

**MANATEE COUNTY ZONING ORDINANCE**  
**PDR-06-70(Z)(P) – ACT ENTERPRISES, LLC AND ALICE CISLO / KLONDIKE ACRES**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE NO. 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE) RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR A REZONE OF APPROXIMATELY 15.78 ACRES ON MYAKKA-WAUCHULA ROAD, MYAKKA CITY FROM A-1 (SUBURBAN AGRICULTURE) TO THE PDR (PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICT; APPROVAL OF A PRELIMINARY SITE PLAN FOR 13 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**, ACT Enterprises, LLC and Alice Cislo (the "Applicant") filed an application to rezone approximately 15.78 acres described in Exhibit "A", attached hereto, (the "property") from A-1 (Suburban Agriculture) to the PDR (Planned Development Residential) zoning district; and

**WHEREAS**, the applicant also filed a Preliminary Site Plan application for 13 lots for single-family detached residences (the "project") on the property; and

**WHEREAS**, Planning staff recommended approval of the rezone and Preliminary Site Plan 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 January 10, 2008 to consider the rezone and Preliminary Site Plan, 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.

The Board of County Commissioners, 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 A-1 (Suburban Agriculture) to the PDR (Planned Development Residential) zoning district.

B. The Board of County Commissioners held a duly noticed public hearing on February 7, 2008, regarding the 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 the 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 13 lots for single-family detached residences, upon the property subject to the following Stipulations:

### **STIPULATIONS**

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

1. The applicant shall provide a minimum 5 ft. wide sidewalk and pedestrian access connection through the site to the county park to the south. The details shall be shown on the Final Site Plan. The connection shall not be part of any lot.
2. All lots adjacent to active agricultural operation shall have an additional 35' setback. If an adjoining agricultural operation is no longer in effect at the time of submittal of the Final Plat, then the requirements of Section 702.6.7 shall no longer apply, and the additional 35' setback may be eliminated from the plat.
3. 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.
4. Any significant historical or archaeological resource 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 (Offences Concerning Dead Bodies and Graves) shall be followed.
5. The Final Site Plan shall show the existing homes to remain and access to these lots.

**B. TRANSPORTATION CONDITIONS:**

1. The Final Plat shall include a 5' wide non-vehicular ingress/egress easement along Myakka-Wauchula Road.
2. Five foot wide sidewalks shall be provided along both sides of the new internal road. A five foot wide sidewalk shall be required along both sides of Myakka-Wauchula Road to the south to connect to the nearest sidewalks.
3. Prior to Final Site Plan approval, 17 feet (50 feet half-width) right-of-way shall be dedicated to Manatee County.
4. The applicant shall be responsible for any additional on-site or off-site related safety improvements or capacity improvements attributable to this project, as determined by the Planning Department, based on the findings of the traffic study report. This may include traffic lights or signs at the intersection.
5. Impact fee credits shall be determined pursuant to Chapter 8 of the Land Development Code; however, impact fee credits for right-of-way dedication shall be limited to a maximum of \$2,500. The developer shall waive any claim for impact fee dedication credit in excess of \$2,500.

**C. INFRASTRUCTURE CONDITIONS:**

1. Prior to the Final Site Plan approval, the Engineer of Record or Architect must provide documentation to prove that concurrency has been met relative to fire flow.
2. The engineered design for all septic systems must be approved by the Manatee County Health Department prior to issuance of the Building Permit for each lot.
3. Prior to Final Site Plan approval, stormwater treatment areas shall be shown and comply with separation requirements from septic tank systems.

**D. STORMWATER CONDITIONS:**

1. Existing storage volume in existing ponds or drainage ditches that are proposed to be permanently impacted shall be compensated with equal or greater volume in the proposed stormwater retention ponds.
2. 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.
3. 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.

E. BUFFERS:

1. The applicant shall provide a minimum 20 ft. wide greenbelt buffer along the east property line. This buffer shall include at a minimum 3 canopy trees and 2 understory trees per 100 l.f. of frontage, as well as 33 shrubs. This shall be shown on the landscape plan submitted with the Final Site Plan.
2. The applicant shall provide a 15 ft. wide roadway buffer along their frontage on Myakka-Wauchula Road. Details shall be shown in the Final Site Plan submittal.

F. ENVIRONMENTAL CONDITIONS:

1. An ERP approved by SWFWMD shall be provided to the Planning Department for review prior to Final Site Plan approval.
2. A Water Well Construction Permit must be obtained from the EMD prior to construction of the proposed well(s).
3. Existing wells shall be kept in a watertight manner and be protected during all construction activities.
4. A Well Management Plan for the proper rehabilitation and abandonment of existing wells shall be submitted to the EMD for review and approval prior to Final Site Plan approval.
5. Irrigation for landscaping shall use the lowest water quality source available, which shall be identified on the Final Site Plan.
6. Underground or aboveground pollutant storage tank installation or removal must conform to the requirements of Chapters 62-761, Florida Administrative Code.

G. RECREATIONAL:

1. The applicant shall provide a minimum ½ acre tot lot or other recreation facility within the site as well as pedestrian access to the County Park to the south. The recreational facility will provide a commercial grade tot lot, benches, and picnic tables. The details of the type of equipment and layout shall be shown on the Final Site Plan.

H. NOTICES

1. The Homeowner's Documents shall include a notice to inform homeowners of the presence of neighboring agricultural uses, which may possibly include pesticides and herbicides and may have odors and noises associated with such uses.
2. The Notice to Buyers shall include 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 home buyers and prospective purchasers that the size of homes within this project may be limited by the size, type, and design of septic systems that may be approved on each individual lot.

**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 classification of the property identified in Exhibit "A" herein from A-1 (Suburban Agriculture) 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 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 7<sup>th</sup> day of February, 2008.

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**

**DESCRIPTION:** DEVELOPMENT PARCEL

A PORTION OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 12, TOWNSHIP 36 SOUTH, RANGE 21 EAST, MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCE** AT THE CENTER OF SECTION 12, TOWNSHIP 36 SOUTH, RANGE 21 EAST, MANATEE COUNTY, FLORIDA, SAID POINT ALSO BEING THE NORTHEAST CORNER OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 12; THENCE S89°24'37"W, ALONG THE NORTH LINE OF SAID EAST 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 12, A DISTANCE OF 16.38 FEET TO THE WEST MAINTAINED RIGHT-OF-WAY LINE OF MYAKKA-WAUCHULA ROAD, SAID POINT ALSO BEING THE NORTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED AS "NORTH OUT PARCEL" IN OFFICIAL RECORD BOOK 2150, PAGE 7913, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE CONTINUE S89°24'37"W, ALONG SAID NORTH LINE, A DISTANCE OF 214.72 FEET TO THE NORTHWEST CORNER OF SAID PARCEL FOR A **POINT OF BEGINNING**; THENCE CONTINUE S89°24'37"W, ALONG SAID NORTH LINE, A DISTANCE OF 1097.27 FEET TO THE NORTHWEST CORNER OF SAID EAST 1/2 OF THE SOUTHWEST 1/4; THENCE S00°42'48"E, ALONG THE WEST LINE OF SAID EAST 1/2 OF THE SOUTHWEST 1/4, A DISTANCE OF 600.00 FEET; THENCE N89°24'37"E, 1128.73 FEET TO THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED AS "SOUTH OUT PARCEL" IN OFFICIAL RECORD BOOK 2150, PAGE 7913 OF SAID PUBLIC RECORDS; THENCE N00°35'23"W, ALONG THE WEST LINE OF SAID PARCEL, A DISTANCE OF 280.00 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE N89°24'37"E, ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 165.09 FEET TO A POINT ON THE AFOREMENTIONED WEST MAINTAINED RIGHT-OF-WAY LINE OF MYAKKA-WAUCHULA ROAD; THENCE N00°32'39"W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 20.00 FEET; THENCE N00°31'56"W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 82.69 FEET TO THE SOUTHEAST CORNER OF THE AFOREMENTIONED "NORTH OUT PARCEL"; THENCE S89°27'40"W, ALONG THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 197.95 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL; THENCE N00°35'23"W, ALONG THE WEST LINE OF SAID PARCEL, A DISTANCE OF 217.13 FEET TO THE POINT OF BEGINNING.

CONTAINING 15.78 ACRES, MORE OR LESS.