

FILED FOR RECORD  
R. B. SHORE

MANATEE COUNTY ZONING ORDINANCE  
2006 MAR 17 PM 3:49 PDR-05-47(Z)(P) - TRD LAND 43, LLC/THE GRASSLANDS

CLERK OF COUNTY COMMISSIONERS  
MANATEE CO. 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 43.42 ACRES GENERALLY LOCATED ON MYAKKA-  
WAUCHULA ROAD IMMEDIATELY SOUTH OF THE COUNTY PARK FROM  
THE A-1 (SUBURBAN AGRICULTURE, 1 DWELLING UNIT PER ACRE)  
ZONING DISTRICT TO THE PDR (PLANNED DEVELOPMENT RESIDENTIAL)  
ZONING DISTRICT; APPROVING A PRELIMINARY SITE PLAN TO ALLOW 43  
LOTS FOR SINGLE-FAMILY RESIDENCES SUBJECT TO STIPULATIONS AS  
CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A  
LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY AND PROVIDING  
FOR AN EFFECTIVE DATE.

**WHEREAS**, TRD Land 43, LLC (the "Applicant") has filed a rezone application to rezone approximately 43.42 acres described in Exhibit "A", attached hereto, (the "Property") from the A-1 (Suburban Agriculture, 1 dwelling unit 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 43 lots for single-family residences (the "Project") to be located upon the Property; and

**WHEREAS**, Planning staff recommended approval of the rezone and preliminary site plan 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, preliminary site plan, specific approval, 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 and preliminary site plan 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, 1 dwelling unit per acre) zoning district 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 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 to allow 43 lots for single-family residences upon the Property subject to the Stipulations set out below.

#### STIPULATIONS

1. The 20 foot wide roadway landscape buffer along Myakka-Wauchula Road shall be planted with canopy trees and evergreen shrubs in accordance with the following:

a. Canopy Trees.

- (i) 3 canopy trees (2 ½ inch caliper as measured 6 inches from the base of the tree) per 100 linear feet,
- (ii) 12' high in height, and
- (iii) 5' spread.

b. Evergreen shrubs. Thirty three evergreen shrubs per 100 linear feet of buffer, or fraction thereof, which meet the following minimum standards:

- (i) 30 inches in height.

Buffers shall be planted in an informal, staggered manner. Buffers shall be entirely planted prior to the first Final Plat approval.

2. Annual reports by a Landscape Architect shall be submitted to the Planning Department to demonstrate that the required canopy trees and hedges are growing at rate to achieve the required height and opacity requirement. If the annual report identifies that required landscaping has died or will not achieve the required height and opacity requirements, additional plantings shall be added as approved by the Planning Department. Annual reports shall be provided until the turnover of the subdivision to Homeowner's Association. Also, a private improvement bond shall be provided for required

landscaping and only released after certification provided by a landscape architect and approved by the Planning Department that the required height and opacity requirements have been achieved.

3. 25 ft. front yard setbacks are required for all lots. However, if a side-loaded garage is constructed, the front setback may be reduced to 20 ft.
4. The tot lot shall be a commercial grade tot lot with 7 or more play activities. The details shall be shown on the Final Site Plan.
5. The applicant shall provide pedestrian access through the site to the County park to the north. The details shall be shown on the Final Site Plan.
6. The lowest quality water possible shall be used for irrigation.
7. No lots shall be platted into perimeter buffers, roadway buffers, wetlands, or stormwater retention ponds.
8. A non-ingress egress easement shall be recorded adjacent to Myakka-Wauchula Road prior to or in conjunction with the Final Plat for each phase, except for approved entrances.
9. Overhead power lines or detention or retention ponds shall not be located within the landscape buffers or greenbelts.
10. Required landscaping shall be maintained and pruned in a manner that preserves the natural shape and growth characteristics of the species. Pruning that "lollipops" or grossly alters the natural characteristic form is prohibited.
11. Land clearing shall not commence until a Final Site Plan and Construction Plans have been approved. Land clearing, tree removal, or grading shall be limited to the specific phase receiving approval. No development-related land clearing activities (including exotic plant species removal) shall take place unless all approvals are obtained through the Planning Department.
12. Unless otherwise approved by the Planning Department, native xeriscape landscape materials shall be utilized in common areas. In addition, the developer shall encourage individual homeowner's to participate in the Florida Yards and Neighborhood Program by disseminating program information to individual lot owners.
13. Prior to Final Site Plan approval, the site shall be re-evaluated for the presence of threatened or endangered species.
14. If burning of trees or branches is required for land clearing, a burn permit must be first obtained from the Environmental Management Department.
15. Any encroachment into the required 30' wetland buffer due to additional right-of-way dedication shall be compensated in accordance with the LDC at a 1:1 ratio. The Final Site Plan shall clearly delineate label and quantify all encroachment and compensation

areas.

16. Conservation Easements (inclusive of areas defined as wetlands and wetland buffers) and Preservation Easements (common areas with tree groupings designated for preservation, and upland preservation) shall be recorded concurrently with the Final Plat. The boundaries of conservation or preservation areas shall be marked with signs that indicate the type of area reference (b) above. The number and placement of signs shall be approved by the Planning Department with the Final Site Plan approval. The developer shall include information in the deed restrictions concerning the conservation and preservation easements, the limitations on use therein, maintenance of the easement area, maintenance of the signs, and the consequences of violations.
17. Five foot sidewalks are required on both sides of internal roadways and on both sides of Myakka-Wauchula Road extending a minimum of 100 ft. beyond the north and south property lines to meet existing sidewalks.
18. In lieu of the planted buffer along the south property line, the applicant shall provide a solid, 6 ft. opaque wall or fence. Details of the wall or fence shall be provided with the Final Site Plan.
19. 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.
20. A Drainage Easement shall be dedicated to Manatee County and be shown on the Final Site Plan and Final Plat along the drainage ditch in the northwest corner of the project. In addition, a twenty-five (25) foot Drainage-Maintenance Access Easement shall be provided along both sides of the drainage ditch in the northwest corner of the project. Manatee County is only responsible for maintaining the free flow of drainage through these systems.
21. The portion of a twenty-five (25) foot Drainage-Maintenance Access Easement shall be provided within the project boundaries along the north top-of-bank of the drainage ditch running east to west from Myakka City-Wachula Road. Manatee County is only responsible for maintaining the free flow of drainage through these systems.
22. There shall be a full 25-year attenuation on all stormwater ponds within the development.
23. Existing wells shall be kept in a watertight manner and be protected during all construction activities.
24. The Final Site Plan shall clearly indicate that the minimum 25% open space has been met and show how it has been met.

**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 A-1 (Suburban Agriculture, 1 dwelling unit 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.

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

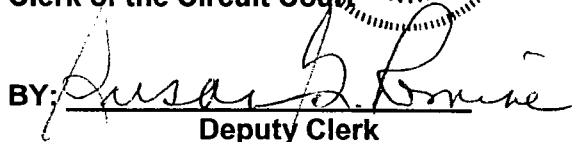
BY:

  
Chairman



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

BY:

  
Deputy Clerk

EXHIBT "A"  
LEGAL DESCRIPTION OF THE PROPERTY

THE EAST ½ OF THE SW ¼ OF SECTION 12, TOWNSHIP 36 SOUTH, RANGE 21 EAST,  
MANATEE COUNTY, FLORIDA.  
LESS THE NORTH 1200.00' THEREOF LESS THE EAST 33.0' THEREOF SUBJECT TO  
RIGHT-OF-WAY FOR (MYAKKA-WAUCHULA RD).



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

Witness my hand and official seal this 8<sup>th</sup> day of

March, 2006

R.B. SHORE  
Clerk of Circuit Court

By: Maggie Hamilton C.C.

FILED FOR RECORD  
R. B. SHORE

2006 MAR 17 PM 3:49

CLERK OF CIRCUIT COURT  
MANATEE CO. FLORIDA



FLORIDA DEPARTMENT OF STATE

**Sue M. Cobb**

Secretary of State

DIVISION OF LIBRARY AND INFORMATION SERVICES

March 15, 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 9, 2006 and certified copy of Manatee County Ordinance No. PDR-05-47(Z)(P), which was filed in this office on March 14, 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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