

CLERK OF RECORD
H. B. SHORE

MANATEE COUNTY ZONING ORDINANCE
PDR-04-35(Z)(P) - DEMORGAN HOMES, LLC/OAKVIEW

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-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 198 LOTS FOR SINGLE-FAMILY HOMES (162 SINGLE-FAMILY DETACHED HOUSES AND 36 LOTS FOR SINGLE-FAMILY ATTACHED RESIDENCES).

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, 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-1 (Suburban Agriculture, 1 dwelling unit per acre) to PDR (Planned Development Residential).

B. The Board of County Commissioners held a public hearing on October 26, 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 198 lots for single-family homes (162 single-family detached houses and 36 lots for single-family attached residences) with the following Stipulations and Specific Approvals:

STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

1. A minimum of 25% of the units of the project shall be retained as affordable housing. This shall be ensured through the execution of the Land Use Restriction Agreement.

2. Minimum lot dimension shall be as follows:

Single-family detached = 50' x 100'

Single-family attached = 20' x 100'

Single-family detached, single-side zero lot line = 35' x 100'

3. The single-family detached, single-side zero lots shall have building footprints and elevations which are either in substantial conformance with the building footprints and elevations entered into the record at the public hearing or of a similar or superior design as determined by the Planning Director.

4. Minimum building setbacks shall be as follows:

Single-family detached units:

Front = 20'

Sides = 5'

Rear = 15'

Single-family attached units:

Front = 20'

Sides = 0' (15' for end units)

Rear = 15'

Single-family detached, single-sided zero lot line:

Front = 20'

Sides = 10'/0'

Rear = 15'

5. The maximum building height of all units shall be 35 feet.
6. All driveways shall be a minimum of 16 feet wide to accommodate the parking of two vehicles, side by side.
7. No lots shall be platted through any greenbelt, landscape buffer, retention pond, wetland, or wetland buffer.
8. No detention or retention ponds shall be constructed within the landscape buffers or greenbelts.
9. A non-ingress egress easement shall be recorded along the frontage 21st St. Ct. E. and 29th St. E., with the exception of the access points, with the Final Subdivision Plat.
10. The design and shielding of any on-site lighting for common areas shall comply with Section 709.2.2 of the LDC. In addition, pole and building mounted lights shall be limited to 15' in height and directed to the interior of the development using horizontal cut-off

fixtures. Use of decorative streetlights or house lights may be permitted. A lighting plan, showing the detail of the proposed lighting shall be submitted for review and approval by the Planning Department with the Final Site Plan.

11. The Notice to Buyers and Final Site Plan(s) shall include language informing prospective homebuyers of the following:
 - a. the location of passive parks, open space, and active recreation areas;
 - b. location of the Ellenton-Willow Trail of the Manatee County Greenways Master Plan, on a map;
 - c. the location of the railroad track and the presence of possible noises and dangers associated with such use;
 - d. the location of the private airplane strip to the north and the presence of possible noises associated with such uses;
 - e. the presence of inter-neighborhood ties to future development and that traffic from adjoining development may use their roadways;
 - f. the location of the 25-year floodplain relative to the project;
 - g. the presence of the LM (Light Manufacturing) zoning district to the west and south and existing and potential uses and impacts associated with the zoning district;
12. Passive traffic calming devices such as pavement texture shall be incorporated along the road south of Lot 147 (as shown on the Preliminary Site Plan). The improvements shall be reviewed and approved by the Transportation Department with the Final Site Plan(s).
13. The access point to 21st St. Ct. E. shall be 24 feet wide and paved. The access shall not be gated.
14. A fence or wall (meeting the requirements of Section 715.3.2 of the LDC) shall be installed along the entire west perimeter of the project. A gate shall be provided to allow pedestrian access to the future Ellenton-Willow Trail. The fence or wall may be placed as necessary to retain existing vegetation. In such instances, required plantings for this buffer may be on the interior of the fence or wall, but not within the platted lots. The location of the fence or wall and landscaping shall be reviewed and approved by the Planning Department at time of Final Site Plan.
15. The roadway buffer along 29th St. E. and 21st St. Ct. E. shall be a minimum of 15 feet wide and shall be planted with one row of canopy trees a minimum 2 ½" caliper and at least 12 feet in height, spaced 25 feet on center, with the required hedge. Native tree groupings and vegetation within the buffer may be used to fulfill this requirement.
16. A 15 foot wide greenbelt buffer shall be provided along the west, east (from Lot 74 south), and south (south of Lot 33) perimeter of the project. This buffer shall include one row of canopy trees a minimum of 2 ½ " caliper and at least 12 feet in height, spaced 30' on center, with a hedge of wax myrtles. Native tree groupings and vegetation shall be preserved within the buffer and may be used to fulfill this requirement.

17. A 5-foot wide greenbelt shall be provided along the rear of Lots 24 thru 30. This buffer shall be planted with canopy trees a minimum 2 ½" caliper and at least 12 feet in height, spaced 30' on center.
 18. Palms trees may be utilized as canopy trees when grouped in two. No more than 40% of all required trees may be palm trees. This shall be verified with the Final Site Plan.
 19. Proposed walkways, paths, and playground equipment shall be located outside of the required greenbelt buffers, with the exception of the path along the south property line from the central recreation area to the cul-de-sac. This path will be mulch, a maximum of 48" wide, and maybe located within the buffer, but no closer than 8' to the property line.
 20. If a fence is utilized for any of the landscape buffers, all required landscaping shall be planted on the exterior side of the fence with the exception of the required fence or wall to be installed along the west perimeter of the site. In this case, required landscaping may be installed on the inside of the fence, but outside of the lot, within the required greenbelt.
 21. All parking lots shall be paved or concrete.
 22. The three playgrounds shall include commercial grade play equipment and be depicted on the Final Site Plan(s). All playgrounds shall have a minimum of 5 shade trees, either planted or existing, around each playground. The Planning Director may permit an all purpose court in lieu of one of the tot lots shown on the site plan.
- B. ENVIRONMENTAL CONDITIONS:
1. Prior to Final Subdivision Plat approval, a Conservation Easement for the areas defined as post-development jurisdictional wetlands, wetland buffers, and upland preservation areas shall be dedicated to the County in accordance with Section LDC 719.11.1.3.
 2. Removal of all exotic nuisance plant species from upland portions of the site shall be completed prior to Final Subdivision Plat approval, in accordance with LDC Section 715.4.
 3. Wetland buffers shall be provided adjacent to all post-development jurisdictional wetlands in accordance with Section 719 of the Manatee County Land Development Code. Wetland buffers shall be clearly delineated on the Final Site Plan.
 4. The approved Environmental Resource Permit (ERP) required for the project by SWFWMD shall be submitted to the EMD for review prior to Final Site Plan approval.
 5. Existing native vegetation located within any required landscape buffer shall be preserved to the greatest extent possible. Overhead or underground power lines, swales, or storm water facilities are not permitted within any proposed landscape buffer.
 6. Tree barricades for trees to be preserved shall be located at the drip line unless otherwise approved by EMD. The intent of this exception is for trees that overhang the

entrance roadway and the parking and play ground facilities in the recreation area, that EMD reasonably believes can survive the construction, The drip line shall be defined as the outer branch edge of the tree canopy. The area within the tree barricades shall remain undisturbed. The following activities shall be prohibited within barricades of preserved trees: machinery and vehicle travel or parking; underground utilities; filling or excavation; storage of construction materials. The tree protection barricades shall consist of chain link fence (new or used) with a minimum of 5' height or other material as approved by EMD.

7. A Wetland Buffer Restoration Plan shall be submitted to the EMD for review with the Final Site Plan in accordance with LDC Section 719.11.2.1. The plan shall include both supplemental plantings and ongoing removal of exotic, nuisance vegetation.
 8. The developer shall provide signs shall be posted adjacent to wetland buffers/conservation easements indicating that the area is a "Conservation Area", as required pursuant to LDC Section 719.11.1.3.3. The type and location of such signs shall be shown and approved by EMD with the Final Site Plan.
 9. A minimum of 50% of the site shall be preserved as open space. The large mixed hardwood forest at the northeast corner of the site shall be preserved as identified on the Preliminary Site Plan. No lots shall be platted within this area, other than those shown on the Preliminary Site Plan and approved by the Board of County Commissioners.
- C. PUBLIC SAFETY AND TRANSPORTATION CONDITIONS:
1. All traffic control signs and pavement markings to be installed shall conform to FDOT and MUTCD standards.
 2. Sidewalks shall be installed along one side of all internal streets.
 3. At the time of the first Final Subdivision Plat, the applicant shall pay its proportionate share of the cost of 5' sidewalks from the northwest corner of the site on 29th Street East to connect to the closest existing sidewalk to the west. The cost of the applicant's share has been determined to be \$17,000.
 4. Prior to Final Subdivision Plat for Phase I, 29th Street East constructed to a paved standard from the northwest corner of the site to Ellenton-Gillette Road, as approved by the Manatee County Transportation Department.
- D. INFRASTRUCTURE CONDITIONS:
1. 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.
- E. FLOODPLAIN MANAGEMENT AND DRAINAGE CONDITIONS:
1. Final engineering drainage design must be approved prior to Final Site Plan approval, including the following:

- a.) Any fill within the 25-year floodplain for the Big Chimney Drain shall be compensated by the creation of an equal or greater storage volume above seasonal high water table.
 - b.) The existing 25-year flood elevation along the Big Chimney Drain shall be utilized as tail water condition.
 - c.) All grading for side yard drainage swales must demonstrate that ponding will not occur within the side yards of individual lots.
2. All residential lots shall be located outside of the post-development 25-year floodplain.
 3. The drainage culverts along 29th Street East shall be analyzed for condition and drainage flow. If warranted due to proposed construction of the project, these culverts shall be replaced or enlarged as part of the proposed paving construction for 29th Street East.
 4. 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 site runoff.
 5. No landscaping, fencing, any type of pedestrian path or permanent recreational amenity (e.g., playground equipment) shall be allowed with the drainage and maintenance and access easements.

SPECIFIC APPROVALS:

1. Specific Approval of an alternative to Section 1302.8.1 of the Land Development Code to allow a minimum lot size of 3,500'.
2. Specific Approval of an alternative to Section 722.1.4.3 of the Land Development Code to allow sidewalks to be installed from the north entranceway to the closest existing sidewalk to the west and on one side of all internal roadways in lieu of the required 5' wide sidewalks along all property lines abutting streets within 2 walking miles of any public elementary or middle school.
3. Specific Approval of an alternative to Section 722.1.2 of the Land Development Code to allow 29th St. E., from the northwest corner of the site to Ellenton-Gillette Road to be constructed to a paved width of 22 feet utilizing the existing open drainage system, all within the boundaries of the current maintained right-of-way.
4. Specific Approval of an alternative to Section 603.7.4.5 of the Land Development Code to allow the existing 20' wide drainage ditch, 25' wide drainage maintenance easement, and 5' greenbelt buffer to replace the required 15' wide greenbelt buffer along a portion of the eastern boundary adjacent to the drainage ditch.

5. Specific Approval of an alternative to Section 715.3.2.c.3 of the Land Development Code to allow the existing 20' wide drainage ditch, 25' wide drainage maintenance easement, and 5' greenbelt buffer to replace the required 15' wide greenbelt buffer along a portion of the eastern boundary adjacent to the drainage ditch.

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-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.

LOTS 13, 14, 21, AND 22 OF PATTEN'S SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 136 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA LESS TAMPA SOUTHERN RAILROAD RIGHT OF WAY.

AND
THE NW ¼ OF THE NE ¼ OF THE SE ¼ AND SW ¼ OF THE NE ¼ OF THE SE ¼ LESS ¾ OF ONE ACRE OWNED BY J.C. CAIN IN THE SW CORNER OF THE SW ¼ OF THE NE ¼ OF THE SE ¼ SECTION 7, TOWNSHIP 34 SOUTH, RANGE 18 EAST AND LESS RIGHT OF WAY TO TAMPA SOUTHERN RAILROAD COMPANY AS DESCRIBED IN DEED BOOK 56, PAGE 497, ALL AS DESCRIBED IN DEED BOOK 285, PAGE 493 ON OCTOBER 20, 1951, IN THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.
ALSO LESS MAINTAINED RIGHT OF WAY FOR ROADWAY PURPOSE.
CONTAINING 54.54 ACRES, MORE OR LESS.

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 October, 2004.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: Steve W. Long

Chairman

ATTEST:

R. B. SHORE
Clerk of the Circuit Court

BY: J. B. Shore



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 5th day of

November, 2004

R. B. SHORE
Clerk of Circuit Court

By: G. J. Coredo, C.C.



FLORIDA DEPARTMENT OF STATE

Glenda E. Hood

Secretary of State

DIVISION OF LIBRARY AND INFORMATION SERVICES

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CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA

November 9, 2004

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 November 5, 2004 and certified copies of Manatee County Ordinance Nos. PDR-04-35(Z)(P), PDR-03-53(Z)(P), PDR-0354(Z)(P), and PDO-04-22(Z)(P), which were filed in this office on November 8, 2004.

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

Sincerely,

Liz Cloud
Program Administrator

LC/kcs

Enclosure

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