

MANATEE COUNTY ZONING ORDINANCE  
PDR-05-69(Z)(P) – CRYSTAL LAKES II

2006 AUG 21 PM 2:37

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF  
MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT,  
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 20.84 ACRES GENERALLY LOCATED EAST OF THE  
EXISTING CRYSTAL LAKES PROJECT AND AT THE NORTHWEST CORNER  
OF 70<sup>TH</sup> STREET EAST AND 60<sup>TH</sup> AVENUE 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 FOR 50 LOTS FOR  
SINGLE-FAMILY DETACHED RESIDENCES SUBJECT TO STIPULATIONS AS  
CONDITIONS OF APPROVAL; GRANTING SPECIAL APPROVAL FOR A  
PROJECT: 1) ADJACENT TO A PERENNIAL STREAM; 2) EXCEEDING A  
GROSS DENSITY OF 1 D.U. PER ACRE IN THE UF-3 FUTURE LAND USE  
CATEGORY; AND 3) EXCEEDING A NET DENSITY OF 3 D.U. PER ACRE IN  
THE UF-3 FUTURE LAND USE CATEGORY; ADOPTING THE FINDINGS FOR  
A SPECIFIC APPROVAL; AND GRANTING A SPECIFIC APPROVAL FOR AN  
ALTERNATIVE TO SECTION 907.9.4.1; SETTING FORTH FINDINGS;  
PROVIDING FOR SEVERABILITY; PROVIDING A LEGAL DESCRIPTION AND  
PROVIDING FOR AN EFFECTIVE DATE.

CLERK OF THE COURT  
MANATEE COUNTY, FLORIDA  
AUG 17 AM 9:29  
FILED

**WHEREAS**, White Oak Development, Ltd. (the "Applicant") has filed a rezone application to rezone approximately 20.84 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 for 50 lots for single-family detached residences (the "Project") to be located upon the Property; and

**WHEREAS**, the Applicant has also filed a request for Special Approval for a project: 1) adjacent to a Perennial Stream; 2) exceeding a gross density of 1 d.u. per acre in the UF-3 Future Land Use Category, and 3) exceeding a net density of 3 d.u. per acre in the UF-3 Future Land Use Category; and

**WHEREAS**, the Applicant has also filed a request for a Specific Approval for an alternative to Section 907.9.4.1 of the LDC, and

**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 13, 2006 to consider the rezone, Preliminary Site Plan, Special Approval, and Specific 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, Preliminary Site Plan, Special Approval, and Specific Approval 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.

**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 August 3, 2006 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. Notwithstanding the failure of the site plan to comply with LDC Section 907.9.4.1, the Board finds that the purpose and intent of Section 907.9.4.1 has been satisfied to an equal degree because the design of the project preclude access to the north because of Buffalo Canal and a future inter-neighborhood tie to the east is provided.

**Section 2. PRELIMINARY SITE PLAN** The Preliminary Site Plan is hereby APPROVED for 50 lots for single-family detached residences upon the Property subject with the following Stipulations. The Board hereby GRANTS Special Approval for a project: 1) adjacent to a Perennial Stream; 2) exceeding a gross density of 1 d.u. per acre in the UF-3 Future Land Use Category, and 3) exceeding a net density of 3 d.u. per acre in the UF-3 Future Land Use Category, and GRANTS Specific Approval for an alternative to Section 907.9.4.1 of the Land Development Code subject to the Stipulations below:

**STIPULATIONS**

1. At least three different species of canopy or understory trees shall be planted in required landscape buffers.
2. Unless otherwise approved by the Planning Department, existing indigenous vegetation shall remain within required landscape buffers and be utilized to meet buffering and screening requirements. Sufficient area around the trees and appropriately designed tree wells shall be required as determined by a registered Landscape Architect to reasonably guarantee their survival. Cross-sections of landscape buffers shall be provided prior to Final Site Plan approval per Section 508.3.4. of the LDC.
3. The developer shall provide signs adjacent to wetland buffers and conservation easements indicating that the area is a "Conservation Area", as required in Section 719.11.1.3.3 of the LDC. The type and location of such signs shall be shown and approved by the Planning Department with the Final Site Plan.
4. Prior to development related clearing activities, all applicable County approvals must be obtained through the Planning Department. There shall be no open burning of trees.
5. Unless otherwise approved by Planning Department, native or drought tolerant landscaping materials shall be utilized in common areas. In addition, the developer shall encourage individual homeowners to participate in the Florida Yards and Neighborhood Program by disseminating program information to individual lot owners.
6. The Developer shall use the lowest quality of water available for irrigation purposes. Use of Manatee County public potable water supply shall be prohibited for in ground irrigation systems, including those on individual lots.
7. The Notice to Buyers and Final Site Plan shall include a notice to inform homeowners of the presence of: (1) neighboring agricultural uses, which may possibly include pesticides and herbicides and may have odors and noises associated with such uses; (2) the inter-neighborhood tie to the east in the future development on that site may use the roads to Crystal Lakes.
8. All lots adjacent to active agriculture operations shall have an additional 35' setback. If an adjoining agricultural operation is no longer in effect at the time of submittal of the Final Plat, then the requirements of Section 702.6.7 of the LDC shall no longer apply and the additional 35' setback may be eliminated from the Final Plat.
9. A 5' wide sidewalk shall be required along both sides of all internal streets.
10. All cut and fill within the 100 Year Flood Plain shall be balanced. This may include back flow of floodwaters into the floodplain compensation/stormwater lake.

11. A 50' wide tree easement shall be provided along the rear of Lots 10 and 11 to ensure the survival of significant trees within these lots.
12. All home construction on Lots 10-12, 23, and 29-31 shall use stem walls and footers or similar methods to meet Finished Floor Elevation requirements. No fill dirt shall be used to elevate these lots to meet FFE requirements.
13. The project shall be redesigned to add the area within Lot 16 to the passive recreational open space area and relocate Lot 16 elsewhere in the project.
14. 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.
15. A no-rise permit will be required for all encroachment within the FEMA 100-year floodway of the Buffalo Canal/Creek. Any existing or proposed structures within the floodway shall be modeled.
16. A Drainage Easement shall be dedicated to Manatee County and be shown on the Final Site Plan and Final Plat along Buffalo Canal/Creek within the project boundaries. In addition, a twenty (20) feet Drainage-Maintenance Access Easement shall be provided along Buffalo Canal/Creek. Drainage-Maintenance Access Easements shall be on clear and level ground, free of obstructions including landscaping. Manatee County is only responsible for maintaining the free flow of drainage through these systems.
17. Existing storage volume in existing wetlands and drainage ditches shall be compensated with equal or greater volume in the proposed stormwater retention pond.
18. The Drainage Model and Construction Plan shall demonstrate that no adverse impacts will be created to neighboring residents surrounding the site in respect to drainage routing, grading, and runoff.
19. Applicant shall install approximately 525' of 6' high PVC fence in the 15' landscape buffer located adjacent to Lots 14, 15, a portion of Lot 30, Lot 31 and the pocket park which is adjacent to the property lines of Earlene Harber located at 5820 70<sup>th</sup> Street East. The deed restrictions shall include a requirement that the Homeowners' Association maintain this fence and that the fence remains in perpetuity.
20. The front yard setback shall be 25-feet to the front loaded garage and 20-feet to the side loaded garage and dwelling.
21. The project has been approved for 50 lots.

**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 described in Exhibit "A" incorporated herein by reference, 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.

**Section 4. 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, sentence, clause, 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.

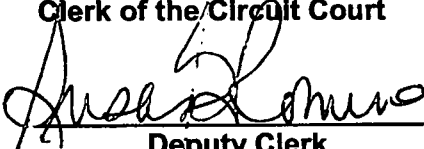
**Section 5. EFFECTIVE DATE.** This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

**PASSED AND DULY ADOPTED,** by the Board of County Commissioners of Manatee County, Florida on the 3<sup>rd</sup> day of August, 2006.

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

BY:   
Chairman

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

  
Deputy Clerk



**EXHIBIT "A"**

**LEGAL DESCRIPTION**

**DESCRIPTION (FROM TITLE COMMITMENT)**

**PARCEL 1:**

BEGINNING 220 YARDS WEST OF THE SOUTHEAST CORNER OF THE NORTHWEST  $\frac{1}{4}$  OF THE SOUTHEAST  $\frac{1}{4}$  OF SECTION 28, TOWNSHIP 33 SOUTH, RANGE 18 EAST; THENCE WEST 110 YARDS, NORTH 440 YARDS, THENCE EAST 110 YARDS; THENCE SOUTH 440 YARDS TO THE POINT OF BEGINNING; LESS THE PROPERTY DESCRIBED IN O.R. BOOK 913, PAGE 531, LYING AND BEING IN SECTION 28, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

**PARCEL 2:**

BEGINNING 110 YARDS WEST OF THE SOUTHEAST CORNER OF THE NORTHWEST  $\frac{1}{4}$  OF THE SOUTHEAST  $\frac{1}{4}$  SECTION 28, TOWNSHIP 33 SOUTH, RANGE 18 EAST,; THENCE WEST 110 YARDS; THENCE NORTH 440 YARDS; THENCE EAST 110 YARDS; THENCE SOUTH 440 YARDS TO THE POINT OF BEGINNING; LESS 70 YARDS EAST AND WEST AND 140 YARDS NORTH AND SOUTH IN THE SOUTHEAST CORNER OF THE ABOVE DESCRIBED PROPERTY AND LESS THE PROPERTY DESCRIBED IN O.R. BOOK 913, PAGE 531; LYING AND BEING IN SECTION 28, TOWNSHIP 33 SOUTH, RANGE 18 EAST.

**PARCEL 3:**

FROM THE SOUTHWEST CORNER OF SECTION 28, TOWNSHIP 33 SOUTH, RANGE 18 EAST, GO NORTH ALONG THE WEST LINE OF SAID SECTION 28, A DISTANCE OF 1346.5 FEET TO A POINT WHICH IS THE NORTHWEST CORNER OF THE SOUTHWEST  $\frac{1}{4}$  OF THE SOUTHWEST  $\frac{1}{4}$  OF SAID SECTION 28, TOWNSHIP 33 SOUTH, RANGE 18 EAST; THENCE GO EAST 3180.38 FEET ALONG THE NORTH LINE OF SAID SOUTHWEST  $\frac{1}{4}$  OF THE SOUTHWEST  $\frac{1}{4}$  OF SECTION 28, FOR A POINT OF BEGINNING; THENCE GO SOUTH 50 FEET TO A POINT; THENCE GO EAST 197.21 FEET; THENCE NORTH 50 FEET TO THE SAID NORTH LINE OF THE SOUTHWEST  $\frac{1}{4}$  OF THE SOUTHWEST  $\frac{1}{4}$ ; THENCE GO WEST ON SAID NORTH LINE A DISTANCE OF 197.21 FEET TO THE POINT OF BEGINNING, LYING AND BEING IN SECTION 28, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

**PARCEL 4:**

BEGIN 540 FEET WEST AND 25 FEET NORTH OF THE SOUTHEAST CORNER OF THE NORTHWEST  $\frac{1}{4}$  OF THE SOUTHEAST  $\frac{1}{4}$  OF SECTION 28, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE WEST 20 FEET; THENCE NORTH 210 FEET; THENCE WEST 190 FEET; THENCE NORTH 210 FEET; THENCE EAST 210 FEET; THENCE SOUTH 420 FEET TO THE POINT OF BEGINNING, LYING AND BEING IN SECTION 28, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

**PARCEL 5:**

BEGIN 540 FEET WEST OF THE SOUTHEAST CORNER OF THE NORTHWEST  $\frac{1}{4}$  OF THE SOUTHEAST  $\frac{1}{4}$  OF SECTION 28, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE

COUNTY, FLORIDA; THENCE NORTH 420 FEET; THENCE EAST 105 FEET; THENCE SOUTH 420 FEET; THENCE WEST 105 FEET TO THE POINT OF BEGINNING; LYING AND BEING IN SECTION 28, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.



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 14<sup>th</sup> day of August, 2006  
R.B. SHORE  
Clerk of Circuit Court  
By: [Signature] D.C.



FILED FOR RECORD  
R. B. SHORE

2006 AUG 21 PM 2: 36

FLORIDA DEPARTMENT OF STATE

**Sue M. Cobb**

Secretary of State

DIVISION OF LIBRARY AND INFORMATION SERVICES

CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

August 17, 2006

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

Attention: Quantana Acevedo, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated August 14, 2006 and certified copies of Manatee County Ordinance Nos. 06-54, PDR04-14(P), PDMU/PDR-05-63(P), PDPI-05-120(P), Z-05-21, Z-05-20, PDMU-05-43(Z)(P), PDC-05-32(P), PDO-03-50(G)(R), PDR-05-69(Z)(P), and PDC-03-61(P)(R), which were filed in this office on August 17, 2006.

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

Sincerely,

A handwritten signature in black ink that reads "Liz Cloud".

Liz Cloud  
Program Administrator

LC/bpn

Enclosures

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