

FILED FOR RECORD  
R. B. SHORE

2007 APR 27 AM 9:48  
MANATEE COUNTY ZONING ORDINANCE  
PDR-05-10(Z)(P) - G & T LAND DEVELOPMENT/ST. IVES

CLERK OF THE CIRCUIT 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;  
PROVIDING FOR THE REZONING OF ± 29.49 ACRES APPROXIMATELY 600  
FT. EAST OF 99<sup>TH</sup> STREET NORTHWEST AT 9400 9<sup>TH</sup> AVENUE  
NORTHWEST, BRADENTON FROM THE A-1 (SUBURBAN AGRICULTURE,  
ONE DWELLING UNIT PER ACRE) AND A-1/CH (SUBURBAN AGRICULTURE,  
ONE DWELLING UNIT PER ACRE/COASTAL HIGH HAZARD OVERLAY)  
ZONING DISTRICTS TO PDR (PLANNED DEVELOPMENT RESIDENTIAL)  
AND PDR/CH (PLANNED DEVELOPMENT RESIDENTIAL RETAINING THE  
OVERLAY DISTRICT); APPROVING A PRELIMINARY SITE PLAN FOR 29  
LOTS FOR SINGLE-FAMILY DETACHED RESIDENCES; SUBJECT TO  
STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH  
FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING A LEGAL  
DESCRIPTION, AND PROVIDING AN EFFECTIVE DATE.

2007 APR 20 AM 10:17

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**WHEREAS**, G & T Land Development (the "Applicant") has filed a rezone application to rezone approximately 29.49 acres described in Exhibit "A", attached hereto, (the "Property") from the A-1 and A-1/CH (Suburban Agriculture, one dwelling unit per acre/Coastal High Hazard Overlay District) zoning district to the PDR and the PDR/CH (Planned Development Residential, retaining the Overlay District; and

**WHEREAS**, the Applicant has also filed a Preliminary Site Plan application for 29 lots for single-family detached residences (the "Project") to be located upon the Property; and

**WHEREAS**, the Applicant has also filed three requests for Special Approval to allow a Project: 1) partially in the Coastal Storm Vulnerability Area; 2) Coastal Planning Area; and 3) exceeding a net density of one dwelling unit per acre; and

**WHEREAS**, the Planning Staff has recommended approval of the rezone, Preliminary Site Plan, and Special 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 March 8, 2007 to consider the rezone, Preliminary Site Plan, and Special 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 Special 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 and A-1/CH (Suburban Agriculture, one dwelling unit per acre/Coastal High Hazard Overlay District) zoning district to the PDR and PDR/CH (Planned Development Residential, retaining the Overlay District).

B. The Board of County Commissioners held a duly noticed public hearing on April 5, 2007 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.

**Section 2. PRELIMINARY SITE PLAN** The Preliminary Site Plan is hereby APPROVED for 29 lots for single-family detached residences upon the Property subject to the Stipulations set out below. The Board hereby GRANTS Special Approval for a project: 1) partially in the Coastal Storm Vulnerability Area; 2) Coastal Planning Area; and 3) exceeding a net density of one dwelling unit per acre with the following Stipulations:

**STIPULATIONS**

1. The Notice to Buyers shall be included in the Declaration of Covenants and Restrictions, in a separate addendum to the sales contract, and in the Final Site Plan and shall include language informing prospective homeowners of the following:
  - a) The presence of neighboring agricultural uses which may possibly include pesticides and herbicides and may have odors and other impacts associated with such uses.
  - b) That they are purchasing a home in the Coastal Planning Area, Evacuation Zone B, and partially in a Coastal Storm Vulnerability Area and Coastal High Hazard Overlay District.

- c) They are adjacent to the Botanical Park and there are events that create noise in the area.
  - d) There is a prohibition on fences and walls at the rear of lots adjacent to 9<sup>th</sup> Ave. N.W.
- 2. Prior to Final Site Plan approval, the applicant shall gain approval of a Hurricane Evacuation Plan and Disaster Plan from the Director of Public Safety. The plan shall ensure delivery of the Manatee County "All-Hazard Guide" and Red Cross brochure "Your Family Disaster Plan" to each homeowner, and assure of receipt or posting of an evacuation zone map. Covenants and Restrictions for the subdivision shall provide for an ongoing responsibility for the Homeowner's Association to ensure that all subsequent purchasers receive copies of these documents.
- 3. The applicant and their heirs, assigns, or transferees are hereby notified that a payment of an impact fee for emergency shelter facilities shall be required if such impact fee is adopted by the Board of County Commissioners.
- 4.
  - (a) A six (6) foot high solid decorative wall with stucco and painted finish (or a wall of material with equivalent appearance and noise reduction properties) shall be provided along the north boundary. The wall shall be placed at the interior edge of the buffer along the north boundary.
  - (b) A twenty (20) foot wide landscape buffer, containing three (3) canopy trees (12 feet high, 5 foot spread) and thirty-three (33) shrubs (24-inch at time of planting) per 100 linear feet, shall be installed along 9<sup>th</sup> Ave. N. W.
  - (c) No fence or walls shall be placed in the rear of lots adjacent to 9<sup>th</sup> Ave. N.W.
- 5. To the maximum extent possible, existing native vegetation shall remain within required landscape buffers and be utilized to meet the buffering and screening requirements.
- 6. The recreational facility shall include a tennis court, benches, shade trees, a gazebo, and a picnic table. The details of the type of equipment and layout shall be shown on and approved with the Final Site Plan.
- 7. Prior to Final Plat approval, a Conservation Easement for the areas defined as post-development jurisdictional wetlands or wetland buffers and mitigation areas shall be dedicated to the County in accordance with LDC Section 719.11.1.3.
- 8. Lots shall not be platted through wetland buffers. Wetlands and wetland buffers shall be designated as common area, and included in the required Conservation Easement.
- 9. Cumulative impacts to 0.18 acres of herbaceous wetlands are proposed for stormwater pond construction. Mitigation shall consist of 0.36 acres of created herbaceous wetland in accordance with LDC ratios.

10. Wetland mitigation certification, mitigation security, and ongoing mitigation area monitoring shall occur in accordance with LDC Section 719. The applicant shall demonstrate compliance with all applicable requirements prior to Final Site Plan approval.
11. Nuisance vegetation removal shall occur in accordance with the Exotic Plant Species Management Plan submitted by Environmental Affairs Consultants, Inc. as received July 12, 2006, unless otherwise approved by the Planning Department. Removal of all exotic nuisance plant species from upland portions of the site shall be completed prior to Final Plat approval, in accordance with LDC Section 715.4. E.
12. No burning of trees or branches for land clearing is allowed.
13. Any wells discovered during land clearing shall be protected or abandoned in accordance with SWFWMD Rule Chapter 40D of the Florida Administrative Code.
14. The calculated pre-development flow rate shall be reduced by up to 50% for all stormwater outfall flow into the 9<sup>th</sup> Avenue Northwest drainage system. 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 runoff.
16. A Drainage Easement shall be dedicated to Manatee County and be shown on the Final Site Plan and Final Plat along the existing ditch on the eastern property line within the project boundaries. In addition, a Drainage-Maintenance Access Easement shall be provided along the existing ditch on the eastern property line. Drainage-Maintenance Access Easements shall be on clear and level ground, free of obstructions including landscaping, and be exclusive of any landscape or greenbelt buffer. Manatee County is only responsible for maintaining the free flow of drainage through these systems.
17. A Drainage Easement shall be dedicated to Manatee County and be shown on the Final Site Plan and Final Plat along the existing ditch on the northern property line from the existing ditch running north-south off site to the eastern property line within the project boundaries. In addition, a Drainage-Maintenance Access Easement shall be provided along the existing ditch on the northern property line from the existing ditch running north-south off site to the eastern property line. Drainage-Maintenance Access Easements shall be on clear and level ground, free of obstructions including landscaping, and be exclusive of any landscape or greenbelt buffer. Manatee County is only responsible for maintaining the free flow of drainage through these systems.
18. 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.
19. All lot owners shall be encouraged to participate in the Florida Yards and Neighborhoods Program. Information shall be provided in the sales office and provided to all lot purchasers.

20. A five foot wide sidewalk shall be required and installed on both sides of the internal roadways for the development and shall connect to the nearest sidewalk along 9th Ave. N.W.
  21. A non-vehicular ingress egress easement in a form acceptable to the County shall be recorded and shown on the Final Plat along 9th Ave. N.W. excluding the access point.
  22. Prior to Final Plat approval, one canopy tree shall be planted within twenty-five feet of the right-of-way of the internal street for every 50 linear feet, or substantial fraction thereof.
  23. 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 (Offenses Concerning Dead Bodies and Graves) shall be followed.
  24. Prior to Final Site Plan approval, the applicant shall improve 9<sup>th</sup> Avenue N.W. to a 22 foot wide pavement with grass shoulders per County standards along the project frontage and extending east to the entrance of Hawthorne Park. The improvement shall include an 8' multi-purpose path on the north side of the road.
  25. Prior to Final Plat approval the applicant shall improve 9th Avenue N.W. to a twenty (20) foot wide paved cross section with:
    - a two (2) foot stabilized shoulder on the south side
    - twenty (20) foot pavement to County standards
    - a stabilized shoulder (approximately eight (8) feet wide) ditch, and sidewalk separation as approved by the Transportation Department with a minimum 4 to 1 slope, and an eight (8) foot multi-purpose path along the project boundary and extending east to the entrance of Hawthorne Park.
- The multi-purpose path and ditch shall be transitioned to meet the existing sidewalk and ditch system as approved by the Transportation Director.
26. Prior to Final Site Plan approval, the fifty (50) foot right-of-way to the east shall be extended to the east property line, connecting 10th Ave. N.E.
  27. Prior to Final Site Plan approval, the view corridor north of the entrance shall be eighty (80) feet wide.
  28. A view corridor shall be installed north of the retention pond between Lots 24 and 25.
  29. A ten (10) foot wide landscaped buffer shall be installed along the side yard of the recreational area adjacent to Lot 8.

**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 and A-1/CH (Suburban Agriculture, one dwelling unit per acre/Coastal High Hazard Overlay District) zoning district to PDR and PDR/CH (Planned Development Residential, retaining the Overlay District); 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 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 5<sup>th</sup> day of April, 2007.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

BY:   
Chairman



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

BY:   
Deputy Clerk

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

THE EAST ½ OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼, ALSO THE WEST ½ OF THE WEST ½ OF THE SOUTHEAST ¼ OF THE SOUTHWEST ¼, ALL LYING AND BEING IN SECTION 24, TOWNSHIP 34 SOUTH, RANGE 16 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO EASEMENTS, DEDICATIONS, AND RESTRICTIONS OF RECORD.



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 18<sup>TH</sup> day of

April, 2007  
R.B. SHORE  
Clerk of Circuit Court

By Maggie Hamilton D.C.



## FLORIDA DEPARTMENT of STATE

**CHARLIE CRIST**  
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

**KURT S. BROWNING**  
Secretary of State

April 23, 2007

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

Attn: 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 April 18, 2007, and certified copies of Manatee County Ordinance No. PDR-05-10(Z)(P), which was filed in this office on April 20, 2007.

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

Sincerely,

Liz Cloud  
Program Administrator

LC/lbh  
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://dliis.dos.state.fl.us>

COMMUNITY DEVELOPMENT  
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