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R. B. SHORE

2009 FEB 23 PM 1:32

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

MANATEE COUNTY ZONING ORDINANCE

**PDR-05-02(P) – RIVER ISLE ASSOCIATES, LTD / RIVER WILDERNESS PHASE IV
DTS #20040066**

FILED
2009 FEB 16 PM 1:28
DEPARTMENT OF STATE
TALLAHASSEE FLORIDA

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING LAND IN THE PDR/NCO (PLANNED DEVELOPMENT RESIDENTIAL/NORTH CENTRAL OVERLAY) ZONING DISTRICT, APPROVING A PRELIMINARY SITE PLAN FOR 53 LOTS FOR SINGLE-FAMILY DETACHED RESIDENCES ON APPROXIMATELY 20.94 ACRES AT THE SOUTHWEST CORNER OF OLD TAMPA ROAD AND FORT HAMER ROAD, PARRISH; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, River Isle Associates Limited (the "Applicant") filed an application for a Preliminary Site Plan for approximately 20.94 acres described in Exhibit "A", attached hereto, (the "Property") for 53 lots for single-family detached residences; and

WHEREAS, the applicant filed a request for Special Approval for a project exceeding a gross density of 1 dwelling unit per acre in the UF-3 Future Land Use Category; and

WHEREAS, the applicant filed a request for Specific Approval for alternatives to Sections 604.10.3.6(a), 722.1.4.3, and 907.9.4.2 of the Land Development Code; and

WHEREAS, Planning staff recommended approval of the Preliminary Site Plan, Special Approval, and Specific Approval for alternatives to Sections 604.10.3.6(a) and 722.1.4.3 and recommended denial of Specific Approval for an alternative to Section 907.9.4.2, 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 January 22, 2009 to consider the Preliminary Site Plan application, 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 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 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 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 February 3, 2009 regarding the proposed Preliminary Site Plan 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 the public hearing.

C. The proposed Preliminary Site Plan 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 and to satisfy the criteria for approval in the Land Development Code.

D. For the purposes of granting Special Approval, the Board finds that the project, as detailed on the Preliminary Site Plan and as conditioned herein, 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 604.10.3.6(a), the Board finds that the public purpose and intent of the Land Development Code regulations have been satisfied to an equivalent or greater degree by the project design because the 15' buffer is adjacent to wooded open space that serves as a buffer.

F. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 722.1.4.3, the Board finds that the public purpose and intent of the Land Development Code regulations have been satisfied through consistency with previous approvals in River Wilderness.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for 53 lots for single-family detached residences upon the Property subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

1. Construction access shall be from Fort Hamer Road via the southernmost cul-de-sac only. The inter-neighborhood tie to River Wilderness shall not be opened until the first Certificate of Occupancy is obtained and shall not be used by construction traffic once opened. The entrance from Fort Hamer Road shall be converted to a permanent a secondary means of emergency access.
2. Pool 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 project.

3. The minimum front yard setback shall be 25' to the garage portion of the structure. The minimum front yard setback for structures with side loaded garages shall be 20'.
4. Construction activity shall be limited to the hours between 7 a.m. and 6 p.m. Monday through Friday.
5. All lot owners shall be encouraged to participate in the Florida Yards and Neighborhoods Program. Information shall be provided in the sales office and provided to all lot purchasers.
6. The sidewalk(s) shall be extended along the 50' private roadway (Tract A) between the existing Lots 54 and 55 of River Wilderness Phase II B.
7. A 6' high privacy fence shall be added 5 feet inside of the outer boundary of the landscape buffer along Lots 34, 35, 36, 37, 38, and 39, which border lots on the Red Leaf Road cul-de-sac.

B. TRANSPORTATION CONDITIONS:

1. At the time of Final Site Plan and Construction Plan approval for each phase of the project the developer shall be responsible for any additional on-site or off-site transportation operational and safety improvements attributable to this project, as determined by the Public Works Department, and in accordance with LDC Section 722.1.3.4., as well as any capacity improvements associated with the issuance of a Certificate of Level of Service.
2. All traffic concurrency-related transportation improvements and required traffic safety and operational improvements shall be shown on the Final Site Plan(s) and Construction Plan(s).

C. INFRASTRUCTURE CONDITIONS:

1. The Final Site Plan shall show all lots appropriately graded to their designated outfall (e.g., swale, street, lake, etc.)

D. STORMWATER CONDITIONS:

1. This project shall be required to reduce the calculated pre-development flow rate by a full fifty percent (50%) for all stormwater outfall flow directly or indirectly into Gamble Creek. Modeling shall be used to determine pre- and post- development flows.
2. The Drainage Model and Construction Plan shall demonstrate that no adverse impacts will be created to neighboring property surrounding the site in respect to drainage routing, grading, and runoff.
3. All lots shall be graded at minimum to provide positive drainage to the internal drainage system or retention or detention ponds.

E. BUFFERS:

1. All required landscaping within buffers shall not be within required drainage easements.

F. ENVIRONMENTAL CONDITIONS:

1. The building setback from the 15' wetland buffer setback required by Section 702.6.10 of the LDC may be reduced to 10' for Lots 7 and 8. Wetland buffer signs shall be strategically placed. Ingress and egress shall be limited in the area of the reduced setback to insure that there are no adverse impacts to the wetland buffer. This shall be reviewed with the Final Site Plan.

Section 3. SPECIAL AND SPECIFIC APPROVALS. Special Approval is hereby granted for a project exceeding a gross density of 1 dwelling unit per acre in the UF-3 Future Land Use Category. This 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 alternatives to Sections 604.10.3.6(a) and 722.1.4.3 of the Land Development Code. This 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, 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, the ordinance if not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

(Signature block on next page)

Section 6. 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 February, 2009.

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

BY: 
Dr. Gwendolyn Y. Brown, Chairman

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



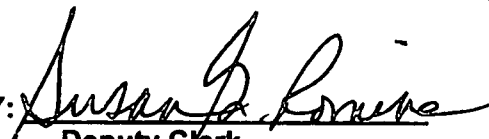
BY: 
Deputy Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

BEGINNING AT THE NORTHEAST CORNER OF TRACT "D" PRIVATE PARK AND RECREATIONAL OPEN SPACE, RIVER WILDERNESS PHASE II B SUBDIVISION, AS RECORDED IN PLAT BOOK 26, PAGES 33 THROUGH 50, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, FOR A POINT OF BEGINNING; THENCE S 89°45'57" E, ALONG THE SOUTH RIGHT OF WAY LINE OF OLD TAMPA ROAD, A DISTANCE OF 783.05 FEET TO THE INTERSECTION WITH THE WEST RIGHT OF WAY LINE OF FORT HAMMER ROAD; THENCE S 00°19'41" E, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 1,248.59 FEET TO THE NORTHEAST CORNER OF TRACT "C", RIVER WILDERNESS PHASE III, SUBPHASE B, UNIT 2 SUBDIVISION, AS RECORDED IN PLAT BOOK 42, PAGES 82 THROUGH 87, SAID PUBLIC RECORDS; THENCE S 89°41'06" W, ALONG THE NORTH LINE OF SAID TRACT "C" AND THE NORTH LINE OF LOTS 52 THROUGH 55 OF SAID RIVER WILDERNESS PHASE III, SUBPHASE B, UNIT 2 SUBDIVISION, A DISTANCE OF 411.74 FEET; THENCE N 63°04'35" W, ALONG THE NORTHERLY LINE OF TRACT "A" OF SAID RIVER WILDERNESS PHASE III, SUBPHASE B, UNIT 2 SUBDIVISION, A DISTANCE OF 420.84 FEET TO THE POINT OF CURVATURE OF A NON TANGENT CURVE TO THE LEFT, WHOSE RADIUS POINT LIES N 63°06'28" W, A RADIAL DISTANCE OF 875.00 FEET; THENCE NORTHEASTERLY ALONG THE EASTERLY LINE OF LOT 60 OF SAID RIVER WILDERNESS PHASE II B SUBDIVISION AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 05°53'32", A DISTANCE OF 89.98 FEET TO A POINT OF COMPOUND CURVATURE TO THE LEFT HAVING A RADIUS OF 666.33 FEET; THENCE NORTHERLY ALONG SAID EASTERLY LINE OF LOT 60 AND THE EASTERLY LINE OF LOTS 55 THROUGH 59 OF SAID RIVER WILDERNESS PHASE II B SUBDIVISION AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 50°22'42", A DISTANCE OF 585.88 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 55; THENCE N 00°14'03" E, ALONG THE EAST LINE OF A 50.0 FOOT WIDE PRIVATE ROADWAY AS RECORDED IN SAID RIVER WILDERNESS PHASE II B, SUBDIVISION AND THE EAST LINE OF AFOREMENTIONED TRACT "D", A DISTANCE OF 415.60 FEET TO THE POINT OF BEGINNING. BEING AND LYING IN SECTION 5, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA,

CONTAINING 911,914 SQUARE FEET OR 20.935 ACRES.



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 12th day of February, 2009.
R.B. SHORE
Clerk of Circuit Court
By: J. Colorado D.C.



FILED FOR RECORD
R. B. SHORE

2009 FEB 23 PM 1:31

FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

February 16, 2009

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

Attention: Ms. 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 February 12, 2009 and certified copies of Manatee County Ordinance Nos. PDC-07-22(Z)(P), 09-07, 09-09, PDMU-06-102(Z)(P), PDR-05-02(P), PDMU-06-22(Z)(P) and PDR-05-49(Z)(P), which were filed in this office on February 16, 2009.

As requested, one date stamped copy is being returned for your records.

Sincerely,

Liz Cloud
Program Administrator

LC/srd
Enclosure

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dlis.dos.state.fl.us>

COMMUNITY DEVELOPMENT
850.245.6600 • FAX: 850.245.6643

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850.245.6600 • FAX: 850.245.6744

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850.245.6750 • FAX: 850.245.6795

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