

FILED FOR RECORD  
R. B. SHORE

2006 FEB 13 PM 12:28

MANATEE COUNTY ZONING ORDINANCE

PDR-04-53(Z)(P) – MANNING / MULHOLLAND PRESERVE

CLERK OF COUNTY COURT  
MANATEE COUNTY, FLORIDA

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 OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF APPROXIMATELY 40.14 ACRES LOCATED AT 13080 MULHOLLAND ROAD FROM THE A (GENERAL AGRICULTURE) ZONING DISTRICT TO THE PDR (PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICT, APPROVING A PRELIMINARY SITE PLAN TO ALLOW 36 LOTS FOR SINGLE-FAMILY DETACHED RESIDENCES SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; GRANTING SPECIFIC APPROVAL FOR ALTERNATIVES TO SECTION 907.9.4, OF THE LAND DEVELOPMENT CODE; SETTING FORTH FINDINGS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, William and Alicia Manning (the "Applicant") has filed a rezone application to rezone approximately 40.14 acres described in Exhibit "A", attached hereto, (the "Property") from the A (General Agriculture) zoning district to the PDR (Planned Development Residential) zoning district; and

**WHEREAS**, the Applicant has also filed a Preliminary Site Plan application to allow 36 lots for single-family detached residences (the "Project") to be located upon the Property; and

**WHEREAS**, the Applicant has also filed a request for specific approval of an alternative to Section 907.9.4; and

**WHEREAS**, the Planning Staff has 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 January 12, 2006 to consider the rezone, Preliminary Site Plan and specific approval applications, received the Planning Staff's recommendations 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 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 Exhibit "A" of this Ordinance from the A (General Agriculture) zoning district to the PDR (Planned Development Residential) zoning district.

B. The Board of County Commissioners held a duly noticed public hearing on February 2, 2006 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 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 and intent 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 or turn-around street that shall not exceed eight hundred (800) feet in length.

**Section 2. PRELIMINARY SITE PLAN** The Preliminary Site Plan is hereby APPROVED to allow 36 lots for single-family detached residences upon the Property subject to the Stipulations set out below. The Board hereby GRANTS Specific Approval for an alternative to Section 907.9.4.2 of the Land Development Code, with the following Stipulations:

**STIPULATIONS**

1. No lots shall be platted through any greenbelt, landscape buffer, retention pond, wetland, or wetland buffer.
2. No detention or retention ponds shall be constructed within the landscape buffers or greenbelts.
3. 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:
  - a. the presence of an inter-neighborhood tie to the east and that traffic from adjoining development may use their roadways; and,

- b. the potential uses associated with surrounding A and A-1 zoning which may have a negative impact on residences (e.g., noise and odor).
4. Prior to Final Plat approval, the applicant shall post a sign at the interneighborhood tie to inform perspective purchasers and residents of the future interneighborhood tie. The size, placement, and materials for this sign shall be determined with the Final Site Plan.
5. 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.
6. The recreational area of the project shall include age appropriate play equipment (to be determined by the Planning and Parks Departments with the Final Site Plan), benches, and 5 shade trees. The recreation area west of the main drive shall include a fence or hedge for the safety of the children from entering the road or wetland area (location and materials to be approved by the Planning and Parks Departments prior to Final Site Plan approval).
7. To the maximum extent possible, existing indigenous vegetation shall remain with the required landscape buffers and be utilized to meet the buffering and screening requirements.
8. All temporary wetland and wetland buffer impact areas shall be restored to historic condition prior to Final Plat approval.
9. Prior to Final Plat approval Tree Preservation Easements shall be recorded for areas identified as Tree Preservation Areas on the approved plans. Language shall be included in the Homeowners Association Documents and Notice to Buyers specifically indicating prohibited activities to ensure the protection of existing trees located within these areas.
10. Tree Protection Barricades and Erosion and Sediment Control measures shall be installed and inspected prior to the commencement of construction activities.
11. A Water Well Construction Permit must be obtained from the EMD prior to construction of any proposed well(s).
12. Any wells discovered during land clearing shall be protected or abandoned in accordance with SWFWMD Rule Chapter 40D. SWFWMD Rule Chapter 40D-3.531 requires the proper abandonment of all unused wells. Existing wells shall be kept in a watertight manner and be protected during all construction activities.
13. Final engineering drainage design must be approved prior to Final Site Plan approval, including the following:
  - a. Any fill within the 25-year or 100-year floodplains of the Gamble Creek shall be compensated by the creation of an equal or greater storage volume above seasonal high water table. Floodplain compensation shall be provided in sole-use compensation areas.

- b. There shall be a full 25-year attenuation on all stormwater ponds within the development.
  - c. The existing 25-year flood elevation along the Gamble Creek shall be utilized as tailwater condition.
- 14. This project shall be required to reduce the calculated pre-development flow rate by fifty percent (50%) for all stormwater outfall flow directly or indirectly into Gamble Creek. Modeling shall be used to determine pre- and post-development flows.
  - 15. 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.
  - 16. All interior roads in this development shall be constructed entirely above the 100-year flood elevation.
  - 17. A cul-de-sac shall be provided at the end of the dead-end street. The final design shall be reviewed and approved by the Planning and Transportation Departments with the Final Site and Construction Plans.
  - 18. The right-of-way for the interneighborhood tie shall extend to the east property line to allow for future connection. This shall be depicted on the Final Site and Construction Plans.
  - 19. The second turnaround near Lot #30 shall be reconfigured as an “eye-brow” and shall be outside of any lot. The final design shall be reviewed by the Planning, Transportation, and Fire Departments with the Final Site and Construction Plans.
  - 20. With the Final Site Plan, the Planning Department shall require construction of the sidewalk along Mulholland Road to extend a maximum of one thousand (1,000) feet beyond the outer limits of the proposed development, where necessary to connect with or extend to other existing sidewalks.
  - 21. Pursuant to LDC Section 604.10.3.3(k), Lots #1 and #36 shall have a minimum 15 foot building setback for buildings, swimming pools, pool cages, or other structures.
  - 22. 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.

**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 described in Exhibit “A” incorporated herein by reference, from the A (General Agriculture, 1 dwelling unit per 5 acres) 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 February, 2005 *le*.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

BY:

*Joe McClash*  
Chairman

ATTEST:

R. B. SHORE  
Clerk of the Circuit Court



*Susan Romero*  
Deputy Clerk

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

E ½ OF THE W ½ OF THE NE ¼ OF THE NW ¼ OF SECTION 9, TOWNSHIP 34 SOUTH, RANGE 19 EAST.

ALSO THE W ½ OF THE W ½ OF THE NE ¼ OF THE NW ¼ OF SECTION 9, TOWNSHIP 34 SOUTH, RANGE 19 EAST

ALSO ROADWAY IN W ½ OF SE ¼ OF NW ¼ DESCRIBED IN O.R. BOOK 601, PAGE 673, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, AS FOLLOWS: BEGIN AT THE NW CORNER OF THE NE ¼ OF THE NW ¼ OF SECTION 9, TOWNSHIP 34 SOUTH, RANGE 19 EAST; THENCE ALONG THE NORTH LINE OF SAID SECTION S 89°53'04" E, 333.10 FEET TO A POINT; THENCE S 00°03'18" E, 1335.72 FEET TO POINT OF BEGINNING; THENCE N 89°55'23" E, 333.2 FEET TO A POINT; THENCE S 00°03'36" E, 1334.61 FEET TO A POINT ON THE CENTER LINE OF A COUNTY ROAD; THENCE ALONG SAID CENTER LINE S 89°43'52" W, 30 FEET TO A POINT; THENCE N 00°03'36" W, 1304.71 FEET TO A POINT; THENCE S 89°55'23" W, 636.41 FEET TO A POINT; THENCE N 00°03'00" W, 30 FEET MORE OR LESS TO A POINT WHICH IS THE SW CORNER OF THE NE ¼ OF THE NW ¼ OF SAID SECTION 9; THENCE S 89°53'05" E, 333 FEET MORE OR LESS ALONG THE SOUTH BOUNDARY OF GRANTEES PROPERTY TO THE POINT OF BEGINNING; LESS THE SOUTH 33 FEET FOR COUNTY ROAD; LESS PARCEL 3 RECORDED IN O.R. BOOK 1724, PAGE 3309, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA (RELEASED FROM PRIVATE STREET APPLICATION AS SHOWN IN O.R. BOOK 1724, PAGE 3305, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA); DESCRIBED AS FOLLOWS: THE E 7.5 FEET OF THE W ½ OF THE SE ¼ OF THE NW ¼ OF SECTION 9, TOWNSHIP 34 SOUTH, RANGE 19 EAST.

**TOGETHER WITH: PARCEL A**

COMMENCE AT THE SE CORNER OF THE NW ¼ OF SECTION 9, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA; THENCE S 89°43'52" W, ALONG ¼ SECTION LINE AND CENTER LINE OF MULHOLLAND ROAD. 696.75 FEET; THENCE N 00°03'36" W, 33 FEET TO THE NORTH RIGHT-OF-WAY LINE OF SAID ROAD FOR A POINT OF BEGINNING; THENCE CONTINUE N 00°03'36" E, 1271.71 FEET; THENCE S 89°55'23" W, 293.91 FEET; THENCE S 00°03'00" E, 1272.69 FEET TO THE NORTH RIGHT-OF-WAY LINE OF MULHOLLAND ROAD; THENCE N 89°43'52" E, 294.16 FEET TO THE POINT OF BEGINNING.

**TOGETHER WITH: PARCEL B**

COMMENCE AT THE SE CORNER OF THE NW ¼ OF SECTION 9, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA; THENCE S 89°43'52" W, ALONG ¼ SECTION LINE AND CENTERLINE OF MULHOLLAND ROAD, 990.91 FEET; THENCE N 00°03'00" W, 33 FEET TO THE NORTH RIGHT-OF-WAY LINE OF SAID ROAD FOR A POINT OF BEGINNING; THENCE CONTINUE N 00°03'00" W, 1272.69 FEET; THENCE S 89°55'23" W, 342.5 FEET; THENCE S 00°03'00" E, 1273.84 FEET TO THE SAID NORTH RIGHT-OF-

WAY LINE OF MULHOLLAND ROAD; THENCE S 89°43'52" E, 342.5 FEET TO THE POINT OF BEGINNING.

**ALL BEING MORE PARTICULARY DESCRIBED AS FOLLOWS:**

COMMENCE AT THE WEST ¼ CORNER OF SECTION 9, TOWNSHIP 34 SOUTH, RANGE 19 EAST; THENCE RUN N 89°49'58" E, ALONG THE SOUTH LINE OF THE NW ¼ OF SAID SECTION 9, ALSO BEING THE CENTER LINE OF MULHOLLAND ROAD, A DISTANCE OF 1333.07 FEET; THENCE N 00°03'37" E, A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING, ALSO BEING THE NORTHERLY RIGHT-OF-WAY LINE OF MULHOLLAND ROAD; THENCE N 00°03'37" E, A DISTANCE OF 1303.63 FEET; THENCE N 00°06'53" E, A DISTANCE OF 1334.95 FEET; THENCE S 89°56'22" E, ALONG THE NORTHERLY LINE OF THE NW ¼ OF SAID SECTION 9, A DISTANCE OF 664.33 FEET; THENCE S 00°01'01" E, A DISTANCE OF 1334.71 FEET; THENCE N 89°57'36" W, A DISTANCE OF 7.50 FEET; THENCE S 00°03'34" W, A DISTANCE OF 1301.25 FEET; THENCE S 89°49'58" W ALONG THE AFOREMENTIONED NORTHERLY RIGHT-OF-WAY LINE OF MULHOLLAND ROAD, A DISTANCE OF 659.92 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 9, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA

CONTAINING 40.14 ACRES



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 3<sup>rd</sup> day of

February 2006

R.D. SHORE  
Clerk of Circuit Court

By: Diane E. Vollmer D.C.

FILED IN RECORD  
R. B. SHORE

2006 FEB 13 PM 12:00

SE  
CLERK OF CIRCUIT COURT



FLORIDA DEPARTMENT OF STATE  
**Sue M. Cobb**  
Secretary of State  
DIVISION OF LIBRARY AND INFORMATION SERVICES

February 8, 2006

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

RECEIVED

FEB 13 2006

Attention: Diane E. Vollmer, Deputy Clerk

Dear Mr. Shore:

BOARD RECORDS

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated February 3, 2006 and certified copies of Manatee County Ordinance Nos. PDR-04-53(Z)(P), Z-04-13, PDC-04-10(P) and PDO-05-16(Z)(P), which were filed in this office on February 6, 2006.

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

Sincerely,

Liz Cloud  
Program Administrator

LC/mp

Enclosures