00"E., A DISTANCE OF 47.87 FEET; THENCE S.61°12'49"E., A DISTANCE OF 56.88 FEET; THENCE S.05°47'05"W., A DISTANCE OF 425.62 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 68°36'30", A CHORD BEARING OF S.40°05'20"W. AND A CHORD LENGTH OF 33.82 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 35.92 FEET; THENCE S.74°23'35"W., A DISTANCE OF 56.88 FEET; THENCE N.89°06'57"W., A DISTANCE OF 9.50 FEET; THENCE N.69°36'50"W., A DISTANCE OF 93.34 FEET; THENCE N.54°41'34"W., A DISTANCE OF 94.83 FEET; THENCE N.49°28'19"W., A DISTANCE OF 72.07 FEET; THENCE N.37°39'39"W., A DISTANCE OF

29.87 FEET; THENCE S.41°15'05"W., A DISTANCE OF 110.67 FEET; THENCE S.32°09'21"E., A DISTANCE OF 65.94 FEET; THENCE S.03°20'13"E., A DISTANCE OF 38.48 FEET; THENCE S.66°34'56"W., A DISTANCE OF 70.64 FEET; THENCE S.19°34'13"W., A DISTANCE OF 134.62 FEET; THENCE S.19°21'44"E., A DISTANCE OF 115.87 FEET; THENCE S.18°00'00"W., A DISTANCE OF 78.32 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES S.05°09'37"W., A RADIAL DISTANCE OF 45.00 FEET; THENCE WESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 21°10'14", A DISTANCE OF 16.63 FEET TO A POINT OF REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 645.00 FEET AND A CENTRAL ANGLE OF 33°08'37"; THENCE WESTERLY ALONG THE ARC, A DISTANCE OF 373.11 FEET; THENCE N.72°51'59"W., A DISTANCE OF 358.61 FEET; THENCE N.89°58'37"W., A DISTANCE OF 63.17 FEET TO THE POINT OF BEGINNING.



STATE OF FLORIDA, COUNTY OF MANATEE  
This instrument, when being is a true and  
correct copy of the documents on file in my office.

Witness my hand and official seal this 13<sup>th</sup> day of

March, 2006

R.B. SHORE  
Clerk of Circuit Court

By: Margaret Hamilton, D.C.



FILED FOR RECORD  
R. B. SHORE

2006 MAR 24 PM 4:05

CLERK OF CIRCUIT COURT  
MANATEE CO. FLORIDA



FLORIDA DEPARTMENT OF STATE

**Sue M. Cobb**

Secretary of State

DIVISION OF LIBRARY AND INFORMATION SERVICES

March 21, 2006

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

Attention: Maggie Hamilton, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated March 13, 2006 and certified copy of Manatee County Ordinance No. PDR-04-20(Z)(P), which was filed in this office on March 16, 2006.

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

Sincerely,

A handwritten signature in black ink that reads "Liz Cloud".

Liz Cloud  
Program Administrator

LC/mp

Enclosures

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