

FILED FOR RECORD
R. B. SHORE

MANATEE COUNTY ZONING ORDINANCE
PDR-04-46(Z)(P) – MIXON/NEAL SR 70 REZONE

2005 JAN 10 PM 1:22

CLEARED

MANATEE COUNTY, FLORIDA

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY, ORDINANCE NO. 00-01 (THE MANATEE COUNTY LAND DEVELOPMENT CODE) RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF APPROXIMATELY 27.26 ACRES LOCATED AT 4900 53RD AVENUE EAST IN BRADENTON 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 TO ALLOW 221 SINGLE-FAMILY ATTACHED UNITS SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; GRANTING SPECIAL APPROVAL FOR A PROJECT IN THE RES-9 FUTURE LAND USE CATEGORY EXCEEDING 6 GROSS DWELLING UNITS PER ACRE; SETTING FORTH FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Mixon Fruit Farms (the "Applicant") has filed a rezone application to rezone approximately 27.26 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 to allow 221 single-family attached residences (the "Project") to be located upon the Property; and,

WHEREAS, the Applicant has also filed a request for Special Approval to allow a project in the RES-9 Future Land Use Category exceeding 6 gross dwelling units per acre; and,

WHEREAS, the Planning Staff has recommended approval of the rezone, preliminary site plan, and Special 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 September 8, 2005, to consider the rezone, preliminary site plan, and special 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 and preliminary site plan 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 and the granting of the special approval for a project in the RES-9 Future Land Use Category exceeding 6 gross dwelling units per acre.

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.

2005 DEC 23 AM 10:52
DEPARTMENT OF
TALLAHASSEE, FLORIDA

FILED

THIS IS A CORRECTIVE DOCUMENT

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 November 3, 2005, 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.

Section 2. APPROVAL OF THE PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby APPROVED to allow 221 single-family attached residences upon the Property subject to the Stipulations set out below. The Board hereby GRANTS Special Approval for a project in the RES-9 Future Land Use Category exceeding 6 gross dwelling units per acre, with the following Stipulations:

STIPULATIONS

1. A 6-foot high solid decorative wall or fence, with stucco and painted finish, shall be provided along the south and east property lines, or at the applicants option to be approved at Final Site Plan, a 6' high solid wall or fence within a recorded easement on the adjacent mobile home park property, provided that the easement shall authorize and require the applicant to provide for the maintenance of the fence or wall the easement area and drainage features located therein. All required landscaping shall be placed on the outside of the wall or fence. If the fence is on the adjoining mobile home park the material used may be a woven wire fence with PVC coating if approved by the mobile home park association, following presentation of the options to the satisfaction of the Planning Director.
2. The design and shielding of any on-site lighting for common areas shall comply with Section 709.2.2 of the Land Development Code. In addition, pole and building mounted lights shall be limited to 16' in height and directed to the interior of the development using horizontal cut-off fixtures. Use of decorative street lights or house lights may be permitted. A lighting plan shall be submitted for approval by the Planning Department with the Final Site Plan.

3. The roadway buffer shall include a 5 foot high berm with a 6 foot high wall on top and 7 trees per 100 linear feet with alternating canopy and understory trees. The greenbelt buffers shall include 7 trees per 100 linear feet, all with alternating canopy and understory trees.
4. Existing native, desirable trees within the Greenbelt Buffers shall not be disturbed by development activities unless otherwise approved by the Planning Department. Prior to Final Site Plan approval, cross-sections of the existing ditch within the Greenbelt Buffer in relation to existing trees and proposed plantings shall be provided for review. All trees to be removed in this project must be replaced in accordance with Section 714.8.7 of the LDC.
5. Existing trees designated to remain shall have protective barricades installed prior to commencement of construction. Tree protection barriers will consist of new or used chainlink fence (minimum 5' height) and will be located at the tree dripline unless otherwise approved by the Planning Department.
6. An ERP approved by SWFWMD shall be submitted to the Planning Department for review prior to Final Site Plan approval.
7. The lowest quality water possible shall be used for irrigation. In-ground irrigation using Manatee County public potable water supply shall be prohibited throughout the project, including on individual lots. Prior to Final Site Plan approval applicant shall specify source of irrigation on site plan.
8. Existing wells shall be kept in a watertight manner and be protected during all construction activities.
9. All wells discovered during land clearing shall be protected or abandoned in accordance with SWFWMD Rule Chapter 40D.
10. 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 the Pearce Drain/Gap Creek. Modeling shall be used to determine pre- and post-development flows.
11. The Drainage Model and Construction Plans shall demonstrate that no adverse impacts will be created to neighboring residents surrounding the site in respect to drainage routing, grading, and site runoff.
12. The design of the residences shall be in substantial conformance with the rendering entered into the record for this case.
13. A commercial grade tot lot with shade trees and picnic benches shall be provided adjacent to the recreation center. Details of this facility shall be shown with the Final Site plan.
14. The recreation center shall be in substantial conformance with the renderings entered into the record. Details of this area shall be shown on the Final Site plan.

15. This project may have 2 signs; both on the west side of the entrance, as shown on the landscape plan.
16. The Notice to Buyers shall inform buyers that the CDD roads are open to public use even if gated.
17. As proffered by the applicant at the hearing, units shall initially be available for sale at the equivalent of \$240,000 (construction cost as of June 2006).

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 Exhibit "A" herein 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, is 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 3rd day of November, 2005 and as amended on 20th of December, 2005.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: _____

[Signature]
Chairman

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

[Signature]
By: *[Signature]*

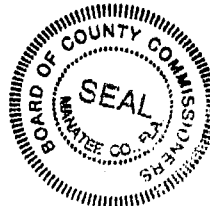


EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

THAT PART OF THE NE ¼ OF THE NE ¼ OF SECTION 16, TOWNSHIP 35 SOUTH, RANGE 18 EAST, LYING SOUTH OF ONECO-ARCADIA ROAD LYING AND BEING IN MANATEE COUNTY, FLORIDA.

LESS ROAD RIGHT-OF-WAY:

ALSO LESS: COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST ¼ OF SAID NORTHEAST ¼ OF SECTION 16; THENCE ALONG THE WEST LINE OF NORTHEAST ¼ OF SAID NORTHEAST ¼, SOUTH 00° 21' 13" WEST, 387.17 FEET TO THE SOUTH EXISTING RIGHT-OF-WAY LINE FOR STATE ROAD 70 (PER 1316-101) FOR A POINT OF BEGINNING; THENCE ALONG SAID SOUTH EXISTING RIGHT-OF-WAY LINE THE FOLLOWING COURSES: SOUTH 89° 48' 01" EAST, 1,043.17 FEET; SOUTH 00° 11' 59" EAST, 5.00 FEET; SOUTH 89° 48' 01" EAST, 73.34 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHERLY; THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 11,509.16 FEET, A CENTRAL ANGLE OF 01° 02' 03.2", AN ARC LENGTH OF 207.75 FEET, THE CHORD FOR WHICH BEARS NORTH 89° 40' 57" EAST TO THE EAST BOUNDARY OF SAID SECTION 16 AND TO THE END OF SAID CURVE; THENCE ALONG SAID EAST BOUNDARY SOUTH 00° 24' 04" WEST, 12.66 FEET; THENCE SOUTH 87° 56' 12" WEST, 436.19 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHERLY; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 11,530.16 FEET, A CENTRAL ANGLE OF 01° 01' 33", AN ARC LENGTH OF 206.45 FEET, THE CHORD FOR WHICH BEARS SOUTH 88° 26' 59" WEST TO THE END OF SAID CURVE; THENCE NORTH 01° 02' 15" WEST, 10.00 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHERLY; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 11,520.16 FEET, A CENTRAL ANGLE OF 01° 14' 14", AN ARC LENGTH OF 248.74 FEET, THE CHORD FOR WHICH BEARS SOUTH 89° 34' 52" WEST TO THE END OF SAID CURVE; THENCE NORTH 89° 48' 01" WEST, 413.17 FEET; THENCE SOUTH 00° 11' 59" WEST, 10.00 FEET; THENCE NORTH 89° 48' 01" WEST, 20.00 FEET TO THE WEST LINE OF THE NORTHEAST ¼ OF SAID NORTHEAST ¼; THENCE ALONG SAID WEST LINE NORTH 00° 21' 13" EAST, 42.00 FEET TO THE POINT OF BEGINNING.



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 21st day of

December 2005

R.B. SHORE
Clerk of Circuit Court

By: [Signature] D.C.

THIS IS A CORRECTIVE JOURNAL



FLORIDA DEPARTMENT OF STATE
David E. Mann
Secretary of State
DIVISION OF LIBRARY AND INFORMATION SERVICES

FILED FOR RECORD
R. B. SHORE

2006 JAN 10 PM 1:22

CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA

December 28, 2005

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

Attention: Maggie Hamilton, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated December 21, 2005 and certified copy of Manatee County Ordinance No. PDR-04-46(Z)(P) and Resolution No. R-05-301, which were filed in this office on December 23, 2005.

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

Sincerely,

Liz Cloud
Program Administrator

LC/kcs

Enclosures

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