

FILED FOR RECORD
R. B. SHORE

10 JUN 23 PM 1:23

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

MANATEE COUNTY ZONING ORDINANCE

PDR-06-66(Z)(P) – CNL BANK / BAYOU POINTE ESTATES DTS 20060364

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR A REZONE OF 22.00 ACRES ON THE SOUTH SIDE OF 25TH STREET EAST (LYNTNOR ROAD), APPROXIMATELY 1,800 FEET EAST OF 80TH AVENUE EAST (ROYAL PALM WAY), AND NORTH OF THE MANATEE RIVER AT 8923 & 8955 25TH STREET EAST (LYNTNOR ROAD), PARRISH FROM A/NCO (GENERAL AGRICULTURE/NORTH CENTRAL OVERLAY) AND A/CH/NCO (GENERAL AGRICULTURE/COASTAL HIGH HAZARD OVERLAY/NORTH CENTRAL OVERLAY) TO THE PDR/NCO (PLANNED DEVELOPMENT RESIDENTIAL/NORTH CENTRAL OVERLAY) AND PDR/CH/NCO (PLANNED DEVELOPMENT RESIDENTIAL/COASTAL HIGH HAZARD /NORTH CENTRAL OVERLAY'S) ZONING DISTRICTS; AND APPROVAL OF A PRELIMINARY SITE PLAN FOR 10 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.

2010 JUN 18 AM 10:18
FILED
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

WHEREAS, CNL Bank (the "Applicant") filed an application to rezone approximately 22.00 acres described in Exhibit "A", attached hereto, (the "property") from A/NCO (General Agriculture/North Central Overlay) and A/CH/NCO (General Agriculture/Coastal High Hazard Overlay/North Central Overlay) to the PDR/NCO (Planned Development Residential/North Central Overlay) and PDR/CH/NCO (Planned Development Residential/Coastal High Hazard/North Central Overlay's) zoning districts; and

WHEREAS, the applicant also filed a Preliminary Site Plan application for 10 single-family detached residences (the "project") on the property; and

WHEREAS, the applicant also filed a request for Special Approval for a project: 1) adjacent to a Perennial Stream; 2) in the Coastal Evacuation Area; and 3) partially in the Coastal High Hazard Area; and

WHEREAS, the applicant also filed a request for Specific Approval for an alternative to Section 722.1.4.2 of the Land Development Code; and

WHEREAS, Planning staff recommended approval of the rezone, Preliminary Site Plan, Special Approval and Specific Approval, 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 May 13, 2010 to consider the rezone, Preliminary Site Plan, Special Approval, and Specific Approval, 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/NCO (General Agriculture/North Central Overlay) and A/CH/NCO (General Agriculture/Coastal High Hazard Overlay/North Central Overlay) to the PDR/NCO (Planned Development Residential/North Central Overlay) and PDR/CH/NCO (Planned Development Residential/Coastal High Hazard/North Central Overlay's) zoning districts.

B. The Board of County Commissioners held a duly noticed public hearing on June 3, 2010 regarding the proposed Official Zoning Atlas Amendment described herein in accordance with the requirements of Manatee County Ordinance 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 89-01, the 2020 Manatee County Comprehensive Plan.

D. For the purposes of granting Special Approval, the Board finds that the project, as detailed on the Preliminary Site Plan and as conditioned herein, will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.

E. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 722.1.4.2, the Board finds that not providing the sidewalk meets the intent of the regulation because the design is consistent with the existing character of the surrounding area.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for 10 single-family detached residences upon the property subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

1. 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.
2. At time of Final Site Plan approval, the applicant shall ensure compliance with all applicable NCO requirements of LDC Section 604.10.
3. The applicant shall comply with the bald eagle management standards promulgated by the Florida Fish and Wildlife Conservation Commission. If such standards are amended prior to Final Site Plan approval for the project, the site plan shall be modified to comply with the standards. Such modification shall be reviewed administratively with no further need for a public hearing. No lots shall be platted thru the protection zone. Further reduction of lots sizes (other than that shown on Exhibit B attached to the Ordinance) will require Board of County Commission approval at an advertised public hearing.

B. STORMWATER CONDITIONS:

1. The road side ditch along 25th Street East shall be piped.
2. Stem wall construction or pilings shall be utilized for all habitable structures located within the FEMA 100-year floodplain.

C. INFRASTRUCTURE CONDITIONS:

1. A permit for the water distribution system is required from the Health Department prior to start of construction.

D. BUFFERS:

1. The required east 20' wide perimeter buffer shall be planted pursuant to the NCO Overlay requirements of LDC Section 604.10 and shown as such on the Landscape Plan required with the Final Site Plan.

E. ENVIRONMENTAL CONDITIONS:

1. A copy of the Environmental Resource Permit (ERP) approved by SWFWMD shall be submitted to the Natural Resources Department for review prior to Final Site Plan approval.
2. A Conservation Easement for the areas defined as post-development jurisdictional wetlands/wetland buffers, and the non-contiguous portion of Parcel 1 shall be dedicated to the County prior to or concurrent with Final Plat approval.
3. The FSP shall be designed in a manner that is consistent with the Bald Eagle Protection Guidelines or an Eagle Disturbance Permit approved by The Florida Wildlife

Conservation Commission. A Conservation Easement, as approved by Florida Fish and Wildlife Conservation Commission, shall be provided for the eagle protection zone.

4. No lots shall be platted through post-development wetlands, wetland buffers, upland preservation areas, or the required eagle protection zone.
5. All proposed mulch nature trails, board walks, and shade structures located in wetland buffers and areas where native vegetation is to remain shall be designed in a manner that minimizes impacts to trees or areas of significant vegetation and in accordance with Section 719 of the LDC if applicable.

F. OTHER:

1. 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 informing prospective homeowners in the project of the:
 - a) Sites location within a flood zone,
 - b) Sites location within the Coastal High Hazard Area, Coastal Evacuation Area, and Coastal Planning with definitions from the Manatee County Land Development Code and maps showing location of each on the site,
 - c) A and A-1 zoning districts north of 25th St. E. and potential agricultural uses and operations permitted which may impact residents with noise and odor,
 - d) Location and State requirements regarding the eagle location, conservation easement, and required protection guidelines,
 - e) Limitations of boats to be moored at the proposed docks, and
 - f) The Hurricane Evacuation Plan approved by the Public Safety Department for this project.

Section 3. SPECIFIC AND SPECIAL APPROVALS. Specific Approval is hereby granted for an alternative to Section 722.1.4.2 of the Land Development Code. The Specific Approval shall continue in effect and shall expire concurrent with the Preliminary Site Plan for the project approved pursuant to Section 2 hereof. Special Approval is hereby granted for a project: 1) adjacent to a Perennial Stream; 2) in the Coastal Evacuation Area; and 3) partially in the Coastal High Hazard Area. The Special Approval shall continue in effect and shall expire concurrent with the Preliminary Site 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 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/NCO (General Agriculture/North Central Overlay) and A/CH/NCO (General Agriculture/Coastal High Hazard Overlay/North Central Overlay) to the PDR/NCO (Planned Development Residential/North Central Overlay) and PDR/CH/NCO (Planned Development Residential/Coastal High Hazard/North Central Overlay's) zoning districts 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,

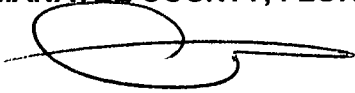
such section, clause, sentence, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

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 3rd day of June, 2010.

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

BY: 
Carol Whitmore, First Vice-Chairman

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

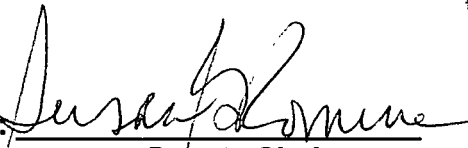
BY: 
Deputy Clerk



EXHIBIT "A"

LEGAL DESCRIPTION

THE LEGAL DESCRIPTION OF SAID PROPERTY IN MANATEE COUNTY FLORIDA, BEING:

LEGAL DESCRIPTION (FROM TITLE COMMITMENT) (PROVIDED BY SURVEYOR) PARCEL 1:

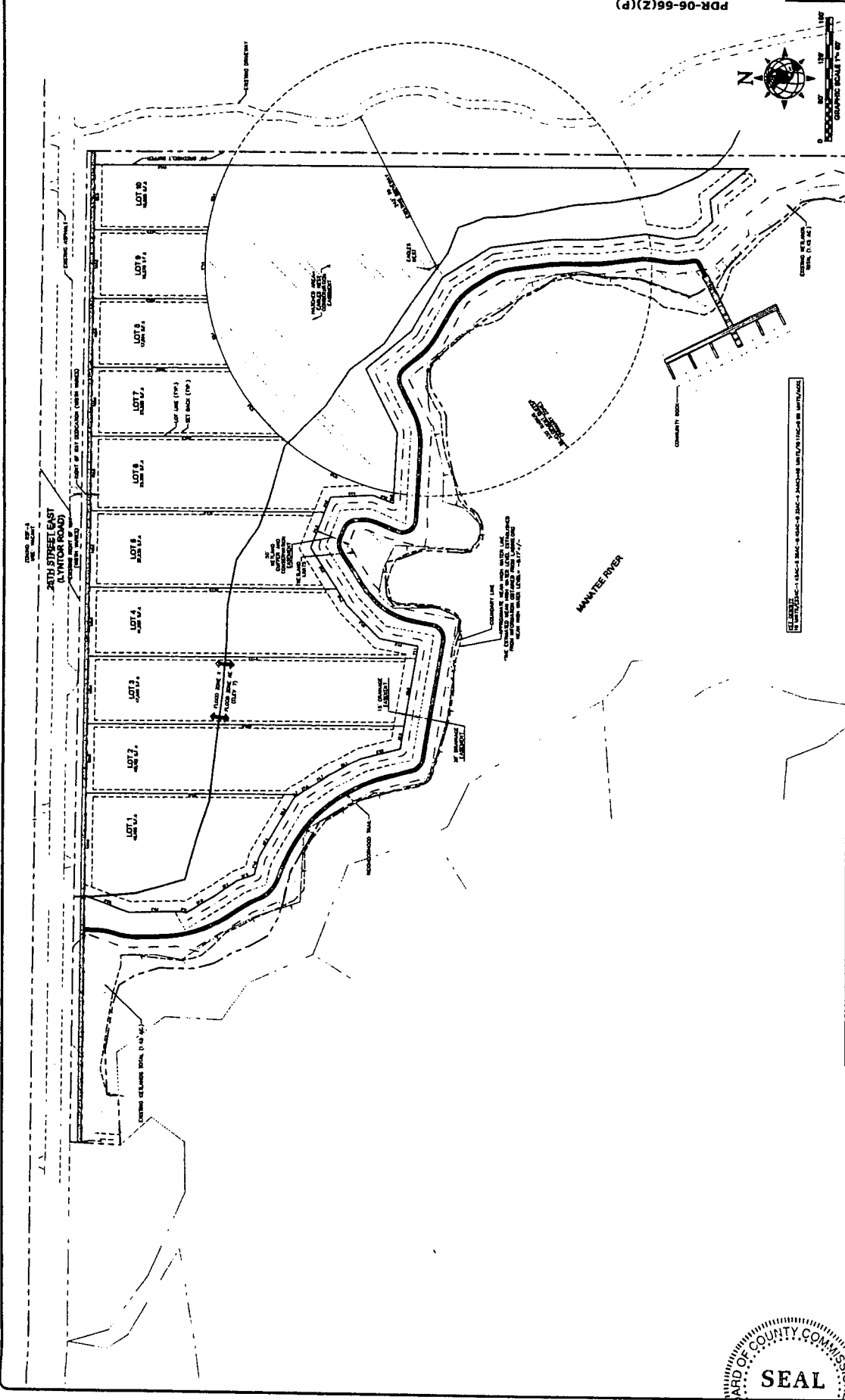
PARCEL 1:

THE WEST ONE-HALF (1/2) OF U.S. GOVERNMENT LOT THREE (3) IN SECTION 11, TOWNSHIP 34 SOUTH, RANGE 18 EAST, LESS THE EAST TWENTY FIVE (25) FEET THEREOF, BEING IN MANATEE COUNTY, FLORIDA, LESS ANY PORTION LYING WITHIN THE RIGHT OF WAY OF LINTNOR ROAD.

PARCEL 2:

BEGIN AT A POINT ON THE NORTH LINE OF U.S. LOT NO. 2, IN SECTION 11, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, SAID POINT BEING 515 FEET WEST OF THE NE CORNER OF SAID U.S. LOT NO. 2; THENCE GO SOUTHERLY A DISTANCE OF 75 FEET, MORE OR LESS, ALONG A LINE MARKING AN INTERIOR ANGLE OF 85°40'30" WITH THE SAID NORTH LINE OF U.S. LOT NO. 2, TO A CONCRETE MONUMENT ON THE SOUTH SIDE OF A CREEK; THENCE MEANDER SOUTHERLY AND EASTERLY ALONG THE EASTERLY AND NORTHERLY SIDE OF SAID CREEK TO A POINT WHERE SAID CREEK INTERSECTS THE EAST BOUNDARY LINE OF SAID U.S. LOT NO. 2; THENCE GO NORTHERLY ALONG SAID EAST BOUNDARY LINE OF SAID U.S. LOT NO. 2 TO THE NE CORNER OF SAID U.S. LOT NO. 2; THENCE GO WESTERLY ALONG THE NORTH LINE OF U.S. LOT NO. 2 TO THE POINT OF BEGINNING, RESERVING ONE-HALF OF THE OIL, GAS AND MINERAL RIGHTS AND CLAIMS IN AND TO THE PROPERTY HEREBY CONVEYED AS SET FORTH IN DEED RECORDED IN DEED BOOK 216, PAGE 341, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, LESS ANY PORTION LYING WITHIN THE RIGHT OF WAY OF LINTNOR ROAD.

PDR-06-66(2)(P)
20060364(6)
August 17, 2006



330' RADIUS EAGLES NEST CONSERVATION EASEMENT - EXHIBIT BAYOU POINTE ESTATES PALMETTO, MANATEE COUNTY, FLORIDA			
DATE	BY	NO.	REV.
11/11/05	MORRIS	1	1

NO.	DATE	DESCRIPTION

MORRIS ENGINEERING AND CONSULTING, LLC
Civil Engineering and Land Development
1000 State Street, Suite 200, Palmetto, Florida 34657 - Phone: (813) 845-1100



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 16th day of June, 2010
N.B. SHORE
Clerk of Circuit Court
By: J. G. Coredo D.C.

Exhibit "B"

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R. B. SHORE



2010 JUN 23 PM 3: 57

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

DAWN K. ROBERTS
Interim Secretary of State

June 23, 2010

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

Attention: Ms. Quantana Acevedo, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated June 16, 2010 and certified copies of Manatee County Ordinance Nos. PDR-05-60(Z)(P), * PDR-06-66(Z)(P), PDMU-97-05(P)(R4), PDMU-06-28(Z)(P), Z-10-02, which were filed in this office on June 18, 2010.

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

Sincerely,

Liz Cloud
Program Administrator

LC/srd
Enclosure

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dlis.dos.state.fl.us>

COMMUNITY DEVELOPMENT
850.245.6600 • FAX: 850.245.6643

STATE LIBRARY OF FLORIDA
850.245.6600 • FAX: 850.245.6744

STATE ARCHIVES OF FLORIDA
850.245.6700 • FAX: 850.488.4894

LEGISLATIVE LIBRARY SERVICE
850.488.2812 • FAX: 850.488.9879

RECORDS MANAGEMENT SERVICES
850.245.6750 • FAX: 850.245.6795

ADMINISTRATIVE CODE AND WEEKLY
850.245.6270 • FAX: 850.245.6282

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MANATEE CO. FLORIDA
CHARLIE CRIST
Governor



FLORIDA DEPARTMENT of STATE

STATE LIBRARY AND ARCHIVES OF FLORIDA

DAWN K. ROBERTS
Interim Secretary of State

June 18, 2010

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

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

Sincerely,

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

Liz Cloud
Program Administrator

LC/srd
Enclosure

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