

FILED FOR RECORD
R. B. SHORE

MANATEE COUNTY ZONING ORDINANCE
PDR-01-24(Z)(P) - PENN MAR, INC./WOODLANDS PARK ON PALMA SOLA BAY

2002 FEB 20 AM 10: 35

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, 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 CERTAIN LAND FROM RSF-2 (RESIDENTIAL SINGLE FAMILY, 2 DWELLING UNITS PER ACRE) AND RSF-2/CH (RESIDENTIAL SINGLE FAMILY, 2 DWELLING UNITS PER ACRE/ COASTAL HIGH HAZARD AREA OVERLAY) TO PDR (PLANNED DEVELOPMENT RESIDENTIAL) AND PDR/CH (PLANNED DEVELOPMENT RESIDENTIAL, COASTAL HIGH HAZARD AREA OVERLAY); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW A 32 LOT SUBDIVISION FOR SINGLE-FAMILY DETACHED HOMES AT A DENSITY OF 1.17 DWELLING UNITS PER ACRE, AND GRANTING SPECIAL APPROVAL FOR (1) A PROJECT WHICH IS PARTIALLY WITHIN THE 25 YEAR FLOODPLAIN, COASTAL HIGH HAZARD AREA (CH), COASTAL EVACUATION AREA (CEA), AND COASTAL STORM VULNERABILITY AREA (CSVA) OVERLAY DISTRICTS, AND (2) FOR A PROJECT TRANSFERRING DENSITY FROM ONSITE WETLANDS TO UPLAND PORTIONS OF THE SITE.

NO. 90-01
CIRCUIT COURT
MANATEE CO., FLORIDA
2002 FEB 13 AM 11: 10
FILED
DEPT. OF STATE
TALLAHASSEE, FLORIDA

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. FINDINGS OF FACT. 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 of said County, as well as all other matters presented to said 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 Section 4 of this Ordinance from RSF-2 (Residential Single Family, 2 dwelling units per acre) and RSF-2/CH (Residential Single Family, 2 dwelling units per acre/ Coastal High Hazard Area Overlay) to PDR (Planned Development Residential) and PDR/CH (Planned Development Residential, Coastal High Hazard Area Overlay).

B. The Board of County Commissioners held a public hearing on January 29, 2002 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 Section 4 herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the Manatee County Comprehensive Plan.

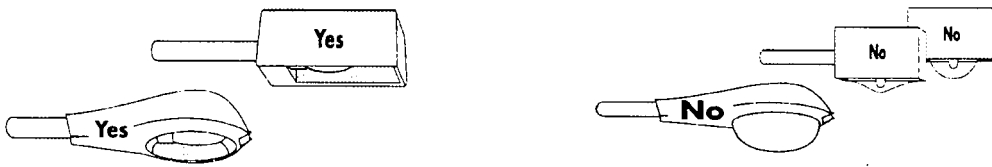
Section 2. The Preliminary Site Plan is hereby APPROVED to allow a 32 lot subdivision for single-family detached homes at a density of 1.17 dwelling units per acre, and

GRANTING Special Approval for (1) a project which is partially within the 25 year floodplain, Coastal High Hazard Area (CH), Coastal Evacuation Area (CEA), and Coastal Storm Vulnerability Area (CSVA) Overlay Districts, and (2) for a project transferring density from onsite wetlands to upland portions of the site, with the following stipulations:

STIPULATIONS

1. No single-family boat dock(s), observation pier(s), common boat docks or boat ramps are permitted within this development.
2. Prior to Final Plat approval, a conservation easement shall be dedicated to Manatee County for the areas defined as wetlands and wetland buffers.
3. The boundaries of the wetland buffers shall be marked with signs indicating that this is a Wetland Protection Area. The number and placement of such signs shall be approved by the Environmental Management Department with Final Site Plan approval. There shall also be a Notice to Buyers indicating that the property has a wetland and buffer area, with a reference to the recorded conservation easement. Signage shall be installed prior to Final Plat approval.
4. Prior to Final Plat approval, all nuisance, exotic vegetation shall be removed from the upland portion of the entire 30.21 acre site.
5. A Buffer Enhancement Plan shall be submitted to EMD for review and approval prior to Final Site Plan approval.
6. Prior to development-related land clearing activities, all applicable County approvals must be obtained through the Planning Department. If burning of trees and/or branches is required for land clearing, a burn permit must first be obtained from the Environmental Management Department. No burn permits will be issued until Final Site Plans/Construction Plans are approved.
7. The applicant shall construct the sidewalk along 9th Avenue NW beyond this property's frontage to the east, to connect with the existing sidewalk in front of the Northwest Baptist Church located at 7911 9th Avenue NW, and shall construct any additional sidewalk required to provide a continuous sidewalk from this property to the west side of 75th Street West.
8. Wherever possible, required replacement trees will be planted in the perimeter buffer or other common open space areas within the project.
9. The applicant and their heirs, assigns, or transferees, are hereby notified that a payment of an impact fee for school purposes shall be required if such impact fee is adopted by the School Board of Manatee County or the Board of County Commissioners.
10. All interior roads and utilities shall be designed consistent with Manatee County ordinances and criteria, and the design elevation shall be coordinated with the Public Works and Transportation Departments.

11. The applicant and their heirs, assigns, or transferees, are hereby notified that a payment of an assessment or impact fee for emergency shelter facilities shall be required if such fee is adopted by the Board of County Commissioners.
12. Unless otherwise approved by EMD, 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. The design and shielding of any on-site lighting shall comply with Section 709.2.2. In addition, pole mounted lights shall be limited to 15' in height and directed to the interior of the development using horizontal cut-off fixtures.



14. The lowest quality water possible shall be used for irrigation. In-ground irrigation using Manatee County public potable water supply shall be prohibited, including on individual lots.
15. 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 evacuation zone map. The Homeowner's Association shall ensure that all subsequent purchasers receive copies of these documents.
16. The Notice to Buyer and Final Site Plan shall include a notice to inform homeowners that they are purchasing a home in the Flood Prone Area, Coastal High Hazard, and Coastal Evacuation Areas - the evacuation zone for a Category 1 hurricane.
17. The project shall not increase the FEMA 100 year floodplain, or base flood elevations; and shall meet all FEMA requirements and guidelines, where applicable.
18. The fence/wall shown on the site plan shall be located and constructed in substantial conformance with the entry concept drawings submitted by the applicant.
19. Individual lots shall not be platted through the required roadway buffers, the required perimeter buffers, or the wetland buffers shown on the site plan.

20. The landscaped perimeter buffer along the east side of the project, adjacent to Lots 3, 4, 5, and 6 shall be increased to 20' in width.
21. The landscaped perimeter buffer along the west side of the project shall be increased to 20' in width. The applicant shall preserve as much of the existing native natural vegetation as is possible in the buffer along 83rd Street NW. As a supplement to such native natural vegetation, and as set forth in the Final Landscaping Plans to be approved by Manatee County, the applicant shall install a double staggered row of 4 foot high hedge material upon installation planted on 48 inch centers, together with 16 foot high oak trees, 4" d.b.h upon installation. Within 2 years the landscape buffer shall be 100% opaque at an average of 15 feet high.
22. The Covenants and Restrictions for the project shall require that any swale constructed in part of the stormwater drainage system for the development shall be continuously maintained in accordance with required permits, and otherwise kept free of trash and debris. The Covenants and Restrictions for the project shall be recorded in the public records of Manatee County, Florida prior to the conveyance of any lot in the development to a purchaser and shall be covenants which run with the land.
23. The Covenants and Restrictions for the project shall require that the landscaping installed by the developer within the buffer along 83rd Street NW shall be maintained, and replaced if necessary.

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 Section 4 herein from RSF-2 (Residential Single Family, 2 dwelling units per acre) and RSF-2/CH (Residential Single Family, 2 dwelling units per acre/ Coastal High Hazard Area Overlay) to PDR (Planned Development Residential) and PDR/CH (Planned Development Residential, Coastal High Hazard Area 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 4. LEGAL DESCRIPTION.

BEGIN AT THE NORTHWEST CORNER OF SECTION 30, TOWNSHIP 34 SOUTH, RANGE 17 EAST, THENCE RUN EAST 780 FEET, THENCE SOUTH 420 FEET, THENCE EAST 210 FEET, THENCE SOUTH 900 FEET, THENCE WEST 660 FEET, THENCE SOUTH TO THE MOUTH OF TURKEY CREEK, THENCE WITH THE MEANDERINGS OF SAID CREEK AND PALMA SOLA BAY, WESTWARDLY TO THE SECTION LINE, THENCE DUE NORTH TO THE POINT OF BEGINNING; ALL LYING AND BEING IN THE N.W. 1/4 OF SECTION 30, TOWNSHIP 34 SOUTH, RANGE 17 EAST, TOGETHER WITH RIPARIAN RIGHTS AND PRIVILEGES OF THE SAME BELONGING OR APPERTAINING.

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 5TH day of February, 2002.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: *Greg Steen*
Chairman

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



R. B. Shore



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 11th day of February 2002
R. B. SHORE
Clerk of Circuit Court
By: *R. B. Shore* D.C.

DIVISIONS OF FLORIDA DEPARTMENT OF STATE

Office of the Secretary
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
Division of Library and Information Services
Division of Licensing

MEMBER OF THE FLORIDA CABINET



FLORIDA DEPARTMENT OF STATE

Katherine Harris

Secretary of State

DIVISION OF ELECTIONS

HISTORIC PRESERVATION BOARDS
Historic Florida Keys Preservation Board
Historic Palm Beach County Preservation Board
Historic Pensacola Preservation Board
Historic St. Augustine Preservation Board
Historic Tallahassee Preservation Board
Historic Tampa/Hillsborough County
Preservation Board
RINGLING MUSEUM OF ART

February 15, 2002

Honorable R. B. Shore
Clerk of the Circuit Court and Comptroller
Manatee County
Post Office Box 1000
Bradenton, Florida 34206

Attention: Diane E. Vollmer

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated February 7, 2002 and certified copy of Manatee County Ordinance No. PDR-01-24(Z)(P), which was filed in this office on February 13, 2002.

As requested, the original date stamped copy is being returned for your records.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

Enclosure

BUREAU OF ADMINISTRATIVE CODE

The Collins Building • 107 West Gaines Street • Tallahassee, Florida 32399-0250 • (850) 245-6270
FAX: (850) 245-6282 • WWW Address: <http://www.dos.state.fl.us> • E-Mail: election@mail.dos.state.fl.us