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MANATEE COUNTY ZONING ORDINANCE
PDR-04-08(Z)(P) – WILLIAMS & HEROLD COMMUNITIES LLC/LEXINGTON ADDITION

CLERK OF DISTRICT COURT
MANATEE COUNTY, FLORIDA

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 APPROXIMATELY 20.33 ACRES GENERALLY LOCATED 650 FEET NORTH OF US 301 AND ADJACENT TO THE LEXINGTON SUBDIVISION FROM THE A (GENERAL AGRICULTURE, 1 DWELLING UNIT PER 5 ACRES), A-1 (SUBURBAN AGRICULTURE, 1 DWELLING UNIT PER ACRE), AND PDO (PLANNED DEVELOPMENT OFFICE) ZONING DISTRICTS TO THE PDR (PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICT, APPROVING A PRELIMINARY SITE PLAN TO ALLOW 35 SINGLE-FAMILY DETACHED RESIDENCES SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; GRANTING SPECIAL APPROVAL FOR A GROSS DENSITY EXCEEDING 1 DWELLING UNIT PER ACRE IN THE UF-3 FUTURE LAND USE CATEGORY; GRANTING SPECIFIC APPROVAL AS DESCRIBED HEREIN; SETTING FORTH FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Williams & Herold Communities LLC (the "Applicant") has filed a rezone application to rezone approximately 20.33 acres described in Exhibit A, attached hereto, (the "Property") from the A (General Agriculture, 1 dwelling unit per 5 acres), A-1 (Suburban Agriculture, 1 dwelling unit per acre), and PDO (Planned Development Office) zoning district to the PDR (Planned Development Residential) zoning district; and,

WHEREAS, the Applicant has also filed a preliminary site plan application to allow 35 single-family detached residences (the "Project") to be located upon the Property; and,

WHEREAS, the Applicant has also filed the following requests:

- A. Special Approval to allow a Project with a gross density exceeding 1 dwelling unit per acre in the UF-3 Future Land Use Category; and,
- B. Specific Approval of an alternative to Section 907.9.4.2 of the Land Development Code to allow a temporary cul-de-sac in excess of 800 feet.

WHEREAS, the Planning Staff has recommended approval of the rezone, preliminary site plan, Special Approval, and Specific Approval 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 July 14, 2005 to consider the rezone, preliminary site plan, specific approval, 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

This is a Corrective Document

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 a Project with a gross density exceeding 1 dwelling unit per acre in the UF-3 Future Land Use Category.

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 (General Agriculture, 1 dwelling unit per acre), A-1 (Suburban Agriculture, 1 dwelling unit per acre), and PDO (Planned Development Office) zoning districts to the PDR (Planned Development Residential) zoning district.

B. The Board of County Commissioners held a duly noticed public hearing on July 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.

D. The Board finds that the public purpose and intent of Section 714 have been satisfied to an equivalent degree, and GRANTS Specific Approval for an alternative to Section 714 to allow one tree replacement credit for each tree being preserved in conservation easements that are outside of wetlands, wetland buffers and perimeter landscape buffers, because the applicant has limited tree removal, identified the highest quality trees, and redesigned the project in many areas to provide additional upland preservation to preserve the larger and better quality trees.

E. The Board hereby finds that the public purpose and intent of Section 907.9.4.2 of the Land Development Code has been satisfied to an equivalent degree, and GRANTS Specific Approval for an alternative to Section 907.9.4.2 to allow a $\pm 1,300$ foot temporary cul-de-sac because the design of the subdivision provides an interneighborhood tie to the east, at the temporary end of the cul-de-sac.

Section 2. The Preliminary Site Plan is hereby APPROVED to allow 35 single-family detached residences upon the Property subject to the Stipulations set out below. The Board hereby GRANTS Special Approval for a Project with a gross density exceeding 1 dwelling unit per acre in the UF-3 Future Land Use Category, with the following Stipulations:

STIPULATIONS

1. The minimum front yard setback shall be 25' except for the following lots: Lots #5, 6, 7, 8, 11, 12, 13, and 14, which shall have a minimum 20' front yard setback, as depicted on the site plan. Minimum side yard setback is 7.5' and minimum rear yard setback is 15'.
2. Minimum lot size is 80' x 120' with 9,600 sq. ft., as shown on the site plan. The minimum single-family home square footage shall be 1,200 sq. ft.
3. The community focal point and recreational area shall include trees, a small circular trail, a bench, a shade structure and an open playing field as shown on the site plan.
4. Perimeter buffer along the east and south property line shall meet the following minimum standards required by the North Central Overlay District:
 - a. Perimeter greenbelt buffer shall be a minimum of 20' wide.
 - b. Plantings shall include three (3) canopy trees, minimum 3" caliper and 33 shrubs per 100 feet.
5. The design and shielding of any on-site lighting for the common and recreational areas shall comply with Sections 709.2.2. In addition, pole and building mounted lights shall be limited to 20 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.
6. All lots adjacent to active agricultural operations shall have an additional 35' setback. If an adjoining agricultural operation is permanently discontinued 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 Final Plat.
7. The Notice to Buyers and the Final Site Plan shall include a notice to inform prospective homeowners of the presence of neighboring agricultural uses, including possible use of pesticides and herbicides and of odors and noises associated with agricultural uses.
8. This project lies within the Wade Canal/Buffalo Canal Watershed, an area prone to flooding. The stormwater management system shall be designed to provide a reduction of up to 50% of the allowable pre-development flow from the 25 year 24-hour storm event discharge.
9. The Drainage Model and Construction Plan shall demonstrate that no adverse impacts will be created to neighboring residents north of the site in respect to drainage routing, grading, and site runoff.
10. 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.

Tree protection barricades shall consist of chain link fence (new or used) with a minimum 5' height or other alternatives in locations as approved with the Final Site Plan.

11. Prior to Final Site Plan approval, the entire site shall be re-evaluated for the presence of listed wildlife species.
12. 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 be first obtained from the Environmental Management Department.
13. Existing native vegetation within any required buffer shall be preserved to the greatest extent possible. No overhead or underground power lines, swales, or stormwater facilities shall be within any landscape buffer. Compliance with this requirement will be determined at time of Final Site Plan by the Planning Department.
14. Lots shall not be platted through wetlands, wetland buffers, upland preservation areas, or stormwater ponds.
15. 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 LDC. The Final Site Plan shall include both supplemental plantings and ongoing removal of exotic, nuisance vegetation. The Natural Resources Division should be contacted prior to any land clearing, including exotic or citrus removal.
16. The developer shall provide signs adjacent to wetland buffers or conservation easements indicating that the area is a "Conservation Area" as required pursuant to Section 719.11.1.3.3 of the LDC. The type and location of such signs shall and approved by the Planning Department with the Final Site Plan.
17. Prior to Final Subdivision Plat approval, a Conservation Easement for the areas defined as post-development jurisdictional wetlands or wetland buffers and upland preservation areas shall be dedicated to the County.
18. 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.
19. 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.
20. The Homeowner's Documents shall include a notice to inform homeowners that an inter-neighborhood tie for this project shall connect to a future roadway when development occurs on the property to the east.
21. Prior to Final Plat approval, the applicant shall post signs at the entrance to the project and at the location of the interneighborhood tie to inform perspective purchasers and

residents of the future interneighborhood tie. The size, placement, and materials for this sign shall be determined with the Final Site Plan.

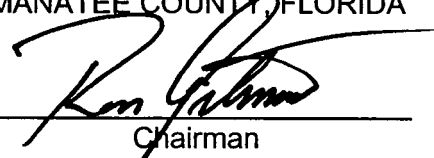
Section 3. AMENDMENT OF THE OFFICIAL ZONING ATLAS. The Official Zoning Atlas of Manatee County, Ordinance No. 90-01, the Manatee County Land Development Code, is hereby amended by changing the zoning district classification of the Property identified in Exhibit A herein from the A (General Agriculture, 1 dwelling unit per 5 acres), A-1 (Suburban Agriculture, 1 dwelling unit per acre), and PDO (Planned Development Office) zoning districts 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.

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 26th day of July, 2005, and as amended on the 6th of October, 2005.

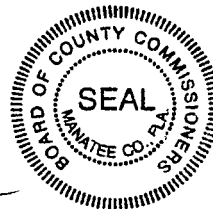
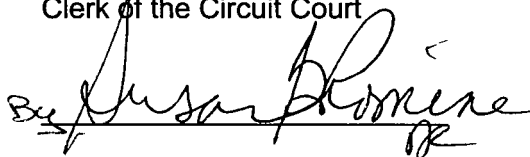
BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: _____



Chairman

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



THIS IS A CULTURAL DOCUMENT

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

WEST PARCEL (DEREL TRUST)

COMMENCE AT THE NORTHEAST CORNER OF SECTION 31, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA; THENCE S 01° 27' 24" W, ALONG THE EAST LINE OF THE N.E. ¼ OF THE N.E. ¼, A DISTANCE OF 1406.97 FEET TO THE NORTHEAST CORNER OF THE S.E. ¼ OF THE N.E. ¼; THENCE N 89° 48' 26" W, ALONG THE NORTH LINE OF SAID S.E. ¼ OF THE N.E. ¼, A DISTANCE OF 998.17 FEET TO THE NORTHWEST CORNER OF THE EAST ¾ OF SAID S.E. ¼ OF THE N.E. ¼; THENCE N 89° 50' 37" W, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 62.00 FEET; THENCE S 02° 25' 43" E, A DISTANCE OF 311.36 FEET TO THE POINT OF BEGINNING; THENCE S 03° 07' 12" E, A DISTANCE OF 423.97 FEET; THENCE N 89° 48' 26" W, A DISTANCE OF 251.26 FEET; THENCE N 00° 14' 08" W, A DISTANCE OF 419.43 FEET; THENCE N 89° 14' 13" E, A DISTANCE OF 229.93 FEET TO THE POINT OF BEGINNING, LYING AND BEING IN SECTION 31, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY, AND RESTRICTIONS OF RECORD.

CONTAINING 2.33 ACRES, MORE OR LESS.

MIDDLE PARCEL (LIGHTHOUSE FULL GOSPEL CENTER)

COMMENCE AT THE NORTHEAST CORNER OF SECTION 31, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA; THENCE S 01° 27' 24" W, ALONG THE EAST LINE OF THE N.E. ¼ OF THE N.E. ¼, A DISTANCE OF 1406.97 FEET TO THE NORTHEAST CORNER OF THE S.E. ¼ OF THE N.E. ¼ AND THE POINT OF BEGINNING; THENCE S 00° 19' 02" W, ALONG THE EAST LINE OF SAID S.E. ¼ OF THE N.E. ¼, A DISTANCE OF 734.33 FEET; THENCE N 89° 48' 26" W, A DISTANCE OF 1019.83 FEET; THENCE N 03° 07' 12" W, A DISTANCE OF 423.97 FEET; THENCE N 02° 25' 43" W, A DISTANCE OF 311.36 FEET TO AN INTERSECTION WITH THE NORTH LINE OF SAID S.E. ¼ OF THE N.E. ¼; THENCE S 89° 50' 37" E, ALONG SAID NORTH LINE, A DISTANCE OF 62.00 FEET TO THE NORTHWEST CORNER OF THE EAST ¾ OF SAID S.E. ¼ OF THE N.E. ¼; THENCE S 89° 48' 26" E, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 998.17 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 31, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY, AND RESTRICTIONS OF RECORD.

CONTAINING 17.55 ACRES, MORE OR LESS

EAST PARCEL (LIGHTHOUSE FULL GOSPEL CENTER)

COMMENCE AT THE NORTHWEST CORNER OF SECTION 32, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA; THENCE S 01° 27' 24" W, ALONG THE WEST LINE OF THE N.W. ¼ OF THE N.W. ¼ OF SAID SECTION 32, A DISTANCE OF 1406.97 FEET TO THE NORTHWEST CORNER OF THE S.W. ¼ OF THE N.W. ¼ OF SAID SECTION 32 AND THE POINT OF BEGINNING; THENCE S 89° 48' 27" E, ALONG THE NORTH LINE OF SAID S.W. ¼ OF THE N.W. ¼, A DISTANCE OF 28.00 FEET; THENCE S 00° 31' 33" W, A DISTANCE OF 734.34 FEET; THENCE N 89° 48' 26" W, A DISTANCE OF 25.33 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID S.W. ¼ OF THE N.W.

MANATEE COUNTY RECORDS

¼; THENCE N 00° 19' 02" E, ALONG SAID WEST LINE, A DISTANCE OF 734.33 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 32, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY, AND RESTRICTIONS OF RECORD.

CONTAINING 19580 SQUARE FEET (0.45 ACRES), MORE OR LESS

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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 10th day of

R.B. Shore 2005
R.B. SHORE
Clerk of Circuit Court

By: [Signature] D.C. Browel

FILED FOR RECORD
R. B. SHORE



2005 OCT 26 AM 10:51

CLERK OF CIRCUIT COURT
MANATEE CO FLORIDA

FLORIDA DEPARTMENT OF STATE

Glenda E. Hood

Secretary of State

DIVISION OF LIBRARY AND INFORMATION SERVICES

October 19, 2005

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

Attention: Patricia Wanless Branch, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated October 10, 2005 and certified copies of Manatee County Ordinance Nos. 05-52 and PDR-04-08(Z)(P), which were filed in this office on October 14, 2005.

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

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/kcs

Enclosures

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