

**MANATEE COUNTY ZONING ORDINANCE
PDR-05-51(Z)(P) – POPE / SILVER POPE**

2007 NOV 15 PM 3: 29

CLERK OF THE CIRCUIT COURT
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,
PROVIDING FOR THE REZONING OF APPROXIMATELY 24.2 ACRES ON
THE NORTH SIDE OF CR 675, ± 0.5 MILES EAST OF US 301, AT 12740 CR
675, PARRISH FROM A-1/NCO ZONING DISTRICT (SUBURBAN
AGRICULTURE/NORTH CENTRAL OVERLAY) TO THE PDR/NCO ZONING
DISTRICT (PLANNED DEVELOPMENT RESIDENTIAL/NORTH CENTRAL
OVERLAY); APPROVING A PRELIMINARY SITE PLAN TO ALLOW 26 LOTS
FOR SINGLE-FAMILY DETACHED 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, Stephen and Nancy Pope (the "Applicant") have filed a rezone application to rezone approximately 24.2 acres described in Exhibit "A", attached hereto, (the "Property") from A-1/NCO zoning district (Suburban Agriculture/North Central Overlay District) to the PDR/NCO zoning district (Planned Development Residential/North Central Overlay); and

WHEREAS, the Applicant has also filed a Preliminary Site Plan application to allow 26 lots for single-family detached residences (the "Project") to be located upon the Property; and

WHEREAS, the Applicant has also filed a request for Special Approval for a project exceeding 1 dwelling unit per acre in the UF-3 Future Land Use Category; and

WHEREAS, Planning staff 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 October 11, 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 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/NCO zoning district (Suburban Agriculture/North Central Overlay) to the PDR/NCO zoning district (Planned Development Residential/North Central Overlay).

B. The Board of County Commissioners held a duly noticed public hearing on November 1, 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.

D. The Board hereby finds that the Project will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved to allow 26 lots for single-family detached residences (the "Project") to be located upon the Property subject to the following Stipulations:

STIPULATIONS

DESIGN AND LAND USE CONDITIONS:

1. Prior to Final Site Plan Approval, applicant shall redesign the school bus turnaround in cooperation with staff from the County and the School Board of Manatee County to maximize safety and efficiency.
2. Pool cages shall be constructed using dark materials.

TRANSPORTATION CONDITIONS:

3. Prior to FSP approval, the applicant shall provide a noise mitigation analysis for mitigation of noise from CR 675. Such analysis shall demonstrate noise mitigation based on projected 2025 traffic volumes. The noise mitigation measure shall be

installed as required by the approved plan prior to issuance of the first Certificate of Occupancy.

4. The developer shall provide an easement to Manatee County to accept stormwater for the CR 675 right-of-way to accommodate roadway expansion along with a right of access to modify the stormwater system to create additional treatment and attenuation capacity, at the expense of the County.

INFRASTRUCTURE CONDITIONS:

5. This project shall be required to connect to the Manatee County Sanitary Sewer System.
6. The temporary turnaround for the future inter-neighborhood tie to the northwest shall be paved to county standards.

STORMWATER CONDITIONS:

7. There shall be a full, 25-year attenuation on all stormwater ponds within the development.
8. 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.
9. Routing and modeling of the existing conditions shall be provided with the Drainage Model and Construction Plan for all natural drainage systems within and surrounding this project taking into consideration all wetland storage and ground depressions.
10. 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.

ENVIRONMENTAL CONDITIONS:

11. Wetland Buffer Restoration shall be completed in accordance with the Environmental Narrative provided by Zoller, Najjar & Shroyer, LC, as received on August 17, 2005. Wetland buffer restoration shall be completed prior to Final Plat approval.
12. The type and location of the required "Conservation Area" signs shall be shown and approved by the Planning Department with the Final Site Plan. Signs shall be installed prior to Final Plat approval.

13. Prior to Final Plat approval, a Conservation Easement for the areas defined as post-development jurisdictional wetlands and wetland buffers shall be dedicated to the County in accordance with Section 719.11.1.3 of the LDC.
14. Exotic and nuisance vegetation removal shall occur in accordance with the Exotic Species Removal Plan submitted by Zoller, Najjar & Shroyer, as received on November 30, 2005, unless otherwise approved by the Planning Department. Initial removal shall occur prior to Final Plat approval, in accordance with Section 715.4 of the LDC. The site shall be maintained free from nuisance species for the life of the project.
15. An ERP approved by SWFWMD shall be provided for review prior to Final Site Plan approval.
16. A Well Management Plan for the proper rehabilitation or abandonment of existing wells shall be submitted to the EMD for review and approval prior to Final Site Plan approval.
17. Irrigation for landscaping shall use the lowest water quality source available. Use of Manatee County public potable water supply shall be prohibited, including on individual lots.
18. If burning of trees or branches is required for land clearing, a burn permit must be first obtained from the Environmental Management Department. No burn permits will be issued until Final Site Plans are approved.

RECREATIONAL:

19. The multi-age playground shall be commercial grade. The details of the type of equipment and layout shall be shown on the Final Site Plan.
20. Three or more shade trees shall be added near the playground.
21. A bench shall be added facing the conservation area along the trail.

NOTICES:

22. The Homeowner's Documents shall include a notice to inform homeowners that an inter-neighborhood tie for this project will connect to a future roadway when development occurs on property to the west.
23. Prior to Final Plat approval, the applicant shall post a sign at the inter-neighborhood tie to inform prospective purchasers and residents of the future inter-neighborhood tie. The size, placement, and materials for this sign shall be determined with the Final Site Plan.

24. Recreational or scenic corridors and common area wetland buffers shall be identified by signs and maintained by the Homeowners' Association.

Section 3. SPECIAL APPROVAL. Special Approval is hereby granted for a project exceeding 1 dwelling unit per acre in the UF-3 Future Land Use Category. This Special Approval shall continue in effect and shall expire concurrent with the Preliminary Site Plan for the Project approved pursuant to Section 2 hereof.

Section 4. 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 A-1/NCO zoning district (Suburban Agriculture/North Central Overlay) to the PDR/NCO zoning district (Planned Development Residential/North Central Overlay), 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 5. 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 6. 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 7. 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 1st day of November, 2007.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA



BY: _____

Guy Steen
Chairman

ATTEST:

R. B. SHORE
Clerk of the Circuit Court

BY: _____

Susan D. Roman
Deputy Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

DESCRIPTION: SILVER/POPE - REZONE PARCEL

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 28, TOWNSHIP 33 SOUTH, RANGE 19 EAST; THENCE RUN N 00°12'25" W, A DISTANCE OF 1319.46 FEET, TO THE SOUTHWEST CORNER OF THE NORTHWEST 1/4, OF THE SOUTHWEST 1/4 OF SAID SECTION 28; THENCE CONTINUING N 00°12'25" W, ALONG THE WEST LINE OF SAID SECTION 28, A DISTANCE OF 75.35 FEET; THENCE N 86°02'57" W ALONG THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD 675, A DISTANCE OF 167.26 FEET TO THE BEGINNING OF A CURVE TO THE LEFT WHOSE RADIUS POINT LIES N 03°57'03" E, A DISTANCE OF 6825.39 FEET; THENCE CONTINUING EASTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 191.74 FEET THROUGH A CENTRAL ANGLE OF 01°36'34"; THENCE N 00°01'23" W, A DISTANCE OF 325.27 FEET TO THE POINT OF BEGINNING; THENCE N 30°15'51" W, A DISTANCE OF 104.27 FEET; THENCE N 59°44'09" E, A DISTANCE OF 165.01 FEET; THENCE N 34°56'38" W, A DISTANCE OF 7.96 FEET TO THE BEGINNING OF A CURVE TO THE LEFT WHOSE RADIUS POINT LIES S 55°45'27" W; A DISTANCE OF 25.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, A DISTANCE OF 20.27 FEET THROUGH A CENTRAL ANGLE OF 46°27'23" TO A POINT OF REVERSE CURVATURE WITH A CURVE TO THE RIGHT WHOSE RADIUS POINT LIES N 09°18'04" W, A DISTANCE OF 56.00 FEET; THENCE NORTHERLY AND EASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 221.88 FEET THROUGH A CENTRAL ANGLE OF 227°01'05" TO THE END OF SAID CURVE; THENCE N 55°19'09" E, A DISTANCE OF 104.50 FEET; THENCE N 00°00'00" E, A DISTANCE OF 140.69 FEET; THENCE N 90°00'00" E, A DISTANCE OF 760.54 FEET; THENCE S 00°16'34" E, A DISTANCE OF 188.94 FEET; THENCE S 89°57'15" E, A DISTANCE OF 665.72 FEET; THENCE S 00°17'20" E, A DISTANCE OF 608.59 FEET; THENCE S 89°34'59" W, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF AFOREMENTIONED STATE ROAD 675, A DISTANCE OF 1315.98 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT WHOSE RADIUS POINT LIES N 00°25'01" W, A DISTANCE OF 6825.39 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT ALSO BEING SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 43.23 FEET THROUGH A CENTRAL ANGLE OF 00°21'47"; THENCE N 00°15'54" W, A DISTANCE OF 331.31 FEET; THENCE S 89°55'51" W, A DISTANCE OF 279.91 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 28, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 24.27 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 2nd day of November, 2001
R.B. SHORE
Clerk of Circuit Court
By: E. C. Cordero D.C.



FILED FOR RECORD
R. B. SHORE

2007 NOV 15 PM 3: 29

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

November 8, 2007

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

Attention: Quantana Acevedo, D.C.

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated November 2, 2007 and certified copies of Manatee County Ordinance No. 07-09, PDI-06-41(Z)(P), PDMU-06-61(P) and PDR-05-51(Z)(P), which were filed in this office on November 7, 2007.

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

Sincerely,

Liz Cloud
Program Administrator

LC/lbh
Enclosures

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://dlis.dos.state.fl.us>

COMMUNITY DEVELOPMENT
850.245.6600 • FAX: 850.245.6643

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RECORDS MANAGEMENT SERVICES
850.245.6750 • FAX: 850.245.6795

ADMINISTRATIVE CODE AND WEEKLY
850.245.6270 • FAX: 850.245.6282