

MANATEE COUNTY ZONING ORDINANCE
PDR-09-05(Z)(G) – HABITAT FOR HUMANITY / CORTEZ LANDINGS DTS #20090061

2009 MAY -6 AM 11:13

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 4.88 ACRES GENERALLY NEAR THE INTERSECTION OF 42ND TERRACE EAST AND 11TH STREET EAST, BRADENTON FROM RDD-6 (RESIDENTIAL DUPLEX DISTRICT – 6 DWELLING UNITS PER ACRE) TO THE PDR (PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICT; APPROVING A GENERAL DEVELOPMENT PLAN FOR 45 LOTS FOR SINGLE-FAMILY DETACHED DWELLINGS AND 8 LOTS FOR SINGLE-FAMILY SEMI-DETACHED DWELLINGS SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

2009 APR 29 PM 11:09

FILED

WHEREAS, Manatee Habitat for Humanity, Inc. (the "Applicant") filed an application to rezone approximately 4.88 acres described in Exhibit "A", attached hereto, (the "property") from RDD-6 (Residential Duplex District – 6 dwelling units per acre) to the PDR (Planned Development Residential) zoning district; and

WHEREAS, the applicant also filed a General Development Plan application for 45 lots for single-family detached dwellings and 8 lots for single-family semi-detached dwellings (the "project") on the property; and

WHEREAS, the applicant also filed a request for Specific Approval for alternatives to Sections 603.7.4.5 and 603.7.4.2 of the Land Development Code; and

WHEREAS, Planning staff recommended approval of the rezone, General Development Plan, and Specific Approval applications 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 April 9, 2009 to consider the rezone and General Development 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 RDD-6 (Residential Duplex District – 6 dwelling units per acre) to the PDR (Planned Development Residential) zoning district.

B. The Board of County Commissioners held a duly noticed public hearing on April 21, 2009 on 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 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. Notwithstanding the failure of this plan to comply with the requirements of Sections 603.7.4.5 and 603.7.4.2 of the Land Development Code, the Board finds that the proposed design satisfies the public purposes and intent of the LDC regulations to an equivalent degree because more usable open space will be provided on individual lots.

Section 2. GENERAL DEVELOPMENT PLAN. The General Development Plan is hereby approved for 45 lots for single-family detached dwellings and 8 lots for single-family semi-detached dwellings on the property subject to the following Stipulations:

STIPULATIONS

1. Passive Side of House: The "passive" side of a dwelling i.e., the side built on the property line with a zero-foot (0') side setback, shall meet the following requirements to maintain privacy for the courtyard on the adjacent lot:
 - a. Shall not have windows, doors, or any other openings in the wall (except as allowed, below) that would allow for visibility or entry into the house.
 - b. May include windows with sills located a minimum of seven (7) feet above floor level for access to natural sunlight.
2. Private Courtyard: The side yard adjacent to the "passive" side of a dwelling on a contiguous lot may provide a space for a private courtyard, subject to the following:
 - a. Shall serve as an access easement for construction and maintenance of the "passive" side of the dwelling on the contiguous lot;

- b. May serve as an easement for drainage and utilities where conflicting with the plat;
- c. Shall not include trees, shrubs, air conditioning units, heat pumps, pool pumps, pools, or other accessory structures (except fences as allowed, below), equipment, or units, or any use that interferes with drainage, utilities, or maintenance access to the adjacent dwelling built to the “zero lot line”;
- d. May include fences designed as follows:
 - i. Starting near the corners of the “passive” side of the adjacent house to allow a fenced courtyard, provided that access to the “passive” side of the adjacent house remains available for maintenance.
 - ii. With bottom elevated a minimum 6 inches above grade to allow the free flow of drainage.
- e. May include not more than 3 feet of horizontal projection of cornices, awnings, balconies, and bay windows, provided these projections do not exceed more than 10 feet in length along the dwelling and are at least 8’ above grade;
- f. May include only the following roof encroachments from the adjacent lot:
 - i. A maximum of 12 inches of the eave (roof overhang)
 - ii. Gutters to dispose of roof

3. Noticeable Status

- a. This General Development shall:
 - i. Govern the building setbacks (required yards);
 - ii. Prevail in the event of a conflict with the LDC, as may be amended from time to time.

Section 3. SPECIFIC APPROVAL. Specific Approval is hereby granted to alternatives to Sections 603.7.4.5 and 603.7.4.2 of the Land Development Code. This Specific Approval shall continue in effect and shall expire concurrent with the General Development 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 classification of the property identified in Exhibit “A” herein from RDD-6 (Residential Duplex District – 6 dwelling units per acre) to the PDR (Planned Development Public 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 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 21st day of April, 2009.

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

BY: *Dr. Gwendolyn Y. Brown*
Dr. Gwendolyn Y. Brown, Chairman

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

BY: *Susan D. Romero*
Deputy Clerk



Exhibit "A"

LEGAL DESCRIPTION

Lots 1, 2 and 14-64, Cortez Landings Subdivision



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 27th day of

April 2009
R.B. SHORE
Clerk of Circuit Court

By: Weki Essner D.C.

FILED FOR RECORD
R. B. SHORE

2009 MAY -6 AM 11:13



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

May 4, 2009

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

Attention: Ms. Vicki Tessmer, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated April 27, 2009 and certified copies of Manatee County Ordinance Nos. PDR-09-05 (Z) (G), PDC-98-11(G) (R) and PDMU-96-01 (G) (R6), which were filed in this office on April 29, 2009.

As requested, one 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/srd
Enclosure

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
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