

FILED FOR RECORD
R. B. SHORE

2004 APR -8 PM 3:12

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

MANATEE COUNTY ZONING ORDINANCE

PDR-03-25(Z)(P) - EDWIN SELBY/WINDWARD HOMES, INC./SELBY GROVE SUBDIVISION

AN 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 CERTAIN LAND FROM A (GENERAL AGRICULTURE, 1 DWELLING UNIT PER 5 ACRES) AND A-1 (SUBURBAN AGRICULTURE, 1 DWELLING UNIT PER ACRE) TO PDR (PLANNED DEVELOPMENT RESIDENTIAL; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW 174 LOTS FOR SINGLE-FAMILY DETACHED RESIDENCES, AND GRANTING SPECIAL APPROVAL FOR DENSITY EXCEEDING 1 DWELLING UNIT PER ACRE IN THE UF-3 FUTURE LAND USE CATEGORY.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. FINDINGS OF FACT. 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 of said County, 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 Section 4 of this Ordinance from A (General Agriculture, 1 dwelling unit per 5 acres) and A-1 (Suburban Agriculture, 1 dwelling unit per acre) to PDR (Planned Development Residential).

B. The Board of County Commissioners held a public hearing on March 23, 2004 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 Section 4 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 174 lots for single-family detached residences, and GRANTING Special Approval for density exceeding 1 dwelling unit per acre in the UF-3 Future Land Use Category with the following Stipulations:

STIPULATIONS

1. A five foot wide sidewalk shall be installed along U.S. 301 and Fort Hamer Road.
2. The project shall be redesigned to have a minimum lot size of 6,600 square feet. The minimum lot size for Lots 67 through 116 and 149 through 180 shall be 8,400 square feet. The maximum number of lots shall be 174, with a maximum density of 1.96 dwelling units per acre. The minimum lot width will be 60'.

3. All lots adjacent to land zoned A-1 or A shall have a rear lot line of 70 feet.
 4. All buildings on the perimeter lots along Red Rooster Road and Fort Hamer Road shall be restricted to one story and a maximum height of 22', as building height is defined in the Land Development Code. Any pool cages or other screened cages shall not exceed the height of the home and shall utilize materials of a dark color such as black or bronze. This condition shall be reflected in the covenants and restrictions for the subdivision.
 5. Required setbacks for the project:
Front: 20'
Side: 7.5'*
Rear: 15'*
Waterfront: 30'
- *All structures shall be setback 20' from the roadway buffer along Red Rooster Road, except for pool cages, swimming pools and screen porches (subject to Section 703.2.23 requirements).
6. A tot lot or the multi-purpose court shall be subject to a 30' setback from adjoining residential lots.
 7. No lots shall be platted through any greenbelt, landscape buffer, retention pond, wetland, or wetland buffer.
 8. A 20 foot wide roadway landscape buffer shall be provided along U.S. 301, Fort Hamer Road, and Red Rooster Road and planted with two rows of canopy trees (3" caliper, 12' in height, with a 4' spread) off-set 50' on-center in each row and a hedge, with the rows of trees off-set from each other to give the appearance of trees located 25' on center. The required landscaping shall consist of native species typically found in the Parrish area (tree and plant species to be approved by Planning Department) and provide 85% opacity to a height of ten (10) feet within three years from the date of the first Final Plat approval. The buffer along Red Rooster Road may also include a fence at the rear property line.
 9. The Final Site Plan shall show a 20 foot greenbelt buffer along all perimeter property lines, but not including areas of wetlands or roadway landscape buffers, planted with two offset rows of canopy trees places 40 feet on center in each row with 33 shrubs per 100 linear feet with the trees, with the rows of trees off-set from each other to give the appearance of trees located 20 feet on center. The greenbelt must provide 85% opacity to a height of ten (10) feet within three years from the Final Plat approval for the phase in which it is located.
 10. Native vegetation and enhanced landscaping within the roadway buffers, greenbelts, and tree and native plant preservation areas shall not be disturbed and must remain in a natural state (plant communities shall be protected at all times) and shall comply with Section 715.3.5 G. Normal maintenance shall be allowed per LDC Section 714.2.2.8.
 11. Construction traffic to the site shall not utilize Red Rooster Road.

12. A hedge shall be required on both sides of the 0.2 acre common open space area on the north side of the 10 acre lake.
13. The building envelope for Lot 67 shall be configured to be outside of the drip line of the existing trees.
14. The park in Phase II shall include a tot lot with commercial grade playground equipment (located between Lots 148 and 149), a grass play area, a multi-purpose court, bike rack and roadway signage indicating children at play. A hedge shall be required adjacent to Lots 148 and 149. Also, 5 canopy trees (3" caliper, 12' in height, with a 4' spread) shall be clustered around the recreational amenities located between Lots 148 and 149.
15. All recreational areas adjacent to water features shall include commercial grade park benches.
16. A 5' wide shell path shall be installed between Lots 54 and 55 within a 5' wide common area. This area shall be screened with a hedge on the adjoining sides of the Lots 54, and 55, which will be irrigated, and will be maintained by the homeowners association. The shell pathway portion of the pedestrian corridor may terminate at the rear property lines of Lots 54 and 55.
17. Overhead power lines or detention or retention ponds shall not be located within the landscape buffers, greenbelts, or tree stands designated for preservation.
18. Street lighting for the subdivision shall be limited to a maximum height of 16', with a unified theme. The design and shielding of any on-site lighting for the common areas shall comply with Section 709.2.2. In addition, pole and building mounted lights in common areas shall be limited to 16' in height and directed to the interior of the development using horizontal cut-off fixtures.
19. A non-ingress egress easement shall be recorded adjacent the frontage of all lots along U.S. 301, Fort Hamer Road, and Red Rooster Road prior to or in conjunction with approval of the Final Plat for the phase in which it is located.
20. 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 home buyers of the following:
 - the presence of neighboring agricultural uses, which may possibly include pesticides and herbicides and may have odors and noises associated with such uses;
 - construction of a bridge and road widening to four lanes at the end of Fort Hamer Road connecting to Upper Manatee River Road; and
 - in the future, the main entrance on a four lane U.S. 301 will be limited to right-in, right-out access only.
21. Prior to construction, grading, or tree removal from the site, required protective barriers within each area of construction shall be installed to protect all 4" DBH (trunk diameter measured at 4.5 feet from the ground) and greater trees identified for protection, that is, not shown on the Preliminary Site Plan as proposed to be removed, replaced, or relocated.

The minimum radius shall be protected:

- (1) Pines: dripline or 6', whichever is greater.
- (2) All other trees including hardwoods: 2/3 of the dripline or 6' whichever is greater.

Method of Erection:

- (1) Minimum height of uprights: 3' (after being pounded into the ground), and no less than 2" x 4" lumber.
- (2) Uprights should have horizontal ribboning at the top and 12" below the top.
- (3) Uprights should be spaced at no more than 4' – 5' intervals.
- (4) Horizontal members shall not be less than 1" x 2" lumber.

Barriers are to remain in place until all paving and construction are done and heavy equipment is out of the area. Trees 4" dbh and greater that are located within 10' of the lot under construction shall be protected by a barricade during home construction.

22. Red Rooster Road shall be paved from the project entrance on Red Rooster Road to U.S. 301. Construction shall be to Manatee County 24' wide paved rural configuration within the right of way of Red Rooster Road, meeting county structural standards, and no improvements to U.S. 301 will be required. The design for the alignment may be modified by the Planning and Transportation Departments to meet future right-of-way acquisition and realignment of the Red Rooster Road and U.S. 301 intersection should Manatee County acquire the necessary right-of-way, subject to FDOT permits to do so. Paving shall be completed or guaranteed by performance security prior to Final Subdivision Plat approval of Phase 1. In the event that FDOT will not issue a permit for connection to Red Rooster Road in accordance with the second sentence of this stipulation, or if such permit requires improvements to U.S. 301, then the developer shall only be responsible for paving within the existing right-of-way of Red Rooster Road in accordance with the second sentence hereof.
23. The applicant shall be responsible for bringing County water and sewer to the site. This approval is contingent upon the site being served by public utilities.
24. 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.
25. The developer shall submit a "Well Management Plan" prior to Final Site Plan approval. A copy of any applicable Water Use Permits (WUP) shall be included in the "Well Management Plan."
26. This project shall be required to reduce the calculated pre-development flow rate by fifty percent (50%) for all stormwater outfall flow directly or indirectly into Gamble Creek. Also, the Drainage Model and Construction Plan shall demonstrate to the Transportation Department (Stormwater Management Division) that no adverse impacts will be created

- to neighboring residents surrounding the site in respect to drainage routing, grading, and runoff.
27. The design of the recreational area shall be in substantial conformance with the photographs entered into the record for this case.
 28. This site is approved with the following Transportation stipulations:
 - A. Prior to approval of the first C.O., construct a westbound left-turn lane and an eastbound deceleration lane at the main driveway off U.S. 301;
 - B. Construct separate northbound left and right turn lanes at the intersection of Red Rooster Road and U.S. 301;
 - C. Provide the appropriate turning radii at the ingress/egress points. Utilize AASHTO design guidelines for the appropriate design vehicle. Also, provide the appropriate intersection sight distances per AASHTO guidelines; and
 - D. The improvements above shall be depicted on the final site and construction plans.
 29. The developer shall provide an easement to Manatee County to accept stormwater for the U.S. 301 and Fort Hamer Road rights-of-way to accommodate roadway expansion along with a right of access to modify the stormwater system to create additional treatment and attenuation capacity at the expense of the County.
 30. The final design for this project shall incorporate traffic calming measures along the internal streets to be approved by the Transportation Department with the Final Site Plan.
 31. With the first Final Plat, the developer shall dedicate an additional 20' of right-of-way and either reserve or dedicate an additional 50' of right-of-way along Ft. Hamer Road. The required landscape buffer of Stipulation #8 shall be located outside the dedication or reservation area.

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 Section 4 herein from A (General Agriculture, 1 dwelling unit per 5 acres) and A-1 (Suburban Agriculture, 1 dwelling unit per acre) to PDR (Planned Development Residential) 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. LEGAL DESCRIPTION.

S ¼ OF SE ¼ OF NW ¼ LESS RW, THAT PART OF E ½ OF E1/2 OF SW ¼ OF NW ¼ SOUTH OF US HIGHWAY 301, E ½ OF NW ¼ OF SW ¼, W 1/2 OF SE ¼ OF SW ¼ LESS ROAD R/W (GROVE) P-39 W ½ OF THAT PART OF E ½ OF SW ¼ OF NW ¼ LY SOUTH OF US HIGHWAY 41 P-40 E ½ OF W ½ OF NE ¼ OF SW ¼ AND W 16' OF NE ¼ OF NE ¼ OF SW ¼ P-50 W ½ OF W ½ OF NE ¼ OF SE ¼ P-51 N 1058.86' OF E ½ OF E ½ OF SW ¼ OF SW ¼ P-52-1

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 23rd day of March, 2004.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: 

Chairman



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

By: 

D.C.



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 31st day of

March, 2004

R. B. SHORE
Clerk of Circuit Court

By:  D.C.



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R. B. SHORE

2004 APR -8 PM 3:11

CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA

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

April 5, 2004

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

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated March 30, 2004 and certified copies of Manatee County Ordinance Nos. PDR-03-25(Z)(P), PDR-03-29(Z)(P) and PDMU-04-03(Z)(G), which were filed in this office on April 5, 2004.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Liz Cloud".

Liz Cloud
Program Administrator

LC/mp

Enclosures