

FILED FOR RECORD  
R. B. SHORE

2005 JUN 28 PM 1:54

MANATEE COUNTY ZONING ORDINANCE  
PDR-04-07(Z)(P) – DSB, L.L.C.

FILED  
2005 JUN 22 AM 8:51  
DEPARTMENT OF  
TALLAHASSEE, FLORIDA

CLERK OF COURT  
MANATEE CO. FLORIDA

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING  
THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY, ORDINANCE  
90-01 (THE MANATEE COUNTY LAND DEVELOPMENT CODE) RELATING  
TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE  
COUNTY; PROVIDING FOR THE REZONING OF APPROXIMATELY 38  
ACRES GENERALLY LOCATED NORTH OF 17<sup>TH</sup> STREET EAST AT 4300  
AND 4407 17<sup>TH</sup> STREET EAST FROM THE A-1 (SUBURBAN AGRICULTURE,  
1 DWELLING UNIT PER ACRE) ZONING DISTRICT TO THE PDR (PLANNED  
DEVELOPMENT RESIDENTIAL) ZONING DISTRICT, APPROVING A  
PRELIMINARY SITE PLAN TO ALLOW 188 SINGLE-FAMILY ATTACHED  
DWELLING UNITS SUBJECT TO STIPULATIONS AS CONDITIONS OF  
APPROVAL, GRANTING SPECIAL APPROVAL FOR A PROJECT IN THE  
ENTRANCEWAY, SETTING FORTH FINDINGS; AND PROVIDING FOR AN  
EFFECTIVE DATE.

WHEREAS, DSB LLC ( the "Applicant") has filed a rezone application to rezone approximately 38 acres described in Exhibit A, attached hereto, (the " Property") from the A-1 (Suburban Agriculture, 1 dwelling unit per acre) zoning district to the PDR (Planned Development Residential) zoning district; and,

WHEREAS, the Applicant has also filed a preliminary site plan application to allow 188 single-family attached dwelling units (the "Project") to be located upon the Property; and,

WHEREAS, the Applicant has also filed a request for Special Approval to allow the Project partially within a geographic area designated as an "Entranceway", said Property being located within the vicinity of an interstate connector; and,

WHEREAS, the Planning Staff has recommended approval of the rezone and preliminary site plan 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 April 14, 2005 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 and the granting of the special approval for the Project in the Entranceway.

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(Suburban Agriculture, 1 dwelling unit per acre) zoning district to the PDR (Planned Development Residential) zoning district.

B. The Board of County Commissioners held a duly noticed public hearing on April 26, 2005 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.

Section 2. The Preliminary Site Plan is hereby APPROVED to allow 188 single-family attached dwelling units upon the Property subject to the Stipulations set out below. The Board hereby GRANTS Special Approval for the Project in the Entranceway in accordance with Policy 2.9.4.1 of the Manatee County Comprehensive Plan and Sec. 737 of the Land Development Code, with the following Stipulations:

#### STIPULATIONS

1. Applicant has represented in its rezone and site plan applications that it intends to limit occupancy of the residential units of the Project to persons 55 years of age or older in accordance with applicable federal and state law and as such the County has based its review of the rezone and site plan applications on this representation. At the time of submission of an application for final site plan approval, if the applicant intends to limit occupancy of the residential units to persons 55 years of age and older, the applicant shall submit to the Planning Director a copy of the proposed governing documents for the Project to be recorded in the public records by the Applicant. In the event the recorded governing documents are breached or otherwise modified regarding the above age limit, then the applicant shall submit a revised site plan for consideration and approval by the County. The revised site plan shall be subject to a full review under all the provisions of the Comprehensive Plan and Land Development Code and the County may require the modification of previously approved portions of the site plan or previously approved stipulations or the addition of new stipulations.
2. Prior to Final Site Plan approval applicant shall demonstrate compliance with landscaping requirements of Section 715 of the Land Development Code for recreation/pool area.

3. 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 to informing prospective 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.
4. The design and shielding of any on-site lighting for the common and recreational areas shall comply with Sections 709.2.2 and be limited to 16 feet in height and directed to the interior of the development using horizontal cutoffs. Use of decorative street lights or house lights may be permitted. A photometric plan shall be submitted to the Planning Department along with the Final Site Plan.
5. The developer shall provide signs adjacent to wetland buffers and conservation easements indicating that the area is a "Conservation Area", as required pursuant to Section 719.11.1.3.3 of the Land Development Code. The type and location of such signs shall be shown and approved by the Natural Resources Division with the Final Site Plan. Signs shall be installed prior to Final Plat approval.
6. A Wetland Buffer Restoration Plan shall be submitted to the Natural Resources Division for review with the Final Site Plan in accordance with Section 719.11.2.1 of the Land Development Code. The plan shall include both supplemental plantings and ongoing removal of exotic, nuisance vegetation. Wetland buffer restoration shall be completed prior to Final Plat approval.
7. In conjunction with the first 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 Land Development Code.
8. Removal of all exotic nuisance plant species from upland portions of the site shall be completed prior to Final Plat approval, in accordance with Section 715.4 of the Land Development Code.
9. Tree barricades for trees to be preserved shall be located at the drip line unless otherwise approved. The drip line shall be defined as the outer branch edge of the tree canopy. The area within the drip line shall remain undisturbed. The following activities are prohibited within the drip line of preserved trees, machinery and vehicle travel or parking, underground utilities, filling or excavation, and storage of construction materials. The tree protection barricades shall consist of chain link fence (new or used) with a minimum 5' height or other materials as approved with the Final Site Plan.
10. 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 site runoff, in particular for any drainage flowing from the north through the site. For the existing conditions, routing and modeling will be required for all natural drainage systems within and surrounding this project taking into consideration all wetland storage and ground depressions.

11. The sidewalk along 17th Street East shall be extended from the west project boundary to the east end of the Blackburn Elementary School frontage prior to Final Plat approval.
12. Landscaping for the project shall meet the requirements of the Entranceway and be shown on the Final Site Plan.
13. The design for the structures shall be in substantial conformance with the architectural elevation renderings entered into the record for this case.
14. Development construction traffic for this project shall access this site from the west from Ellenton-Gillette Road. The developer shall inform all contractors and sub-contractors of the requirement and post signs to this effect.
15. This site may be a recipient site for up to 441 replacement trees from another project currently under the same ownership [Fox Crossing PDR-03-51(P)] subject to approval by the Board in the future. Should the Board approve the Fox Crossing proposal and grant Specific Approval for off-site tree replacement, the 441 trees to be planted will be "required trees" and subject to the requirements of Section 715.8 of the Land Development Code. In the event the Board does not grant Specific Approval for the tree replacement of Fox Crossing onto this project or denies approval of PDR-03-51(P), the 441 trees will not be required trees for this site.
16. This project shall be responsible for design and construction of the improvements to 51<sup>st</sup> Avenue East, as conceptually shown on the exhibit entered into the record for this project. These improvements shall be completed or guaranteed by financial surety prior to Final Plat approval. Final design of the improvements must be approved by the Transportation Department. The applicant shall be responsible for all costs. These improvements shall not be impact fee creditable.
17. The Final Site Plan for this project shall include a 60' half-width right-of-way generally along the east or west property line, to be determined by Manatee County within 8 months, unless this requirement is waived by the Board of County Commissioners by Resolution.
18. Notice to Buyers and appropriate Homeowner's Documents shall include notice of proposed connectivity of the project to adjacent properties.
19. Roadways shall be designed using traffic calming measures approved by the Transportation Department.

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 Exhibit A herein from the A-1 (Suburban Agriculture, 1 dwelling unit per acre) zoning district 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 said Official Zoning Atlas.

**EXHIBT A. LEGAL DESCRIPTION OF THE PROPERTY**

THE SOUTH ½ OF NW ¼ OF SE ¼ OF SE ¼ OF SECTION 8, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

ALSO

WEST ½ OF SOUTH ½ OF SE ¼ OF SE ¼ AND NORTH ½ OF NW ¼ OF SE ¼ OF SE ¼ OF SECTION 8, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

LESS AND EXCEPT FROM THE ABOVE DESCRIBED LANDS:

LANDS CONVEYED TO MANATEE COUNTY FOR MEMPHIS ROAD RIGHT-OF-WAY BY DEED RECORDED IN OFFICIAL RECORDS BOOK 440, PAGE 560, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

DESCRIPTION: TAX PARCEL 8105.0000/9

PARCEL A: BEGINNING AT A POINT 11 CHAINS EAST OF THE LINE DIVIDING THE SE ¼ FROM THE SW ¼ OF SECTION 8, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, SAID LINE BEGIN IN THE LARGE NORTH AND SOUTH DITCH, AND 10 CHAINS AND 91 LINKS NORTH OF THE SW CORNER OF THE SW ¼ OF THE SE ¼ OF SECTION 8, TOWNSHIP 34 SOUTH, RANGE 18 EAST, SAID CORNER BEING AT THE INTERSECTION OF A LARGE EAST AND WEST DITCH, THENCE RUNNING NORTH 9 CHAINS AND 9 LINKS TO A POINT THENCE EAST 9 CHAINS TO A POINT, THENCE SOUTH 9 CHAINS AND 9 LINKS TO A POINT, THENCE WEST 9 CHAINS TO A POINT OF BEGINNING, AND LYING AND BEING IN THE SW ¼ OF THE SE ¼ OF SECTION 8, TOWNSHIP 34 SOUTH, RANGE 18 EAST, AND BOUNDED ON THE SOUTH BY LANDS OS ISABELLA RUSSELL, AND ON WEST BY LANDS OF A.H. BEACHAM, EXCEPTING A STRIP OF LAND 15 FEET WIDE OFF THE SOUTH SIDE OF AFORESAID TRACT WHICH IS RESERVED FOR A PUBLIC ROAD.

PARCEL B: LYING AND BEING IN THE SW ¼ OF SE ¼ OF SECTION 8, TOWNSHIP 34 SOUTY, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A POINT 11 CHAINS EAST OF SW CORNER OF SAID QUARTER SECTION, WHICH CORNER IS IN THE MIDDLE OF LARGE DITCH DIVIDING THE SE ¼ OF SW ¼ OF SAID SECTION, WHERE IT IS INTERSECTED BY DITCH FROM THE WEST ON THE SECTION LINE BETWEEN SECTIONS 18 AND 17; THENCE RUNNING EAST ON SECTION LINE, 9 CHAINS TO A POINT, THENCE NORTH 10 CHAINS AND 91 LINKS TO A POINT; THENCE WEST 9 CHAINS TO A POINT, THENCE SOUTH 10 CHAINS AND 91 LINKS TO THE POINT OF BEGINNING.

THE ABOVE PARCELS A AND B ALSO BEING DESCRIBED AS FOLLOWS:

BEGIN AT A POINT 726 FEET EAST OF THE SW CORNER OF THE SW ¼ OF THE SE ¼ OF SECTION 8, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, WHICH CORNER IS THE MIDDLE OF A LARGE DITCH DIVIDING THE SE ¼ AND THE SW ¼ OF SAID SECTION WHERE IT IS INTERSECTED BY A DITCH FROM THE WEST ON THE SECTION LINE BETWEEN SECTIONS 18 AND 17, THENCE RUN NORTH TO THE NORTH LINE OF SAID SW ¼ OF SE ¼, THENCE RUN EAST ALONG THE NORTH LINE OF SAID SW ¼ OF SE ¼ TO THE NORTHEAST CORNER OF SAID SW ¼ OF SE ¼, THENCE RUN SOUTH ALONG THE EAST LINE OF SAID SW ¼ OF SE ¼ TO THE SOUTHEAST CORNER OF SAID SW ¼ OF SE ¼, THENCE RUN WEST ALONG THE SOUTH LINE OF SAID SW ¼ OF SE ¼ TO THE POINT OF BEGINNING.

LESS AND EXCEPT FROM THE ABOVE-DESCRIBED LANDS:

LANDS CONVEYED TO MANATEE COUNTY FOR MEMPHIS ROAD RIGHT-OF-WAY BY DEEDS RECORDED IN OFFICIAL RECORDS BOOK 440, PAGE 563 AND OFFICIAL

RECORDS BOOK 440, PAGE 569, OF THE PUBLIC RECORDS OF MANATEE COUNTY FLORIDA.  
TOGETHER WITH THE LANDS CONVEYED BY MANATEE COUNTY BY DEED OFFICIAL RECORDS BOOK 440, PAGE 578, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

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 14<sup>th</sup> day of June, 2005.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

BY: *Ken Getma*  
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 20<sup>th</sup> day of

June, 2005

R. B. SHORE  
Clerk of Circuit Court

By: *Nancy Harris* D.C.



FLORIDA DEPARTMENT OF STATE  
**Glenda E. Hood**  
Secretary of State  
DIVISION OF LIBRARY AND INFORMATION SERVICES

FILED FOR RECORD  
R. B. SHORE  
2005 JUN 28 PM 1:54  
CLERK OF CIRCUIT COURT  
MANATEE CO. FLORIDA

June 24, 2005

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

Attention: Nancy Harris, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated June 20, 2005 and certified copies of Manatee County Ordinance Nos. PDR04-07(Z)(P) and Z-05-06, which were filed in this office on June 22, 2005.

As requested, the date stamped copies are being returned for your records.

Sincerely,

Liz Cloud  
Program Administrator

LC/kcs

Enclosures