

MANATEE COUNTY ZONING ORDINANCE 2006 JUN 22 PM 1:36
PDR-04-37(Z)(P) – WOODLAND HAMMOCK

CLERK OF THE DISTRICT COURT
FLORIDA

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 160.13 ACRES GENERALLY LOCATED AT THE
SOUTHEAST CORNER OF ELLENTON-GILLETTE ROAD AND 29TH STREET
EAST AND ± 1,400' NORTH OF MEMPHIS ROAD FROM THE A-1 (SUBURBAN
AGRICULTURE) ZONING DISTRICT TO THE PDR (PLANNED
DEVELOPMENT RESIDENTIAL) ZONING DISTRICT, APPROVING A
PRELIMINARY SITE PLAN TO ALLOW 1) 75 LOTS FOR SINGLE-FAMILY
DETACHED RESIDENCES, 2) 176 LOTS FOR SINGLE-FAMILY SEMI-
DETACHED RESIDENCES, AND 3) 206 LOTS FOR SINGLE-FAMILY
ATTACHED RESIDENCES SUBJECT TO STIPULATIONS AS CONDITIONS
OF APPROVAL; GRANTING SPECIAL APPROVAL; GRANTING SPECIFIC
APPROVAL FOR ALTERNATIVES TO SECTION 907.9.4, OF THE LAND
DEVELOPMENT CODE; SETTING FORTH FINDINGS; PROVIDING A LEGAL
DESCRIPTION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN
EFFECTIVE DATE.

WHEREAS, Moore/George/Remey/Hampton (the "Applicant") has filed a rezone application to rezone approximately 160.13 acres described in Exhibit "A", attached hereto, (the "Property") from the A-1 (Suburban Agriculture) zoning district to the PDR (Planned Development Residential) zoning district; and

WHEREAS, the Applicant has also filed a Preliminary Site Plan application to allow: 1) 75 lots for single-family detached, 2) 176 lots for single-family semi-detached and 3) 206 lots for single-family attached 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) exceeding a gross density of 1 d. u. per acre, and 2) exceeding a net density of 3 d. u. per acre in the RES-3 and RES-6 Future Land Use Category, and

WHEREAS, the Applicant has also filed a request for Specific Approval of an alternative to Section 907.9.4; 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 public hearings on April 13, 2006 and May 11, 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) zoning district to the PDR (Planned Development Residential) zoning district.

B. The Board of County Commissioners held duly noticed public hearings on May 4, 2006 and June 1, 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. The Board finds that the public purpose and intent of Section 907.9.4.2 have been satisfied to an equivalent degree, and GRANTS Specific Approval for an alternative to Section 907.9.4.2 to allow a cul-de-sac or turn-around street that shall not exceed eight hundred (800) feet in length.

Section 2. PRELIMINARY SITE PLAN The Preliminary Site Plan is hereby APPROVED to allow: 1) 75 lots for single-family detached, 2) 176 lots for single-family semi-detached and 3) 206 lots for single-family attached residences upon the Property subject to the Stipulations set out below. The Board hereby GRANTS Special Approval for a project: 1) exceeding a gross density of 2 d.u. per acre and 2) exceeding a net density of 3 d.u. per acre in the RES-3 Future Land Use Category and GRANTS Specific Approval for an alternative to Section 907.9.4.2 of the Land Development Code, with the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

1. All pedestrian paths and trails shall be at least 5-feet wide and have a 4-inch compacted shell surface, to be approved with the Final Site Plan.
2. Each single-family attached unit shall contain a minimum living area of 1,200 square feet and a one-car garage.
3. Any entrance gates to the project shall be accessible to all emergency services providers with remote control or siren activated systems, as approved with the Final Site Plan.
4. The Notice to Buyers shall be included in the Declaration of Covenants and Restrictions, and in separate addendum to the Sales Contract, and in the Final Site Plan, and shall include language informing prospective homeowners of the presence of the future roadway ties to the east and south. Signs shall be placed at each future inter-neighborhood tie stating that this is a future roadway connection. The details of the placement of these signs will be approved with the Final Site Plan.
5. No lots shall be platted through any greenbelt, landscape buffer, retention pond, wetland, or wetland buffer.
6. A non-ingress egress easement shall be recorded along the frontage of all lots along Ellenton-Gillette Road prior to or in conformance with Final Plat approval.
7. If a fence is utilized in any of the landscape buffers, all required landscaping shall be planted on the exterior side of the fence.
8. 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.
9. The lowest quality water possible shall be used for irrigation. In-ground irrigation using Manatee County public potable water supply shall be prohibited.
10. The single-family attached units shall be in substantial conformance with the drawings presented to staff.
11. Design for the single-family attached structures shall be in substantial conformance with the elevation drawings entered into the record for this project.
12. The temporary turnaround or cul-de-sac along the east perimeter shall be constructed to the Manatee County Standards, with a minimum diameter of ninety (90) feet of paved surface at the end of the inter-neighborhood tie to the east.
13. The minimum front yard setback shall be 25' feet.

14. The cul-de-sac in the southeast corner of the property shall be converted into an inter-neighborhood tie.
15. From the entrance road south to the boundary of the project right-of-way necessary to achieve a 120' half right-of-way shall be dedicated by the applicant. There shall be no impact fee credits for this right-of-way dedication.
16. The applicant shall construct acceleration and deceleration lane from the southbound left of the project entrance to the southern boundary of the property. There shall be no impact fee credits for this construction.
17. There shall be no impact fee credits for dedication of right-of-way or road improvements associated with this project.

B. ENVIRONMENTAL CONDITIONS:

1. A Conservation Easement for areas defined as post-development jurisdictional wetlands, wetland buffers, and upland preservation areas shall be dedicated to the County prior to or concurrent with Final Plat approval.
2. An Environmental Resource Permit (ERP) approved by SWFWMD shall be submitted to the Planning Department for review prior to Final Site Plan approval.
3. Prior to Final Site Plan approval, the entire site shall be evaluated for potential hazardous material locations (e.g., historical cattle dipping vats, underground/aboveground storage tanks, or buried drums), by a qualified environmental consultant. Should evidence of contamination be discovered, further investigation will be required to determine the level of contamination and appropriate remediation and mitigative measures.
4. An Exotic Plant Species Management Plan shall be approved prior to or concurrent with Final Site Plan and Construction Plan approval. The management plan shall provide for the continued, phased, removal of nuisance, exotic plant species that become reestablished within common areas of a residential development and open spaces within non-residential projects, for the life of the project. Removal of all exotic nuisance plant species from upland portions of the site shall be completed prior to Final Plat approval, in accordance with Section 715.4 of the LDC.
5. The developer shall provide an updated study, consistent with Policy 3.3.2.3 of the Comprehensive Plan, for threatened and endangered plant and animal species prior to Final Site Plan approval. A Management Plan or permit, approved by the appropriate state or federal agency, shall be provided to the Planning Department for any listed species found on-site prior to Final Site Plan approval.
6. All nature trails and board walks located in areas where native vegetation is to remain shall be designed in a manner that minimizes impacts to trees or areas of significant vegetation.
7. Existing native vegetation within required landscape buffers shall be preserved to the

greatest extent possible. Overhead or underground powerlines, swales, or stormwater facilities are not permitted within the proposed landscape buffers, with the exception of limited crossings.

8. Tree Protection Measures:

- a. 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. Specific tree protective measures shall be approved by the Planning Department with the Final Site Plan and Construction Plan submittal. Tree barricades for trees to be preserved shall be located at the drip line, unless otherwise approved by the Planning Department. The drip line shall be defined as the outer branch edge of the tree canopy. The area within the drip line shall remain undisturbed and shall be clearly shown on the Final Site Plan. The following activities are prohibited within the drip line 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 5' height, unless otherwise approved by Planning Department.
 - b. The developer shall require all contractors, subcontractors, and construction crews to attend the pre-construction meeting required by Section 508.3.4.7(j) of the LDC. The purpose of this meeting is to discuss tree protection and to ensure trees in the field to be retained and removed, ensure tree barricades remain up during all phases of construction, and penalties for noncompliance or unauthorized tree removal in accordance with the LDC.
 - c. The developer shall immediately notify the Planning Department in the event that any preserved tree or native vegetation is adversely impacted.
 - d. The Final Site Plan shall include the following information:
 - Tree and native vegetation preservation areas.
 - The limits of clearing.
 - Typical cross section details for all activities within 25' of any preservation areas.
 - Details and locations of signs (in both English and Spanish) to alert workers of tree and native vegetation protection areas. These signs shall be constructed of weather resistant materials and shall demarcate the boundaries of the protected areas.
9. An Integrated Pest Management Plan (IPM) for the application of fertilizers, pesticides, and herbicides shall be submitted to the Planning Department prior to Final Site Plan approval. Unless otherwise approved by the Planning Department, native, xeriscape

landscape materials shall be utilized in common areas. In addition the developer shall encourage individual homeowner's to participate in the Florida Yards and Neighborhood Program by disseminating program information to individual lot owners.

10. Land clearing shall not commence until a Final Site Plan and Construction Plans have been approved. Land clearing, tree removal, or grading shall be limited to the specific phase receiving approval.
11. A minimum of 3 different species of canopy or understory trees shall be planted in required landscape buffers.

C. STORMWATER MANAGEMENT CONDITIONS:

1. 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.
2. Existing storage volume in existing wetlands and drainage ditches shall be compensated with equal or greater volume in the proposed stormwater retention pond.
3. A Drainage Easement shall be dedicated to Manatee County and be shown on the Final Site Plan for the existing drainage conveyance ditch systems that run through the site and any portion of these systems that are proposed to be rerouted. In addition, a Drainage-Maintenance Easement shall be provided along at least one side of these systems. Manatee County is only responsible for maintaining the free flow of drainage through these systems. The developer shall include in the homeowner's documents that Manatee County has no obligation relative to for the existing drainage conveyance ditch systems to maintain, change, improve, clean, repair natural erosion, restore the natural changes in the course of the stream bed or correct any other condition not caused by the County.
4. The existing 25-year flood elevation along the Big Chimney Drain shall be utilized as tailwater condition.
5. 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 discharging to Ellenton-Gillette Road. Modeling shall be used to determine pre- and post- development flows.

D. PARKS AND RECREATION CONDITIONS

1. A portion of the trail system shall be ADA accessible, and to be determined with the FSP.
2. There shall be a minimum of 4.5 acres of recreational open space. The areas shall be determined and labeled on the Final Site Plan.
3. All recreational areas, including pocket parks, shall include commercial grade park benches and shade trees. The number and location shall be determined at time of Final Site Plan approval.

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) 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.

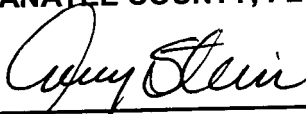
Section 4. SEVERABILITY. If any section, sentence, clause or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, 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 1st day of June, 2006.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY:



Amy Stein, First Vice-Chairman



ATTEST:

R. B. SHORE
Clerk of the Circuit Court

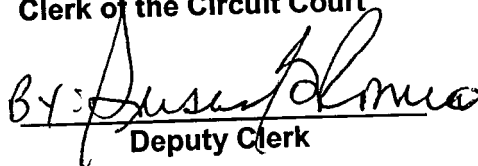
BY: 
Deputy Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

The S1/2 of the SE1/4 of the NW1/4 of Section 8, Township 34 South, Range 18 East, less Florida Power and Light Company Right-of-Way; also the E1/2 of the SW1/4 of said Section 8; also a tract being in the SW1/4 of said Section 8, beginning at the NW corner of land belonging to Julia O. Braid in the middle of Tampa Road; thence North, in middle of Tampa Road, 10 chains; thence East on the South line of land belonging to Henry M. Foy, 10 chains; thence South 10 chains to the middle of a ditch which is the North line of Julia O. Braids land; thence West in middle of ditch, 10 chains to the Point of Beginning. Reserving 20 feet on the West line for Tampa Road and also reserving a strip on the East side 24 feet wide. ALSO: the NW1/4 of the SE1/4 of said Section 8. ALSO: Beginning in the middle of Tampa Road at the NW corner of the NE1/4 of the SW1/4 of said Section 8; thence East in the middle of ditch, 10 chains; thence South 10 chains; thence West 10 chains; thence North 10 chains in the Subdivision of the Estate of Susan B. Leffingwell as recorded in Plat Book 1, Page 86 of the Public Records of Manatee County, Florida. ALSO: The SW1/4 of the NE1/4 of said Section 8, less 1.12 acres to Florida Power and Light Company. ALSO: Lots 9 and 10 less Florida Power and Light Company Right-of-Way, and the E1/3 of Lot 11 except the North 150 feet thereof for Florida Power and Light Company, Patten Subdivision as recorded in Plat Book 1 Page 136, Public Records of Manatee County, Florida. All the above lands being in Section 8, Township 34 South, Range 18 East, Manatee County, Florida. Containing 160.56 acres, more or less. Subject to easements, dedications and restrictions of record.



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 15th day of June, 2006.

R.B. SHORE
Clerk of Circuit Court

By: Deane E. Vollmer D.C.



FLORIDA DEPARTMENT OF STATE

Sue M. Cobb

Secretary of State

DIVISION OF LIBRARY AND INFORMATION SERVICES

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R. B. SHORE

2006 JUN 22 PM 1:36

CLERK OF CIRCUIT COURT
MANATEE CO FLORIDA

June 19, 2006

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

Attention: Diane E. Vollmer, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated June 12, 2006 and certified copies of Manatee County Ordinance Nos. PDR-04-55(Z)(P) and PDR-04-37(Z)(P), which were filed in this office on June 16, 2006.

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

Sincerely,

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

Liz Cloud
Program Administrator

LC/mp

Enclosures

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