

**MANATEE COUNTY ORDINANCE  
PDR-15-12(P) – STONECREEK HOMES, LLC/RINASCITA PHASE II  
DTS# 20150230 MEPS #454**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING A PRELIMINARY SITE PLAN FOR 24 LOTS FOR SINGLE-FAMILY ATTACHED RESIDENCES IN THE PDR (PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICT ON APPROXIMATELY 4.78 ACRES LOCATED ON THE NORTH SIDE OF CORTEZ ROAD, APPROXIMATELY ¼ MILE WEST OF PALMA SOLA BOULEVARD, AT 9090 CORTEZ ROAD WEST, BRADENTON (MANATEE COUNTY); SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING A LEGAL DESCRIPTION, AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Stone Creek, LLC (the “Applicant”) filed an application for a Preliminary Site Plan for an approximately 4.78 acre site for 24 lots for single-family attached residences in the PDR (Planned Development Residential) zoning district as described in Exhibit “A”, attached hereto, (the “Property”) and

**WHEREAS**, the applicant also filed a request for Special Approval for a project: 1) exceeding a gross density of 4.5 dwelling units per acre in RES-6 Future Land Use Category (FLUC); 2) a project in the Coastal Evacuation Area (CEA) Overlay District; and 3) a project in the CHHA (Coastal High Hazard Area) Overlay District; and

**WHEREAS**, the applicant also filed a request for Specific Approval for an alternative to Land Development Code Section 402.7.D.7 (reduced front yard setback to 20’); and

**WHEREAS**, the Building and Development Services Department staff recommended approval of the Preliminary Site Plan, Special Approval and Specific Approval applications 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 December 10, 2015 to consider the Preliminary Site Plan, Special Approval and Specific Approval applications, 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 Preliminary Site Plan, Special Approval and Specific Approval applications consistent with the Manatee County Comprehensive Plan, and the Manatee County Land Development Code, recommended approval 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, 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 a Preliminary Site Plan, Special Approval and Specific Approval as it relates to the real property described in Exhibit “A” of this Ordinance.
- B. The Board of County Commissioners held a duly noticed public hearing on January 7, 2016 regarding the proposed Ordinance described herein in accordance with the requirements of the Manatee County Land Development Code and has further considered the information received at the public hearing.
- C. The proposed Ordinance regarding the property described in Exhibit “A” herein is found to be consistent with the requirements of the Manatee County Comprehensive Plan.
- D. The Board finds that the purpose of the Special Approval regulation is satisfied by the analysis provided in the staff report and proposed design which indicates the proposed project 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 402.7.D.7 the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because no adverse impacts are proposed to the any existing adjacent properties with the setback reduction.

**Section 2. PRELIMINARY SITE PLAN.** The Preliminary Site Plan is hereby approved for 24 lots for single-family attached residences in the PDR (Planned Development Residential) zoning district on an approximately 4.78 acre site subject to the following Stipulations:

## **STIPULATIONS**

### **A. DESIGN AND LAND USE CONDITIONS:**

- 1. All other applicable state permits shall be obtained before commencement of the development.
- 2. All walls and fences within the buffers shall be measured from the finished grade of the adjacent road or lot (exclusive of any swales), whichever is greater. This requirement shall be verified with a cross-section detail on the Final Site Plan.
- 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 inform homeowners of the following:
  - a) Buyer is purchasing a home in the Coastal Evacuation Area and Coastal High

- Hazard Area and where applicable in a designated flood zone; and
- b) A Hurricane Evacuation Plan is approved by the Public Safety Department for this project. An updated copy of the preparedness plan is required to be submitted annually to the Manatee County Emergency Management Division of the Public Safety Department.
4. A cross access agreement shall be established (or updated) with the adjacent parcel to the west.
  5. The applicant shall use their best efforts to obtain a temporary construction access permit from Florida Department of Transportation for the construction traffic to access Cortez Road for Phase II of this project.

**B. ENVIRONMENTAL CONDITIONS:**

1. The developer shall provide an updated study, consistent with Policy 3.3.2.1 of the Comprehensive Plan, for threatened and endangered plant and animal species prior to Final Site Plan approval. A Management Plan, approved by the appropriate state or federal agency, shall be provided to the county for any listed species found on-site, prior to Final Site Plan approval.
2. No lots shall be platted through post-development wetlands, wetland buffers or upland preservation areas.
3. An ERP approved by SWFWMD shall be provided to the Environmental Review Section (ERS) for review prior to Commencement of Construction.

**C. STORMWATER CONDITIONS:**

1. The proposed internal roadway shall be constructed so as to be above the six (6) foot contour elevation or at the same elevation as Cortez Road, whichever is greater. The design elevation must be coordinated with the Public Works and Public Safety Department.
2. Documentation demonstrating additional treatment of stormwater or compliance with the OFW criteria shall be submitted to the Public Works Department for review, prior to Final Site Plan approval, and a note should be added to the plan indicating that the 150% treatment is being provided.

**D. UTILITIES CONDITIONS:**

1. Connection to the County wastewater system is required pursuant to the Manatee County Comprehensive Plan. The cost of connection, including the design, permitting and construction of off-site extensions of lines, shall be the responsibility of the Applicant. Such off-site extension shall be designed and constructed in accordance with the County's Wastewater System Master Plan. The connection shall be designed, engineered and permitted by the Applicant consistent with Manatee

County Public Works Standards and approved by County Engineer through the construction plans review process for the project.

2. Because this project is in the Coastal High Hazard Area the potable water and reclaimed water shall be master metered. All potable water and reclaimed water facilities downstream of the master meter and all sanitary sewer facilities within the development shall be privately owned and maintained. Furthermore, the applicant shall adhere to any special construction requirements for utilities within the Coastal High Hazard Area that are in place at the time of Final Site Plan submittal. Such special construction requirements may include but are not limited to installation of leak proof manhole covers or controlling the elevation that any at or above grade potable water, reclaimed water or sanitary sewer facility or appurtenance is installed.

**Section 3. SPECIAL AND SPECIFIC APPROVALS.** Special Approval is hereby granted for a project: 1) exceeding a gross density of 4.5 dwelling units per acre in RES-6 Future Land Use Category (FLUC); 2) a project in the Coastal Evacuation Area (CEA) Overlay District; and 3) a project in the CHHA (Coastal High Hazard Area) Overlay District. Special Approval shall continue in effect and shall expire concurrent with the Preliminary Site Plan for the project approved pursuant to Section 2 hereof. Specific Approval is hereby granted for an alternative to Land Development Code Section 402.7.D.7 (reduced front yard setback to 20'). Specific 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. 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. 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 6. STATE AND FEDERAL PERMITTING.** The issuance of this local development permit by the County shall not create any liability on the part of the County in the event the applicant fails to obtain the required state or federal agency approvals or permits or fails to fulfill the obligations imposed by any state or federal agency or undertakes actions that result in a violation of state or federal law.

**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 \_\_\_\_\_ of \_\_\_\_\_, 2016.

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

**BY: \_\_\_\_\_  
Vanessa Baugh, Chairman**

**ATTEST: ANGELINA COLONNESO  
Clerk of the Circuit Court**

**BY: \_\_\_\_\_  
Deputy Clerk**

**EXHIBIT “A”  
LEGAL DESCRIPTION**

THE 600 FEET OF THE EAST 380 FEET OF THE WEST 1,140 FEET OF LOT 2, U.S., LESS right-of-way for STATE HIGHWAY OFF OF THE SOUTH, IN SECTION 1, TOWNSHIP 35 SOUTH, RANGE 16 EAST, LYING AND BEING IN MANATEE COUNTY, FLORIDA.

TOGETHER WITH AN INGRESS AND EGRESS EASEMENT BY AND BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, GULFVIEW HOMES, LLC, A FLORIDA LIMITED LIABILITY COMPANY, AND GULFVIEW HOMEOWNER'S ASSOCIATION, INC., A FLORIDA CORPORATION NOT-FOR-PROFIT, DATED 5/13/05, AND RECORDED 6/3/05, IN O.R. BOOK 2026, PAGE 1219; AMENDED IN THAT AMENDED AND RESTATED EASEMENT AGREEMENT BY AND BETWEEN THE ABOVE-MENTIONED PARTIES AND ALSO SUNDANCE OWNERS ASSOCIATION, INC., A FLORIDA CORPORATION NOT-FOR-PROFIT, DATED 11/30/05 AND RECORDED 12/28/05 IN O.R. BOOK 2089, PAGE 3491, ALL OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

PARCELID#7500400002

CONTAINING 4.78 ACRES, MORE OR LESS.