

FILED FOR RECORD  
R. B. SHORE

2005 JUN -6 PM 12: 22

MANATEE COUNTY ZONING ORDINANCE  
PDR-05-04(Z)(P) – PALM VIEW WOODS

MANATEE COUNTY, FLORIDA, REGARDS  
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 7.93 ACRES GENERALLY LOCATED AT THE  
NORTHWEST CORNER OF PALM VIEW ROAD AND 5<sup>TH</sup> AVENUE EAST,  
PALMETTO FROM THE A-1/CH (SUBURBAN AGRICULTURE/COASTAL HIGH  
HAZARD OVERLAY) ZONING DISTRICT TO THE PDR/CH (PLANNED  
DEVELOPMENT RESIDENTIAL/COASTAL HIGH HAZARD OVERLAY)  
ZONING DISTRICT, RETAINING THE COASTAL HIGH HAZARD OVERLAY  
DISTRICT; APPROVING A PRELIMINARY SITE PLAN FOR 5 LOTS FOR  
SINGLE-FAMILY DETACHED RESIDENCES SUBJECT TO STIPULATIONS AS  
CONDITIONS OF APPROVAL; GRANTING SPECIFIC APPROVAL FOR AN  
ALTERNATIVE TO SECTION 722.1.4.3 OF THE LAND DEVELOPMENT CODE;  
SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION;  
PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE  
DATE.

**WHEREAS**, Palm View LLC. (the "Applicant") has filed a rezone application to rezone approximately 7.93 acres described in Exhibit "A", attached hereto, (the "Property") from the A-1 (Suburban 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 5 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 722.1.4.3; 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 April 13, 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-1 (Suburban Agriculture) zoning district to the PDR (Planned Development Residential) zoning district.

B. The Board of County Commissioners held duly noticed public hearings on May 4, 2006 and May 23, 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 722.1.4.3 have been satisfied to an equivalent degree, and GRANTS Specific Approval for an alternative to Section 722.1.4.3 requiring sidewalks on both sides of streets within two miles of any public elementary school.

**Section 2. PRELIMINARY SITE PLAN.** The Preliminary Site Plan is hereby APPROVED to allow 5 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 722.1.4.3 of the Land Development Code, with the following Stipulations:

**STIPULATIONS**

1. Existing indigenous vegetation shall remain in required landscape buffers and used to meet the buffering and screening requirements. Sufficient area around the trees and appropriately designed tree wells shall be required as determined by a registered Landscape Architect or Arborist to reasonably guarantee their survival.
2. At least 3 different species of canopy or understory trees shall be planted in required landscape buffers.

3. The developer shall provide signs adjacent to wetland buffers and conservation easements indicating that the area is a "Conservation Area", as required in Section 719.11.1.3.3 of the LDC.
4. Prior to development related clearing activities, all applicable County approvals must be obtained through the Planning Department. If burning of trees or branches is required for land clearing, a burn permit must first be obtained from the Environmental Management Department. No burn permits will be issued until Final Plat approval.
5. Unless otherwise approved by the Planning Department, native 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.
6. The 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.
7. A non-ingress egress easement shall be recorded and shown on the Final Plat along Palm View Road and 5<sup>th</sup> Avenue East, except for approved driveway connections.
8. Driveways shall be designed to avoid impacts to existing canopy trees within the roadway buffer and front yards. The specific location of each driveway will be reviewed at time of Final Plat.
9. A crosswalk shall be installed with proper signs from the east end of the sidewalk along Lot 5 to Palm View Elementary School.
10. All home construction shall use stemwalls and footers or similar methods to meet Finished Floor Elevation requirements. No fill dirt shall be used to elevate the lots to meet FFE requirements.
11. An Environmental Resource Permit (ERP) approved by SWFWMD shall be submitted to the Planning Department for review prior to Final Site Plan approval.
12. Existing native vegetation located within any required landscape buffer shall be preserved to the greatest extent possible. Overhead or underground power lines, swales, or stormwater facilities shall not be placed within any proposed landscape buffer containing desirable native vegetation.
13. No boat docks or waterfront structures are allowed within this project, unless otherwise approved by the BOCC at a future public hearing.
14. Prior to or concurrent with Final Plat approval, a Conservation Easement for the areas defined as post-development jurisdictional wetland, wetland buffers, and upland preservation areas shall be dedicated to the County.
15. The applicant shall be required to conduct construction water quality monitoring

program. Details shall be included in the Erosion and Sediment Control Plan required by Section 508.3.4.7(j).

16. Construction is not authorized with this approval. Prior to commencement of construction or land clearing, an Erosion and Sediment Control Plan (ESCP) shall be submitted to the Planning Department for review and approval pursuant to Section 508.3.4.7.j. of the LDC. Final Site Plans, Construction Plans, ERP and NPDES permit approvals must be obtained prior to submittal of the ESCP. Construction or land clearing is not authorized until an ESCP has been approved by the Planning Department and all required meetings have been completed.

**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-1 (Suburban Agriculture) 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 23<sup>rd</sup> day of May, 2006.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

BY: 

Second Vice-Chairman

ATTEST:

R. B. SHORE  
Clerk of the Circuit Court

BY: 

Deputy Clerk



**EXHIBIT "A"**

**LEGAL DESCRIPTION**

COMMENCE AT THE SOUTHEAST CORNER OF LOT "B", C.B. NORTON'S SUBDIVISION, AS RECORDED IN PLAT BOOK 2, PAGE 9, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE N.89°50'37"W. ALONG THE SOUTH LINE OF THE SAID LOT "B", A DISTANCE OF 20.00 FEET; THENCE N.00°34'06"E., A DISTANCE OF 15.00 FEET TO THE NORTHERLY RIGHT OF WAY OF PALM VIEW ROAD (30' RIGHT OF WAY); THENCE CONTINUE N.00°34'06"E, ALONG THE WESTERLY LINE OF A 20 FOOT RESERVED RIGHT OF WAY, A DISTANCE OF 260.00 FEET; THENCE N.89°50'37"W., A DISTANCE OF 187.77 FEET; THENCE N.00°34'06"E., A DISTANCE OF 90.00 FEET TO THE INTERSECTION WITH THE EASTERLY EXTENSION OF THE SOUTH LINE OF THE NORTH 55.0 FEET OF THE EAST 795.0 FEET OF LOT "H", OF SAID C.B. HORTON'S SUBDIVISION; THENCE N.89°50'37"W. ALONG SAID EASTERLY EXTENSION OF SAID SOUTH LINE OF THE NORTH 55.0 FEET OF THE EAST 795.00 FEET OF LOT "H" OF SAID C.B. HORTON'S SUBDIVISION, A DISTANCE OF 847.23 FEET TO THE INTERSECTION WITH THE EAST LINE OF A 50.00 FOOT NON-EXCLUSIVE INGRESS, EGRESS, UTILITY AND DRAINAGE EASEMENT, AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 155, PAGES 535 AND 536 OF AFORESAID PUBLIC RECORDS; THENCE S.00°34'06"W. ALONG THE EAST LINE OF SAID EASEMENT, A DISTANCE OF 350.00 FEET TO THE INTERSECTION WITH SAID NORTHERLY RIGHT OF WAY OF PALM VIEW ROAD; THENCE S.89°50'37"E. ALONG SAID NORTHERLY RIGHT OF WAY, A DISTANCE OF 1035.00 FEET TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 36, TOWNSHIP 33 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING: 345,342 SQ. FT. OR 7.928 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 26th day of May, 2006

R.B. SHORE  
Clerk of Circuit Court

By: [Signature] D.C.

FILED FOR RECORD  
R. B. SHORE

2006 JUN -6 PM 12:22

CLERK OF COURT  
MANATEE CO. FLORIDA



FLORIDA DEPARTMENT OF STATE

**Sue M. Cobb**

Secretary of State

DIVISION OF LIBRARY AND INFORMATION SERVICES

May 31, 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 letters dated May 26, 2006 and certified copies of Manatee County Ordinance Nos. PDR-05-04(Z)(P) and PDO-04-31(Z)(P), which were filed in this office on May 30, 2006.

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

Sincerely,

Liz Cloud  
Program Administrator

LC/mp

Enclosures

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