

FILED FOR RECORD
R. B. SHORE

MANATEE COUNTY ZONING ORDINANCE
PDR-06-13(P) – WILLIAM MANFULL – MANFULL SUBDIVISION (FKA 90TH STREET
NORTHWEST SUBDIVISION (DTS # 20060015)

2008 SEP 16 AM 7:19
CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; PERTAINING TO APPROXIMATELY 9.41 ACRES ON THE NORTH SIDE OF 21ST AVENUE NORTHWEST, SOUTH OF THE MANATEE RIVER, AND $\pm\frac{1}{2}$ MILE WEST OF 75TH STREET WEST AT 2400 90TH STREET NORTHWEST, BRADENTON IN THE PDR (PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICT; APPROVING A PRELIMINARY SITE PLAN FOR 15 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 AN EFFECTIVE DATE.

WHEREAS, William Manfull (the "Applicant") filed an application for a Preliminary Site Plan for approximately 9.41 acres described in Exhibit "A", attached hereto, (the "Property") for 15 lots for single-family detached residences; and

WHEREAS, the applicant filed a request for Special Approval for a project: 1) partially within the Coastal High Hazard Overlay District; 2) partially within the Coastal Storm Vulnerability Area, 3) within the Coastal Evacuation Area; and 4) adjacent to a perennial stream; and

WHEREAS, the applicant filed a request for Specific Approval for an alternative to Section 722.1.4.3 of the Land Development Code; and

WHEREAS, Planning staff recommended approval of the Preliminary Site Plan, Special Approval, and Specific Approval, subject to the stipulations contained in the staff report; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on June 12, 2008, to consider the Preliminary Site Plan application, received the staff recommendation, 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 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 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.

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CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

The Board of County Commissioners, after considering the testimony, evidence, documentation, 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 a Preliminary Site Plan as it relates to the real property described in Exhibit "A" of this Ordinance.

B. The Board of County Commissioners held a duly noticed public hearing on August 7, 2008, and September 4, 2008, regarding the proposed Preliminary Site Plan described herein in accordance with the requirements of Manatee County Ordinance 90-01 (the Manatee County Land Development Code), and has further considered the information received at the public hearing.

C. The proposed Preliminary Site Plan regarding the property described in Exhibit "A" herein is found to be consistent with the requirements of Manatee County Ordinance 89-01, the 2020 Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Land Development Code.

D. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 722.1.4.3, the Board finds that the public purpose and intent of the LDC regulation is satisfied to an equivalent degree. The road will be private and serve only 15 lots. The design should not adversely impact the safety or welfare of the residents, neighbors, or the general public.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for 15 lots for single-family detached residences upon the Property subject to the following Stipulations:

STIPULATIONS

A. **DESIGN AND LAND USE CONDITIONS:**

1. Approval of this site plan shall have no effect on the previously approved private street at this location (PS-91-02 – 90th Street NW). The Homeowner's Association shall be responsible for the maintenance of all common elements in the subdivision including the private street from 21st Avenue Northwest to the cul-de-sac. This portion of the private street shall be upgraded to comply with the current County Public Work standards.
2. Enhanced landscaping, including a continuous hedge and 6 understory trees, shall be provided around the lift station.

3. A temporary chain link fence shall be installed south of the Indian Mound during construction of the subdivision. The fence shall be removed upon completion of the horizontal site improvements.
4. Approval by the Board of County Commissioners of the Preliminary Site Plan is subject to the right of ingress and egress of the South Florida Museum, Inc. its successors, assigns and invitees to and from 21st Avenue Northwest to the Pillsbury Indian Mound, described in Addendum to the warranty deed from the South Florida Museum Inc. to Mote Scientific Foundation Inc., said deed recorded at Official Records Book, 1051, Page 130 and the Addendum to Deed recorded at Official Records Book 1051, Page 132, of the Public Records of Manatee County, Florida.

The applicant shall depict the location of the easement described in O.R. Book 1051, Page 132 on the recorded Final Plat of this project. The easement shall be collocated with the private road in the subdivision and extend to the north to the site of the Pillsbury Indian Mound.

B. TRANSPORTATION CONDITIONS:

1. The cul-de-sac shall be re-designed to meet Manatee County Public Work standards.
2. At time of Final Site Plan and Construction Plan approval, the developer shall be responsible for any additional on-site or off-site transportation operational and safety improvements attributable to this project, as determined by the Public Works Department, and in accordance with LDC Section 722.1.3.4, as well as any capacity improvements associated with the issuance of a Certificate of Level of Service.
3. 21st Avenue NW shall be improved to local urban standards with curb and gutter from the current terminus adjacent to River Harbor West to the west side of the lift station driveway. No turn-around or cul-de-sac shall be required at this terminus.

C. INFRASTRUCTURE CONDITIONS:

1. Water and wastewater facilities shall be privately owned and maintained.
2. Roads shall be constructed to meet the 100-year design storm elevation.
3. All waste water manhole rims, service clean-outs, and lift station wet well and valve vault covers shall be set 12 inches above the 25-year flood plain elevation or 4 inches above the 100-year floodplain elevation, whichever is greater. The applicant shall provide a copy of the approval letter from Manatee County Utility Division that states manholes, service clean-outs, and lift station wet well and valve vault covers are to be installed at these required elevations and detail

sheet that illustrates they are to be watertight to the Public Works Department prior to Final Site Plan and Construction Plan approval.

4. Irrigation for landscaping shall use the lowest water quality source available, which shall be identified on the Final Site Plan. Use of Manatee County public potable water supply shall be prohibited.
5. The applicant shall install dry lines for hook-up to future reuse lines and shall be provided for the entire subdivision, common area and single-lot irrigation. At such time that reclaimed water becomes available for the project, use of storm water or groundwater for irrigation shall be discontinued.
6. At time of Final Site Plan and Construction Plan approval the lift station and lift station access shall be designed to meet Manatee County standards.
7. Backflow preventers shall be required on all potable water services provided by the home builder and yearly maintenance to be by the home owner.

D. STORMWATER CONDITIONS:

1. There shall be a full 25-year attenuation on all storm water ponds within the development.
2. Routing and modeling of the existing conditions shall be provided with the Drainage Model and Construction Plans for all natural drainage systems within and surrounding this project taking into consideration all wetland storage and ground depressions.
3. The Drainage Model and Construction Plans shall demonstrate that no adverse impacts will be created to neighboring residents surrounding the site in respect to drainage routing, grading, and runoff.
4. All lots shall be graded at minimum to provide positive drainage to the internal drainage system or retention ponds.

E. BUFFER CONDITIONS:

1. The 20' roadway buffer shall include either: 1) a 6' high decorative wall or fence with 2 canopy trees and 33 shrubs per 100 linear feet, or 2) a combination of either 2 canopy trees or 3 understory trees, with 33 shrubs per 100 linear feet to achieve an 80% opacity at a height of 6 feet within 3 years of planting. All required landscaping shall be installed on the exterior side of the fence or wall.
2. The east, west, and north (north of Lot #7 and north of the existing drive, north of Lot #6) perimeter buffers shall be minimum of 15' wide, exclusive of any retention ponds, and include either: 1) a 6' high decorative wall or fence with 2 canopy trees and 33 shrubs per 100 linear feet, or 2) a combination of either 2 canopy trees or

3 understory trees, with 33 shrubs per 100 linear feet to achieve an 80% opacity at a height of 6 feet within 3 years of planting. All required landscaping shall be installed on the exterior side of the fence of wall.

3. All required screening shall be installed prior to Final Plat approval.
4. Any walls or fences within the roadway or perimeter buffers shall be measured from the finished grade of the adjacent roadway or lot (exclusive of any swales), whichever is greater. This requirement shall be verified with a cross-section detail on the Final Site Plan.
5. A detail of the wall(s) or fence(s), showing the colors, materials, and height must be provided with the Final Site Plan staff review and approval.

F. ENVIRONMENTAL CONDITIONS:

1. Any 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.
2. Any ground disturbance or excavation within Lot #15, south of the existing garage and turn-around, shall be performed under the supervision of an on-site registered professional archaeologist.
3. There shall no open burning of trees or branches for land clearing.
4. The existing dock facility shall be limited to use by the existing residence only. "No Mooring" signs shall be placed along the length of the dock to prohibit use by other vessels. Details shall be included with the Final Site Plan.
5. Prior to Final Site Plan approval a Manatee Awareness sign shall be shown to be installed adjacent to the existing dock. Details shall be provided with the Final Site Plan.
6. Prior to Final Site Plan approval a Well Management Plan shall be provided to the Planning Department for review and approval by the Environmental Management Department.
7. An Exotic Plant Species Management Plan shall be submitted for review and approval prior to or concurrent with Final Site Plan or Construction Plan approval. The management plan shall provide for the continued, phased, removal of nuisance, exotic plant species that become reestablished within common areas of a residential development and open spaces within non-residential projects, for the life of the project. Removal of all exotic nuisance plant species from upland

portions of the site shall be completed prior to the first Certificate of Occupancy issuance or Final Plat approval, in accordance with LDC Section 715.4.

8. All trees within the area proposed for construction activities that are to be preserved shall have protective chain link barricades constructed at their drip lines prior to commencement of construction. No improvements, fill, grade changes or compaction of soil due to heavy machinery will be permitted within the drip-line of trees proposed to be preserved. Trees that cannot be protected completely to the drip-line should be accounted for in the tree removal and replacement matrix. Tree barricades will be required to be shown with the Final Site Plan and Construction Plans.
9. A Water Well Construction Permit must be obtained from the EMD prior to construction of the proposed well(s).
10. Existing wells shall be kept in a watertight manner and be protected during all construction activities.
11. An ERP approved by SWFWMD shall be provided to the Planning Department for review prior to Final Site Plan approval.
12. Underground or aboveground pollutant storage tank installation or removal must conform to the requirements of Chapters 62-761, Florida Administrative Code.

G. PUBLIC SAFETY CONDITIONS:

1. 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 evaluation zone map. The homeowner's association shall ensure that all subsequent purchasers receive copies of these documents. The Homeowners Documents and Final Site Plan shall include a notice to inform homeowners that they are purchasing a home in the Coastal High Hazard Area.

H. RECREATIONAL:

1. The 5 (five) foot wide sidewalk along 21st Avenue NW, as shown on the Preliminary Site Plan, shall be expanded to a 10 (ten) foot wide multi-use trail and extend along 21st Avenue NW to the west property line. In addition, provided there is existing ROW, a 5' (five) sidewalk shall be constructed, off-site to connect to the existing sidewalk in Mango Park Subdivision. Manatee County shall be required to remove or relocate the existing barrier to accommodate this off-site sidewalk. The design shall be reviewed and approved with the Final Site Plan and Construction Plans. The Applicant shall be entitled to recreational impact fee credits for the dedication of up to 15 feet of right-of-way as required for proper alignment and construction of the 10 foot wide multi-use trail. The

area to be dedicated shall be shown on the Final Site Plan. Further, the Applicant shall be entitled to recreational impact fee credits for the additional construction costs attributable to the additional 5 feet of trail required. The value of the land to be dedicated shall be based upon the per acre value of the land as determined by the Property Appraiser on the 2007 tax rolls (\pm \$264,000). The impact fee credit granted can not exceed the total recreational impact fees due for the project.

2. An interpretive sign, in addition to two benches and 4 canopy trees, shall be installed in the passive recreation area adjacent to the Indian Mound. The details (content and materials) of the sign shall be provided with the Final Site Plan for review and approval.

I. NOTICES:

1. 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 homeowners in the project of: 1) the location of the Pillsbury Indian Mound and its historical significance, 2) the site being partially within the Coastal High Hazard and Coastal Storm Vulnerability Areas, and entirely in the Coastal Planning and Coastal Evacuation Areas (as defined by the Manatee County Land Development Code and Comprehensive Plan), 3) the approved Hurricane Evacuation Plan for the project, and 4) the existing Private Street agreement (PS-91-02), including the information contained in Stipulation A.1 of this Ordinance, and 5) the location of the easement providing the right of ingress and egress of the South Florida Museum Inc. its successors, assigns and invitees to and from 21st Avenue Northwest to the Pillsbury Indian Mound, with reference to the deed from the South Florida Museum Inc. to Mote Scientific Foundation Inc., said deed recorded at Official Records Book 1051, Page 130 and the Addendum to Deed recorded at Official Records Book 1051, Page 132, of the Public Records of Manatee County, Florida.

Section 3. SPECIAL AND SPECIFIC APPROVALS. Special Approval is here by granted for a project: 1) partially within the Coastal High Hazard Overlay District; 2) partially within the Coastal Storm Vulnerability Area, 3) within the Coastal Evacuation Area; and 4) adjacent to a perennial stream. 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. Specific Approval is hereby granted for an alternative to Section 722.1.4.3 of the Land Development Code. This Specific 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. 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, 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, the ordinance if 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 4th day of September, 2008.

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

BY: 

Chairman

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

BY: 

Deputy Clerk



EXHIBIT "A"

A tract of land lying in the Northwest 1/4 of the Northeast 1/4 of Section 24, Township 34 South, Range 16 East, Manatee County, Florida and described as follows:

Commence at the Southwest corner of said Northwest 1/4 of the Northeast 1/4 of Section 24; thence N.00°34'23"E., along the west line of said Northwest 1/4 of the Northeast 1/4 of Section 24, a distance of 681.14 feet to the southwest corner of a parcel as described in Official Record Book 1105, Page 2543, Public Records of Manatee County, Florida; thence S.89°21'32"E., along the south line of said parcel, a distance of 204.65 feet to the southeast corner of said parcel; thence N.00°34'23"E., along the east line of said parcel, a distance of 58.37 feet to a point on the south line of a parcel as described in Official Record Book 632, Page 769 in the above mentioned Public Records; thence S.89°21'32"E., along said south line, a distance of 75.00 feet to the southeast corner of said parcel, being the POINT OF BEGINNING; thence N.00°34'23"E., along the east line of said parcel, a distance of 300.00 feet to the northeast corner of said parcel; thence N.89°21'32"W., along the north line of said parcel, a distance of 75.00 feet; thence N.00°34'23"E., a distance of 236.27 feet to a point on the Mean High Water Line as recorded at the Florida Department of Environmental Protection, Survey File 1871, dated 5-20-98; thence along said Mean High Water Line for the following five (5) calls; (1) thence N.79°13'36"E., a distance of 30.28 feet; (2) thence N.78°43'10"E., a distance of 29.50 feet; (3) thence N.76°21'59"E., a distance of 30.00 feet; (4) thence N.72°24'10"E., a distance of 29.62 feet; (5) thence N.73°01'09"E., a distance of 35.80 feet to a point on the west line of a parcel as described in Official Record Book 1642, Page 780 in the above mentioned Public Records; thence S.00°34'48"W., along said west line, a distance of 575.86 feet; thence N.89°21'32"W., a distance of 74.84 feet to the POINT OF BEGINNING.

Said tract contains 60,528 square feet or 1.3895 acres, more or less.

A tract of land lying in the Northwest 1/4 of the Northeast 1/4 of Section 24, Township 34 South, Range 16 East, Manatee County, Florida and described as follows:

BEGIN at the Southwest corner of said Northwest 1/4 of the Northeast 1/4 of Section 24; thence N.00°34'23"E., along the west line of said Northwest 1/4 of the Northeast 1/4 of Section 24, a distance of 681.14 feet to the southwest corner of a parcel as described in Official Record Book 1105, Page 2543, Public Records of Manatee County, Florida; thence S.89°21'32"E., along the south line of said parcel, a distance of 204.65 feet to the southeast corner of said parcel; thence N.00°34'23"E., along the east line of said parcel, a distance of 58.37 feet to a point on the south line of a parcel as described in Official Record Book 632, Page 769 in the above mentioned Public Records; thence S.89°21'32"E., along said south line and the easterly extension thereof, a distance of 149.84 feet to a point on the west line of a parcel as described in Official Record Book 1642, Page 780 in the above mentioned Public Records; thence S.00°34'48"W., along said west line, a distance of 58.54 feet to the southwest corner of said parcel; thence S.89°53'04"E., along the south line of said parcel, a distance of 149.66 feet to a point 20.00 feet west of the west line of River Harbor West, Unit 1 as recorded in Condominium Book 17, Page 143 in the above mentioned Public Records; thence S.00°34'48"W., parallel with and 20.00 feet west of said west line, a distance of 666.09 feet to a point on the north right-of-way line of 21st Avenue Northwest (variable width public right-of-way); thence along said north right-of-way line for the following three (3) calls; (1) thence N.89°28'14"W., a distance of 173.99 feet; (2) thence S.00°47'52"W., a distance of 15.12 feet; (3) thence N.89°29'47"W., a distance of 330.00 feet to the POINT OF BEGINNING.

Containing 349,253 square feet or 8.0178 acres, more or less.



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 9th day of September, 2008
R.B. SHC
Clerk of Court
E. S. Ochoa D.C.



FILED FOR RECORD
R. B. SHORE

2008 SEP 16 AM 7:18

FLORIDA DEPARTMENT of STATE

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

September 11, 2008

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

Attention: Ms. Diane E. Vollmer, D.C.

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated September 9, 2008 and certified copies of Manatee County Ordinance Nos. Z-06-18, PDR-06-13(P), and PDMU-06-80(G)(R), which were filed in this office on September 11, 2008.

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

Sincerely,

Liz Cloud
Program Administrator

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

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